

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	358
Land:	Sri Lanka
Kilde:	British Home Office.
Titel:	Country of Origin Information Report.
Udgivet:	26. juni 2009.
Optaget på baggrundsmaterialet:	1. juli 2009



COUNTRY OF ORIGIN INFORMATION REPORT

SRI LANKA

26 JUNE 2009

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), 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 1 June 2009. The 'Latest News' section contains further brief information on events and reports accessed from 2 – 25 June 2009. The report was issued on 26 June 2009.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA 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 UKBA 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. UKBA 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 UKBA as below.

Country of Origin Information Service

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Apollo House
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Croydon CR9 3RR
United Kingdom

Email: cois@homeoffice.gsi.gov.uk

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

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>

- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group'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.

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Latest News

EVENTS IN SRI LANKA FROM 2 TO 25 JUNE 2009

25 June The Government announced that municipal elections would take place in Jaffna and Vavuniya (which both last held elections 11 years ago) on 8 August 2009 and that the election date would coincide with a provincial-level poll in the southern province of Uva.

Reuters Alertnet, Sri Lanka sets date for first post-war polls, 25 June 2009
<http://www.alertnet.org/thenews/newsdesk/COL510995.htm>
Date accessed 25 June 2009

BBC News, Post-war Sri Lanka vote date set, 25 June 2009
http://news.bbc.co.uk/1/hi/world/south_asia/8120427.stm
Date accessed 25 June 2009

Reporters Sans Frontières (RSF) expressed its concern “about the impact on press freedom of a government decision to restore the former Press Council, which will have the power to pass jail sentences on journalists and newspaper publishers. The decision comes amid continuing tension between the authorities and renewed threats against Jaffna-based Tamil newspapers...Media Minister Lakshman Yapa Abeywardena confirmed on 24 June that the government plans to revive the Press Council, which was created in 1973 and then suspended in 2002.” The government’s decision to revive the Press Council was also strongly condemned by The International Federation of Journalists (IFJ). BBC Sinhala reported that media campaigners in Sri Lanka had expressed deep concern after three attacks on media personal and institutions in the north and south in one day.

Reporters Sans Frontières (RSF), Press Council’s restoration would be “dangerous step backwards”, 25 June 2009
<http://www.rsf.org/Press-Council-s-restoration-would.html>
Date accessed 25 June 2009

The International Federation of Journalists (IFJ), Reactivation of Discredited Press Council Law a Step Backward for Sri Lanka, 25 June 2009
<http://asiapacific.ifj.org/en/articles/reactivation-of-discredited-press-council-law-a-step-backward-for-sri-lanka>
Date accessed 25 June 2009

BBC Sinhala, Media attacked in 'north and south', 25 June 2009
http://www.bbc.co.uk/sinhala/news/story/2009/06/090625_uthayan_krishni.shtml
Date accessed 25 June 2009

23 June The Government announced that the first phase of the programme for the resettlement of northern Internally Displaced Persons (IDPs) was “well under way”; that restrictions on fishing off the coasts of Trincomalee, Mannar and Jaffna Districts had been lifted and mentioned the recent opening of the A9 highway for transport of goods by private business. The Ministry of Disaster Management & Human Rights announced the introduction of mobile services in order

to enable IDPs to obtain legal documentation such as birth certificates, national identity cards and other government certification.

The Official Website of the Government of Sri Lanka, Resettlement of IDPs well under way, 23 June 2009
http://www.priu.gov.lk/news_update/Current_Affairs/ca200906/20090623resettlement_of_idp.htm

Date accessed 24 June 2009

- 19 June U.N. emergency relief coordinator, John Holmes, noted that humanitarian aid was getting into displacement camps but that very few of the 280,000 people housed were being allowed to leave the camps. He was reported as saying "We do have pretty much full access to those camps at the moment...What is more worrying is the nature of the camps themselves. They could be described as internment camps in some respects, in the sense that people are not allowed to move freely in and out of them for the moment."

Reuters Alertnet, U.N. aid chief says access has improved to Sri Lanka camps, 19 June 2009

<http://www.alertnet.org/thenews/newsdesk/LJ715551.htm>

Date accessed 24 June 2009

- 18 June UN Secretary General Ban Ki-moon remarked that in spite of the Sri Lankan Government's announcement last month that its military operation against the Tamil rebels had ended, there are a number of outstanding issues that, if left unaddressed, could lead to more violence in the country. Mr Ki-moon recently acknowledged the Government had addressed some concerns over humanitarian access to the camps (but he noted that the conditions in the camps remained difficult) and its commitment to return 80 per cent of those displaced in the fighting to their homes by the end of the year.

UN News Centre, Sri Lanka fighting over, but much work remains, says Ban, 18 June 2009

<http://www.un.org/apps/news/story.asp?NewsID=31187&Cr=sri+lanka&Cr1=>

Date accessed 24 June 2009

Human Rights Watch (HRW) noted that the Government instead of embarking "on serious efforts to work with moderate Tamil leaders to address the long-standing grievances of the Tamil community...is treating all Tamils in the north-east of the country, the former headquarters of the LTTE, as presumptive criminals", holding them behind barbed wire in detention camps and barring them from leaving. HRW observed that "The government could hardly have devised a policy more likely to engender fear and suspicion."

Human Rights Watch, Sri Lanka: Tigers under the bed, 18 June 2009

<http://www.hrw.org/en/news/2009/06/18/tigers-under-bed>

Date accessed 24 June 2009

- 11 June Human Rights Watch (HRW) prompted the Sri Lankan government to end "the illegal detention of nearly 300,000 ethnic Tamils displaced by the recently ended conflict in Sri Lanka". Further observing that "While the Sri Lankan authorities are expected to screen persons leaving the war zone to identify Tamil Tiger combatants, international law prohibits arbitrary detention and unnecessary restrictions on

freedom of movement. This means that anyone taken into custody must be promptly brought before a judge and charged with a criminal offense or released... Since March 2008, the government of Sri Lanka has detained virtually all civilians fleeing areas controlled by the Liberation Tigers of Tamil Eelam at so-called 'welfare centers' and 'transitional relief villages.'"

Human Rights Watch, Sri Lanka: End Illegal Detention of Displaced Population, 11 June 2009

<http://www.hrw.org/en/news/2009/06/11/sri-lanka-end-illegal-detention-displaced-population>

Date accessed 24 June 2009

IRIN News reported that the UN's top official in the country said conditions at the huge government-run camp for internally displaced persons (IDPs), Menik Farm, were still unsatisfactory, despite some improvements. "As of 5 June, the UN Refugee Agency and its partners had erected some 6,500 emergency shelters and more than 13,000 tents - but much more is needed, OCHA said."

IRIN News, Sri Lanka: "Too many people" at huge IDP camp – UN, 11 June 2009

<http://www.irinnews.org/report.aspx?ReportID=84805>

Date accessed 24 June 2009

9 June

Parliament extended for another month the state of emergency which gives security forces wide-ranging powers to arrest and detain suspects indefinitely without charge. The state of emergency under the constitution has to be voted on every month.

BBC News, Sri Lanka extends emergency laws, 9 June 2009

http://news.bbc.co.uk/1/hi/world/south_asia/8091840.stm

Date accessed 24 June 2009

5 June

UN Secretary General Ban Ki-moon renewed his appeal to the Government of Sri Lanka for accountability and transparency and called for an inquiry into abuses committed during the conflict with the Tamil Tigers. Mr Ki-moon stated that "Whenever and wherever there are credible allegations of violations of humanitarian law, there should be a proper investigation."

UN News Service, Ban asks Sri Lanka to heed calls for accountability, transparency, 5 June 2009

<http://www.un.org/apps/news/story.asp?NewsID=31050&Cr=sri+lanka&Cr1=#>

Date accessed 8 June 2009

IRIN News reported growing concern over the number of malnourished children in Internally Displaced Person (IDP) camps, with some 10,000 children suffering from acute malnutrition. Access to Menik Farm, the largest IDP centre with more than 220,000 people, has been restricted since 18 May, hampering UNICEF's work.

IRIN News, Sri Lanka: Growing concern over nutrition of displaced children, 5 June 2009

<http://www.irinnews.org/Report.aspx?ReportId=84722>

Date accessed 8 June 2009

- 4 June The pro-Liberation Tigers for Tamil Eelam (LTTE) website TamilNet reported that Special Task Force (STF) commandos and police had taken into custody 25 Tamil youths from the north, east and up-country in a cordon and search exercise in Colombo and its suburbs. Many of those arrested were subjected to “severe interrogation” and then taken to police stations for further interrogation.

TamilNet 25 Tamil youths arrested Colombo, 4 June 2009
<http://www.tamilnet.com/art.html?catid=13&artid=29523>
Date accessed 8 June 2009

The Government said a group of doctors who worked in the LTTE-held war zone was being detained at the Criminal Investigation Department on “reasonable suspicion of collaboration with the LTTE”. They could be in detention for a year or more before being tried.

BBC News, Sri Lanka doctors 'to be tried', 4 June 2009
http://news.bbc.co.uk/1/hi/world/south_asia/8083505.stm
Date accessed 8 June 2009

- 3 June Human Rights Watch (HRW) observed that the government appeared to be “preparing to bring charges against journalists, politicians, armed forces personnel and businessmen who have assisted the LTTE”. HRW asked that the Government “ensure that military defeat of the Liberation Tigers of Tamil Eelam does not result in new ‘disappearances’, unlawful killings or the jailing of government critics”. HRW also urged the Government “to take steps to ensure the safety of both civilians and LTTE fighters taken into custody. This includes registering and providing public information about all persons who have been in LTTE-controlled areas, and allowing international humanitarian agencies to participate in processing them.”

Human Rights Watch, Sri Lanka: Avoid a Postwar Witch Hunt, 3 June 2009
<http://www.hrw.org/en/news/2009/06/03/sri-lanka-avoid-postwar-witch-hunt>
Date accessed 8 June 2009

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REPORTS ON SRI LANKA PUBLISHED OR ACCESSED BETWEEN 2 AND 25 JUNE 2009

World Organisation Against Torture

Steadfast in Protest; Annual Report 2009, 19 June 2009

http://www.omct.org/pdf/Observatory/2009/obs_report09_05_ASIA_eng.pdf

Date accessed 24 June 2009

United Nations Office for the Coordination of Humanitarian Affairs (OCHA)

Sri Lanka - Vanni Emergency, Situation Report #22, 18 June 2009

<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1111528>

Date accessed 24 June 2009

Sri Lanka Joint Humanitarian Update - Report #7 16 – 31 May 2009, 17 June 2009

<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1111462>

Date accessed 24 June 2009

Committee to Protect Journalists (CPJ)

Special report: Journalists in Exile 2009

<http://cpj.org/reports/2009/06/journalists-in-exile-2009.php>

Date accessed 24 June 2009

U.S. Department of State

Trafficking in Persons Report 2009, 16 June 2009

<http://www.state.gov/documents/organization/123361.pdf>

Date accessed 24 June 2009

Amnesty International

Sri Lanka: Twenty years of make-believe. Sri Lanka's Commissions of Inquiry [ASA 37/005/2009], 11 June 2009

<http://www.amnesty.org/en/library/asset/ASA37/005/2009/en/c41db308-7612-4ca7-946d-03ad209aa900/asa370052009eng.pdf>

Date accessed 24 June 2009

University Teachers for Human Rights (Jaffna)

Special Report No. 32 - A Marred Victory and a Defeat Pregnant with Foreboding, 10 June 2009

<http://uthr.org/SpecialReports/spreport32.htm>

Date accessed 24 June 2009

International Committee of the Red Cross (ICRC)

Sri Lanka: ICRC assists thousands of persons in government-run sites for the displaced - Operational update, 9 June 2009

<http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sri-lanka-update-090609>

Date accessed 24 June 2009

House of Commons Library

War and peace in Sri Lanka, RESEARCH PAPER 09/51, 5 June 2009

<http://www.parliament.uk/commons/lib/research/rp2009/rp09-051.pdf>

Date accessed 8 June 2009

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Background Information

1. GEOGRAPHY

- 1.01 The Central Intelligence Agency (CIA) World Factbook, Sri Lanka (website accessed in June 2009), reported that the Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, is an island in the Indian Ocean, south of India. The country covers an area of 65,610 square kilometres. The capital is Colombo, Sri Jayewardenepura Kotte is the legislative capital. The country is estimated in July 2009 to have a population of 21,324,791. There are eight provinces: Central, North Central, North Eastern, North Western, Sabaragamuwa, Southern, Uva and Western. [30] The principal towns are Colombo, Dehiwala-Mount Lavinia, Moratuwa, Sri Jaywardene Kotte, Negombo, Kandy, and Galle. (The Sri Lanka Department for Census and Statistics, Statistical Abstract 2008, Population of principal towns by sex, census, years; and Table 2.4, website accessed on 1 June 2009) [58a] The same source recorded that the provisional figure for the total population in 2007 was 20,010,000. [58c] (Socio Economic Indicators)
- 1.02 The CIA World Factbook, Sri Lanka, updated in June 2009, 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 and 10 per cent whose ethnicity was unspecified (2001 census provisional data) [30] However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2008, Chapter II, tables 2.10 - 2.11, undated, website accessed on 1 June 2009), based on a total population of 18,797,257 recorded in the 2001 census the population comprised: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor (7.9 per cent), Burgher (descendants of European colonists) (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] The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) estimated that Tamils were 16 percent of the overall population. [2b] (Introduction)
- 1.03 The US State Department Report for 2008 on Religious Freedom in Sri Lanka published on 19 September 2008, noted that "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." [2a] (Section I)
- 1.04 There are three main languages 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). (CIA World Factbook, Sri Lanka, accessed in June 2009) [58a]
- 1.05 As recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2008, Chapter II, table 2.10, accessed on 1 June 2009) 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 (figures from the 2001 census). 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]

See also [Section 19 on Freedom of religion](#) and [Section 20 on Ethnic groups](#)

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MAP

1.06



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

For additional maps:

United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) Sri Lanka:
<http://ochaonline.un.org/srilanka/MapCentre/tabid/2591/language/ja-JP/Default.aspx>

United Nation High Commission for Refugees (UNHCR):

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

European Country of Origin Information Network (Ecoinet)

<http://www.ecoi.net/sri-lanka/maps>

Media Centre for National Security (MCNS)/Defence News (LTTE-controlled areas
November 2005 – May 2009)

<http://www.nationalsecurity.lk/maps.php>

Sri Lanka Daily Mirror, Army operations September 2007 – May 2009

<http://www.dailymirror.lk/DM BLOG/Sections/frmNewsDetailView.aspx?ARTID=49597>

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PUBLIC HOLIDAYS

- 1.07 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, April 2009, recorded the following public holidays:

“January 10th (Duruthu Full Moon Poya Day); January 14th (Tamil Thai Pongal Day); February 4th (National Day); February 9th (Navam Full Moon Poya Day); February 23rd (Maha Sivaratri Day); March 10th (Holy Prophet’s Birthday); April 9th (Bak Full Moon Poya Day); April 10th (Good Friday); April 13th-14th (Sinhala and Tamil New Year); May 1st (May Day); May 8th-9th (Vesak); June 7th (Poson Full Moon Poya Day); July 6th (Esala Full Moon Poya Day); August 5th (Nikini Full Moon Poya Day); September 4th (Binara Full Moon Poya Day); September 21st (Eid al-Fitr, End of Ramadan); October 3rd (Vap Full Moon Poya Day); October 17th (Deepavali); November 2nd (Il Full Moon Poya Day); November 28th (Eid al-Adha, Hadji Festival Day); December 1st (Unduvap Full Moon Poya Day); December 25th (Christmas); December 31st (Duruthu Full Moon Poya Day).” [75k] (p22)

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2. ECONOMY

- 2.01 As recorded in the CIA World Factbook, Sri Lanka (website accessed in June 2009):
- “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 [Gross Domestic Product] 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 1.5 million Sri Lankans work abroad, 90% in the Middle East. They send home more than \$2.5 billion a year” [30]
- 2.02 The Human Development Index (HDI) for Sri Lanka was 0.742 for 2006, giving Sri Lanka an HDI ranking of 104 out of 179 countries. The GDP per capita was US\$ 3,896 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, Statistical Update 2008/2009, Country Fact Sheet, Sri Lanka) [60a] The CIA Factbook, updated in June 2009, noted that in 2008 GDP per capita was estimated to be US\$4,300 in 2008 and the unemployment rate was 5.2%. The same source stated that percentage of the population below poverty line in 2002 was 22%. [30]
- 2.03 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, April 2009, recorded that consumer price inflation reached 15.8 per cent in 2007 and was estimated at 22.6 per cent for 2008 (with a forecast of 6.5 per cent for 2009). [75k] (p9) The EIU also gave the actual unemployment rate at 6 per cent for 2007 while their estimated figure was 5.8 per cent for 2008 (with a forecast of 7 for 2009). [75k] (p9)
- 2.04 The Sri Lanka Department of Census and Statistics recorded in their Statistical Abstract 2008, Socio Economic Indicators (undated, website accessed on 1 June 2009) that in 2007 the total labour force was 7,488,896 with an unemployment rate of 6 per cent. [58c]
- 2.05 The approximate rate of exchange from xe.com Universal Currency Converter on 1 June 2009 was £1 = 188 Sri Lankan rupees. [33]
- 2.06 The Sri Lanka Department of Census and Statistics recorded in their Poverty Indicators, Household Income and Expenditure Information 2006/07: undated (website accessed on 1 June 2009) that “The median household income per month for Sri Lanka is Rs. 16,735 [approximately £90 based on 1 June 2009

exchange rate]. (50% of the households has [sic] received less than Rs. 16,735) The highest median household income is reported from Colombo district (Rs.24,711 [around £130]) and the lowest median household income is reported from Nuwara Eliya district (Rs. 11,914 [around £63]).” [58f] (p6)

- 2.07 As noted in the Economist Intelligence Unit (EIU), Country Profile 2008 Sri Lanka, (published in July 2008) “Economic activity is concentrated in the western province, and in particular in the capital, Colombo. Although average GDP per head topped US\$1,000 in 2004, poverty is widespread, especially in rural areas.” [75b] (p3)
- 2.08 The Department of Census & Statistics. ‘Sri Lanka Official Poverty line’ (defined as ‘Minimum Expenditure per person per month to fulfil the basic needs’) at national level for May 2009 was Rs. 2,919 (Rs. 3252) for Colombo). (Updated District official poverty lines, accessed on 1 June 2009) [58g]

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3. HISTORY

KEY GENERAL EVENTS

- 3.01 The Foreign & Commonwealth Office (FCO) country profile of Sri Lanka (last reviewed on 31 March 2009) recorded:

“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)...A republican constitution was adopted in 1972 and the ruling coalition, led by Sirimavo Bandaranaike, 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.” [15j] (**History and Recent Political History**)

- 3.02 The FCO Sri Lanka country profile stated that “The SLFP became part of the People’s Alliance (PA) coalition headed by Chandrika Kumaratunga. Mrs Kumaratunga went on to win a landslide victory in elections in November 1994 and 1999 and served as President until November 2005.” [15j] (**Recent Political History**)

- 3.03 FCO Sri Lanka country profile reviewed on 31 March 2009 noted “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.” [15j] (**Recent Political History**)

- 3.04 Europa World Online, accessed on 1 June 2009, stated

“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.” [1a] (**Recent History**)

- 3.05 The final official results were published on the official website of the Department of Elections, accessed on 17 September 2008:

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 |
| | [39a] | |
- 3.06 The FCO Sri Lanka country profile recorded that "Sri Lanka was severely affected by the tsunami on 26 December 2004, which killed some 40,000 people and displaced 400 – 500 thousand people along two thirds of the north-east, south and south-west coastline. Half the fishing fleet was destroyed, and a quarter of hotels in the affected areas sustained serious damage." [15j] (Geography)
- 3.07 The FCO profile also noted that:
- "Mahinda Rajapakse (SLFP) was elected as President in November 2005 with 50.3% of the vote. The Liberation Tigers of Tamil Eelam (LTTE) enforced a boycott of the poll in Tamil areas under their control or which they strongly influence in the north and east of the country. This resulted in extremely low voter participation in these areas. Ranil Wickremesinghe, UNP Presidential candidate and Leader of the Opposition took 48.4%. The JVP and JHU, which supported Rajapakse's candidature, decided not to join the Government. In January 2007, a number of UNP members joined the government team giving it a parliamentary majority. A cabinet reshuffle followed." [15j] (Latest Political Developments)
- 3.08 The current list of Government ministers can be accessed from the official website of the Government of Sri Lanka, last accessed on 12 March 2009) [44a]
- 3.09 The International Institute for Strategic Studies (IISS), Sri Lanka, Timeline 2008, undated, accessed on 27 May 2009 noted that "[On 11 March 2008] Local government elections end peacefully in the recently recaptured Batticaloa region with voter turnout registered at 56%. However, polling was marred by allegations of rigging and intimidation carried [out] between rival supporters." [51a]
- 3.10 With regard to the election of March 2008, IRIN noted on 20 March 2008 that:
- "The overwhelming success of the Tamil Makkal Viduthalai Pulikal (TMVP), a breakaway faction of the Liberation Tigers of Tamil Eelam (LTTE), in the 10 March [2008] local government elections in the eastern Batticaloa District has prompted the group, backed by the Sri Lankan government, to seek additional victories at provincial level. The TMVP won majorities in all nine areas up for election and secured 76 of the 101 seats on offer with its coalition partner, the United People's Freedom Alliance, which holds power in parliament...The legitimacy of the election, however, has been disputed, with two of the largest opposition parties, the United National Party (UNP) and the Tamil National Alliance (TNA) boycotting it. Their absence paved the way for the TMVP landslide. The TMVP has been accused by the UN and other agencies of child recruitment, abductions and other violations. Election monitors, the People's Action for Free and Fair Election (PAFFREL), stated that despite no violence nor incidents of rigging being reported on polling day, there was a lot of pressure on candidates opposed to the TMVP to not stand." [55d]

3.11 As reported by Reuters on 11 May 2008:

"Sri Lanka's ruling alliance won crucial elections in the island's war-ravaged east and hailed the result on Sunday as an endorsement of its war to defeat Tamil Tiger rebels. But election monitors and the opposition said the poll was marred by cheating, with armed former rebels now backed by the government accused of intimidating voters. The council elections, the first in the ethnically-mixed region for two decades, took place against a backdrop of violence blamed on the Liberation Tigers of Tamil Eelam (LTTE... President Mahinda Rajapaksa's ruling United People's Freedom Alliance (UPFA), allied with the TMVP, a grouping of Tiger defectors accused by rights groups of abductions and extrajudicial killings, won 20 seats in a 37-member provincial council." [4h]

3.12 Reuters AlertNet, reported on 11 May 2008 that

"The TMVP, made up of fighters who defected from the mainstream Tigers in 2004 and helped the government evict their former comrades from the east of the island, were accused of election violence by monitors... Security was tightened for the polls in the eastern districts of Trincomalee, Ampara and Batticaloa, where nearly 1 million people voted for 1,342 candidates... The main opposition United National Party, which contested the election allied with the Sri Lanka Muslim Congress (SLMC), won 15 seats, and accused the government of trying to hand over the east to an armed group." [4h]

3.13 The official results of the elections for the Eastern Province Provincial Councils are available from [this weblink](#) with the Department of Government Information. [10d]

3.14 As noted in the Economist Intelligence Unit (EIU), Country Report Sri Lanka, June 2008:

"Soon after the results from the Eastern province elections were announced, the leader of the Tamil Makkal Viduthalai Pulikal (TMVP), Sivanethurai Chandrakanthan 'also known as Pillayan' was sworn in as the first chief minister of the province. The move came amid much outcry from opposition forces, with Muslim members of the provincial council threatening to resign should the appointment stand. Many point to the TMVP's dubious history as a breakaway faction of the rebel Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) and its alleged continued involvement in violence and intimidation of rivals. However, Pillayan's appointment secures control of the East for the ruling United People's Freedom Alliance (UPFA, of which the TMVP is a member), while strengthening the TMVP's claims to the status of a legitimate political party." [75c] (p9)

3.15 Referring to the situation in the Eastern Province, the IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 27 May 2009) observed:

"An estimated 199 people were killed in 2008 in more than 190 incidents of violence since the Provincial Government was installed. There were ethnic clashes between Muslims and Tamils, many of them in response to the appointment of Sivanethurai Chandrakanthan, alias Pillayan, the leader of the Tamileela Makkal Viduthalai Puligal (TMVP), as Chief Minister following

provincial elections on 10 May - the first since 1988. With a level of democracy returning to the province expectations had been high that the security situation and economic prospects would improve. However, the return of Karuna to Colombo on 3 July led to significant intra-party rivalry between the Karuna and Pillayan factions.” [51d]

- 3.16 The EIU, Country Report Sri Lanka, September 2008 recorded that:

“The ruling United People’s Freedom Alliance (UPFA) recorded a convincing victory in the recently concluded North Central and Sabaragamuwa provincial council elections, in what some saw as a referendum on the war effort. The UPFA won 55.4% of the votes in Sabaragamuwa and 56.3% of the votes in North Central, providing a boost to the president, Mahinda Rajapakse. The main opposition, the United National Party (UNP), received 40.5% and 37.6% of the votes in Sabaragamuwa and North Central respectively...The actual polling day for the two provincial elections, August 23rd, was relatively quiet...

“Although the day itself passed relatively peacefully, in the weeks leading up to the poll there were scores of violent election-related incidents, including murder, arson, attempted murder and intimidation. More than 21,000 police personnel were deployed in the provinces, as well as several Sri Lanka Army soldiers.” [75f] (p9-10)

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THE INTERNAL CONFLICT

- 3.17 The FCO country profile of Sri Lanka, updated 31 March 2009, observed that:

“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... 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...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 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.” [15j] **(The Internal Conflict)**

- 3.18 The FCO Sri Lanka country profile, updated on 31 March 2009, added:

“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...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 [United National Front] government. A Ceasefire Agreement was signed in February 2002 by the government and LTTE.” [15j] **(The Internal Conflict)**

- 3.19 The FCO Country Profile on Sri Lanka further reported that:

“In April 2004, the LTTE’s eastern commander, Karuna [V Muralitharan] and a group broke away from the LTTE. He complained that the LTTE leadership did not sufficiently look after the interests of those in the east of the country. The Karuna group aligned themselves to the Government and fought against the LTTE in the East.

“There has been an intensification of violence since the end 2005. After an initial period of violence in December 2005 and January 2006, and short-lived talks, large-scale violence resumed in April [2006]. Talks were eventually held in Geneva in October 2006, but were inconclusive.” [15j] **(The Internal Conflict)**

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Events in 2008

- 3.20 The same source stated

“Throughout 2007, a number of high profile terrorist attacks occurred across the island. Tensions between the Government troops and LTTE intensified, leading to an increasing number of skirmishes. In January 2008, the Government announced its formal abrogation of the Peace Agreement. 2008 saw the Government launch a large-scale military offensive against LTTE controlled territory in the north.” [15j] **(The Peace Process)**

- 3.21 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 observed that:

“The SLA captured the last eastern base of the LTTE, the Thoppigala area in Batticaloa, in July 2007, thereby ending LTTE control of the region. While small groups of LTTE fighters continue to target Government security forces in the East, the conflict-related hostilities in this region have been significantly curtailed.

“The overall security situation in the East continues to be tense and serious violations of human rights by Government and non-State actors are still regularly reported.

“A deterioration in the security and human rights situation throughout the East was observed in the last months of 2008. In early 2009, UNHCR expressed its concern regarding the security situation, calling upon the Government of Sri Lanka to investigate reported human rights abuses and urging the relevant authorities to provide adequate security to civilians in the region.” [6h] (p10)

- 3.22 The IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 27 May 2009) recorded:

“The 30-year conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE or the Tamil Tigers) saw an unparalleled escalation in violence in 2008. The year began with the Sri Lankan government withdrawing from the 2002 Norwegian-brokered ceasefire agreement. Attacks and counter-attacks, which had steadily increased over the previous two years, immediately became more targeted. LTTE strikes were met with the Sri Lanka Army (SLA)'s full force, and towards the end of the year there were daily reports of government troops taking control of LTTE strongholds in the north. Both sides claimed to have inflicted heavy casualties on the other.

“The conflict escalated into full-scale war, with multi-pronged attacks on LTTE forces and daily air-raids followed by troop assaults. On 30 June, the LTTE was described as having lost the capability to fight as a conventional army. On 15 September, President Mahinda Rajapakse stated that Kilinochchi, the de facto capital of LTTE-controlled territory, would be in government hands by the end of December 2008. Towards the end of the year, it seemed that this goal was on the verge of being achieved. The Tigers lost Paranthan, Elephant Pass and Jaffna over the preceding two and a half months - losses which culminated in the fall of Pooneryn on 15 November. The security forces also ended LTTE resistance in Vavuniya and Mannar districts. SLA commander General Sarath Fonseka claimed that, during 2008, the LTTE had lost 95% of the land it had once held, as well as some 8,000 fighters. The SLA deployed more than 50,000 soldiers in frontline attacks, and to maintain control of recovered areas. At the same time, the Sri Lankan Navy (SLN) neutralised the Sea Tigers, often referred to as the most lethal wing of the organisation, in more than 20 major clashes at sea.”

“Despite government successes the LTTE was still perceived as a serious threat. In July 2008, Foreign Secretary Palitha Kohona warned that group was still capable of fighting a protracted low-intensity campaign.” [51d]

- 3.23 On 6 April 2008 Reuters reported that:

"A suspected Tamil Tiger suicide bomber killed Sri Lanka's highways minister and at least 13 other people attending a marathon race near the capital on Sunday... About 100 people, some of them runners in the race, were wounded. Fernandopulle, 55, was a member of the government negotiating team for failed peace talks with the Tamil Tiger rebels two years ago... Authorities immediately blamed the Liberation Tigers of Tamil Eelam (LTTE)... Fernandopulle was the second minister to be killed since January. The minister for nation building, D.M. Dassanayake, died in a roadside blast in the same district, Gampaha." [4i]

3.24 On 25 April 2008, BBC News reported that:

"At least 24 people have been killed and about 50 wounded by a bombing on a bus in the outskirts of the Sri Lankan capital, Colombo, officials have said. The blast happened during rush hour while the bus stopped to pick up passengers in the city's southern suburb of Piliyandala, they added. A government spokesman blamed the Tamil Tiger rebel group. Violence in Sri Lanka has intensified since January [2008], when the government pulled out of a ceasefire agreement." [9h]

3.25 On 16 May 2008, BBC News reported that at least nine people had been killed and 90 injured in a suicide attack blamed on Tamil Tigers in Colombo's Fort district. The bomber rammed his motorcycle into a bus near a police checkpoint while security personnel were in the area in large numbers preparing for opposition demonstrations protesting against the recent provincial elections in the Eastern province. [9r]

3.26 As noted in the Economist Intelligence Unit (EIU), Country Report Sri Lanka, June 2008:

"May and June [2008] saw a series of attacks by the LTTE on civilians, and particularly those using buses and trains. On May 26th an explosion on a train between Maradana and Panadura left seven dead and dozens injured ... Although earlier in the week police had dismantled two bombs found on public buses, on June 6th the insurgents succeeded in detonating a device on a bus in Katubedda on the outskirts of the capital, Colombo, killing 20 people. Later that same day, on a bus en route to Kandy, another bomb blast left two dead. Security forces have also been targeted: at least 12 policemen were killed in a suicide attack on a police station in the northern town of Vavuniya on June 16th. For its part the LTTE has blamed government forces for attacks that are said to have killed civilians in the North of the country." [75c] (p9)

3.27 In their Country Report Sri Lanka, August 2008, the EIU recorded that "In the past month fighting has been particularly intense in the Northern province, and the armed forces have claimed several successes... The ongoing conflict in the Wanni area [sometimes also spelled 'Vanni.' The Wanni comprises parts of the districts of Kilinochchi (to the north), Mullaitivu (east), Mannar (west), and Vavuniya (south)] has caused thousands to flee to safer regions. Many have sought shelter in towns ill-suited to coping with the influx of refugees. [75d] (p9-10)

3.28 On 19 August 2008, Amnesty International reported:

“The Sri Lankan military and the opposing Liberation Tigers of Tamil Eelam (LTTE) are putting tens of thousands of displaced civilians at risk as fighting continues in the Wanni area of northern Sri Lanka... There is no safe haven for the thousands of families trying to escape the aerial bombardment and shelling of Sri Lankan forces as they push towards the town of Kilinochchi... In the LTTE-controlled areas of the Wanni, the Tigers have hindered thousands of families from moving to safer places by imposing a strict pass system. Some individuals have been forced to stay behind as guarantors, to ensure the return of other family members.” [3b]

3.29 The EIU, Country Report Sri Lanka, September 2008 recorded that:

“Over the past few weeks the armed forces have made significant military advances in the north, following a two-fronted campaign in Weli Oya to the north-east and the Wanni region to the north-west. In the last week of August the army gained full control of the Palamoddai area, to the west of the main A-9 highway, near Omathai in the Vavuniya district. It also secured a coastal area to the north of Kokkutuduvai on the Weli Oya front. Inroads have also been made on the Wanni front, with the army marching through a series of towns along the coast. On September 2nd the Ministry of Defence also announced the capture of Mallavi, an important strategic town further inland. From Mallavi, the armed forces are now moving towards the A-9, just a short distance from Kilinochchi, the main base of the LTTE. However, fighting has been fierce, with many casualties on both sides. Although it has been losing territory, the LTTE has retaliated with bombings. On the night of August 26th Navy sources confirmed that an LTTE aircraft had dropped bombs near the Trincomalee naval base and harbour, causing slight damage. The Navy retaliated by firing at the aircraft, but was unable to shoot down the Tigers’ aircraft-although the military later claimed to have intercepted and shot down a rebel aircraft in early September. In late August several dozen civilians also suffered injuries when the LTTE exploded a parcel bomb in Pettah, a busy commercial area in the capital, Colombo, on August 30th.” [75f] (p10)

3.30 The EIU, Country Report Sri Lanka, October 2008 noted:

“The rebel Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) were blamed for a massive bomb blast in the city of Anuradhapura on October 6th that destroyed offices belonging to the main opposition party, the United National Party (UNP). The attack is believed to have targeted Janaka Perera, a UNP politician who was one of the most popular candidates in recent provincial elections and was in Anuradhapura to open the offices. The retired army officer, who was also head of the UNP in North Central province, may have been attacked as he is credited with having presided over several major victories against the Tigers in the 1990s. In addition to General Perera, at least 26 others are believed to have died in the explosion.” [75g] (p9)

3.31 In the November 2008 report the EIU observed that:

“As part of its resistance effort, the LTTE launched two air raids on the night of October 28th. The first attack bombed the Army Area Headquarters in Thallady, Mannar, about 250km north of the capital, Colombo. Shortly afterwards, the LTTE dropped bombs on the Kelanitissa thermal power station, on the outskirts of Colombo. The city was plunged into darkness, anti-aircraft defences were set off and the power station itself was set ablaze.

Officials later stated that the raid inflicted only slight damage to the facility. Although it is not clear how many aircraft were involved in the attacks, most reports suggest two planes, neither of which was brought down by air defences or the Sri Lanka Air Force. The attacks were the eighth and ninth raids by the LTTE's air force, which comprises singleengine propeller-driven planes, since the maiden strike in March 2007." [75h] (p9)

- 3.32 The EIU December 2008 report mentioned that:

"Fighting on the ground [in the Kilinochchi district] has remained intense, with both sides making unverifiable claims of losses inflicted on the other... A blow was dealt to the LTTE after the armed forces reported the capture of the strategic town of Pooneryn and the main coastal A32 highway route on November 15th. The army now in effect controls the entire western coast, and has thereby cut off the LTTE's most direct supply lines across the narrow Palk Strait to southern India...On November 30th defence sources also announced that the army had taken Kokavil, an area roughly 20 miles to the south of Kilinochchi." [75i] (p9)

- 3.33 For additional details on the above mentioned events and information on developments in Sri Lanka in 2008, please see the [South Asia Terrorism Portal, Sri Lanka Timeline - Year 2008](#) and refer to [Section 4 Recent developments; Annex A and B](#), and to the [Useful sources for updates](#) mentioned below.

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Events in 2009

- 3.34 The EIU, Country Report Sri Lanka, January 2009 recorded that:

"The year started on an auspicious note for the security forces, with the capture on January 3rd of the town of Kilinochchi, the administrative capital of the territory administered by the rebel Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers)...On January 9th the armed forces achieved another major victory with the capture of Elephant Pass. This gave them access to the entire A9 highway, a strategic road link to the northern Jaffna peninsula that has not been under the control of government forces for around 23 years. By mid-January the government claimed control of all of the peninsula's territory. The military also captured a LTTE airstrip west of the Mullativu lagoon, the fourth airstrip to be captured since the civil conflict escalated again in 2006. The Tigers' last remaining stronghold lies in the town of Mullativu on the north-eastern coast, but the military are encroaching on this territory." [75j] (p10)

- 3.35 On 7 January 2009, BBC News reported that:

"Sri Lanka's government has re-imposed a formal ban on the Tamil Tiger rebel movement which it lifted as part of a 2002 truce. The largely symbolic move means the rebels are once again designated a terrorist organisation in Sri Lanka...A government minister said the cabinet took the decision because the Tigers were not letting civilians leave the combat area they still control in the north." [9n]

- 3.36 As announced on 8 January 2009, on the official website of the Government of Sri Lanka:

“The Government yesterday proscribed the Liberation Tigers of Tamil Eelam (LTTE) effective midnight for using civilians as human shields in uncleared areas and endangering their lives, despite requests by the government to release them. The unanimous decision was taken by the Cabinet in accordance with a memorandum submitted by President Mahinda Rajapaksa. President Rajapaksa on December 22 called on the LTTE that to release all innocent Tamils it is holding hostage, in bondage and using them as human shields, with the dawn of 2009, and allow them to come to the safe areas provided for them by the Government and the Security Forces...The LTTE was first banned in Sri Lanka in 1998, after it bombed the Dalada Maligawa. The ban was lifted in September, 2002, ahead of the peace talks following the Ceasefire Agreement.” [44b]

- 3.37 The proclamation issued by the President of Sri Lanka on the same day concluded inter alia that:

“...it has become necessary to proscribe the said organization known as the Liberation Tigers of Tamil Eelam and to provide for the proscribing of other organizations that are connected with or which are representing or acting on behalf of the organization known as the Liberation Tigers of Tamil Eelam and which have therefore become prejudicial to the interests of public security, the preservation of public order and the maintenance of supplies and services essential to the life of the community, His Excellency the President intends promulgating regulations in terms of the Public Security Ordinance (Chapter 40).” [10e]

- 3.38 On 19 January 2009, the UN news agency IRIN (Integrated Regional Information and News) reported:

“Concerns are rising over the safety of tens of thousands of civilians trapped in conflict-affected areas in northern Sri Lanka without safe passage out of the fighting. Officials from the UN and the International Committee of the Red Cross (ICRC) said more than 230,000 internally displaced persons (IDPs) in the Vanni remain precariously close to heavy fighting between government forces and cadres from the Liberation Tigers of Tamil Eelam (LTTE).” [55h]

- 3.39 IRIN further reported:

“The ICRC said civilians were being concentrated in a shrinking area, increasingly jeopardising their safety...The ICRC remains the only agency with a permanent presence in the region after UN and other international relief agencies relocated out of the Vanni in September 2008 following a government security directive. The unstable security situation had made arranging safe passage for UN and government supply convoys, ambulances and other humanitarian vehicles difficult, the agency stated.” [55h]

- 3.40 The EIU, Country Report Sri Lanka, February 2009 recorded that:

“On January 25th government forces announced that they had captured Mullaitivu, the last big town under the control of the rebel Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers). The insurgents had attempted to stall the security forces’ advance by blasting a large reservoir near the town, the Kamadukulam tank, and flooding the surrounding territory, but these moves

had little impact...The fall of Mullaitivu comes in the wake of the capture of the insurgents' former administrative capital, Kilinochchi, and the strategically important Elephant Pass in January. The government also declared that it had taken both an LTTE airstrip on February 3rd, the seventh (and supposedly last) of the jungle airstrips used by the rebels to launch air raids on the capital, Colombo, and a bunker believed to have been occupied by the LTTE's leader, Velupillai Prabhakaran. According to the government, thousands of civilians are now fleeing rebel-held areas to safe zones operated by the army." [75m] (p10)

3.41 Amnesty International reported on 28 January 2009 that:

"More than 300,000 civilians are now trapped in the north-eastern part of Sri Lanka as the fighting between Liberation Tigers of Tamil Eelam (LTTE) and the army intensifies. Hundreds of people have been killed or injured in the Wanni region of the island. Recent reports suggest both sides are violating the laws of war by targeting civilians and preventing them from escaping to safety...The Government of Sri Lanka is carrying out military operations in areas with a civilian population. The aerial and artillery bombardment has reportedly led to civilian deaths, injuries, the destruction of property and mass displacement...The government had declared 'safe zones' to allow civilians to seek shelter, but information made available to Amnesty International indicates that several civilians in the so-called safe zone have been killed or sustained injuries as a result of artillery bombardment." [3e]

3.42 On 30 January 2009, Reuters reported that:

"Pressure rose on Friday [30 January 2009] for Sri Lanka and the Tamil Tiger rebels to free thousands of people trapped in the war zone, after the president pledged safe passage and urged the rebels to let people move over the next two days. Sri Lanka's army has surrounded the separatist group in a 300 sq km (115 sq mile) slice of jungle in the Indian Ocean island's northeast, gunning to end a war that started in 1983 and now is one of Asia's longest-running conflicts. Aid agencies say 250,000 people are trapped inside the battle zone, and have raised grave concerns for their safety. The International Committee of the Red Cross (ICRC) has said hundreds have been killed or wounded in the fighting since last week. The government says that the reported numbers are too high, but has not provided an exact figure." [4f]

3.43 The Reuters report of 30 January 2009 continued:

"The government and human rights watchdogs say the LTTE has blocked civilians from leaving, instead forcing them to stay as human shields, fighters or labourers building defences. The LTTE denies that, and says people are staying of their own free will because they fear abuse by the military. The military denies abusing anyone and says that more than 2,000 people have fled to safety behind army lines this month. Both sides have traded blame for the casualties." [4f]

For further information regarding events in 2009 see [Section 4: Recent Developments](#) and the [South Asia Terrorism Portal, Sri Lanka Timelines - Year 2009](#).

The Sri Lankan government's Media Centre for National Security (MCNS)/Defence News has a series of maps that chart the gradual contraction of the area controlled by

the LTTE between November 2005 and the rebels' defeat in May 2009:
<http://www.nationalsecurity.lk/maps.php>

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4. RECENT DEVELOPMENTS (FEBRUARY – MAY 2009)

Military developments and security situation

4.01 On 2 February 2009, it was reported by Reuters that:

“Artillery shells struck a hospital in Sri Lanka's northern war zone, killing at least nine people and wounding another 20, the Red Cross said on Monday [2 February 2009]. The Sri Lankan military denied it had shelled the hospital in a Tamil Tiger-held part of Mullaitivu district and blamed the rebels. The Liberation Tigers of Tamil Eelam made no comment, but a pro-rebel website accused the military of the firing... ‘At least nine people were killed and at least 20 injured from the continued shelling,’ said Sarasi Wijerathne, a spokeswoman of the International Committee of the Red Cross (ICRC) in Colombo. She said the ICRC had urged both sides to allow safe passage for scores of sick and wounded people trapped in the conflict zone.” [4g]

4.02 A BBC news report of the same day noted:

“An army offensive has pushed the rebels into a 300 sq km (110 sq mile) corner of jungle in the north-east of the island, which aid agencies say also holds 250,000 civilians. The government says the number of civilians is closer to 120,000 and that the army has a policy of not firing at civilians. It accuses the Tamil Tigers of not allowing civilians to leave, saying they are being used as human shields. Sri Lanka's military says it has designated a safe zone for civilians in a 32 sq km buffer zone on the A-35 main road which links Paranthan and Mullaitivu. But the rebels say the civilians prefer to stay where they are under rebel ‘protection’. The reports cannot be independently confirmed as neither side allows journalists near the war zone. Senior UN officials say there may have been very grave breaches of human rights by both sides.” [9c]

4.03 A later BBC report also issued on 2 February 2009 added that the Sri Lankan Government had told civilians to leave the combat area saying it could not guarantee their safety and noted that “It is unclear how the tens of thousands of people caught up in the fighting can escape. The rebels deny preventing people from leaving the area...”

‘The government calls on all civilians to enter the demarcated ‘safety zone’ as soon as possible,’ the government statement said, AFP news agency reported. ‘The government cannot be responsible for the safety and security of civilians still living among LTTE [Liberation Tigers of Tamil Eelam] terrorists,’ it said.” [9s]

4.04 The Human Rights Watch (HRW) report ‘War on the Displaced - Sri Lankan Army and LTTE Abuses against Civilians in the Vanni’ of February 2009 observed:

“The Sri Lankan armed forces and the LTTE appear to be engaged in a perverse competition to demonstrate the greatest disregard for the civilian population...Retreating from Sri Lankan Army (SLA) advances, the LTTE has forcibly taken along all civilians under its control. As the territory held by the LTTE has shrunk—now a short, narrow strip on the northeast coast of the

island—the civilian population has been dangerously forced into a smaller and smaller space. In violation of the laws of war, the LTTE has refused to allow civilians to flee the fighting, repeatedly fired on those trying to reach government-held territory, and deployed forces near densely populated areas. The civilians who remain under LTTE control, including children, are subject to forced recruitment into LTTE forces and hazardous forced labor on the battlefield.

“The LTTE’s grim practices are being exploited by the government to justify its own atrocities. High-level statements have indicated that the ethnic Tamil population trapped in the war zone can be presumed to be siding with the LTTE and treated as combatants, effectively sanctioning unlawful attacks. Sri Lankan forces have repeatedly and indiscriminately shelled areas crowded with civilians. This includes numerous reported bombardments of government-declared ‘safe zones’ and the remaining hospitals in the region.” [21k] (Summary)

4.05 The EIU, Country Report Sri Lanka, March 2009 reported that:

“A request by the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) for a ceasefire on February 27th was rejected by the government as the rebels stated categorically that they were unwilling to disarm. The Tigers sought support from the UN, the US, the EU, Japan and Sri Lanka’s one-time peace broker, Norway, to put pressure on the government to seek a political solution to the conflict rather than a military one. They also clarified that their main objective remained a separate state for Sri Lanka’s Tamil minority. For months the army has been waging a major offensive against the Tigers that has resulted in a series of significant victories but has also imperilled tens of thousands civilian refugees. Security forces thwarted an attempt by Tiger guerrillas to breach the forward defence lines south of Chalai on the north-eastern coast on March 6th. The abortive attack came as heavy fighting continued in Palamattalam, Tamarakulam and Puthukkudiyirippu in the Mullaitivu district.” [75l] (p10)

4.06 The same EIU report also observed that:

“Despite its increasingly tenuous grip on former strongholds in the north, the LTTE retains the ability to strike at other parts of the country. On February 20th [2009] an attack by two Tamil Tiger aircraft on the capital, Colombo, left two dead and many more injured. Both planes were brought down by anti-aircraft fire in the course of the raid, but one crashed into a building housing the Inland Revenue Department, causing significant damage (the second crashed to the north of the city). Given that the military advance is rapidly reducing the number of airstrips available to the LTTE, it is possible that the pilots engaged in the attack were on suicide missions. The group also showed that its ability to conduct suicide bombings on the ground remains intact, when an insurgent detonated a device in the town of Akuressa, near Matara, in the south of the country on March 10th. The blast, which occurred near a mosque as a Muslim parade was taking place, left 15 people dead. Among the injured was the minister for post and telecommunications, Mahinda Wijesekara, who was one of several senior politicians attending the event.” [75l] (p10)

4.07 The EIU report continued:

“The UN and the International Committee of the Red Cross, a Swiss-based humanitarian organisation, have continued to express concern over the plight of civilians in the conflict zone in the north. The government has set up a safe zone and safe routes, but claims that the LTTE is preventing civilians from fleeing territory under its control and is directing its artillery fire from areas containing non-combatant populations. Many international figures have expressed fears about the limited access to the Wanni area granted to humanitarian agencies.” [75I] (p10-11)

“The ruling United People’s Freedom Alliance (UPFA) recorded convincing victories in local elections held in Central and North-western provinces held on February 15th. More than a dozen parties and several independent groups stood in the two ballots, and election officials declared that about 65% of the 3.4m voters in the two provinces had exercised their franchise...The UPFA’s victories have been seen as a strong public endorsement of the government’s military campaign against Tamil separatists.” [75I] (p11)

- 4.08 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 noted:

“Widespread insecurity and generalized violence resulting from the fighting continue to cause significant displacement within and from the region. Intense shelling and artillery fire by both sides in civilian areas, including IDP camps, hospitals, and areas designated by the Government as ‘safe zones’, have resulted in heavy civilian casualties, including among children and the elderly. The SLA has been widely criticized for shelling civilian targets and demonstrating disregard for the safety of civilians trapped in the ‘safe zones’, a charge the Government has denied. The LTTE has also reportedly carried out attacks in areas in the North where civilians are known to have taken shelter, including launching a suicide attack using a Tamil female in an IDP centre housing Tamils who have fled the fighting to the Government-controlled areas, killing and wounding many civilians, including children. While independent monitoring of the situation is extremely limited, sources relied on by the UN indicate that more than 2,800 civilians may have been killed and over 7,000 injured since 20 January 2009. Over two thirds of the reported deaths and injuries have reportedly occurred in the designated safe zones.” [6h] (p5)

- 4.09 The same UNHCR document reported that “Bombings, including suicide attacks, and claymore mine explosions, attributed primarily to the LTTE, are occurring regularly in and around Colombo. Many of the attacks have been apparently aimed indiscriminately against civilian targets. Military and Government personnel, including Government officials, have also been targeted.” [6h] (p12)

- 4.10 The EIU, Country Report Sri Lanka, April 2009 recorded that:

“In early March [2009] military sources reported that government troops had made further advances into the remaining territory held by the rebel Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers). By early April the army was declaring that it had confined the LTTE to the ‘safe zone’, having captured the last base station held by the rebels... Casualty numbers are unreliable, given that independent monitors and journalists are unable to enter the conflict zone, but concerns are high over the fate of the tens of thousands of civilians in the

safe area. Some sources claim several hundred were killed as they were caught up in the crossfire, but it is hard to verify such claims.” [75k] (p10)

4.11 The same report also observed:

“In early March Vinayagamoorthy Muralitharan, a former leader of the Tamil Makkal Viduthalai Pulikal (TMVP, a group that broke from the LTTE in 2004), who is also known as Karuna Amman, joined the ruling Sri Lanka Freedom Party (SLFP) along with many of his followers. Karuna received a non-cabinet post in the government, as national integration and reconciliation minister. However, animosity between the former TMVP leader and his then deputy, Sivanesanathurai Chandrakanthan (also known as Piliyan), who is now chief minister for Eastern province, has continued to grow. The risk of even greater tension between supporters of these two Tamil political heavyweights, which has occasionally led to violence, remains a major threat to the rebuilding process in Eastern province.” [75k] (p10)

See also [Section 10: Abuses by Non-Government Armed Forces](#)

4.12 On 27 April 2009 the Government-controlled *Daily News* reported that:

“The UPFA scored an unprecedented landslide election victory in Colombo, Gampaha and Kalutara districts in Saturday’s Western Provincial Council election winning two thirds - 68 out of 102 seats - in the Western Provincial Council with clear majorities. The UNP lost all the electorates of the Kalutara and Gampaha districts while retaining only the four city electorates in the Colombo District with slim majorities... The election was free of violence. The voter turnout at the polls was 65 percent for the Kalutara District, 60 for Gampaha District and 50 for Colombo District.” [16a]

The final official results were published in the official website of the Department of Elections and are available from [this weblink](#). [39c]

4.13 The EIU May 2009 country report recorded:

“On April 27th the LTTE announced a unilateral ceasefire, claiming that it would allow civilians to leave the no-fire zone. The government rejected the ceasefire, but announced that it would end the use of heavy air and artillery bombardment in the region. Earlier, officials had denied that such weapons were being used to attack LTTE positions in the no-fire zone, but this position was undermined by photographs obtained from the UN showing evidence of bombing in the region...On May 2nd artillery shells hit a makeshift hospital in the war zone, killing around 64 civilians; the government and the rebels accused each other of conducting the strike.” [75n] (p11-12)

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The LTTE are defeated

4.14 The International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2009 (undated, website accessed on 29 May 2009) recorded:

“[16 May 2009] For the first time in decades, Sri Lankan government forces take control of the country’s entire coastline, confining the LTTE militants to a

1.2-square-mile strip between a lagoon and the sea... Later that day, Sri Lanka's president Mahinda Rajapakse declares that the militants were "finally defeated" and that the 25-year-old civil war was ended.

"[17 May 2009] Surrounded by at least 25,000 army soldiers and deserted by the Tamil civilians they had forcibly holding as hostages, LTTE militants declare their defeat, military sources report. The Tamil Tigers acknowledge that their struggle for a homeland had "reached its bitter end" and declare to lay down their arms.

"[18 May 2009] The Sri Lankan army captures the last sliver of rebel territory strewn with the bodies of at least 200 dead militants... The military confirms that LTTE leader Prabhakaran, intelligence unit chief Pottu Amman and Sea Tigers' head Soosai were killed when trying to flee in an ambulance and another van on 18 May.

"[20 May 2009] The Sri Lankan military ceremonially ends the war with the LTTE rebels with the commanders of all units present in the Mullaitivu beach area, defence sources report." [51b]

The SATP list of LTTE leaders killed during encounters with security forces in Sri Lanka, 2001-2009 [37e] provides comprehensive information on the LTTE leaders killed during the last weeks of the war. This weblink to a section of the Sri Lanka *Daily Mirror* shows a map with details of the last phases of the war and information on when the army regained control of a specific area. [11f] The Sri Lankan government's, Media Centre for National Security (MCNS)/Defence News has a series of maps that chart the gradual contraction of the area controlled by the LTTE between November 2005 and the rebels' defeat in May 2009: weblink.

The conflict's impact: casualties and displaced persons

4.15 On 22 May 2009 Reuters reported:

"The United Nations this week said the conflict had killed between 80,000-100,000 people since it erupted into full-scale civil war in 1983 -- including unofficial and unverified tallies showing 7,000 civilian deaths since January [2009]. The government does not give a civilian casualty figure, but says it did not use heavy weapons in the final months and blamed the Tigers for civilian deaths. It says the United Nations numbers were inflated by the LTTE to secure pressure for a truce. In the waning days of the war, Western governments and the United Nations human called for probes into potential war crimes and violations by both sides." [4j]

4.16 On 27 May 2009 *The Guardian* reported:

"More than 200,000 refugees are corralled inside Menik Farm [in Vavuniya], a sweltering 1,400 acres of scrubland sealed off by barbed wire. Some are still hoping to find relatives amid the rows of tents that provide a temporary home. But others say relatives were separated out by the military, suspected of being Tamil Tigers. The Sri Lankan government says it has so far identified more than 9,000 members of the Liberation Tigers of Tamil Eelam (LTTE), and is sending them to 'rehabilitation centres', where they will be held for a year. The government claims that it needs to keep the civilians in camps it is building in

the north of the country until it can be sure that they are not members of the LTTE. The camps sprawl out over a vast area, mile after mile of tents where the unfortunate civilians displaced by the recent fighting have been told they could spend up to two years before they are allowed to go home.” [20b]

4.17 *The Guardian* report of 27 May 2009 further observed that:

“The tactics of herding civilians into internment camps indefinitely has been widely criticised, and yesterday [26 May] the authorities offered up contradictory explanations. Officials and military officers at the camps variously claimed that the civilians were there for their own safety, for the safety of the rest of the population and because most ‘have been involved in some sort of activity for the LTTE’. Some officials said that screening of the civilians was taking place inside the camps, others that it was not. Despite acknowledging that they had a list of known LTTE members, they maintained that they needed more time to identify former fighters. One military officer privately confided that they were seeking information from other detainees in the hope of identifying the group’s members.” [20b]

4.18 *The Guardian* observed in an article dated 26 May 2009, that the Sri Lankan government’s repeated denial of the use of airstrikes in the no-fire zone was impossible to verify. The newspaper added that the UN High Commissioner for Human Rights, Navi Pillay, was calling for an independent investigation into atrocities committed by both sides in the civil war. [20b]

4.19 A BBC News report of the same day quoted the army spokesman Brig Udaya Nanayakkara as saying that the process of “weeding out and rehabilitating” suspected Tamil Tiger guerrillas was already under way and that each one had been brought before judges.

“He said that said anyone who had been trained by the Tamil Tigers to carry arms was considered a combatant. ‘Since the start of fighting in different locations, 9,100 Tamil Tiger cadres have self-confessed,’ he said. ‘We have sent 7,000 of them to welfare camps for rehabilitation after legal proceedings, while others are facing court proceedings.’ The military says that it killed 22,000 rebel fighters during its 34-month offensive to end the 25-year civil war and lost 6,200 of its own soldiers.” [9w]

4.20 In an interview posted on the website of the International Committee of the Red Cross (ICRC) on 29 May 2009, Jacques de Maio, the ICRC’s head of operations for South Asia noted:

“A quarter of a million people now need food and drinking water, proper sanitation and shelter, access to medical care and essential items such as cooking utensils. Supplying the needy is an enormous task that is being undertaken by the government, several United Nations agencies, the ICRC and partner organizations in the International Red Cross and Red Crescent Movement, and other local and international aid organizations. There is still a vast gap to be filled between what is being provided and the needs that must be met – for instance, thousands of people still lack adequate medical care.

“The ICRC has registered over 2,000 so-called surrenderees in three ‘rehabilitation centres’ in and around Vavuniya and in other places of detention since 26 May. This registration process is continuing. Its purpose is to ensure

the ICRC can keep track of each individual potentially at risk who is currently living in the centres set up by the Sri Lankan government.

In the last two days, the ICRC has gained access to previously restricted areas of Manik Farm, a large IDP camp in Vavuniya. We are continuing to distribute dry food, kitchen utensils, clothing and hygiene kits to IDP families in Manik Farm...In principle, the ICRC has access to all IDP camps. However, there is still too big a gap between the IDPs' humanitarian needs and what humanitarian organizations can currently do. The ICRC encourages the Sri Lankan authorities to do all it can to help IDPs, and to allow humanitarian agencies to operate wherever they are needed." [34b]

4.21 On 29 May *The Times* reported:

"More than 20,000 Tamil civilians were killed in the final throes of the Sri Lankan civil war, most as a result of government shelling, an investigation by *The Times* has revealed. The number of casualties is three times the official figure. The Sri Lankan authorities have insisted that their forces stopped using heavy weapons on April 27 [2009] and observed the no-fire zone where 100,000 Tamil men, women and children were sheltering. They have blamed all civilian casualties on Tamil Tiger rebels concealed among the civilians. Aerial photographs, official documents, witness accounts and expert testimony tell a different story. With the world's media and aid organisations kept well away from the fighting, the army launched a fierce barrage that began at the end of April and lasted about three weeks. The offensive ended Sri Lanka's 26-year civil war with the Tamil Tigers, but innocent civilians paid the price.

"Independent defence experts who analysed dozens of aerial photographs taken by *The Times* said that the arrangement of the army and rebel firing positions and the narrowness of the no-fire zone made it unlikely that Tiger mortar fire or artillery caused a significant number of deaths. "It looks more likely that the firing position has been located by the Sri Lankan Army and it has then been targeted with air-burst and ground-impact mortars," said Charles Heyman, editor of the magazine *Armed Forces of the UK*." [50a]

4.22 On the same day Reuters reported:

"The world will probably never find out how many innocent civilians died during the bloody final phase of Sri Lanka's war against Tamil Tigers rebels, the U.N. humanitarian chief said on Friday [29 May 2009]... U.N. under-secretary-general John Holmes, who oversees the United Nations' many humanitarian operations, told Reuters in an interview that it was unclear how many died in the months before Sri Lanka declared victory over the LTTE on May 18.

"He also disputed a death toll reported in *The Times* of London that cited a 'U.N. source' to support an estimate that at least 20,000 people were killed during the months-long final siege. 'That figure has no status as far as we're concerned,' Holmes said. 'It may be right, it may be wrong, it may be far too high, it may even be too low. But we honestly don't know. We've always said an investigation would be a good idea.'...He said it was based on an unofficial and unverified U.N. estimate of around 7,000 civilian deaths through the end of April [2009] and added on roughly 1,000 more per day after that. Holmes said the initial figure of 7,000 deaths had been deemed far too questionable for official publication." [4b]

4.23 The Reuters report of 29 May 2009 continued:

“The U.N. Human Rights Council decided this week not to investigate the civilian deaths in the war, a decision that human rights groups have described as disappointing.

“British media reports also said that aerial photographs taken when a U.N. delegation flew over the former conflict zone last week showed evidence of mass graves. Photos of those locations taken by a Reuters reporter traveling with the delegation showed no clear signs of mass graves, though some individual gravesites might be visible. Holmes said the appearance of makeshift cemeteries was no surprise. ‘A lot of people were killed, several thousand, so you would expect to see a lot of graves there,’ he said.” [4b]

4.24 On 1 June 2009 the UN News Service reported: “Secretary-General Ban Ki-moon today reiterated his strong concerns over ‘unacceptably high’ civilian casualties in the conflict between the Sri Lankan Government and Tamil rebels, while rejecting in the strongest terms any figure attributed to the United Nations.” [6b]

4.25 For further information regarding the conflict during 2009 see the [South Asia Terrorism Portal, Sri Lanka Timelines - Year 2009](#)

See also [Latest News, Section 27 on Humanitarian issues, Section 29 on Internally Displaced People \(IDPs\), Annex A and B](#) (which contains detailed information on incident and events between 1 – 25 May 2009)

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USEFUL SOURCES FOR UPDATES

4.26 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 F – 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 (Sri Lanka)	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

Foreign & Commonwealth Office (FCO)

<http://www.fco.gov.uk/en/travelling-and-living-overseas/travel-advice-by-country/asia-oceania/sri-lanka>

Human Rights Watch

<http://www.hrw.org/en/asia/sri-lanka>

Immigration and Refugee Board of Canada (IRB)

http://www2.irb-cisr.gc.ca/en/research/ndp/index_e.htm?id=878

International Committee of the Red Cross (ICRC) in Sri Lanka

http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/sri_lanka?OpenDocument

IRIN News Sri Lanka

<http://www.irinnews.org/Asia-Country.aspx?Country=LK>

The Guardian

<http://www.guardian.co.uk/world/srilanka>

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://satp.org/satporqtp/countries/shrilanka/timeline/index.html>
<http://www.satp.org/satporqtp/countries/shrilanka/databases/index.html>

Asian Human Rights Commission

<http://www.srilankahr.net/index.php>

The Lanka Academic

<http://www.theacademic.org/>

UN OCHA Humanitarian Portal - Sri Lanka

http://www.humanitarianinfo.org/srilanka_hpsl/Catalogues.aspx?catID=75

UNHCR Sri Lanka

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

UNHCR Refworld

<http://www.unhcr.org/refworld/country/LKA.html>

UNICEF Sri Lanka

<http://www.unicef.org/srilanka/>

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5. CONSTITUTION

5.01 Europa World Online, Sri Lanka: Government and politics, The Constitution, accessed 1 June 2009, stated: "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." [1a]

5.02 Europa World Online, Sri Lanka: Government and politics, The Constitution, accessed 1 June 2009, further noted:

"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." [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]

5.04 The Freedom House report, 'Freedom in the World 2008, Sri Lanka', released on 2 July 2008, noted:

"The 17th amendment to the constitution was designed to improve governance and depoliticize key institutions by creating a constitutional council responsible for appointing members to independent commissions that would oversee the police, the judiciary, and public servants. Owing to a parliamentary impasse, Rajapakse failed to reconstitute the council in 2006 after the terms of its previous members expired. Instead, he made unilateral appointments to the public service and police commissions in April [2006], and to the human rights commission, judicial services commission, Supreme Court, and other judicial bodies in May. Some local groups allege that these actions have threatened the independence of the institutions and created a class of appointees who owe their positions to the president. [46c] (Political Rights and Civil Liberties)

- 5.05 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that: “The executive failed [during 2008] to appoint the Constitutional Council, which is required under the Constitution, thus obstructing the appointment of independent representatives to important institutions such as the Human Rights Commission, Bribery Commission, Police Commission, and Judicial Service Commission.” [2b] (Introduction)

See also [Section 8 on Avenues of complaint](#)

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6. POLITICAL SYSTEM

- 6.01 Europa World Online, Sri Lanka, accessed on 1 June 2009 observed that the President is Mahinda Rajapakse and the Prime Minister Ratnasiri Wickremanayake. It further stated:

“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).” [1a]

- 6.02 As noted in the position paper of Transparency International Sri Lanka entitled ‘Mega Cabinets in Sri Lanka (Report No 1) Perceptions and Implications’ (undated):

“The Cabinet of Sri Lanka under Executive President Mahinda Rajapakse was sworn in on 23rd November 2005 with 26 Ministers. With subsequent reshuffles it has expanded to more than four times its original number within the last two years to a total of 108 Ministers at present. This involves 52 Cabinet Ministers, 36 Non-Cabinet Ministers and 20 Deputy Ministers with the Executive President himself holding 6 ministerial portfolios including that of Finance and Planning.” [36a] (p2)

- 6.03 The EIU, Country Report Sri Lanka, April 2009, observed that:

“Sri Lanka is rated as a ‘flawed democracy’ in the Economist Intelligence Unit’s 2008 democracy index, ranked 57th out of 167 countries. Democracy is firmly established locally, and there have been regular changes of the party in government. The [t]endency for the major parties to have to rely on support from smaller parties in order to gain governing majorities in parliament further bolsters the tradition of political pluralism. The courts have successfully dealt with challenges posed by politicians to the established electoral system, such as the attempt by the then president, Chandrika Kumaratunga, to extend her term in office in 2005. Moreover, the island has a relatively vibrant (if often partisan) media.” [75k] (p11)

- 6.04 The EIU report further noted:

“Nevertheless, there are major problems. Government functioning as a whole receives a very low score, reflecting low levels of bureaucratic efficiency and the rising evidence of corruption in recent years. The powerful presidency has in the past clashed with the parliamentary leadership, and party politics remains generally crude, corrupt and extremely volatile. Political participation rates particularly poorly, partly reflecting low rates of participation in the north

and east of the country, which are worst affected by the long-running conflict between the government and the LTTE. However, the 2008 local elections in eastern Sri Lanka represent an improvement in this field.” [75k] (p11)

See also [Sections 15: Political Affiliation](#); and [18: Corruption](#)

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Human Rights

7. INTRODUCTION

- 7.01 The Amnesty International Report 2009, Sri Lanka (covering events from January – December 2008), released on 28 May 2009, summarised the key human rights issues for 2008:

“Hundreds of thousands of civilians were displaced as a result of fighting in the north and east. By November [2008], tens of thousands of families were trapped in the Wanni region without adequate food, shelter, sanitation and medical care as the government barred UN and other humanitarian staff. Government allied armed groups committed unlawful killings and enforced disappearances. The Liberation Tigers of Tamil Eelam (LTTE) deliberately targeted civilians in the south in a string of attacks throughout the year. The government failed to address impunity for past human rights violations, and continued to carry out enforced disappearances. The government arrested and detained increasing numbers of Tamils without charge. Human rights defenders and journalists across the country reported increased attacks including death threats.” [3c]

- 7.02 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka (UNHCR Guidelines 2009), April 2009 noted that:

“While fundamental human rights are enshrined in the Constitution of Sri Lanka, the Emergency Regulations [See also [Section 12: Arrest and detention – legal rights, Emergency Regulations](#)] currently in force in the country accord broad powers and discretion to police and military forces in times of emergency. The Government’s intensified counter-insurgency and anti-terrorism operations, including the repeated expansion of the Emergency Regulations, are considered to have contributed to the overall deterioration in the human rights situation in Sri Lanka. Concerns have also been expressed that the broadly defined crimes in the Emergency Regulations permit their use to unduly curtail dissent and opposition to the Government or its policies.” [6h] (p15-16)

- 7.03 The same UNHCR document further noted that “Serious human rights violations continue to be committed by multiple actors in Sri Lanka. In addition to the military, police and security forces, the LTTE, the TMVP and armed factions of other political parties such as the EPDP and the PLOTE as well as criminal groups have all been implicated in the high number of abductions, disappearances, killings, extortions and forced recruitments in Sri Lanka.” [6h] (p16)

- 7.04 The UNHCR Guidelines 2009 also recorded that:

“Following a monitoring visit in October 2007, the UN Special Rapporteur on Torture and Cruel and Degrading Treatment stated that ‘torture is widely practiced in Sri Lanka and prone to become routine in the context of counter-terrorism operations.’ He reported having received ‘numerous, consistent and credible allegations’ from detainees of ill-treatment by the police to extract confessions, or to obtain information in relation to other criminal offences.

Similar allegations were received with respect to the army. The Special Rapporteur attributed the extremely low number of convictions on indictments against officials accused of committing torture to the absence of effective investigation, intimidation against filing complaints as well as the inadequate protection for victims and witnesses of torture and a very high minimum sentence for torture. In the same report, the Special Rapporteur expressed the view that ‘the combination of severe overcrowding with antiquated infrastructure of certain prison facilities amounts to degrading treatment.’ For suspects held in police lock-ups under detention orders pursuant to the Emergency Regulations for periods of several months up to one year, ‘conditions are inhuman.’” [6h] (p20)

7.05 The UNHCR Guidelines 2009 further observed that:

“The significant majority of reported cases of human rights violations in Sri Lanka involve persons of Tamil ethnicity who originate from the North and East...

“In Government-controlled areas, Tamils who originate from the North and the East, which are, or have been under LTTE control, are frequently suspected as being associated with the LTTE. For this reason, Tamils from the North and the East are at heightened risk of human rights violations related to the implementation of anti-terrorism and anti-insurgency measures. While this risk exists in all parts of Sri Lanka, it is greatest in areas in which the LTTE remains active, and where security measures are heaviest, in particular the North and parts of the East, and in and around Colombo.” [6h] (p21)

7.06 The FCO Sri Lanka country profile, last reviewed on 31 March 2009, recorded that “Sri Lanka is a signatory to all six core [UN] human rights instruments. The Sri Lankan government has taken steps to improve its very poor human rights record of the 1980’s and 1990’s. Significant improvements have been made, but problems do remain.” [15j] (Human Rights)

7.07 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

“The government’s respect for human rights declined as armed conflict escalated. The overwhelming majority of victims of human rights violations, such as killings and disappearances, were young male Tamils, while Tamils were only 16 percent of the overall population. Credible reports cited unlawful killings by paramilitaries and others believed to be working with the awareness of the government, assassinations by unknown perpetrators, politically motivated killings, the continuing use of child soldiers by a paramilitary force associated with the government, disappearances, arbitrary arrests and detention, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of freedom of movement, and discrimination against minorities. Progovernment paramilitary groups were credibly alleged to have participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity. During the year, no military, police or paramilitary members were convicted of any domestic human rights abuse. The executive failed to appoint the Constitutional Council, which is required under the Constitution, thus obstructing the appointment of independent representatives to important

institutions such as the Human Rights Commission, Bribery Commission, Police Commission, and Judicial Service Commission.” [2b] (Introduction)

7.08 The USSD 2008 report added:

“The LTTE, a terrorist organization banned in the United States, India, the European Union, and Canada, maintained [during 2008] control of a shrinking area in the north of the country. The LTTE attacked and killed a large number of civilians; engaged in torture, arbitrary arrest, and detention; denied fair, public trials; arbitrarily interfered with privacy; denied freedoms of speech, press, and assembly and association; and practiced extensive forced recruitment, including of children. The LTTE was active in areas, particularly in the south, that it did not control, attacking military and civilian targets, including public buses and trains, and conducting political assassinations....(Introduction) Government security forces, progovernment paramilitary groups, and the LTTE used excessive force and committed abuses against civilians. The government used army commandos known as Deep Penetration Units to conduct operations against the LTTE in the LTTE controlled Vanni. However, because of targeting errors, some of these attacks claimed civilian victims. The LTTE also used special operatives to conduct infiltration operations against government security forces. LTTE suicide cadres, also known as ‘Black Tigers,’ killed civilians in attacks targeted at the opposing military force.” [2b] 9Section 1g)

7.09 The Human Rights Watch (HRW) World Report 2009, Sri Lanka, Events of 2008, issued on 15 January 2009, noted that, after the Sri Lankan Government formally pulled out of its ceasefire agreement with the Liberation Tigers of Tamil Eelam (LTTE) [in January 2008],

“The human rights situation in the north and east of the country has deteriorated markedly, with numerous reports of killings, abductions, and enforced disappearances by government forces, the LTTE, and paramilitary groups.

“The government’s state of emergency continued in 2008, with increasing numbers of arrests and detentions taking place under emergency regulations and the Prevention of Terrorism Act (PTA)...(p1) Emergency regulations provide broad powers to the security forces to investigate, arrest, and detain people in the name of “national security.” The government uses the regulations to arrest and detain political opponents, journalists, human rights defenders, and members of the Tamil minority community.” [21b] (p3)

7.10 HRW further noted that “The culture of impunity deepened, with investigations and inquiries into human rights violations failing to bring significant results...” [21b] (p1)

See also [Section 12: Arrest and detention – legal rights, Emergency Regulations](#)

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8. SECURITY FORCES

- 8.01 The security forces comprise the 65,000-member Sri Lanka Police Service (SLPS) and the 5,850-strong paramilitary Special Task Force (USSD 2008) [2b] (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, accessed on 5 June 2009) [1a]

POLICE

- 8.02 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) recorded that the Inspector General of Police (IGP) was responsible for the Sri Lanka Police Service and reported to the Minister of Defense, Public Security and Law and Order. The same report noted that: "Of the police officers serving in Tamil majority areas, few were Tamil and most did not speak Tamil or English. Through October [2008], after a public recruitment drive, the police hired 175 Tamil-speaking policemen to serve in the east." [2b] (Section 1d)

- 8.03 As recorded on the website of the Sri Lanka Police Service (accessed on 17 September 2008):

"The Special Task Force 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 VIP's and key installations...The nucleus for 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 warfare technique'. The first few platoons formed were deployed mainly to provide support for Police Stations in the North of Sri Lanka. As the STF grew in number, 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, several Ministers of the Cabinet and other VIPP." [7] (Special Task Force)

- 8.04 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 17 September 2008) [7] (Home)

- 8.05 As recorded in Jane's Sentinel Country Risk Assessments, Country Report Sri Lanka (accessed on 31 December 2008):

"Policemen are poorly paid and susceptible to corruption at lower levels. Senior police officials are often subject to political pressures. Human rights organisations have been highly critical of the Sri Lankan police, the rapid expansion and poor training of which 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*, 24 January 2008)

8.06 The same source noted:

“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 provide 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.” [5a] (*Security and foreign forces*, 24 January 2008)

See also [Section 8: Avenues of complaint](#)

Arbitrary arrest and detention

Please note that the information below refers not only to the police but also to the security forces in general.

8.07 The USSD report 2008 noted:

“The law prohibited arbitrary arrest and detention; in practice such incidents occurred. Under the arrest and detention standards imposed by the emergency regulations, the law did not clearly define what constitutes an arbitrary arrest. Data concerning arrests made during the year under the emergency regulations were fragmentary and unreliable. Overall, several thousand individuals were detained at least temporarily, the majority of whom were released within 24 hours of their arrest.” [2b] (*Section 1d*)

See also [Section 12: Arrest and detention – legal rights, Emergency Regulations](#)

8.08 On 27 February 2008, BBC Sinhala reported that the Supreme Court had 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. [9a]

8.09 On 2 September 2008, the pro-LTTE website TamilNet reported that Upcountry Peoples Front (UPF) parliamentarian P. Rathakrishnan, had compiled a report with details of around 1,200 Tamil youths of both sexes (most of them from the north, east and upcountry), who had been detained without inquiry in Boosa detention centre, in prisons located in Kalutara and Welikada, and in several police stations in the Western province. [38ah]

- 8.10 On 17 October 2008 the *Daily Mirror* reported that P. Radhakrishnan had accused the police of arresting "five to 10 Tamil people" every day in Colombo and its suburbs using the registration details and that anybody carrying identity cards with addresses from rebel-held areas was immediately arrested. Those figures were corroborated by Chief Justice, Sarath N. Silva, who had previously told the media that nearly 1,400 Tamils are currently in custody. [11i]
- 8.11 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 noted that "The Government has been heavily criticized for the high number of Tamils who have been subjected to arrest and security detention, particularly on the basis of information gathered in registration exercises and questioning at cordons and road checkpoints [see below] in and around the capital." [6h] (p14)

See also [Sections 12: Arrest and detention](#); [28: Freedom of movement](#) and [31: Citizenship and nationality, sub-section on Identity cards](#)

Cordon and search operations

- 8.12 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)

- 8.13 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 noted:

"As a result of the ongoing LTTE attacks on Government and civilian targets in the country, which have included suicide attacks by Tamil men and women, Tamils, in particular those originating from the North and East have been under suspicion. Wide scale arrests and detention of Tamils have been reported throughout the country [in March 2009]. As in the North and the East, they are frequently associated with cordon and search operations and frequently follow bombings or other attacks by the LTTE. Tamils who are without proper identity documents are more likely to be arrested and detained in these operations. In Colombo and the surrounding areas, heightened security measures have been implemented to prevent LTTE attacks. Cordon and search operations, roundups and arrests of Tamils, in particular Tamils from the North and East, are regularly reported in Colombo." [6h] (p12)

8.14 In a letter dated 29 April 2009, the BHC in Colombo noted that “Residing in Colombo or indeed all of Western Province can be difficult for Tamils, especially if they are originally from the north or east of Sri Lanka.” The BHC letter mentioned that “There have been frequent cordon and search operations carried out by the police/security forces...” and added that persons from the North and the East who fail to register with the police after finding accommodation in lodges in the Western Province would be left “vulnerable during cordon and search operations where police will visit the lodges and check the identity of occupants to confirm they are registered at that address. Many Tamils with casual employment or temporary accommodation often end up in detention.” [15e]

8.15 The Amnesty International Report 2009, Sri Lanka (covering events from January – December 2008), released on 28 May 2009, recorded that

“The security forces in Colombo arrested an increasing number of Tamils under emergency regulations in cordon and search operations. Over 1,000 Tamils were in detention without charge; some have been in detention for several years. In September [2008], the Police ordered all Tamils who had arrived from the north and east in the last five years to register with the authorities. Tamils holding National Identity Cards from the north and east were most likely to be arrested.” [3c]

See also [Section 12 on Emergency Regulations](#) and [Section 28 on Freedom of movement](#)

Incidents of December 2007 - Colombo

8.16 The Minority Rights Group International briefing of December 2007 noted that:

“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.” (Minority Rights Group International, ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, December 2007) [62b] (p4-5)

8.17 The pro-LTTE website TamilNet reported on 2 December 2007 that:

“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]

- 8.18 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...‘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...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]

- 8.19 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]

- 8.20 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]

- 8.21 A letter from the British High Commission (BHC) in Colombo dated 16 May 2008 noted:

“In the wake of the Nugegoda bomb blast, in November/December 2007 the GoSL carried out a rigorous search operation in Colombo and surrounding areas. More than 3000 Tamils; men, women and children, were indiscriminately arrested, loaded into buses, and taken to police stations. It was claimed that out of 2554 arrested, 2350 have been released, 102 have been served with detention orders, and 100 have had cases filed against them. There are unsubstantiated reports however that there are still over 400 Tamils in detention. Those charged face allegations of terrorist activities/connections and threats to national security. Those served with detention orders are investigated by the TID (Terrorist Investigation Department), and magistrates review their detention every two weeks. In reality persons detained under the Emergency Powers in TID can remain

there for many months, or even years, without appearing in Court or being charged.” [15r]

See also [Sections 12: Arrest and Detention Legal Rights](#); [28: Freedom of Movement](#); and [31 Citizenship and Nationality](#)

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Incidents in 2008 and 2009 – Colombo

8.22 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... 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 Tamilnet 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](#)

8.23 On 29 January 2008, the pro-LTTE website TamilNet reported that “Forty Tamils arrested following the [8] January [2008] 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]

8.24 The pro-LTTE website TamilNet reported on 25 April 2008 that “About two hundred civilians were taken into custody in Dehiwala in a search operation conducted from Tuesday dusk to Wednesday dawn. Except [for] 42 Tamil civilians others were released after preliminary inquiries. Others were detained as they failed to prove their identity and provide satisfactory reason for their stay in the location, police sources said.” [38ad] On 3 May 2008 the same source reported that:

“More than one thousand residences, with natives from Jaffna, Batticaloa, Ampaa'rai and Up-Country, were subjected to thorough search by the Police and the SLA from 4:30 a.m. till 11:00 a.m. Saturday. Around 300 persons were

brought to the Jinthuppiddi ground for 'failing to provide valid reason for their stay in Colombo'. 84 of them were finally taken to police station... According to latest update, 15 of the 84 persons taken to the police have been detained there for further interrogations." [38ae]

8.25 On 11 May 2008, the pro-LTTE website TamilNet reported that:

"About 61 Tamil civilians arrested in Colombo in several cordon and search operations last few weeks are still being detained in several police stations in Colombo, civil society sources said. 25 are being detained in police stations at Dehiwala, Wellawatte and Kohuwela, 15 at Weliveriya, and 21 are held in Kotahena. All detainees had valid national identity cards, but were taken into custody because of their Tamil nationality, media reports said quoting complaints forwarded by their relatives to P.Radhakrishnan, Colombo district parliamentarian representing the Upcountry Peoples Front (UPF)... Meanwhile, 254 Tamil civilians including women, majority of them upcountry Tamils, are now being detained in Boosa detention centre for nine months to one year, said Mr.Radhakrishnan." [38u]

8.26 A letter from the BHC Colombo dated 16 May 2008 noted:

"During cordon and search operations in Colombo/Gampaha, a majority of persons who were arrested fell into 3 categories; those who had failed to produce their national identity cards; those who had failed to give a satisfactory reason as to why they were in the area if they emanated from another part of the country; and those arrested under Prevention of Terrorism Act/Emergency Regulations if they were suspected of being associated to the LTTE. Tamils form a vast majority of those arrested, although several Muslims were also detained. There were no reports of Sinhalese being detained. The Government has allegedly 400 persons detained in Boosa detention camp, and another 300 held in police stations in Colombo and surrounding suburbs at any one time. These figures vary depending on the current security situation." [15r]

8.27 The same letter continued:

"Invariably, the police target Tamils in the Colombo/Gampaha district given the present security situation. One must assume that they profile likely suspects based on risk assessment, e.g. male, Tamil, aged between 17-35, residing in low-budget, multi-occupancy housing etc. Frequent cordon and search operations, and swoops on lodgings are all centred on Tamils. However, there was at least one crackdown in Gampaha during 2006, when there was a reported chase of the Sinhala Tigers. The police have also reported that it was a Sinhalese woman accompanied by her mother who carried out the Dambulla bus bombing on 2nd February 2008, and that investigations showed that Ruwanwelisaya [temple] was the intended target." [15r]

8.28 On 11 June 2008, the pro-LTTE website TamilNet reported that 22 Tamil youths (almost all from Jaffna) had been arrested in the Colombo suburb of Dehiwala "during a pre-dawn cordon and search operation by Sri Lanka Army (SLA) and Police. The arrested Tamils were being detained at the Criminal Investigations Department (CID) at Kalkissa (Mount Lavinia) police station for questioning, police said." [38ai] On 29 July 2008 TamilNet reported that seventeen Tamil civilians had been taken to custody in a 'cordon and search

operation' conducted in the Wellawatte area of Colombo. "All of the detainees were natives of north and east provinces and had been working in shops and staying with their relatives, friends and some in lodges in Wellawatte to go abroad, human rights sources said. They are now detained in Wellawatte police station and being interrogated as some of them had failed to prove their identity and provide satisfactory reason for their stay in the location, police sources said." [38h] On the following day the same source reported the arrest of 11 Tamil civilians in the Mt.Lavinia (Colombo) during an operation carried out by the Police "with the assistance of about one hundred members of the Civil Volunteer Force (CVF)." It was also reported that "Over five hundred vehicles entering into the Colombo city were subjected to thorough search during the operation. The search operation covered several areas including Ratmalana bus and railway stations and bus stations at Kattubedda and Mt.Lavinia, police sources said. Police said most of the arrested had failed to prove their identity and provide valid reason for their stay in the location." [38k]

- 8.29 On 30 September 2008 TamilNet reported that 43 Tamils (mostly residents of the north and the east) had been "arrested in Wellawatte, Wattala, and Katunayake [in Colombo] in several cordon and search operations conducted by the Sri Lanka Police, assisted by Sri Lanka Army (SLA), and home guards..." and were being detained and interrogated in police stations in Colombo city. "Most of those arrested were residents of north and east. Some of the arrested had been staying in lodges and with relatives to go abroad for employment and others had been working in business establishments." [38aj] A similar operation – with the arrest of fourteen Tamil civilians in the Obeyasekara area in the Rajagiriya division in Colombo – was reported by TamilNet on 22 November 2008 [38f] while two weeks earlier the same source had reported the arrest of about fifteen Tamil youths in the Aluthmawatte (Muhaththuwaram) area of Colombo city with the help of masked men and noted "This was the first time in recent days the public witnessed masked men with the SLA and the Police in the search operation." (TamilNet, 5 November 2008) [38g]

- 8.30 The same source reported on 28 January 2009:

"Fifteen Tamil youths were arrested by the police and Sri Lanka Army (SLA) during cordon and search operations conducted in the Katunayake international airport on Monday and Tuesday. They have been handed over to the Prevention of Terrorism Unit of the Police for further interrogation, police sources said. Police said [the] arrested were suspected to be members of the LTTE and attempting to flee from the country. The youths arrested had passports to fly to Middle East countries and Malaysia, police sources said." [38d]

- 8.31 On 1 February 2009, TamilNet reported further arrests in Colombo:

"More than twenty Tamil civilians were arrested in cordon and search operations conducted by the police and armed forces in several parts of Colombo since Friday [30 January 2009], in preparation to the Independence Day celebration that falls on February 4. About five thousand police personnel drawn from outstations, have been deployed in the Colombo city to step up security. All vehicles entering the Colombo city are stopped and checked by the police, police sources said. Police Department said the security of the Colombo city has been tightened following information that some suicide

cadres of the LTTE had infiltrated in Colombo for disrupting the Independence Day celebrations.” [38e]

8.32 On 28 March 2009, the same source reported:

“Sri Lanka Army (SLA) and police took into custody 301 persons including 257 Tamils in a joint search conducted in Gampaha, in the outskirts of Colombo city, from Thursday 6:00 p.m till Friday 6:00 a.m, according to police spokesman, Ranjith Gunasekara. 8,830 persons were interrogated in the search, he said. The relatives of the arrested Tamils have lodged complaints with Deputy Minister, P. Rathakrishnan and Mano Ganeshan, leader of Western Peoples’ Front (WPF) and Colombo district parliamentarian.” [38p]

8.33 TamilNet also reported arrests of Tamils in Colombo in April 2009. On 7 April 2009 it mentioned the arrest of 24 Tamil youths in the suburbs of Colombo during the previous weekend [38i] and on 11 April 2009 it reported that:

“About 50 civilians, including 40 Tamils were arrested in Colombo division and detained in respective police stations for further inquiry. Police spokesman Ranjit Gunasekara told media that detained civilians had failed to prove their identity and justify their presence in the location. Most of the arrested Tamils are residents of Jaffna. 14 Tamil youths were taken into custody in Wellawatte area, he said.” [38m]

On 8 May 2009 TamilNet reported that 75 Tamil youths (residents of Jaffna, Batticaloa, Trincomalee and upcountry areas) had been arrested in cordon and search operations conducted in several areas of Colombo during the previous three days and that nearly 100 Tamils were being detained in police stations in Colombo and the Crime Prevention Unit for further questioning. [38]

See also [Section 28: Freedom of Movement](#)

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Disappearances/Abductions

Please note that the information below refers not only to the police but also to the security forces in general

8.34 The Amnesty International Report 2009, Sri Lanka (covering events from January – December 2008), released on 28 May 2009, observed that:

“Enforced disappearances continued to be part of a pattern of abuse apparently linked to the government’s counter-insurgency strategy. Enforced disappearances were reported in the north and east as well as previously unaffected parts of the country including in Colombo and the south. Many enforced disappearances took place inside high-security zones and during curfew hours.” [3c]

8.35 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 (UNHCR Guidelines 2009) noted that:

“Acts of abduction and kidnapping continue to be a serious problem in Sri Lanka, particularly in the North and East of the country and in Colombo. Many of the abductions involve civilians who are suspected to be LTTE members or sympathizers. Reported abductions have also been linked to practices of forced recruitment, particularly by the LTTE in the North and the TMVP in the East. Kidnappings for ransom have also been reported. The vast majority of reported abductions have involved Tamils, but Muslims and Sinhalese have also been targeted.

“Disappearances are also widespread, with women, aid workers, educators, journalists, religious leaders, trade unionists and politicians among those unaccounted for. Again, most of the reported cases are in the North, in particular in Jaffna, the East and Colombo.” [6h] (p16)

8.36 The UNHCR Guidelines 2009 continued:

“In June 2008, the United Nations Working Group on Enforced or Involuntary Disappearances formally communicated its concerns to the Sri Lankan authorities regarding the high number of enforced disappearances in the country and the lack of progress in bringing perpetrators to justice. The Working Group has expressed grave concern regarding the increase in reported cases of disappearances in 2008 (212 cases) and expressed the view that many disappearances are not reported for fear of reprisals. While responsibility for the abductions and disappearances are not claimed by any one group, in many of the cases documented by human rights groups there are indications of involvement by Government actors, including security forces, the army, navy, or police. The incidents reported have frequently followed security searches, interviews or other contact with police or security forces and involve perpetrators who are deliberately hiding their identity.” [6h] (p16)

8.37 The USSD 2008 report noted that:

“Allegedly because of government pressure, the Sri Lanka Human Rights Commission (SLHRC) ceased providing statistics on forced disappearances by state security forces, progovernment paramilitary groups, or the LTTE. According to internationally respected monitoring organizations, after declining in mid-2007, the number of disappearances increased over the year [2008] to more than 500. On November 8 [2008], the chairman of the Presidential Commission on Disappearances, retired High Court Judge Mahanama Tilakaratne, stated that 1,100 persons missing or abducted in the past two years were still unaccounted for...Witnesses and potential victims identified the perpetrators of many abductions as Tamil-speaking armed men using white vans without license plates. The government generally failed to investigate these incidents.

“On May 14 [2008], during the country's presentation for the Universal Periodic Review at the UN Human Rights Council, the then attorney general C.R. De Silva stated that of 355 alleged disappearances submitted to the government, initial investigations revealed 12 persons had left the country, 17 persons were back living with their families, and 11 young persons had ‘eloped.’ De Silva was unable to account for the remaining 89 percent of cases on the list. During the year, the government did not indict or convict anyone,

including security force or paramilitary members, of involvement in disappearance-related cases.” [2b] (Section 1d)

- 8.38 The HRW World Report 2009, Sri Lanka, Events of 2008, issued on 15 January 2009, recorded that:

“Fear of killings and abductions in the northern Jaffna peninsula is so great that at this writing over 300 people were in protective custody in the Jaffna prison. Many serious abuses in Jaffna have been reported during curfew hours and in high-security areas, suggesting the complicity of government security forces.

“Abductions and enforced disappearances continued in 2008, with approximately 43 reported cases in Vavuniya in August alone. Many cases are not reported due to fear of reprisals. Besides a few arrests of persons alleged to be involved in abductions for ransom, Human Rights Watch is unaware of any serious action by the government to address the hundreds of new ‘disappearances’ of the past few years, the great majority of which remain unresolved. Most cases of enforced disappearances implicate government security forces.” [21b] (p2-3)

- 8.39 As noted in the HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008, “The resumption of major military operations between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) in mid-2006 has brought the return of a haunting phenomenon from the country’s past—the widespread abduction and ‘disappearance’ of young men by the parties to the conflict.” [21d] (p2)

- 8.40 The same report stated

“Enforced disappearances have again become a salient feature of the conflict. Figures released by various governmental and nongovernmental sources suggest that more than 1,500 people were reported missing from December 2005 through December 2007. Some are known to have been killed, and others have surfaced in detention or otherwise have been found, but the majority remain unaccounted for. Evidence suggests that most have been ‘disappeared’ or abducted... ‘Disappearances’ have primarily occurred in the conflict areas in the country’s north and east—namely the districts of Jaffna, Mannar, Batticaloa, Ampara, and Vavuniya. A large number of cases have also been reported in Colombo.” [21d] (p4)

- 8.41 The HRW report also noted

“In the great majority of cases documented by Human Rights Watch and Sri Lankan groups, evidence indicates the involvement of government security forces — army, navy, or police... Relatives frequently described uniformed policemen, especially members of the Criminal Investigation Department (CID), taking their relatives into custody before they ‘disappeared.’... The involvement of the security forces in ‘disappearances’ is facilitated by Sri Lanka’s emergency laws, which grant sweeping powers to the army along with broad immunity from prosecution. Several provisions of the two emergency regulations currently in force create a legal framework conducive to ‘disappearances.’” [21d] (p4-5)

8.42 And the report further added:

“No matter who is responsible for the ‘disappearances,’ the vast majority of the victims are ethnic Tamils, although Muslims and Sinhalese have also been targeted. The security forces appear to target individuals primarily because of their alleged membership in or affiliation with the LTTE. Young Tamil men are among the most frequent targets, including a significant number of high school and university students.” [21d] (p6-7)

8.43 The HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, observed:

“Instead of making a diligent effort to investigate and prosecute enforced disappearances, the government of President Mahinda Rajapaksa continues to downplay the scope of the problem...Despite the hundreds of alleged ‘disappearances’ reported over the last two years to the Human Rights Commission, it has issued no public reports on the matter, has refused to provide statistics on the complaints it has received, and has tried to downplay the scale of the problem. The monitoring and investigative authority of the Human Rights Commission has also been effectively negated by the obstructive attitude of the security forces and lack of support from the government.” [21d] (p9-10)

See also [Section 8 on Police abuses: investigations and prosecutions](#)

8.44 On 18 February 2008, the pro-LTTE website TamilNet 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 in January but increased in February 2008. [38n] 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. (BBC Sinhala, 18 February 2008) [9f] In a different report on 18 February 2008, BBC Sinhala reported that 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... [have been] kidnapped by white van in Colombo’”. [9g]

8.45 The pro-LTTE website TamilNet on 4 April 2008 reported:

“The number of persons reported missing has reached 740 during the period from December 2005 up to the present, according to complaints registered with the Human Rights Office (HRC) in Jaffna. The number of persons disappeared is more than 740 as many parents and family members of the disappeared persons do not complain at the HRC Jaffna for fear of falling victims to Sri Lanka Army (SLA) troops and SLA-backed paramilitaries, alleged to be the abductors, sources in Jaffna said.

“Residents in many cases register complaints only at their local police stations, and thus the true figure of the number of persons abducted in Jaffna peninsula is more than what is revealed in the HRC records...Forced disappearances in Jaffna peninsula do continue though the number of such incidents have fallen in recent times, the sources added.” [38v]

8.46 On 17 April 2008, the same source reported:

“More than 300 Tamil youths from areas ranging from Poththuvil to Vaazhaichcheanai have been abducted in Batticaloa district in the past, allegedly by Special Task Force (STF) commandos and paramilitary groups, according to figures registered with Batticaloa Human Rights Commission (HRC) by the relatives of the missing. Of the 300 reported cases, eleven persons in January [2008], eleven in February and fourteen in March are reported missing this year, HRC sources said...Armed men who come to houses in the nights have taken away persons saying they are to be interrogated while persons who had gone out to work or on personal errands have mysteriously disappeared, local residents said...The police in Batticaloa do not conduct investigations of the abductions reported to them and are disinterested, the complainants said. The abductions had escalated sharply since STF forces were posted in Batticaloa, the residents said [sic].” [38af]

8.47 A letter from the BHC Colombo, dated 16 May 2008, noted:

“Police investigations into reported disappearances/abductions in the [Colombo/Gampaha] district are reportedly slow. It appears to be deemed a necessary evil in the broader context of the campaign to eliminate terrorism, and groups carrying out the abductions are in effect given their blessing. Indeed, the UNP opposition party went as far as to name in parliament a senior police officer, Deputy Inspector General Rohan Abeywardena, believed to be involved in these abductions. The subsequent investigation did not substantiate these claims.

“The High Commission has been provided with a list compiled by the Civil Monitoring Commission of 224 persons reported as being abducted/missing between January 2006 and March 2008. A majority of these persons disappeared in the Colombo/Gampaha region. The CMC state however that this is ‘only the tip of the iceberg’ and as the list includes only those where a complaint has been made to them and verified against police records, the actual figure may be ten times higher.” [15r]

8.48 On 20 May 2008, the pro-LTTE website TamilNet reported that the Deputy Minister for Vocational Training and Industrial Education, P. Rathakrishnan, had claimed to have received information that Sri Lanka Police personnel and Sri Lanka Army soldiers had been involved in several ‘white van’ abductions. The Deputy Minister decried the rising number of abductions, disappearances and arbitrary arrests. Between 16 January and 15 May 2008 he received complaints of 93 abductions, of which 12 cases were identified to be in police detention; 22 were released after being “tortured”; and the whereabouts of the remaining 59 were unknown. In addition to these abductees the Deputy Minister said that a total of 290 Tamils were still being detained by the authorities. [38j]

8.49 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2008 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2003 – 2007, (undated, website accessed on 1 June 2009) recorded that in 2007 there were in total 1,229 cases of abduction/kidnapping . The figures for 2004, 2005 and 2006 were respectively: 868; 953 and 1,190. [58d]

See also [Section 8 on Avenues of complaint and on Police abuses: investigations and prosecutions](#)

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Torture

Please note that the information below refers not only to the police but also to the security forces in general

8.50 The USSD report 2008 noted:

"The law makes torture a punishable offense and mandates a sentence of not less than seven years' imprisonment. However, in the few publicized torture convictions since 2004, the courts have generally acquitted the defendants or released them on bail pending appeal. Human rights groups alleged that some security forces believed torture to be allowed under specific circumstances. Following an October 2007 visit, UN Special Rapporteur (UNSR) on Torture Manfred Nowak concluded that 'torture is widely practiced in Sri Lanka.'" [2b] (Section 1d)

8.51 The USSD report 2008 continued:

"Methods of torture and abuse reportedly included beatings, often with sticks, iron bars, or rubber hose; electric shock; suspending individuals by the wrists or feet in contorted positions; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper or gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment. UNSR Nowak singled out the Terrorist Investigative Department facility in Boossa for including the 'fullest manifestation' of torture methods.

"In the east and conflict-affected north, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions reportedly were followed by interrogations that frequently included torture. When the interrogations failed to produce evidence, detainees were often released with a warning not to reveal information about their arrests and threatened with rearrest or death if they divulged information about their detention. Human rights groups estimated that more than 2,000 LTTE suspects were in regular detention centers, such as prisons, with approximately 1,200 more in police stations, the Criminal Investigation Division, the Terrorism Investigation Division, army or paramilitary camps, or other informal detention facilities. The military denied holding detainees at its facilities and did not grant access to national or international monitors to investigate claims of torture by military forces.

"No accurate, publicly available statistics on reported torture cases were available. However, civil society reported on several cases." [2b] (Section 1d)

8.52 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)

8.53 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)

8.54 The AHRC report further noted 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)

- 8.55 The Medical Foundation for the Care of Victims of Torture document ‘Torture once again rampant in the Sri Lanka conflict’, released on 31 October 2007 (MF Report 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.” [40a] (p4)

- 8.56 The MF Report 2007 continued:

“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’”. [40a] (p4)

- 8.57 The same document noted

“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.” [40a] (p5)

- 8.58 The MF Report 2007 further stated:

“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) [40a] (p6)

- 8.59 On 9 April 2009, The Medical Foundation (MF) for the Care of Victims of Torture reported on people who had fled torture in Sri Lanka and referred to cases of ill-treatment carried out by the government’s security forces and the LTTE.

“People fleeing the violent conflict in Sri Lanka are presenting with increasingly pronounced scars as a result of torture, with a significant number having been persecuted in ways not previously seen by doctors at the Medical Foundation for the Care of Victims of Torture... Dr John Joyce, who has worked with clients at the MF for ten years, said: ‘While we have historically seen a number of Sri Lankan torture victims each year, it is worrying that the severity of the torture methods now being used is increasing, with highly visible scars now becoming a common pattern.’ Evidence based on the cases of torture survivors referred to the MF in recent months suggests that torture and persecution remains a constant threat... In other notable cases, people were burned on the legs, on the back and on the wrists. A number reported being beaten unconscious, with one presenting with symptoms of epilepsy. Many of the clients were scarred on various parts of their bodies as a result of being burnt with cigarettes. Sexual abuse and rape was also common.

“The patterns emerging from the Sri Lankan clients examined in the past year echo a persistent trend in the number of survivors seeking help with the MF and in the symptoms they are presenting with. In 2008, the MF received 187 referrals of Sri Lankan men and women, which represents a marked increase compared with 137 referrals in 2007 and 80 in 2006.” [40b]

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Extra-judicial killings

Please note that the information below refers not only to the police but also to the security forces in general

- 8.60 As noted in the USSD 2008 report:

“There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Monitoring organizations reported that during the year, approximately eight hundred of the several thousand deaths associated with the hostilities between government security forces and the LTTE were civilian casualties as a result of artillery fire into populated areas, aerial bombings, land mines, and other military action. International organizations noted that a significant proportion of the civilian casualties occurred in individual incidents, such as extrajudicial killings; however, reliable statistics

on such killings by both sides were difficult to obtain because families feared reprisals if they filed complaints. The numbers reported by different organizations vary widely. Nongovernmental organizations (NGOs) believed that the majority of those reported as disappeared were actually killed.” [2b] (Section 1a)

8.61 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]

8.62 A statement issued by the Asian Human Rights Commission on 2 January 2008 noted:

“The year 2008 began, for Sri Lanka with the assassination of the Tamil opposition UNP Member of Parliament, T. Maheshwaran... Political assassinations... 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... 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]

8.63 The HRW document ‘Sri Lanka: Human Rights Situation Deteriorating in the East’ issued on 24 November 2008 reported that

“Human Rights Watch investigations have found that there have been at least 30 extrajudicial killings in the Eastern Province since September [2008]. In one recent case, the bodies of two young Tamil men who had been detained by the police on October 3, 2008, during a security roundup in the town of

Batticaloa were found on a beach six days later with their hands and legs tied to a concrete pole, and showing signs of severe torture.” [21j]

See also [Section 4: Recent Developments](#); [Section 8 on Avenues of complaint](#) and [Section 10 on Abuses by non-government armed forces](#)

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ARMED FORCES

8.64 In November 2007 “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”. (Europa World Online, Defence accessed on 1 June 2009) [1a]

8.65 As recorded in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, updated on 19 August 2008 and accessed 31 December 2008:

“Several factors have adversely affected motivation, commitment and professionalism in the army. Foremost among these is that the overwhelming majority of personnel in the lower ranks are from the lowest income strata of society whose enlistment 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 prosper 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 politicians and other civilians who control policy matters. Factionalism in the officer corps is also not without ill-effects on morale.” [5a] (Army)

8.66 The Jane’s report continued:

“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 taking 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.” [5a] (Armed Forces, 19 August 2008)

Arbitrary arrest and detention

- 8.67 See [Section 8 on Police, Arbitrary arrest and detention](#) since many reports refer to 'security forces' in general

Torture

- 8.68 See [Section 8 on Police, Torture](#) since many reports refer to 'security forces' in general

Extra-judicial killings

- 8.69 See [Section 8 on Police, Extra-judicial killings](#) since many reports refer to 'security forces' in general

AVENUES OF COMPLAINT

- 8.70 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 noted that:

"While the number of reported political crimes and human rights violations in Sri Lanka has increased since hostilities intensified in 2006, police investigations and convictions have not increased proportionally. The Government of Sri Lanka has been widely criticized for failing to acknowledge the extent of the problem and for lacking the commitment to effectively punish perpetrators of human rights violations, in particular those among members of the police, security and military forces. In a recent statement, a group of 10 UN independent experts expressed their 'deep concern at the deteriorating human rights situation in Sri Lanka, particularly the decreasing space for critical voices and the fear of reprisals against victims and witnesses which – together with a lack of effective investigations – has led to unabated impunity for human rights violations.'" [6h] (p20)

- 8.71 The USSD report 2008 also observed that:

"There was no independent authority to investigate complaints. Senior officials in the police force handled complaints against the police.... Impunity, particularly for cases of police torture and disappearances of civilians within High Security Zones (HSZs), was a serious problem, as was corruption. A 2007 AHRC assessment cited the government's tolerance of pervasive corruption as a major reason for the police force's incapacity to investigate and prosecute cases effectively." [2b] (Section 1d)

- 8.72 The Amnesty International 2009 report observed that: "Investigations into human rights violations by the military and police stalled and court cases did not proceed as witnesses refused to come forward for fear of reprisals" and also recorded that: "In July [2008], Sri Lanka rejected the recommendation made by at least 10 states during its Universal Periodic Review at the UN Human Rights Council to establish an independent human rights monitoring mechanism, in co-operation with the UN High Commissioner for Human Rights, despite a dysfunctional domestic criminal justice system." [3c]

- 8.73 The HRW World Report 2009, Sri Lanka, Events of 2008, issued on 15 January 2009 recorded that "Despite government commitments to address impunity, rights violators continue to face no serious threat of prosecution.

There were no convictions of perpetrators of serious human rights violations in 2008.” [21b] (p3)

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Human Rights Commission of Sri Lanka (HRCSL)

8.74 The USSD 2008 report noted that:

“By statute the [Sri Lanka Human Rights Commission] 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, in practice the SLHRC rarely used its powers. No actions were taken to investigate the more than 200 cases reported to the Jaffna Branch of the SLHRC since 2006. 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. In December 2007 the International Coordinating Committee of National Human Rights Institutions downgraded the SLHRC to observer status, citing government interference in the work of the SLHRC. The SLHRC’s torture prevention monitoring unit, established in 2004, ceased effective functioning in 2006 because of inadequate funding.” [2b] (Section 4)

8.75 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]

8.76 A letter from the British High Commission in Colombo, dated 1 October 2008, reported that:

“The SLHRC 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. 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. The Chairman of the SLHRC has confirmed that they have no jurisdiction against the militaries [sic], or against unknown persons/groups. 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 Sri Lanka's human rights issues." [15c]

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Ad hoc commissions of inquiry

- 8.77 The ICG document 'Sri Lanka's return to war: limiting the damage', Asia Report N°146, 20 February 2008, noted that "None of the many ad hoc commissions of inquiry appointed by the president to look into disappearances and other violations have made any headway against impunity. Not one has published findings or recommended prosecutions to the attorney general." [76d] (p14)

Presidential Commission of Inquiry to investigate and inquire into serious violations of human rights

The website of the Presidential Commission of Inquiry into Serious Human Rights Violations can be accessed [here](#).

- 8.78 The Foreign & Commonwealth Office (FCO) country profile of Sri Lanka (last reviewed on 31 March 2009) recorded:

"In Autumn 2006 President Rajapakse announced the establishment of a special Commission of Inquiry (Col) into the most egregious allegations of human rights abuses in Sri Lanka over the preceding 12 months. The President mandated that a parallel group, the Independent International Group of Eminent Persons (IIGEP), should also be created with a remit to oversee the work of the Col and ensure compliance with international norms. The IIGEP withdrew from Sri Lanka in 2008, citing a lack of co-operation from the Government." [15j] (Human Rights)

- 8.79 The USSD 2008 report observed that:

"There was little progress in several high-profile killings under investigation by the Commission of Inquiry (Col). In 2007 President Rajapaksa invited an International Independent Group of Eminent Persons (IIGEP) to assist the Col and monitor its progress. The Col interviewed witnesses in three cases and held public formal hearings, including testimony by video link from protected witnesses who had fled abroad. However, according to the IIGEP, the investigations were hampered by the lack of effective witness protection and

the inappropriate role of the Attorney General's Office in steering the inquiry.”
[2b] (Section 1d)

- 8.80 The International Institute for Strategic Studies (IISS), Armed Conflict Database, Sri Lanka, Timeline 2008 (website accessed on 6 January 2009) recorded:

“[On 16 April 2008] The International Independent Group of Eminent Persons (IIGEP) concludes a legal observer mission started in February 2007, stating Colombo has severely lacked the will to investigate thoroughly, cases calling into question the conduct of its armed forces. Grievances include lack of witness and victim protection, timeliness of proceedings and transparency, financial independence of the Commission of Inquiry (Col) investigating cases. Initially invited by the government, the IIGEP voluntarily closed down its mission, admitting to little success. The Col, set up in November 2006, has a warrant to over 16 cases of alleged human rights violations dating back to 2005-2006.” [51a]

- 8.81 A public statement issued by the IIGEP on 14 April 2008 contained information on its role, and its reasons ‘to terminate its mission before the conclusion of the proceedings of the Commission of Inquiry’. [24a]

See also [Section 8 on Police, Disappearances/Abductions](#)

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Police abuses: investigations and prosecutions

- 8.82 The USSD 2008 report observed that “During the year, no military, police or paramilitary members were convicted of any domestic human rights abuse.” [2b] (Introduction). It further reported that:

“On April 2, the Negombo High Court acquitted six police officers charged with torturing Gerald Perera. A victim of custodial torture, Perera was killed on a public bus in 2004 a week before he was scheduled to give evidence in his case in court. The judge ruled that because there were no longer any direct eyewitnesses to prove the charges against individual officers, the case could not go forward.

“In May the Supreme Court found that Tony Fernando was tortured in 2003 by prison officials and awarded him compensation of 150,000 rupees (\$1,330).” [2b] (Section 1c)

- 8.83 The USSD 2008 report also observed:

“In cases when security force personnel were alleged to have committed human rights abuses, the government generally did not seek to identify those responsible or bring them to justice. Case law generally failed to uphold the doctrine of command responsibility for human rights abuses. Human rights organizations noted that some judges appeared hesitant to convict on cases of torture because of a seven year minimum mandatory sentence with no room for issues of severity or duress.” [2b] (Section 1d)

- 8.84 The HRW report 'Recurring Nightmare - State Responsibility for 'Disappearances' and Abductions in Sri Lanka', released in March 2008 noted:

"A critical factor contributing to continuing 'disappearances' in Sri Lanka is the systemic impunity enjoyed by members of the security forces and pro-government armed groups for abuses they commit...Figures on accountability released by the government show how little has been done to bring perpetrators to justice...The only known arrests for recent abductions were of former Air Force Squadron Leader Nishantha Gajanayake and another two policemen and an air force sergeant in June 2007. Although Sri Lankan authorities widely publicized these arrests as proof of their resolute action against the abductors and promised to promptly bring the perpetrators to justice, in early February 2008 the suspects were released; it is unclear whether charges against them were dropped." [21d] (p8)

- 8.85 A letter from the BHC Colombo dated 16 May 2008 noted that:

"Even when complaints [of police abuses] are made it is not routine for police investigations to be conducted; rather those individuals took action in the form of rights petitions against the police and at least two cases received publicity after being referred to the Supreme Court. Neither the Government nor the police will admit to police torture and the Governments' normal response to allegations is to cite the process of rights petitions." [15r]

- 8.86 The Freedom House 'Freedom in the World 2008, Country report, Sri Lanka', released on 2 July 2008, noted that "A lack of aggressive prosecution of the majority of past abuses, coupled with inadequate protection for victims and witnesses, contributes to a climate of almost complete impunity." [46c] (**Political Rights and Civil Liberties**)

- 8.87 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)

- 8.88 As reported in a statement issued by the AHRC on 20 September 2008:

"Nishantha Fernando, who had made complaints of torture and bribery against a senior police officer and several other police officers, was shot dead today,

20th September 2008, at Dalupotha junction, Negombo...Nishantha Fernando had repeatedly complained to the Inspector General of Police and all local authorities, including the Attorney General, the National Police Commission (NPC) and the Human Rights Commission of Sri Lanka and also to the bribery commission, about the constant threats he had been receiving of assassination of himself and his family. On the 23rd of June 2008 four men, believed to be hired by the police, arrived at his house and told him to withdraw the fundamental rights complaint currently pending before the Supreme Court of Sri Lanka, stating that if within 24 hours he did not do so, he and his family would be assassinated.” [47a]

See also [Section 17: Human Rights institutions, organisations and activists](#)

Witness protection

- 8.89 The USSD 2008 report recorded that “At year's [2008] end, there was no functioning witness protection program.” [2b] (Section 1c)

See also [Section Section 8 on Police](#) and [subsection on Ad hoc commissions of inquiry](#)

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9. MILITARY SERVICE

- 9.01 The Coalition to Stop the Use of Child Soldiers 'Child Soldiers Global Report 2008, Sri Lanka released on 20 May 2008 recorded that:

"Enlistment of soldiers to the armed forces was voluntary, and governed by the Soldiers Enlistment Regulations of 1955. Enlistments were conducted as either 'recruits' or 'directly enlisted soldiers', at a minimum age of 18. All those who qualified for enlistment had to produce an authentic birth certificate... According to the 1985 Mobilization and Supplementary Forces Act, the National Cadet Corps was open to those over 16. It provided pre-military and civil training to students, but cadets could not be called to active service and were not members of the armed forces." [61a] (Government)

DESERTION

- 9.02 Amnesties for deserters were reported during the last year 2007. 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 1,500 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]
- 9.03 On 19 May 2008, the *Daily Mirror* (Sri Lanka) reported that the army had extended by two weeks an amnesty for deserters originally planned to end on 16 May 2008. Those who had deserted from the Army since 1 April 2005 would be able to re-join "with all the entitlements and rank the deserter enjoyed at the time of desertion." About 15,000 to 20,000 soldiers have deserted; during the last amnesty in November 2007 more than 4,000 deserters returned to the army. [11b]
- 9.04 On 2 September 2008, the Government Media Centre for National Security (MCNS)/Defence News reported:

"Sri Lanka Army's Courts Martial, following imposition of punishment on 106 convicted Army deserters have handed them over to Welikada Prisons Headquarters Tuesday (2) [September 2008] afternoon for imprisonment, a Press Release issued by the Army Headquarters declared. One more batch of 199 convicted Army deserters are also scheduled to be handed for imprisonment on Wednesday (3), upon completion of their legal proceedings, according to Army Directorate of Legal Services. Those deserters have been arrested by Military Police and respective local Police stations in the most recent past, consequent upon their failure to honour general amnesty periods, granted to them earlier by the Army, beginning last May. However, a total of 4870 Army deserters thus made use of the granted grace period and subsequently surrendered themselves to the Army between May 02-31, 2008. Similarly, some 2661 more deserters have responded positively to the amnesty until 13th June 2008. Those convicts, depending on the duration of

their absence are accordingly sentenced to imprisonment between three months to one year, in accordance with respective rulings determined, based on the periods of desertion.” [49a]

9.05 The *Daily Mirror* (Sri Lanka) reported on 3 October 2008 that:

“The military have arrested over 2000 soldiers who deserted the service along with 21 officers during the past few months and they are to face court martial while some have already been imprisoned, Military Spokesman Brigadier Udaya Nanayakkara said. The military have arrested 2981 deserters including 21 officers during the period. Out of that 896 have been produced before the military adjudicator and imprisoned. 536 cases are pending court martial, the Brigadier said.” [11d]

9.06 On 11 January 2009, the pro-LTTE website TamilNet reported that:

“About two thousand deserted soldiers of the Sri Lanka Army (SLA) are currently serving jail sentence from three months to one year rigorous imprisonment in several prisons in the south of Sri Lanka, sentenced by Military Tribunal after trial. A further four thousand deserted soldiers are in custody, and soon they would be facing inquiry before military tribunal, media reports said quoting Commissioner General of Prisons Major General Vajira Gunawardene. Gunawardena added that prison authorities are now facing a major problem to find accommodation in prisons for the convicted deserters and future convicts.” [38b]

See also [Section 8: Armed Forces](#). For information about forced conscription by the LTTE see [Section 10: Abuses by Non-Government Armed Forces; Forced conscription](#)

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10. ABUSES BY NON-GOVERNMENT ARMED FORCES

- 10.01 The Human Rights Watch (HRW) report 'Trapped and mistreated - LTTE abuses against civilians in the Vanni,' published on 15 December 2008, noted:

"The LTTE, which has been fighting for an independent Tamil state—Tamil Eelam—has a deplorable human rights record. During the past 25 years it has committed innumerable murders of Sinhalese, Muslim, and Tamil civilians, political assassinations in Sri Lanka and abroad, and suicide bombings with high loss of life. The LTTE has frequently targeted civilians with bombs and remote-controlled landmines, killed perceived political opponents including many Tamil politicians, journalists, and members of rival organizations, and has forcibly recruited Tamils into its forces, many of them children. In the areas under its control, the LTTE has ruled through fear, denying basic freedoms of expression, association, assembly, and movement. During the current fighting, abuses have again mounted. In research conducted by Human Rights Watch in Sri Lanka from October through December 2008—including 5 interviews with eyewitnesses and humanitarian aid workers working in the north—we found extensive evidence of ongoing LTTE forced recruitment of civilians, widespread use of abusive forced labor, and improper and unjustified restrictions on civilians' freedom of movement." [21e] (p3)

- 10.02 The UNHCR 'Eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka, April 2009' (UNHCR Guidelines 2009) observed that:

"Longstanding tensions between Muslim and Tamil communities in the East continue to be at the root of incidents of communal violence in the region. Since the appointment of the [Tamil Makkal Viduthalai Puligal] TMVP leader as Chief Minister of the Eastern Provincial Council in May 2008 there have been violent clashes between the Muslim and Tamil communities. Several killings of TMVP members were followed by abductions and killings of Muslim civilians in Batticaloa.

"Incidents of targeted violence are also believed to be related to the power struggle between the LTTE and pro-Government TMVP in the East, and the split within the TMVP into different armed factions. Clashes between the TMVP and the chief political rival in the East, the [Eelam People's Democratic Party] EPDP, have involved shootings, killings and abductions on both sides.

"While the immediate impact of the LTTE on the lives of civilians in the East has been greatly reduced, the TMVP, which now effectively controls Batticaloa and other parts of the East, is reported to engage in terror and crime. Incidents of TMVP involvement in abductions, child recruitment, robberies and repression of dissent are widely documented. It is also reported that TMVP forces are responsible for extrajudicial killings, deaths in custody and abductions, which have apparently been carried out with the knowledge and tacit agreement of Government actors and local authorities.⁵³ Abductions and forced recruitment by the TMVP group are also reported to have occurred in IDP camps in Batticaloa and Trincomalee districts. A series of abductions of young women in Batticaloa district were believed to be the work of local TMVP cadres." [6h] (p10)

- 10.03 The ICG (International Crisis Group) document 'Development assistance and conflict In Sri Lanka: Lessons from the Eastern Province, Asia Report N°165', 16 April 2009 recorded:

"There has been a marked deterioration in the security situation since mid-2008, particularly in Batticaloa district. Political killings, enforced disappearances, attacks on police and army outposts, robberies, extortion and other criminal violence have become daily occurrences. In a single 24-hour period in November 2008 eighteen people were murdered in Batticaloa district by different groups. Fear among civilians, business people and those involved in development work is extremely high. While it is difficult to determine responsibility for individual attacks, a general picture of the sources of violence can be drawn. Much of the violence is a product of increasingly bitter conflict between members of the Tamil Makkal Viduthalai Puligal (TMVP), now led by Eastern Province Chief Minister S. Chandrakanthan, better known as Pillayan, and supporters of TMVP founder and now government minister V. Muralitharan, alias Karuna." [76a] (p3)

- 10.04 The ICG report of 16 April 2009 continued:

"The 18 October 2008 murder of Pillayan's most important adviser, Kumaraswamy Nandagopan, was a major blow; while the government blamed the attack on the LTTE, Pillayan himself hinted at other sources. Karuna's decision in March 2009 to leave the TMVP and join President Mahinda Rajapaksa's Sri Lanka Freedom Party (SLFP) has transformed but not ended the conflict. TMVP cadres from both the Pillayan and Karuna factions are also widely accused of criminal activities, including extortion, abductions and killings. The second half of 2008 and early 2009 have also seen a growing number of LTTE attacks in the east, both against the TMVP, including some apparently successful attempts to infiltrate TMVP offices, and against the police, army and civil defence personnel. Finally, there is credible evidence to suggest that many of those killed are targeted by the TMVP and government security forces as LTTE members or supporters, either as part of the government's general counter-insurgency strategy or in response to specific LTTE attacks on, or infiltration of, the TMVP." [76a] (p4)

- 10.05 The same report also noted that reports of extortion and theft are widespread in the Eastern province, particularly in Batticaloa, the traditional stronghold of Karuna and the TMVP. According to one human rights lawyer, 'All but the smallest businesses are forced to give a percentage to the TMVP, both factions'." [76a] (p15)

- 10.06 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

"The government used paramilitary groups to assist its military forces in fighting the LTTE. The Tamil Makkal Viduthalai Pulikal (TMVP), led by breakaway-LTTE eastern commanders Vinayagamurthi Muralitharan, alias 'Karuna,' and Sivanesathurai Chandrakanthan, alias 'Pillaiyan,' operated mostly in the east. Pillaiyan was sworn in as chief minister of the Eastern Provincial Council in May following elections; Karuna was appointed a member of parliament on October 7 [2008]. The Eelam People's Democratic Party (EPDP), led by the Minister of Social Services and Social Welfare

Douglas Devananda, operated in Jaffna. During the year [2008], there were numerous killings and assaults of civilians by unknown actors suspected of association with the TMVP or the EPDP. Other progovernment paramilitaries were increasingly active in Mannar and Vavuniya.”[2b] (Section 1a)

- 10.07 This was also reported in the U.S. State Department Country Reports on Terrorism 2008, released on 30 April 2009. [2e] (Chapter 2, Country Reports: South and Central Asia Overview, Sri Lanka)

- 10.08 The Amnesty International Report 2009, Sri Lanka (covering events from January – December 2008), released on 28 May 2009 (AI 2009 report), noted that “The government increasingly used allied armed groups to carry out its counter-insurgency strategy.” It also reported:

“The Tamil Makkal Vidulthalai Pulikal (TMVP), operating in the eastern provinces, continued to carry out unlawful killings, hostage-taking for ransoms, recruitment of child soldiers and enforced disappearances. The Eelam People’s Democratic Party (EPDP), operating in Jaffna Peninsula and the People’s Liberation Organization of Tamil Eelam operating in Vavuniya District, were reportedly responsible for unlawful killings and enforced disappearances.” [3c]

See also [Annex B: Timelines](#); [Annex C: Political organisations](#) and [Annex D: Prominent people](#)

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ARBITRARY ARREST AND DETENTION

- 10.09 The USSD report 2008 stated that the LTTE engaged in arbitrary arrest and detention, (Section 1e) and added that “During the year [2008], the LTTE continued to detain civilians, often requiring individuals, including children, to fight government security forces against their will...The LTTE required individuals to purchase the right to leave LTTE-controlled territory. The LTTE also allegedly used civilians as human shields.” [2b] (Section 1g)

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DISAPPEARANCES/ABDUCTIONS

- 10.10 The USSD report 2008 mentioned the involvement of the TMVP, the EPDP, and other paramilitary organisations in abductions and extortions with the protection of the government. [2b] (Section 1g)
- 10.11 The AI 2009 report recorded that the EPDP were: “reportedly responsible for...enforced disappearances” and that the TMVP continued to carry out “hostage-taking for ransoms...and enforced disappearances.” [3c]
- 10.12 The HRW document ‘Sri Lanka: human rights situation deteriorating in the East,’ issued on 24 November 2008, reported that the organisation “has learned from credible sources of at least 30 abductions in Akkairappatu and Adalachenai divisions in Ampara district in September and October [2008]. Witnesses said the abductions were carried out by armed men in civilian

clothes who spoke Tamil, suggesting they belonged to the TMVP or other paramilitary groups.” [21j]

- 10.13 The HRW report ‘Recurring nightmare - state responsibility for “disappearances” and abductions in Sri Lanka’, released in March 2008 observed:

“The LTTE has been implicated in abductions in conflict areas under the government’s control, though the numbers reported to human rights groups and the Human Rights Commission are comparatively low...In part, the LTTE abduction numbers are low because it is not the LTTE’s primary tactic; the LTTE prefers to openly execute opponents, perhaps to ensure a deterrent effect on the population. LTTE abductions may also be underreported because the family members of the victims and eyewitnesses are often reluctant to report the abuses, fearing LTTE retribution.” [21d] (p6)

- 10.14 The same HRW report stated that “Also implicated in abductions and ‘disappearances’ are pro-government Tamil armed groups acting either independently or in conjunction with the security forces.” [21d] (p6) HRW reported that, in particular, the Karuna group and the Eelam People’s Democratic Party (EPDP) have been implicated by relatives of the ‘disappeared’ and eyewitnesses and noted that “Both groups cooperate closely with Sri Lankan security forces. The military and police frequently use native Tamil speakers, often alleged to be Karuna group or EPDP members, to identify and at times apprehend suspected LTTE supporters.” [21d] (p6)

- 10.15 The HRW report added:

“Particularly in Colombo, and in the eastern districts of Batticaloa, Trincomalee, and Ampara, the lines between politically motivated ‘disappearances’ and abductions for ransom have blurred since late 2006, with different groups taking advantage of the climate of impunity to engage in abductions as a way of extorting funds. While criminal gangs are likely behind some of the abductions, there is considerable evidence that the Karuna group and EPDP have taken up the practice to fund their forces, while the police look the other way.” [21d] (p7-8)

See also [Section 8 on Disappearances/Abductions](#)

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TORTURE

- 10.16 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.” [40a] (p5)

- 10.17 The USSD report 2008, in its introductory section, noted that the LTTE engaged in torture. [2b]

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EXTRA-JUDICIAL KILLINGS

- 10.18 The USSD report 2008 recorded that “During the year, media reports implicated the LTTE in attacks on political opponents and civilians...The LTTE also conducted a number of attacks on military and police targets, including the September 9 [2008] attack on the air base in Vavuniya that reportedly killed up to 20 members of the armed forces.” [2b] (Section 1a) and further noted that:

“In Jaffna the progovernment paramilitary EPDP used a network of informants and worked with military intelligence and other government security forces to identify, abduct, and kill alleged LTTE sympathizers or operatives. The TMVP used a similar network of informants in the east to discover and eliminate possible LTTE operatives or sympathizers.

“The TMVP, the EPDP, and other paramilitary organization ran extortion rings. These groups allegedly killed civilians, in many cases following abductions. According to credible reports, the government provided protection, intelligence, and military training to TMVP and EPDP cadres who committed extrajudicial killings, abductions, extortion, and torture.” [2b] (Section 1g)

- 10.19 The USSD Country Reports on Terrorism 2008, recorded that:

“In 2008, there were at least 70 attacks attributed to the LTTE, including:

- The October assassination by suicide bombing of the leader of the opposition in the North Central Provincial Council retired Major General Janaka Perera, UNP organizer Dr. Raja Johnpulle, and 26 others in Anuradhapura.
- In April, a suicide bomber killed 14 people in Gampaha district including the Minister of Highways Jeyaraj Fernandopulle.
- Other major LTTE attacks included the August air strikes on the naval base in Trincomalee, a combined air-ground assault on a military base in Vavuniya in September, and the October bombings of the Thallady Army camp in Mannar and the Kelanitissa power plant in Colombo.
- The LTTE also targeted public transportation systems. In April, a parcel bomb killed 26 civilians at a bus stand in Colombo.

“In 2008, there were numerous killings of civilians by unknown actors suspected of association with the TMVP or the EPDP.” [2e] (Chapter 2, Country Reports: South and Central Asia Overview, Sri Lanka)

- 10.20 The AI 2009 highlighted the involvement of both the EPDP and the TMVP in unlawful killings. [3c] The UNHCR Guidelines 2009 also stated that the TMVP were believed to be responsible for extra-judicial killings [6h] (p10) and the IGC report of 16 April 2009 observed that “TMVP cadres from both the Pillayan and Karuna factions” were also widely accused of killings. [76a] p4)

See also [Annex B](#)

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FORCED CONSCRIPTION BY THE LTTE

- 10.21 The Coalition to Stop the Use of Child Soldiers 'Child Soldiers Global Report 2008, Sri Lanka, released on 20 May 2008, reported that:

"There were...concerns that new village-based military training, in which all civilians aged between 15 and 50 were compelled to participate, was being conducted in LTTE-controlled areas. In addition, there were reports of a new type of six-month residential military training being run by the LTTE, after which people were allowed to continue their civilian lives, but had to remain available for military duties." [61a] (**Liberation Tigers of Tamil Eelam LTTE**)

- 10.22 On 24 August 2008, *The Sunday Times* (Sri Lanka) reported:

"As the armed forces closed in on LTTE strongholds in the north, the rebels are reported to have called in their 'reserve' forces, including retired guerrillas and civilians who had been doing odd jobs for them, a government officials [sic] claimed. He said the civilians being enlisted to the LTTE's war effort included farmers and labourers in Tiger-controlled areas. More than 5,000 former Tiger guerrillas and civilians have been enlisted following an urgent appeal by the group's political wing, the official said...Those who enrolled have been advised to report on a regular basis to the LTTE for training and were told that their main task would be to prevent the military from entering the LTTE' stronghold in Kilinochchi. One of the tasks entrusted to them has been to monitor the movement of security forces and alert the LTTE...Defence sources say the LTTE has begun coercing civilians and moving them to the Welioya area while civilians are being told to construct bunkers and other defences in the area. They are also being prevented from moving into cleared areas, as the outfit is running out of manpower, they say." [11i]

- 10.23 The HRW document 'Trapped and Mistreated - LTTE Abuses Against Civilians in the Vanni' of December 2008 reported that:

"The LTTE continues to systematically compel young men and women, including children, to join their forces, and have dramatically increased their forced recruitment practices. The LTTE has recently gone beyond its long-standing "one person per family" forced recruitment policy in LTTE-controlled territory and now sometimes requires two or more family members to join the ranks, depending on the size of the family...The LTTE continues to force civilians to engage in dangerous forced labor, including the digging of trenches for its fighters and the construction of military bunkers on the frontlines. It also uses forced labor as punishment, often forcing family members of civilians who flee to perform dangerous labor near the frontlines." [21e] (p3-4)

- 10.24 The HRW report of December 2008 also observed that:

"By shutting down its pass system for travel, the LTTE has banned nearly all civilians from leaving areas under LTTE control (with the exception of urgent medical cases), effectively trapping several hundred thousand civilians in an

increasingly hazardous conflict zone, with extremely limited humanitarian relief. The trapped civilians provide a ready pool of civilians for future forced labor and recruitment of fighters. In doing so, the LTTE is unlawfully seeking to use the presence of the large civilian population in areas under its control for military advantage.” [21e] (p4)

- 10.25 The HRW report ‘War on the displaced - Sri Lankan Army and LTTE Abuses against civilians in the Vanni’, of February 2009, observed that “Since September 2008, the LTTE has increasingly forced people with no prior military experience to fight or perform supportive functions on the front lines, a practice which has led to many casualties.” [21k] (p9)
- 10.26 The USSD 2008 report recorded that “As the conflict worsened, credible sources alleged that the LTTE’s ‘one family, one fighter’ policy included forced recruitment of all age groups, including older teenagers.” [2b] (Section 1g)

See also [Section 24 on Child soldiers](#)

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11. JUDICIARY

- 11.01 The Jane's Sentinel Risk Assessment country report for Sri Lanka (accessed on 31 December 2008) observed:

"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." [5a] (Internal Affairs, 4 December 2007)

ORGANISATION

- 11.02 Europa World Online, accessed on 1 June 2009, recorded:

"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 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that "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." [2b] (Section 1e)

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INDEPENDENCE

- 11.04 The USSD report 2008 stated that:

"The law provides for an independent judiciary, but in practice the judiciary at lower levels remained reliant on the executive...During the year [2008], the Supreme Court demonstrated significant independence from the government in several decisions with regard to detentions and various actions of the

executive that it found to be arbitrary. However, for several years the government has failed to appoint the Constitutional Council, whose function was to ensure the independence of constitutional bodies such as the judicial service commission. As a result a series of important checks on executive power was absent.” [2b] (Section 1e)

- 11.05 The Freedom House ‘Freedom in the World 2008, Country report, Sri Lanka’, released on 2 July 2008, noted that “Successive governments have respected the constitutional provision for an independent judiciary, and judges can generally make decisions without overt intimidation from the political branches.” The report also mentioned “growing concern about the politicization of the judiciary” in recent years. [46c] (Political Rights and Civil Liberties)

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FAIR TRIAL

- 11.06 The USSD report 2008 noted that:

“In criminal cases juries try defendants in public. Defendants were informed of the charges and evidence against them, and they had 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 not in cases before lower courts. Allegations were made that the Legal Aid Commission, which provides such assistance, extorted money from beneficiaries. Private legal aid organizations assisted some defendants. Juries were not used, however, in cases brought under the Prevention of Terrorism Act (PTA). Defendants in PTA cases had the right to appeal.

“Defendants were presumed innocent. Confessions obtained by coercive means, including torture, were inadmissible in criminal courts. Defendants bear the burden of proof, however, to show that their confessions were obtained by coercion. 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.” [2b] (Section 1e)

- 11.07 The USSD report 2008 continued:

“The law required court proceedings and other legislation to be available in English, Sinhala, and Tamil. In practice most court proceedings outside of Jaffna and the northern parts of the country were conducted in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive a fair hearing. Trials and hearings in the north were in Tamil and English. While Tamil-speaking judges were present 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.” [2b] (Section 1e)

- 11.08 The Freedom House ‘Freedom in the World 2008, Country report, Sri Lanka’, released on 2 July 2008, noted that “Corruption is fairly common in the lower courts, and those willing to pay bribes have better access to the legal system.” [46c] (Political Rights and Civil Liberties)

For more detail on corruption generally see [Section 18: Corruption](#)

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12. ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

“Under the law [however this is not the case under the Emergency Regulations, see below], authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice it often took a few days until the detained persons appeared before a magistrate. A magistrate may authorize bail or 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 had the right to legal representation. Counsel was provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases.” [2b] (Section 1d)

See also [Section 4: Recent Developments](#); and [Section 8: Security Forces](#)

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EMERGENCY REGULATIONS (ERs)

- 12.02 The pro-LTTE website TamilNet reported on 9 September 2008 that the: “The State of Emergency was declared on 12 August 2005. Since then it is being extended every month with the approval of the Sri Lankan parliament.” [38ac]
- 12.03 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 [41n]
- 12.04 The USSD report 2008 noted that:
- “Under the emergency regulations, the armed forces had the legal authority to arrest persons, but they were required to turn suspects over to the police within 24 hours. Police could detain a person for a period of not more than one year under detention orders issued by a deputy inspector general of police or by the secretary of defense. After the abrogation of the CFA [Ceasefire Agreement], the defense secretary extended some detentions beyond one year under the Prevention of Terrorism Act. Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers and did not turn them over to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow legal safeguards.” [2b] (Section 1d)
- 12.05 The HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008, highlighted “...the lack of public information on detention facilities, which facilitates secret detention and prevents monitoring. The 2005 Emergency Regulations do not require officials to publish a list of authorized places of

detention, in violation of international standards. The absence of this legal requirement in effect negates the ability of the Human Rights Commission to monitor the detention facilities.” [21d] (p35-36)

12.06 The same report continued:

“The problem of secret detention is exacerbated by the fact that under the emergency laws, arrest and detention can be carried out by police, the armed forces (army, navy, or air force), or jointly. Given that security forces have conducted operations with non-state armed groups...it is often impossible to establish which unit was responsible for the arrest and to which detention facility the individual apprehended was taken.” [21d] (p36)

12.07 The HRW World Report 2009, Sri Lanka, Events of 2008, issued on 15 January 2009, recorded that “A new emergency regulation introduced in August 2008 gives the secretary of defense power to detain persons for 18 months without producing them before the courts.” [21b] (p3)

12.08 A letter from the British High Commission (BHC) in Colombo dated 24 January 2009 reported:

“In June 2008, the Supreme Court observed that under the Emergency Regulations any person detained in a place for a period not exceeding 90 days from the date of his arrest shall, at the end of that period, be released from that place (source: Daily Mirror (Sri Lanka) June 2008).

“On December 15, 2008 the Supreme Court stayed the operation of the amendment to the Emergency Regulations which sought to allow the authorities to detain a person for one and half years in police custody. The Court also directed that those detainees brought back to police stations from the fiscal custody (Court remand) were entitled to apply for bail and if bail was not granted, to apply for transfer back to fiscal custody with notice to the Attorney General.” [15a]

12.09 The BHC letter of 24 January 2009 further noted:

“It would appear that release after 90 days without charge remains at the discretion of the Courts. There are known cases of persons detained under the Emergency Powers, whose detention has well exceeded 90 days without charge. In a specific case that had come to the attention of the British High Commission Consular Section, the detainees’ detention had been reviewed by the Court every 2 weeks. The Court had deemed that because of the specific circumstances of the case, his detention remained appropriate. The Consular Section sought clarification as the Emergency Powers only legislated for a maximum period of detention of 12 months, after which the suspect must either be charged or released. They were subsequently advised that the detainee was now being held under the Prevention of Terrorism Act, which provided the power to detain persons for an indefinite period.” [15a]

See also [Section 8 on Cordon and search operations](#)

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BAIL/REPORTING CONDITIONS

- 12.10 A letter from the BHC Colombo dated 1 October 2008 observed:

“In Sri Lanka it is common practice to be released on bail without being charged. There are however certain offences considered unbailable, and the Bail Act (No 30 of 1997) stipulates a person suspected or accused of being concerned in committing or having committed, an offence punishable with death or with life imprisonment, shall not be released on bail except by a Judge of the High Court. Reporting conditions are usually issued when bail is granted. Anyone flouting reporting conditions is liable to be served with a warrant for arrest.” [15c]

- 12.11 A further BHC letter dated 24 January 2009 reported:

“On December 30, 2008, Tamilnet reported that persons who had been arrested during a cordon and search exercise three months earlier, had been released on bail. Their attorney-at-law had submitted a petition to the Court arguing that persons held by Detention Orders, could not be held in detention for more than 90 days and that they must be released on bail. The Jaffna Magistrate allowed bail on the personal sureties of two government servants and 30,000 Rupees cash (£188) for each of the detainees, as the police had not filed any charges against them within their 90 days detention. The police claimed that they had been awaiting instructions from the Attorney General in Colombo.” [15a]

See also [Section 32 on Exit – entry procedures](#)

ARREST WARRANTS

- 12.12 The above mentioned BHC letter of 1 October 2008 reported that:

“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.” [15c]

See also [Section 8: Security forces](#); and [Section 28: Freedom of movement](#)

CRIMINAL RECORDS

- 12.13 A letter from the British High Commission (BHC) in Colombo dated 9 April 2009 described a visit to the Sri Lankan Police, Criminal Records Division (CRD) and the meeting held with the director of the CRD, carried out on 7 April 2009:

“I was told that CRD is the sole storage facility for criminal records for the whole of Sri Lanka. It holds paper records of over 500,000 persons and includes photographs and fingerprints of both convicted criminals and

suspects. There are over 400 personnel employed at CRD which sends officers/fingerprint experts on 2-week attachments to different parts of the country to obtain fingerprint evidence from scenes of crimes and collect fingerprint records taken by local police from suspects.

“SSP [Senior Superintendent of Police] Wijegunawardena [the CRD director] explained that there were no central computerised record system and there was no automated facility to check or store fingerprint records. I accompanied him on a tour of the fingerprint department and witnessed eight ‘checkers’, sitting at wooden benches and comparing fingerprints taken from scenes of crime with paper records with the use of magnifiers. There was no computer equipment evident within the section and paper records were stored in shelving around the room.” [15f]

See also [Section 31: Citizenship and Nationality](#) and [Section 32: Entry-Exit Procedures, subsection Treatment of failed asylum seekers](#)

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13. PRISON CONDITIONS

- 13.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

“Prison conditions did not meet international standards due to acute overcrowding and lack of sanitary facilities. Prisons designed for 8,200 inmates held as many as 28,000 prisoners, according to the 2007 assessment by UNSR Nowak. In some cases juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted. Nowak observed prisoners sleeping on the concrete floor and often without natural light and sufficient ventilation. Female prisoners were held separately from male prisoners and in generally better conditions. However, some rights groups alleged that isolated incidents of degrading treatment, including overcrowding, maltreatment, or abuse of female prisoners occurred. According to Nowak’s assessment, ‘the combination of severe overcrowding and 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.’ Nowak noted the absence of an independent institution responsible for monitoring conditions in detention facilities, holding private interviews, and conducting medical evaluations of detainees.” [2b] (Section 1c)

- 13.02 The same source continued:

“The government permitted visits by independent human rights observers and the International Committee of the Red Cross (ICRC). The ICRC reported receiving unrestricted access to government and LTTE controlled prison facilities and detention centers. In 2007 the government granted Nowak unrestricted access only to government prisons and police detention facilities. However, the government did not provide access to any detention facilities operated by military intelligence, stating that none existed. There were credible reports of secret government facilities where suspected LTTE sympathizers were taken, tortured, and often killed. The ICRC also was not allowed to visit suspected illegal detention facilities operated by paramilitaries.” [2b] (Section 1c)

- 13.03 The ICRC Annual Report 2008, released on 27 May 2009 recorded that:

“Detention visits continued, with a focus on security detainees held under the Emergency Regulations and on former LTTE fighters held in custody after surrendering to government forces. Visits also took place to people detained by the LTTE.

“Tightened security measures relating to the armed conflict resulted in an increase in the number of people arrested under the Emergency Regulations, which allowed for extended custody in places of temporary detention without a court appearance. People arrested in connection with the armed conflict, including those, held in police stations, security detainees in Boosa detention camp and former LTTE fighters who had surrendered to the security forces, received ICRC visits, carried out in accordance with its standard working procedures.” The ICRC recorded that 24,433 detainees were visited, of whom

3,340 monitored individually and 2,480 were newly registered, during 992 visits to 165 places of detention. [34d] (p211-212)

- 13.04 The ICRC 2008 report further recorded that “In spite of the intensification of the armed conflict, the ICRC had access to detainees in LTTE custody, most of whom were being held on criminal charges. No progress was made regarding access to security detainees held by the LTTE, with the exception of members of government forces, who received regular ICRC visits.” 80 detainees were visited, of whom 12 were monitored individually and two were newly registered during 23 visits to 12 places of detention. [34d] (p213)
- 13.05 The Prison Brief for Sri Lanka produced by the International Centre for Prison Studies, last modified on 1 September 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]
- 13.06 The Department of Census and Statistics Sri Lanka in its Statistical Abstract 2008 – Chapter XIII - Social Conditions, Convicted/Unconvicted persons by ethnic group and sex , 2000 - 2007 website accessed on 1 June 2009, noted that in 2007 the number of unconvicted prisoners totalled 99,513 (66,230 Sinhalese; 20,353 Tamils). In the same year the total figure for convicted prisoners was 31,306 (20,502 Sinhalese; 4,886 Tamils). [58e] (Tables 13.09-13.10)
- 13.07 On 12 May 2008, the pro-LTTE website TamilNet reported:

“68 Tamil detainees... were verbally abused, tortured and subjected to sexual abuse at the notorious Boosa Prison in Galle, according to complaints made by the parents to Tamil parliamentarian Chandrakanth Chandraneeru...The TID interrogators stripped the detainees...naked abusing them verbally and subjected many of the victims for torture, sexual harassment and subjected them to sexual abuse, according to reliable allegations, the Tamil National Alliance parliamentarian had told media in Colombo. He questioned the need for the intervention by the Terrorist Investigation Department while the cases of the detainees were being heard at the Courts. Vajira Wijegunawardene [Sri Lanka's Commissioner General of Prisons] who dismissed the allegation has said that the detainees were transferred to Boosa and Mahara prisons for ‘security reasons’.” [38o]
- 13.08 On 14 May 2008, BBC Sinhala reported that the Supreme Court ordered the State to pay Rs.150,000 to a former prisoner who had been severely beaten while in custody. The Court ruled that the prison authorities’ failure to protect the individual was in violation of his fundamental rights. Certificates by doctors at the Colombo national hospital and the Judicial Medical Officer were accepted as sufficient evidence. [9x]
- 13.09 The pro-LTTE website TamilNet reported on 15 October 2008 that “Around 20 Sri Lanka Army (SLA) personnel Wednesday [15 October] entered the

Magazine Prison in Colombo, verbally abused and stripped the detainees sexually harassing them, the prisoners complained to Tamil National Alliance Batticaloa district parliamentarian P. Ariyaneththiran.” [38i]

13.10 The same source reported on 20 January 2009 that:

“Seven Tamil and Muslim suspects detained in Anuradhapura prison filed complaints at the Mannar Court Monday that five Sinhala thugs brought from outside and about ten other prison guards stripped the seven men naked and beat them with batons inside Anuradhapura prison Saturday and Sunday, legal sources in Mannar said. The incident occurred following the escape from Anuradhapura prison of three Tamil detainees, the victims said in their complaint. Mannar District Court Judge, A. Judson, instructed Inspector General of Police (IGP), the Commissioner of Prisons, and the Anuradhapura Superintendent of Police to produce the prison guards responsible for the cruel and inhumane treatment of the prisoners at the next Court hearing to be held on the 2nd February, legal sources said. The Judge also directed Anuradhapura Superintendent of Prisons to take the victims to medical examinations by the Judicial Medical Officer (JMO) and to produce the reports on the 2nd February.” [38c]

See also [Section 8 on Cordon and search operations and Torture](#)

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14. DEATH PENALTY

- 14.01 The Amnesty International Annual Report 2009, Sri Lanka released on 28 May 2009 considered Sri Lanka “abolitionist in practice”. [3c] Hands off Cain in its ‘Country status on death penalty’, updated on 31 July 2008 also considered Sri Lanka a “de facto abolitionist” country and reported 1976 as the year of the last known execution. [25a] The Hands Off Cain 2008 report included Sri Lanka amongst the countries where “Death sentences were handed down but not carried out” [25b]

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15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 15.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

“The law provides citizens with the right to change their government peacefully...The EU Election Observation Mission described the 2005 presidential election as generally satisfactory. The LTTE enforced a boycott of the polls and conducted seven grenade attacks in the north and east. As a result, less than 1 percent of voters in the north were able to exercise their right to vote. At year's [2008] end there was no resolution of the parliamentary investigation opened in 2007 into persistent media allegations of a preelection agreement between the Rajapaksa campaign and the LTTE to suppress Tamil votes.

“On May 10 [2008], the government held elections for a newly created Eastern Provincial Council (EPC). On June 4, TMVP leader Pillaiyan took office as chief minister of the EPC. Opposition parties and observer groups criticized the vote for alleged irregularities, accusing the TMVP of violence and intimidation.

“On August 23 [2008], the government won majorities in provincial council elections in the North Central and Sabaragamuwa provinces. Observers indicated that the votes in both provinces were generally free and fair, despite serious election-related violence in the weeks leading up to the vote.” [2b] (Section 3)

- 15.02 As noted in the ICG (International Crisis Group) document ‘Sri Lanka’s return to war: limiting the damage’, Asia Report N°146, 20 February 2008:

“Political power is concentrated in the hands of the president, his three brothers, a few close supporters and the military leadership. An uncompromising attitude has taken hold of many senior officials and officers. In the name of patriotism, and out of a mix of Sinhala nationalism and determination to retain power, dissent is increasingly equated with treason. Publicly questioning government policies has become dangerous. Under the 1978 constitution, the president has extraordinary powers and is difficult to remove from office. Rajapaksa has taken the defence, finance and nation-building portfolios. His brother, Gotabhaya, is defence secretary and runs that ministry’s day-to-day operations; brother Basil, a parliamentarian and presidential adviser, manages the nation-building ministry; brother Chamal is minister for irrigation and water management and ports and aviation. Two thirds of the national budget comes under ministries controlled by the four brothers.” [76d] (p15)

- 15.03 The ICG report of February 2008 further noted:

“The opposition is also targeted. In late 2007, the TMVP kidnapped relatives to prevent TNA parliamentarians from voting against the government budget. They abstained and the budget passed. ‘The pressure and threats ... were well beyond what can be tolerated in a democratic setup’, a Western diplomat

said. 'The government is making liberal use of death threats to keep people in line'. A Tamil parliamentarian who led the campaign against disappearances and abductions went into self-imposed exile after his police security detail was cut." [76d] (p16)

- 15.04 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, April 2009 Sri Lanka described the country as a "flawed democracy" in its 2008 democracy index, ranking 57th out of 167 countries. Democracy was firmly established but there were serious problems. [75k] (p)

See also [Section 5 on the Political system](#)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

- 15.05 As noted in the USSD report 2008:

"The law provides for freedom of assembly, and the government generally respected this right in practice; however, some restrictions existed. For example, the 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, but the government generally granted permits for demonstrations, including those by opposition parties and minority groups." [2b] (Section 2b)

- 15.06 The same report noted:

"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 government often used informants to target individuals for arrests and interrogation based on their association. The LTTE did not allow freedom of association in the areas it controlled. Both the LTTE and TMVP reportedly forced persons to attend political rallies." [2b] (Section 2b)

- 15.07 The Freedom House 'Freedom in the World 2008, Country report, Sri Lanka', released on 2 July 2008, noted that "Freedom of assembly is typically upheld. Although the 2005 emergency regulations give the president the power to restrict rallies and gatherings, permission for demonstrations is usually granted. Police occasionally use excessive force to disperse protesters. The LTTE does not allow freedom of association in its areas and reportedly forces civilians to attend pro-LTTE rallies." [46c] (Political Rights and Civil Liberties)

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 15.08 A letter from the British High Commission in Colombo dated 16 May 2008 noted:

"Regarding the detention of individuals for political reasons, the only arrest of a senior figure we are aware of was the late Sripathy Sooriyarachchi. He was arrested and detained on 17th March 2007, following his removal from the

Cabinet by President Rajapakse earlier that month. He had attended a CID office in order to make a statement, but was taken into custody on suspicion of misusing government property, namely a vehicle. He was not charged, but was remanded in custody by Kaduwela Magistrates. Avissawela High Court released him from custody on 30th April 2007.” [15r]

15.09 The letter from the BHC Colombo further reported that:

“There is no evidence to suggest that non-state actors, such as the LTTE, have targeted political groups during 2007. All Tamils and LTTE supporters are vulnerable to be targeted by the police and military. High profile politicians remain top targets, and any assassination attempts are normally immediately attributed to the LTTE, although perpetrators are rarely caught and in the aftermath, rumours abound and the press point accusations at other groups. In the case of D.M.Dassanayake [killed by a bomb blast on 8 January 2008], later press reports stated that the Sinhala Tigers have been linked to his murder. Tamil MP Thiyagarajah Maheshwaran was probably shot dead by pro-government paramilitaries, and another high profile Tamil MP, Mano Ganeshan, was forced to leave the country following threats. In both cases their government security had been reduced a few days prior to attacks/threats.” [15r]

15.10 The BHC letter continued:

“According to the police, they do respond to complaints from individuals of mistreatment on account of their political opinion or activity, although no statistics are readily available. Similarly, we were unable to obtain statistics for those arrested/prosecuted for mistreating members of political groups. Regarding accusations of discrimination by the police against members of particular political groups, it does not appear openly, but generally SLFP and allied groups receive extensive physical protection. Other MPs may receive protection, but this is subject to the whim of the government. Security is often withdrawn from MPs who are perceived to be disloyal or too vocal, particularly from the minority communities. There is nothing to suggest that members of political groups cannot live in Colombo/Gampaha region. All political parties are registered in Colombo.” [15r]

15.11 On 20 January 2009, the *Daily Mirror* (Sri Lanka) reported that:

“The Attorney General has recalled the indictment against Tiran Alles... Petitioner Alles had been charged in the Magistrate Court of Colombo under the Suppression of Terrorist Finance Act and the case was going on for more than 1 ½ years [sic]. Due to the alleged delay in the progress made, the Petitioner filed this FR Application in the Supreme Court... Tiran Alles, who is the Chairman of CBE Group of Companies and former Chairman of Airport and Aviation Services, had filed this application against his alleged arbitrary arrest and detention and the purportedly politically motivated investigation against him.” [11n]

See also [Annex C: Political organisations](#)

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16. FREEDOM OF SPEECH AND MEDIA

- 16.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) stated that:

“The law provides for freedom of speech and of the press. 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 newspapers, journals, and radio and television stations. The government imposed no political restrictions on the establishment of new media enterprises. Several foreign media outlets operated in the country. Media freedom deteriorated in the Colombo area, as well as in the conflict-affected north and east. Many journalists practiced self-censorship.

“The government made several attempts to prevent independent media houses from criticizing the government and its policies. Senior government officials repeatedly accused critical journalists of treason and often pressured editors and publishers to run stories that portrayed the government in a positive light.” [2b] (Section 2a)

- 16.02 The Reporters Sans Frontières (RSF) Sri Lanka - Annual report 2009 issued on 1 May 2009 noted that Sri Lanka ranked 165 out of 173 in their latest worldwide index and observed:

“The Colombo government's crushing military victory over the Tamil separatists was coupled with a brutal campaign against the press and dissident voices. Sri Lanka is of all the countries with an elected democratic government the least respectful of media freedom...The army and Sinhalese ultra-nationalists have carried on a campaign of permanent harassment of the privately-owned media and particularly specialists in military affairs. Media, which have been forced into exile or gagged, no longer dare to criticise or investigate military strategy while the press on the island was previously known for the high quality of its investigations.” [27a]

- 16.03 Freedom House considered the press in Sri Lanka as ‘not free’ and ranked the country 155 out of 195 countries. (Freedom of the Press 2009, Table of Global Press Freedom Rankings) [46b]

- 16.04 The USSD report 2008 also noted that “[During 2008] The LTTE tightly restricted the print and broadcast media in areas under its control. Reporters Without Borders named LTTE leader Velupillai Prabhakaran as a ‘predator of press freedom’. The LTTE reportedly intimidated Colombo based Tamil journalists, and self censorship was common for journalists covering LTTE controlled areas.” [2b] (Section 2a)

JOURNALISTS

- 16.05 The USSD 2008 report noted that “Media personnel were subject to threats and harassment during the year. Statements by government and military officials, including Defense Secretary Gothabaya Rajapaksa, Army Commander Sarath Fonseka, and Minister of Labor Mervyn Silva, contributed

to an environment in which journalists who published articles critical of the government felt under threat.” [2b] (Section 2a)

16.06 The Reporters Sans Frontières (RSF) Sri Lanka - Annual report 2009 noted:

“Murders, physical assaults, kidnappings, threats and censorship are the lot of Sri Lanka’s journalists...Violence against the press that was for a long time restricted to the Tamil media, now affects journalists working in Sinhalese and English. Armed men attacked the popular TV station Sirasa of the MTV group, apparently because it was not sufficiently ‘patriotic’. Editor of the highly independent Sunday Leader, Lasantha Wickrematunga, was assassinated in Colombo, in January 2009. Police have proved incapable of arresting the suspects, as in every case of murder and assaults against journalists in the past three years.

“The government has deliberately sown fear among Tamil journalists by imprisoning three of them and accusing them of ‘terrorism’, including two of the most independent, J. S. Tissainayagam of the Sunday Times and N. Vithyatharan of the Uthayan press group. [who was later released. (IFJ, 27 April 2009, [18c]] They are all being held without any evidence against them.

“The foreign press has found it harder than ever to work in the island. The brother of the president, Gotabhaya Rajapaksa, threatened reprisals against the BBC and al Jazeera, after the two media did reports in the country. Photojournalists working for the international press were forced to flee the country after being threatened by army supporters. Several dozen journalists and free expression activists have also been driven into exile.” [27a]

16.07 The Amnesty International Report 2009, Sri Lanka (covering events from January – December 2008), released on 28 May 2009, observed that “Journalists faced physical assaults, abductions, intimidation, harassment and being shot, by both government personnel and members of armed groups. Journalists and media workers in the north and east were particularly at risk.” [3c]

16.08 A press release by RSF issued on 8 January 2009 stated:

“Reporters Without Borders is outraged by the murder of Sunday Leader editor Lasantha Wickrematunga, who was shot dead by two men on a motorcycle as he drove to work this morning in Colombo. ‘Sri Lanka has lost one of its more talented, courageous and iconoclastic journalists,’ Reporters Without Borders said. ‘President Mahinda Rajapaksa, his associates and the government media are directly to blame because they incited hatred against him and allowed an outrageous level of impunity to develop as regards violence against the press.’... President Rajapaksa called Wickrematunga a ‘terrorist journalist’ during an interview with a Reporters Without Borders representative in Colombo, last October.

“The Sunday Leader’s outspoken style and coverage of shady business deals meant that Wickrematunga was often the target of intimidation attempts and libel suits. The most recent lawsuit was brought by the president’s brother, Gotabhaya Rajapaksa, who got a court to ban the newspaper from mentioning him for several weeks.” [27b]

16.09 A press release issued by RSF on 21 January 2009 stated:

“The International Press Freedom Mission today condemned a ‘culture of impunity and indifference’ over killings and attacks on journalists in Sri Lanka. Since the beginning of the New Year, both the killing of a senior editor [Lasantha Wickrematunga, see above] and the attack on the facilities of a popular independent TV channel have led to a total paralysis of the media community. Launching a new report, ‘Media Under Fire: Press Freedom Lockdown in Sri Lanka’, the International Mission criticised the Government over its inaction and failure to take the attacks, murder and assassination of reporters seriously. This has in turn led to an almost total blackout of independent and objective reporting from the North and East of Sri Lanka, which have seen the worst of the country’s long-running civil war.” [27c]

16.10 The press release of RSF further noted:

“According to the findings of the International Mission, reporters and editors conveying messages that are critical of the government’s war against the LTTE are labeled as ‘traitors’ and ‘terrorists’ where they work in an increasingly hostile environment of censorship and fear. The International Mission is shocked at the repeated instances of elected representatives and Government Ministers using violent and inflammatory language against media workers and institutions. Not surprisingly this has led to widespread self-censorship among journalists in order to protect their lives.” [27c]

16.11 On 22 January 2009, HRW published an open letter to the Sri Lankan President Mahinda Rajapakse. Such letter noted:

“Human Rights Watch is writing this open letter to urge your government to drop all charges and unconditionally release journalist J.S. Tissainayagam and publisher V. Jasiharan and his wife V. Valamathy, who have been in detention since March 2008.

“J.S. Tissainayagam, an ethnic Tamil columnist with the Sunday Times newspaper and editor of the Outreach website, was arrested by the police Terrorist Investigation Division (TID) on March 7, 2008. The previous day the TID had arrested V. Jasiharan, the owner of E-Kwality press, and his wife V. Valamathy. Tissainayagam and Jasiharan are co-directors of the company Outreach Multimedia. On August 25, Tissainayagam was charged under the Emergency Regulations and the Prevention of Terrorism Act for editing, printing and publishing the North Eastern Monthly magazine, of which he was previously an editor, and for aiding and abetting terrorist organisations through raising money for the magazine.” [21i]

16.12 The HRW open letter further noted:

“The government sought to admit as evidence a purported confession made by Tissainayagam while in government custody. On December 5 [2008], the High Court ruled Tissainayagam’s confession to be voluntary and therefore admissible as evidence. However, the order detailing the reasons why Tissainayagam’s confession was voluntary was not made available to his lawyers despite a motion from the lawyers being tendered immediately. On December 18, the High Court judge stated that the case record is kept under ‘lock and key’ but ordered that the order be made available to the lawyers

immediately. However, when the trial resumed on January 13 [2009], the order had not been made available to them. The lawyers requested the order again in open court, which was finally made available to them on the afternoon of January 19. The prosecution was provided the order before January 13.

“The glaring violations of due process and the right to a fair trial in the Tissainayagam case create the wide impression in Sri Lanka and abroad, that his prosecution is part of a campaign of repression targeting independent media.” [21i]

- 16.13 The International Federation of Journalists (IFJ) report ‘Under Fire Press Freedom in South Asia 2008-2009’ released on 3 May 2009 which contained – inter alia - extensive details on the cases of Lasantha Wickrematunga and J.S. Tissainayagam [still in detention as of 20 May 2009], observed that “the Government deployed draconian counter-terrorism laws to imprison and prosecute journalists” and added that “...a signal seems to have been sent from the highest political level that verbal abuse of media workers and physical intimidation and attacks are fair tactics.” [18a] (p38-43)

- 16.14 On 1 June 2009 BBC News reported that the journalist Poddala Jayantha was in hospital with head and leg injuries after being abducted and beaten by unidentified attackers near his home in the Colombo suburb of Nugegoda.

“Mr Jayantha campaigns for media freedom and is seen by government supporters as an opponent of the authorities. Critics in Sri Lanka's local media have come under extreme pressure in the past few years. Several independent journalists have been killed... The government is facing mounting criticism from press freedom groups for what they say is a failure to protect journalists from attacks and for the lack of prosecutions against those who do so...” [9b]

- 16.15 Additional information on the situation of journalists and on recent attacks against them is available from the following weblinks: [Free Media Movement \(FMM\)](#), [12] [Committee to Protect Journalists \(CPJ\) Attacks on the Press in 2008: Sri Lanka](#), [57a] and [International Federation of Journalists \(IFJ\) Incidents of Press Freedom Violations by Country, May 2008-April 2009](#) [18b]

INTERNET FREEDOM

- 16.16 The USSD report 2008 reported that:

“In June 2007, the government ordered the country's two largest Internet service providers to restrict access to TamilNet, a pro LTTE news Web site. At the end of the year [2008], access had not been restored. Individuals and groups could generally engage in the expression of views via the Internet, including via e-mail. A number of Web sites, some sponsored by opposition parties, were critical of the government. The government took no measures against several Web sites calling for the killing of ‘traitors to the Sinhala nation.’” [2b] (Section 2a)

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 17.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

“A number of domestic and international human rights groups continued to investigate and publish their findings on human rights cases despite increasing government restrictions. The government continued to allow the ICRC unrestricted access to declared 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 and provided materials, such as hygiene products, clothes, and recreational items, to prison detainees.” [2b] (Section 4)

“NGO employees and other humanitarian assistance workers were killed by unknown assailants. As of September [2008], of the 11 NGO and humanitarian workers killed, four were classified as missing or disappeared and 10 had been arrested or detained.” [2b] (Section 1a)

“The LTTE and the TMVP continued to interfere with the work of international NGOs. The LTTE prevented refugees from leaving areas under its control in the north and sought to influence aid organizations in areas under its control.” [2b] (Section 1g)

- 17.02 The USSD report 2008 further reported that “The government continued to refuse the request by the UN High Commissioner for Human Rights for an expanded mission and an independent presence in the country. The Ministry of Defense, government officials, and diplomatic missions abroad regularly accused human rights NGOs and UN bodies of bias.” [2b] (Section 4)

- 17.03 The HRW World Report 2009, Sri Lanka, Events of 2008, issued on 15 January 2009, noted that:

“Humanitarian space shrunk considerably in 2008, with the government ordering withdrawal of agencies from the Vanni region. Aggressive public statements from senior government officials continued against international agencies, including the UN, with many accused of being LTTE supporters or sympathizers. Humanitarian aid agencies’ operations were significantly affected with restrictions on movement and difficulties obtaining visas and work permits for expatriate staff. No progress was made in the August 2006 execution-style slayings of 17 Action against Hunger (ACF) aid workers despite strong new evidence that state security forces were responsible.” [21b] (p5-6)

- 17.04 On 16 September 2008, IRIN reported that:

“UN agencies have relocated all international staff and offices from areas under the control of the Liberation Tigers of Tamil Eelam (LTTE) in the north to areas under government control, with the last convoy of UN vehicles leaving on 16 September... The Sri Lankan government issued a directive on 5 September that the security of the agencies and staff could not be guaranteed in the Vanni due to the deteriorating security situation... According to CHA

[Consortium of Humanitarian Agencies], 13 organisations, including UN agencies, were working in the Vanni with 534 employees when the directive to pull out was received. The majority of staff members are locals living within the Vanni, who did not relocate.” [55g]

- 17.05 The International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Timeline 2008, undated, (website accessed on 6 January 2009) recorded:

“[On 20 April 2008] Father Karunaratna, chairman of the NorthEast Secretariat on Human Rights (NESoHR), is killed in an extra-judicial claymore attack in Vannivilankulam, Mallavi, within the LTTE controlled territory. NESoHR was set up in July 2004 as part of the Norwegian-facilitated peace process, and had already seen two of its eleven founders killed in 2005. Government and LTTE reject [sic] on each other the responsibility for the assassination while many foreign governments voice their condemnation of the killing.” [51a]

- 17.06 As noted on the website of the International Committee of the Red Cross (ICRC) (accessed on 1 June 2009):

“Present on the island since 1989, the ICRC has conducted its humanitarian activities with the agreement of both parties to the conflict, providing humanitarian assistance to civilians, manning crossing points to enable people to cross between government and LTTE-controlled areas and visiting those detained in relation to the conflict. These activities became more difficult as the conflict worsened in 2008-2009 with 250,000 people caught in a 250 square kilometre area that has come under intense fighting.” In 2009, the ICRC personnel in Sri Lanka comprised 646 staff including 70 expatriates. [34c]

- 17.07 The ICRC Annual Report 2008, released on 27 May 2009 stated:

“In response to the escalation of the armed conflict in Sri Lanka, the ICRC increased its protection and assistance activities to meet humanitarian needs, in spite of difficulties in gaining access to conflict victims owing to the volatile security situation. The procurement and transfer of essential supplies were occasionally blocked, hampering the effective implementation of certain projects. With the unstable security environment, the government asked most international humanitarian organizations to leave the Vanni in September, but the ICRC was allowed to stay.

“The ICRC’s role as a neutral intermediary became increasingly important as the conflict worsened. The organization facilitated the passage of civilians, ambulances, human remains and humanitarian goods between government- and LTTE-controlled areas, initially through its presence at the Omanthai crossing point and then through a vehicle escort system... Some 280,000 people and 36,000 vehicles, including 1,600 ambulances... as well as WFP trucks carrying food, thus passed safely across lines either through monitored crossing points or with an ICRC escort” [34d] (p211)

See also [Section 4: Recent developments](#), [Section 8: Security Forces; Avenues of complaint](#), [Section 27: Humanitarian Issues](#) and [Section 29: Internally Displaced People](#)

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18. CORRUPTION

- 18.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

“The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity ... The Commission to Investigate Allegations of Bribery or Corruption received 2,668 complaints, of which 965 were under investigation at year's end. There was no law providing for public access to government information.” [2b] (Section 3)

- 18.02 The Freedom House ‘Freedom in the World 2008, Country report, Sri Lanka’, released on 2 July 2008, noted that: “Official corruption is a continuing concern, and the current legal and administrative framework is inadequate for promoting integrity and punishing corrupt behavior... Although hundreds of cases are being investigated or prosecuted by the Commission to Investigate Allegations of Bribery or Corruption, no current or former politician has been sentenced.” [46c] (Political Rights and Civil Liberties)

- 18.03 Sri Lanka was ranked 92 (out of 180 countries) with a score of 3.2 in Transparency International's 2008 Corruption Perceptions Index, released on 23 September 2008. The “CPI Score indicates the degree of public sector corruption as perceived by business people and country analysts, and ranges between 10 (highly clean) and 0 (highly corrupt)”. [63b]

- 18.04 As noted in the position paper of Transparency International (TI) Sri Lanka entitled ‘Mega Cabinets in Sri Lanka (Report No 1) Perceptions and Implications’ (undated):

“A jumbo cabinet [with a total of 108 ministers] can have a chilling effect on the doctrine of separation of powers and eventually on democracy through the lack of transparency and accountability of its members with regard to how they utilise public resources. This is because, the large number of ministerial portfolios is indicative of the fact that a majority of the Legislature forms part of the Executive branch.” [63a] (p5)

- 18.05 As noted in a TI press release, issued on 20 February 2008:

“Transparency International Sri Lanka, part of the global coalition against corruption is shocked to learn that the President has transferred the present Director General of the Commission to Investigate Allegations of Bribery and Corruption (the only anti corruption body). The Act No.19 of 1994 was introduced by parliament to ensure independent anti corruption commission without interference by the President or any other executive arm of the government. However, the instant transfer has definite adverse impact on the independent working of the Commission. It is not only unusual and questionable but also setting an irreversible bad precedence on the anti corruption works in the country.” [63c]

See also [Section 6: Political System](#); [Section 8: Security forces, Police](#), [Section 11: Judiciary](#), [Section 15: Political Affiliation](#) and [Section 32: Forged and fraudulently obtained documents](#)

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19. FREEDOM OF RELIGION

OVERVIEW

- 19.01 The US State Department (USSD) Report for 2008 on Religious Freedom in Sri Lanka, published 19 September 2008, covering events from 1 July 2007 to 30 June 2008, observed that:

“The Constitution accords Buddhism the ‘foremost place’ and commits the Government to protecting it, but does not recognize it as the state religion. The Constitution also provides for the right of members of other religious groups to freely practice their religious beliefs. There was no change in the status of respect for religious freedom by the Government during the period covered by this report. While the Government publicly endorses religious freedom, in practice, there were problems in some areas. There were sporadic attacks on Christian churches by Buddhist extremists and some societal tension due to ongoing allegations of forced conversions. There were also attacks on Muslims in the Eastern Province by progovernment Tamil militias; these appear to be due to ethnic and political tensions rather than the Muslim community's religious beliefs.” [2a] (Introduction)

- 19.02 The same report stated that “Approximately 70 percent of the population is Buddhist, 15 percent Hindu, 8 percent Christian, and 7 percent Muslim” [2a] (Section I) and that “Discrimination based on religious differences was much less common than discrimination based on ethnicity.” [2a] (Section III)

- 19.03 The USSD Religious Freedom Report 2008 also noted:

“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. Parliament took no action on ‘anticonversion’ legislation first introduced in 2004...Despite the constitutional preference for Buddhism, the Government observes a number of major religious festivals of other religious groups as national holidays. These include the Hindu Thai Pongal, New Year, and Deepawali festivals; the Islamic 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 belonging to other religious groups can pursue religious instruction outside of the public school system, since no instruction on their beliefs is provided...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.” [2a] (Section II)

- 19.04 The same report also observed that “During the reporting period, security forces committed human rights abuses 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.” [2a] (Section II)

- 19.05 The USSD Country Report on Human Rights Practices 2008, Sri Lanka, released on 25 February 2009, noted that “The law accords Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the government generally respected this right in practice. There was no state religion, although the majority of citizens were followers of Buddhism.” [2d] (Section 2a)
- 19.06 The US Committee on International Religious Freedom Annual Report 2009, released on 1 May 2009, (USCRIF Report 2009) observed:
- “The Commission has remained concerned in recent years about religious freedom in Sri Lanka because of attacks targeting members of religious minorities and their places of worship and proposed legislation on religious conversion that, if enacted, would have violated international law norms and resulted in abuses of freedom of thought, conscience, and religion or belief... In the context of the civil war, violence against civilians based on ethnicity and/or religion has occurred throughout the country. Reports indicate that both sides in the conflict fail to take steps to prevent or stop incidents of communal violence between or among Buddhist Sinhalese, Hindu Tamils, Muslims, and Christians in Sri Lanka. Places of worship from various faith communities have been targeted by both government and LTTE forces. Attacks have occurred on religious holidays or during festivals. Moreover, for years, entire communities of Sri Lankan Muslims in the north and northeastern parts of the country have been displaced by LTTE forces seeking to consolidate Tamil hold over certain areas. While the LTTE has apparently encouraged displaced Muslims in some areas to return, a lack of safety guarantees has kept many Muslims from returning to LTTE-dominated areas.” [77] (p 224)
- 19.07 The same report further noted that:
- “In January 2009, the Jathika Hela Urumaya (JHU) party, which is comprised of nationalist Buddhist monks, again brought to Parliament a draft anti-conversion law, the Prohibition of Forcible Conversion of Religion Bill. The bill, if enacted, would provide for prison terms of up to five years for anyone who, by —the use of force or by allurement or by any fraudulent means, || converts or attempts to convert a person from one religion to another, or aids or abets such conversion. Because women, minors, inmates, the poor, and the physically or mentally disabled are considered by the bill’s proponents to be particularly vulnerable, their conversion would warrant even harsher prison terms of up to seven years... [However] In February 2009... the Sri Lankan government referred the anti-conversion bill to the Consultative Committee on Religious Affairs and Moral Upliftment for discussion... the committee’s meeting has been indefinitely postponed, thus also indefinitely postponing further discussion of the draft anticonversion legislation...” [77] (p226)

HINDUS

- 19.08 The the USSD Religious Freedom Report 2008 noted that 15 percent of the population is Hindu and that “Most Tamils, who make up the largest ethnic minority, are Hindu.” It also recorded that “the north [is] almost exclusively [populated] by Hindus.” [2a] (Section I)
- 19.09 The same report noted that “Since 1983 the Government has battled the LTTE, a terrorist organization fighting for a separate state for the country’s

Tamil, and mainly Hindu, minority.” However, “Adherence to a specific set of religious beliefs does not play a significant role in the conflict, which is rooted in linguistic, ethnic, and political differences. Buddhists, Hindus, Muslims, and Christians all have been affected by the conflict, which is rooted in linguistic, ethnic, and political differences. Buddhists, Hindus, Muslims, and Christians all have been affected by the conflict...” [2a] (Section I)

MUSLIMS

19.10 The USSD Religious Freedom Report 2008 stated “Almost all Muslims are Sunnis; there is also a small minority of Shi'a, including members of the Bohra community....much of the east [is] populated by Muslims...” [2a] (Section I)

19.11 The same report also recorded that:

“In 1990 the LTTE expelled approximately 46,000 Muslim inhabitants – virtually the entire Muslim population in the area – 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 city 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 waited for a government guarantee of safety in LTTE-controlled areas.” [2a] (Section II)

19.12 The USSD Religious Freedom Report 2008 further noted that “In contrast to previous reporting periods, there were no known incidents of harassment of the Ahmadiyya Community.” [2a] (Section III)

See also [Section 20: Ethnic Groups](#); [Section 23: Women](#) and [Section 29: Internally Displaced People](#)

CHRISTIANS

19.13 The USSD Religious Freedom Report 2008 stated that eight per cent of the population is Christian who 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 cities. Seventh-day Adventists, Jehovah's Witnesses, Methodists, Baptists, Dutch Reformed, Anglicans, Pentecostals, and Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership is still small.” [2a] (Section I)

19.14 The same report also recorded that:

“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 were opposed to conversion and believed they were threatened by these groups. Some Christian groups occasionally complained that the Government tacitly condoned harassment and violence aimed at them. Police generally provided protection for these groups at their request. In some cases police response was inadequate, and local police officials reportedly were reluctant to take legal action against individuals involved in the attacks. The National Christian Evangelical Alliance of Sri Lanka reported numerous attacks on Christian churches, organizations, religious leaders, or congregants, many of which were reported to the police. Credible sources confirmed some of these attacks.” [2a] (Section III)

19.15 The USCIRF Report 2009 stated:

“Not directly connected to the civil conflict, there have been continuing instances of violent attacks on churches, ministers, and other Christian individuals in the past few years, reportedly carried out by members of, or persons affiliated with, extremist groups espousing Buddhist nationalism. There are reports that in the rural areas, churches and individual Christians, who comprise approximately 7 percent of the population, have been physically assaulted by one or more persons or by large groups, particularly for alleged attempts to convert Buddhists to Christianity. According to activists with whom the Commission delegation met during its February 2006 visit, there were about 400 incidents against Christian institutions or persons between 2000 and 2005; approximately half of those involved violence of varying levels and half were verbal threats. More recently, in June 2008, an anti-Christian rally and petition against a local church was sponsored in Hambantota district by a local Buddhist temple. Prior to the rally, which attracted 500 participants, a Christian girl was attacked for attending church in the district. In March 2008, a crowd of 200 surrounded the home of a pastor in Galle district and threatened him with death if he did not permanently leave the area. Arson attacks on church properties and assaults on Christians leaving church services were also reported. In February 2008, two men killed Neil Sampson Edirisinghe, pastor of the House Church Foundation in Ampara District. According to news reports, the pastor was ordered killed by a man whose wife converted to Christianity.” [77] (p225)

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20. ETHNIC GROUPS

OVERVIEW

20.01 The CIA World Factbook, Sri Lanka, updated in June 2009, recorded that the population is comprised of 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 and an unspecified 10 per cent (2001 census provisional data). [30] However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2008, Chapter II, tables 2.10 - 2.11, accessed on 1 June 2009), 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/Muslim (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) (figures from the 2001 census). 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] The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) reported that Tamils were 16 percent of the overall population. [2b] (Introduction)

20.02 The Minority Rights Group International, Sri Lanka Overview, undated, accessed on 1 June 2009, elaborated on the ethnic mix:

“Sri Lanka has a plural society. The majority group, the Sinhalese, speak a distinctive language (Sinhala) related to the Indo-Aryan tongues of north India, and are mainly Buddhist.

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

“More than one-third of Muslims (includes Sri Lankan Moors, Malays and other smaller religious sects like Bhoras and Khojas) live in the north and east. The majority of these live in the east, where they constitute about a third of the population. The remaining Muslim community is dispersed throughout the urban centres of Sri Lanka. Muslims are also divided between mainly agriculturists living in the east, and traders who are dispersed across the island. Muslims speak both Tamil and Sinhalese depending on the area they live in.

“Veddhas or Waaniy-a-Laato (forest-dwellers) comprises a very small community of indigenous peoples. The entire community is in danger of extinction. Sri Lanka also has other, smaller communities, such as the Burghers who are of Dutch and Portuguese origin.” [78]

20.03 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

“[In 2008] Tensions were reported between members of the Muslim and Tamil communities in the east as a result of the intimidation and harassment of Muslims by the TMVP.... [2b] There were 34 Tamils and 24 Muslims in the parliament. There was no provision for or allocation of a set number or percentage of political party positions for women or minorities... (Section 3) The law provides for equal rights for all citizens, and the government generally respected these rights in practice; however, there were instances where gender and ethnic-based discrimination occurred.” [2b] (Section 5)

- 20.04 As recorded in Jane’s Sentinel Country Risk Assessments, ‘Country Report, Sri Lanka’, section on Internal Affairs updated on 4 December 2007: “...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)
- 20.05 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 observed that “Inter-ethnic and political tensions in the East, which have been aggravated by the long conflict as well as the post-conflict administration of the area, continue to result in violent clashes and are affecting individuals from Sinhalese, Tamil and Muslim communities.” [6h] (p10)

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TAMILS

- 20.06 Approximately 8 to 9 per cent of the population (the USSD 2008 reported 16 per cent) are ethnic Tamils (the combined total of Indian and Sri Lankan Tamils) – see paragraph 20.01 above. Jane’s Sentinel Country Risk Assessments, Sri Lanka, Demography, updated 30 April 2008, observed that:
- “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.” [5a]
- 20.07 In Colombo district there were 247,739 Sri Lanka Tamils and 24,821 Indian Tamils out of a total population of 2,251,274 (figures from the 2001 census). 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. (Sri Lankan Department of Census and Statistics (Statistical Abstract 2008, Chapter II, tables 2.10 - 2.11, accessed on 1 June 2009) [58a]
- 20.08 The USSD report 2008 noted that:

“Both local and Indian origin 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. Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-aged Tamil men by security forces and paramilitary groups.” [2b] (Section 5)

20.09 The International Crisis Group (ICG) document ‘Sri Lanka’s Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008 noted that “With the collapse of the ceasefire, the LTTE’s return to terror attacks and the government’s counter-terrorism measures, fear and inter-ethnic tension have grown significantly. Tamils increasingly see themselves, not the Tigers, as the government’s target.” [76d] (p10)

20.10 The FCO Sri Lanka Country Profile, updated 31 March 2009 noted: “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.” ([15j] (The Internal Conflict)

20.11 Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, Internal Affairs updated on 4 December 2007 stated:

“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]

See also [Section 3: History](#); [Section 4: Recent Developments](#); [Section 7: Human Rights](#), [Introduction](#); [Section 8: Security Forces](#); and [Annex C](#)

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Up-Country Tamils

20.12 The USSD report 2008 recorded:

“The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the Sri Lankan nationality of previously stateless persons, particularly Hill Tamils. The government took steps to naturalize and provide citizenship documentation to most stateless persons. However, at the beginning of the year [2008], documentation efforts had not reached an estimated 70,000 Hill Tamils, who remained vulnerable to arbitrary arrest and detention. Government ministers from political parties representing Hill Tamils stated that efforts were underway to provide national identity cards and other citizenship papers to those without adequate documentation.” [2b] (Section 2d)

20.13 On 24 September 2008, the *Daily Mirror* (Sri Lanka) reported that:

“The Government yesterday presented two Bills in Parliament to grant citizenship to people of Indian origin who are living in Sri Lanka without citizenship status and those who have left the island for various reasons after living here for a long period. The two Bills were Grant of Citizenship to persons of Indian Origin (Amendment) Bill and Grant of Citizenship to Stateless Persons (Special Provisions) (Amendment) Bill which will amend the Indian Origin Act No 35 of 2003 and grant of Citizenship to Stateless Persons (Special Provisions) Act No 39 of 1988 respectively.” [11e]

20.14 On 9 January 2009, The Official Government News Portal of Sri Lanka announced:

“Parliament passed legislation granting Sri Lankan citizenship to over 28,500 stateless Tamils of Indian origin yesterday [8 January 2009]. The two Bills granting citizenship to persons of Indian origin and stateless persons, amended without vote in the House as all the parties agreed on the right to citizenship of such stateless persons. Tamils of Indian origin who fled to Tamil Nadu after the 1983 anti-Tamil riots amounting approximately to 28,500, would be granted citizenship with this new scheme. Tamils of Indian origin had to remain in the country for 30 years continuously to be eligible for citizenship, According to the Granting of Citizenship to Stateless Persons Act of 1964.” [10g]

See also [Section 31: Citizenship and Nationality](#)

MUSLIMS

20.15 The International Crisis Group (ICG) document ‘Development assistance and conflict In Sri Lanka: Lessons From The Eastern Province, Asia Report N°165’, 16 April 2009, recorded that Muslims represent 41 per cent of the total population in the eastern districts of Trincomalee and Ampara and 26 per cent in the Batticaloa district. [76a] (Appendix B) and noted:

“Many Muslims continue to feel vulnerable to attacks and extortion from the TMVP and, to a lesser extent, from government security forces. Tensions between Tamils and Muslims, aggravated by the actions of the Pillayan and Karuna factions, remain high. Many remain bitter over the nomination of Pillayan, rather than the Muslim candidate Hisbullah, as provincial chief

minister and complain that Tamils continue to control the provincial administration and council.” [76a] (p5)

“Violent disputes between Tamils and Muslims have been kept to a minimum since the provincial council elections, but deep tensions remain. The central government has done little to foster dialogue and reconciliation between the two communities.” [76a] (p6)

- 20.16 The UNHCR Eligibility Guidelines of April 2009 noted that “...Muslims in the East have been frequently targeted by the TMVP, which has reportedly harassed, extorted, threatened and killed Muslims in the East, with apparent impunity. Clashes between Government forces and the Muslim community in Ampara have been linked to land use in the region.” [6h] (p10)

See also [Section 10: Abuses by Non-Government Armed Forces](#) and [Section 19: Freedom of Religion, Muslims](#)

INDIGENOUS PEOPLE - VEDDAS

- 20.17 The USSD report 2008 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 nominally protected by the law. There were no legal restrictions on their participation in political or economic life. However, lack of legal documents was a problem for many. Vedda communities complained that they were pushed off their lands by the creation of protected forest areas, which deprived them of traditional livelihoods.” [2b] (Section 5)

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

21.01 The International Lesbian and Gay Association (ILGA) report, State-sponsored homophobia, dated May 2008, (ILGA Report 2008) stated that same-sex relations are illegal for men and women. [29] Amnesty International's 'Sexual Minorities and the Law: A World Survey', updated in July 2006, observed that same-sex relations between women were not mentioned in law. The report also observed for transgender persons that there was "No data or the legal was unclear". [3d] The US State Department Country Report on Human Rights Practices 2008, Sri Lanka, released on 25 February 2009 (USSD 2008), stated that though the law criminalises "homosexuality" it was not enforced. [2b] (Section 5) The website, Utopia-Asia.com, Country Listings, Sri Lanka, accessed on 5 January 2009 concurred that the law prohibiting same-sex relationships is not enforced [72a]

21.02 The NGO, Women's Support Group state in an undated entry on its website (accessed on 5 January 2009):

"The Sri Lankan legal system makes it extremely difficult for our community to live openly. The Penal Code, based on 19th 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." [74a]

21.03 The ILGA Report 2008 quoted part of the Sri Lanka Penal Code relevant to same-sex relationships:

"Article 365 – 'Voluntarily carnal intercourse with man, woman or animal against the order of nature - imprisonment for a term which may extend ten years.'

"Article 365A (as introduced by the 'Penal Code (Amendment) Act, No. 22 of 1995') 98 'Any person who, in public or 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 offence and shall be punished with imprisonment of either description for a term which may extend to two years or with a fine, or with both and where the offence is committed by a person over eighteen (18) years of age in respect of any person under sixteen (16) years of age shall be punished with rigorous imprisonment for a term not less than 10 years and not exceeding 20 years and with a fine and shall also be ordered to pay compensation of amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such a person.' [29]

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

21.04 The USSD report 2008 noted that "Some NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the government. 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.” [2b] (Section 5)

- 21.05 As recorded on the website Utopia-Asia.com, Country Listings, Sri Lanka, “While the law 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]

SOCIETAL TREATMENT AND ATTITUDES

- 21.06 The Gay Times Gay Guide, Sri Lanka, (undated, website accessed on 18 September 2008) noted:

“There is a sizeable gay population in Sri Lanka but many gays and lesbians cannot come to terms with themselves due to family pressures and behavioral expectations imposed by Sri Lankan culture... There is no gay scene in the western sense in Sri Lanka but there are several gay groups who lobby for reform and provide support and counseling to gays and lesbians. Many of these groups also organise occasional gay events such as parties and outings... The law [making homosexual activity illegal] is not enforced and there have been no prosecutions for 50 years but in a largely Buddhist country homosexuality is seen as a sin. Local gay groups complain that the mere existence of the law is enough for the police and anti-gay groups to brand gays and lesbians as ‘perverts’ and lawbreakers. They argue it is discriminatory and stigmatises gays and lesbians leading to abuse of gay people in their community. In 1996 The Sri Lankan gay group ‘Companions On A Journey’ was established. During its [sic] 6 year existence [sic] has suffered harassment including assaults on its founders, death threats and the stoning of its offices. There is still rampant homophobia in Sri Lanka for example the Sri Lankan Press Council ruled in favour of a paper that published a letter saying convicted rapists should be let loose amongst a lesbian conference to give them ‘a taste of the real thing’.” [19a]

- 21.07 As reported on the website of the Sri Lankan gay organisation Women’s Support Group, undated (website accessed on 5 January 2009):

“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... 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]

- 21.08 The website of the Sri Lankan organisation Equal Ground “a non profit organization seeking human and political rights for the Lesbian, Gay, Bisexual,

Transgender, Intersex and Questioning (LGBTIQ) community of Sri Lanka” provides up to date information on their activities. [73]

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22. DISABILITY

- 22.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

“The law forbids discrimination against any person on the grounds of disability; however, in practice discrimination occurred in employment, education, and provision of state services. 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 provided financial support to NGOs that assisted persons with disabilities including 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 due to negative attitudes and societal discrimination.

“There were regulations on accessibility; however, in practice accommodation for access to buildings for persons with disabilities was rare. The Department of Social Services provided housing grants, self employment grants, and medical assistance to persons with disabilities. In 2007 the department began offering a monthly allowance of approximately 3,000 rupees (\$27) to families of the disabled. At year's [2008] end, 2,125 families had received this grant.” [2b] (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... [that] 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]

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23. WOMEN

OVERVIEW

- 23.01 Sri Lanka signed the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 17 July 1980. (UN Office of the High Commissioner for Human Rights, updated 15 February 2008) [22a] (**Status of ratifications**)
- 23.02 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) noted that although “the law provides for equal rights for all citizens, and the government generally respected these rights in practice”, there were instances where women faced discrimination. [2b] (**Section 5**)
- 23.03 The UNIFEM, Gender Profile of the Conflict in Sri Lanka, (last updated 31 January 2008) reported that:
- “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...(Introduction) 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.” [66a] (**Economic security and rights**)
- 23.04 The Freedom House report, Freedom in the World 2008, Sri Lanka, released in July 2008, observed:
- “Women are underrepresented in politics and the civil service. Female employees in the private sector face some sexual harassment as well as discrimination in salary and promotion opportunities. Rape and domestic violence against women remain serious problems, with hundreds of complaints reported annually; authorities weakly enforce existing laws. Although women have equal rights under civil and criminal law, matters related to the family—including marriage, divorce, child custody, and inheritance—are adjudicated under the customary law of each ethnic or religious group, and the application of these laws sometimes results in discrimination against women. The government remains committed to ensuring that children have good access to free education and health care, and it has also taken steps to prosecute those suspected of crimes against children, including pedophilia. A general increase in violence during 2007 also resulted in greater violence against women in conflict areas, including rapes.” [46]
- 23.05 The UNICEF ‘State of the World’s Children 2009’, released on 15 January 2009 noted that “The key to Sri Lanka’s outstanding improvements in maternal health was the expansion of a synergistic package of health and social services to reach the poor...The resulting improvements in women’s health

are supported and strengthened by measures to empower women socially and politically through education, employment and social engagement.” [53f] (p21)

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LEGAL RIGHTS

23.06 The USSD 2008 report observed:

“Women had equal rights under national, civil, and criminal law. However, adjudication according to the customary law of each ethnic or religious group of questions related to family law, including divorce, child custody, and inheritance, resulted in de facto discrimination. The minimum age of marriage for women was 18 years, 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.” [2e] (Section 5)

See also [Section 19 on Freedom of Religion](#) and [Section 31 on Citizenship](#)

Marriage/divorce laws

23.07 The Centre for Reproductive Rights report, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 17 September 2008, noted:

“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.[32] (p220-225)

23.08 The same source noted that:

“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.” [32] (p225)

23.09 The UNICEF document ‘Child marriage and the Law’, dated January 2008, recorded that the minimum age for marriage under secular/civil law is 18 years. However, “Muslim marriage laws remained unchanged and no minimum age was established...Marriages of non- Muslims below the age if 18 are void. [There is] No statutory minimum age for Muslims to marry.”

“In Sri Lanka the Kandyan Marriage and Divorce Act of 1952 allowed female children to be married with consent of their parents at the age of 12. Under the Muslim Marriage and Divorce Act, the approval of the Quazi is deemed sufficient to allow a girl under 12 years to get married. Thus, although in 1995, Sri Lanka raised the minimum age of marriage from 12 to 18, there is a loophole for those of the Islamic State.”[53b] (p30-31)

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POLITICAL RIGHTS

23.10 UNIFEM noted its Gender Profile of the Conflict in Sri Lanka, updated 31 January 2008, that “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.” [66a] (Introduction)

23.11 The same source also noted that “Women are severely underrepresented at the political and decision-making levels in Sri Lanka. According to the UN Development Assistance Framework, this makes mainstreaming gender at the

policy level difficult.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka [66a] (The Impact of the conflict on women in Sri Lanka)

- 23.12 The USSD report 2008 recorded that “There were 14 women in the 225 member parliament, five female ministers, and two women out of 11 justices 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... (Section 3) Women's participation in politics was approximately 5 percent in the parliament and the provincial councils.” [2b] (Section 5)

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SOCIAL AND ECONOMIC RIGHTS

Employment

- 23.13 The USSD report 2008 recorded that:

“The law provides for equal employment opportunity in the public sector. In practice women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work and experienced difficulty in rising to supervisory positions. Although women constituted approximately half of the formal workforce, according to the Asian Development Bank, the quality of employment available to women was less than that available to men. The demand for female labor was mainly for casual and low paid, low skill jobs.” [2b] (Section 5)

Family planning/abortion

- 23.14 The Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter website, undated, accessed on 17 September 2008 observed that:

“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.” [32] (p 212-213 & 216-217)

- 23.15 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, accessed on 5 January 2009) 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]

- 23.16 “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]

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Single mothers/widows

- 23.17 The British High Commission (BHC) letter of 23 March 2009, noted that:

“The treatment of persons in mixed marriages, single mothers and illegitimate children, depends entirely on the area of the country, plus the family and religious background of each individual case.

“Major Senevirathne manages The Haven & Sunshine Home in Colombo that is a Salvation Army establishment run specifically for single mothers. She explained that the only other organisation in Sri Lanka that offers similar support are Mother Teresa’s Homes based in Moratuwa and Wattala on the outskirts of Colombo, which are linked to the Catholic church. She told me that she is seeing an increase in the number of unmarried mothers being referred to her, and that they are presently increasing the number of beds from 10 to 14 in her hostel to meet demand. The main reason that women come to her is because they do not want to go home to face their families.

“She told me that the women fall into two clear categories, ones that have worked in the Middle-East and been abused by their employers, and the others who work in the factory areas around Colombo and have affairs with married men...Major Senevirathne told me that once the child has been born she normally gives the mother one to two weeks to decide what they want to do. If they decide to keep the child, the first step is for The Salvation Army to contact the mother’s family. If they decide to have the child adopted, the Salvation Army will contact the Childcare Probation Department to arrange adoption and actually deal with all of the legalities, including attending Court. In her experience, only two out of ten mothers decide to have their babies adopted.” [15b]

23.18 The same BHC letter further observed that:

“There has been some academic research carried out on those persons seeking abortions in Sri Lanka...which suggests that pregnancy outside marriage is still relatively rare.

“Rural Tamil communities are deeply conservative and acknowledged birth out of wedlock is unusual in these communities. Unmarried mothers often face a stigma whatever race or religion or area of the country they live in, but this depends entirely on family circumstances and the local community. Major Senevirathne said that in her opinion the religion or ethnic background of an unmarried mother did not make any difference in the way that they were perceived. She added that a majority of the women who come to seek assistance from her organisation are Tamil.” [15b]

23.19 The UNIFEM, ‘Gender Profile of the Conflict in Sri Lanka’ (last updated 31 January 2008) recorded that “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.” [66a] (**The Impact of the conflict on women in Sri Lanka**)

“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.” [66a] (**Economic security and rights**)

Mixed marriages

- 23.20 The BHC letter of 23 March 2009 reported that “Marriages between Sinhalese and Tamils are not as rare as they used to be, nor is it frowned upon as much by the community. Indeed in Colombo it is not uncommon for mixed marriages to take place. However, some families still have firm views on the issue and I am aware of mixed couples who keep their relationship a secret for fear of upsetting certain family members.” [15b]

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VIOLENCE AGAINST WOMEN

Legislation

- 23.21 The website of the Ministry of Justice and Law reforms of Sri Lanka (accessed on 1 June 2009):

“Violence against women and particularly violence within the domestic environment has become a serious social issue. The... [Prevention of Domestic Violence] 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] (Legislation passed by Parliament in 2005, **Prevention of Domestic Violence Act, No. 34 of 2005**)

- 23.22 The USSD 2008 report outlined that:

“The law prohibiting domestic violence was not effectively enforced. Sexual assault, rape, and spousal abuse were pervasive problems. The law specifically addresses sexual abuse and exploitation, and it 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 (BPCW) within the police conducted awareness programs in schools and at the grassroots level, causing women to come forward and lodge complaints. However, the government did not increase recruitment of female police officers to alleviate the problem.”

“Sexual harassment was a criminal offense carrying a maximum sentence of five years in prison; however, the government did not enforce the law. Women often experienced sexual harassment.” [2b] (Section 5)

- 23.23 As recorded in the Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, accessed 17 September 2008:

“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.” [32] (p230 - 231)

Rape/Domestic violence

- 23.24 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 noted that:

“Women in Sri Lanka, in particular women in the conflict areas of the North and the heavily militarized North and East may be vulnerable to gender-based violence. Incidents of rape have been regularly reported in the North and the East, where military and paramilitary actors have the heaviest presence, and act with a high degree of impunity and incidents of violence and other crimes are regularly occurring. Women in these areas regularly complain that they are exposed to sexual violence and enforced sex with soldiers and other armed men. Women in camp and detention situations are particularly vulnerable. Domestic violence is a serious social problem throughout Sri Lanka, and is reportedly on the rise.” [6h] (p26)

- 23.25 The USSD 2008 report observed that:

“Civil society activists reported that the resumption of the conflict had led to an increase in gender-based violence perpetrated by the security forces. Statistics were unavailable because few, if any, charges were filed in such incidents. For example, human rights groups in northern districts alleged that the wives of men who had disappeared and who suffered economic deprivation as a result often fell prey to sexual exploitation by paramilitaries and members of the security forces.

“According to the BPCW, 253 reported incidents of rape occurred through October. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally limited.”

“The BPCW received 723 complaints of grave violent crimes and 1,908 minor crimes against women through October, representing a decrease from 2007 levels.” [2b] (Section 5)

- 23.26 The ICG (International Crisis Group) document 'Sri Lanka's Return to War: Limiting the Damage', Asia Report N°146, 20 February 2008, noted that:

"Women are particularly disadvantaged by displacement and the return to war. Those in conflict areas and refugee camps in the north and east have regular complaints of increased sexual violence and enforced sex work from soldiers and armed men. There is also evidence of more domestic violence due to the highly militarised environment. The reduced economic opportunities for women living in refugee camps and conflict affected areas add to their vulnerability to abuse and violence, as many are forced to trade their bodies for money or needed commodities. Single women heading households, widows, and women caring for the disabled have gender-related needs which are not adequately recognised or addressed by the government and non-governmental organisations (NGOs). The same is true for the health needs of women and adolescent girls. The increases in arrests and detentions under emergency regulations have brought particular dangers for women. Safeguards to protect those in custody are widely ignored; women wardens or police are not often available, and forced sex with prison guards is a common complaint. Chronically inadequate facilities for women and girls in detention are under further stress." [76d] (p9-10)

- 23.27 The UNIFEM Gender Profile of Sri Lanka, updated 31 January 2008, noted "Sri Lankan women have experienced rape, detainment, harassment at checkpoints and other violations of their personal security in the two decades of civil war.... [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." [66a] (Human Rights Violations, including violence against women)

- 23.28 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2008 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2003 – 2007 (undated, website accessed on 1 June 2009) recorded that in 2007 there were 1,397 cases of rape/incest. The figures for 2004, 2005 and 2006 were respectively: 1,432; 1,540; 1,463. [58d]

See [Section 8: Security forces](#) for more information on abuses by government forces, impunity and prosecution

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Assistance available to women

- 23.29 The website of the Sri Lankan NGO Home for Human Rights (HHR) (undated, website last accessed on 2 January 2009) stated:

"HHR's Women's Desk provides several critical community based services geared towards women. These include social services and counseling for survivors of sexual and domestic violence, visiting hospitalized victims/survivors of assault, rape, or domestic violence, and helping to integrating these women back to their communities [sic]. HHR has also organized self-help groups for single mothers where women gather monthly to discuss their unique problems and share ideas on how to address them. The

Women's Desk also helps displaced women and children return home or adapt to their new surroundings." [26a] (Social and Community Services)

23.30 According to an undated list on the website of the online forum South Asian Women's Network (SAWNET) (accessed on 17 September 2008) several organisations dealing with problems faced by women exist in Sri Lanka. [17] An undated list of local NGOs is also available from the website Peace Women - Women's International League for Peace and Freedom, accessed on 30 September 2008. [23]

23.31 The BHC letter dated 23 March 2009, noted that:

"Government assistance for the victims of rape is weak, although there have been some signs of improvement. The country has acknowledged it has a problem and the Sri Lanka Police Service Children & Women Bureau has 36 'desks' around the country to deal with complaints. They have received training in how to record a complaint sympathetically and how to refer a victim to a suitably equipped hospital. There does not appear to be long-term assistance given to rape victims although there are several NGOs that provide pastoral care but mainly to victims of domestic abuse." [15b]

See also Sections 24: Children; 25: Trafficking; and 29: Internally Displaced People

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24. CHILDREN

OVERVIEW

24.01 Sri Lanka ratified the UN Convention on the Rights of the Child (UNCRC) on 12 July 1991. It subsequently ratified the optional protocols to the UNCRC on the involvement of children in armed conflict (8 September 2000) and on the sale of children, child prostitution and child pornography (22 September 2006). (UNHCR Treaty Body Database, Ratifications and Reservations, Status by Country, undated, website accessed on 16 May 2008) [6g]

24.02 The UNICEF report, UNICEF Humanitarian Action Plan 2008, undated, observed that:

“The resurgence of conflict in Sri Lanka since April 2006 has severely impacted the well-being and livelihood of children and women, particularly in the North and East of the country...Severe acute malnutrition (SAM) among under-five children in parts of conflict-affected Batticaloa and Jaffna districts is 6 per cent and 6.7 per cent respectively (2007), while the country prevalence is 2.5 per cent (Demographic and Health Survey 2000). Access to potable water and to safe sanitation stands at 79 per cent and 76 per cent respectively, for the entire population. However, in some conflict-affected districts, sanitation coverage is as low as 30 per cent (2007). More than a quarter of a million primary school-aged children are partially and/or completely out of the education system. The resumption of open fighting has increased the risk of underage recruitment by armed groups and other child rights’ violations related to conflict. Displacement and pervasive indiscriminate violence, including claymore attacks, landmines/unexploded ordnance and aerial bombings have resulted in a climate of fear and significant disparity in vulnerable areas.” [53d]

See also [Section 4: Latest developments](#); [Section 10 on Forced conscription by the LTTE](#); [Section 27: Humanitarian issues](#) and [Section 29: Internally Displaced People](#)

24.03 Key demographic data about children in Sri Lanka can be obtained from the [website of UNICEF, Sri Lanka](#). In 2007 the total population under 18 was around 5.5 million. [53c]

Basic legal information

24.04 The age of criminal responsibility is 8 “with the courts having discretion to extend [this] to 12 yrs depending on the subjective assessment of level of maturity” (UNICEF’s comments to the UN’s Universal Periodic Review of Sri Lanka, undated, accessed 1 October 2008) [53e] The voting age is 18 (CIA World Factbook, Sri Lanka, accessed in June 2009) [30] For the minimum age for enlistment of soldiers and military service see [Section 9: Military service](#)

24.05 The age of consent is 16. (Avert, Worldwide age of consent, undated, website accessed on 17 September 2008) [64a] The minimum age of marriage is 18, though there is a provision in the law on marriage that permits “parents to consent to a marriage involving a minor. If a parent unreasonably withholds consent, a court may authorize the marriage. Courts have held, however, that

a parent's refusal to give consent will only be overruled if the court is satisfied that the refusal is without cause and contrary to the interest of the minor." (Helplinelaw.com, undated, website accessed on 24 September 2008) [36a] However amongst Muslims, "who continued to follow their customary religious practices", girls attained a marriageable age "with the onset of puberty and men when they are financially capable of supporting a family." (US State Department Report for 2008 on Religious Freedom in Sri Lanka, 19 September 2008) [2a] (Section II)

- 24.06 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) recorded 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." [2b] (Section 6d)

See also [Section 23: Women](#)

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LEGAL RIGHTS

- 24.07 On laws protection children the USSD report 2008 noted:

"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 defines child abuse to include the involvement of children in war.

"The government pushed for greater international cooperation to bring those guilty of pedophilia to justice. Although the government does not keep records of violations, the 2006 Penal Code Amendment Act prohibits sexual violations against children, defined as persons less than 18 years, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from two to five years of imprisonment. The penalties for pedophilia range from five to 20 years imprisonment and an unspecified fine." [2b] (Section 5)

- 24.08 The same report noted that:

"The National Child Protection Authority was 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 were responsible for the enforcement of child labor laws. There were 232 complaints of child employment through November [2008], a significant increase over 2007 levels. Information on litigation was not available. Penalties for employing minors were 10,000 rupees (\$89) or 12 months' imprisonment." [2b] (Section 6d)

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VIOLENCE AGAINST CHILDREN

- 24.09 IRIN reported on 20 February 2008 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.” [55a] The same source in an article of 25 August 2008 reported that the education of thousands of children had been disrupted by fighting as “Clashes between Sri Lankan government forces and Liberation Tigers of Tamil Eelam (LTTE) have escalated recently in the four northern districts of Mannar, Vavuniya, Kilinochchi and Mulaitivu, forcing tens of thousands to flee their homes, including thousands of students...” [55f]
- 24.10 The USSD report 2008 considering the situation of children not directly affected by the conflict between the Government and the LTTE observed that:
- “NGOs attributed the problem of exploitation of children to the lack of enforcement, rather than to inadequate legislation. The conflict with the LTTE had priority in the allocation of law enforcement resources. However, the police's BPCW conducted investigations into crimes against children and women. The National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the president. From January to October, the BCPW received 888 complaints of grave violent crimes and 1,787 of minor crimes against children.” [2b] (Section 5)
- 24.11 The website of the Child Rights Network, updated 12 May 2008, reported comments by NGO stakeholders with regard to children made as part of the UN's Universal Periodic Review. These included:
- “The Joint Civil Society Report (JCSR) noted many instances of children subjected to severe physical and sexual abuse by family members, teachers, and members of the clergy. The Global Initiative to End All Corporal Punishment of Children (GIECP) noted that, at a meeting of the South Asia Forum in July 2006, following on from the regional consultation in 2005 of the UN Secretary General's Study on Violence against Children, the Government made a commitment to prohibit corporal punishment in all settings, including the home.
- “The Sri Lankan Civil Society Working Group on Child Recruitment (SLCSWG) noted that the forced recruitment of children and the use of child combatants have been long associated with Sri Lanka's violent ethnic conflict. SLDF was dismayed that in spite of assurances given to the UN and international scrutiny, the LTTE and the Karuna Group have not ceased to recruit children nor kept their commitments to release all children in their ranks. SLDF further noted that though the LTTE and Tamil Makkal Viduthalai Pulighal (TMVP), also known as the Karuna group, are primarily responsible for recruitment, given the visible and close association between the TMVP and the Government, the Government cannot absolve itself from taking responsibility for TMVP actions. HRW called on the Government to immediately end all cooperation with the Karuna group in the recruitment of children; and to fulfil its pledge to investigate the role of the security forces in child recruitment and other abductions by the Karuna group, and hold all those responsible accountable.

“WMC reported that ... Regarding detention centres for girls, there is no separation between girls who have come into conflict with the criminal law and girls in need of care and protection. Sexually abused girls are held in custody until cases against perpetrators have been completed.” [14a]

- 24.12 The USSD report 2008 stated that “Through September [2008] the government opened 1,650 files, of which 746 resulted in indictments for sexual assault and exploitation of children, including statutory rape; 174 were dismissed. The remaining cases were pending at year's end.” [2b] (Section 5)

- 24.13 The USSD report 2008 also noted that:

“Following the 2004 tsunami, the NCPA launched a successful awareness campaign to protect orphaned or displaced children from sexual abuse. Commercial sexual exploitation of children remained a problem in coastal resort areas. Private groups estimated that there were approximately 6,000 children exploited for commercial sex in the country. Sri Lankan citizens were responsible for much of the commercial sexual exploitation of children. However, the International Labor Organization (ILO) and UNICEF found that foreign tourists exploited thousands of children, especially boys, for commercial sex, most of whom were forced into prostitution by traffickers.” [2b] (Section 5)

- 24.14 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2008 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2003 – 2007, undated, website accessed on 1 June 2009) recorded that in 2007 there were 366 cases of cruelty to children and sexual exploitation of children. The figures for 2004, 2005 and 2006 were respectively: 471; 451; 362. [58d]

- 24.15 On the treatment of children who worked, the USSD report 2008 noted:

“Children sometimes were employed during harvest periods in the plantation sectors and in nonplantation agriculture. Sources indicated that many thousands of children (between 14 years and 18 years of age) were employed in domestic service in urban households, although this situation was not regulated or documented. Some child domestics reportedly were subjected to physical, sexual, and emotional abuse. Employment of children commonly occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. There were cases of under-age children recruited to serve as domestics abroad, primarily in the Middle East.” [2b] (Section 6d)

See also [Sections 9: Military Service](#); [19: Freedom of Religion \(Introduction\)](#); [13: Prison Conditions](#); [23: Women](#); and [25: Trafficking and the sub-section on Child Soldiers below](#)

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‘Illegitimate’ children

- 24.16 A letter from the British High Commission in Colombo, dated 23 March 2009, noted that:

“With regard to the children, I asked Major Senevirathne [from the Salvation Army] if she was aware if they were discriminated against solely because of

their illegitimacy. She said she was not. I further asked if she was aware of any particular problems regarding illegitimate children born from mixed relationships, including those born to women who had been abused by their Middle Eastern employers and were of mixed Sri Lankan – Arab appearance. Again she had no knowledge of any discrimination against them...The legitimacy of a child does not have any bearing on educational or healthcare facilities available. Healthcare is free in Sri Lanka and as long as a child can produce a birth certificate, they will receive free education in government schools.” [15b]

See also [Section 23: Women, single mothers/widows](#)

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CHILDCARE AND PROTECTION

- 24.17 In UNICEF’s comments to the UN’s Universal Periodic Review of Sri Lanka which was taking place during 2008, though the document itself is undated, accessed 1 October 2008, it was reported that:

“The protection of children is a concern. Children in contact with the law are often re-victimised, this includes both child victims of abuse and neglect and also child offenders. This takes the form of ill treatment, at times extending to torture of child offenders, delays, separation from families, incarceration, disruption of education and lack of attention to their therapeutic needs. Trainings carried out so far have addressed the attitudes and skills of individual service providers but failed to develop standards and procedures which would enable a uniform protective environment to all children in contact with the law. Legal reforms have generally been top down and they have not taken into account the views and experiences of children and service providers. The strengthening of practice must be supplemented with a continuous review of law and policy, institutionalized training and the provision of necessary infrastructural support. Key issue is that the age of criminal responsibility is 8yrs with the courts having discretion to extend to 12 yrs depending on the subjective assessment of level of maturity.” [53e]

- 24.18 On 30 July 2008, the *Daily Mirror* (Sri Lanka) reported that:

“The Child Protection Authority (CPA) Chairman Jagath Wellawatte said 372 complaints on child rights violations and 256 complaints on child abuse have been referred to the authority during the first six months of the year...In 2007, the authority received 2240 complaints. Generally 10 to 12 complaints are received per day. Parties concerned are reluctant to seek police intervention on personal matters...Child abuse and rights violations mostly take place within the home environment. Cases of harassment and abuse remain unreported, the Chairman pointed out.” [11c]

- 24.19 A letter from the BHC Colombo dated 16 May 2008 noted that “The police have...improved their support of the victims of domestic violence and sexual abuse. They have specialist units from the Police Child & Women’s Bureau working with the National Child Protection Authority, and the issue of child exploitation has also been addressed.” [15r] On the subject of protection the USSD report 2008 noted that “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.” [2b] (Section 5)

Government and NGO childcare

- 24.20 The UNICEF comments to the UN in its Universal Periodic Review of Sri Lanka, undated, accessed 1 October 2008, observed that:

“Institutional care is at present the most common solution for children deprived of parental care in Sri Lanka. At the end of 2006 more than 19,000 children were living in these institutions, separated from their families; girls outnumber boys by 8 percent (i.e. they represent 54%).

“Fostering is possible through the issuing of a Fit Person Order, but such an order is utilized only in cases where children can be entrusted to a relative. Furthermore, the recourse to institutional care is frequently practiced also to solve family problems not related to parental care: children are sent to institutions either through an intervention of the officers of the Department of Probation and Child Care Service (DPCCS) - which is the agency providing social services to children - or directly by parents.” [53e]

- 24.21 A comprehensive list of NGOs for children operating in Sri Lanka is available from the website of CRIN (Child Rights Information Network) [14]

See also [Section 23: Women](#)

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EDUCATION

- 24.22 The USSD report 2008 recorded that “The law required children between the ages of five and 14 to attend school. The government provided extensive systems of public education and medical care. Education was free through the university level. Health care, including immunization, was also free.” [2b] (Section 5) The youth (15-24 years) literacy rate, 2000-2007, was 97 per cent for males and 98 per cent for females. (Unicef Sri Lanka, Statistics, Education) [53c]
- 24.23 The Economist Intelligence Unit (EIU), Country Profile 2008 Sri Lanka (published in July 2008) noted that “Sri Lanka’s policy of free education has led to an impressive literacy rate (92.5%) and school enrolment rate (75.2% of those aged 5-19 years). However, low examination pass rates at the secondary level undermine these achievements...Although technically the government has a monopoly on tertiary education, several private institutions also provide higher education.” [75b] (p11-12)
- 24.24 The UNICEF ‘State of the World’s Children 2009’, released on 15 January 2009 noted that “In basic education...Sri Lanka’s performance has been outstanding. According to the latest international estimates, net primary school enrolment stands at more than 97 per cent for both girls and boys, while literacy rates among young people aged 15–24 are 97 per cent for males and 98 per cent for females.” [53f] (p21)

- 24.25 A report issued by IRIN on 23 January 2009 noted that “The education of at least 30,000 students has been hampered by the [recent] fighting [in the north] and at least 154 schools closed or relocated.” [55e]
- 24.26 The Sri Lanka Department of Census and Statistics recorded in their Statistical Abstract 2008, Socio Economic Indicators (undated, website accessed on 1 June 2009) that in 2007 there were 10,429 Government schools; 93 private schools and 658 Pirivenas [Buddhist monastic colleges] with a total number of pupils around 4,100,000 in 2007. [58c]

See [also Section 23: Women](#) and subsection above on Violence against children.

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CHILD SOLDIERS

- 24.27 The Coalition to Stop the Use of Child Soldiers ‘Child Soldiers Global Report 2008, Sri Lanka, undated (released on 20 May 2008) reported that:
- “In February 2006 the Penal Code was amended to make ‘engaging/recruiting children for use in armed conflict’ a crime punishable by 20 years’ imprisonment. Despite these provisions, there had so far been no arrests of cadres of the LTTE or Karuna group...in relation to child recruitment. This was partly because the police often refused to accept complaints from parents of abducted children, despite parents having information about the identity of the abductors.” [61a] (Government)
- 24.28 The Child Soldiers Global Report 2008 also noted:
- “There were longstanding concerns about the treatment of children who ‘surrendered’ to the security forces; in December 2006 the government was criticized for not making a distinction between children and adults. The government subsequently appointed a commissioner general for rehabilitation, and as of mid-2007 was developing a rehabilitation program in cooperation with UNICEF. This included setting up a rehabilitation centre for ‘child surrendees’, of whom there had been more than 60, all of whom had been recruited by the LTTE. As of that time, however, no specific program had been established for girls.” [61a] (Government)
- 24.29 The USSD report 2008 recorded that “Both the LTTE and the TMVP recruited and used minors in their armed wings [in 2008]. However, UN Children’s Fund (UNICEF) figures noted significant reductions in the scale of recruitment compared to prior years.” [2b] (Section 1g)

LTTE

- 24.30 The Child Soldiers Global Report 2008 recorded:
- “The LTTE consistently denied that it knowingly recruited children and it claimed that children sought to join by disguising their age. However, there is overwhelming evidence of recruitment, often forced, throughout areas under

LTTE control as well as from government-controlled areas in the north and east. The recruitment of children typically followed a pattern of increased recruitment during the season of temple festivals and a fall during periods of international condemnation.” [61a] (Liberation Tigers of Tamil Eelam LTTE)

24.31 On 15 September 2008 BBC Sinhala reported that:

“Residents in Kilinochchi told BBC Sandeshaya that the Tamil Tigers are increasing pressure on families with two children to hand over one child to the movement to fight against the government forces. ‘The Tigers come and take the children by force. Forcible recruitment of children has been [sic] worsened since about a year ago. It wasn’t that bad until recently,’ the resident said. The LTTE are desperately seeking more recruits as the government forces are advancing to the Vanni, the residents who did not want to be identified told BBC Sandeshaya.” [9e]

24.32 On 31 May 2009 *The Observer* reported that “Tamil children as young as 11 were forced at gunpoint to fight for the Tigers in Sri Lanka’s civil war. Survivors talked of their ordeal to Gethin Chamberlain in Ambepusse.” and that:

“children...who were forced to fight on the front line in the final stages of the war in Sri Lanka, gave the Observer compelling evidence of war crimes committed by the Liberation Tigers of Tamil Eelam (LTTE). The camp currently houses 95 children, with another 200 on their way from internment camps around the town of Vavuniya in the north of the country. Despite international concerns over the treatment of LTTE suspects, the children appeared to be well treated and were able to speak freely when the Observer visited the camp on Thursday [28 May].”

“The accounts of these boys and girls who surrendered to the Sri Lankan army were shocking. They say they were dragged screaming from their families and sent into action with only a few days of basic training. The older members of the LTTE warned them to keep firing and advancing, or they would be shot by their own side from behind. Those who did try to escape said they were fired on by their own side. Children who were recaptured had their hair shaved off to mark them as deserters and boys were beaten.” [20c]

24.33 The UNICEF ‘Monitoring of underage recruitment: March 2009 update’ (website accessed on 4 June 2009) recorded that:

“According to UNICEF data-bases, as of 31 March 2009, there are 1423 outstanding cases of under age recruitment by the LTTE. Of these, 68 are under the age of 18, and 1355 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.” [53a]

24.34 The HRW document ‘Trapped and Mistreated - LTTE Abuses Against Civilians in the Vanni’ of December 2008 reported that:

“In recent years, international pressure on the LTTE, increased monitoring of its practices by the UN Children’s Fund (UNICEF), and other factors have led

to a significant decline in its known recruitment of children, from 1,494 reported child recruitment cases in 2002 to 166 in 2007. Twenty-six cases were reported to UNICEF in the first 10 months of 2008, although escalating hostilities and limited access by international child protection agencies may result in significant under-reporting. Despite the reduced number of reported child recruitment cases, several reports suggest that the LTTE has increasingly targeted children in the Vanni for recruitment in recent months. Humanitarian agencies operating in the Vanni prior to the September 2008 expulsion documented a number of cases where LTTE cadre went to villages and IDP locations and organized rallies specifically targeted at 15 to 17 yearolds, urging them to volunteer for the LTTE and join the battle. The staff of a nongovernmental organization (NGO) active in the education sector in the Vanni also documented several cases where LTTE cadre went to address students aged between 14 and 17 at their schools, urging them to join the LTTE.” [21e] (p5)

24.35 The HRW report of December 2008 continued:

“The government-ordered withdrawal of UN and humanitarian agencies significantly weakened the ability of UNICEF and other protection agencies to monitor and respond to child recruitment practices by the LTTE. UNICEF has been unable to receive and verify cases of child recruitment in the Vanni since the September withdrawal. There have been a number of credible reports of underage recruitment by the LTTE since the humanitarian withdrawal, but international agencies have been unable to independently confirm these reports. Government agencies on the ground report that the LTTE has not massively expanded its underage recruitment policies out of fear of losing public support from the local population...Through village-level officials, the LTTE closely monitors families. As soon as a boy or girl turns 17, they are forced to join the LTTE for military training.” [21e] (p5-6)

See also [Section 4: Latest developments](#) and [Section 10 on Forced conscription by the LTTE](#)

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Karuna group/TMVP

24.36 The Coalition to Stop the Use of Child Soldiers ‘Child Soldiers Global Report 2008, Sri Lanka, released on 20 May 2008, reported that:

“The government was repeatedly condemned for tolerating the aiding and abetting by the security forces of child recruitment by the Karuna group. In November 2006 a UN special advisor on children and armed conflict ‘found strong and credible evidence that certain elements of the government security forces are supporting and sometimes participating in the abductions and forced recruitment of children by the Karuna faction’. President Rajapakse and other Sri Lankan officials repeatedly promised that the government would investigate the allegations of state complicity and hold accountable any members of the security forces found to have violated the law. Human Rights Watch repeatedly asked the government for the results of the investigations and, in August 2007, questioned the sincerity of the government’s commitment

to an investigation. A government committee was established in 2007 to investigate the allegations.” [61a] (Government)

- 24.37 On 16 December 2008 IRIN reported that “Vinayagamurthi Muralitharan, leader of the Tamil Makkal Viduthalai Pulikal (TMVP), which broke away from the Tamil Tigers in 2004, said it signed the action plan with the government and UN Children's Fund (UNICEF) on 1 December, with a three-month deadline for ensuring that all underage recruits in the TMVP are demobilised.” [55c]
- 24.38 However, the UNICEF ‘Monitoring of underage recruitment: March 2009 update’ (website accessed on 4 June 2009) recorded that: “As of 31 March 2009 there are 114 outstanding cases of under age recruitment by the TMVP. Of these, 36 are under the age of 18, and 78 were recruited while under 18 but have now passed that age.” [53a]
- 24.39 The USSD 2008 report recorded that the TMVP had released 39 children in April 2008 but also noted that “the TMVP continued to recruit and rerecruit children, albeit at much lower levels than in previous years.”[2b] (Section 1g)

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25. TRAFFICKING

- 25.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) recorded that:

“The law prohibited trafficking in persons. Legal penalties for trafficking include imprisonment for two to 20 years and a fine. For trafficking in children, the law allowed imprisonment of three to 20 years and a fine. The country was both a point of origin and destination for trafficked persons. Sri Lankan men and women migrated legally to the Middle East, Singapore, Hong Kong, Malaysia, and South Korea primarily to work in construction, factories, and as domestics. A small percentage of those who went abroad found themselves in situations of involuntary servitude, facing restrictions on movement, threats, and physical or sexual abuse. Illegal recruitment agencies charged large predeparture fees that forced some migrants into debt bondage.

“Women and children were reportedly trafficked internally for domestic and sexual servitude. No statistics were available on the extent of this problem. A smaller number of Thai, Chinese, and Russian women and women from the former Soviet Union were also trafficked into the country for commercial sexual exploitation.” [2b] (Section 5)

- 25.02 The USSD 2008 report also added:

“The NCPA had primary responsibility for prevention of trafficking in children. It had a Special Police Investigations Unit, with arrest authority, that focuses on combating the trafficking of children for commercial and sexual exploitation. The NCPA had several cases pending against child traffickers, but no trials were completed. As in the case of other criminal proceedings in the country, it may take up to a decade to secure a conviction. The NCPA also operated rehabilitation centers for abused children, including child trafficking victims, in Negombo and Kalutara. The centers provided shelter, counseling, legal assistance, and career guidance for victims. A Probation Department worked to reintegrate children with their families. The government also conducted awareness campaigns to educate persons about trafficking. The government continued its programs to monitor immigration by suspected traffickers or sex tourists, including a cyber watch project to monitor suspicious Internet chatrooms.” [2b] (Section 5)

- 25.03 The US Department of State’s ‘Trafficking in Persons Report’, released on 4 June 2008, noted:

“Sri Lanka is a source and destination country for men and women trafficked for the purposes of involuntary servitude and commercial sexual exploitation... Children are trafficked internally for commercial sexual exploitation and, less frequently, for forced labor. The designated Foreign Terrorist Organization Liberation Tigers of Tamil Eelam (LTTE) continued to recruit, sometimes forcibly, children for use as soldiers in areas outside of the Sri Lankan government’s control. Government security forces may also be complicit in letting a pro-government paramilitary organization recruit, sometimes forcibly, child soldiers.” [2i] (Sri Lanka Section)

25.04 The same source stated that:

“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 failing to provide evidence of increasing efforts to combat severe forms of trafficking in persons over the previous year, particularly in the area of law enforcement. The government failed to arrest, prosecute, or convict any person for trafficking offenses and continued to punish some victims of trafficking for crimes committed as a result of being trafficked. At the same time, Sri Lanka protected some victims of trafficking, including Sri Lankan nationals trafficked abroad. The government appointed a focal point on trafficking in persons in July, who convenes a monthly anti-trafficking working group to develop and coordinate anti-trafficking policy. (USSD, Trafficking in Persons Report, June 2008) [2i] (Sri Lanka Section)

25.05 And continued:

“Sri Lanka made little progress on its law enforcement efforts this reporting period. The Sri Lankan government prohibits all forms of trafficking through an April 2006 amendment to its penal code... Sri Lanka similarly failed to report any prosecutions or convictions for trafficking for commercial sexual exploitation, including trafficking of children... The Sri Lankan government's efforts to provide protection for trafficking victims improved nominally, but remained limited. The government did not provide foreign trafficking victims with legal alternatives to their removal to countries where they would suffer retribution or hardship. Sri Lanka also failed to ensure that victims of trafficking were not punished for acts committed as a result of being trafficked. Of particular concern are ongoing reports that women arrested on suspicion of being trafficked into Sri Lanka for the purpose of sexual exploitation were asked to pay fines in exchange for release from prison and were usually deported thereafter. Law enforcement officers continue to lack a formal system to identify potential victims of trafficking. The government does not provide specialized training for victim identification, though law enforcement officers participated in NGO-provided training. For Sri Lankan victims, the government relies primarily on NGOs to provide victim protection services due to resource constraints. Police encourage these victims to assist in investigations against their traffickers, but do not undertake any specific measures to ensure victim or witness safety.” [2i] (Sri Lanka Section)

25.06 The USSD Trafficking in Persons Report, June 2008 also noted:

“Sri Lanka made modest efforts to prevent trafficking in persons during the reporting period...The government conducted 26 awareness campaigns on child sexual exploitation among teachers, students, hotel staff, taxi and rikshaw drivers, and others employed in the tourism industry. In February 2008, the government established a hotline for complaints about child labor, sexual exploitation, and other abuses. Sri Lanka has not ratified the 2000 UN TIP Protocol.” [2i] (Sri Lanka Section)

See also [Sections 23: Women](#); [24: Children](#); and [29: Internally Displaced People](#)

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT

- 26.01 The WHO (World Health Organisation) Country Health System Profile Sri Lanka (undated, website accessed on 19 May 2008) provides useful general information on the health resources in Sri Lanka:

“A wide disparity in the regional distribution of health personnel is evident. The Colombo district has a high concentration of most categories of health personnel except public health staff. In 2001, 35 percent of the specialists were concentrated in the Colombo district.... (Section 4.1) The government health sector takes care of healthcare needs of the vast majority of the population. The private sector in health had been small in terms of service provisions and financing. It is only recently that the private sector has been growing mostly in urban areas. The private sector contribution has been mainly in urban areas.... (Section 4.2) Adequate emphasis is given in the past in building physical infrastructure, including facilities and equipment, as a means of developing national healthcare system. This has lead to a countrywide, comprehensive network of health centres, hospitals and other medical institutions.” [68c] (Section 4.2)

- 26.02 The WHO Mini profile 2007 (accessed on 7 June 2009), Sri Lanka recorded that:

“The public sector provides health care for nearly 60% of the population and caters to 95% of inpatient care. The private sector provides mainly curative care, which is estimated to be nearly 50% of outpatient care. This is largely concentrated in urban and suburban areas...The public sector provides care under allopathy and ayurvedic systems. But there are private practioners of Unani, Siddha and Homeopathy systems as well. Nearly 60% of the rural population relies on traditional and natural medicine for their primary health care.” [68b] (p14)

- 26.03 A detailed list of government hospitals is available from the [website of the Sri Lankan Ministry of Healthcare and Nutrition](#) (accessed on 1 September 2008). The following government hospitals exist in the Colombo district:

“Teaching Hospital

- 1 NH-Colombo General (Line Ministry Inst.)
- 2 TH-Castle (Line Ministry Inst.)
- 3 TH-Eye (Line Ministry Inst.)
- 4 TH-L.R.H (Line Ministry Inst.)
- 5 TH-Soysa (Line Ministry Inst.)
- 6 TH-Kalubowila (Line Ministry Inst.)
- 7 TH-Angoda Mental Hospital (Line Mini I.)
- 8 TH-Mulleriyawa Mental Hospital (LM In.)
- 9 TH-Cancer Institute (Line Ministry Inst)
- 10 TH-Dental Institute (Line Ministry Inst)
- 11 TH-Sri Jayawardenepura (Line Mini Inst)

Base Hospital Type A

- 1 BH-Avissawella

2 BH-Homagama
 3 Fever Hos. Angoda (Line Ministry In.) IDH
 District Hospital
 1 DH-Moratuwa
 2 DH-Premada”

This list also provides details of Government hospitals in other districts. [67b]

- 26.04 A different section of the same website recorded that in total in Sri Lanka there are 612 hospitals with a total of 66,835 hospital beds (Medical Institutions & Bed Strength in Sri Lanka by Hospital Type – 2008) [67c]
- 26.05 The Ministry of Health ‘National Census of Health Manpower’, updated on 30 June 2007 (website accessed on 1 June 2009), stated that in Sri Lanka there were: 101 general physicians; 30 cardiologists; 75 general surgeons (as well as a total of over 120 specialised surgeons); 92 paediatricians; 9 paediatric surgeons; [67a]

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Availability and affordability of drugs

- 26.06 A letter from the British High Commission in Colombo, dated 1 October 2008, reported that:

“We have contacted the State Pharmaceutical Co-operation (SPC) chairman Mr Ranjith Maligaspe. We were told that medical care is affordable for the average person in Sri Lanka. Most conventional medicines are available and government hospitals provide drugs free of charge, unless prescribed outside. Drugs are cheaper at SPC than in the private sector. SPC deal with 3000 drugs and surgical items, while the private sector supplies about 700 items. He added that in comparison most drugs would be cheaper than in the United Kingdom for prescription and dispensing charges. The Healthcare and Nutrition Ministry banned the prescription of drugs by their trade names, instead insisting on the use of their generic names as of 1st January 2008. This law applies to doctors in government service as well as in the private sector. The objective of this change was 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 to Rs.100 each but under the present regulations, a drug which has the same effect and quality can be purchased at Rs.7 each.’” [15c]

See also [Section 26 on Mental health](#)

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 26.07 A letter from the British High Commission in Colombo dated 1 October 2008 mentioned that they had contacted a consultant at the National STD/AIDS Control Programme to discuss availability of HIV/AIDS drugs.

“He said that all of the drugs recommended by the World Health Organisation (WHO) are available. The government provides first grade treatment for HIV patients meeting WHO standards. Drugs for countering opportunistic infections are widely available in pharmacies and generally prices in pharmacies are lower than in the UK. Persons seeking treatment in any of the Government medical institutions, receive treatment free of charge. The World Bank continues to fund a national STD/AIDS Control Programme.” [15c]

- 26.08 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that “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.” [2b] (Section 5)

CANCER TREATMENT

- 26.09 A letter from the British High Commission (BHC) in Colombo dated 23 April 2009 reported on a visit to the Maharagama Cancer Institute in Western Province and the meeting held with Dr Yasantha Ariyaratne, the senior Consultant Clinical Oncologist:

“He explained that the Cancer Institute is the main public hospital for the treatment of cancer in Sri Lanka and the only establishment solely dedicated to this purpose. He explained that the hospital has 665 beds, caters for 815 patients and has more than 1000 day-care patients. I was told that the medical team included 11 radiotherapy oncologists, 3 paediatrician oncologists, 2 surgical oncologists, 2 gynaecological oncologists, 1 haematological oncologist, 1 general physician, 2 anaesthetists and more than 100 medical officers. The institute provides chemotherapy, radiotherapy and surgical treatment for cancer patients and possesses a linear accelerator. I was informed that all of the senior consultants had been trained and worked in the UK, USA or Australia at some stage and that many were well versed in the British NHS system. Dr Ariyaratne stated that there were cancer units within public sector hospitals in Kandy and Galle (both teaching hospitals), and in Jaffna, Anuradhapura, Badulla and Kurunegala.

“Within the private sector, Dr Ariyaratne said that there was chemotherapy, radiotherapy and surgical therapy available at hospitals in Colombo and Kandy”. [15h]

- 26.10 The BHC letter of 23 April 2009 further reported:

“With regard to the availability of drugs for cancer treatment, I was told that for many years the government of Sri Lanka purchased these drugs from Switzerland. However, the government now purchases them from Indian manufactures, and although they were not as pure as the Swiss made ones, they were getting better and were now reaching a similar standard. Unfortunately these drugs do not have a long shelf life so the government are unable to buy in bulk and stockpile, particularly when the demand for specific drugs for specific cancers is not great. As a result, for patients undergoing long-term treatment, the supply of these drugs can be erratic.” [15h]

- 26.11 The Ministry of Health ‘[National Census of Health Manpower](#)’, updated on 30 June 2007 (website accessed on 1 June 2009), recorded that in Sri Lanka there were six oncology surgeons and 16 Radiotherapists/Oncologists. [67a]

See also [Section on Overview of availability of medical treatment and drugs](#)

KIDNEY DIALYSIS

- 26.12 A letter from the British High Commission (BHC) in Colombo dated 7 May 2009 reported that:

“There are around 100 dialysis machines and only 15 nephrologists in the whole of Sri Lanka. No reliable statistics on the number of persons suffering from kidney failure on the island are available, but it is estimated that every year a further 3000 people are diagnosed...The availability of dialysis treatment is extremely limited due mainly to the extreme demand for limited machines, but also the cost of the treatment and the fact that poor water pressure over virtually the entire island means that hospitals offering such treatment are limited to being in Colombo and Kandy.” [15i]

- 26.13 The BHC letter of 7 May 2009 continued:

“Costs for dialysis treatment vary from Rs 6,000 – 8,000 per session (£35-£46), so for a person requiring 3 sessions a week, costs could be as high as Rs 24,000 (£138) per week. Dialysis treatment is available in the public sector free of charge, but because of the high demand patients have to take their turn in the queue. [The Head of the Kidney Patients’ Welfare Society (KPWS)] Mrs Gunsekera added that there are people who can afford treatment in the private sector, but who are unable to access it because of the high demand and again end up in a queue... With regard to public sector hospitals providing dialysis treatment, I was told that the main hospitals were the National Hospital in Colombo, the Teaching Hospital Colombo South, Sri Jayawardenepura General Hospital and Kandy General Hospital...In the private sector the following Colombo hospitals were specifically mentioned by Mrs Gunsekera: Navaloka Hospitals, Durdans Hospitals, Asiri Hospitals, Apollo Hospital and Asha Central Hospital.”

“Mrs Gunsekera explained that many of the hospitals mentioned above, in both public and private sector, are able to carry out kidney transplant operations. She added however that the biggest problem was finding donors. There has never been a national campaign to encourage organ donation, and there is not a national register of organ donors in Sri Lanka. Locating a suitable organ was down to the individuals requiring a transplant to advertise in the newspapers to seek out donors.” [15i]

See also [Section on Overview of availability of medical treatment and drugs](#)

MENTAL HEALTH

- 26.14 The World Health Organisation (WHO) report, ‘The New Mental Health Policy for Sri Lanka’, undated, accessed on 5 August 2008, noted that “It has been estimated that nearly 400,000 Sri Lankans suffer from serious mental illness. In addition, about 10% are thought to suffer from other more common mental

health problems. The estimated prevalence of depression amongst the general public varies from 9% to 25%.” [68a]

Mental health hospitals and clinics

- 26.15 The British High Commission (BHC) Colombo contacted a consultant psychiatrist at the National Institute of Mental Health for information about mental health facilities and care in Sri Lanka. In a letter dated 19 August 2008 the BHC reported:

“The main public facility is the National Institute of Mental Health; a government run establishment in Angoda, Colombo, which can hold up to 1400 patients. There is a Long Stay Unit at Hendala where 200 male patients can remain indefinitely, and a similar establishment in Mulleriyawa that caters for up to 850 female patients. There are 9 other hospitals or units in the following locations that each have places for between 20-30 patients: Ragama Teaching Hospital, Colombo South Teaching Hospital, Batticaloa Teaching Hospital, Peradeniya, Kandy, Kurunegala, Galle, Badulla, and Kalutara. There is only one private hospital providing psychiatric treatment, the Park Hospital, Park Road, Colombo 5 (www.parkhospitals.com), although private consultations with psychiatrists working at public facilities are available, which is known as ‘channel consultation’.” [15t]

- 26.16 The BHC letter of 19 August 2008 also reported that a number of NGOs also provided some mental healthcare. “Sahanaya – The National Council for Mental Health – [has] two centres in Borella and Gorakana providing walk-in clinics and day care centres – <http://www.sahanaya.org/index.php> Sanasuma Counselling Service – based in Colombo and providing therapeutic counselling - www.sanasuma.com Sri Lanka Sumithrayo – based in Colombo but with 13 branches across the country providing counsellors and trained volunteers - www.srilankasumithrayo.org” [15t]

Psychiatrists and psychologists

- 26.17 The Ministry of Health National Census of Health Manpower, updated on 30 June 2007 (website accessed on 1 June 2009), stated that there were 24 psychiatrists in the country but there is no mention of psychologists. [67a]
- 26.18 However, the BHC letter of 19 August 2008 reported that “There are no psychologists working within the public sector although there are 1 or 2 teaching at the University of Colombo and Peradeniya University. There are no numbers available for psychologists working within the private sector. There are approximately 20 psychiatrists attached to the Ministry of Health and a further 20 attached to universities.” [15t]

Post Traumatic Stress Disorder (PTSD)

- 26.19 The consultant psychiatrist at the National Institute of Mental Health consulted by the BHC Colombo stated that “PTSD is considered a ‘western phenomenon’ and does not prevail very much in Sri Lanka. Individual psychiatrists will treat patients in both government and private hospitals.” (BHC letter of 19 August 2008) [15t]

Availability and affordability of anti-depressants and therapeutic drugs

- 26.20 The BHC letter of 19 August 2008 noted that “The Sri Lankan government provides free drugs and care to patients with mental health problems. Drugs such as Carbamazepine, Ethosuximide, Phenobarbital, Phenytoinsodium, SodiumValproate, Amitriptyline, Chlorpromazine, Diazepam, Carbidopa and Levodopa, as well as generic drugs of a similar kind are all available. We were advised that if any drugs were not freely available locally they could be obtained from India.” [15t] The website of the State Pharmaceutical Corporation (SPC) of Sri Lanka recorded that Carbamazepine; Chlorpromazine, Diazepam; Phenobarbital and Sodium Valproate are available in Sri Lanka. [13a]

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27. HUMANITARIAN ISSUES

27.01 On 29 May 2009 the UN News Service reported that:

“The United Nations, along with dozens of partner agencies, are working to improve basic conditions in camps housing people who fled the recently-ended conflict in northern Sri Lanka, it was announced today. The UN Office for the Coordination of Humanitarian Affairs (OCHA) said that since the arrival of the last of the internally displaced persons (IDPs) at the camps, relief workers have been working to ease pressure on overcrowded sites, construct more latrines and improve water supply to meet international standards. Other priorities include reuniting families and improving freedom of movement in the camps... More than 20,000 tents and emergency shelters have been distributed in recent weeks, but 15,000 more are required to provide adequate living space for the uprooted, it added. OCHA identified water and sanitation as an ongoing challenge, with only half of the latrines necessary having been constructed to date and only 75 per cent of water needed for drinking and bathing needs available. Another key concern is nutrition, given the large numbers of under- and malnourished children, as well as the high adult vulnerability rate, but only 10 of the 30 nutrition rehabilitation centres have so far been constructed. To meet child protection needs, 63 child-friendly spaces to accommodate over 20,000 children have been established, and teams to support former child soldiers, many of whom were forcibly recruited, are also in place.” [6c]

27.02 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA), ‘Sri Lanka, Vanni Emergency Situation Report #18’, 27 May 2009, recorded:

“Discussions are ongoing between Government authorities and humanitarian organizations, to address access issues to Menik Farm in Vavuniya... In total the Menik Farm sites accommodate over 225,000 IDPs.

“On 26 May [2009], Mr. John Holmes, ERC, and Mr. Lynn Pasco, USG for Political Affairs, briefed media in New York on the Secretary-General’s recent visit to Sri Lanka. Mr. Holmes said the SG was ‘able to see for himself that, while a lot has been done in terms of providing basic services, there is still a long way to go in areas like shelter.’ ‘The basic conditions of life are being met’, he said, ‘but there’s quite a lot of progress to go.’” [52a]

See also [Latest News Section](#); [Section 4: Latest developments](#) and [29: Internally Displaced People](#)

27.03 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 noted that:

“Humanitarian access remains a serious concern for the civilians living in the conflict areas in the North. [See [Section 4: Latest developments](#) for the final phases of the conflict ended on 18 May 2009] Since September 2008, the UN and almost all other international aid agencies have been prevented from operating in the areas of the North affected by the fighting and humanitarian access has been severely limited. IDPs and other vulnerable groups in the North, who remain heavily reliant on food assistance, have been gravely

affected by the limited food supplies. Civilians trapped within the fighting zones have extremely limited access to medical care and supplies and throughout the North the health crisis resulting from the conflict and displacement in the North exceeds available resources. Displaced persons interviewed by UNHCR recount severe difficulties during their escape and dire humanitarian conditions in the Vanni pocket.” [6h] (p7-8)

- 27.04 The HRW report entitled ‘Besieged, Displaced, and Detained -The Plight of Civilians in Sri Lanka’s Vanni Region’ issued on 23 December 2008 observed that several hundred thousand ethnic Tamil civilians were:

“... trapped in intensifying fighting between the Sri Lankan armed forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) in the LTTE’s northern stronghold, known as the Vanni [sometimes also spelled ‘Wanni.’ The Vanni comprises parts of the districts of Kilinochchi (to the north), Mullaitivu (east), Mannar (west), and Vavuniya (south).]. As the LTTE has lost ground to advancing government forces, civilians have been squeezed into a shrinking conflict zone. The encroaching fighting has left many homeless, hungry, and sick, and placed their lives increasingly in danger...With humanitarian and civilian movement in and out of the Vanni greatly restricted by both the Sri Lankan authorities and the LTTE, affected communities find it increasingly difficult to obtain desperately needed humanitarian assistance.” [21h] (Summary)

- 27.05 The HRW report of 23 December 2008 added that:

“The government-ordered withdrawal of all United Nations and international humanitarian staff in September 2008...has had a severe impact on the humanitarian situation in the Vanni. ...The most acute needs have been in the areas of food, shelter, water, sanitation, health care, psychosocial counseling, and education.” [21h] (p25)

- 27.06 On 3 December 2008 BBC Sinhala reported:

“United Nations relief officials are continuing to assist authorities in the conflict-racked north of Sri Lanka respond to flooding that has displaced more than 70,000 people and affected 300,000 others...In Jaffna alone, about 62,000 people have been forced to flee their homes because of the floods, which followed days of heavy rains, and are now living in nearly 250 separate camps for internally displaced persons (IDPs). More than 5,900 houses have been badly damaged and another 13,300 are partially damaged.” [9o]

- 27.07 Detailed information on the humanitarian situation in Sri Lanka is available from the website of the [United Nations Office for the Coordination of Humanitarian Affairs \(OCHA\), Humanitarian Portal - Sri Lanka](#) [52] The website provides access to Situation Reports/Humanitarian Updates for Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara Districts issued by IASC (Inter-Agency Standing Committee) Country Team and OCHA as well as to maps of IDPs camps and hospitals.

See also [Latest News Section](#); [Section 4: Recent developments](#); [Section 17: Human rights institutions, organisations and activists](#); [Sections 28: Freedom of Movement](#); and [29: Internally Displaced People](#)

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28. FREEDOM OF MOVEMENT

- 28.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

“The law grants every citizen ‘freedom of movement and of choosing his residence’ and ‘freedom to return to the country.’ However, in practice the government severely restricted this right on multiple occasions. The war with the LTTE prompted the government to impose additional checks on travelers from the north and the east and on movement to Colombo. In Colombo police refused to register Tamils from the north and the east, as required by Emergency Regulation 23, sometimes forcing them to return to their homes in areas affected by the conflict. Tamils were subject to onerous restrictions on fishing in Jaffna and Trincomalee.

“The government required Tamils, especially those living in Jaffna, to obtain special passes issued by security forces to move around the country. Unlike other citizens, ethnic Tamil's identification cards were printed in both Sinhalese and Tamil, allowing security forces immediately to determine who was an ethnic Tamil. Citizens of Jaffna were required to obtain permission from the army's Civil Affairs unit, or in some cases from the EPDP, to leave Jaffna. According to several sources, the waiting list was more than five months long. Curfews imposed by the army also restricted the movement of Jaffna's citizens.” [2b] (Section 2d)

- 28.02 And continued:

“Limited access continued near military bases and the HSZs where civilians could not enter. The HSZs extended up to an approximately 2.5-mile radius from the fences of most military camps. Some observers claimed the HSZs were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. In 2007 the president announced the creation of a large HSZ in Muttur East and Sampur on land previously inhabited by Tamils before fighting between government security forces and the LTTE caused the Tamils to flee. The Supreme Court dismissed lawsuits challenging this HSZ, holding that government security measures could not be the subject of a private lawsuit.” [2b] (Section 2d)

- 28.03 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 noted that:

“Individuals who have fled the conflict areas in the North have faced serious restrictions on their ability to move to other parts of the country and many, including family groups, have been forced to remain in high security camps and transit sites established by the Government in Mannar, Vavuniya and Jaffna districts. Human rights observers have expressed concern that the conditions in the sites are not consistent with international standards for the treatment of displaced persons, in particular the restrictions on freedom of movement, the presence of military personnel in the camps and the screening process to identify LTTE suspects, which has reportedly been associated with arrests and disappearances.” [6h] (p6)

28.04 The UNHCR Eligibility Guidelines went on to state that “The security and human rights situation throughout the North remains poor. Strict security and anti-insurgency measures implemented by the Government forces to identify LTTE members and suppress LTTE activities in the North have involved increasingly frequent cordon and search operations, arrests, detentions and restrictions on movement of Tamils in and from the region.” [6h] (p6)

28.05 The same UNHCR document also recorded:

“Since March 2008, displaced people from LTTE controlled areas, including many family groups with children and elderly people have been held camps in Mannar and Vavuniya districts, where severe restrictions on movement are imposed. Human rights advocates have criticized the Government’s policy as unreasonably limiting the rights of displaced persons to liberty and freedom of movement...restrictions on travel caused by road closures, security checks and curfews imposed by the military, security and police forces, as well as the LTTE, have seriously interfered with the right of civilians to flee the areas of fighting or other forms of targeted human rights violations, and to seek protection in other parts of the country or asylum abroad and to pursue livelihood activities.

“Ethnic Tamils, in particular those originating from the North and the East, who reside in or seek to enter Colombo, have encountered disproportionate and discriminatory restrictions on their movement and ability to reside in Colombo.” [6h] (p17-18)

28.06 In a letter dated 29 April 2009, the BHC in Colombo observed that:

“Residing in Colombo or indeed all of Western Province can be difficult for Tamils, especially if they are originally from the north or east of Sri Lanka.

“Many essential services are only available in Colombo so people travel from the north and the east to access medical facilities, higher education, employment, passport and identity card issuing facilities and to make plans for overseas travel. Under the law, anyone can stay in Colombo without giving any prior notice to the police or security forces. However, persons from ‘out of town’ will be stopped like everyone else at the frequent checkpoints [see sub-section below] and this can prove a particular problem for Tamils who do not have adequate Sinhala language skills.” [15e]

28.07 The HRW report document ‘Besieged, Displaced, and Detained -The Plight of Civilians in Sri Lanka’s Vanni Region’, issued on 23 December 2008 reported:

“The LTTE has forcibly blocked civilians in areas under its control from crossing into government-held territory, compelling them to move with retreating LTTE forces. As a result, only about a thousand civilians from the Vanni have managed to reach noncombat zones—and most of these, including many families, have been detained in government camps...“Civilians seeking to flee the fighting in the Vanni also continue to be fearful of their treatment by government authorities. The Sri Lankan government has established a policy of detaining civilians fleeing LTTE-controlled areas in search of safety. Most of the families and individuals stopped while crossing into government-controlled areas have been detained indefinitely in military-

run camps. Virtually all Vanni residents are ethnic Tamils who have relatives—by choice or compulsion—in the LTTE.” [21h] (Summary)

- 28.08 HRW also reported that “Officials have reason to vet new arrivals to ensure that LTTE fighters are not disguised among them” and that, as of December 2008,

“... all who cross, including entire families, are being detained indefinitely in camps with little prospect of joining relatives or host families elsewhere in Sri Lanka... (Summary) Since March 2008, Sri Lankan security forces have detained almost all ethnic Tamil civilians fleeing the Vanni, intercepting them when they approach government-controlled areas. Active fighting around the main A9 road and numerous government and LTTE checkpoints, and the widespread use of landmines by both sides have made travel overland extremely difficult and dangerous. As a result, until the mid-November 2008 LTTE withdrawal from northern Vavuniya district, most civilians fleeing the Vanni did so by sea, bribing local fishermen to take them by boat to the port town of Trincomalee or other government-controlled areas. Small numbers of civilians fleeing the Vanni still attempt to bypass the government security cordon to live in the predominantly Tamil areas of Mannar or Vavuniya, but they face arrest if identified.” [21h] (p10)

- 28.09 The HRW report also observed that:

“The security forces send Tamils taken into custody to two so-called ‘welfare centers’ in Mannar district... Kalimoddai camp opened in March 2008; Sirukandal camp opened in July 2008. As of December 15, 2008, Kalimoddai housed 461 persons (202 families) and Sirukandal housed 345 persons (153 families). There were 226 children (persons under 18) in both camps. Many of those detained are young single men who fled the Vanni to avoid forced LTTE recruitment, and families who fled to prevent the forced recruitment of their children... The civilians in the two camps are being held against their will. The camps are completely fenced, and are closely guarded by Sri Lankan navy and army personnel, and the police. The security forces have refused to allow the civilians to leave the camps — except under tight restrictions... In echoes of LTTE population controls, individuals wishing to leave the camp for work or other reasons must request a daily pass from the security forces and leave behind another relative as ‘guarantor’ to ensure their return.” [21h] (p11-12)

- 28.10 The HRW document ‘Trapped and Mistreated - LTTE Abuses Against Civilians in the Vanni’ of 15 December 2008 reported that:

“The LTTE has long used a coercive pass system to prevent civilians from leaving areas under its control. Strict regulations on movement of civilians have been in place since at least 1995. Ordinarily, persons of recruitment age (between 12 and 35 years old, male or female, more recently extended to 45 years) wishing to temporarily exit LTTE-controlled areas are required to leave a relative behind as a ‘guarantor.’ A ‘guarantor’ is normally a relative who ensures that the person leaving the Vanni will return to the Vanni as promised. If the individual fails to return to the Vanni as promised, the ‘guarantor’ is arrested and normally subjected to forced labor.” [21e] (p14)

- 28.11 The HRW report of 15 December 2008 continued:

“Prior to the current phase of the conflict, if families wanted to leave LTTE-controlled areas permanently, they had to hand over their land, home, and property to the LTTE (an option only available to the relatively wealthy). Once permission is granted by the LTTE’s Transport Monitoring Division (TMD), the person or family wishing to move is given a one-time travel pass by the TMD. Movement restrictions were somewhat relaxed during the ceasefire agreement period from 2002 until 2006, when the TMD issued everyone over the age of 10 in LTTE-controlled areas a Transport Admission Card (TAC), which allowed individuals and families to move relatively freely in and out of LTTE-controlled areas during this period. After the closure of the LTTE’s Jaffna peninsula checkpoint on the A9 road leading to the Vanni on August 11, 2006, the LTTE again began to issue increasingly restrictive travel regulations. As before the ceasefire, the LTTE again started requiring individuals to apply for a one-time pass from the TMD and leave a relative behind as a guarantor... Since being under increased military pressure from Sri Lankan forces, the LTTE has virtually stopped giving out passes, except for a few urgent medical cases. This has effectively trapped the several hundred thousand displaced persons remaining, as well as a smaller number of nondisplaced persons, inside LTTE-controlled territory.” [21e] (p14-15)

- 28.12 The HRW report document ‘Besieged, Displaced, and Detained -The Plight of Civilians in Sri Lanka’s Vanni Region’ issued on 23 December 2008 reported that “Following the mid-November 2008 withdrawal of the LTTE from northern Vavuniya district, several hundred civilians who approached the official government checkpoint at Omanthai just north of Vavuniya town were promptly detained and placed into camps...” [21h] (p10)

See also [Latest News Section](#); [Section 4: Recent developments](#); [Section 29: Internally Displaced People](#); [Section 31: Identity cards and travel documents](#)

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POLICE REGISTRATION

- 28.13 A letter from the British High Commission (BHC) in Colombo dated 1 October 2008 reported that:

“The Sri Lankan authorities require households to register all residents, the emphasis being on Tamils who take temporary lodgings. 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. Returned failed asylum seekers could form part of these, although the areas covered by cordon and search operations (normally a few blocks) would not yield very many. Persons identified as having not registered, are normally detained by the police for further questioning. The government has in the past 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.” [15c]

See also [Section 8 on Cordon and search operations](#)

- 28.14 The BHC letter of 1 October 2008 continued:

“There is no uniformity in the implementation of the police registration. After the current Government came to power in November 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 sought information as to the purchase date and price of the property, from whom the property had been purchased, how the purchase had been financed and who had assisted in the finance 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.

“There is currently a programme of police registration, specifically targeting persons who have temporarily migrated to Colombo and Western Province from the North and the East of the country.” [15c]

- 28.15 *The Sunday Times* reported on 11 January 2009 that the the Government had asked all Sri Lanka citizens to register online with the Ministry of Defence.

“The request is part of a government effort to further screen all persons residing in the country, said Lakshman Hulugalle, director general of the Media Centre for National Security. A website – www.citizens.lk – has been set up for the purpose. Sri Lanka residents are required provide personal details, including name, ethnicity, home address, type of house (apartment/flat, annexe, shop) occupied, and the nearest police station. Details of temporary residents should also be declared. ‘There is no time frame for registering, but if the response from the public is slow, the authorities may have to enforce registration through the law, perhaps even using emergency regulations,’ Mr. Hulugalle said. Those with no access to the internet can register at any government institution that has a special counter for registration purposes. Mobile units will be deployed in different areas on different days to facilitate the registration process.” [11m]

- 28.16 A BHC letter of 29 April 2009 observed that:

“On the 18th September 2008, the Government announced a requirement for all persons who had arrived in Western Province within the previous 5 years from the North and East of the country to register at their local police station, or assigned schools, temples or other public buildings, by the 21st September 2008. The police estimated that there were roughly 100,000 people who fell into this category. Security officials at the time said that the measures were brought about to prevent the infiltration of terrorists and ensure the public was protected. In reality this ‘Survey for Those Displaced’ as it was advertised, was seen as exclusively targeting Tamils and was criticised from many quarters. It was also reported that police were taking a census of Tamils who had arrived from five particular districts: Jaffna, Mullaitivu, Kilinochichi, Mannar and Vavuniya.” [15e]

- 28.17 The same BHC letter went on to mention that:

“Since this initial registration there have been further announcements by the Government and further dates set aside for those persons that had not registered previously to come forward. This also targets those persons who have arrived since the 21st September 2008. Amongst criticisms levelled at the process was that those registering were given no receipt or proof that they had registered. There were also delays in the process brought about by Sinhala speaking officers unable to communicate with those registering who only spoke Tamil.” [15e]

28.18 On 17 April 2009 the pro-LTTE website TamilNet reported:

“All householders in Colombo have been instructed by Sri Lanka Defence Ministry to register their particulars at the nearest police station and that failure to do so may result in punitive measures, according to announcement made over loud speaker in Sinhalese and Tamil from a long white bus bearing the Sri Lanka government insignia, Thursday night and Friday morning. Letting a person live in the house without informing the police is a punishable offence, it was announced.” [38a]

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CHECK-POINTS

28.19 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)

28.20 The USSD report 2008 recorded that “Security forces at army checkpoints in Colombo frequently harassed Tamils. After the government assumed effective control of the east, both the government and the TMVP operated checkpoints that impeded the free movement of residents, especially Tamils.” [2b] (Section 2d)

See also [Section 8 on Cordon and search operations](#) and [Section 32 on Exit – Entry procedures](#)

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Security checks on rail network

28.21 A letter from the BHC, Colombo, dated 22 July 2008, reported that:

“The RPF [the 693-strong Railway Protection Force] are deployed in all parts of the country and they work alongside the police, the military and the home guard in a co-ordinated approach to dealing with security on the rail network. There are more than 1,000 police and armed forces personnel dedicated to the security of the railways, plus a voluntary group, the Civil Security Committee, who have also been given search powers...in Colombo there is a co-ordinated strategy with separate plans for the security of stations, tracks and trains. On commuter trains, searches are carried out at stations, plus trains are randomly stopped and searched. On entering stations, passengers face full body searches or enhanced searches by officers using hand held metal detectors. Passes and Identity Cards are routinely examined...Search teams are deployed throughout the journey on all of the longer main routes. These teams carry out similar searches and checks of passengers. The RPF are usually unarmed, although they can carry weapons when required. The military routinely carry weapons. Search teams are deployed on trains throughout the country, and searches are made at all main stations.” [15s]

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Lodges in Colombo

28.22 In a letter dated 29 April 2009, the BHC in Colombo observed that “...in June 2007 there was the well-publicised operation to evict Tamils from lodges/boarding houses in Colombo and Gampaha. A total of 374 Tamils were evicted but subsequently allowed to return following a decisive intervention by the Supreme Court.” [15e]

28.23 A letter from the BHC Colombo dated 16 May 2008 expanded on the the issue of eviction of Tamils from lodges in Colombo:

“In June 2007, Inspector General of Police Victor Pereira said, ‘Tamils who were loitering in Colombo were given transport to return home unless they had proof of employment there’. However, many people from the north, east and other regions of Sri Lanka who had checked-in at the lodges, were in Colombo for a variety of reasons. Many were coming to look for employment, or undertake studies, or to receive medical treatment, or intending to travel abroad, plus people came to obtain official documents like identity cards or passports. But heavily armed police officers had entered the lodges in the Wellawatte, Kotahena, Pettah and Wattala areas of Colombo and a total of 376 persons were evicted, 291 males/85 females... It remains that Tamils living in Colombo for short periods of time, particularly in multiple-occupancy residencies, are subject to intense police scrutiny. (Source of a majority of the above was Mr Kandaramy, Executive Director of the Centre for Human Rights Development – CHRDR).” [15r]

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29. INTERNALLY DISPLACED PEOPLE (IDPs)

- 29.01 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 'Sri Lanka, Vanni Emergency Situation Report #18', 27 May 2009, recorded that during the period 27 October 2008 to 26 May 2009:

"289,915 persons crossed to the Government controlled areas from the conflict zone...287,598 people are accommodated in temporary camps [269,417 in Vavuniya camps, including the Menik Farm sites which accommodate over 225,000 IDPs]...2,3174 IDPs (injured and care givers) are in hospitals in various districts as of 18 May 2009...1,537 people have been released from temporary camps into host families and elders' homes as of 21 May 2009. The majority of these people are elderly, mentally challenged individuals and other vulnerable groups." [52a]

- 27.02 A BBC News report of 24 May 2009 observed:

"The Menik Farm camp in northern Sri Lanka has a distinctly military air for a place which is housing more than 200,000 people displaced by the fighting. There is barbed wire everywhere, and camouflage-clad soldiers who are not at all keen on journalists speaking to those inside the camp...The Sri Lankan government will not let the mostly Tamil people here leave yet. They are screening them to make sure they are not a security risk (i.e. Tamil Tigers who might begin to fight again). The UN says people must be allowed to reunite with their families. Sri Lanka's Foreign Minister Rohitha Bogollagama told me the screening process is on course and when it is over the resettlement will begin." [9i]

- 29.03 On 20 May 2009 the same source reported that:

"A number of children in camps for people displaced by Sri Lanka's Tamil conflict have been abducted, international human rights groups say. The groups say they have verified reports of disappearances in the Vavuniya area and are calling for the United Nations to investigate. Suspected former Tamil Tiger child soldiers are said to have been removed by paramilitaries for questioning. A Sri Lankan military spokesman denied the groups' allegations...The Coalition to Stop the Use of Child Soldiers is an umbrella group of global organisations which includes Amnesty International and Human Rights Watch. It said it had received verified reports of abductions from camps in and around Vavuniya in the north. It alleges that groups like the EPDP, PLOTE and the TMVP-Karuna faction - all Tamil paramilitary groups affiliated to the government - have unfettered access to the camps despite the presence of the Sri Lankan military... [A spokeswoman for the groups was reported as saying that] 'Some are being taken away for ransom, they've been kidnapped for ransom, and there've been certain negotiated releases where mothers had some jewellery and they could negotiate a release right within the camp.' 'In other cases the children have been taken away for questioning for their alleged links to the LTTE, so they are suspected of being former child soldiers with the LTTE.'" [9d]

See also [Latest News Section](#); [Section 4: Latest developments](#); [Section 10: Abuses by Non-Government Armed Forces](#); [Forced conscription](#) and [Section 27: Humanitarian Issues](#)

- 29.04 On 14 May 2009 the Official Government News Portal of Sri Lanka announced that:

“The Government has taken steps to issue birth, death and marriage certificates to the internally displaced persons (IDPs) currently housed in welfare centres in Vavuniya, Mannar and Jaffna, the Department of Registration of Persons said. According to these sources, the District Secretaries of Vavuniya, Mannar, Mullaitivu and Kilinochchi have been informed of the steps to issue birth, marriage and death certificates to IDPs who are in need of such documents. The majority of them have misplaced these important documents while escaping from the LTTE.” [10i]

- 29.05 On 1 June 2009 the same source reported that the Government had taken steps to issue Identity Cards to IDPs who arrived from conflict areas. “The new ID cards will be issued with inbuilt security measures to prevent forgery and even finger prints would be included in the card...Steps have been taken by ministry, together with the police and the Presidential Secretariat to provide identity cards to the displaced...” [10b]

See also [Section 31: Citizenship and nationality](#) for information on identity documents

- 29.06 The Internal Displacement Monitoring Centre (IDMC) Country page, Sri Lanka, Country Statistics, dated 1 May 2009 recorded:

- “By February 2009, there were approximately 495,000 conflict-displaced persons in Sri Lanka
- Of this number, 281,698 were displaced after April 2006 and approximately 214,000 from the period before
- The biggest number of IDPs in 2008 were in the Vanni where due to access restrictions getting accurate figures was impossible
- The UN was estimating around 230,000 IDPs in the Vanni as of November 2008; the Consortium of Humanitarian Agencies estimating around 300,000 IDPs; the government in some cases was suggesting a figure as low as 100,000
- By April 2009, the majority of IDPs in Sri Lanka were in the government-controlled areas where they had fled from the Vanni

“As of February 2009, UNCHR was reporting a figure of 281,698 IDPs in Sri Lanka. This was in addition to approximately 214,000 conflict-displaced persons from the period before large-scale combat resumed in April 2006.” [54a] (**Tens of thousands newly displaced in 2008, leading to almost half a million IDPs (April 2009)**)

- 29.07 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 noted:

“Individuals who have fled the conflict areas in the North have faced serious restrictions on their ability to move to other parts of the country and many, including family groups, have been forced to remain in high security camps and transit sites established by the Government in Mannar, Vavuniya and Jaffna districts. Human rights observers have expressed concern that the conditions in the sites are not consistent with international standards for the

treatment of displaced persons, in particular the restrictions on freedom of movement, the presence of military personnel in the camps and the screening process to identify LTTE suspects, which has reportedly been associated with arrests and disappearances.” [6h] (p6)

29.08 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) recorded that “The UNHCR found sexual abuse to be prevalent in IDP camps and engaged in a number of initiatives with local and international NGOs to address the problem. In addition to sexual abuse, credible accounts noted that the TMVP conducted forced recruitment of children and young adults in IDP camps.” [2b] (Section 2d)

29.09 The Human Rights Watch (HRW) report ‘War on the Displaced - Sri Lankan Army and LTTE Abuses against Civilians in the Vanni’ of February 2009 observed:

“The situation of civilians who manage to escape from areas of active hostilities into government-controlled territory is dire. Instead of providing the internally displaced with the assistance and protection they are entitled to under international law, the Sri Lankan government continues to violate their fundamental rights. The government has arbitrarily detained people during screening procedures; subjected all internally displaced persons, including entire families, to indefinite confinement in military-controlled camps; and failed to provide adequate medical and other assistance to displaced persons. The government has directly restricted the efforts of relief agencies seeking to meet emergency needs, and has deterred agencies from offering greater support through policies that the agencies rightly perceive as unlawful.” [21k] (p28)

29.10 The HRW report of February 2009 further noted that “The situation has further deteriorated since the beginning of 2009 with the arrival of thousands of new displaced persons in government-controlled areas. The government continues to immediately confine all of them in existing and newly established camps, mostly in Vavuniya district.” [21k] (p28) The same report added that:

“Sri Lankan security forces subject people fleeing from LTTE-controlled areas to several stages of screening, ostensibly to separate those affiliated with the LTTE from displaced civilians... The military and the police Criminal Investigation Department have set up several screening points for displaced persons leaving the Vanni. Most displaced persons are initially screened during their first encounter with military forces after they have crossed the front line. The army currently transports the displaced persons to one of the hospitals in Kilinochchi where they spend up to 36 hours, being questioned by the security forces. In Kilinochchi, the security forces encourage people to reveal any affiliation that they have with the LTTE voluntarily. According to several sources, at the Omanthai checkpoint, the main screening point for displaced persons on the main A9 roadway before their arrival in camps in Vavuniya, the army conducts a more thorough screening process. During this screening process, the army has separated dozens of men and women aged 18 to 35, as well as some teenage children, from their families, allegedly for further questioning. Very little information is available regarding the first two stages of screening and it is not possible to verify whether and to what extent detentions occur in these locations. The government provides no information

on who has been arrested...It is clear, however, that persons are arrested at Omanthai checkpoint.” [21k] (p29-30)

29.11 The same HRW report went on to mention that:

“Upon arrival in Vavuniya, all displaced persons apparently without exception are subjected to indefinite confinement in de facto internment camps, which the government calls transit sites, ‘welfare centers,’ or ‘welfare villages.’ Local authorities were not prepared for the large influx of displaced persons and did not allow international agencies to adequately prepare the sites. As a result, the government started putting newly arriving displaced persons into schools and colleges, interrupting the educational process for hundreds of schoolchildren and students, many of whom had to vacate the facilities. At the same time, relief agencies were struggling to set up additional shelter, water, and sanitation facilities at the last moment, as the displaced persons were being brought to the sites.

“Sri Lankan authorities have ignored calls from the international community to ensure the civilian nature of the camps. The perimeters of the sites are secured with coils of barbed wire, sandbags, and machine-gun nests. There is a large military presence inside and around the camps...Several sources reported to Human Rights Watch the presence of plainclothes military intelligence and paramilitaries in the camps. A UN official in Vavuniya told Human Rights Watch that she and colleagues have seen members of paramilitary groups in different camps. In particular, local staff members recognized several members of the People’s Liberation Organization of Tamil Eelam (PLOTE), a pro-government Tamil paramilitary organization long implicated in abuses, present at one of the camps. While officially the camps are run by civilian authorities, in reality the military remains in full control, ensuring, as one relief worker put it, that ‘nobody gets in or out.’

“Displaced persons confined in the camps enjoy no freedom of movement and are not allowed any contact with the outside world.” [21k] (p31-32)

See also [Latest News Section](#); [Section 4: Recent developments](#); [Section 17: Human Rights Institutions, Organisations and Activists](#); [Section 27: Humanitarian Issues](#) and [Section; 28: Freedom of Movement](#)

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30. FOREIGN REFUGEES

- 30.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) stated:

“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, and the government did not establish a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. As of October 31, 2,394 Sri Lankan citizens had fled to India. Children and adults were killed as a result of Sri Lankan Navy attacks on boats with refugees in the Palk Strait between the country and India.” [2fb] (Section 2d)

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31. CITIZENSHIP AND NATIONALITY

- 31.01 The Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 17 September 2008, recorded that:

“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.” [32] (p220)

- 31.02 As specified on the website of the Department for Immigration and Emigration (accessed on 1 June 2009), ethnic Sri Lankans holding citizenship of another country or Sri Lankans qualified for a 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]

- 31.03 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) recorded that:

“The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the Sri Lankan nationality of previously stateless persons, particularly Hill Tamils. The government took steps to naturalize and provide citizenship documentation to most stateless persons. However, at the beginning of the year, documentation efforts had not reached an estimated 70,000 Hill Tamils, who remained vulnerable to arbitrary arrest and detention. Government ministers from political parties representing Hill Tamils stated that efforts were underway to provide national identity cards and other citizenship papers to those without adequate documentation.” [2b] (Section 2d)

- 31.04 On 9 January 2009 The Official Government News Portal of Sri Lanka announced that on the previous day the Parliament had passed legislation granting Sri Lankan citizenship to over 28,500 stateless Tamils of Indian origin. [10g]

See also [Section 20 on Up-country Tamils](#)

IDENTITY CARDS

- 31.05 The website of the Registration of Persons Department (accessed on 1 June 2009) 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 applicant. 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]

- 31.06 The website of the Registration of Persons Department (accessed on 1 June 2009) 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 [see previous paragraph]. 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 [see previous paragraph]. 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]

- 31.07 Additional information on the the National Identity Card (NIC) including security features and a description of front and back of the card is available on an Immigration and Refugee Board (IRB) of Canada response to information request dated 8 April 2008, accessible from this [weblink](#). [42a]

- 31.08 A letter from the British High Commission (BHC), Colombo, dated 18 August 2008, reported that:

"I have personally visited the Department of Registration of Persons where the Commissioner A.G.Dharmadasa and his colleagues explained the identity card application process to me. All subsequent information comes from that source, or where not, the relevant source is quoted. The Department is the central issuing office for the whole of Sri Lanka and receives up to 3000 applications for ID cards per day. There are also regional branch offices in Jaffna, Kandy and Nugegoda who are able to process applications. Applications must be made in person. There are three types of application:

- "First time applications, normally for children on reaching 16
- Persons requiring changes to their ID cards e.g. names, addresses, marital status
- Persons seeking replacements for ID cards that have been lost

Returned failed asylum seekers would in many cases fall into the last category. The procedure for issuing a duplicate for a lost identity card are explained fully on the Registration of Persons Department website at www.rpd.gov.lk

“The documents required to support such an application are:

- A police report, or certified copy, regarding the loss of the previous identity card.
- Birth certificate or an alternative document from the following list: presumptive age certificate, school leaving certificate, Baptismal certificate, birth extract, citizenship certificate, certified copies of relevant pages in the passport.
- Documents to prove residence – a residential certificate issued by the Grama Seveka (see below). In the absence of this, the following documents or certified copies should be produced of one or more of: a certified extract of the electoral list, ownership deeds, house lease or rental documents, utility bills.
- Certificate of employment (if employed) obtained within the last 3 months.
- Documents showing the number of the lost identity card and proving that this number has been used.
- Five colour photographs” [15g]

31.09 The BHC letter of 18 August 2008 also reported that:

“The Government of Sri Lanka is very aware of the problems they have in the country regarding identity documents. As they state on the RPD website, the national identity card is ‘the sole document that establishes the identity of persons in order to assist in maintenance of law and order in the country to meet the challenges of the 21st century’. It remains the base document for the issue of a national passport. Both the Registration of Persons Department and the Registrar General’s Department have introduced mobile services to travel around the country in order to issue identity cards and birth/marriage/death certificates to those persons who have previously failed to register or apply for such documents, or require replacements.

“The Government of Sri Lanka is also working very closely with the International Organisation for Migration in introducing integrated computerised databases. Previous paper databases relating to Registrar’s records, Grama Seveka records, identity card and passport applications and the Department of Immigration & Emigration records are being inputted onto computer in order to simplify process and ease verification. They have also announced the introduction of a new biometric identity card. They have invited tenders from companies looking to produce this document and we await the results of this, but it is envisaged that the new card will hold both photographic and fingerprint data.” [15g]

31.10 The BHC letter of August 2008 also confirmed, having contacted the UNHCR on 7 April 2008, that the UNHCR were not issuing ID cards to Sri Lankan nationals who did not have one and “... it was not within their mandate to do so.” [15g]

- 31.11 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that “Unlike other citizens, ethnic Tamil's identification cards were printed in both Sinhalese and Tamil, allowing security forces immediately to determine who was an ethnic Tamil.” [2b] (Section 2d)

See also [Section 29: Internally Displaced People](#), [Section 31: Forged and fraudulently obtained documents](#) and [Section 32: Entry-Exit Procedures, subsection Treatment of failed asylum seekers](#)

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TRAVEL DOCUMENTS

- 31.12 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 1 June 2009), in Sri Lanka there are five types of travel documents: Diplomatic Passports; Official Passports and Ordinary Passports (valid for all countries and valid for specified countries); Emergency Certificates (valid for India and Nepal and for Saudi Arabia for Haj and Umrah pilgrimage only); 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]

- 31.13 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 2 June 2009):

“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]

See also [Sections 18: Corruption](#); [29: Internally Displaced People](#); and [32: Exit – Entry Procedures](#)

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32. FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

32.01 A British High Commission letter of 18 August 2008 reported:

“Something that should be mentioned is the high level of corruption in Sri Lanka and the unscrupulous actions of government officials at all levels. It is common knowledge that persons can obtain an ID card or passport in any identity they want to with the right contacts. The Visa Section at this mission regularly see forged education certificates, bank statements, employment references etc, yet they never ever see forged Sri Lankan passports or ID cards. The reason for this is that the genuine documents are so easy to obtain fraudulently, there is no need to forge them. It is suspected that there are many more ID cards in circulation than the actual total population of Sri Lanka.” [15g]

32.02 A further letter from the BHC, Colombo, dated 1 October 2008, reported that:

“The base document for many services in Sri Lanka is the birth certificate, and in particular, access to state education requires the production of this document. The document also supports applications for national identity cards and passports. The British High Commission is aware that forged birth certificates are readily available through agents, at a reported cost of around 2,500 LKA rupees (approximately £12.50). These forged documents often pass the scrutiny of the relevant authorities and successfully support the fraudulent issue of ID cards and passports. There are numerous agents throughout the country who advertise employment or studies abroad, and will provide an entire package of forged documents to support applications for passports and/or visas. Apart from birth certificates, these can include forged passports, identity cards, educational certificates, work references, bank statements, sponsorship letters etc.” [15c]

See also [Section 19: Corruption](#), [Section 31: Citizenship and nationality, subsection Identity cards](#) and [Section 32 on Treatment of returned failed asylum seekers](#)

33. EXIT - ENTRY PROCEDURES

- 33.01 A letter from the British High Commission (BHC), Colombo, dated 28 August 2008, reported that:

“Since arriving in Sri Lanka I have visited as part of my work, and travelled through, Colombo Bandaranaike Airport on many occasions. I have personally spoken to officers from the Department of Immigration & Emigration (IED) at both the airport and their Colombo headquarters, the Criminal Investigation Department (CID) and the State Intelligence Service (SIS), both at the airport. Furthermore, I have consulted with my colleague the UK Airline Liaison Officer (ALO) who spends several days a week working within the confines of the airport. Colombo Bandaranaike Airport is currently the only international airport in Sri Lanka.” [15u]

- 33.02 The BHC letter of 28 August 2008 also observed:

“It should be noted that despite all of the security measures that are in place at Colombo Bandaranaike Airport, and the general security situation in Sri Lanka, there are daily instances of security breaches at the airport which is a constant concern to overseas missions. The design of the airport enables persons with knowledge of the layout to completely by-pass immigration controls and walk from landside to airside and vice versa with virtually no checks whatsoever. I have witnessed several instances of unaccompanied persons who were not wearing airport ID being allowed to walk unchallenged through the staff channel on the immigration arrival control. There are concerns about corruption amongst staff at all levels, the quality of the staff conducting checks, screenings and searches, and the amount of training that they receive.” [15u]

EXIT PROCEDURES

- 33.03 The BHC letter of 28 August 2008 recorded that:

“For departing passengers, staff and visitors to the airport there is a permanent checkpoint manned by the Sri Lankan Air Force, positioned on the airport road leading to the terminal buildings... Departing passengers often have to produce confirmation of ticketing and/or a passport... During heightened security situations the number of checkpoints may increase along the roads leading to the airport, especially along the main A3 from Colombo. The police or the military can man these.

“The airport is split into two main terminal buildings, departure and arrivals areas. The departure area is restricted to departing passengers, staff, and visitors holding a ‘day pass’ issued from an adjacent ticket booth. Persons obtaining a ‘day pass’ have to produce a copy of their ID card or passport or driving licence, plus present the original document. Their details are recorded manually in a register. Before entering the departure terminal a security guard requires evidence of airline ticketing (and sometimes passports), staff ID cards or a day pass. Persons not holding these documents are not allowed into to [sic] the departure terminal... From the departure area there are two security gates to the check-in area... The security guards ask for either a staff ID card or evidence of ticketing and will only allow persons to pass who have

produced these documents. Persons holding a 'day pass' are not allowed into the check-in area." [15u]

33.04 The BHC letter of 28 August 2008 continued:

"At the check-in desks, passengers have to produce their passports to airline staff and go through check-in procedures. Having checked-in, passengers then proceed to another security gate, where they produce their passport and boarding card in order to enter the Department of Immigration & Emigration area. All passengers must complete a departure card and then queue at an immigration officer's desk. Passengers must present their passport, departure card and boarding pass to the immigration officer. The immigration officer will swipe the passport onto the IED Border Control System database... Having passed through the immigration control, passengers proceed to the main departure lounge. There are further security checks conducted when passengers arrive at the boarding gate... There is then a further boarding card check conducted by airline staff prior to entering the holding lounge. On many flights with European destinations and some with onward connections to Europe/N.America, Airline Liaison Officers from several overseas missions and/or trained airline document checkers make further checks on passenger's passports to check their admissibility in their destination countries." [15u]

33.05 The BHC letter of 28 August 2008 also recorded that:

"There is evidence to suggest that boarding card switches take place and what is quite disconcerting is the number of non-passengers appearing at departure gates. These regularly include off-duty staff members and members of the military and police, but often just accompanied and/or unaccompanied visitors. Transit passengers can spend several hours/days at the airport without any security checks whatsoever and are allowed to completely avoid border control agencies. Since a high profile security breach at the airport in October 2007, staff had been instructed not to escort persons through security and immigration controls, yet members of staff still routinely do this whilst escorting passengers joining connecting flights within the terminal. Furthermore, locked doors separating arriving and departing passengers on piers leading to airbridges often remain unlocked, enabling persons to walk unhindered past security checks and onto aircraft." [15u]

33.06 A further letter from the BHC, Colombo, dated 1 October 2008 reported:

"As far as we have been able to establish, Immigration officers are notified [of bail/reporting conditions] only when court decides to impound the suspect's passport or an arrest warrant is issued, and there is no other mechanism to ensure that the Immigration Officers are aware of such instances. Apart from these Court powers, Immigration Officers have no power in law to prevent persons embarking. The other method, which is rare and case specific, is that the State Intelligence Service (SIS) can inform Immigration Officers of individuals suspected of terrorist activity and those on a 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." [15c]

ENTRY PROCEDURES

33.07 As reported in the BHC letter of 28 August 2008:

“Arriving passengers should be provided with a Department of Immigration & Emigration arrival card by the carrying airline...If they intend entering Sri Lanka, they will take their completed arrival card to the immigration control... Passengers wishing to enter Sri Lanka present themselves to an immigration officer and are required to hand over their passport and arrival card. The immigration officer will swipe the passport, which will enable basic details from the document to be displayed on a screen on the officer’s desk. These include name, date of birth, nationality, passport number. Dependent on the circumstances of the individual passenger, the immigration officer may ask questions to ascertain the purpose of the visit. I have witnessed numerous arrivals and have noted that it is extremely rare that an immigration officer asks questions of passengers, concentrating on swiping the passport, confirming the passport details, checking for data matches and looking through the document for endorsements/visas. Each immigration officer’s desk has a terminal connected to the IED Border Control System. This system contains immigration, citizenship and passport records and is networked to the IED office in Colombo. It is considered solely an immigration database and is not linked to any police, military or national security databases.” [15u]

See also [Section 32 on Treatment of returned failed asylum seekers](#)

33.08 The BHC letter of 28 August 2008 also noted that:

“Once a person is allowed to proceed, the immigration officer will endorse the passport and/or emergency travel document with an arrival stamp and pass back to the passenger...Onward travel from the airport is limited to road transport...There is no permanent checkpoint for persons leaving the airport along the airport link road to the main A3. For persons travelling into Colombo, often the first permanent checkpoint they encounter is on the bridge at Peliyagoda on entering the city. The number and position of checkpoints can change according to the security situation at a given time.” [15u]

See also [Section 31: Citizenship and Nationality, subsection Identity Cards and Travel Documents](#)

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TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

33.09 As reported in the BHC letter of 28 August 2008:

“Persons who are questioned further by immigration officers invariably fall into two categories, those that are in possession of forged passports and/or visas, and those who have been returned/deported to Sri Lanka from overseas. The latter would include some returned failed asylum seekers from the UK, especially those travelling on emergency travel documents issued by the Sri Lankan High Commission in London. It is questionable whether immigration officers would actually identify UK returnees if they were travelling on their original, genuine Sri Lankan passports. In both of the above categories, the

correct procedure for IED [Immigration and Emmigration Department] officers is to record the arrival of these persons manually into a logbook held in the adjacent Chief Immigration Officer's office. The name, date and time of arrival and arriving flight details are written into the log. It records why the person has come to their attention and how the case was disposed of. I have had the opportunity to look at the log, and it appears that the only two ways of disposal are to be passed to CID [Criminal Investigations Department], or allowed to proceed.

"The office of the State Intelligence Service [SIS] is on the immigration arrivals hall and an officer from SIS usually patrols the arrivals area during each arriving flight. Invariably, if they notice a person being apprehended they approach IED and take details in order to ascertain in [sic] the person may be of interest to them. Their office contains three computer terminals, one belonging to the airport containing flight information and two stand-alone terminals. If an apprehended person is considered suitable to be passed to CID, they are physically walked across the terminal building to the CID offices. A CID officer should then manually record the arrival of the person into a logbook held in their office. It is the experience of myself, the UK ALO [Airport Liaison Officer] and ALOs from other missions that often persons shown in the IED logbook to have been handed to CID are never actually recorded as being received in the CID logbook. It is believed that CID has allowed these persons to proceed and no action taken against them. I have been advised by CID that depending on the type of case, they can refer suspects to other police departments like the Anti Human Smuggling Investigation Bureau (AHSIB) of CID, or the Terrorist Investigation Department (TID)" [15u]

33.10 The BHC letter of 28 August 2008 continued:

"The CID offices [at Colombo Bandaranaike Airport] contain two computers, one stand-alone desktop and one stand-alone laptop. These computers are not linked to any national database. Any checks on persons detained or apprehended are conducted over the phone with colleagues in central Colombo. I have been shown records held on these two computers which are basic spreadsheets. The desktop contains records of persons arriving in Colombo having been deported back to Sri Lanka. A separate file contains photographs of these deportees. These have been taken with a Polaroid camera and scanned into the computer. The laptop contains records of those suspects who have been arrested and charged with offences, and court reference numbers. One CID Sergeant has told me that her staff have not received adequate training in the use of computers, which was confirmed by the presence of a typewriter in their office.

"With regard to fingerprint records, CID officers informed me that the only fingerprint records that exist are held in the criminal records office in Colombo. There is no electronic fingerprint database or IT facility to read fingerprints. The data is used solely as part of a person's criminal record and the fingerprints held are only those of convicted criminals. This was confirmed by the International Organisation for Migration who are currently working with the Sri Lankan government on identity management issues. They added that there are 500,000 records in paper form, dating back to the 1980s." [15u]

32.11 As noted in a letter from the BHC, Colombo, dated 18 August 2008:

"I am aware that a so called 'catch 22' situation has been referred to by returned failed asylum seekers. It is claimed that persons arriving in Colombo without a national identity card require such a document to enable them to travel to their areas of origin, in order to obtain documents to support an application for a replacement. It is further claimed that without an ID card a person faces a serious risk of problems or arrest at a checkpoint or as part of a cordon and search operation by police. According to the Attorney General's Department, under the Registration of Person's Act it is a legal requirement to produce ID upon request by a Commissioner or any prescribed officer. Failure to produce ID without reasonable excuse can result in the arrest of that person under the Emergency Powers Act. In the Colombo/Gampaha region there are frequent checkpoints where police or military ask to see an identity card. There is also in particular a major checkpoint at Medawachchiya, on the main road north from Kandy where the road splits to Mannar and Jaffna, where, according to a recent report on www.tamilnet.com, it is compulsory to produce an ID card in order to pass. The ability to travel without an ID card in Sri Lanka varies though in which part of the country you are travelling, how you are travelling and the security situation at a given time. As an example of the importance of an ID card, the Government of Sri Lanka refuses to recognise unmarried partners of UK based staff at the British High Commission and will not issue them diplomatic ID cards. As a result of this the High Commission has to issue their own identity card to enable them to travel freely. Against this though is the fact that there are huge numbers of so called Hill Tamils residing in the country, possibly up to 300,000 according to UNHCR, who are totally undocumented and many of whom are regarded as stateless by the authorities. Whilst I accept that these people are a special group, the indisputable fact remains that they manage to live and work in Sri Lanka whilst being totally undocumented." [15g]

33.12 The BHC letter of 18 August 2008 continued:

"Were a Sri Lankan national to arrive at Colombo Airport having been removed or deported from the United Kingdom, they would be in possession of either a valid national Sri Lankan passport, or an emergency travel document/temporary passport [ETD], issued by the Sri Lankan High Commission in London. The holder of a valid passport would have the document endorsed by the immigration officer on arrival and handed back to him/her. A national passport contains the national ID card number on the laminated details page. I have made enquiries with the Department of Immigration & Emigration at Colombo Airport, and with the International Organisation for Migration who meet certain returnees at the airport, and both have confirmed that a person travelling on an emergency travel document is dealt with similarly. They too have the document endorsed by the immigration officer on arrival and returned to them. Before issuing an emergency travel document, the Sri Lankan High Commission in London will have details of an applicant confirmed against records held in Colombo and will thus satisfactorily confirm the holder's nationality and identity. If a returnee subsequently wishes to obtain a national identity card, they would have to follow the procedures above and produce the documents listed." [15g]

33.13 The BHC letter went on to confirm that:

"The Department of Immigration & Emigration at Colombo Airport have confirmed to me that passports and ETDs are acceptable means of identity for

presentation at checkpoints and to the police. The International Organisation for Migration have informed me that in their experience, returnees had not encountered any problems producing passports or ETDs at either checkpoints or police stations. Persons who have been abroad and require a birth certificate are able [to] make an application for a replacement birth certificate at the Registrar General's Department in Colombo. Applicants are required to complete an application form, and whilst it assists if you are able to provide an original birth certificate number or date of registration, for an additional fee (Rs 25) the Department will do a full search of their records. The application forms can be downloaded from a website and applications can be submitted by post. For confirmation of these procedures see www.rgd.gov.lk". [15g]

33.14 The BHC letter further reported that:

"The Department of Registration of Persons website, www.rpd.gov.lk, under 'Birth Certificates or alternative documents', specifically states that 'certified copies of relevant pages in a passport' would suffice in an application for an ID card. The website makes no specific reference to ETDs, but I have today confirmed with the DRP that a certified copy of the relevant pages of an ETD would also suffice. A returnee would in any case have the original passport/ETD in his/her possession. This would also satisfy the other criteria listed regarding the number of the previous identity card and whether it had been used, as it would be recorded on the passport/ETD.

"Amongst the list of all documents required to support an application for a replacement ID card is a residence certificate issued by a Grama Seveka. During my visit to DRP I was advised me that the role of the Grama Seveka in the ID card issuing process is solely to confirm residence, and that the certificate takes the form of a letter that is endorsed by the Grama Seveka's official stamp. They do not confirm identity. A person who for example had been residing abroad for several years could in theory approach any Grama Seveka, and it would depend on an individual interview as to whether a certificate would be issued. It may be that a person, who is in Colombo, but originally resided in the north or east of the island prior to going to the UK, may be instructed to go to their area of origin to obtain the certificate from the Grama Seveka there. I discussed this specific issue during my visit to DRP, and have since spoken to locally employed colleagues at the British High Commission, colleagues from IOM and other overseas missions and it appears that there is no hard or fast rule. Each application to a Grama Seveka for a residence certificate is dealt with on an individual basis. If that person remained in Colombo at a fixed address for a period, then depending on the relationship they had with a Grama Seveka there, they may be able to obtain a certificate from them. In any event, I am assured that the possession of a passport would enable that person to travel to their area of origin, if required, to obtain the necessary documentation, although the security situation at a specific time may have a bearing on this.

"The application for an identity card could be made in person at the Registration of Persons Department in Colombo, or at the regional branch offices mentioned above. Having visited personally the RPD Front Office in Colombo, I can confirm that it provides a fairly quick service to individuals in need of identity documents, because it recognises that many persons travel into Colombo from all over the country for this purpose. I am not aware of any specific assistance or support being made available to returned failed asylum

seekers. I am aware that there has been concern expressed if an applicant does not have a birth certificate.” [15g]

33.15 In a letter dated 22 January 2009, the BHC, Colombo reported:

“Since my letter of 28th August 2008, I have further witnessed the return of Sri Lankan failed asylum seekers from the UK. On 15th January 2009, I spent several hours at Colombo Airport watching closely the processes that were afforded to a group of returnees who had arrived by both scheduled and charter flights. All of these returnees were Tamil speakers, and all were in possession of emergency travel documents, issued by the Sri Lankan High Commission in London.

“One of the returnees who had arrived on scheduled flight, without escorts, entered the immigration hall, completed a landing card, and presented himself to an immigration officer. The immigration officer took his emergency travel document and escorted him to the Duty Chief Immigration Officer’s office where he was asked to take a seat. The returnees who had arrived on the charter flight entered the immigration hall accompanied by escorts, who left after a few minutes. The Department of Immigration & Emigration (DIE) were aware of their impending arrival and asked them to remain outside the Chief Immigration Officer’s office. After a few minutes all of the returnees were placed in a waiting room adjacent to the main immigration control. One of the Chief Immigration Officers explained to them that they would be interviewed in order to confirm that they were Sri Lankan nationals. The fact that they had all been issued with Emergency Travel Documents by the Sri Lankan High Commission in London did not seem to make any difference. He further explained that after that they would be spoken to by officers from the State Intelligence Service (SIS) and the Criminal Investigation Department (CID).” [15d]

33.16 The BHC letter continued:

“DIE officers subsequently entered the waiting room and interviewed the adult returnees individually, but in full view and earshot of the others. These interviews were recorded on paper and questions were designed to confirm nationality and identity. Individual interviews took around 10-15 minutes and landing cards were completed for each returnee. The returnees did not have their photographs or their fingerprints taken, and no computer records appeared to be checked or updated.

“Once DIE had completed their interviews, officers from SIS then entered the waiting room and began to interview the adult returnees. Again, these were conducted individually but in front of the others. They took photographs of each returnee on a small digital camera and recorded their interviews on a pro-forma. Their interviews basically covered exactly what the DIE officers had asked with regard to identity, although they then debriefed each returnee by ascertaining their routes and modes of travel to the UK. Individual interviews took around 15-20 minutes, and it took over two hours before these interviews were completed. Fingerprints were not taken and no computer records appeared to be checked or updated.

“The returnees were then taken down to the CID offices on the ground floor of the terminal. Here they were sat in the office and again went through virtually

identical interviews with CID officers, individually, but in the presence of the others. These interviews were recorded in exercise books and photographs, which were not believed to be digital, were also taken of each returnee. As before, individual interviews lasted around 15-20 minutes and it was another two hours before all of the interviews were completed. Fingerprints were not taken and no computer records appeared to be checked or updated.

“The returnees were then taken back to the immigration hall, where they were handed their emergency travel documents which had been endorsed by an immigration officer’s arrival stamp.” [15d]

33.17 The BHC letter of January 2009 went on to note that:

“The whole process took several hours, but was conducted in a very relaxed atmosphere throughout. Children amongst the returnees had played and run around the airport terminal. Adults freely got up, walked around, used washrooms and chatted amongst themselves or with officers. It was noticeable that there was no joined-up approach between the border control agencies, DIE, SIS and CID, and clearly no collusion or sharing of information. Indeed, each department kept strictly to their own procedures and would not let officers from other departments speak to the returnees until they had completed their dealings with all of them.

I would like to reiterate that:

- I did not see any of the officers from any of the border agencies record or check the returnees’ details on any computer.
- All interviews with the returnees were recorded on paper.
- SIS and CID officers took photographs of the returnees.
- None of the returnees had their fingerprints taken.
- None of the returnees were fitted with any type of tagging device.” [15d]

See also [Section 12 on Bail/Reporting conditions](#) and [Section 31 on Identity cards and travel documents](#) and [Section 32 on Exit - Entry procedures](#)

Physical examinations/scarring

33.18 A letter from the British High Commission in Colombo, dated 1 October 2008, reported that:

“There is strong anecdotal evidence that scarring has been used in the past to identify suspects. Previous 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. More recent claims from contacts in government ministries suggest that this practice has either ceased or is used less frequently. At the very least it appears that the security forces only conduct these when there is another reason to suspect an individual, and are not looking for particular scars as such, but anything that may indicate the suspect has been involved in fighting and/or military training. There is no recent evidence to suggest that these examinations are routinely carried out on immigration returnees.” [15c]

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34. EMPLOYMENT RIGHTS

- 34.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that:

“The law allowed workers to form and join unions of their choice without previous authorization with the exception of members of the armed forces and police officers, who are not entitled to unionize. Seven workers may form a union, adopt a charter, elect leaders, and publicize their views. Forty percent of an establishment must belong to the same union to compel the employer to recognize the union. In practice such rights were resisted by the management of individual factories and administrative delays by the government in registering unions. 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.” [2b] (Section 6a)

- 34.02 The same report added that “Most large unions were affiliated with political parties and played a prominent role in the political process, although some major unions in the public sector were politically independent. The Ministry of Labor Relations and Manpower was 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.” [2b] (Section 6a)

- 34.03 And continued:

“By law all workers, other than police, armed forces, prison service, and those in essential services, have the right to strike, but the government did not enforce this law uniformly. Workers may lodge complaints with the commissioner of labor, a labor tribunal, or the Supreme Court to protect their rights. Strikes are forbidden in areas that are determined by the president to be ‘any service which is of public utility or is essential for national security or for the preservation of public order or to the life of the community and includes any Department of the Government or branch thereof.’ No services have been declared essential to date. The law prohibits retribution against strikers in nonessential sectors; in practice, however, employees were sometimes fired for striking...The Supreme Court occasionally intervened to stop public sector trade union actions when they threatened business or government operations...The law allows unions to conduct their activities without interference, and the government enforced the law unevenly. Public sector unions are not allowed legally to form federations, but the law was not generally enforced.” [2b] (Section 6a)

“The law provides for the right to collective bargaining; however, the government did not enforce it...Employers found guilty of antiunion discrimination must reinstate workers fired for union activities but may transfer them to different locations. Antiunion discrimination was a punishable offense liable for a fine of 20,000 rupees (\$177).” [2b] (Section 6a)

“While there was no national minimum wage, 43 wage boards established by the Ministry of Labor Relations and Manpower set minimum wages and working conditions by sector and industry in consultation with unions and employers. The minimum wage in sectors covered by wages' boards was increased to 5,750 rupees (\$51) in July [2008]. In addition to the minimum wage, employees covered by the wages' boards received an allowance of 1,000 rupees per month (\$9) in 2005 that effectively brought the total minimum wage to 6,750 rupees per month (\$60)...These minimum wages, however, did not always provide a decent standard of living for a worker and family... Workers in sectors not covered by wage boards, including informal sector workers, were not covered by any minimum wage. The law prohibited most full time workers from regularly working more than 45 hours per week (a five-and-a-half-day work week). In addition the law stipulates a rest period of one hour per day. Regulations limit the maximum overtime hours to 15 per week... 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 they would lose their jobs if they removed themselves from the work situation.” [2b] (Section 6e)

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Annexes

ANNEX A: CHRONOLOGY OF MAJOR EVENTS

Unless stated otherwise, the information below is based on the [BBC Timeline for Sri Lanka](#), updated on 18 May 2009 [9fo]

See also [Annex B: Timelines](#)

- 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
- 1978** New Constitution of the Democratic Socialist Republic of Sri Lanka comes into force. [1a]

Jayawardene becomes the country's first executive President. The Tamil language is recognised in the Constitution.
- 1983** 13 soldiers killed in LTTE ambush. Subsequent anti-Tamil riots leave an estimated several hundred Tamils. Start of 'First Eelam War'.
- 1985** First attempt of peace talks between the Government and the LTTE fails
- 1987** Indo-Sri Lankan peace accord signed. Indian Peace Keeping Force (IPKF) deployed to Sri Lanka
- 1990** The IPKF leave Sri Lanka. Hostilities between the Government and the LTTE hostilities escalate
- 1991** LTTE implicated in the assassination of Indian premier Rajiv Gandhi
- 1993** Assassination of President Premadasa killed in LTTE bomb attack.
- 1994** Chandrika Bandaranaike Kumaratunga comes to power
- 1995-2001**
War rages across north and east. Tigers bomb Sri Lanka's holiest Buddhist site. President Kumaratunga is wounded in a bomb attack. Suicide attack on the international airport destroys half the Sri Lankan Airlines fleet.
- 2002** Sri Lankan Government and LTTE sign a cease-fire agreement with the mediation of Norway. De-commissioning of weapons begins; the A9 road linking the Jaffna peninsula with the rest of Sri Lanka reopens after 12 years;

passenger flights to Jaffna resume. Government lifts ban on Tamil Tigers. Rebels drop demand for separate state.

- 2003** The LTTE suspend participation in the peace talks but the ceasefire holds
- 2004** **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.
July: Suicide bomb blast in Colombo, the first such incident since 2001
December: More than 30,000 people killed in the tsunami
- 2005** **June:** row over the deal reached with the Tamil Tiger rebels to share nearly \$3bn in tsunami aid among Sinhala, Tamils and Muslims
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:** Government 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 pushed Tamil Tiger rebels from the mouth of strategic Trincomalee harbour. This is seen as the first major capture of enemy territory by either side since a 2002 ceasefire.
October: A suicide bomber attacks a military convoy, killing more than 90 sailors.
December: the Government announces revised though emergency regulations. [41n]
- 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.
October: Eight aircraft destroyed, 30 people killed in Tamil Tiger attack on Anuradhapura air force base
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 January: Government pulls out of 2002 ceasefire agreement.

Government minister DM Dassanayake dies after a roadside bomb attack on his convoy in Colombo.

March: International panel, invited by the government to monitor investigations into alleged human rights abuses, announces that it is leaving the country.

April: Highways Minister J. Fernandopulle is killed in an explosion near Colombo blamed on Tamil Tiger rebels.

Dozens of soldiers reported killed in clashes with Tamil Tigers in far north.

July: Sri Lankan military says it has captured the important Tamil Tiger naval base of Vidattaltivu in the north of the island.

Clashes between Government troops and the LTTE reported in the the districtsonf Jaffna, Mannar, Trincomalee and Vavunyah. [51a]

August: in addition to Trincomalee, the fighting spreads to the Kilinochchi and Mullaittivu districts causing large population displacement. [51a]

November: Fighting intensifies in Kilinochchi district. [51a]

2009 January: Government troops capture the northern town of Kilinochchi, held since 1998 by the Tamil Tigers as their administrative headquarters.

The ban on the LTTE is re-enforced. [44b]

Government troops regain control of the A-9 highway; capture the entire Jaffna peninsula and at a later stage Mullaitivu Town, the LTTE's stronghold in the Eastern coast. [37b]

February: Calls for a temporary cease-fire prompted by international concern over the humanitarian situation of thousands of civilians trapped in the battle zone are rejected by the government.

Tamil Tiger planes conduct suicide raids against Colombo.

March: Former rebel leader Karuna is sworn in as minister of national integration and reconciliation.

May: Government declares victory over the Tamil Tigers. Military says rebel leader Velupillai Prabhakaran was killed in the fighting. Tamil Tiger statement says the group will lay down its arms.

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ANNEX B: TIMELINES

SATP (SOUTH ASIA TERRORISM PORTAL) SRI LANKA TIMELINE FOR THE PERIOD 1 – 25 MAY 2009)

The section of the South Asia Terrorism Portal (SATP) Sri Lanka timeline reproduced below covers the period 1 – 25 May 2009 [37b] For incidents and events prior to May 2009 go to the [SATP website, Timelines](#). [37i]

- May 1 The Sri Lanka Navy destroyed three Sea Tiger boats, including two suicide boats and an attack craft, killing at least 23 militants in a pre-down attack in the seas off Mullaitivu.
- The advance of the troops towards the remaining areas under LTTE control is set to be expedited with the 58 Division troops capturing another earth bund paving the way for the 53rd Division advancing along the A-35 road to join with the 58th Division and advance further southwards in the NFZ, military officials told. As troops advanced further southward to capture the remaining areas under LTTE control, two more huge blasts believed to be accidental explosions of two suicide vehicles which were being prepared to be sent towards the advancing troops, were observed by the ground troops in the early hours of the same day. The military officials stated that at least few dozens of civilians would have been killed and injured due to these explosions as it took place deeper inside the NFZ in Vellamullivaikkal.
- The Sri Lanka Army's official news wing [www.army.lk](#) was illegally hacked and technically 'assassinated' by suspected LTTE militants or their proxies, inserting some gruesome images. Similarly, the Government news portal [www.Lankapuvath.lk](#) was hacked by suspected LTTE militants on the same day, the Government Information Department said.
- President Mahinda Rajapakse urged the remaining civilians trapped in the NFZ in Mullaitivu District to escape from the area and come to the cleared areas (area under Government control).
- May 2 64 civilians were killed and 87 others injured as the SLA twice attacked the only remaining makeshift hospital at Mullivaaykkaal in the NFZ of Mullaitivu District reported Tamil Net. Two artillery shells fired by the SLA hit the hospital at around 9:00am killing 23 and injuring 34 others while several shells that were fired later at 10:30am killed 41 civilians and wounded 53 others.
- The STF personnel ambushed a group of LTTE militants at Kanchikudiary in the Ampara District killing four militants and recovering a large haul of arms, ammunition and explosive devices. The STF later identified the LTTE intelligence wing members as Vedanayagam, Elevandran, Kaleiwendran and Sathyapavan.

The 58th and the 53rd Division's troops captured the key junction that links the Putumattalan-Mullaitivu and Paranthan-Mullaitivu roads north of Vellamullivaikkal.

May 3

The 58th and the 53rd Divisions cleared their paths towards the remaining five kilometres stretch of the NFZ after the latter stormed another heavily fortified LTTE-built earth-bund across the A-35 road after fighting, said military officials. "The LTTE suffered heavily during this battle that ended with the troops capturing this heavily fortified earthbund by the early hours of yesterday braving the heavy mine fields of the LTTE," an unnamed official said. It has also been reported that senior LTTE leader Thamilendi, who was in charge of the heavy weapons of the outfit, was killed during the fighting. "The LTTE is now trapped in a five km stretch of land along with the civilians and the troops are slowly but steadily advancing to that terrain amidst all obstacles posed by the LTTE," military officials added.

Although the Government of Sri Lanka is rehabilitating the surrendered LTTE militants, it is not ready to grant this opportunity to any leader of the outfit, said the Minister of Human Rights and Disaster Management Mahinda Samarasinghe. He, however, said the Government is to offer an amnesty without trial for all militants who lay down their arms and surrender. However, the amnesty will not be granted to those who have already been charged or convicted in courts.

The LTTE appealed to Britain and France to immediately intervene and broker a cease-fire with the Government.

Tamil Net accused that the Army during the weekend had deployed its troops for a major onslaught. "All kinds of heavy weapons, including prohibited ones, are ready for deployment on the NFZ," it said. The military, meanwhile, denied the charge and said that as per policy the troops do not use heavy weapons in taking on the LTTE inside the NFZ.

May 4

STF personnel in the Komari and Pothuvil areas of Ampara District foiled a LTTE infiltration bid, killing four militants.

25-30 LTTE militants were either killed or severely injured during intermittent clashes with the troops in the area west of Vellamullivaikkal inside the NFZ in Mullaitivu District during the past 36 hours. A few soldiers also sustained injuries in the fighting. The report said that the SFs continued to consolidate their positions and countered heavy LTTE resistance during their advance further inside the NFZ. The LTTE has been confined to an area less than five square kilometers on the coast of Mullaitivu District.

Troops that stormed a section of LTTE-built earth bund in the stretch of land between the A-35 road and the Nanthikandal lagoon on May 3 expanded their advance by another 250 metres, while closing in on Karaiyamullivaikal area.

The UN Resident Coordinator in Sri Lanka said that they have not released any casualty figures publicly and circulated to the diplomatic community in Colombo as Associated Press reports said.

The TULF leader V. Anandasangaree, in a letter addressed to President Mahinda Rajapakse has suggested that an international agency acceptable to the Government be selected to visit Wanni and persuade the LTTE to allow innocent people to go free, with an offer of general amnesty to LTTE cadres who surrender with arms.

The Government said the second phase of resettling the displaced would commence on May 11 with 2100 people belonging to 520 families in the Mannar District. The Ministry of Disaster Relief Services and Resettlement said steps were being taken to resettle more displaced in the Arippu area of Mannar District.

Sri Lanka urged the international community to provide US \$ 50 million in order to meet urgent humanitarian needs of the displaced in the North.

May 5

Militants launched indiscriminate small arms fire attacks at hostages who were fleeing from the LTTE-held area of Vellamullivaikkal in the NFZ in Mullaitivu District aboard 15 fishing boats. A LTTE second rung leader, identified as Seelambu, is reported to have ordered the assault targeting the civilians. According to intercepted LTTE transmission, a few civilians are reported to have died in the incident.

The LTTE, currently confined to a mere land stretch of about 5 kilometres in the NFZ with the intention of blocking troop movements, continued firing on the troops inside the NFZ.

A video camera recovered by the soldiers from a slain LTTE militant provides rare proof that the outfit is forcibly recruiting civilians to fight their last battle.

The Sri Lankan Government estimates that it has captured LTTE armaments worth almost \$20-million so far from the Northern Province. Cambodia has been a significant source of the LTTE weapons. The rest have come from places such as North Korea, Afghanistan, Lebanon, Turkey and Ukraine. The arms broker behind the purchases is alleged to be Kumaran Pathmanadan alias K.P.

Prime Minister Ratnasiri Wickremanayake told the Parliament that intelligence reports revealed the LTTE chief Vellupillai Prabhakaran remained trapped within a four square kilometre area in NFZ on which SFs have now laid siege.

The pro-LTTE TNA party has once again decided to reject President Mahinda Rajapakse's invitation for a special discussion.

The LTTE has demanded direct foreign aid for people in their shrinking patch of land after accusing the Government of blocking essential supplies.

UN Secretary-General Ban Ki-moon has urged Sri Lanka Government to stop using heavy weapons that risk civilian lives and to suspend its offensive against ethnic Tamil rebels so that as many as 250,000 civilians desperately needed aid can be sent to the war zone.

May 6

Clashes continued in the Vellamullivaikkal area, when advancing troops met LTTE resistance. During subsequent search operations, troops recovered dead bodies of three LTTE terrorists, two T-56 weapons and one communication set from the area.

The Sri Lanka Army said the LTTE cadre strength have been reduced to only 300 fighters in Northeast coast as the Army advances to end a 26-year civil war. Troops captured two more LTTE strongholds in the strip of land the LTTE is occupying near the port of Mullaitivu, the Army said on May 5. The LTTE are currently operating in about 5 square kilometre area in a Government- declared safe zone for civilians, Army sources said.

The UN humanitarian wing said that over 192, 000 civilians have fled the conflict zone in northern Sri Lanka, where clashes continue between Government forces and the LTTE terrorists. Although the number of registered IDPs has increased, it is not due to new arrivals, and there are still no reports of more people in transit for days, the OCHA noted. OCHA estimates that around 50,000 more civilians remain trapped in the conflict zone, a shrinking pocket of land on the north-east coastline, and that they are in dire need of food aid and medical supplies.

May 7

An unspecified number of dead bodies of militants were found scattered along with their weapons, when troops captured the last LTTE built earth bund in the south of Karaiyamullivaikal. Several soldiers also sustained injuries in the string of pitched battles in the remaining strip of land in the NFZ.

During heavy fighting between troops and LTTE, the deputy leader of the Sea Tigers, Chelliyan, is reported to have been killed.

A military spokesman said that the troops had breached the last earthen fortification, bringing them to 800 metres of the LTTE leadership. Though estimates are not available, military sources said that between 500 to 1,000 hardcore Black Tigers has formed a last wall of defence around the LTTE chief Velupillai Prabhakaran and others. The spokesman also added that the LTTE is deploying suicide bombers in large numbers to slow down the Army's advance.

Some 150 LTTE sympathisers carrying flags and chanting slogans attacked the Chinese Embassy in London. Supporters of the banned LTTE attacked the embassy and damaged many windows of the office while trying to enter inside the building, Police said. Three protesters were arrested but later released on bail.

May 7-8

45 civilians were killed and more than 197 injured as the SLA continued heavy shelling with cluster-munitions on civilian targets in

the Mullivaaykkaal area of the NFZ in the Mullaitivu District, claims Tamil Net.

May 8

Troops in the Karaiyamullivaikal, Vellamullivaikkal, Udayarukattukulam and Vavunavillu areas of Mullaitivu District recovered dead bodies of 31 LTTE militants.

31 more dead bodies of LTTE militants were recovered by the troops along with a cache of arms ammunition from the Puthukkudiyiruppu west, Puthukkudiyiruppu east, Verakulam, Vellamullivaikkal, Vavunavillu and Allaiwewa areas..

The Sri Lankan military demarcated a new NFZ to match the current situation. Announcing its decision, the military said that it is now in full control of more than 2/3rd of the existing Putumattalan NFZ. The new NFZ is restricted to an area of two kilometres in length and 1.5 kilometres in width south of Karaiyamullivaikal, including Vellamullivaikkal in the narrow strip along the north-eastern coast of Mullaitivu. "This has been modified to match with the present situation and after considering the concentration of civilians in the area," the Army source said. The re-demarcation of the new NFZ followed the complete capture of possibly the last LTTE-built earth bund in the Karaiyamullivaikal amid fierce fighting between the troops of 58th Division troops and the LTTE.

May 8-9

35 LTTE militants were killed on May 8, as the advancing troops took full control of the last outfit's defensive earth bund in the Mullaitivu District. The troops have completely cleared the Karyamullivaikkal area, Defence officials said on May 9. Currently the LTTE is limited to an area of just three square kilometres, added the official.

May 9

Nine civilians died and 19 others sustained injuries when the LTTE terrorists opened fire on them at NFZ. The Sri Lanka Army report adds that estimated 303 escapees were trying to enter troop-held areas across causeway in Mullaitivu when the LTTE terrorists stormed them and went on a shooting-spree to prevent them from deserting the LTTE.

Defence Secretary Gotabhaya Rajapakse while denying LTTE reports of the military killing a large number of civilians said "the LTTE had timed the latest propaganda lie on the eve of an informal session of the UN Security Council scheduled for May 11." He told a local newspaper that "the LTTE was making a desperate attempt to force the international community to stop the offensive. We are in the final stage of our offensive and there is absolutely no way the Tigers can get out of this trap." He also blamed the LTTE for opening fire on about 1,000 civilians attempting to reach the Army, deployed south of the NFZ.

May 9-10

Tamil Net claimed that indiscriminate shelling by the SLA inside the NFZ starting from the night of May 9 to the morning of May 10 killed more than 2,000 civilians, including women and children.

A health official in the region, Dr. V. Shanmugarajah, told foreign media that the initial artillery attack - which lasted from the evening of May 9 to the morning of May 10 - killed at least 378 civilians and wounded more than a thousand more.

May 10

The Government rejected the LTTE's latest claims that the military had shelled the NFZ in Mullaitivu killing 2,000 civilians in 24 hours and accused the militants of firing mortars at the new NFZ from the positions in the old NFZ. The Army said the LTTE has positioned their mortars in previously declared NFZ and fired mortars towards the new NFZ.

Asked about accounts provided by the Government health officials on the deaths inside the NFZ, an unnamed senior official reminded reporters of the circular issued by the Health Ministry urging the media not to give credence to the versions of its officials stranded in the LTTE-occupied zone. "We have no reason to doubt the integrity of the doctors. But the reality is that these officials, like the rest of the civilians, are being held hostage by the LTTE and have no option but to take orders from the Tigers," he said.

Over 1500 civilians who were forcibly held by the LTTE crossed over to the cleared areas (area under Government control) amidst heavy resistance by the LTTE. Brigadier Udaya Nanayakkara said, "Troops have detected that the LTTE is using heavy weapons to target civilians living in the newly declared No Fire Zone. LTTE cadres started firing mortars to the newly declared No Fire Zone from 9.00 a.m. yesterday from time to time. Our radar system has effectively detected that the LTTE has positioned heavy weapons including mortars in the area."

The Government is to launch an investigation into the LTTE-run Eelam Bank, where thousands of people had reportedly deposited their money.

May 10- 11

More than 3200 civilians were reported killed inside the NFZ in Mullaitivu District, reported the Tamil Net on May 11. Lawrence Christy, chief of the TRO field office, on May 11 put the death toll of civilians in SLA shelling at more than 3,200 killed since the evening of May 10 up to the morning of May 11. The SLA offensive formations were firing using cannons, 50 calibre machine guns, artilleries, mortar and Multi-Barrel Rocket Launcher guns.

A Sri Lanka Government doctor V. Shanmugarajah, who works at a makeshift hospital in the war zone, said 393 people were either brought to the hospital for burial or had died at the facility on May 10, while another 37 bodies were brought in the morning of May 11. More than 1,300 injured came to the hospital, he added. In addition, a senior UN official in Colombo said on May 11 that reports of large-scale killings in the war zone in Sri Lanka appear to show that fears of bloodbath had become a reality. "We've been consistently warning against a bloodbath, and the large-scale killing of civilians including more than 100 children this weekend appears to show that the bloodbath has become a reality," said UN spokesman Gordon Weiss.

The Government, however, in a statement issued on May 11 denied allegations by the LTTE that its Security Forces shelled the recently re-demarcated new NFZ causing thousands civilian casualties. It said that it denies the reports "attributable to sources aligned with or under duress from the LTTE" and said "the Government's view is that to treat the doctor's statement as evidence of irrefutable and incontrovertible fact, is unwise."

May 11

A Sri Lanka Government doctor V. Shanmugarajah, who works at a makeshift hospital in the war zone, said 393 people were either brought to the hospital for burial or had died at the facility on May 10, while another 37 bodies were brought in the morning of May 11. More than 1,300 injured came to the hospital, he added.

The military has indicated it is hopeful of neutralising the military capabilities of the LTTE inside the new NFZ in the next 48 hours. "On the basis of reports from the military commanders I can say that the troops are poised for a major breakthrough in the next 48 hours. The LTTE would soon lose its wherewithal to offer organised resistance and the troops expect to repeat a feat like on April 20 when the military succeeded in breaching the three-kilometre Tiger earth wall-cum-band and facilitated the escape of 1.16 lakh civilians from the LTTE clutches," Defence Secretary Gotabhaya Rajapakse told Doordarshan in an interview in Colombo. The Defence Secretary denied reports of shelling on the NFZ by the military and dismissed them as propaganda by the LTTE to coincide with UN Security Council meeting on May 11. He accused the LTTE with indiscriminate firing at a group of 1,000 fleeing civilians. The military said 250 of them were either killed or injured in LTTE firing and released purported transcripts of intercepted communication among the militants forcibly stopping civilians. It said the LTTE suffered heavy casualties as the troops pushed deeper into the NFZ. Military spokesperson of the LTTE, Rasiah Ilanthriyan, was among those killed.

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A new transit camp for the IDPs has been set up in the Pulmoddai area of Vavuniya District in order to increase facilities to those people arriving from the un-cleared areas (area not under Government control).

LTTE militants were reportedly directing fire towards fleeing civilians from NFZ in Mullaitivu District. Military spokesman Brigadier Udaya Nanayakkara reiterated that militants were firing towards civilians on the instructions from their ground commanders or when they cannot control fleeing civilians. He said latest attack by the militants was revealed through intercepts of LTTE communication among ground commanders.

The military has indicated it is hopeful of neutralising the military capabilities of the LTTE inside the new NFZ in the next 48 hours and paving the way for the release of civilians being held hostage. Defence Secretary Gotabhaya Rajapakse told Doordarshan in an interview in Colombo. The Defence Secretary denied reports of shelling on the NFZ by the military and dismissed them as propaganda by the LTTE to coincide with U.N. Security Council meeting. He accused the LTTE with indiscriminate firing at a group of 1,000 fleeing civilians. The military said 250 of them were either killed or injured in LTTE firing and released purported transcripts of intercepted communication among the militants forcibly stopping civilians. It said the LTTE suffered heavy casualties as the troops pushed deeper into the NFZ. Military spokesperson of the LTTE, Rasiah Ilanthriyan, was among those killed.

Expressing deep concern over the civilian deaths in Sri Lanka, the United Nations Secretary-General Ban Ki-moon warned the LTTE for their reckless disrespect for the safety of thousands of civilians trapped in the NFZ and said the LTTE must immediately allow the remaining civilians in the conflict zone to leave.

The Government is to rehabilitate another group of LTTE child soldiers who surrendered to the SFs recently. According to sources, 61 child soldiers have surrendered to the SFs during the past few days. Currently there are four centres in Sri Lanka to rehabilitate surrendered child soldiers.

May 12

The SLA fired artillery shells on the makeshift hospital which was functioning at Mullivaaykkaal junior school inside the NFZ in Mullaitivu district killing at least 47 civilians, reported Tamil Net. At least 55 patients sustained serious injuries in the attack.

Troops in the Karaiyamullivaikal area of Mullaitivu District recovered 43 dead bodies of LTTE militants along with 65 T-56 weapons, two body-armours, one pouch, three helmets, 13 explosive cans and one Outboard Motor.

Troops of the 58th Division moving from the north entered the new NFZ in the Mullaitivu District countering the LTTE attacks. Addressing the press at the Media Centre for National Security, military spokesman Brigadier Udaya Nanayakkara said, "Three LTTE suicide bombers hiding inside underground bunkers have blown themselves as advancing 58 division troops closed-in on them. In a subsequent search operation, troops recovered 25 bodies of Tiger cadres, 20 T56 assault rifles and other warlike items."

The 59th Division troops after crossing the LTTE constructed earth bund and ditch in the north of the Vadduvakal causeway advanced 300 metres further north. The SFs advanced further by crossing the Nanthikandal lagoon. The troops have formed an extended defence line around the southern end of the new NFZ covering the entire Nanthikandal lagoon and the surrounding sea beach and linked with the 53rd Division troops who are deployed along the western

boundary of the NFZ. The troops of 58th Division have gained control of the northern boundary of the NFZ and are now consolidating their positions. The eastern border of the new NFZ is guarded by the Sri Lankan Navy.

The pro-LTTE party TNA has pointed out that 3000 Tamils have been killed and more than 1000 have been wounded in the last three days in Wanni region, according to Tamil Net. In a press conference held in Colombo, TNA parliamentarians also said more than 10,000 Tamil civilians have been killed while more than 20,000 wounded within the last three months.

Over 100 Sea Tigers [cadres of the sea wing of the Liberation LTTE] were killed and 17 LTTE boats, including several suicide boats, destroyed in the seas off Mullaitivu by naval troops during the last few weeks, said Navy spokesman Commander Mahesh Karunaratne told. Two boats were reportedly captured.

May 12-13

The 59th Division troops who reached the south of the new NFZ in the night of May 12 foiled a major sea and ground attack by the LTTE to recapture the newly liberated areas destroying a number of LTTE suicide boats and killing an unspecified number of militants, military officials said on May 13. The fighting broke out at around 9.30pm (SLST) on May 12 as the troops were consolidating their positions along the earth bund they captured after crossing the lagoon in Waddawakkal. "Initially there were huge Tiger suicide boats fitted with high powered engines and two of them rammed into the bunkers held by the troops in the ground. The engines of these suicide boats were so powerful that they can reach the bunkers in the ground once they landed in the beach," an unnamed military official told Daily News. Another suicide boat that reached the shore after the initial attack was damaged by the troops preventing it reaching the shore. Amid the seaborne attack, more than 100 to 150 militants attempted to breach the newly captured earth bund south of the NFZ but that attempt was also foiled by the SFs killing unspecified number of militants. "Fierce fighting continued till 1 am on Wednesday as the LTTE deployed some of their suicide cadres to breach the Security Forces' defences," the official added.

May 13

More than 100 civilians, including many children, patients and an International Committee of the Red Cross (ICRC) worker, were killed in a SLA artillery attack that targeted a makeshift hospital and the surrounding areas which comprises of many tarpaulin huts in the Mullivaaykkaal area of Mullaitivu District inside the NFZ, reports Tamil Net.

Troops in the Karaiyamullivaikal area of Mullaitivu District recovered dead bodies of 19 LTTE militants, including a senior cadre identified as Kannikkaran.

Troops unearthed a stock of LTTE light aircraft accessories buried in a coconut grove at Theravikulam in the Puthukkudiyiruppu area.

The SFs captured a 55 feet long LTTE boat filled with 1,500 kilograms of explosives from the Vellamullivaikkal area in the NFZ. The suicide boat plastered with claymore mines around its hull was hidden under bushes by the side of the beach.

The UN called on Colombo to expedite the screening of thousands of internally displaced persons now staying at dozens of Government camps in the North.

The UN said that heavy fighting in the conflict zone prevented the ICRC aid ship reaching its destination, for the second day.

General Officer in-charge of the 58th Division, Brigadier Shavendra de Silva, told that the Sri Lankan troops were exercising maximum restraint to avoid civilian casualties.

President Mahinda Rajapakse, by virtue of powers vested in him by Article 33 (f) of the Constitution, has appointed a 19-member Presidential Task Force for Resettlement, Development and Security in the Northern Province. It is mandated to prepare strategic plans, programs and projects to resettle internally displaced persons, rehabilitate and develop economic and social infrastructure of the Northern Province.

The Colombo High Court reissued an open warrant to LTTE chief Velupillai Prabhakaran and its intelligence leader Pottu Amman in connection with the assassination of former Foreign Minister Lakshman Khadirgamar. This is the second arrest warrant issued to the duo in 2009. Earlier, the Colombo High Court had issued an arrest warrant on January 26.

May 14

At least 1,700 civilians were killed and over 3,000 wounded within the last 48 hours as SLA continued its indiscriminate shelling inside the new NFZ, according a statement released by the LTTE Peace Secretariat, reported Tamil Net. The catastrophic situation has been made worse by the acute shortage of food and medicine, the statement said, adding, "Local doctors who are trying to work in these hospitals have decided to hand the hospitals over to the ICRC in the hope that under ICRC management the hospitals may be spared from bombardment."

The SLA launched shells fell and exploded in a boat in which 12 persons from Wanni were fleeing to Point Pedro, killing four persons, reported Tamil Net.

The 59th Division troops captured Vadduvakal Bridge that link the Paranthan- Mullaitivu (A-35) road into the Mullaitivu town through Nanthikandal lagoon.

Troops engaged in their final push against LTTE are poised to completely seal off the Eastern coast within the next 24 hours as 58th Division troops advancing towards Mullaitivu from the northern direction reached closer to Mullaitivu front after capturing the

grounded Jordanian ship Farah III in the Mullaitivu seas, military officials said.

The Sri Lanka Defence Ministry said that the LTTE is preparing for the worst slaughter of civilians with the systematic use of hostages as a weapon of mass destruction.

Recognizing the legitimate right of the Sri Lankan Government to fight terrorism, the UNSC demanded the LTTE to lay down arms and allow civilians, still trapped in the war zone, to leave.

Sri Lanka rejected international calls to halt its final offensive against LTTE, hours after the UNSC called for civilian lives to be spared.

May 15

During their advance into the Mullaitivu front, troops of the 58th Division recovered dead bodies of 40 LTTE militants and arrested three female Sea Tigers. Ground troops launched a massive attack on the LTTE militants who tried to stop the troops' advance into the area inflicting heavy damages to them. "The Security Forces once again lay siege on the LTTE terrain surrounding the remaining Tiger leaders inside as the 58 Division and the 59 Division were poised to marry up in the Mullaitivu sea front by yesterday evening," a military official said. Troops also recovered the biggest ever arms and ammunition stock they have within a 24 hour period, he added. The recoveries included seventy two 60-mm mortars, 36 Indian made Rocket Launchers, two anti-aircraft pedal guns, one 12.7-mm machine gun, a Marine Radar, 12 suicide boats. "Thousands of sea mines and huge stocks of arms and ammunitions which were being counted by the troops for hours were recovered on Friday", the official added.

Army troops continued their advance further into the LTTE-held areas inside the new NFZ and attacked groups of militants causing extensive damages to the militants. During subsequent search and clear operations in the Palamattalan area the troops recovered 35 dead bodies of the militants.

An explosion in the Vellamullivaikkal area targeting the 58th Division troops at the frontal defence positions failed to inflict damages to upon the SFs as the red-coloured LTTE double cab prematurely exploded and went up in flames as it was nearing the troops in the opposite direction. At least 4-5 LTTE suicide bombers inside the double cab were reported killed in the huge explosion. In addition, four LTTE militants aboard to motorbikes along the beach sped at a high speed and tried to attack troops on the other side of the beach. However, they failed in their attempt and were shot dead by the SFs. Further, a LTTE tractor with explosives attempted to ram against troops in the opposite direction. However, troops managed to blow up the tractor.

Two top leaders of the outfit, Swarnam and Sashi Master, were killed by the SFs in a confrontation in Mullaitivu. Swarnam and Sashi Master were very senior cadres in the outfit and they remained the top confidants of outfit's chief Vellupillai Prabhakaran, sources added.

The SLN captured 11 family members of the Sea Tiger leader Soosai, including his wife, son, daughter and his brother's wife, daughter, while they were attempting to escape by sea in Mullaitivu area.

A huge influx of civilians once again started to flow into the military controlled areas as Security Forces were ready laying siege on the remaining LTTE-controlled areas military officials told. During the whole day, more than 15,000 civilians have arrived in military controlled areas.

President Mahinda Rajapakse has all civilians held by the LTTE as a human shield in the outfit-held area in north-eastern Sri Lanka will be rescued in the next 48 hours and the Tamils would be saved from the LTTE terrorism.

The LTTE air capabilities have been completely neutralised, the Sri Lankan Army claimed after recovering a stock of accessories and engines of the "sky Tigers" from the embattled north.

May 16

The Army which is in the final phase of the rescue operation took control of the entire eastern coastal area when the 58th and 59th Division troops linked up together depriving the LTTE of the coastal belt. The 58th Division marching from the north linked up with 59th Division troops who were forging ahead northbound in the new NFZ. Accordingly, troops of the 11 Gemunu Watch in the 59th Division and 11th Sri Lanka Light Infantry in the 58th Division have taken control of the entire Mullaitivu coastal belt.

Over 10,000 civilians, made use of the newly opened 'escape route' via the Nanthikandal lagoon in the past 24 hours amidst LTTE's indiscriminate firing in the Vadduvakal area. Also, 241 LTTE cadres surrendered to the SFs during the past two days.

Army troops attacked LTTE positions in the Karaiyamullivaikal and Vellamullivaikkal areas causing heavy damages to the militants. During subsequent search and clear operations troops recovered four dead bodies of the militants.

During a clash between the two sides in the Sarwaruthoddam area troops killed three militants and also recovered their bodies during clearing operations along the A-35 in the Karaiyamullivaikal area.

May 17

The humanitarian mission launched to liberate civilians taken hostage by the LTTE for months reached an end in Mullaitivu with the last batch of civilians arriving in Government controlled areas through the Vadduvakal causeway towards Mullaitivu by 2.30pm whilst troops surrounded the last batch of militants inside a less than half square kilometre stretch in the NFZ. According to Military officials, more than 52,000 civilians have arrived in the Government-controlled areas and nearly 30,000 were due to be screened by the troops before being dispatched to welfare centres in Vavuniya. "An estimated figure exceeding 82,000 civilians have so far arrived in the military

controlled areas since May 14," military officials in Mullaitivu added. As the last batches of civilians were fleeing from the NFZ, many explosions were heard inside the NFZ as troops were fighting with the last batch of militants trapped inside.

Defence Secretary Gotabhaya Rajapakse, however, said that the war is not over yet. "We have rescued all the civilians from the area, now we are searching for any more civilians. In the meantime, we have restricted the LTTE to one square kilometre-like area, so we will mop up and seize the rest of the LTTE cadres and the leadership."

The LTTE international relations head K. Pathmanathan said, in a statement issued from outside Sri Lanka, the war had reached its bitter end and the outfit had decided to silence their guns in the interest of saving the lives of innocent Tamil citizens. "This battle has reached its bitter end. Against all odds, we have held back the advancing Sinhalese forces without help or support, except for the unending support of our people. It is our people who are dying now from bombs, shells, illness and hunger. We cannot permit any more harm to befall them. We remain with one last choice — to remove the last weak excuse of the enemy for killing our people. We have decided to silence our guns. Our only regrets are for the lives lost and that we could not hold out for longer. We can no longer bear to see the innocent blood of our people being spilled," he said.

At least 150 LTTE militants were killed during fierce fighting with the troops inside the No NFZ in Mullaitivu District. Troops operating in the western edge of the Nanthikandal lagoon foiled an attempt by the LTTE militants to escape towards the jungles in Mullaitivu and Puthukkudiyiruppu south killing more than 80 militants, including nine female cadres, who tried to breach the SF defences. "More than 80 well trained Tiger cadres were killed and their bodies were recovered collected from the Nanthikandal lagoon as troops foiled the Tigers' attempt to breach the Security Forces defence around 2.30 am yesterday," said military officials in Mullaitivu.

May 18

The LTTE chief Velupillai Prabhakaran was killed, the Sri Lankan military has said. The announcement on State television came shortly after the military said it had surrounded Prabhakaran in a tiny patch of jungle in the north-east. The head of the Sri Lankan army Lt Gen Sarath Fonseka said the military had defeated the rebels and "liberated the entire country". "Today we finished the work handed to us by the president to liberate the country from the LTTE," Gen Fonseka said in the broadcast. The broadcast quoted military officials as saying Prabhakaran was killed along with two of his deputies. It said Prabhakaran, his intelligence chief Pottu Amman and Soosai, the head of the LTTE naval wing, were shot dead in an ambush in the Mullivaaykkaal area while trying to escape the war zone in an ambulance.

The SFs found a dead body suspected to be of Charles Anthony, the elder son of LTTE chief Velupillai Prabhakaran, from the Karaiyamullivaikal area. The Sri Lanka Army, however, confirmed that Anthony, known to be the head of Information and Technology

department of the LTTE, was killed. In addition, the SFs also recovered dead bodies of three key LTTE leaders, identified as political wing leader of the outfit Nadeshan, head of the outfit's peace secretariat Pulidevan and senior special military leader of the outfit Ramesh.

The death of senior LTTE militants, including Suventhiran Balaguru alias Jeyam, Rathnam Master and Madavan Master, were confirmed by the troops after their dead bodies were scientifically identified, the Army Headquarters declared.

Troops also confirmed the death of 11 more senior LTTE militants who attempted to escape being captured by the troops in Wellamullivaikkal area. These senior cadres include LTTE Police chief Ilango, aide to LTTE chief's son Sudharman, senior intelligence leader Thomas, LTTE military leader Luxman, senior Sea Tiger (Sea wing of the LTTE) cadre Sri Ram, LTTE female military leader Isei Aravi, LTTE deputy intelligence leader Kapil Amman, in charge of LTTE female training Ajanthi, in charge of LTTE mortar section Wardha, Secretary to LTTE chief Pudiyawan and Special military leader Jenarthan were among them.

Army elites are continuing the final mop-up operations at the last 100m x100m LTTE foothold in the north of Vellamullivaikkal. Self-ignited LTTE explosions were also heard and witnessed in close vicinity.

The SLA announced that the entire Puthumattalan area has now been brought under Army control bringing the entire country free from LTTE's terrorism. Over 250 corpses of LTTE militants scattered in the entire area have been so far recovered and subjected to identification, claimed the Army. It is believed all the remaining terrorist leaders including top LTTE cadres were among those feared killed, said the Army.

Troops recovered 43 dead bodies of LTTE militants, including that of eight female cadres, during search and clear operations in Karaymullivaikkal area.

Troops in Vellamullivaikkal and Wadduvakkal areas recovered dead bodies of 35 LTTE militants.

May 19

The pro-LTTE website Tamil Net claimed that the LTTE chief Velupillai Prabhakaran is still alive and safe; a day after SLA announced that it has killed him. The Website quoted the LTTE's International Relations chief S. Pathmanathan as stating, "I wish to inform the Global Tamil community distressed witnessing the final events of the war that our beloved leader Velupillai Prabhakaran is alive and safe....He (Prabhakaran) will continue to lead the quest for dignity and freedom for the Tamil people." The Website, however, did not give details of Prabhakaran's location. Pathmanathan also said the Sri Lankan Army and the Government deliberately came up with the story detailing the demise of the LTTE chief. "We categorically reject this and wish to inform the Tamil community to be vigilant and

to exercise maximum restraint whilst grieving for the loss of Tamil civilian lives," he said.

Army Commander General Sarath Fonseka confirmed that the dead body of the LTTE chief Velupillai Prabhakaran was found. His body was found by the 53rd Division troops led by Major General Kamal Gunaratne near the Nanthikandal lagoon. Military spokesman Udaya Nanayakkara said Prabhakaran had died due to a gun shot injury to his head. The Army is reported to have found his identity card issued by the LTTE and the armband with the number one indicating his position in the outfit. According to defence sources, Prabhakaran had tried to save his life until the last moment. Although the LTTE International Relations Head K. Pathmanathan denied the Government's claim, saying on a pro-LTTE website Tamil Net that Prabhakaran is "alive and safe", the DNA tests have proved that the body recovered belongs to Prabhakaran, the Army said. Fonseka confirmed that Prabhakaran's body was found among the 150 or so bodies the army recovered.

The announcement by the Army Chief on behalf of President Mahinda Rajapakse and Defence Secretary Gotabhaya Rajapakse said, "A few hours ago ground troops confirmed that they have recovered the dead body of the world's most ruthless terrorist leader. I make this disclosure with responsibility and pleasure as millions of Sri Lankans as well as the Army would be the most delighted at this news. It further said LTTE's Daya Master, who is in Government custody, and LTTE's former eastern military leader and Nation Building Minister in the Rajapakse Government, Vinayagamoorthy Muralitharan alias Karuna in the afternoon of May 19 flew to Puthukkudiyiruppu where Prabhakaran's body is being kept. Both of them identified the body as that of the LTTE chief. The Defence Ministry said in the evening that Sea Tiger (sea wing of the LTTE) leader Soosai's bullet-ridden dead body was found by Army commandos in the marshy land in Karaiyamullivaikal."

Two hours before the announcement of the recovery of the dead body of the LTTE chief Velupillai Prabhakaran, President Mahinda Rajapakse addressing the ceremonial opening of Parliament said the victory gained by defeating the LTTE is the victory of the nation, and the victory of all people living in the country. "The defeat of the LTTE and the breakdown of their armed strength will never be the defeat of the Tamil people of this country," he added. "It is necessary for us to state with great responsibility, that we do not accept a military solution as the final solution... It is necessary that we find a solution that is our very own, of our own nation. It should be a solution acceptable to all sections of the people," he said. The President said he hopes to provide a 'home grown' solution to the conflict and does not hope to be experimenting solutions.

38 dead bodies of the LTTE militants, including those of seven females, were recovered by the troops during a search operation in the Vellamullivaikkal area of Mullaitivu District. The bodies recovered and identified included that of Sea Tiger (sea wing of the LTTE) leader "Brigadier" Soosai, senior intelligence leader "Lieutenant

Colonel" Verti, an intelligence leader "Lieutenant Colonel" Ram Kumar, a senior female intelligence leader "Lieutenant Colonel" Manimekala alias Komali, political head in Batticaloa "Lieutenant Colonel" Anna Thurai, a senior Sea Tiger leader "Colonel" Rangan, "Lieutenant Colonel" Vinodan and a senior intelligence leader.

May 20

The Sri Lankan military ceremonially ended the war with the LTTE at Mullaitivu beach area. Defence sources said the Army formally silenced their guns in the afternoon in a military ceremony, headed by Major General Jagath Jayasuriya and in the presence of commanders of all units. Forces fired MBT and MBRL guns towards the Mullaitivu Sea marking the end of the war.

The slain LTTE chief Velupillai Prabhakaran's wife Mathivathani, daughter and 13-year old younger son Balachandran were reportedly found shot dead. Their bodies, having gunshot wounds in the head, were found in the Nanthikandal lagoon area barely 600 metres from where Prabhakaran's body was recovered by the Army. Contrary to earlier media reports, Prabhakaran's family were not in Europe. The family was shot dead by the SFs as it tried to break out of the NFZ. Another 150 bodies were found in the lagoon area.

SFs shot dead five LTTE militants in the Periyapillumalai area of Batticaloa District.

Army troops on patrol in the Kanchikudichchiaru area of Ampara District shot dead three militants.

Police have set up 37 Police stations in the Eastern Province and seven in the Northern Province, including in Madhu and Omanthai, the Inspector General of Police Jayantha Wickramaratne said.

The naval spokesman D. K. Dasanayake said that Prabhakaran made two last-minute attempts to escape to India or Malaysia, but these came too late as the Sri Lankan Navy had put up a effective naval blockade by then. These failures left no option for Prabhakaran, who had earlier outmanoeuvred the Sri Lankan security apparatus, to stay put in the northern war zone and fight to the last. Prabhakaran made these attempts as Sri Lankan forces made major advances into the LTTE-held territory in 2009, Dasanayake added.

May 21

10 LTTE militants were killed by the Army troops in the Kadawana jungle area of Trincomalee District. Three senior militants, identified as Sathyan Master, Kanthan and Oviyan were among the killed.

Army troops recovered dead bodies of six LTTE militants during search and clear operations in the Vellamullivaikkal area of Mullaitivu District.

The dead body of LTTE chief Velupillai Prabhakaran and other leaders will be buried in Wannai, Military spokesman Brigadier Udaya Nanayakkara said. The bodies would be buried as soon as possible after the initial investigations are over, he said. The military has collected over 350 bodies of militants after the final battle in

Mullaitivu. Most of the bodies of the outfit's leaders, including that of Prabhakaran, his son Charles Anthony and Sea Tiger leader Soosai, were already identified by the military.

Sri Lanka President Mahinda Rajapakse assured the visiting Indian envoys - National Security Adviser M.K. Narayanan and Foreign Secretary Shiv Shankar Menon - that his Government is committed to a political solution to address the grievance of the Tamil people in the country. The President assured the Indian envoys a long-term political settlement based on the 13th Amendment to the Sri Lankan Constitution that provides for devolution of powers to the provinces within a united country. He also said that his Government had drawn up a plan for resettlement of 280,000 war-displaced people in their original places of habitation in the north within the next six months. He also promised to give a copy of the death certificate of the LTTE chief Velupillai Prabhakaran to enable India close the 18-year-old case of assassination of the former Prime Minister Rajiv Gandhi. During the discussions, Sri Lanka told the Indian delegation that it plans to dismantle the relief camps and resettle at least 80 percent of the displaced in their original homes by the end of the year. During the meeting with the President, India pledged to provide all possible assistance in the implementation of such a plan in areas such as demining, provision of civil infrastructure and re-construction of houses. The two Indian leaders, who arrived in the country on May 20 on a two-day visit, pledged India's fullest support to reconstruct the war affected areas and offered a INR 5 billion relief package to assist the internally displaced persons.

The Sri Lankan High Commissioner to India, C.R. Jaisinghe, said in New Delhi that the Rajapakse Government is planning to hold provincial elections in the Tamil-dominated areas freed from LTTE control, a step which India has been repeatedly underlining. "Our country is now free of terror. The President [Mahinda Rajapakse] has already made it clear that the concerns of the Tamil Diaspora will be addressed. We will hold provincial council elections in the northern region."

The UNHCR expressed concern over conditions in the camps set up for people displaced by the recent fighting in Sri Lanka.

May 22

More than 6,000 Sri Lankan SF personnel were killed and nearly 30,000 personnel were wounded during the last three years due to the fighting against the LTTE. In an interview with the state-owned television Rupavahini, Defence Secretary Gotabhaya Rajapakse said 6,261 SF personnel, Policemen and paramilitary guards were killed and 29,551 were wounded in the offensive which commenced in August 2006 and concluded on May 17. He also said that since 1981 a total of 23,790 SF personnel, Policemen and women and paramilitary guards have been killed in the war. Though he did not give casualty figures for the LTTE, Reuters quoted military spokesman Brigadier Udaya Nanayakkara as saying that troops killed 22,000 LTTE fighters during Eelam War IV. The LTTE in November 2008 had said that they had lost more than 22,000 cadres since the first guerrilla death in November 1982. The United Nations this week

said the conflict had killed between 80,000-100,000 people since it erupted into full-scale civil war in 1983 - including unofficial and unverified tallies showing 7,000 civilian deaths since January.

Troops found five decomposed dead bodies of the LTTE militants along with three I-com sets, two pistols and two magazines from the Mullaitivu area.

About 280,000 ethnic Tamils have fled the fighting and are in camps. This includes the world's most populated refugee camp at Manik Farm, which now houses almost 200,000 people. The Government has revealed there are thousands of former LTTE militants mingling with regular civilians in the closely guarded camps. Foreign Secretary Palitha Kohona told that about 4000 former militants had "sneaked in" to the general refugee population. This group was under close surveillance. "We will need to see how they will integrate and leave their past behind, or whether they will still harbour thoughts of going back into the jungle," Kohona said. "We are just watching them." Many may have been forced to support the Tigers and had not been serious combatants. "We would like to give them a chance to quietly reintegrate into society and not rake up their past and make a mess of their lives," he added. Another 2000 Tiger cadres who surrendered or were captured were being "rehabilitated" in special facilities, Kohona added further.

Head of international secretariat of the intelligence wing of the LTTE, Arivazhakan, denied the reports that the outfit's chief Velupillai Prabhakaran has been killed, according to the pro-LTTE Website Tamil Net. He urged the global Tamil community not to trust the "engineered rumours," being spread by the Government of Sri Lanka and its military establishment. "Our beloved leader is alive," he said and added that the LTTE leadership will make contact with its people at a suitable time in future. "These rumours have been set afloat to confuse the global Tamil community which has been voicing support for the liberation of Tamil Eelam," he further said. Arivazhakan, who verified his identity through a senior reporter in Sri Lanka, did not reveal his location due to security reasons.

SFs cremated the body of LTTE chief Velupillai Prabhakaran, Army chief Sarath Fonseka said in an interview. General Fonseka told Sunday Rivira, "We cremated the body in the same area and threw the ashes into the (Indian) ocean." He said, "Even before Prabhakaran was killed, I knew we had won the war, but I was overjoyed when I had confirmation of his death."

May 23

The UN Secretary-General Ban Ki-moon following his visit to the Manik Farm camp, one of the major IDP camps in Vavuniya, and conflict zone in Palamattalan met Sri Lankan President Mahinda Rajapakse at Kandy. During the press conference following the meeting, he said the Sri Lankan Government is doing its utmost, though it lacks resources. He urged the Sri Lankan Government to give UN and other international humanitarian agencies need immediate and unimpeded access to the camps to help the Government meet urgent humanitarian needs. He warned that if

issues of reconciliation and social inclusion are not dealt with, history could repeat itself.

Foreign Minister Rohitha Bogollagama said the Sri Lankan SFs carried out the war against terrorism without leaving room for any human rights violations. He also said the Government expects to conclude resettlements in the region within these 180 days. According to him, the Government has already started the process in Mannar District.

The Sri Lankan Government pledged to investigate claims of human rights violations committed during the conflict with the LTTE. However, it rejected UN calls to allow aid agencies immediate unhindered access to Tamil refugee camps. President Rajapakse said the authorities first had to identify any remaining LTTE militants in the camps. Reports indicated that President Rajapakse has assured the UN chief that the LTTE child soldiers would be brought to the mainstream as "productive citizens" and the civilians displaced due to the war would be resettled within 180 days under globally-accepted norms.

Defence Spokesman Keheliya Rambukwella said that Government has retained samples of body-parts of Prabhakaran for DNA tests before he was cremated on May 20 in Mullaitivu. He said that the Government was prepared to conduct a DNA test should the necessity arise. "The defence establishment, however, has no doubts that he is dead," he said. Minister Rambukwella said the fate of Prabhakaran's wife and two younger children remained a mystery. "It is not clear if they were caught up in the battle or residing overseas," he said. It was earlier reported that they have also been killed.

The pro-TNA, which till now insisted on recognising the outfit as the sole representative of the Tamil people, will now take some crucial decisions on their future stand in the coming days, party sources said. The other major decision before them is whether to go along with the 13th Amendment to the Constitution, brought in under the Indo-Lanka Accord signed in 1987. Earlier, the TNA rejected the 13th Amendment as being totally inadequate. The Sri Lankan Government is to implement the 13th Amendment as a means of resolving the conflict.

May 24

The LTTE admitted for the first time that their chief Velupillai Prabhakaran is dead.

According to top military officials, over 10,000 LTTE militants have surrendered to the military. The officials said over 2,379 of them were identified by the military. While over 7,237 these militants, including 1,601 females, who had surrendered to the military, are now being rehabilitated at various rehabilitation centres, another batch of 202 militants, including 80 males, are living in Internally Displaced Persons camps. According to officials, these 202 militants were identified by the military and separated from the refugees in the welfare camps. "They surrendered to the troops when the military offensives got tough. The 202 terrorists including females are well

trained LTTE terrorists", they said. Over 2,065 of these cadres said that they surrendered to the troops at the Forward Defence Lines as they were disillusioned with their leadership. They had sensed the defeat and realised that the LTTE cadres had to fight to protect the life of their chief Velupillai Prabhakaran and not for Eelam.

Vavuniya District Secretary P.M.S. Charles said that although the international community wants to increase the facilities for IDPs the Sri Lanka Government is providing for their needs at the moment. According to the statistics, there are 262,000 IDPs living in welfare centers at Vavuniya. Of them, 220,000 are living at the Menik Farm Welfare Center and others are living at selected schools and temples in the area, she further added. The IDPs are being facilitated in Government welfare centres in 29 locations, including Government schools in the districts of Vavuniya, Mannar and Jaffna.

May 25

Nominations for the Jaffna and Vavuniya local Government elections are to be called for shortly after the gazette notification to that effect was issued, Minister for Local Government Janaka Bandara Tennakoon announced at a media briefing in Colombo. Nominations for Jaffna Municipal Council and Vavuniya Urban Council are to be filed between June 14-28 and election dates are to be fixed afterwards, the Minister announced. Elections in both these councils could not be held in the past 20 years or more as a result of violence and disruption caused by the LTTE. [37b]

All the SATP timelines for the years 2000-2009 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]

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ANNEX C: POLITICAL ORGANISATIONS

The full list of recognised political parties with the name, approved symbol, and name of the secretary is available from this [weblink](#).

Akhila Illankai 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)

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 Front (previously Western People's Front)

Leader: Mano Ganesan. On 26 November 2008 the Western People's Front (WPF) changed its name into Democratic People's Front (DPF). WPF currently holds one parliamentary seat. [45a]

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/index.php?lng=eng> [59]

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 accessed 31 December 2008) [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 accessed 31 December 2008) [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, last accessed 31 December 2008) [5a] (Internal Affairs, 4 December 2007)

Jathika Nidahas Peramuna (JVN) See below**Janatha Vimukthi Peramuna (JVP)**

(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, last accessed 31 December 2008) [5a] (Internal Affairs, 4 December 2007) On 12 May 2008 it was reported that "A dissident Janatha Vimukthi Peramuna (JVP) parliamentarian, Nandana Gunatillake, on Monday handed over particulars of a new political party under the name Jathika Nidahas Peramuna (National Freedom Front) to the Sri Lankan Commissioner of Elections. Wimal Weerawansa, the former propaganda secretary of the JVP, who left the party with ten other parliamentarians last month, would be the president of the JNP." (TamilNet, 12 May 2008) [38ag]

Liberation Tigers of Tamil Eelam (LTTE)

Formed on 5 May 1976, under the leadership of Velupillai Prabhakaran, it began its armed campaign in Sri Lanka for a separate Tamil homeland in 1983. [37a]

"The Tigers became a formidable force numbering upwards of 10,000 soldiers, including women and children...At the height of its powers at the end of the 1990s and the early years of this decade, the LTTE controlled nearly one-third of Sri Lanka." (BBC News, 18 May 2009) [9v] [Maps providing details of areas under LTTE control prior to November 2005 and the progressive erosion of such areas are available from this [weblink](#) - See also [Latest News](#) and [Section 4 on Recent developments](#)] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 31 December 2008, recorded that "The group's strength was estimated [in 2007] between 8,000 and 10,000." [5a] (Non-State Armed Groups, 14 November 2007)

"Under the leadership of Velupillai Prabhakaran, who has been killed aged 54 during fighting with the Sri Lankan army, the Liberation Tigers of Tamil Eelam (LTTE) were moulded, and refined, into one of the world's deadliest insurgent groups, and rigid discipline was instilled through his personal example. The LTTE of Sri Lanka, the 'Tamil Tigers', would become the progenitors of modern suicide bombing. They also developed their own navy and airforce as they masterminded the art of weapons procurement in a globalised, post-cold-war world.

For Prabhakaran, no sacrifice was too great for the objective of 'Eelam' (precious land), a Tamil state in an island of mainly Sinhalese Buddhists. This has been particularly evident during the last four months, before Sri Lanka's President Mahinda Rajapaksa formally declared victory on Sunday [17 May 2009]. During this time, according to UN estimates, more than 6,000 civilians have been killed as the LTTE have been pushed from their northern territories into a 'no fire zone', consisting of a few kilometres of north-east coastline. The government has accused the LTTE leadership of using tens of thousands of civilians trapped there as human shields.

"The first LTTE suicide bombing came in the northern town of Nelliady in July 1987. Prabhakaran had formed the "Black Tigers", a group of male and female suicide

bombers whose explosives-laden belts would later be copied by Palestinian, Chechen and Iraqi groups. The missions were preceded by months of intelligence gathering and Prabhakaran held secret audiences with the bombers before they departed for their targets.

“Between 1990 and 1995, the Tigers ran the northern Jaffna peninsula as a mini-state with Prabhakaran as its absolute ruler... In late 1995, Sri Lankan forces launched a massive campaign to retake the rebel-held north. The LTTE were expelled from Jaffna but 60,000 government troops found themselves hemmed in over the next few years as the Tigers captured large areas of the Vanni and the eastern province. The south was also hit by a spate of savage Black Tiger strikes... [In 2006] after nearly four years of brittle peace, fighting again erupted between the government and the LTTE. In the years since the Indian intervention [1990], Prabhakaran had very successfully transformed the Tigers from an archetypal guerrilla outfit into a conventional army. But this may ultimately have proved to be his downfall. When fighting again erupted in mid 2006, the Tigers were now compelled to fight the Sri Lankan forces on their own terms... By the summer of 2007, the government had recaptured all of the LTTE's eastern territory, forcing them back into their Vanni heartland. On 2 January 2008, Sri Lanka formally withdrew from the Norwegian-brokered ceasefire and exactly one year later, the de facto Tiger ‘capital’ of Killinochchi was recaptured by the government. In the intervening months, the LTTE carried out numerous bomb attacks across the island. This still prompts fears that even if they are, as it now appears, defeated as a conventional force, they will continue an underground war.” [20a]

An undated section of the South Asia Terrorism Portal (SATP) (website accessed on 27 May 2009) provided additional information on the LTTE:

“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 Thamilselvan and Anton Balasingham, widely regarded to be the political advisor and ideologue of the LTTE. [Thamilselvan was killed in November 2007 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...

All LTTE fighters undergo a programme of rigorous training. A typical training schedule is spread over four months, during which they receive training in handling weapons, battle and field craft, communications, explosives and intelligence gathering, as well as an exhausting physical regimen and rigorous indoctrination.

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] (LTTE) [Please note this information is only provided as background and should be read in conjunction with the section above and [Latest News; Section 4 on Recent developments](#)]

The SATP website also provides a list of LTTE leaders killed during encounters with security forces in Sri Lanka, 2008-2009 accessible from this [weblink](#) as well as a comprehensive list of [Incidents involving Liberation Tigers of Tamil Eelam \(LTTE\)](#)

In the UK the LTTE is one of the proscribed organisations under Part II of the Terrorism Act 2000 The (undated) ‘List of proscribed terrorist groups’ is available from the Home Office website (accessed on 20 November 2007). [35d]

In January 2009 the Government of Sri Lanka re-proscribed the Liberation Tigers of Tamil Eelam (LTTE). “The unanimous decision was taken by the Cabinet in accordance with a memorandum submitted by President Mahinda Rajapaksa...The LTTE was first banned in 1998...The ban was lifted in September, 2002, ahead of the peace talks following the Ceasefire Agreement.” (Official website of the Government of Sri Lanka, 8 January 2009) [44b] The proclamation issued by the President of Sri Lanka on the same day is available from this [weblink](#). [10e]

See also [Latest News; Section 4 on Recent developments; Section 10: Abuses by Non-Government Armed Forces; Forced conscription and Section 24 on Child soldiers](#)

For the Karuna faction, see under TMVP.

See also [Annex B](#)

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)

Peoples Front of Liberation Tigers (PFLT)

Formed in 1989, it is the political party of the Liberation Tigers of Tamil Eelam (LTTE). [9] It took part in the election for the Eastern Province Provincial Councils held on 10 May 2008 but did not gain any seats. [10d]

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 accessed 31 December 2008, “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." [8] (p561-562)

"In April 2004, a new electoral alliance between the SLFP and the Marxist Janatha Vimukthi Peramuna (JVP) became the basis of a winning UPFA electoral coalition, which ending the UNF's 28 months in power. The SLFP prime minister Mahinda Rajapakse became the UPFA's presidential candidate in the November 2005 elections, with the strong backing of the JVP and the hard-line Sinhala Buddhist party, the Jathika Hela Urumaya (JHU). Rajapakse is a seasoned SLFP leader, and comes from a very well known political family in the Hambantota district of southern Sri Lanka - his father was one of the founding members of the SLFP in 1951. However, Rajapakse's rise to power represents a historic break in the SLFP from the virtually uninterrupted leadership of the Bandaranaike-Kumaratunga clan. Rajapakse is a popular and strong personality within the party, and has positioned two of his brothers into commanding positions of power." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 31 December 2008) [5a] (Internal Affairs, 4 December 2007)

Sri Lanka Freedom Party – Mahajana Wing (SLFP – M)

"Founded 2007 as breakaway faction of the Sri Lanka Freedom Party, under the leadership of fmr Minister of Foreign Affairs and fmr Minister of Port Development; advocates constitutional reform, incl. revisions to the Executive President's authority; memorandum of understanding signed with United National Party in July 2007 whereby the two parties pledged to contest future elections as a broad coalition (the 'National Congress'). Founder and Leader Mangala Samaraweera." [1a]

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/> [69]

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 accessed 31 December 2008) [5a] (Internal Affairs, 4 December 2007) In February 2008 it was reported that the party had split into two. "Members of the breakaway faction said they were not prepared to accept the leadership of parliamentarian Selvam Adaikalanathan and would function as a separate party. This faction is being led by Ramesh considered a TELO militant and a new political office was opened at Kurumannadu in Vauniya..." (Daily Mirror, 19 February 2008) [11j] (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 accessed 31 December 2008) [5a] (Internal Affairs, last updated 4 December 2007)

Tamileela Makkal Viduthalai Pulikal (Tamil People's Liberation Party) (TMVP)/Karuna faction

"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." Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 31 December 2008) [5a] (Internal Affairs, 4 December 2007)

The EIU Country Report Sri Lanka, October 2008 recorded that

"Karuna led the TMVP when it broke away from the LTTE to co-operate with the government, but was recently arrested and imprisoned for entering the UK using false documents. Since his return from the UK in July [2008], the rivalry between Karuna and

his former deputy, Sivanesathurai Chandrakanthan (also known as Pillayan), has re-emerged. These clashes go as far back as June 2007, when Pillayan accused Karuna of misappropriating funds from the group. The dispute escalated into violence, and Karuna reportedly ordered his loyalists to hunt down and kill Pillayan and his supporters. Towards the end of September, it was reported that Pillayan, now the chief minister for Eastern province, faced growing opposition from within the TMVP. On October 28th [2008] a Karuna camp in Batticaloa was attacked, killing four TMVP members and leaving others missing. It remains unclear whether this was an attack by a Pillayan group, or by the LTTE itself. Some suggest that the latest rift between Pillayan and Karuna erupted following the latter's statement on October 21st [2008] that the Eastern provincial council did not need police powers." [75h] (p10)

The HRW document 'Sri Lanka: Human Rights Situation Deteriorating in the East' issued on 24 November 2008, referred to "deepening tensions and violent infighting within the TMVP, particularly between factions loyal to Karuna Amman, the founder, and Sivanesathurai Chandrakanthan, known as Pillayan, who was appointed the chief minister of Eastern Province in May [2008]." [21j]

The IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 27 May 2009) noted that "...the return of Karuna to Colombo on 3 July [2008] led to significant intra-party rivalry between the Karuna and Pillayan factions. The tension reached its climax when on 21 December [2008] Karuna formed a new party called the Tamil People's Liberation Alliance. On 5 October, Colombo attempted to quell any possible political instability by appointing Karuna as a Member of Parliament representing the ruling United People's Freedom Alliance." [51d]

The ICG (International Crisis Group) document 'Development assistance and conflict In Sri Lanka: Lessons from the Eastern Province, Asia Report N°165', 16 April 2009 referred to the "increasingly bitter conflict between members of the Tamil Makkal Viduthalai Puligal (TMVP), now led by Eastern Province Chief Minister S. Chandrakanthan, better known as Pillayan, and supporters of TMVP founder and now government minister V. Muralitharan, alias Karuna." [76a] (p3) The same ICG document also recorded that "After months of being the clear favourite of the central government, Karuna formally left the TMVP and joined the ruling Sri Lanka Freedom Party (SLFP) in a public ceremony in Colombo with the president on 9 March, where Karuna was named minister for national integration and reconciliation...The Ampara area TMVP leader and the president's district coordinator, Inyabarathy, also joined the SLFP. So, too, did 1,500 other people, many of them bussed to Colombo on orders of Karuna without being told they would be joining the SLFP. TMVP offices under the control of Karuna's faction are now being converted to SLFP offices. His cadres remain armed." [76a] (p3, footnote 23)

See also [Section 4 on Recent developments](#); [Section 10 on Abuses by non-government armed forces](#) and [Annex D: Prominent people](#)

Tamil People's Liberation Alliance

Formed by the former TMVP leader V. Muralitharan (alias 'Colonel Karuna') in December 2008. (IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 27 May 2009) [51d]

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/> [28]

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 accessed 31 December 2008). [5a] (Internal Affairs, 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]

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ANNEX D: PROMINENT PEOPLE

Bogollagama Rohitha

Minister of Foreign Affairs [44a]

KARUNA Colonel (nom de guerre of Vinayagamoorthi Muralitharan, aka Karuna Amman)

Former leader of Tamil Makkal Viduthalai Pulikal (TMVP). From October 2008 Member of Parliament of the United People's Freedom Alliance and from March 2009 national integration and reconciliation minister.

The Official Government News Portal of Sri Lanka recorded on 7 October 2008 that "Vinayagamoorthi Muralitharan was born in Kiran, in the Batticaloa district in 1966. He joined the LTTE in 1983 and became a top commander. He participated in several rounds of peace talks as a member of the LTTE delegation after the Ceasefire Agreement was signed in 2002." [10i]

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 31 December 2008, 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." [5a] (Internal Affairs, 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 Viduthalai Pullikal (TMVP), was sentenced to nine months in jail under the Identity Cards Act after he pleaded guilty." (SATP Timeline, Year 2008) [37c]

As noted in comments posted on 12 May 2008 on the website of the British High Commission, Colombo:

"A British High Commission spokesperson said 'Vinayagmoorthy Muralitharan (aka Karuna Amman) was released yesterday following his imprisonment [in the UK] for possessing false documents, contrary to Section 25 of the Control of Identification Documents (Offences) Act 2005...We have made clear our concerns at the circumstances by which Karuna travelled to the UK. We are deeply concerned that Karuna and his faction have allegedly been responsible for murder and abductions and are still believed to be involved in intimidation and child recruitment. The Crown Prosecution Service has advised the Metropolitan Police Service that there is

insufficient evidence to provide a realistic prospect of conviction for any criminal offences in the UK.” [15i]

The EIU Country Report Sri Lanka, July 2008 recorded that “Vinayagamoorthy Muralitharan, also known as Colonel Karuna, the former head of the TMVP, returned to Sri Lanka on July 4th [2008], having served a jail term in the UK for entering the country with a false passport.” [75a] (p10)

On 7 October 2008 the Official Government News Portal of Sri Lanka announced that “Leader of the Tamil Makkal Viduthalai Pulikal (TMVP), Vinayagamoorthy Muralidaran, was sworn in as a Member of Parliament of the United People's Freedom Alliance... Muralidaran is the first member of the TMVP to enter parliament.” [10i]

In December 2008 Karuna formed a new party called the Tamil People's Liberation Alliance. (IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 27 May 2009) [51d]

In early March 2009 Vinayagamoorthy Muralitharan joined the ruling Sri Lanka Freedom Party (SLFP) along with many of his followers and was given a non-cabinet post in the government, as national integration and reconciliation minister. (EIU, Country Report Sri Lanka, April 2009 [75k] (p10)

See also [Section 3: History](#); and [Annex C](#) (TMVP)

Pillayan [Pilleyan] (Sivanesathurai Chandrakanthan)

TMVP leader (IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 27 May 2009) [51d] (BBC Sinhala, 11 May 2008) [9j]

On 16 May 2008 Pilleyan, was sworn in as the Chief Minister of the Eastern Provincial Council after obtaining the highest number of votes for Batticaloa District in the Provincial Council elections. (The Official Website of the Government of Sri Lanka, 16 May 2008) [10a]

See also [Annex C](#)

PRABHAKARAN (PIRAPAHARAN) Velupillai (26 November 1954 – 18 May 2009)

Leader of the Liberation Tigers of Tamil Eelam (LTTE). His death was announced on 18 May 2008.

“To his followers, Vellupillai Prabhakaran was a freedom fighter struggling for Tamil emancipation. To his adversaries he was a secretive megalomaniac with a complete disregard for human life. Under his leadership, the Tamil Tigers became one of the world's most highly disciplined and highly motivated guerrilla forces. But in recent months they fought a desperate rearguard action as the Sri Lankan military inflicted defeat after defeat on them, ending their dream of a separate homeland in the north and east.

“It is believed that Prabhakaran founded the Tamil New Tigers in 1973 or 1974, although the exact date is unknown. It was just another in a series of pressure groups and organisations protesting against what they saw as the marginalisation of the Tamil people in the post-colonial Sri Lanka. In 1975 he was accused of the murder of the mayor of Jaffna, who was shot at point blank range while he was about to enter a Hindu temple... A year later Prabhakaran's group was renamed the Liberation Tigers of Tamil Eelam (LTTE), commonly known as the Tamil Tigers. The Tigers became a formidable force numbering upwards of 10,000 soldiers, including women and

children...He encouraged a cult of martyrdom among his followers which led to the first use of suicide bombings as a common form of attack, often against civilian targets.

“Under his leadership the LTTE was branded a terrorist organisation by many countries and he was wanted by Interpol, the global police network for murder, terrorism, organised crime and conspiracy. He was a shadowy figure, constantly under threat of arrest or assassination...Vellupillai Prabhakaran remained a secretive figure throughout his life, his movements between his various jungle hideouts carefully planned to avoid capture or assassination.” [9v]

See also [Annex C](#)

RAJAPAKSE Basil

Senior Advisor to the Sri Lankan President Mahinda Rajapakse and brother of the President Mahinda Rajapakse. [37b] [76d] (p15)

RAJAPAKSE Gothabaya

Defense Secretary and brother of the President Mahinda Rajapakse (EIU, Country Report Sri Lanka, May 2009) [75n] (p12)

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 recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 31 December 2008:

“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, 24 November 2008, President Mahinda Rajapakse)

SAMARAWEEERA Mangala

Leader of the SLFP 'Mahajana wing' (SLFP –M)

See also [Section 15 on Opposition groups and political activists](#) and [Annex C](#)

WICKREMASINGHE Ranil

Leader of the main opposition party, United National Party (UNP)

“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, last accessed 31 December 2008) [5a] (Political Leadership, 24 November 2008, Opposition leader Ranil Wickremasinghe)

WRIKEMANAYAKE Ratnasiri

Prime Minister [1a]

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 31 December 2008:

“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, 24 November 2008, Prime Minister Ratnasiri Wickremanayake)

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ANNEX E: 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
CPA	Centre for Policy Alternatives
CPJ	Committee to Protect Journalists
ERs	Emergency Regulations
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
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
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
OHCHR	Office of the High Commissioner for Human Rights
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
TI	Transparency International
TID	Terrorist Investigation Department
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

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