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# SRI LANKA

## COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

7 March 2012

**SECURING OUR BORDER** CONTROLLING MIGRATION

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## Preface

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- i This Country of Origin Information (COI) Report has been produced by the 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 3 February 2012. The 'Latest News' section contains further brief information on events and reports accessed from 4 February to 2 March 2012. The report was issued on 7 March 2012.
- ii The Report is compiled wholly from material produced by a wide range of 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 compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. 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 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 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. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. 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 Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink 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 COI Service upon request.
- ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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**Website:** <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi>

**INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION**

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other country of origin information material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews>
- 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://icinspector.independent.gov.uk/country-information-reviews>
- 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

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### EVENTS IN SRI LANKA FROM 4 FEBRUARY TO 2 MARCH 2012

The Latest News provides a non-exhaustive selection of significant events between 4 February and 2 March 2012. Further information may also be available from the list of useful sources below.

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- 2 March           Introducing her annual report at the UN Human Rights Council 19th Session, the United Nations High Commissioner for Human Rights welcomed the publication by the Government of Sri Lanka of its Lessons Learned and Reconciliation Commission report in December 2011. She observed: "While the report falls short of the comprehensive accountability process recommended by the Secretary-General's Panel of Experts, it does make important recommendations. I encourage the Government to engage with the Special Procedures and with my Office on follow up to the report. I also hope the Council will discuss these important reports."
- Human Rights Council 19th Session United Nations  
High Commissioner for Human Rights Introduction of Annual Report 2011, 2 March 2012  
<http://reliefweb.int/sites/reliefweb.int/files/resources/Human%20Rights%20Council%2019th%20Session.pdf>  
Date accessed 5 March 2012
- 29 February      A group of 52 enforced returnees from the UK, many of whom were failed asylum seekers, arrived in Colombo on a charter flight.
- Foreign and Commonwealth Office (FCO)**  
Letter from the British High Commission in Colombo, 1 March 2012, [Annex E](#)
- Official website of the Government of Sri Lanka**  
Failed asylum seekers arrived in the country, 1 March 2012  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201203/20120301failed\\_asylum\\_seekers\\_arrived\\_country.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201203/20120301failed_asylum_seekers_arrived_country.htm)
- 28 February      Reporters sans frontières (Reporters without Borders) called on the "United Nations Human Rights Council, which began its 19th session on 27 February, to pass a resolution condemning the Sri Lankan government's violations of freedom of information and to demand an end to threats and violence against news media and human rights defenders in Sri Lanka".
- Reporters sans frontières**  
With media gagged or threatened, no progress for freedom of information, 28 February 2012  
<http://en.rsf.org/sri-lanka-with-media-gagged-or-threatened-no-28-02-2012,41946.html>  
Date accessed 29 February 2012

27 February An increased number of abductions, especially in and around Colombo were reported for the period October 2011 - February 2012. Among those abducted were activists who had challenged the authorities on impunity and human rights violations; businessmen and those classified by the police as criminals and 'underworld characters'.

#### **Sri Lanka Brief**

New wave of abductions and dead bodies in Sri Lanka, 27 February 2012

<http://www.srilankabrief.org/2012/02/new-wave-of-abductions-and-dead-bodies.html#more>

Date accessed 29 February 2012

25 February Human Rights Watch (HRW) stated in a press release that research had found that some returned Tamil asylum seekers from the United Kingdom had been subjected to arbitrary arrest and torture upon their return. HRW also mentioned that the organisation had documented eight recent cases in which people deported to Sri Lanka have faced serious abuses.

#### **Human Rights Watch**

UK: Halt Deportations of Tamils to Sri Lanka, 25 February 2012

<http://www.hrw.org/news/2012/02/24/uk-halt-deportations-tamils-sri-lanka>

Date accessed 29 February 2012

24 February Quoting figures from a recently-released report by the Department of Census and Statistics, BBC Sinhala reported that about 9,000 people died in the north of Sri Lanka during the final phase of the war in 2009. About 7,400 people appear to have died of causes directly related to the fighting while more than 2,600 others went missing throughout 2009. It is not clear whether the figures – the first set of government figures given for such casualties - include just civilians or also Tamil Tiger fighters.

#### **BBC Sinhala**

Over 7000 civilians died' Sri Lanka government, 24 February 2012

[http://www.bbc.co.uk/sinhala/news/story/2012/02/120224\\_charilinumbers.shtml](http://www.bbc.co.uk/sinhala/news/story/2012/02/120224_charilinumbers.shtml)

Date accessed 25 February 2012

17 February The Government announced that the National Police Commission (NPC) had been reinstated under the 18th amendment to the Constitution as part of the recommendations made by the Lessons Learnt and Reconciliation Commission (LLRC). The NPC – responsible for transfers, discipline, and issues related to examinations in the police force - was established in 2002 under the 17th Amendment to the Constitution but became defunct due to the failure to appoint new members after the terms of the Commission and its Chairman ended in April 2009.

#### **Official website of the Government of Sri Lanka**

National Police Commission reinstated, 17 February 2012

[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201202/20120217national\\_police\\_commission\\_reinstated.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201202/20120217national_police_commission_reinstated.htm)

Date accessed 25 February 2012

- 15 February Amnesty International (AI) launched an urgent action related to “a Tamil businessman who brought a case against Sri Lankan police for torture, unlawful arrest and detention” and who “was abducted on 11 February at his home in Colombo, Sri Lanka, by armed men. He was due to appear in court on 13 February.” AI added that “Ramasamy Prabakaran was previously detained, on suspicion of being a member of the Liberation Tigers of Tamil Eelam (LTTE) in 2009. He was detained for 28 months and suffered extensive torture before being released in September 2011 due to lack of evidence. Ramasamy Prabakaran is currently pursuing legal redress for torture inflicted on him while in state custody. At the time of the abduction, Ramasamy Prabakaran had filed a fundamental rights application with the Supreme Court of Sri Lanka...”

### **Amnesty International**

Sri Lanka: Man abducted days before court hearing: Ramasamy Prabakaran, 15 February 2012

<http://www.amnesty.org/en/library/info/ASA37/002/2012/en>

Date accessed 25 February 2012

- 9 February The Government announced that another group of 40 rehabilitated ex-LTTE cadres had been handed over to their families. According to the Department of Rehabilitation 10, 490 ex-LTTE cadres have been “rehabilitated and reintegrated into society” so far, leaving just over 970 ex-cadres to be reintegrated.

### **Official website of the Government of Sri Lanka**

More ex-cadres reintegrated, 9 February 2012

[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201202/20120209more\\_ex\\_cadres\\_reintegrated.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201202/20120209more_ex_cadres_reintegrated.htm)

Date accessed 9 February 2012

- 6 February The Mine Action Project of the UN Development Programme in Sri Lanka said landmine clearance in conflict-affected north could take more than a decade due to a lack of resources and the difficult nature of the work. According to data from the National Mine Action Centre, approximately 126 sq km of land remained to be cleared at the end of 2011. The largest remaining area was in Mannar District, followed by Mullaitivu, Kilinochchi, Vavuniya and Jaffna.

### **Irin**

Sri Lanka: Mine clearance could take 10 years or more, 6 February 2012

<http://www.irinnews.org/report.aspx?reportid=94798>

Date accessed 7 February 2012

## **USEFUL NEWS SOURCES FOR FURTHER INFORMATION**

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report.

AlertNet (Thomson Reuters) <http://www.trust.org/alertnet/news/asia-and-pacific/sri-lanka>

Amnesty International <http://www.amnesty.org/en/sri-lanka>

British Broadcasting Corporation (BBC)

<http://newssearch.bbc.co.uk/cgi-bin/search/results.pl?scope=newsukfs&tab=news&q=sri+lanka&go.x=32&go.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](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>  
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/satporgtp/countries/shrilanka/timeline/index.html>  
<http://www.satp.org/satporgtp/countries/shrilanka/database/index.html>  
The Lanka Academic <http://www.theacademic.org/>  
UN OCHA Humanitarian Portal - Sri Lanka  
<http://www.humanitarianinfo.org/sriLanka%5Fhpsl/>  
[http://www.humanitarianinfo.org/srilanka\\_hpsl/Catalogues.aspx?catID=74](http://www.humanitarianinfo.org/srilanka_hpsl/Catalogues.aspx?catID=74)  
UNHCR Refworld <http://www.unhcr.org/refworld/country/LKA.html>  
UNICEF Sri Lanka <http://www.unicef.org/srilanka/>

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## REPORTS ON SRI LANKA PUBLISHED OR ACCESSED BETWEEN 4 FEBRUARY AND 2 MARCH 2012

**The Home Office is not responsible for the content of external websites.**

### International Crisis Group

Sri Lanka: Government Promises, Ground Realities, 1 March 2012

<http://www.crisisgroup.org/en/publication-type/media-releases/2012/asia/sri-lanka-government-promises-ground-reality.aspx>

Date accessed 2 March 2012

### Immigration and Refugee Board of Canada (IRB)

National Documentation Package: Sri Lanka, 29 February 2012

[http://www.irb-cisr.gc.ca:8080/Publications/PubNDP\\_CDN.aspx?id=5063](http://www.irb-cisr.gc.ca:8080/Publications/PubNDP_CDN.aspx?id=5063)

[also accessible from: <http://www.unhcr.org/refworld/country,,,LKA,,4f4f2d072,0.html> ]

Date accessed 2 March 2012

### Foreign & Commonwealth Office (FCO)

Country profile, Sri Lanka, 28 February 2012

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

Date accessed 1 March 2012

### UNICEF

- 12 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

The State of the World's Children 2012, 28 February 2012

<http://www.unicef.org/sowc2012/fullreport.php>

Date accessed 1 March 2012

**Committee to Protect Journalists (CPJ)**

Attacks on the Press in 2011- A Worldwide Survey by the Committee to Protect Journalists, February 2012

[http://cpj.org/attacks\\_on\\_the\\_press\\_2011.pdf](http://cpj.org/attacks_on_the_press_2011.pdf)

Date accessed 29 February 2012

**UN Office for the Coordination of Humanitarian Affairs**

Sri Lanka - Joint Humanitarian and Early Recovery Update January 2012 - Report #39, 24 February 2012

<http://reliefweb.int/node/478794>

Date accessed 25 February 2012

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## Background Information

### 1. GEOGRAPHY

- 1.01 The Central Intelligence Agency (CIA) World Factbook, Sri Lanka<sup>1</sup> (updated on 27 December 2011), noted 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 was estimated to have a population of 21,284,913 (July 2011 est.). There are 9 provinces; Central, Eastern, North Central, Northern, North Western, Sabaragamuwa, Southern, Uva, Western. 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 2010, table 2.4, Population of principal towns by sex, census, years, website accessed on 1 June 2011)<sup>2</sup>
- 1.02 The CIA World Factbook<sup>3</sup>, (updated on 27 December 2011), recorded that the population could 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). However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2010, Chapter II, tables 2.10 - 2.11, undated, website accessed on 1 June 2011)<sup>4</sup>, 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.
- 1.03 The US State Department July-December 2010 International Religious Freedom Report-Sri Lanka<sup>5</sup> (USSD Religious Freedom report 2011), released on 13 September 2011, 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, Muslims populate the east, and the north is almost exclusively Hindu."

<sup>1</sup> CIA - The World Factbook – Sri Lanka

<https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011  
Date accessed 27 January 2012

<sup>2</sup> Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.4, Population of principal towns by sex, census, years

<http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-4.pdf> date accessed 1 June 2011

<sup>3</sup> CIA - The World Factbook – Sri Lanka

<https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011  
Date accessed 27 January 2012

<sup>4</sup> Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.10 <http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf> and 2.11

<http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-11.pdf> date accessed 1 June 2011

<sup>5</sup> US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Introduction

14 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.



- 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<sup>6</sup>, 27 December 2011).
- 1.05 A letter from the British High Commission (BHC) in Colombo dated 27 September 2011<sup>7</sup> observed that:
- “There are the two national and official languages in Sri Lanka, Sinhala which is spoken by 74% of the population and Tamil which is spoken by 18% of the population. English is commonly used in government and business, and is spoken competently by around 40% of the population. Tamil is mainly spoken in Northern and Eastern Provinces, and in the Hill Country amongst Indian Tamils working on the tea plantations. Persons of all ethnic backgrounds in these areas may use Tamil as their first language.”
- 1.06 As recorded by the Sri Lanka Department for Census and Statistics (Statistical Abstract 2010, Chapter II, table 2.10 website accessed on 1 June 2011)<sup>8</sup> 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.
- 1.07 A British High Commission (BHC) letter dated 9 November 2011<sup>9</sup> reported:
- “The Department of Census and Statistics – Sri Lanka produces estimated mid-year population figures, the latest being for 2008. These figures show that the estimated population of Sri Lanka as 20,217,000. The estimated population of Colombo District is given as 2,488,000.
- “The Central Bank of Sri Lanka produces yearly country profiles, the latest of which is 2010. They estimated the population of the country as 20,653,000 and the population of Western Province, which includes the districts of Colombo, Gampaha and Kalutara as 5,865,000.”
- More information can be found in the [Sri Lanka Socio-Economic Data 2011, published by the Central Bank of Sri Lanka in June 2011.](#)

<sup>6</sup> CIA - The World Factbook – Sri Lanka

<https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011  
Date accessed 27 January 2012

<sup>7</sup> British High Commission Colombo, letter dated 27 September 2011

<sup>8</sup> Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.10, Population by ethnic group, census years  
<http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf> date accessed 1 June 2011

<sup>9</sup> British High Commission Colombo, Letter dated 9 November 2011



## MAP

1.08



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<sup>10</sup> United Nations, Map of Sri Lanka (Map No. 4172 Rev. 1), January 2004

16 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

For additional maps:

United Nations, Department of Field Support, Cartographic Section, Map No. 4172 Rev.3, March 2008

<http://www.un.org/Depts/Cartographic/map/profile/srilanka.pdf>

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>

## PUBLIC HOLIDAYS

1.09 The Economist Intelligence Unit, January 2012 Sri Lanka report<sup>11</sup> recorded the following public holidays for the year 2012:

“January 8th (Duruthu Full Moon Poya Day); January 16th (Tamil Thai Pongal Day, observed); February 4th (National Day); February 7th (Navam Full Moon Poya Day); February 10th (Milad-un-Nabi, observed); February 20th (Maha Sivaratri Day); March 7th (Medin Full Moon Poya Day); April 5th (Good Friday and Bak Full Moon Poya Day); April 12th-13th (Sinhala and Tamil New Year); May 1st (May Day); May 5th-7th (Vesak); June 4th (Poson Full Moon Poya Day); July 3rd (Esala Full Moon Poya Day); August 1st (Nikini Full Moon Poya Day); August 19th (Eid al-Fitr, approximate); August 31st (Adhi Nikini Full Moon Poya Day); September 29th (Binara Full Moon Poya Day); October 26th (Eid al-Adha, approximate); October 29th (Vap Full Moon Poya Day); November 13th (Deepavali); November 27th (Il Full Moon Poya Day); December 25th (Christmas Day); December 27th (Unduwap Full Moon Poya Day).”

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## 2. ECONOMY

2.01 The CIA World Factbook<sup>12</sup>, Sri Lanka (updated on 27 December 2011) recorded:

<sup>11</sup> Economist Intelligence Unit, January 2012 report, [http://www.eiu.com/report\\_dl.asp?issue\\_id=1008743885&mode=pdf](http://www.eiu.com/report_dl.asp?issue_id=1008743885&mode=pdf) [subscription only] date accessed 5 February 2012

<sup>12</sup> CIA - The World Factbook – Sri Lanka

<https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011 Date accessed 27 January 2012

“Sri Lanka is engaging in large-scale reconstruction and development projects following the end of the 26-year conflict with the LTTE [Liberation Tigers of Tamil Eelam], including increasing electricity access and rebuilding its road and rail network. Additionally, Sri Lanka seeks to reduce poverty by using a combination of state directed policies and private investment promotion to spur growth in disadvantaged areas, develop small and medium enterprises, and promote increased agriculture. High levels of government funding may be difficult, as the government already is faced with high debt interest payments, a bloated civil service, and historically high budget deficits. The 2008-09 global financial crisis and recession exposed Sri Lanka's economic vulnerabilities and nearly caused a balance of payments crisis, which was alleviated by a \$2.6 billion IMF standby agreement in July 2009. The end of the civil war and the IMF loan, however, have largely restored investors' confidence, reflected in part by the Sri Lankan stock market's recognition as one of the best performing markets in the world. Sri Lankan growth rates averaged nearly 5% in [sic] during the war, but increased government spending on development and fighting the LTTE in the final years spurred GDP growth to around 6-7% per year in 2006-08. After experiencing 3.5% growth in 2009, Sri Lanka's economy is poised to achieve high growth rates in the postwar period.”

- 2.02 The Human Development Index (HDI) for Sri Lanka in 2011 was 0.691, which gives the country a rank of 97 out of 187 countries with comparable data. The GDP per capita was around US\$ 4,300 for 2009. The HDI is created “...by combining indicators of life expectancy, educational attainment and income into a composite human development index...” (UNDP, Human Development Report 2011, Country Profile, Sri Lanka)<sup>13</sup>. The CIA World Factbook<sup>14</sup>, (updated on 27 December 2011), noted that in 2010 GDP per capita was estimated to be US\$5,000 and the unemployment rate estimated at 5.8 per cent. The same source stated that the percentage of the population below poverty line in 2008 was estimated to be 23 per cent.
- 2.03 The Economist Intelligence Unit, January 2012 Sri Lanka report<sup>15</sup>, recorded that the average consumer price inflation was 7 per cent in 2011 and was forecast at 6 per cent for 2012. The EIU also gave the actual average unemployment rate at 5.4 per cent for 2011 (with a forecast of 5.1 per cent for 2012).
- 2.04 The Sri Lanka Department of Census and Statistics recorded in their Statistical Abstract 2010, Socio Economic Indicators<sup>16</sup> (undated, website accessed on 1 June 2011) that in 2009 the total labour force was 7,572,363 with an unemployment rate of 5.7 per cent.
- 2.05 The approximate rate of exchange from xe.com Universal Currency Converter<sup>17</sup> on 18 January 2012 was £1 = 176 Sri Lankan rupees.

<sup>13</sup> UNDP, Human Development Report 2011, Sri Lanka, Country profile of human development indicators, <http://hdrstats.undp.org/en/countries/profiles/LKA.html> 2 November 2011, date accessed 18 January 2012

<sup>14</sup> CIA - The World Factbook – Sri Lanka  
<https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011  
Date accessed 27 January 2012

<sup>15</sup> Economist Intelligence Unit, January 2012 report,  
[http://www.eiu.com/report\\_dl.asp?issue\\_id=1008743885&mode=pdf](http://www.eiu.com/report_dl.asp?issue_id=1008743885&mode=pdf) [subscription only] date accessed 5 February 2012

<sup>16</sup> Sri Lanka Department of Census and Statistics, Statistical Abstract 2010, Socio Economic Indicators, undated <http://www.statistics.gov.lk/abstract2010/Pages/indicators.htm> date accessed 2 June 2011

<sup>17</sup> The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

- 2.06 The Sri Lanka Department of Census and Statistics recorded in their Household Income and Expenditure Survey – 2009/10 Final Results, March 2011<sup>18</sup> that “The median monthly household income... is Rs. 23,746 [approximately £135 with the exchange rate of January 2012 ] in 2009/10 showing an increase of about 42 percent from 2006/07.” The same document noted that highest average monthly household income was reported from the Colombo district and the lowest from the Jaffna district.

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### 3. HISTORY (1948 – JUNE 2011)

The following section gives a brief overview of Sri Lanka’s recent history since independence, with a focus on events since 2005.

#### KEY POLITICAL EVENTS

- 3.01 The Foreign & Commonwealth Office (FCO) country profile of Sri Lanka<sup>19</sup> (last reviewed on 9 December 2011) stated:
- “Since 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.”
- 3.02 The FCO Sri Lanka country profile<sup>20</sup> stated that by 1993 “...the SLFP had become part of the People’s Alliance (PA) coalition headed by Chandrika Kumaratunga daughter of SWRD and Sirimavo Bandaranaike. Mrs Kumaratunga went on to win a landslide victory in elections in November 1994 and 1999 and served as President until November 2005.”
- 3.03 The FCO Sri Lanka country profile<sup>21</sup> also noted that: The elections in April 2004 produced a new political order with the victory of the UPFA (SLFP and JVP alliance).

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<sup>17</sup> [xe.com](http://www.xe.com) Universal Currency Converter

<http://www.xe.com/ucc/convert/?Amount=1&From=GBP&To=LKR&image.x=81&image.y=13> date accessed 18 January 2012

<sup>18</sup> Sri Lanka Department of Census and Statistics, Household Income and Expenditure Survey – 2009/10 Final Results, March 2011 <http://www.statistics.gov.lk/Newsletters/HIES200910FinalBuletin.pdf> date accessed 2 June 2011, p2-3

<sup>19</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date> date accessed 11 January 2012 (Political History)

<sup>20</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date> date accessed 11 January 2012 (Political History)

<sup>21</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date>



Support for the traditional parties dropped, and smaller parties – JVP [Janatha Vimukthi Peramumna], TNA [Tamil National Alliance] and JHU [Jathika Hela Urumaya] gained significant numbers of seats.”

3.04 Europa World Online<sup>22</sup>, accessed on 1 June 2011, stated that:

“Mahinda Rajapakse, a senior member of the SLFP, was sworn in as Prime Minister on 6 April and a few days later a new Cabinet was sworn in. In September the UPFA Government achieved a legislative majority when the CWC [Ceylon Workers' Congress], which had eight seats in Parliament, announced that it would join the ruling coalition. In the following month three members of the opposition SLMC defected to the UPFA, further strengthening the Government.”

3.05 The FCO profile<sup>23</sup> noted that:

“In November 2005, Mahinda Rajapaksa (SLFP) was elected President with 50.3% of the vote. The LTTE enforced a boycott of the poll in key Tamil areas. This resulted in extremely low voter participation in the north and east of the country. Ranil Wickremesinghe, UNP Presidential candidate and Leader of the Opposition took 48.4%. In January 2007, a number of UNP members joined the government team giving it a parliamentary majority. A cabinet reshuffle followed. Throughout 2008 and 2009 the UPFA won a series of victories in Provincial Council elections.”

The final official results of such elections are available from the [website of the Sri Lanka Department of Elections](#).

3.06 The FCO profile<sup>24</sup> added:

“Early Presidential elections took place in January 2010. President Rajapaksa’s main challenger was the former Sri Lankan Army General Sarath Fonseka, who was supported by a number of opposition parties including the UNP, JVP and TNA. Both candidates’ campaigns focussed on their respective roles in the military defeat of the LTTE in May 2009. On 27 January 2010, the Sri Lankan Election Commissioner announced that President Rajapaksa had won the presidential election with 58% of the vote. Independent election monitors expressed broad satisfaction with the conduct of the poll on election day, which attracted a 70% turnout, but highlighted a number of concerns about campaign conduct including the high incidence of pre-election violence. Fonseka announced that he planned to contest the result in court.

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[oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date](#) date accessed 11 January 2012 (Political History)

<sup>22</sup> Europa World Online, Sri Lanka, Domestic Political Affairs, undated

<http://www.europaworld.com/entry/EE001876> [subscription only] date accessed 1 June 2011

<sup>23</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date> date accessed 11 January 2012 (Political History)

<sup>24</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date> date accessed 11 January 2012 (Latest Political Developments)

20 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“Following the Presidential election, Fonseka was arrested on charges of campaigning whilst in uniform and corruption over military procurement contracts. Courts martial found Fonseka guilty on both charges and he was dishonourably discharged and sentenced to 30 months in prison. As a result of the prison sentence, he lost his seat as an MP, having been elected to Parliament in the April 2010 elections. He was also charged under the Emergency Regulations and Penal Code for creating terror and panic by his statement that senior military officials had ordered surrendering LTTE leaders to be killed and sentenced to three years in prison.”

See also [Opposition groups and political activists](#)

3.07 Information on how the presidential elections were conducted is available from [PAFFREL](#); [CaFFE Final Report on the Presidential Elections 2010](#) as well as [CMEV Final report on election related violence and malpractices: Presidential Election 2010](#)

3.08 The full official results of the January 2010 Presidential Election are available from the [website of the Sri Lanka Department of Elections](#)

3.09 The FCO profile<sup>25</sup> further noted that:

“Parliamentary elections took place in April 2010. Overall voter turn out was 61%, although much lower in some areas, including the north. Following the re-polling in two districts due to electoral irregularities, the final result confirmed victory for President Rajapaksa’s United People’s Freedom Alliance (UPFA), which won 144 of the 225 seats and leaving it just six seats short of the two-thirds majority needed to amend the constitution. Shortly after the announcement of the final result, DM Jayaratne of the SLFP was named Prime Minister. A Cabinet reshuffle followed, reducing it from 52 to 37 members. Key roles were given to the President’s brother, Basil Rajapaksa heading a new ministry of Economic Development, which will have oversight of all major areas of economy such as ports, tourism and foreign investment. Former Trade Minister GL Peiris was appointed Foreign Minister, replacing Rohita Bogollagama, who lost his parliamentary seat in the elections. As of December 2011, the Government now has 161 seats due to a number of crossovers.”

3.10 The [final official results](#) of the April 2010 parliamentary were published on the official website of the Department of Elections, accessed on 1 June 2011:

|                                                          |     |
|----------------------------------------------------------|-----|
| United People Freedom Alliance (UPFA)                    | 144 |
| United National Party (UNP)                              | 60  |
| Ilankai Tamil Arasu Kadchi (Tamil National Alliance TNA) | 14  |
| Democratic National Alliance                             | 7   |

3.11 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, May 2010<sup>26</sup> stated that:

<sup>25</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date> date accessed 11 January 2012 (Latest Political Developments)

<sup>26</sup> Economist Intelligence Unit, Country Report Sri Lanka, May 2010 [http://www.eiu.com/report\\_dl.asp?issue\\_id=177121002&mode=pdf](http://www.eiu.com/report_dl.asp?issue_id=177121002&mode=pdf) [subscription only] Date accessed 25 August 2010, p10

“The Marxist Janatha Vimukthi Perumena (JVP), which contested under the banner of the Democratic National Alliance (DNA), led by the defeated presidential candidate, General Sarath Fonseka, won just five geographic seats. However, General Fonseka was elected to parliament from a constituency in the capital, Colombo. The Tamil National Alliance (TNA), which ran under the name of the Ilankai Tamil Arasu Kadchi, gained 12 constituency seats. Sri Lanka’s system of proportional representation means that parties receive ‘national list’ seats in addition to geographic ones. Taking these into account, the UPFA won 144 seats in total, but fell just short of the two-thirds majority that it had targeted in the 225-seat legislature.”

3.12 The same EIU report<sup>27</sup> observed:

“The low turnout was a worry for observers; it generally stood at just over 50%, and was considerably lower in Northern province. This was below par compared with past elections. According to a non-governmental electoral watchdog, the People’s Action for Free and Fair Elections, turnout may have reflected election fatigue, as several provincial council elections and the presidential election had preceded the parliamentary poll. The start of the festive season (Sinhalese and Tamil new year celebrations occur in April) and lack of faith in the electoral system may also have played a part. The most crucial element, however, may have been the widespread perception that the election’s result was not in any doubt, which probably discouraged supporters of both camps from voting. According to election monitors, the conduct of the parliamentary election was generally free from violence. The local Centre for Monitoring Election Violence received complaints about 84 major and 202 minor incidents of election related violence, a relatively low total by the standards of previous elections.”

3.13 Information on how such elections were conducted is available from the following weblinks: [CaFFE ‘Final report on Parliamentary Election 2010](#) and the [CMEV Final report on election related violence and malpractices: Parliamentary Election 2010](#).

3.14 Click on the hyperlink for the current list of [Government ministers](#) (last accessed on 3 February 2012).

3.15 The Economist Intelligence Unit (EIU) February 2011 Sri Lanka report<sup>28</sup> noted:

“Rallies were held in February [2011] by the island’s political opposition to demand the release of Sarath Fonseka, the former head of Sri Lanka’s armed forces, who was imprisoned in 2010 over offences related to arms procurement. Mr Fonseka was defeated by the incumbent president, Mahinda Rajapakse, of the Sri Lanka Freedom Party (the largest element of the ruling United People’s Freedom Alliance coalition), in the January 2010 presidential election, and many in the opposition view his prosecution as politically motivated. In January the Supreme Court ruled that the court-martial process under which the former general was convicted last year was legitimate, rejecting an appeal by Mr Fonseka’s legal team to overturn their verdicts.

<sup>27</sup> Economist Intelligence Unit, Country Report Sri Lanka, May 2010  
[http://www.eiu.com/report\\_dl.asp?issue\\_id=177121002&mode=pdf](http://www.eiu.com/report_dl.asp?issue_id=177121002&mode=pdf) [subscription only]  
Date accessed 25 August 2010, p10

<sup>28</sup> Economist Intelligence Unit, February 2011 Sri Lanka report  
[http://www.eiu.com/report\\_dl.asp?issue\\_id=137817198&mode=pdf](http://www.eiu.com/report_dl.asp?issue_id=137817198&mode=pdf) [subscription only] date accessed 2 June 2011, p10

22 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“The recent protests have been organised largely by the main opposition party, the United National Party, and a left-wing party, Janatha Vimukthi Peramuna (JVP). One of the recent rallies saw fierce clashes between supporters and opponents of the government, which left several opposition legislators injured and resulted in a number of vehicles belonging to opposition supporters being damaged.”

See also [Sarath Fonseka and his supporters](#) and [Freedom of speech and media](#)

3.16 The EIU April 2011 Sri Lanka report<sup>29</sup> recorded that:

“The ruling United People’s Freedom Alliance (UPFA) coalition secured a landslide victory in local elections held in March, adding to the list of overwhelming poll victories that it has won since triumphing in the civil war against the rebel Liberation Tigers of Tamil Eelam (LTTE), which ended in 2009 after 26 years of fighting. The UPFA swept the local-authority elections, gaining control of 205 of the 234 bodies with a share of roughly 55% of the vote. The main opposition United National Party (UNP) won a disappointing nine councils, with around 33% of the vote, while the Tamil National Alliance (ITAK) won control of 12, thanks to its more concentrated support base in the north and east. The election was peaceful by Sri Lanka’s turbulent standards, although one person was killed in the province of Sabaragamuwa and a number of other violent incidents were recorded. Turnout was relatively low.

“Although the local authorities are not hugely powerful bodies, the result is nevertheless a confidence boost for the ruling coalition. The UPFA has faced a series of setbacks since late 2010, including major flooding that displaced hundreds of thousands of people at the start of 2011 and public anger over the rising cost of living. The results suggest that its electoral machine remains powerful.”

3.17 For the full results of the local elections of March 2011, click on the hyperlink to the [relevant section of the website of the Sri Lanka Department of Elections](#).

3.18 For information on how such elections were conducted: [Campaign for Free and Fair Elections](#) and [Centre for Monitoring Election Violence](#).

3.19 On 19 May 2011 the official website of the Government of Sri Lanka<sup>30</sup> announced that:

“President Mahinda Rajapaksa has appointed four Commissions under Article 41 A of the Constitution of the Democratic Socialist Republic of Sri Lanka with effect from May 16, 2011.

“These Commissions are the Public Service Commission, the Human Rights Commission of Sri Lanka, the Commission to Investigate Allegations of Bribery and Corruption and the Finance Commission.”

<sup>29</sup> Economist Intelligence Unit, April 2011 Sri Lanka report [http://www.eiu.com/report\\_dl.asp?issue\\_id=1297945914&mode=pdf](http://www.eiu.com/report_dl.asp?issue_id=1297945914&mode=pdf) [subscription only] date accessed 2 June 2011, p10

<sup>30</sup> Official website of the Government of Sri Lanka, President appoints four key Commission, 19 May 2011 [http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201105/20110519president\\_appoints\\_key\\_commissions.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201105/20110519president_appoints_key_commissions.htm) date accessed 1 June 2011



- 3.20 The quarter two update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report<sup>31</sup>, dated 30 June 2011, noted:

“At the end of May [2011], factory workers protested in the Export Promotion Zone near Colombo’s international airport against a new pension scheme. The police deployed tear gas and live rounds of ammunition, physically assaulted workers and damaged private property. Over 200 workers and 15 policemen were injured. One protestor subsequently died of gunshot injuries. On 1 June, Sri Lanka’s most senior police officer, Inspector General of Police Mahinda Balasuriya, submitted his resignation to the President.”

“On 16 June, military personnel disrupted a local election-related Tamil National Alliance (TNA) party meeting in Jaffna. The TNA alleged that attendees and TNA MPs’ police protection officers were threatened and assaulted...The government said the TNA had not had permission to use a public address system and that events had been exaggerated.”

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## THE INTERNAL CONFLICT (1984 TO MAY 2009)

- 3.21 The Foreign & Commonwealth Office (FCO) country profile of Sri Lanka<sup>32</sup> (last reviewed on 9 December 2011) observed that:

“On 19 May 2009 the Government of Sri Lanka announced the military victory over the Liberation Tigers of Tamil Eelam (LTTE) following a 26 year long internal conflict. Over this period at least 70,000 people are estimated to have been killed and some one million displaced.

“The roots of the conflict lie in the deterioration of relations between the Tamil and Sinhalese communities from the 1950s. By the late 1970s a number of armed groups were operating in the north and east of the island. In 1983 there were serious anti-Tamil riots in Colombo resulting in the killing of some 2,000 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.

<sup>31</sup> Quarter two update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, 30 June 2011 <http://fcohrdreport.readandcomment.com/human-rights-in-countries-of-concern/sri-lanka/> date accessed 31 January 2012

<sup>32</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date> date accessed 11 January 2012 (The Internal Conflict)

24 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“During 1988, in part as a result of Indian intervention, unrest among the Sinhalese community grew into a violent insurgency by the Janatha Vimukthi Peramuna (JVP). The government launched a ruthless counter-insurgency campaign against the JVP and the rebellion ended in 1989 when its leaders were murdered. Tens of thousands were killed in the conflict between the government and the JVP.

“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.”

“Hundreds of people were killed and injured in terrorist attacks relating to the conflict.”

### 3.22 The FCO Sri Lanka Country Profile<sup>33</sup> 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.

“In March 1999 the Sri Lankan Army launched two major offensives in the Vanni and captured over 800 sq kms of territory from the LTTE. Fighting in the North intensified in late 1999 and the Vanni (jungle areas in the North) fell to the LTTE after some of the fiercest fighting since the conflict began. In April 2000 the LTTE carried out a major assault which led to the withdrawal of Sri Lankan troops from Elephant Pass (which links the Jaffna peninsula to the rest of Sri Lanka). With control of Elephant Pass, the LTTE continued further attacks into the Jaffna Peninsula. Fighting continued until December 2001 when the announcement of a new ceasefire by the LTTE was reciprocated by the newly elected UNF government. A Ceasefire Agreement was signed in February 2002 by the government and LTTE.”

### 3.23 The FCO Country Profile on Sri Lanka<sup>34</sup> further reported that:

“In April 2004, the LTTE’s eastern commander, Karuna 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.

<sup>33</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date> date accessed 11 January 2012 (The Internal Conflict)

<sup>34</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date> date accessed 11 January 2012 (The Internal Conflict)

“After President Rajapaksa came to power in November 2005, there was an initial period of violence and short lived talks between the LTTE and the Government in December 2005 and January 2006. Large-scale violence resumed in April 2006. Talks were eventually held in Geneva in October 2006, but were inconclusive. In January 2008 the Government of Sri Lanka abrogated the Ceasefire Agreement.”

3.24 The same source<sup>35</sup> added:

“In the period January - May 2009 the Government of Sri Lanka captured the last remaining LTTE strongholds in Northern Sri Lanka and in May 2009 announced that it had captured all land previously held by the LTTE. All senior LTTE leaders, including Prabhakaran, had been killed in the final stages of the battle.

“Towards the end of the fighting, high numbers of civilians are believed to have been killed and injured as a result of the heavy fighting. There was no independent access to the conflict zone and international concern has been raised about the conduct of hostilities by both sides in the final months of the conflict.”

3.25 For further information regarding the conflict during 2009 see 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.

3.26 The International Crisis Group (ICG) [War Crimes in Sri Lanka, Asia Report N°191](#), dated 17 May 2010<sup>36</sup>, observed:

“By January 2009, the Sri Lankan government had effectively defeated the LTTE. The Tamil fighters were cornered in a small portion of the Northern Province known as the Vanni [The Vanni consists of all or part of five administrative districts designated by the government – Kilinochchi and Mullaitivu Districts in whole, and Vavuniya, Mannar and Jaffna Districts in part] and were surrounded by more numerous and better armed Sri Lankan government forces. Also in the area were over 300,000 civilians, most of whom had been repeatedly displaced from previously LTTE-held areas. The LTTE by this stage were running short of arms and supplies. Many of their cadres believed the situation was hopeless, and the Tamil civilian population was increasingly resentful of such policies as forced recruitment and the near-complete ban on leaving the Vanni.”

3.27 The ICG report of May 2010<sup>37</sup> noted:

<sup>35</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date> date accessed 11 January 2012 (The Internal Conflict)

<sup>36</sup> International Crisis Group (ICG) War Crimes in Sri Lanka, Asia Report N°191, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/191%20War%20Crimes%20in%20Sri%20Lanka.ashx> date accessed 9 June 2011, Executive summary and recommendations)

<sup>37</sup> International Crisis Group (ICG) War Crimes in Sri Lanka, Asia Report N°191, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/191%20War%20Crimes%20in%20Sri%20Lanka.ashx> date accessed 9 June 2011, Executive summary and recommendations)

26 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“The Sri Lankan security forces and the Liberation Tigers of Tamil Eelam (LTTE) repeatedly violated international humanitarian law during the last five months of their 30-year civil war. Although both sides committed atrocities throughout the many years of conflict, the scale and nature of violations particularly worsened from January 2009 to the government’s declaration of victory in May. Evidence gathered by the International Crisis Group suggests that these months saw tens of thousands of Tamil civilian men, women, children and the elderly killed, countless more wounded, and hundreds of thousands deprived of adequate food and medical care, resulting in more deaths. This evidence also provides reasonable grounds to believe the Sri Lankan security forces committed war crimes with top government and military leaders potentially responsible. There is evidence of war crimes committed by the LTTE and its leaders as well, but most of them were killed and will never face justice.”

3.28 The ICG report of May 2010<sup>38</sup> added:

“Crisis Group possesses credible evidence that is sufficient to warrant an independent international investigation of the following allegations:

- The intentional shelling of civilians. Starting in late January, the government and security forces encouraged hundreds of thousands of civilians to move into ever smaller government-declared No Fire Zones (NFZs) and then subjected them to repeated and increasingly intense artillery and mortar barrages and other fire...
- The intentional shelling of hospitals. The security forces shelled hospitals and makeshift medical centres – many overflowing with the wounded and sick – on multiple occasions even though they knew of their precise locations and functions...
- The intentional shelling of humanitarian operations. Despite knowing the exact location of humanitarian operations and food distribution points, the security forces repeatedly shelled these areas, which were crowded with humanitarian workers, vehicles and supplies, and civilians.”

3.29 The same report<sup>39</sup> further noted that:

“There is also strong evidence that the LTTE engaged in:

- The intentional shooting of civilians. The LTTE fired on and killed or wounded many civilians in the conflict zone who were attempting to flee the shelling and cross into government-controlled areas.
- The intentional infliction of suffering on civilians. The LTTE refused to allow civilians to leave the conflict zone, despite grave danger from shelling and lack of humanitarian supplies, even when the civilians were injured and dying. The LTTE

<sup>38</sup> International Crisis Group (ICG) War Crimes in Sri Lanka, Asia Report N°191, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/191%20War%20Crimes%20in%20Sri%20Lanka.ashx> date accessed 9 June 2011, Executive summary and recommendations)

<sup>39</sup> International Crisis Group (ICG) War Crimes in Sri Lanka, Asia Report N°191, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/191%20War%20Crimes%20in%20Sri%20Lanka.ashx> date accessed 9 June 2011, Executive summary and recommendations)

also forcibly recruited many civilians to fight or serve as labourers and beat some family members who protested the recruitment.”

The SATP list of [LTTE leaders killed during encounters with security forces in Sri Lanka, 2001-2009](#) provides comprehensive information on the LTTE leaders killed during the last weeks of the war. 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.

- 3.30 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights<sup>40</sup>, dated 9 December 2010, expressed “... deep concern about allegations according to which during the last months of the armed conflict in 2009, civilians were deliberately deprived of food, medical care and humanitarian assistance which constitute violations of article 11 of the Covenant as well as of the international humanitarian prohibition of starvation and may amount to a war crime.”
- 3.31 The Minority Rights Group International (MRGI) report, No war, no peace: the denial of minority rights and justice in Sri Lanka<sup>41</sup>, released on 19 January 2011 observed that: “With the end of the conflict between Sri Lankan government forces and the Liberation Tigers for Tamil Eelam (LTTE or ‘Tamil Tigers’) in 2009, normality has returned for much of the population of Sri Lanka. But for members of the country's two main minority groups – Tamils and Muslims – living in the north and east of the country, harsh material conditions, economic marginalisation, and militarism remain prevalent.”

See also [Humanitarian issues and Internally Displaced Persons \(IDPs\)](#) and [The conflict's legacy](#)

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## GOVERNMENT TREATMENT OF (SUSPECTED) MEMBERS OF THE LTTE (UP TO DECEMBER 2010)

- 3.32 The International Commission of Jurists (ICJ) Briefing Note, Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects<sup>42</sup>, of September 2010 reported:
- “As the military conflict culminated at grave cost to civilian life and security in May 2009, many current detainees were separated from their families by the Sri Lanka Army (SLA) at reception points as they fled into government-controlled areas. Others were arrested after arrival to the militarized internment camps for the internally

<sup>40</sup> UN Concluding observations of the Committee on Economic, Social and Cultural Rights, dated 9 December 2010 <http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc> date accessed 25 May 2011, p8

<sup>41</sup> Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 <http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html> date accessed 20 May 2011, Executive Summary

<sup>42</sup> International Commission of Jurists (ICJ) Briefing Note Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects, September 2010 <http://www.icj.org/dwn/database/BeyondLawfulConstraints-SLreport-Sept2010.pdf> date accessed 31 May 2011, p8-9

28 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.



displaced, including Manik Farm, as a result of screenings conducted by the SLA, as well as the police Terrorist Investigation Division (TID) and Criminal Investigation Division (CID). The screening and resultant arrests continued over the months that followed the end of the conflict, sometimes with the assistance of Tamil informants amongst the internees. Such arrests continued in the Manik Farm camps at least up to December 2009. Some of these arrested individuals were taken to 'surrender' camps.

"Any alleged association with the LTTE appears to have been grounds for arrest. Those arrested include individuals who were recruited by the LTTE in the days and weeks before their defeat, as well as individuals who carried out official functions in LTTE administered areas and received a salary from the LTTE, but had not taken any active part in hostilities. Bona fide civilians who did not wish to be separated from relatives who had been identified as LTTE suspects were also detained at reception points such as Omanthai. The basis for arrests has included allegations by fellow IDPs and paramilitary groups in the internment camps, raising issues of credibility."

"Other detainees responded to public calls from the SLA for the surrender of anyone who had spent 'even one minute with the LTTE in any way'. This blanket call led many detainees with minimal involvement with the LTTE to report themselves, including children brought forward by their parents.

"It is estimated that about 12,000 individuals were arrested and detained during the final months and immediate aftermath of the end to military conflict in May 2009, including many who had at most a tenuous link to the LTTE and others who had been subjected to forced conscription during the latter stages of the conflict."

- 3.33 Referring to the "... at least 11,000 people..." detained "... in so-called 'rehabilitation centers...' " because of their alleged association with the LTTE, the HRW document *Legal Limbo, The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*, released on 29 January 2010<sup>43</sup>, observed:

"The government has routinely violated the detainees' fundamental human rights, including the right to be informed of specific reasons for arrest, the right to challenge the lawfulness of the detention before an independent judicial authority, and the right of access to legal counsel and family members. The authorities' consistent failure to inform families of the basis for the detainees' arrest and their whereabouts raises serious concerns that some detainees may have been victims of torture and ill-treatment, which are more likely to take place where due process of law is lacking and which have long been serious problems in Sri Lanka. Given the lack of information about some detainees, there is also a risk that some may have been 'disappeared'."

- 3.34 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*<sup>44</sup>, 11 January 2010, referred to "extra-legal detention centres" maintained by the military and observed:

<sup>43</sup> Human Rights Watch (HRW), *Legal Limbo, The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*, 29 January 2010 <http://www.hrw.org/sites/default/files/reports/srilanka0210webwcover.pdf> Date accessed 2 July 2010, Summary

<sup>44</sup> International Crisis Group (ICG), *Sri Lanka: A Bitter Peace*, Asia Briefing N°99: 11 January 2010, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/b99%20sri%20lanka%20a%20bitter%20peace.ashx> Date accessed 28 October 2010, p8 and 18



"These detained have had no access to lawyers, their families, ICRC [International Committee of the Red Cross] or any other protection agency, and it is unclear what is happening inside the centres. In addition, 'the grounds on which the ex-combatants have been identified and the legal basis on which they are detained are totally unclear and arbitrary'. Given the well-established practice of torture, enforced disappearance and extra-judicial killing of LTTE suspects under the current and previous Sri Lankan governments, there are grounds for grave concerns about the fate of the detained. The government has announced that of those alleged ex-combatants currently detained, only 200 will be put on the [sic] trial; most will [sic] detained for a further period of 'rehabilitation' and then released....another 1500-2000 suspects continue to be held under emergency detention orders or other anti-terrorism legislation, some for years without charges."

3.35 A BBC News report of 15 July 2010<sup>45</sup> noted:

"Former Tamil Tiger rebels detained in Sri Lanka say they have been ill-treated in government camps with no basic facilities. In letters and phone calls to BBC Tamil, ex-militants say they have been 'tortured and beaten' in the centres. They accuse camp guards of being corrupt and demanding bribes before releasing detainees. The government says all those being held in custody following the end of the war are being well cared for. It has consistently refused to allow any kind of independent investigation into allegations of human rights abuses in the final weeks leading up to the end of the war in May 2009.

"Some of the camps are located in military bases, others in schools and colleges. The government refuses to allow journalists, aid agencies and the UN to visit these camps - but in most cases, relatives are allowed to see their loved ones.

3.36 The International Commission of Jurists (ICJ) Briefing Note, Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects<sup>46</sup>, of September 2010 observed:

"The Government of Sri Lanka is currently holding approximately eight thousand individuals under administrative detention without charge or trial. They are alleged former associates of the LTTE and therefore required to undergo 'rehabilitation' under Sri Lanka's 2005 emergency regulations. Hundreds of others have been screened and held separately for criminal prosecution.

"The ICJ is concerned that the Government's 'surrendee' and 'rehabilitation' regime fails to adhere to international law and standards, jeopardizing the rights to liberty, due process and fair trial. There are also allegations of torture and enforced disappearance. Access required for reliable and accurate monitoring by international agencies, including the International Committee of the Red Cross (ICRC), has been denied. Political expedience and secrecy have tended to take precedence over legality and accountability."

<sup>45</sup> BBC News, Former Sri Lanka rebels 'abused in detention': 15 July 2010  
<http://www.bbc.co.uk/news/world-south+asia-10647108> Date accessed 29 September 2010

<sup>46</sup> International Commission of Jurists (ICJ) Briefing Note Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects, September 2010  
<http://www.icj.org/dwn/database/BeyondLawfulConstraints-SLreport-Sept2010.pdf> date accessed 31 May 2011, Executive Summary

30 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

3.37 The ICJ Briefing Note of September 2010<sup>47</sup> further noted:

“Reliance on emergency regulations and counter-terrorism legislation that fall short of international law and standards effectively places detainees in a legal black hole. There is no recourse to an independent and competent tribunal to determine their rights. Obstructed access for independent monitoring further clouds these practices and has made it impossible to verify reports of enforced disappearance, torture and other ill treatment, or the continuing presence of children among the adult detainees.”

“Prolonged and indefinite administrative detention of ‘rehabilitees’ for up to two years without charge may amount to individual and collective punishment without charge or trial. In addition to this disguised form of punishment for alleged criminal offences, ‘rehabilitees’ face the prospect of a second punishment upon conviction for crimes if criminal prosecutions are eventually initiated. The ICJ is also concerned that detainees are vulnerable to the violation of other rights, including the prohibition against torture and other cruel, inhuman or degrading treatment, the prohibition against enforced disappearance, as well as of a number of particular rights applicable to children.”

3.38 On 25 October 2010 BBC Sinhala<sup>48</sup> reported that:

“Lawyers representing four Sinhalese accused of supporting the LTTE say the suspects have been detained without charge for over three years.

Senaka Perera, a counsel appearing for the ‘Sinhala Tigers’ told Colombo magistrate court that his clients have been detained for nearly three years with no charges framed.”

“The 25 trade union activists and journalists were abducted in February 2007. They were later found in the custody of Terrorism Investigation Division (TID) of Sri Lanka police.

“21 of the ‘Sinhala Tigers’ were consequently released without charge by the courts.”

3.39 Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010<sup>49</sup>, dated October 2010 noted:

“Asked about which degree of involvement would lead to a criminal case, Deputy Solicitor General Shavinda Fernando stated that it will depend on the individual case. As an example, the Deputy Solicitor General mentioned that gathering information for the LTTE could lead to a murder and thus be a serious case. It will be taken into

<sup>47</sup> International Commission of Jurists (ICJ) Briefing Note Beyond Lawful Constraints: Sri Lanka’s Mass Detention of LTTE Suspects, September 2010

<http://www.icj.org/dwn/database/BeyondLawfulConstraints-SLreport-Sept2010.pdf> date accessed 31 May 2011, Executive Summary

<sup>48</sup> BBC Sinhala No charges ‘for years’ against suspects, 25 October 2010

[http://www.bbc.co.uk/sinhala/news/story/2010/10/101025\\_sinhala\\_tigers.shtml](http://www.bbc.co.uk/sinhala/news/story/2010/10/101025_sinhala_tigers.shtml) date accessed 1 June 2011

<sup>49</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010

[http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p16-17

consideration that LTTE recruited forcefully and if there is no evidence against the individual, rehabilitation of the detainees will be considered. Asked for further details on which degree of involvement would lead to prosecution, the Deputy Solicitor General stated that for the time being it was not possible to give further information.

“Deputy Solicitor General Shavinda Fernando further stated that at the moment there is no political or legal mechanism for surrenderees to be granted amnesty. In this connection the Deputy Solicitor General emphasized that the crucial point would be whether the individual was involved with LTTE activities. There is no difference between suspects being arrested and suspects who surrendered, with regard to the legal procedure.”

“Several sources (including a diplomatic mission, the Norwegian Embassy, an anonymous source, a leading human rights defender and the Director of an anonymous local NGO) mentioned the lack of information on the legal status of the people held in the ‘rehabilitation’ camps. The sources further commented the lack of information with regard to charges and profile of the approximately 1,300 people who, according to the government, will be prosecuted.”

3.40 A letter from the British High Commission (BHC) Colombo dated 9 November 2011<sup>50</sup> reported:

“The civil conflict officially ended in Sri Lanka on 18th May 2009...The Sri Lankan Ministry of Defence was given direct responsibility for Disarmament, Demobilisation and Reintegration (DDR). There were concerns about the legalities that needed to be addressed, and that other aspects of the programme would be split between several government departments/ministries. Discussions took place involving the Ministry of Justice, the Defence Secretary and other partners to seek a way forward. It had been claimed that paramilitary loyalists had been used to identify LTTE cadres, although there is no information to support this or confirm their role within the camps. The detained cadres were split into three specific groups:

- “• Active LTTE members who have been served with detention orders under the Emergency Regulations and are to be charged with offences. These are believed to currently number around 1,400, although that figure may include others held previously under the emergency powers.
- Former LTTE cadres who may be held in Protective Accommodation and Rehabilitation Centres (PARC) and who may remain there for an indeterminate period of between six months and one year. It was believed that initially, many of these were children.
- Those with low level LTTE involvement and were believed to number between 3,000- 4,000. These would be released and receive community reintegration.

“In press releases by the Rehabilitation & Prison Reforms Minister D E W Gunasekera in October 2010, and by the Commissioner General of Rehabilitation (CGR), Brigadier Susantha Ranasinghe in January 2011, they both stated that the total number of LTTE cadres that had been detained at the end of the war was 11,696.”

3.41 The BHC letter of 9 November 2011<sup>51</sup> added:

<sup>50</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 9 November 2011

<sup>51</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 9 November 2011

32 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“Throughout 2010 persons in the 3rd category above [i.e. ‘Those with low level LTTE involvement’] were released in batches. For example, on 9th January 2010, 496 cadres were released, these included some so-called ‘child soldiers,’ on 31st January 2010 another 56 cadres were released directly to their parents and on 1st February 2010 a further 13 were released. In October 2010 another 306 were released and included 206 females. The RPR [Rehabilitation & Prison Reforms] Minister stated that these were the last of the female detainees.

“The release of these persons has so far appeared poorly planned and no assistance has yet been provided for their reintegration. All were released to their families, which was a condition of their release, although some were released to their families in IDP camps. Those released did not received [sic] proper identity documents, just a letter stating that they had been released from a rehabilitation centre. However, mobile units from the Department of the Registration of Persons have been visiting towns around the country enabling such persons to apply for a replacement National Identity Card.”

3.42 With regards to Protective Accommodation and Rehabilitation Centres, the BHC letter of 9 November 2011<sup>52</sup> reported that “For many months here had been no access to these camps, or to the screening process, for local or international agencies. On 28 July 2010, IOM was allowed access to three PARCs in the Welikanda area. They noted:

- “• Ex-combatants were receiving vocational training in a variety of trades and many were confident that they would be able to apply the skills learnt for future activity.
- Ex-combatants were able to practice and play activities such as cricket, football and volleyball twice a day, although there was a shortage of equipment.
- All said that the living and sleeping accommodation was adequate and they were satisfied with the meals they were receiving three times a day.
- Mobile health and medical services were provided every month and emergency or specialist cases were taken to Polonnaruwa Hospital for treatment.
- Religious buildings had been constructed to enable ex-combatants to practice their religion twice a day.
- Every weekend, ex-combatants’ relatives are allowed to visit from 7.30am until 4.30pm. The military have organised a bus service from Welikanda town to the PARC. ICRC are providing the transport costs to get to Welikanda and all families are eligible for this assistance, although it is often not enough to cover their costs and some families are unaware.
- Most of those detained were the bread winners for their families who were now struggling to earn sufficient income for their needs. Some were also responsible for elderly parents.
- No evidence of mistreatment was offered by any of the ex-combatants encountered in the PARCs.
- All were willing to return home as soon as possible and their primary issue is their release date.
- Although involved in various activities, many were still traumatised and required psychosocial support.
- Boredom and isolation from family/friends/partners were significant factors. Wider use of telephone facilities and placing them in camps closer to their homes would ease this.”

<sup>52</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 9 November 2011

3.43 The same source<sup>53</sup> went on to add that: “On 8 August 2010 IOM [International Organisation for Migration] visited two garment factories in Ratmalana and Homagama to meet female ex-combatants who were ‘housed’ there. There were a total of 261 females on the premises, aged between 18 and 44 years old. They noted:

- “• All basic amenities are provided by the factory. The ex-combatant’s living quarters were separate from non ex-combatant workers, but they worked together.
- Most women responded positively when asked about their general well-being, although it was felt that in a more private setting, a wider range of opinions might have been heard.
- All women were paid a basic salary of between [US]\$80-100 a month for a 6-day week. This is transferred to individual bank accounts but the women are unable to access these funds until they are released.
- All women were generally positive of their situation but were anxious to know their release dates. A government representative present said that they would be released by the end of September 2010.
- Most were positively disposed to starting home-based tailoring businesses, either alone or in groups, once they returned to their home villages, as a result of the work/training they were now undertaking.
- The women had been informed that they would be given National Identity Cards once they had provided their birth certificates.
- Sunday was a visiting day for family members.
- The ex-combatants commented that they had expected to have received visits from international humanitarian groups much earlier during their time in rehabilitation.”

3.44 On 17 December 2010 the official website of the government of Sri Lanka<sup>54</sup> reported that:

“Former LTTE combatants at rehabilitation centres are well looked after and there had been no complaints, International Organisation for Migration (IOM) Chief of Mission in Sri Lanka, Richard Danziger stated.

“Addressing the media at the IOM Colombo office, on the eve of the International Migrants’ Day, Danziger said that the IOM had provided opportunity for ex-LTTE combatants to reintegrate into civilian society by providing job opportunities and training in different vocations.

“‘We are helping ex-combatants to return to society and re-integrate with their families as some of them are breadwinners,’ he added.

“Responding to a query, the IOM Head said there seemed to be no cases of ill-treatment and the programme was being conducted at a satisfactory level.

“The IOM had commenced a programme to help those rehabilitated even before the war came to an end in the North, he said.”

<sup>53</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 9 November 2011

<sup>54</sup> Official website of the Government of Sri Lanka, Ex-LTTE cadres well looked after – IOM Chief, 17 December 2010

[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201012/20101217ex\\_ltte\\_cadres\\_well\\_looked\\_after.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201012/20101217ex_ltte_cadres_well_looked_after.htm) date accessed 1 June 2011

34 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.



- 3.45 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>55</sup>, released on 8 April 2011 noted that:

“Human rights groups estimated that approximately 2,400 LTTE suspects were in regular detention centers. An unknown additional number of unidentified detainees, estimated by some organizations to be as high as 1,200, were thought to be held in police stations, the Criminal Investigation Division (CID), the TID, army or paramilitary camps, or other informal detention facilities. At the beginning of the year [2010] the government held approximately 11,700 former LTTE combatants in detention centers near Vavuniya. Some observers were concerned that these excombatants were subjected to abuse or torture, since independent observers had only limited access to these detainees and there was no formal legal framework for their detention. Due to limited access to these detainees, details about their treatment and whether such treatment met international standards were unavailable. However, independent observers who met with those released saw no evidence of systematic torture or abuse. By the end of the year the government formally charged approximately 1,400 of these detainees and released approximately half of the remaining 10,000 after rehabilitation.”

- 3.46 The USSD 2010<sup>56</sup> report added that: “For much of the year there was no procedure in place to address the legal status of the majority of the approximately 11,700 former LTTE combatants held in detention centers since the end of the war. Approximately 5,000 were released throughout the year [2010], while an additional 1,400 were transferred into the regular prison system and charged with various crimes related to LTTE activity.”

See also [Situation of \(suspected\) members of the LTTE](#)

- 3.47 On 31 May 2011 UN News<sup>57</sup> reported that:

“An independent United Nations human rights expert has called on Sri Lankan authorities to thoroughly investigate the apparent execution of several men by Government soldiers, saying a disputed video of the incident seems to be authentic.

“Christof Heyns, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, described the killings shown on the video – whose authenticity has been contested by the Sri Lankan Government – as ‘textbook examples of extrajudicial executions.

“‘I do think a broader process is necessary to establish whether these are crimes against humanity [or] possibly war crimes that took place,’ he said, adding it was important to determine if the killings were part of wider pattern of systematic attacks against civilians or prisoners of war.”

See also The conflict’s legacy below

<sup>55</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1b

<sup>56</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1b

<sup>57</sup> UN News, Sri Lanka: UN expert calls on Government to probe executions captured on video, 31 May 2011, <http://www.un.org/apps/news/story.asp?NewsID=38564&Cr=sri+lanka&Cr1> date accessed 1 June 2011



## THE CONFLICT'S LEGACY

- 3.48 The Human Rights Watch (HRW) World Report 2012, Sri Lanka<sup>58</sup>, released on 24 January 2012, noted that:

"The aftermath of Sri Lanka's quarter century-long civil war, which ended in May 2009 with the defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE), continued to dominate events in 2011. In April [2011] United Nations Secretary-General Ban Ki-moon released a report by a panel of experts that concluded that both government forces and the LTTE conducted military operations 'with flagrant disregard for the protection, rights, welfare and lives of civilians and failed to respect the norms of international law.' The panel recommended the establishment of an international investigative mechanism. Sri Lankan officials responded by vilifying the report and the panel members.

"The government has failed to conduct credible investigations into alleged war crimes by security forces, dismissing the overwhelming body of evidence as LTTE propaganda."

"The lack of investigation was especially conspicuous with regard to several incidents featured in a June 2011 program on the British television station Channel 4, showing gruesome images of what appear to be summary executions of captured and bound combatants. Incredibly, the government repeatedly has dismissed the footage as [sic] fabricated despite several independent expert reports finding it authentic."

- 3.49 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, July 2011<sup>59</sup> reported:

"A controversial documentary titled 'Sri Lanka's Killing Fields' was aired by the UK's Channel 4 television station in June [2011]. The programme documented the final weeks of the civil war, and included footage of government soldiers executing bound prisoners, naked women being dumped into the back of a truck and civilian hospitals being shelled. The Sri Lankan government has rebutted the film's allegations, claiming that the footage was either distorted or fabricated. However, the government's Lessons Learnt and Reconciliation Commission, which is looking into abuses committed during the final years of the war, has said that it will look into the incidents portrayed.

"A number of foreign governments and agencies have pressed Sri Lanka to address fully the issue of accountability for human-rights abuses committed in the closing stages of the war. The US ratcheted up the pressure in June, noting that if Sri Lanka failed to fulfill its obligation to investigate alleged breaches of international humanitarian and human rights laws, then there could be growing pressure among the global community to examine other options. This will be seen by some as a tacit suggestion that the accusations could be referred to the International Criminal Court."

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<sup>58</sup> Human Rights Watch, World Report 2012, Sri Lanka, released on 24 January 2012  
<http://www.hrw.org/sites/default/files/reports/wr2012.pdf> date accessed 1 February 2012

<sup>59</sup> Economist Intelligence Unit, Country Report Sri Lanka, July 2011  
[http://www.eiu.com/index.asp?layout=displayIssueArticle&issue\\_id=788269263&article\\_id=1108269295&rf=0](http://www.eiu.com/index.asp?layout=displayIssueArticle&issue_id=788269263&article_id=1108269295&rf=0) [subscription only] date accessed 6 January 2012

36 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

- 3.50 The ICG report Sri Lanka: Reconciliation in Sri Lanka: Harder than ever<sup>60</sup>, 18 July 2011 observed:

“Two years since the defeat of the Liberation Tigers of Tamil Eelam (LTTE), Sri Lanka is further from reconciliation than ever. Triumphant in its successful ‘war on terror’, the government of President Mahinda Rajapaksa has refused to acknowledge, let alone address, the Tamil minority’s legitimate grievances against the state. The regime destroyed the Tigers by rejecting the more conciliatory approach of prior governments and adopting the insurgents’ brutality and intolerance of dissent. Now, contrary to the image it projects, the government has increasingly cut minorities and opponents out of decisions on their economic and political futures rather than work toward reconciliation. As power and wealth is concentrated in the Rajapaksa family, the risks of renewed conflict are growing again.”

“Much has improved with the end of the war in May 2009. The paralysing threat of suicide attacks on civilians in the south has ended with the destruction of the LTTE, while Tamil families no longer fear the Tigers’ forced recruitment of their children and other abuses. Economic and political security is better for some segments of society. But decades of political violence and civil war have polarised Sri Lanka’s ethnic communities and undermined institutions, particularly those involved in law and order. Each of the major ethnic groups – Sinhalese, Tamils and Muslims – has suffered immensely. Conflicts have not just left hundreds of thousands dead, injured or displaced but have also entrenched fears and misunderstandings in each community.”

“Northern areas once ruled by the LTTE are now dominated by the military, which has taken over civil administration and controls all aspects of daily life – undermining what little remains of local capacity. Democratic political activities in the north and east have been suppressed through the use of violent and corrupt ethnic Tamil proxies and other Rajapaksa loyalists. Development of those areas has been conducted without local consultation; indeed many Tamil residents feel that it is more like the extraction of the spoils of war than a real effort to improve livelihoods and build trust.”

### **The UN Report of the Secretary-General’s panel of experts on accountability in Sri Lanka – April 2011**

- 3.51 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, May 2011<sup>61</sup> observed:

“In stunningly blunt language, a UN report by a panel of international experts published in April [2011] stated that there were credible allegations that the government was responsible for widespread human rights violations in late 2008 and 2009. Rejecting the government’s claim that it had pursued a ‘zero civilian casualties’ policy, the panel declared that government shelling was responsible for the majority of civilian deaths in the war’s closing stages, amounting to tens of thousands of lives. It said that heavy

<sup>60</sup> International Crisis Group (ICG), Sri Lanka: Reconciliation in Sri Lanka: Harder than ever, Asia Report N°209 – 18 July 2011, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/209%20Reconciliation%20in%20Sri%20Lanka%20-%20Harder%20than%20Ever.pdf>, Executive Summary, Date accessed 6 January 2011

<sup>61</sup> Economist Intelligence Unit, Country Report Sri Lanka, May 2011 [http://www.eiu.com/report\\_dl.asp?issue\\_id=1568093941&mode=pdf](http://www.eiu.com/report_dl.asp?issue_id=1568093941&mode=pdf) [subscription only] date accessed 2 June 2011, p10

shelling by the army had targeted the no-fire zones where the administration had encouraged people fleeing the conflict to congregate.

“However, the panel also noted that the rebel Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) had killed many people, shooting those who tried to flee the conflict. The fact that the LTTE kept civilians hostage as ‘human shields’ and sited artillery and munitions dumps near to refugee and civilian sites such hospitals, while also conducting suicide attacks that targeted civilians, also helps to explain the government’s actions. Among other human rights violations by the LTTE, the experts mentioned the use of forced labour and child soldiers.

“In addition to the charge of shelling civilians, the report also found credible allegations that the government had fired on hospitals and other humanitarian operations, such as food distribution lines; that it had denied humanitarian assistance; and that it had violated the rights of refugees and suspected LTTE cadres, as well as members of the media and other critics of the government. It noted that the media had been intimidated through the use of threats and abductions.

“The government has strongly rejected the panel’s findings. In response to calls from the president, Mahinda Rajapakse, thousands of Sri Lankans turned out at rallies at the start of May to protest against the UN secretary-general, Ban Ki-moon, who commissioned the report. The administration’s refusal to acknowledge the abundant evidence that it shelled civilians in 2009 will continue to strain ties with Western [sic] governments.”

3.52 On 26 April 2011 Irin<sup>62</sup> reported:

“The government of Sri Lanka has criticized the UN for releasing a report alleging war crimes and crimes against humanity committed by both sides during the country’s decades-long civil war.

“The 196-page panel report, published on 25 April, concluded that both government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) conducted military operations with flagrant disregard for the protection, rights, welfare and lives of civilians and international law during the final months of the war.”

3.53 On the same day UN News<sup>63</sup> reported:

“The United Nations human rights chief today urged further investigations into the conduct of the final stages of the conflict in Sri Lanka after a UN panel into those events found there were credible reports that both Government forces and Tamil rebels had committed war crimes.

“The panel found credible allegations of serious violations committed by the Government, including killing of civilians through widespread shelling and the denial of humanitarian assistance.

<sup>62</sup> Irin, Sri Lanka: UN report finds both sides liable, 26 April 2011, <http://www.irinnews.org/report.aspx?ReportID=92586>, date accessed 1 June 2011

<sup>63</sup> UN News, Sri Lanka: UN rights chief urges further probes into reports of war crimes, <http://www.un.org/apps/news/story.asp?NewsID=38194&Cr=sri+lanka&Cr1> date accessed 1 June 2011

38 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“The panel’s first recommendation is that the Sri Lankan Government should respond to the serious allegations by initiating an effective accountability process beginning with genuine investigations.”

See also [The internal conflict \(1984 to May 2009\)](#)

- 3.54 For more information see the [UN Report of the Secretary-General’s panel of experts on accountability in Sri Lanka](#) .
- 3.55 For a [summary of the main allegations of the UN Panel report](#) provided by BBC news click on the hyperlink
- 3.56 On 13 September 2011 UN News<sup>64</sup> reported that:

“Secretary-General Ban Ki-moon has sent the report of his panel of experts on accountability issues during the final stages of the civil war in Sri Lanka to the United Nations human rights chief and the President of the Human Rights Council. ‘The Sri Lankan Government has been informed of the Secretary-General’s decision to share the report with the Council and the High Commissioner,’ Mr. Ban’s spokesperson said in a statement issued last night.

“‘While the Secretary-General had given time to the Government of Sri Lanka to respond to the report, the Government has declined to do so, and instead has produced its own reports on the situation in the north of Sri Lanka, which are being forwarded along with the panel of experts report,’ the statement added.”

### **The Ministry of Defence report covering events between July 2006 and May 2009**

- 3.57 On 3 August 2011 Irin<sup>65</sup> reported:

“Sri Lankan rights activists say the Defence Ministry report released on 1 August [2011], acknowledging for the first time civilian deaths in the final days of the war, is a step forward, but caution that much depends on the government’s next move. ‘It’s a step in the right direction, but a lot will depend on the next step by the government - whether it is willing to engage or whether it will harden its stance,’ Jehan Perera, director of the Colombo-based think-tank, the National Peace Council, told IRIN.

“According to the 161-page government report: ‘It was impossible in a battle of this magnitude, against a ruthless opponent actively endangering civilians, for civilian casualties to be avoided.’

“In releasing the report, Humanitarian Operation Factual Analysis July 2006-May 2009, the government believes it will finally quash allegations of abuse during the final stages of the war.

<sup>64</sup> UN News, Sri Lanka: Ban forwards report on Sri Lanka war crimes to top UN human rights body, 13 September 2011 <http://www.un.org/apps/news/story.asp?NewsID=39520&Cr=Sri+Lanka&Cr1> date accessed 1 January 2012

<sup>65</sup> Irin, Sri Lanka: War report a step forward, say activists, 3 August 2011 <http://www.irinnews.org/report.aspx?reportid=93407> date accessed 18 January 2012

“With this report, Perera believes the government has shown at least some willingness to address allegations of war crimes: ‘It has now put out its position formally.’

“But according to Paikiasothy Saravanamuttu, executive director of the advocacy body, the Centre for Policy Alternatives (CPA), the report fails to mention what action the government plans to take next.

“On 1 August, Human Rights Watch issued a statement describing the report as a ‘whitewash’.

“‘Most would want a more elaborate acknowledgment of what happened during the war and since [than what is in the report],’ Ruki Fernando of the Colombo-based Law and Society Trust said, noting the government had been selective in its analysis and choice of incidents examined.

“‘It also lacks a historic perspective as to why there was a war in the first place,’ he added.”

3.58 In a news release dated 1 August 2011<sup>66</sup> Human Rights Watch (HRW) stated:

“A new Sri Lankan Defense Ministry report concedes for the first time that government forces caused civilian deaths in the final months of the conflict with the Tamil Tigers but takes no responsibility for laws-of-war violations, Human Rights Watch said today. The report, ‘Humanitarian Operation – Factual Analysis,’ issued on August 1, 2011, claims that government forces did not use artillery against populated areas despite considerable evidence to the contrary and ignores compelling evidence of summary executions by its soldiers.

“While the report details the numerous abuses over the years by the Tamil Tigers, on which Human Rights Watch and other organizations have reported, it provides no serious discussion of alleged war crimes by Sri Lankan forces, Human Rights Watch said. The report describes the Tamil Tigers’ use of ‘human shields,’ shootings of civilians seeking to escape Tamil Tiger-controlled areas, and other abuses, but it ignores the Sri Lankan military’s role in civilian deaths, Human Rights Watch said.

“The report says nothing about Sri Lankan forces’ frequent indiscriminate shelling of civilian areas, causing thousands of civilian casualties. Nor is there any mention of the repeated shelling of hospitals by government forces.

“No mention is made of allegations that government soldiers summarily executed captured Tamil Tiger fighters in the final days of the fighting, though the killings were captured on video.

“The report provides inadequate information on investigations by the Sri Lankan government into alleged war crimes by its forces.”

3.59 Please see the Ministry of Defence report called [Humanitarian Operation Factual Analysis July 2006 – May 2009](#) .

<sup>66</sup> Human Rights Watch (HRW), Sri Lanka: Official Report Whitewashes Military Abuses, 1 August 2011 <http://www.hrw.org/news/2011/08/01/sri-lanka-official-report-whitewashes-military-abuses> date accessed 18 January 2012



## The Lessons Learnt and Reconciliation Commission (LLRC)

- 3.60 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, December 2011<sup>67</sup> noted:

“In November [2011] the government-appointed Lessons Learnt and Reconciliation Commission (LLRC), mandated to examine the events of the island's civil war, including developments following the end of the ceasefire with the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) in 2002, handed its report to the president, Mahinda Rajapakse. The final report contains the findings of 57 public sessions and 12 field visits, conducted in over 40 places in the north and east. Over 1,000 people appeared before the commission and more than 5,000 written submissions were taken into account.

“Concerns remain that the LLRC may for political reasons gloss over some of the abuses committed by government forces during the violence, or that its findings may be suppressed.

- 3.61 On 16 December 2011, the official website of the Government of Sri Lanka<sup>68</sup> announced that “The final report of the Lessons Learnt and Reconciliation Commission (LLRC) was tabled in Parliament by Leader of the House Nimal Siripala de Silva...”. Quoting from the report, it added:

“Among the conclusions of the Commission is that ‘On consideration of all facts and circumstances before it, the Commission concludes that the Security Forces had not deliberately targeted the civilians in the NFZs [No Fire Zones], although civilian casualties had in fact occurred in the cause of crossfire. Further, the LTTE targeting and killing of civilians who attempted to flee the conflict into safe areas, the threat posed by landmines and resultant death and injuries to civilians, and the perils inherent in crossing the Nanthi Kadal Lagoon, had all collectively contributed to civilian casualties. It would also be reasonable to conclude that there appears to have been a bona fide expectation that an attack on LTTE gun positions would make a relevant and proportional contribution to the objective of the military attack involved.’

“Having reached the above conclusions, it is also incumbent on the Commission to consider the question, while there was no deliberate targeting of civilians by the Security Forces, whether the action of the Security Forces of returning fire into the NFZs was excessive in the context of the Principle of Proportionality. Given the complexity of the situation that presented itself as described above, the Commission after most careful consideration of all aspects, is of the view that the Security Forces were confronted with an unprecedented situation when no other choice was possible and all ‘feasible precautions that were practicable in the circumstances had been taken,’ it further said.”

<sup>67</sup> Economist Intelligence Unit, Country Report Sri Lanka, December 2011  
[http://www.eiu.com/index.asp?layout=displayIssueArticle&issue\\_id=1718645356&article\\_id=2018645386](http://www.eiu.com/index.asp?layout=displayIssueArticle&issue_id=1718645356&article_id=2018645386) [subscription only] date accessed 6 January 2012

<sup>68</sup> Official website of the Government of Sri Lanka, "Security Forces had not deliberately targeted civilians in the NFZs" – LLRC, 16 December 2011  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201112/20111216llrc\\_report\\_tabled\\_parliament.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/20111216llrc_report_tabled_parliament.htm)



3.62 Please see the [Report of the Commission of Inquiry on Lessons Learnt and Reconciliation](#).

3.63 On 19 December 2011 Irin<sup>69</sup> reported that:

“Local civil society groups in Sri Lanka view a recently released government-appointed commission report on the final period of the country’s decades-long civil war as a ‘springboard’ for long-awaited reconciliation, while international human rights groups continue calling for an independent inquiry.

“Sixty pages of recommendations in the LLRC report include calls for a special commissioner to investigate alleged disappearances and criminal proceedings; implementation of an amendment to the Registration of Deaths Act which allows a next of kin to apply for a death certificate if a person is missing due to ‘subversive’ activity; an independent advisory committee to examine the detention and arrest of persons in custody to address concerns about indefinite detention without due process under an anti-terrorist law; criminalization of forced or involuntary disappearances; an island-wide human rights education programme targeting security forces and police; a centralized database of detainees; addressing grievances from minority communities, including Muslims in the north and Tamils; and improved governance.

3.64 In a press release issued on 16 December 2011 Amnesty International (AI)<sup>70</sup> stated:

“The final report of Sri Lanka’s Lesson Learnt and Reconciliation Commission (LLRC), released publicly today, acknowledges serious human rights problems in Sri Lanka but falls short of fully addressing the war crimes and crimes against humanity committed during the final phases of the conflict between the government and the Liberation Tigers of Tamil Eelam...

“The report’s major shortcoming is in addressing alleged violations of the laws of war, where the LLRC appears to have taken the government’s responses uncritically. The LLRC admits what the Government of Sri Lanka has assiduously denied – that civilians, including those in hospitals, suffered directly as a result of LTTE and government shelling, but the LLRC’s blanket rejection of government targeting of civilians and its deliberate downplaying of the numbers of civilians caught in the final phase of the conflict is not warranted by the evidence, including that presented to the LLRC.”

3.65 Additional information on the LLRC is available from the AI report [When will they get justice? Failures of Sri Lanka's Lessons Learnt and Reconciliation Commission](#), published on 7 September 2011.

3.66 On the same day Human Rights Watch (HRW)<sup>71</sup> observed:

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<sup>69</sup> Irin, Sri Lanka: New government report offers hope for reconciliation, 19 December 2011 <http://www.irinnews.org/report.aspx?reportid=94501>, date accessed 17 January 2012

<sup>70</sup> Amnesty International (AI), Sri Lanka Report Falls Short <http://www.amnesty.org/en/for-media/press-releases/sri-lanka-report-falls-short-2011-12-16> date accessed 18 January 2012

<sup>71</sup> Human Rights Watch (HRW) Sri Lanka: Report Fails to Advance Accountability, 16 December 2011 <http://www.hrw.org/news/2011/12/16/sri-lanka-report-fails-advance-accountability> date accessed 18 January 2012

42 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“The report of the Sri Lankan government’s Lessons Learnt and Reconciliation Commission (LLRC) disregards the worst abuses by government forces, rehashes longstanding recommendations, and fails to advance accountability for victims of Sri Lanka’s civil armed conflict...”

“The serious shortcomings of the 388-page report, which was posted on a government website on December 16, 2011, highlight the need for an international investigative mechanism into the conflict as recommended by the United Nations Secretary-General’s Panel of Experts in April.

“The LLRC report was long awaited, but provided little new information or recommendations on accountability that could not have already been put into effect by the government...”

3.67 HRW<sup>72</sup> added:

“The LLRC’s findings, largely exonerating government forces for laws-of-war violations, stand in stark contrast to those by the UN Panel of Experts, the UN special envoy on extrajudicial executions, and other independent organizations.”

“The LLRC report does sweep aside Sri Lankan government claims that its forces committed no civilian casualties during the final stages of the conflict with the LTTE, which ended in May 2009. In the face of overwhelming evidence, the LLRC concluded that there were ‘considerable civilian casualties’ during the final stages of the fighting and that hospitals had been shelled ‘causing damage and resulting in casualties.’ However, the report largely exonerates the government, blaming the casualties, either directly or indirectly, on the LTTE...”

3.68 In a statement issued on 22 December 2011<sup>73</sup>:

“The International Crisis Group welcomes the public release of the report of Sri Lanka’s ‘Lessons Learnt and Reconciliation Commission’ (LLRC), presented to the Sri Lankan parliament on 16 December 2011. The report acknowledges important events and grievances that have contributed to decades of political violence and civil war in Sri Lanka and makes sensible recommendations on governance, land issues and the need for a political solution. But it fails in a crucial task – providing the thorough and independent investigation of alleged violations of international humanitarian and human rights law that the UN and other partners of Sri Lanka have been asking for.

“Despite the Sri Lankan government’s two and half years of propaganda that their brutal campaign against the LLTE was conducted with little or no damage to civilians, the evidence of shelling of civilians and mass deaths was too much for the commission to ignore.

<sup>72</sup> Human Rights Watch (HRW) Sri Lanka: Report Fails to Advance Accountability, 16 December 2011 <http://www.hrw.org/news/2011/12/16/sri-lanka-report-fails-advance-accountability> date accessed 18 January 2012

<sup>73</sup> International Crisis Group, Statement on the Report of Sri Lanka's Lessons Learnt and Reconciliation Commission, 22 December 2011 <http://www.crisisgroup.org/en/publication-type/media-releases/2011/asia/statement-on-the-report-of-sri-lanka-s-lessons-learnt-and-reconciliation-commission.aspx> , date accessed 18 January 2012

“The LLRC’s own accounts of large-scale civilian deaths, repeated shelling by the government of ‘no-fire zones’ packed with civilians, attacks on medical centres, and disappearances and possible executions of captured combatants and civilians – actions long denied by the Sri Lankan government – demand an impartial and thorough investigation.”

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## 4. RECENT DEVELOPMENTS (JULY 2011 – JANUARY 2012)

### KEY RECENT DEVELOPMENTS

- 4.01 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, August 2011<sup>74</sup> reported:

“The second phase of the 2011 local government elections was concluded in late July [2011]. Voting took place in 65 towns across the country, including in the formerly conflict-affected north of the island. Although local in scope, the northern polls were closely watched - in parts of the region, such as Kilinochchi, this was the first election to be held in over 20 years.

“In the event, the Tamil National Alliance (TNA), which was previously supportive of the now defeated Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers), won 18 out of 20 councils in the north. A rival Tamil party, the Tamil United Liberation Front, won two councils, and the ruling coalition, the United People’s Freedom Alliance (UPFA), secured another three councils in the north. In all, the UPFA took control of 45 councils that went to polls, while the two main opposition parties, the United National Party (UNP) and the Marxist Janatha Vimukthi Peramuna, failed to win a single council. Indeed, the UNP lost three councils that it had previously controlled.

“The election results showed a clear divide between the north and the south, with the ruling UPFA winning councils comfortably everywhere except in the north and east, where the TNA dominated. The outcome showed that, despite its ambitious plans for developing regions formerly held by the LTTE, the government has yet to win the confidence of their inhabitants.

“Allegations of election fraud have surfaced. A non-governmental monitoring group, People’s Action for Free and Fair Elections, claimed that incentives had been offered to voters in Kilinochchi to encourage votes for the government. Several civil society organisations also voiced concern that thousands of voting cards had been confiscated and voters threatened with violence.”

- 4.02 For the full results of the local elections of July 2011, click on the hyperlink to the [relevant section of the website of the Sri Lanka Department of Elections](#).
- 4.03 For information on how such elections were conducted see: [Campaign for Free and Fair Elections](#) and [Centre for Monitoring Election Violence](#).

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<sup>74</sup> Economist Intelligence Unit, Country Report Sri Lanka, August 2011  
[http://www.eiu.com/index.asp?layout=displayIssueArticle&issue\\_id=908359875&article\\_id=120835990](http://www.eiu.com/index.asp?layout=displayIssueArticle&issue_id=908359875&article_id=120835990)  
5 [subscription only] date accessed 6 January 2012

44 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

- 4.04 The quarter three update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report<sup>75</sup>, dated 30 September 2011, noted:

“There was widespread fear and panic over media reports of ‘Grease Yakkas’ (Grease Devils) carrying out night-time assaults on women in rural areas of Sri Lanka in July and August [2011]. In some areas, local communities carried out vigilante attacks on suspected ‘Grease Yakkas’ and protested over their alleged links to local military forces. Three people died, dozens were injured and hundreds were arrested as a result of vigilante attacks and clashes between law enforcement authorities and civilians in some areas of the country.

Elections were held for 65 local bodies on 23 July. Intra-party violence resulted in one death and opposition parties alleged intimidation, misuse of state property and restrictions on freedom of assembly and speech in the north.”

- 4.05 The EIU Country Report Sri Lanka, November 2011<sup>76</sup> reported:

“The third and final phase of local authority elections in Sri Lanka were held on October 8<sup>th</sup> [2011], with 23 local government bodies going to the polls. Of the 335 local authorities in Sri Lanka, elections were held in 322 over the course of 2011. (Polls for 11 local authorities were held in 2008-09 and were therefore not due this year). Two more local governments in Mullaitivu district, in Northern province, are yet to hold elections, allegedly owing to delays in resettling internally displaced persons following the end of the civil war in May 2009.

“Of the 23 local authority bodies, the ruling United People's Freedom Alliance (UPFA) won control of 21 councils, consolidating its grip on power in Sri Lanka. Of the 322 councils for which elections were held in 2011, the UPFA secured victories in 271, while the leading Tamil party, the Tamil National Alliance, won 30 councils, all of which were in Tamil-majority districts. The main opposition United National Party (UNP) won only nine councils, although it scored a key victory in the October polls, winning the race for the capital's Colombo Municipal Council (CMC). The UNP secured 24 seats in the 53-member CMC, while the UPFA won 16 seats. Despite the victory in the CMC, the traditional UNP strongholds of Kandy, Negombo, Moratuwa and the suburbs of Colombo were won by the UPFA, giving the party control of over 80% of the local councils that went to the polls in 2011.

- 4.06 The same EIU report<sup>77</sup> added:

“An otherwise peaceful election campaign was marred by violence on polling day. A presidential adviser, Bharatha Lakshman Premachandra, was shot dead and a member

<sup>75</sup> Quarter two update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, 30 June 2011 <http://fcohrdreport.readandcomment.com/human-rights-in-countries-of-concern/sri-lanka/> date accessed 31 January 2012

<sup>76</sup> Economist Intelligence Unit, Country Report Sri Lanka, November 2011 [http://www.eiu.com/index.asp?layout=displayIssueArticle&issue\\_id=388562223&article\\_id=688562253](http://www.eiu.com/index.asp?layout=displayIssueArticle&issue_id=388562223&article_id=688562253) [subscription only] date accessed 6 January 2012

<sup>77</sup> Economist Intelligence Unit, Country Report Sri Lanka, November 2011 [http://www.eiu.com/index.asp?layout=displayIssueArticle&issue\\_id=388562223&article\\_id=688562253](http://www.eiu.com/index.asp?layout=displayIssueArticle&issue_id=388562223&article_id=688562253) [subscription only] date accessed 6 January 2012

of parliament from the UPFA, Duminda Silva, was critically injured when intra-party clashes broke out between their respective supporters in a suburb of Colombo. The army was called in to restore law and order in the area and a dusk-to-dawn curfew was promptly declared.”

4.07 On 10 October 2011 BBC News<sup>78</sup> reported:

“The three waves of local elections this year [2011] show that Mr Rajapaksa remains relatively weak in the capital and the minority-dominated north and east, but strong elsewhere.

“An election monitoring group told the BBC Sinhala service that these elections were not free or fair as the government made wide use of state resources in campaigning.

“The major role of thuggery in Sri Lankan politics was also laid bare on Saturday, when two rival politicians from the president's party fought each other, each backed by gangs of supporters.”

4.08 For the full results of the local elections of October 2011, click on the hyperlink to the [relevant section of the website of the Sri Lanka Department of Elections](#).

4.09 For information on how such elections were conducted: [Campaign for Free and Fair Elections](#).

4.10 On 10 October 2011 BBC News<sup>79</sup> reported that:

“The Sri Lankan parliament has authorised the government to take over the assets of 37 firms, including two listed companies.

“The move has been criticised by the opposition and some businessmen who have accused President Rajapaksa of turning the country into his fiefdom...senior lawyer and anti-corruption campaigner JC Weliamuna told the BBC that the move authorised by parliament on Wednesday was not only illegal but also a human rights violation as some of the companies concerned are profitable.

“Critics of the government say the latest move is a further sign of President Rajapaksa's autocratic tendencies, following moves at the weekend to muzzle critical press coverage.”

4.11 The EIU, Country Report Sri Lanka, December 2011<sup>80</sup> noted:

“In November [2011] Sri Lanka's secretary of defense, Gotabhaya Rajapakse (who is the president's brother), announced at a conference on reconciliation that the government is preparing a census of people who died or went missing during the conflict. He declared that the census was part of an attempt to address the issue of

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<sup>78</sup> BBC News, Sri Lanka ruling coalition sweeps council polls, 10 October 2011  
<http://www.bbc.co.uk/news/world-south-asia-15236218> date accessed 18 January 2012

<sup>79</sup> BBC News, Sri Lankan government seizes assets of 37 companies, 9 November 2011  
<http://www.bbc.co.uk/news/world-asia-15658306> date accessed 18 January 2012

<sup>80</sup> Economist Intelligence Unit, Country Report Sri Lanka, December 2011  
[http://www.eiu.com/index.asp?layout=displayIssueArticle&issue\\_id=1718645356&article\\_id=2018645386](http://www.eiu.com/index.asp?layout=displayIssueArticle&issue_id=1718645356&article_id=2018645386) [subscription only] date accessed 6 January 2012

46 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.



accountability following the civil war. Officials in the north will be responsible for completing the census and will identify individuals by name.

“The defence secretary's transformation into a champion of reconciliation will not convince everyone. This was highlighted in November as a court sentenced Sarath Fonseka, the former head of the armed forces and defeated opposition candidate in the 2010 presidential election, to three years imprisonment and a SLRs5,000 (US\$45) fine. The guilty verdict, upheld by two of the court's three judges, was the result of a case in which Mr Fonseka had been accused of making false statements about Gotabhaya Rajapakse when he told a journalist in December 2009 that the defence secretary had ordered Brigadier Shavendra Silva to shoot surrendering LTTE leaders in the closing stages of the war. Mr Fonseka was, however, acquitted on other charges accusing him of attempting to incite communal hatred and anti-government feeling. Mr Fonseka is already serving a 30-month prison term after a court martial convicted him on corruption charges in 2010.”

4.12 A Reuters' report<sup>81</sup> dated 18 November 2011 added that:

“The article over which Fonseka was prosecuted was about the ‘White Flag’ case, which was documented in a U.N.-backed report that says there is ‘credible evidence’ both sides committed war crimes in the final months of the war in 2009.’ and quoted Fonseka as saying: ‘Jailing of the main opposition presidential candidate for an answer he gave to a question of a journalist is twisted and cannot be accepted in a democratic country. But it could happen, only in the country of a dictator.’”

4.13 The International Institute for Strategic Studies (IISS), Timeline 2011<sup>82</sup>, undated, accessed on 2 February 2012 recorded that on 20 November 2011 “The Lessons Learnt and Reconciliation Commission appointed by President Rajapakse hands over its final report on their probe into the three-decade long LTTE conflict and the manner in which it was conducted.”

See also [Lessons Learnt and Reconciliation Commission \(LLRC\)](#)

4.14 The South Asia Terrorism Portal (SATP), Timeline 2012(accessed on 3 February 2012)<sup>83</sup>, noted on 10 January 2012 that:

“Sri Lanka plans to strengthen security in the country to prevent any resurrection of the vanquished LTTE, Defense Secretary Gotabhaya Rajapaksa [stated]. He observed that the LTTE, although defeated in the country, is still active overseas and groups sympathetic to the LTTE cause are attempting to revitalize their movement at international level. Though many LTTE-friendly groups and individuals function overseas separately, they have one common objective of dismembering Sri Lanka and establishing a separate State.”

<sup>81</sup> Reuters AlertNet, Sri Lanka's jailed ex-army chief gets new prison term, 18 November 2011 <http://www.trust.org/alertnet/news/sri-lankas-jailed-ex-army-chief-gets-new-prison-term/>, date accessed 18 January 2012

<sup>82</sup> The International Institute for Strategic Studies (IISS), Timeline 2011, undated [http://acd.iiss.org/armedconflict/MainPages/dsp\\_ConflictTimeline.asp?ConflictID=174&YearID=1277](http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1277) [subscription only], date accessed 2 February 2012

<sup>83</sup> South Asia Terrorism Portal (SATP), Timeline 2012, undated (accessed on 3 February 2012)



**SITUATION OF (SUSPECTED) MEMBERS OF THE LTTE****Rehabilitation**

For further background on ex-LTTE held by the government, see [History, Government treatment of \(suspected\) members of the LTTE \(up to December 2010\)](#)

- 4.15 The HRW World Report 2012, Sri Lanka<sup>84</sup>, released on 24 January 2012, noted that:

“The government has gradually released many, but not all, of the more than 11,000 suspected LTTE members detained at the end of the war and sent to so-called rehabilitation centers. The government denied detainees important due process guarantees, such as access to legal counsel, and thousands spent two years or more in detention. There are reports that some people released from the rehabilitation centers were harassed by security forces after they returned home.”

- 4.16 The [Amnesty International, Sri Lanka: Briefing to the UN Committee against Torture 2011](#), October 2011<sup>85</sup> observed:

“Regulation 22 of the Emergency (Miscellaneous Provisions and Powers) Regulations 2005 (EMPPR 2005), as amended by Emergency Regulation 1462/8, 2006, provided for administrative detention of up to two years without charge or trial for purposes of the rehabilitation of ‘surrendeers’. According to official statistics of the 11,600 people the Sri Lankan government alleged had links to the LTTE and who either surrendered to the army or who were arrested by the authorities out of displaced persons camps following the armed conflict in 2009 were subjected to mass detention in facilities the Sri Lankan government called rehabilitation centres. Many detainees allege that they were forcibly recruited by the LTTE. Around 2,700 individuals remained in these facilities when the state of emergency lapsed in August 2011; on 30 September about 1,000 were thought to remain in detention (‘Sri Lanka releases 1,800 former Tamil rebels’, Associated Press, 30 September 2011.)

“According to Regulation 22 (4), EMPPR 2005, as amended, the Commissioner General of Rehabilitation shall ‘endeavour to provide the surrendee with appropriate vocational, technical or other training’. Training reportedly provided in rehabilitation camps, even where potentially beneficial, has been imposed on people who are arbitrarily detained without access to judicial review and thus cannot be considered voluntary; it has reportedly included political indoctrination. Article 9(1) of the ICCPR prohibits arbitrary detention. UN Human Rights Committee, General Comment 8, para. 1. considers that this applies to all deprivations of liberty, including where detention is for ‘educational purposes. In addition to detainees held in rehabilitation facilities, some 1,900 others suspected of being what the Sri Lankan authorities have referred to as hard core LTTE suspects have been administratively detained under the Prevention of Terrorism Act since the end of the conflict in 2009. Most have still not been charged with any offense.”

<sup>84</sup> Human Rights Watch, World Report 2012, Sri Lanka , released on 24 January 2012  
<http://www.hrw.org/sites/default/files/reports/wr2012.pdf> date accessed 1 February 2012

<sup>85</sup> Amnesty International, Sri Lanka: Briefing to the UN Committee against Torture 2011, October 2011  
[http://www2.ohchr.org/english/bodies/cat/docs/ngos/AI\\_SriLanka47.pdf](http://www2.ohchr.org/english/bodies/cat/docs/ngos/AI_SriLanka47.pdf) , Introduction (footnote 1), date accessed 13 January 2012

48 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

- 4.17 A letter from the British High Commission (BHC) Colombo dated 9 November 2011<sup>86</sup> reported:

“The British High Commission in Colombo regularly monitors the treatment of ex-LTTE cadres in Sri Lanka and rehabilitation/reintegration programmes.

“The CGR [Commissioner General of Rehabilitation] stated in January 2011 that in total 5,686 persons had been released. There remained 4,658 ex-combatants detained in the 9 rehabilitation centres gazetted into law as being Protective Accommodation and Rehabilitation Centres (PARC). The Sri Lankan military operates these camps with involvement from various ministries. Those detained would continue to be released in batches over the next few months.”

- 4.18 The same BHC letter<sup>87</sup> went on to add that:

“There were still a number of persons who are detained under the category of ‘active LTTE members who have been served with detention orders under the Emergency Regulations and are to be charged with offences’. In the last few days there have been various quotes from the CGR and other military spokesmen regarding this group, but exact numbers are scarce. We are told around 1,000 had been transferred into the regular judicial system and another 703 were continuing to be investigated by the Terrorism Investigations Department (TID) with a view to following them into the judicial system.”

“In December 2010 and January 2011 small batches of this group appeared before Magistrates in Colombo. TID told the Courts that these persons had been arrested under the instruction of the Defence Secretary after having been found hiding amongst IDPs in various camps. TID added that they were awaiting instruction from the AG’s [Attorney General] Department. All those that appeared were further remanded in custody.

“On 18 January 2011 it was announced that President Mahinda Rajapaksa had appointed a four member committee headed by Deputy Solicitor General Shavindra Fernando to study the cases of the LTTE suspects currently in detention and to recommend suitable action. The appointment came following a recommendation from the Lessons Learnt and Reconciliation Commission (LLRC) in its interim report handed to the President.”

- 4.19 The BHC letter of 9 November 2011<sup>88</sup> also reported:

“On 29 March 2011 whilst in Batticaloa I [Second Secretary Migration] was part of a group from several overseas missions who met with a group of eight former LTTE combatants who were going through a reintegration programme administered by IOM [International Organisation for Migration] and funded jointly by the US and Netherland’s governments. There were 6 males and 2 females aged between 18 and 40. There were no government or security personnel present. Some had spent up to 9 years with the LTTE, others just 3 years. Some of them told us that they had been forced to join the LTTE as teenagers, one as young as 13. One female had lost a leg during her ordeal

<sup>86</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 9 November 2011

<sup>87</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 9 November 2011

<sup>88</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 9 November 2011

and wore a prosthetic limb. The group told us that they had been held in several different camps and all said that whilst detained their families had been informed of their whereabouts by the ICRC (Red Cross).

“One by one they told us what they were doing. Six of them were in employment as a result of the programme; carpenters, tailors, grocers, fishermen, the other two had re-entered education, studying for ‘A’ levels. They said that since their release they have had no problems with the police or military, or with their families or the rest of the community. They had all been issued with a National Identity Card (NIC) and when asked if they were questioned at check points, they replied that there were no check points. They said that they received no ‘special treatment’ from the police, but added that they did have to sign each week at their local police station. If they had to travel away from home due to work they had to inform the police beforehand. We asked if they felt under pressure to rejoin the LTTE. They replied that they did not want to rejoin, adding that they were not under pressure.

4.20 The same BHC letter<sup>89</sup> added:

“At a subsequent meeting with senior police officer in Batticaloa we were told that there were some ex LTTE combatants residing in district, but that monitoring their reintegration was an army role. He added that these people did not have to report to the police.

“Whilst in Kilinochchi on 17 August 2011 staff from this mission met with the team who were responsible for the reintegration of ex-LTTE cadres following their release from detention. They gave us the background to the project, saying that initially the Chief Minister of Eastern Province, Pillayan, had approached IOM to take the project forward, with Ministry of Defence approval and funded by USAid. This was initially to work with 1,000 cadres. However, the government had then said that they were to release the so called ‘surrendered’ from 22 camps in the north of the country in a project funded by both USAid and the Netherlands government. Since then 7,400 surrendereds had been released, although 4,000 still remain in detention in 11 camps.

“The team explained that work with the individual surrendered began in the camps, where socio-economic profiling took place. Surrendered were interviewed in batches, and the notes were recorded in hard copy and electronically. Surrendered were then transferred to locations near to where they were going to be released and went through another circuit of meetings with IOM staff. Part of the conditions of their release was the requirement to report to the nearest IOM office. IOM run an outreach programme of verifications to confirm that the information given to them by the surrendereds is correct. On release IOM undertake another interview with them, which they often find more revealing as they do not have the same reluctance to divulge things as they do in the camps. An additional requirement of the surrendereds release is that they are taken every week by bus to sign-in at military camps and attend camp meetings.

4.21 The same source<sup>90</sup> expanded on the rehabilitation process:

“There are four components to the reintegration programme; education, training, on-the-job training and job placement. Surrendered suggest what they want to do and where

<sup>89</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 9 November 2011

<sup>90</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 9 November 2011

50 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

they would like to go and a reintegration plan is drawn up. Originally there was a limit on the cost of reintegration of between Rs 80 – 90,000 (£450 – 505), but this has now been limited to Rs 75,000 (£421). There were 3,000 surrenderees in Kilinochchi and Mullaitivu with outstanding reintegration programmes, some of whom had been with the LTTE for between 20-25 years, and some with excellent skills and qualifications. So far 300 surrenderees had gone through the programme in Kilinochchi. IOM had been told not to refer any of the surrenderees to large enterprises for employment as it was often difficult to get them accepted by the employer. It was felt easier to set them up with their own enterprises.

“We asked the team what they considered the biggest challenges faced by the surrenderees following their release:

- “• Acceptance in the community, as during the war they may have taken sons and daughters away to fight for the LTTE
- Harassment by CID and/or the military e.g. surveillance, threats, potential abduction/kidnapping etc. One surrenderee had disappeared in Kilinochchi 7 months ago.
- Community flashbacks
- Social stigma/guilty feelings. Many are heads of household and the families suffer from the same stigma.
- Once the release package was received, they may not receive further support
- Many married during the war and were immediately separated. Many are now considered divorced and many women are described as widows, yet there is no official registration of the marriages and they have no documentation to produce.
- Many still have no identification documents
- All suffer from post traumatic stress disorder (PTSD) and trauma

“To mitigate some of these challenges IOM have:

- “• An awareness programme for the police and the military
- A psychological referral programme and made government health services available
- Whilst the main objective was for the surrenderee to be in a position to support their family, once able to do so they had to make a contribution to the community e.g. to schools

“The team told us that they too were feeling the pressure to deliver the reintegration programme. They told us that out of the 300 that had gone through the programme in Kilinochchi, 250 of them had successfully found professions. They saw that there were still several thousand more to go through the programme, yet the profiling of the surrenderees is set to expire by 31 December 2011.

“On 30 September 2011 President Mahinda Rajapaksa summoned the heads of overseas missions to a hastily arranged meeting at his official residence in Colombo, Temple Trees. The event turned out to be a release ceremony for the remaining 1,800 ex-LTTE cadres, see: [http://articles.timesofindia.indiatimes.com/2011-09-30/south-asia/30229609\\_1\\_ltte-fighters-ltte-querrillas-vocational-training](http://articles.timesofindia.indiatimes.com/2011-09-30/south-asia/30229609_1_ltte-fighters-ltte-querrillas-vocational-training) .”

4.22 On 2 October 2011 the official website of the government of Sri Lanka<sup>91</sup> reported that “Another batch of 1,800 former Tamil Tiger rebels who have undergone a two-year rehabilitation program was reintegrated into society...President Rajapaksa said the released combatants were given vocational training to live in the society as useful citizens. The ex-combatants were provided training in masonry, carpentry, tailoring and agriculture.” On 25 October 2011 the same source<sup>92</sup> mentioned that another batch of 367 ex-LTTE cadres who have undergone a two-year rehabilitation program would be reintegrated into society on that day adding that ‘They were provided training in masonry, carpentry, tailoring, agriculture, motor mechanism, computer proficiency and handicrafts.’ On 11 December 2011 the same source<sup>93</sup>, quoting the Secretary for the Ministry of Rehabilitation and Prison Reforms A. Dissanayaka, reported that “The last remaining group of 700 former LTTE cadres will be released by mid-2012 after providing them the mandatory 12 months training...” On 24 January 2012, the official website of the government of Sri Lanka<sup>94</sup> announced that ‘According to the Department of Rehabilitation, more than 10, 000 ex-LTTE cadres out of 11, 984 have been rehabilitated and reintegrated into the society so far. Furthermore, measures have been undertaken to release the remaining, less than 1000 ex-cadres undergoing rehabilitation soon.’

4.23 The above mentioned BHC letter of 9 November 2011<sup>95</sup> also observed:

“The Government appears to accept that post release reintegration has been problematic. Promised packages for ex-combatants on release had not actually been provided, nor had cash or other assistance. Economic regeneration in the northern former LTTE held areas is very slow with a lack of investors. The Government claim that over 1,000 job opportunities had been identified in the Colombo area but very few people were prepared to move there. There is freedom of movement for all Sri Lankans throughout the country but many choose to remain in their homelands, or seek to move abroad. Many of those released had returned to heavily militarised areas of the north and were being monitored for ‘the security of themselves and the community’. There have been several media stories regarding the re-arrest of some ex-detainees, although the Government have claimed that these were for criminal offences committed post release.”

<sup>91</sup> Official website of the Government of Sri Lanka, Another batch of 1,800 ex-LTTE cadres reintegrated, 2 October 2011

[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201110/20111002another\\_batch\\_of\\_1800\\_ex\\_ltte\\_cadres\\_reintegrated.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201110/20111002another_batch_of_1800_ex_ltte_cadres_reintegrated.htm) date accessed 23 January 2012

<sup>92</sup> Official website of the Government of Sri Lanka, The light of a new freedom, More ex-LTTE cadres reintegrated, 25 October 2011

[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201110/20111025more\\_ex\\_ltte\\_cadres\\_reintegrated.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201110/20111025more_ex_ltte_cadres_reintegrated.htm) date accessed 23 January 2012

<sup>93</sup> Official website of the Government of Sri Lanka, Remaining Ex-LTTE cadres to be reintegrated by mid 2012, 11 December 2011

[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201112/20111211remaining\\_ex\\_ltte\\_cadres\\_to\\_be\\_reintegrated.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/20111211remaining_ex_ltte_cadres_to_be_reintegrated.htm) date accessed 23 January 2012

<sup>94</sup> Official website of the Government of Sri Lanka, Ex-cadres reintegration accelerated, 24 January 2012 [http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201201/20120124ex\\_cadres\\_reintegration\\_accelerated.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201201/20120124ex_cadres_reintegration_accelerated.htm) date accessed 5 February 2012

<sup>95</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 9 November 2011

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- 4.24 A previous BHC letter, dated 17 September 2011<sup>96</sup> reported on the information provided to them by IOM (International Organisation for Migration) during a visit to Jaffna in August 2011, with regards to ex-LTTE cadres (or 'surrendered') who were at that time receiving counselling and referral services from IOM.

"We asked if they had any issues since their release from detention. We were told that they had to report to military camps once a month, which was particularly stressful for females entering into an all male military environment. They also had to report and register if they left the district at any time, which was an issue for men looking for employment. There were differing reactions from local communities regarding their return. In Jaffna, because it was not involved in the latter stages of the war, some were actually considered as heroes. In Mullaitivu or Kilinochchi districts however they were often unable to settle due to animosity towards them. This was mainly from family members who had been forced to hand over husbands, siblings and children to fight alongside them."

- 4.25 The same BHC letter<sup>97</sup> also reported on the situation of 'surrendered' in Kilinochchi.

"The GA [Government Agent] touched on the subject of the reintegration of 'surrendered'. We were told that there was a gap between their release and the start of their reintegration programme, resulting in them not being assisted on time. There were 50 surrendered in one DS Division and only 5 or 6 of them had received any assistance, and only a few out of the total number of 292 in the district had been helped. They said that there was concern at local government level, but there were currently no ongoing issues with surrendered, and added that they were being accepted back into the community."

- 4.26 On 30 July 2011 BBC News<sup>98</sup> reported:

"Former Tamil Tiger (LTTE) rebels in Sri Lanka say they cannot find jobs or reintegrate into society, a year after they were freed from government 'rehabilitation' and detention camps.

In a series of exclusive interviews with the BBC, some also said they were being harassed by the security forces, though others were being left alone.

"Officials did tell us, off the record, that rehabilitation is not considered to end as soon as the former LTTE members leave the camps, and that for at least six months after their release they must register at the police station and are not allowed to migrate domestically or abroad. A close eye is kept on them, we were told. There do not seem to be clear regulations on this.

At the same time, the government is publicising one village development scheme in which it says former LTTE members are voluntarily participating. It says the International Labour Organisation and others are funding livelihood programmes for ex-combatants."

<sup>96</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 17 September 2011

<sup>97</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 17 September 2011

<sup>98</sup> BBC News, Sri Lanka: Former Tamil Tigers complain of harassment, 30 July 2011

<http://www.bbc.co.uk/news/world-south-asia-14331595> date accessed 22 January 2012



- 4.27 Information on the situation of former detainees from the Vanni region with regards to issues such as Release documents; Repeated registrations; Surveillance and visits to ex-detainees' homes; Freedom of Movement; Freedom of Association and Freedom of Religion; CID Meeting; Livelihood Issues and Threats against families of ex – detainees is available from the [Law and Society Trust report Threats, Harassments and Restrictions on Former Detainees and Their Families in Vanni](#).
- 4.28 On 1 December 2011 the official website of the government of Sri Lanka<sup>99</sup> reported that
- “A project, spearheaded by the International Organization for Migration (IOM), to rehabilitate ex LTTE cadres is nearing completion, with Japan, too, throwing its weight behind the programme.
- “In a brief interview with The Island, Danziger said that Japan had recently provided 1.5 mn USD (more than Rs. 150 mn) for the ongoing project aimed at reintegrating former LTTE personnel to the civil society and reconciliation efforts.
- “Close on the heels of Japanese support, Norway, finalized an agreement with the IOM to provide funds amounting to Rs. 57 mn (NOK 3 mn) for the same project.”
- “The UK provided £650,000 (approximately \$1 mn) for the IOM project.”
- 4.29 The same source<sup>100</sup> - quoting the IOM Chief of Mission Richard Danziger - also added:
- “After the release, those wanting assistance come to IOM offices, where they are supported with a range of activities such as counseling sessions, referral to other agencies or projects in the same area, training, education and individual livelihood assistance. As of mid Nov. 2011, 10,237 had been profiled, 2,167 clients provided with livelihood assistance and 12,134 counseling sessions organized.’
- “Expressing satisfaction with regard to the progress so far, the Colombo-based IOM chief estimated the number of ex-combatants awaiting IOM support at 2,298. Danziger expressed confidence that they could be provided the required assistance over the next couple of months.”
- 4.30 US Department of State's Trafficking in Persons Report 2011<sup>101</sup>, released 27 June 2011 noted that:
- “The Commissioner General for Rehabilitation, with the assistance of the NCPA, continued to operate two rehabilitation centers specifically for children involved in armed conflict, some of whom may be trafficking victims, in partnership with UNICEF. The Commission also continued to run a vocational training center with donor support.

<sup>99</sup> Official website of the Government of Sri Lanka, Reintegration of ex-LTTE cadres to society nearing completion – IOM, 1 December 2011  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201112/20111201reintegration\\_ex\\_ltte\\_cadres.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/20111201reintegration_ex_ltte_cadres.htm) date accessed 23 January 2012

<sup>100</sup> Official website of the Government of Sri Lanka, Reintegration of ex-LTTE cadres to society nearing completion – IOM, 1 December 2011  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201112/20111201reintegration\\_ex\\_ltte\\_cadres.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/20111201reintegration_ex_ltte_cadres.htm) date accessed 23 January 2012

<sup>101</sup> US Department of State, Trafficking in Persons Report 2011, released on 27 June 2011, Sri Lanka Section, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm> date accessed 29 January 2012

54 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

These facilities served approximately 700 former child soldiers in the reporting period. The Sri Lankan government has reported that all former Liberation Tigers of Tamil Eelam (LTTE) child soldiers completed rehabilitation and were released in May 2010. However, at least 250 children formerly associated with armed groups faced a number of security issues, and some were arrested by police.”

4.31 On 25 April 2011, BBC Sinhala<sup>102</sup> reported:

“The Attorney General (AG) and the police have been ordered to release all Tamils in custody for longer periods without charges says Sri Lanka's Chief Justice (CJ).

“‘We have considered and offered relief whenever an application has been lodged seeking bail for Tamil detainees in custody for long periods or who have being detained unconstitutionally,’ he said.’

“‘In addition I have ordered the AG to provide with a report of those who have been detained for long periods.’

“The AG's report submitted to the courts, said Mr de Silva, shows that many suspects are in detention on charges of serious offences such as murder.

“‘Not all of them are connected to the war,’ he said.

“Human rights groups including the Committee for the Investigation of Disappearances (CID) says that some Tamil detainees are kept in detention for nearly 15 years.”

“There are some more detainees, according to the CJ, whose cases are still being investigated.

“‘Once released investigations can be continued and arrests can be made if new evidence is found,’ he added.

“‘We don't encourage the AG or the police to keep suspects in custody without being charged.’”

4.32 On 6 January 2012, BBC Sinhala<sup>103</sup> reported:

“Courts in Sri Lanka do not have legal authority to decide the time limit for rehabilitation of Tamil Tiger suspects, a court in Colombo observed.

“The Colombo additional magistrate made the statement in response to a question raised by a Tamil Tiger suspect.

“The magistrate, responding, said it is up to rehabilitation authorities to decide on the duration and the courts cannot decide the time limit.”

See also [Government treatment of \(suspected\) members of the LTTE](#) and [Arrest and detention – legal rights](#)

<sup>102</sup> BBC Sinhala, Court 'cannot decide' on rehabilitation, 6 January 2012

[http://www.bbc.co.uk/sinhala/news/story/2011/04/110425\\_cj\\_tamil.shtml](http://www.bbc.co.uk/sinhala/news/story/2011/04/110425_cj_tamil.shtml) date accessed 1 June 2011

<sup>103</sup> BBC Sinhala, Tamil detainees should be released – CJ, 25 April 2011

[http://www.bbc.co.uk/sinhala/news/story/2011/04/110425\\_cj\\_tamil.shtml](http://www.bbc.co.uk/sinhala/news/story/2011/04/110425_cj_tamil.shtml) date accessed 1 June 2011

## 5. CONSTITUTION

- 5.01 Europa World Online<sup>104</sup>, Sri Lanka, accessed on 1 June 2011, stated: “The Constitution of Sri Lanka was approved by the National State Assembly (renamed Parliament) on 17 August 1978, and promulgated on 7 September 1978.”

The Constitution can be accessed [here](#).

- 5.02 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 5 October 2000. (The official website of the Government of Sri Lanka, The Constitution<sup>105</sup>). The full text of the Constitution and of subsequent amendments is accessible from the hyperlink in the footnote.

### THE 18<sup>TH</sup> AMENDMENT

- 5.03 On 8 September 2010 The Guardian<sup>106</sup> reported:

“Sri Lanka's parliament voted today to allow the president, Mahinda Rajapaksa, to seek an unlimited number of terms in office and to tighten his hold on power by giving him total control over the judiciary, police and the civil service. The main opposition group, the United National party, boycotted the vote and burned an effigy of Rajapaksa in the capital. But the constitutional amendment passed with 161 votes in the 225-member parliament.

“The constitution used to limit the president to two six-year terms, so Rajapaksa's new term, due to start in November, would have been his last.

“The amendment also scrapped a provision requiring the president to receive the approval of independent commissions in appointing officials to the judiciary, police, public service and the elections office.”

- 5.04 On 17 September 2010, the Official Website of the Government of Sri Lanka<sup>107</sup> noted that:

“Under the 18th Amendment which was endorsed by Parliament with a record majority recently, the Police Commission, the Elections Commission, the Bribery Commission, the Public Services Commission, Human Rights Commission, the Financial Commission

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<sup>104</sup> Europa World Online, Sri Lanka, Constitution and Government, undated  
<http://www.europaworld.com/entry/lk.is.62> [subscription only] date accessed 1 June 2011

<sup>105</sup> Official website of the Government of Sri Lanka, The Constitution, last modified 18 November 2010  
<http://www.priu.gov.lk/Cons/1978Constitution/Introduction.htm> date accessed 1 June 2011

<sup>106</sup> The Guardian, Sri Lanka's parliament boosts presidential powers, 8 September 2010  
<http://www.guardian.co.uk/world/2010/sep/08/sri-lanka-parliament-mahinda-rajabaksa> date accessed 29 September 2010

<sup>107</sup> Official Website of the Government of Sri Lanka, Implementing 18th Amendment to the Constitution: Commissions to be active in January, 17 September  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201009/20100917commissions\\_to\\_be\\_active\\_in\\_january.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201009/20100917commissions_to_be_active_in_january.htm) date accessed 29 September 2010

56 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

and the Delimitation Commission would be set up. Under the Amendments a five-member Parliamentary Council would come into force replacing the now defunct Constitutional Council.

“This would include the Prime Minister, Speaker of Parliament, Opposition Leader and a nominee each of the Prime Minister and the Opposition Leader.”

5.05 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>108</sup>, released on 8 April 2011, observed that “With the passage of the 18th amendment in September, the mechanism by which the seats on the Constitutional Council and its subsidiary councils are filled was changed. The president now holds the authority to name all members to each of these councils, with only the requirement to ‘seek advice,’ but not approval, of the parliament.”

5.06 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights<sup>109</sup>, dated 9 December 2010 expressed concern:

“...about the 18th amendment of the Constitution passed on 8 September 2010 which further reduces the independence of the judiciary and other oversight bodies as it provides for direct appointments by the president of, inter alia, chairpersons and members of the Commission to Investigate Allegations of Bribery or Corruption, members of the Judicial Service Commission and the Parliamentary Commissioner for Administration (Ombudsman).”

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## 6. POLITICAL SYSTEM

6.01 The CIA World Factbook: Sri Lanka<sup>110</sup>, last updated 27 December 2011 described the Government of Sri Lanka as a republic. It also outlined the structure of the government:

“[C]hief of state: President Mahinda Percy RAJAPAKSA (since 19 November 2005); note - the president is both the chief of state and head of government; Dissanayake Mudiyansele JAYARATNE holds the largely ceremonial title of prime minister (since 21 April 2010)

“[H]ead of government: President Mahinda Percy RAJAPAKSA (since 19 November 2005)

“[C]abinet: Cabinet appointed by the president in consultation with the prime minister... elections: president elected by popular vote for a six-year term (two-term limit); election last held on 26 January 2010 (next to be held in 2016)

<sup>108</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Introduction

<sup>109</sup> UN Concluding observations of the Committee on Economic, Social and Cultural Rights, dated 9 December 2010 <http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc> date accessed 25 May 2011, p3

<sup>110</sup> CIA - The World Factbook – Sri Lanka <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011 Date accessed 27 January 2012

“[E]lection results: Mahinda RAJAPAKSA reelected president for second term; percent of vote - Mahinda RAJAPAKSA 57.88%, Sarath FONSEKA 40.15%, other 1.97%”.

6.02 The same source<sup>111</sup> described the legislature as a:

“[U]nicameral Parliament (225 seats; members elected by popular vote on the basis of an open-list, proportional representation system by electoral district to serve six-year terms)

“[E]lections: last held on 8 April 2010 with a repoll in two electorates held on 20 April 2010 (next to be held by April 2016)

“[E]lection results: percent of vote by alliance or party - United People's Freedom Alliance 60.93%, United National Party 29.34%, Democratic National Alliance 5.49%, Tamil National Alliance 2.9%, other 1.94%; seats by alliance or party - United People's Freedom Alliance 144, United National Party 60, Tamil National Alliance 14, Democratic National Alliance 7.”

For a list of the political parties their leaders and the political pressure groups and their leaders see the CIA World Factbook which can be accessed [here](#).

6.03 Europa World Online, Sri Lanka<sup>112</sup>, accessed on 1 June 2011 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. In 1982 the Constitution was amended, allowing the President to call a presidential election before his/her first term of office was completed.”

Further information about the Sri Lanka Parliament can be accessed [here](#).

6.04 The Amnesty International Annual Report 2011, Sri Lanka<sup>113</sup> released on 13 May 2011 observed that “The outcome of the April [2010] parliamentary elections, subsequent cabinet appointments, and new legislation consolidated power in the immediate Rajapaksa family, which controlled five key ministries and more than 90 state institutions.”

See also [Political affiliation](#)

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<sup>111</sup> CIA - The World Factbook – Sri Lanka

<https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011  
Date accessed 27 January 2012

<sup>112</sup> Europa World Online, Sri Lanka, Constitution and Government, undated, date accessed on 1 June 2011

<sup>113</sup> Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011,  
<http://amnesty.org/en/region/sri-lanka/report-2011>, date accessed 19 May 2011

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## Human Rights

### 7. INTRODUCTION

7.01 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011<sup>114</sup>, observed:

“[In 2010] The government and its agents continued to be responsible for serious human rights problems. Security forces committed arbitrary and unlawful killings, although the number of extrajudicial killings declined. Disappearances continued to be a problem, although the total also declined. Many independent observers cited a continued climate of fear among minority populations, in large part based on past incidents. Security forces tortured and abused detainees; poor prison conditions remained a problem; and authorities arbitrarily arrested and detained citizens. Repercussions of the nearly 30-year war against the Liberation Tigers of Tamil Eelam (LTTE) continued to have an effect on human rights, despite the defeat of the LTTE in May 2009. In an effort to prevent any violent separatist resurgence, the government continued to search for and detain persons it suspected of being LTTE sympathizers or operatives. Official impunity was a problem; there were no public indications or reports that civilian or military courts convicted any military or police members for human rights abuses. The government established a post-war Lessons Learnt and Reconciliation Commission (LLRC). Denial of fair public trial remained a problem; the judiciary was subject to executive influence; and the government infringed on citizens' privacy rights. There were instances when the government restricted freedom of speech and of the press, and there were incidents of restrictions on freedom of assembly and association. Authorities harassed journalists critical of the government.

“Violence and discrimination against women were problems, as were abuse of children and trafficking in persons. Discrimination against persons with disabilities, persons with HIV/AIDS, and the ethnic Tamil minority continued, and a disproportionate number of victims of human rights violations were Tamils. Discrimination and violence against persons based on their sexual orientation were problems. Trafficking in persons, limits on workers' rights, and child labor remained problems, although the parliament implemented new regulations on child labor at the end of the year [2010].”

7.02 Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern<sup>115</sup>, release on 31 March 2011 observed:

“The number of reports of violent human rights violations fell in 2010 as the security situation improved following the end of the military conflict; long-standing Emergency Regulations were partially lifted; and the humanitarian situation improved significantly. However, the overall human rights position in Sri Lanka remained a concern. Despite the end of the fighting, there continued to be human rights violations in 2010, including

<sup>114</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Introduction

<sup>115</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010> date accessed 24 May 2011



disappearances and extra-judicial killings, arbitrary arrests and a restriction on political space for free expression. Media reports suggesting that paramilitary groups remained active and that criminal activity in the Jaffna peninsula had increased at the end of the year were also a serious concern.”

- 7.03 The latest quarterly update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report<sup>116</sup>, dated 31 December 2011, observed:

“Sri Lanka’s combined third and fourth periodic reports were considered by the Committee Against Torture (CAT) in November [2011]. The Committee welcomed Sri Lanka’s ratification of an Optional Protocol to the Convention on the Rights of the Child and noted Sri Lanka’s efforts to reform laws regarding domestic violence, child recruitment and to adopt national action plans for children and human rights. It also highlighted a number of ongoing concerns about torture in Sri Lanka, including ongoing allegations of wide-spread torture, failure to uphold judicial and procedural safeguards of detainees, the alleged existence of secret detention centres, enforced disappearances and deaths in detention. The Government of Sri Lanka maintained that the country had a zero-tolerance policy towards torture.”

See also [Torture](#)

- 7.04 In the Economist Intelligence Unit’s Democracy Index 2011, as cited in, January 2012 Sri Lanka report<sup>117</sup> Sri Lanka was ranked as a flawed democracy and ranked:

“... 57th out of 167 countries. Although democracy is well established, the country is at a crossroads. On one hand, the ending of Sri Lanka’s civil war in 2009 has heralded a welcome improvement in security and has resulted in the effective expansion of the island’s democracy to regions previously held by the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) where the LTTE previously exercised a tyrannical hold on power. Peace will also allow the gradual easing of the undemocratic emergency powers that were granted to the authorities and the security forces during the war. Yet, on the other hand, the United People’s Freedom Alliance government’s populist rhetoric and harsh treatment of its critics have raised concerns about the possible erosion of democratic institutions.

“Democracy index

| “Regime type           | Overall score  | Overall rank  |
|------------------------|----------------|---------------|
| “2011 Flawed democracy | 6.58 out of 10 | 57 out of 167 |
| “2010 Flawed democracy | 6.64 out of 10 | 55 out of 167 |
| “2008 Flawed democracy | 6.61 out of 10 | 57 out of 167 |

<sup>116</sup> Quarterly update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, Latest update: 31 December 2011 <http://fcohrdreport.readandcomment.com/human-rights-in-countries-of-concern/sri-lanka/> date accessed 31 January 2012

<sup>117</sup> Economist Intelligence Unit, January 2012 report, [http://www.eiu.com/report\\_dl.asp?issue\\_id=1008743885&mode=pdf](http://www.eiu.com/report_dl.asp?issue_id=1008743885&mode=pdf) [subscription only] date accessed 5 February 2012

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“Fears have focused on the concentration of power within a small circle of the family and friends of Sri Lanka’s president, Mahinda Rajapaksa. Although this concentration has arguably helped to improve the functioning of government, as projects can now be approved more quickly, it has also served to undermine the island’s institutions, which could impair government functioning in the long term. The passage of an amendment to the constitution in 2010 further eroded checks and balances on the power of the presidency. The dominance of Mr Rajapaksa’s government, coupled with the weak state of the opposition, has led many who oppose the current administration to disengage from the political process. In the 2010 presidential elections turnout varied across the island, from above 80% in several southern districts to only 26% in Jaffna, a northern district that is almost exclusively Tamil. This goes some way towards explaining why Sri Lanka receives only the modest score of 5 for political participation. Nevertheless, despite one reported violent incident, the local authority elections that were held in three stages over the course of 2011 passed off relatively smoothly and peacefully; hence the country’s robust score of 7 for the electoral process category.”

“Democracy index, 2011, by category (on a scale of 0 to 10)

|                                  |       |
|----------------------------------|-------|
| “Electoral process and pluralism | 7.00  |
| “Functioning of government       | 6.07  |
| “Political participation         | 5.00  |
| “Political culture               | 6.88  |
| “Civil liberties                 | 7.94” |

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## 8. SECURITY FORCES AND PARAMILITARY GROUPS

- 8.01 The security forces comprise the 86,000-member Sri Lanka Police Service (SLPS); the 5,850-strong paramilitary Special Task Force (USSD 2010)<sup>118</sup>; the 160,900-strong armed forces (as of November 2009 including recalled reservists: army 117,900, navy 15,000, air force 28,000; reserve forces 5,500, and paramilitary forces of an estimated 61,200 (including an 15,000 National Guard, 13,000 Home Guard and a 3,000-strong anti-guerrilla Special Task Force). (Europa World Online, Sri Lanka<sup>119</sup>, accessed on 1 June 2011) As Jane’s Sentinel Risk Assessments, Sri Lanka,<sup>120</sup> noted, there are also a number non-state, pro-government paramilitary groups operating in the country including “... the People’s Liberation Organisation of Tamil Eelam (PLOTE), Eelam People’s Democratic Party (EPDP), Tamil Eelam Liberation Organisation (TELO) and latterly the People’s National Liberation Tigers (TMVP).”

<sup>118</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1d

<sup>119</sup> Europa World Online, Sri Lanka, Defence, undated <http://www.europaworld.com/entry/lk.dir.557> [subscription only], date accessed 1 June 2011

<sup>120</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012, Security and foreign forces, 4 January 2012

See Pro-government (non state) paramilitary groups below

## POLICE

- 8.02 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010) <sup>121</sup>, released on 8 April 2011, observed that:

“The inspector general of police (IGP) is responsible for the 86,000-member Sri Lanka Police Service (SLPS). The SLPS conducts civilian police functions, such as enforcing criminal and traffic laws, enhancing public safety, and maintaining order. The IGP reports to the secretary of the Ministry of Defense (in a separate chain of command from that of the armed forces and other military units). The 5,850-member paramilitary Special Task Force (STF) is within the structure of the SLPS, although joint operations with military units in the recent defeat of the LTTE led to questions among observers about who actually was directing the STF. Bureaucratic adjustments during the year [2010] placed the police more firmly under the control of the Ministry of Defense.”

- 8.03 The same source<sup>122</sup> added:

“Few police officers serving in Tamil majority areas were Tamil, and most did not speak Tamil or English, although the government began hiring and training ethnic Tamils in an effort to improve this situation. Estimates of ethnic Tamils and Muslims in the police numbered several thousand. Since late in 2009 the government recruited approximately 500 new Tamil-speaking police from the Jaffna region to serve in the North Jaffna Peninsula, and these officers underwent training for most of the year. There had been concern that many of these newly hired officers were members of Tamil paramilitary groups, but whether that concern was warranted was unclear. At year's [2010] end more than 300 of these Tamil officers were within a week of graduating from training and were scheduled to be posted in Tamil-speaking areas in the north. Among this group were 20 women.”

- 8.04 Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka<sup>123</sup> (accessed on 3 February 2012) noted:

“The Sri Lankan Police Service functions under the aegis of the Ministry of Home Affairs but is currently in effect directly controlled by the president...Policemen are poorly paid and susceptible to corruption at lower levels while at higher 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. The senior officer of the Sri Lanka police is the inspector general (IG), and organised into five geographical commands (known as Ranges) covering the northern, eastern, western, southern regions and a separate

<sup>121</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1d

<sup>122</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1d

<sup>123</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012, Security and foreign forces, 4 January 2012

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range for Colombo, each under the command of a Senior Deputy Inspector of Police (SDIG). The current IG is N.K. Illangakoon.

“Policing is conducted through 401 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 36 police divisions. Each division is under the charge of a senior superintendent of police/superintendent of police.

“The police force also contains specialised units, handling investigations, information technology, traffic control, marine protection, narcotics, counter-terrorism, paramilitary and protective functions. As of 2008, the police established a Closed Circuit Television Surveillance System to strengthen security in Colombo and established Scene of the Crime Labs for each of the 36 Territorial Divisions, manned by specially trained Scene of the Crime Officers for enhancing the effectiveness of criminal investigations and establishing an electronic database.”

8.05 The same source<sup>124</sup> added:

“The Special Task Force (STF) is an elite counter-insurgency unit of the police. The STF was formed in 1983 to tackle the growing Tamil insurgency and initially had 1,100 members divided into various companies. The STF received part of its training from Keenie Meenie Services, an offshoot of the British firm Control Risk which included former members of the SAS and South African military. Since then, the STF has been stationed largely in the volatile eastern province, although smaller units are posted in other parts of the country, particularly for VIP protection in Colombo. Since the recapture of the LTTE-held regions of the East, the STF has established numerous camps in the Batticaloa-Ampara area.

“The investigation of organised crime is the responsibility of the Criminal Investigations Department (CID) which is headed by a DIG [Deputy Inspector General of Police] based in Colombo. The CID has the power to arrest anyone throughout Sri Lanka and can operate independently of the SDIGs in charge of the geographical Ranges.”

“After the emergence of the LTTE as the most serious and persistent threat to national security, the government set up the Terrorist Investigation Department (TID) which investigates all aspects of LTTE activity within Sri Lanka. The TID has been criticised for using the PTA [Prevention of Terrorism Act] to act with impunity to detain or arrest politicians, journalists, trade unionists and ordinary civilians. Since the end of the war, the PTA has not been revoked.”

8.06 Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka<sup>125</sup> (accessed on 3 February 2012) also noted:

<sup>124</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012, Security and foreign forces, 4 January 2012

"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; language skills; operations and patrol systems (techniques, tactics and patrol); and the handling of public disorder. As of 2008, new recruits are inducted into the Police Academy which was formed through the amalgamation of the Police Higher Training Institute and the In-Service Training Division."

8.07 Additional information on the Sri Lankan police is available from their website, accessible from [here](#).

8.08 A letter from the British High Commission, Colombo dated 13 August 2010<sup>126</sup>, reported that:

"A Senior Military Official in Jaffna told us that the Sri Lankan government had been encouraging the Tamil population to join the security forces. He added that whilst the Sri Lankan Army had received no applicants, the police had recruited 450 Tamil officers who were currently undertaking training. With regard to language training, the Sri Lankan Army had conducted an extensive programme and 40% of their personnel now spoke Tamil."

8.09 However, with regards to the latter issue, on 28 June 2010 Irin News<sup>127</sup> reported that:

"...less than 15 percent of the area's 15,000-strong police force can speak... [Tamil] said Nimal Lewke, senior deputy police inspector-general of the Northern Province. In the region where Tamil Tigers waged war for an independent Tamil homeland, matters of language are intricately linked with identity. Although the region is at peace, language remains a strong dividing barrier. 'Winning hearts and minds is a popular slogan today after the war, but we have to be very practical. We have to understand each other to gain the trust of each other. Language proficiency in the police force is thus critical,' Lewke said.

"Some describe the shortage of Tamil-speaking police in the Northern Province - an 8,884sqkm region home to 1.3 million people - as one of the most pressing humanitarian concerns.

"In 2009, the police department started offering monthly bonuses to officers who could speak Tamil, while books teaching Tamil were introduced at police stations. The government, meanwhile, now works with the Asian Development Bank to provide Tamil language courses for police officers."

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<sup>125</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012, Security and foreign forces, 4 January 2012

<sup>126</sup> British High Commission, Colombo, letter dated 13 August 2010

<sup>127</sup> Irin, Sri Lanka: Post-war recovery snagged by language hurdle, 28 June 2010 <http://www.irinnews.org/Report.aspx?ReportId=89651> date accessed 26 August 2010

64 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.



- 8.10 On 28 November 2011 The Island<sup>128</sup> reported that a document tabled in Parliament by Chief Government Whip stated that “The Police department was short of 8600 personnel required to maintain law and order in the country...The document said that there were only 83,423 police officers in the service as of July 01, 2011, though the actual number required was 92,023. Of these officers, 81,328 were Sinhala police officers, 1,093 Tamil, 952 Muslim, nine Burghers and 25 Malay. There were only 430 police stations in the country.”
- 8.11 On 8 January 2012 the Sunday Observer<sup>129</sup> reported:
- “The Sri Lanka Police Department will create opportunities for former LTTE cadres who are well educated to join the police, Inspector General of Police N.K. Illangakoon said.
- “He said if the former LTTE cadres were willing to join the police after fulfilling the requirements, the Department would recruit them.
- “He said the Police Department had recruited over 600 Tamil police officers and they are now serving in the North and the East.
- “Police officers who were not conversant in Tamil was the main obstacle to have a good relationship with the Tamils in the North and the East.’
- “By the end of this month another 350 Tamils will join the Police Department and we will continue in the recruitment drive according to the demand’, he said adding that six Tamil Language teaching centres have been set up to teach 1,200 police officers for six months.”

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## ARMED FORCES

- 8.12 In November 2009 the armed forces totalled 160,900 (including recalled reservists): army 117,900, navy 15,000, air force 28,000. There were also government paramilitary forces of around 61,200 (including 15,000 Home Guard, an estimated 13,000 National Guard and a 3,000-strong anti-guerrilla unit). (Europa World Online, Sri Lanka<sup>130</sup> accessed on 1 June 2011) The CIA *Factbook* – Sri Lanka<sup>131</sup> (last updated on 27 December 2011) noted that military service was voluntary, recruits could join at 18 years and had a 5-year service obligation.

<sup>128</sup> The Island, Police Department short of 8600 personnel, 28 November 2011 [http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=40052](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=40052) date accessed 29 January 2012

<sup>129</sup> Sunday Observer, Ex LTTE cadres could join police, 8 January 2012 <http://www.sundayobserver.lk/2012/01/08/new02.asp> date accessed 29 January 2012

<sup>130</sup> Europa World Online, Sri Lanka, Defence, undated <http://www.europaworld.com/entry/lk.dir.557> [subscription only], date accessed 1 June 2011

<sup>131</sup> CIA - The World Factbook – Sri Lanka <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011 Date accessed 27 January 2012



- 8.13 Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka<sup>132</sup> (accessed on 3 February 2012) observed that:

"A major block to ethnic harmony in Sri Lanka has been the ethnic composition of all branches of the security forces. The overwhelmingly Sinhalese Sri Lanka Army and police force has seemingly validated LTTE propaganda that Sri Lanka is a racist, mono-ethnic state that marginalises and abuses Tamils. All branches of the security forces were accused of committing civilian massacres during the civil war. However, Tamils were not in a position to join the security forces in significant numbers during the war years."

- 8.14 With regards to the army, the same source<sup>133</sup> noted:

"Established after independence in 1949, the Sri Lankan Army remained small and ceremonial until the outbreak of the Tamil separatism militancy in the early 1980s when the force had approximately 12,000 regular army personnel. The Sri Lanka Army recruited aggressively amongst Sinhalese youth, more than trebling the total army strength, including reservists on active duty, within four years. The recruitment process was assisted by high levels of unemployment and poverty in rural Sinhalese areas; at no time during the war was military conscription a serious proposition."

## Desertion

- 8.15 On 2 February 2011 AFP<sup>134</sup> reported:

"Sri Lanka's military on Wednesday [2 February 2011] offered to discharge all its 50,000 deserters without disciplinary action to mark the country's independence anniversary.

"Officers and enlisted men who have been absent without leave can report to their regiments and then be released from their duties, military spokesman Major General Ubaya Medawala said.

"This is not an amnesty, but a special concession to mark independence,' he said, adding the deserters needed to register between February 4 and 12.

"Mass desertions have plagued the Sri Lankan army before and since the defeat of the separatist Tamil Tigers rebels in 2009, which ended decades of bloody warfare on the island."

- 8.16 On 11 February 2011 the Official Government News Portal of Sri Lanka<sup>135</sup> reported that:

<sup>132</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, Security and foreign forces, 4 January 2012

[http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012,

<sup>133</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012, Security and foreign forces, 4 January 2012

<sup>134</sup> AFP, Sri Lanka offers amnesty to 50,000 army deserters, 2 February 2011 <http://www.google.com/hostednews/afp/article/ALeqM5huxkFbMehc9cK9upg5RvksnN5iMw?docId=CNG.d21e4138637545580b355321babcdc6e.f1> date accessed 2 June 2011

66 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“The Media spokesman of the Army Major General Ubhaya Medawala said that up to now three officers and 1,500 army personnel belonging to all ranks have surrendered making use of this amnesty.

“He said that under the military law measures have been taken to arrest 4,420 army personnel and 10 officers. He said that the number of deserters amounts to nearly forty thousand.”

8.17 On 8 November 2011 BBC News<sup>136</sup> reported that:

“The army in Sri Lanka says it is giving up a campaign to round up tens of thousands of deserters and will instead de-list or de-register them.

“It says there are nearly 60,000 such deserters - an apparent increase of 10,000 in just under a year.

“However, some of the deserters fled the forces many years ago.

“A military spokesman said that the forces were now pursuing just a few dozen deserters who are thought to have committed serious crimes.

“Just 12 days ago an army spokesman said that about 60,000 deserters would be rounded up and apprehended.

“Now, however, he has told the BBC that nearly all of them will instead be de-listed and will be able to term themselves ‘ex-soldiers’ rather than deserters.”

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## HUMAN RIGHT VIOLATIONS BY THE POLICE AND ARMED FORCES

### Arbitrary arrest and detention

8.18 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>137</sup>, released on 8 April 2011, observed that “The law prohibits arbitrary arrest and detention; however, in practice such incidents occurred. Under the arrest and detention standards imposed by the Emergency Regulations, the law does not clearly define what constitutes an arbitrary arrest.”

8.19 The USSD 2010 report<sup>138</sup> added that:

<sup>135</sup> Official Government News Portal of Sri Lanka, Amnesty for Army Deserters ends tomorrow, 11 February 2011 <http://www.news.lk/home/17354-amnesty-for-army-deserters-ends-tomorrow> date accessed 2 June 2011

<sup>136</sup> BBC News, Sri Lanka abandons round-up of military deserters, 8 November 2011 <http://www.bbc.co.uk/news/world-asia-15638123> date accessed 22 January 2012

<sup>137</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1d

<sup>138</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1d

“According to Amnesty International, on March 26 [2010], more than 300 persons, most of them Tamil, were arrested in a search operation conducted between 6 p.m. and 6 a.m. in the town of Gampaha 24 kilometers (15 miles) northwest of Colombo.

“Some arrests appeared arbitrary. In September several university students were detained for hooting at the Minister of Education during a public event. These arrests contributed to a wave of student protests in September and October, resulting in additional arrests and detentions of students. By year's [2010] end 76 university students were banned from attending lectures because of participation in protests and related incidents. The government blamed the protests and incidents on left-wing opposition parties.”

8.20 The USSD 2010<sup>139</sup> report further noted that:

“Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers and did not surrender them 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, although this appeared to diminish after the end of the war.”

8.21 On 26 August 2011 the website Sri Lanka Brief<sup>140</sup> reported:

“Around 100 young men from Navanthurai, a village in the Jaffna District, were detained in an operation conducted by the Sri Lanka Army around 1.15am on 23rd August 2011. The villagers were severely beaten by the army and dragged to the main road near the Navanthurai Army Detachment located around 300 meters from the village.

“The men were loaded onto buses and handed over to the Jaffna police around 4 am and taken to the Jaffna courts by 10 am and produced before the Jaffna District Judge at around 1 pm the same day (23rd August).

“Despite their injuries, the men were held without treatment for over 8 hours. 20 of the most seriously injured were admitted to the Jaffna General Hospital after 10 am, on orders by the District Judge. The rest were denied treatment until around 7.30 pm when we received information that all detainees had been admitted for treatment to the Jaffna Hospital.”

“Lawyers for the villagers submitted that the villagers had chased the grease men from their village who had entered the Army camp. The people grew agitated by the Army refusing to produce the men and this was the reason for the confrontation between the military and the villagers. In response, the military had entered the village early morning on 23rd August and mercilessly beaten the villagers.”

8.22 The HRW World Report 2012, Sri Lanka<sup>141</sup>, released on 24 January 2012, observed that: “Despite the end of the formal state of emergency, the government also continues

<sup>139</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1d

<sup>140</sup> Sri Lanka Brief, Jaffna: brutal assault of civilians in Navanthurai, 26 August 2011 <http://www.srilankabrief.org/2011/08/jaffna-brutal-assault-of-civilians-in.html#more> date accessed 21 January 2012

68 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

to hold several thousand people initially detained under the emergency regulations. Many have been held for years without trial, in violation of international law. The government has so far refused to even publish lists of those detained.”

See also [Emergency Regulations and the Prevention of Terrorism Act](#)

## Disappearances/abductions

8.23 The Amnesty International Annual Report 2011, Sri Lanka<sup>142</sup> released on 13 May 2011 observed that “Enforced disappearances and abductions for ransom carried out by members of the security forces were reported in many parts of the country, particularly in northern and eastern Sri Lanka and in Colombo. Hundreds of LTTE members who reportedly disappeared after they had surrendered to the army in 2009 remained unaccounted for.”

8.24 The USSD 2010 report<sup>143</sup> noted that

“Disappearances continued to be a problem, but at a lower rate than during the war. While disappearances in previous years often appeared related to the conflict, during the year they most often appeared connected with extortion and other criminal activity, sometimes involving government actors. Reliable statistics on the number of disappearances were difficult to obtain, with one estimate of 77 persons missing during the year [2010]. Most observers concurred that the majority of disappearances occurred in the north and east, while some took place in Colombo. Government reports on disappearances often claimed that most cases actually involved persons who had left the country for foreign employment and had not informed family members; however, civil society and human rights organizations strongly disputed this interpretation.

“Prageeth Eknaliagoda, a journalist and cartoonist for Lanka-e-news, disappeared on January 24 [2010], just before the presidential election. Police launched an investigation, and government statements promised imminent progress on the case several times, but by year's end there were no announced suspects or visible progress on the case.

“During the year [2010] the government did not publish any investigations into past disappearances, nor did it publish information on any indictments or convictions of anyone involved in cases related to disappearances.”

8.25 A news release issued by Human Rights Watch (HRW) on 7 April 2011<sup>144</sup> noted:

“Through interviews with relatives of the missing and witnesses, published testimony, and media reports, Human Rights Watch found that more than 20 people who were

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<sup>141</sup> Human Rights Watch, World Report 2012, Sri Lanka, released on 24 January 2012 <http://www.hrw.org/sites/default/files/reports/wr2012.pdf> date accessed 1 February 2012

<sup>142</sup> Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, <http://amnesty.org/en/region/sri-lanka/report-2011> date accessed 19 May 2011

<sup>143</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1b

<sup>144</sup> Human Rights Watch, Sri Lanka: Account for Wartime Disappearances, 7 April 2011 <http://www.hrw.org/en/news/2011/04/07/sri-lanka-account-wartime-disappearances> date accessed 1 June 2011

taken into army custody between May 16 and 18, 2009, appear to have been forcibly disappeared. Most of them are known to have been detained in the Vadduvaakal area, just south of the strip of land in northeastern Sri Lanka where the final battle between the LTTE and government forces occurred. At the time, the area was controlled by the Sri Lankan army's 59 Division."

- 8.26 Mentioning an oral statement by the Asian Forum for Human Rights and Development (FORUM –ASIA) in the United Nations Human Rights Council (UNHRC) in Geneva on 16 March, TamilNet reported on 18 March 2011<sup>145</sup> that the "... Sri Lanka government is yet to provide clarification on 5,653 outstanding cases of disappeared persons..."
- 8.27 The latest quarterly update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report<sup>146</sup>, dated 31 December 2011, observed:
- "According to local media there were 13 incidents of extrajudicial killings or disappearances between November and December [2011]. Many of those abducted have been alleged to have links with organised crime, but two opposition JVP party political activists were also abducted while travelling in the North. Other incidents have included attacks on university students in the North and the abduction of a Jaffna university student by unidentified persons in late November. The student was released after 24 hours, approximately 90 miles from where he was abducted. Most cases of past disappearances remain unresolved, including that of columnist and cartoonist Prageeth Ekeneligoda, whom the Government of Sri Lanka recently claimed had sought asylum abroad. Mr Ekeneligoda's wife is pursuing the matter in Court. The High Commission in Colombo is closely following events and attended a December hearing of the case. The High Commission regularly raises concerns with relevant authorities regarding disappearances."
- 8.28 The HRW World Report 2012, Sri Lanka<sup>147</sup>, released on 24 January 2012 noted that: "In 2011, new reports of 'disappearances' and abductions in the north and the east emerged, some linked to political parties and others to criminal gangs."
- 8.29 On 31 July 2010 TamilNet<sup>148</sup> reported that: "Sri Lanka police have received 101 complaints of abductions since January to the end of July [2010] in various parts of Sri Lanka and 93 of them are related to ransom demands, SL police spokesman Preshantha Jayakody told media in Colombo. The highest number of complaints was in Colombo Central and South and 60 abducted persons related to 63 complaints had been traced so far, he said."

<sup>145</sup> TamilNet, 5,653 cases of 'disappeared' pending in Sri Lanka: Forum-Asia at 16th session of UNHRC, 18 March 2011 <http://www.tamilnet.com/art.html?catid=13&artid=33689> date accessed 1 June 2011

<sup>146</sup> Quarterly update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, Latest update: 31 December 2011 <http://fcohrdreport.readandcomment.com/human-rights-in-countries-of-concern/sri-lanka/> date accessed 31 January 2012

<sup>147</sup> Human Rights Watch, World Report 2012, Sri Lanka, released on 24 January 2012 <http://www.hrw.org/sites/default/files/reports/wr2012.pdf> date accessed 1 February 2012

<sup>148</sup> TamilNet, 101 complaints of abductions made to SL police in 7 months, 31 July 2010, <http://www.tamilnet.com/art.html?catid=13&artid=32323> date accessed 29 September 2010



- 8.30 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2010<sup>149</sup> – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, (undated, website accessed on 1 June 2011) recorded that in 2009 there were in total 947 cases of abduction/kidnapping . The figures for 2006; 2007 and 2008 were respectively: 1,190; 1,229 and 1,239.

## Torture

- 8.31 The UK Border Agency [Country of Origin Information \(COI\) Bulletin: Recent reports on Torture and ill-treatment, published on 30 November 2011](#)<sup>150</sup> brings to the attention of decision makers a number of reports released between September and November 2011 which document torture and other forms of ill-treatment in Sri Lanka. It provides a selection of extracts from the sources as a guide to the general content of the reports, with a focus on events in 2011. However the Bulletin is not intended to be comprehensive or detailed in its coverage and officials are advised to read all the reports in full. The Bulletin had the following three main sections: 1) Submissions to UN Committee Against Torture (UNCAT); 2) Other recent reports; 3) UNCAT's Examination and Concluding Observations. The November 2011 COI Bulletin – and the reports referred to in the Bulletin - should be read in full in conjunction with all the information provided in this section of the report.
- 8.32 Section 1 of the COI Bulletin of November 2011<sup>151</sup> “provides information from reports submitted by 12 local and international Non Government Organisations (NGOs) to the United Nations Committee Against Torture (UNCAT). The reports were considered in the UNCAT's 47th session in Geneva in November 2011 during which there was an open session on the prevalence of torture and ill treatment in Sri Lanka.” It also provides direct access to the reports submitted by those 12 NGOs which included (amongst others): Amnesty International; Freedom from Torture; the International Commission of Jurists; Lawyers' Rights Watch Canada; REDRESS; NGO Collective; Tamil Information Centre; TRIAL.
- 8.33 Section 1 of the COI Bulletin of November 2011<sup>152</sup> - which should be consulted in its entirety - reported inter alia the following:

<sup>149</sup> Sri Lanka Department of Census and Statistics, Statistical Abstract 2010 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, <http://www.statistics.gov.lk/abstract2010/chapters/Chap13/AB13-13.pdf> undated, website accessed on 1 June 2011

<sup>150</sup> UK Border Agency, Country of Origin Information (COI) Bulletin: Recent reports on Torture and ill-treatment, 30 November 2011 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/bulletin-11111.pdf?view=Binary> date accessed 13 January 2012

<sup>151</sup> UK Border Agency, Country of Origin Information (COI) Bulletin: Recent reports on Torture and ill-treatment, 30 November 2011 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/bulletin-11111.pdf?view=Binary> date accessed 13 January 2012

<sup>152</sup> UK Border Agency, Country of Origin Information (COI) Bulletin: Recent reports on Torture and ill-treatment, 30 November 2011 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/bulletin-11111.pdf?view=Binary> date accessed 13 January 2012



“The Amnesty International, Sri Lanka: Briefing to the UN Committee against Torture 2011, October 2011 (AI briefing), observed in its introduction that the briefing:

‘... details Amnesty International’s concern about a persistent pattern of torture and other ill-treatment of detainees, including individuals detained under the Emergency Regulations or the Prevention of Terrorism Act on suspicion of links to the Liberation Tigers of Tamil Eelam (LTTE), as well as individuals arrested in the course of civil policing -- criminal suspects as well as those wrongfully arrested at the behest of third parties engaged in personal disputes.’ (Paragraph 1.04)

‘The AI briefing observed:

‘Sri Lanka’s own laws should, but fail to, provide protection from the torture and ill-treatment which is so often a consequence of arbitrary and incommunicado detention.’ (Paragraph 1.07)

‘The AI briefing further observed that:

‘Sri Lanka has no policy of providing rehabilitation for victims of torture. Medical and psychosocial assistance (including some legal assistance) is available to a limited number of victims through nongovernmental organizations.’ (Paragraph 1.11)

8.34 The [Amnesty International, Sri Lanka: Briefing to the UN Committee against Torture 2011](#), October 2011 should be directly consulted in conjunction with the COI Bulletin of November 2011

8.35 Section 1 of the COI Bulletin of November 2011<sup>153</sup> further reported – quoting the Freedom from Torture submission:

“There is considerable evidence in the public domain of torture practiced in Sri Lanka, and of torture that occurred during the final stages of Sri Lanka's civil war in particular... There is much less evidence in the public domain of torture documented since the conflict ended in May 2009... which can be attributed to a number of well-known reasons including disappearances... lack of access for humanitarian agencies to camps and ‘rehabilitation’ facilities... lack of witness protection for those testifying to the Lesson Learnt and Reconciliation Commission, as well as intimidation of journalists... civil society organisations and doctors...”

‘It is because we are concerned that the flow of information about torture in Sri Lanka is being impeded in various ways that Freedom from Torture has chosen to focus this submission exclusively on our forensic documentation of evidence of torture which took place in Sri Lanka after the conclusion of the civil war in May 2009. This evidence, drawn from MLRs [medico-legal reports] we have prepared, demonstrates that torture is still ongoing in Sri Lanka.’

‘Specifically, our evidence demonstrates that:

<sup>153</sup> UK Border Agency, Country of Origin Information (COI) Bulletin: Recent reports on Torture and ill-treatment, 30 November 2011

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/bulletin-11111.pdf?view=Binary> date accessed 13 January 2012

72 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

- “Torture perpetrated by state actors within both the military and police has continued in Sri Lanka after the conflict ended in May 2009 and is still occurring in 2011;
- “Those at particular risk of torture include Tamils who have an actual or perceived association with the Liberation Tigers of Tamil Eelam (LTTE);
- “A variety of different types of torture have been perpetrated in a significant number of locations around Sri Lanka during the post-conflict period; and
- “Many Sri Lankan torture victims are left with visible, heavy scarring attributable to both blunt force trauma and burns which suggests impunity for perpetrators of torture in Sri Lanka.” (Paragraph 1.14)

- 8.36 The [Freedom from Torture submission to the Committee against Torture for its examination of Sri Lanka, November 2011](#) should be directly consulted in conjunction with the COI Bulletin of November 2011.
- 8.37 Section 1 of the COI Bulletin of November 2011<sup>154</sup> also quoted the REDRESS, Asian Legal Resource Centre & ACAT-France, alternative report of September 2011 which observed that: “Torture, in particular by the police, remains endemic in Sri Lanka. In spite of the large number of credible allegations of torture and other forms of ill-treatment, there have been few prosecutions and even fewer convictions of the torturers. This lamentable situation reflects serious shortcomings in investigation methods and accountability mechanisms that result in an overall climate of impunity.” (Paragraph 1.14)
- 8.38 Section 2 of the COI Bulletin of November 2011<sup>155</sup> contains extensive quotes from the [Freedom from Torture, report Out of the Silence: New Evidence of Ongoing Torture in Sri Lanka](#), released on 7 November 2011 which should be directly consulted in conjunction with the COI Bulletin of November 2011. The FFT report contained, inter alia, detailed information on the following: Profile of the torture survivors in the study; Detention and Forensic evidence of torture.
- 8.39 Section 3 of the COI Bulletin of November 2011<sup>156</sup> is dedicated to UNCAT’s (UN Committee against Torture) Examination and Concluding Observations.

“On 25 November 2011, UNCAT released an ‘Advance Unedited Version’, of their Concluding observations on Consideration of reports submitted by States parties under

<sup>154</sup> UK Border Agency, Country of Origin Information (COI) Bulletin: Recent reports on Torture and ill-treatment, 30 November 2011

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/bulletin-11111.pdf?view=Binary> date accessed 13 January 2012

<sup>155</sup> UK Border Agency, Country of Origin Information (COI) Bulletin: Recent reports on Torture and ill-treatment, 30 November 2011

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/bulletin-11111.pdf?view=Binary> date accessed 13 January 2012

<sup>156</sup> UK Border Agency, Country of Origin Information (COI) Bulletin: Recent reports on Torture and ill-treatment, 30 November 2011

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/bulletin-11111.pdf?view=Binary> date accessed 13 January 2012

article 19 of the Convention (UNCAT concluding observations 2011) for the Forty-seventh session, 31 October – 25 November 2011<sup>161</sup>, which considered the situation in Sri Lanka:

“6. Notwithstanding the new circumstances prevailing since the defeat of the Liberation Tigers of Tamil Eelam (LTTE) and the end of the military conflict that has consumed the country for nearly 30 years, and the State party’s public commitment to the Committee that it has a zero-tolerance policy on torture as a matter of State policy and practice, the Committee remains seriously concerned about the continued and consistent allegations of widespread use of torture and other cruel, inhuman or degrading treatment of suspects in police custody, especially to extract confessions or information to be used in criminal proceedings. The Committee is further concerned at reports that suggest that torture and ill-treatment perpetrated by state actors, both the military and the police, have continued in many parts of the country after the conflict ended in May 2009 and is still occurring in 2011 (arts. 2, 4, 11 and 15).” (Paragraph 3.13)

“18. The Committee remains concerned about the prevailing climate of impunity in the State party and the apparent failure to investigate promptly and impartially wherever there is reasonable ground to believe that an act of torture has been committed.” (Paragraph 3.07)

- 8.40 The [UNCAT’s Concluding Observations](#) of 25 November 2011 should be directly consulted in conjunction with the COI Bulletin of November 2011. The final version of the UNCAT Concluding Observations was released on 8 December 2011 and is accessible from [here](#).
- 8.41 The Amnesty International Annual Report 2011, Sri Lanka<sup>157</sup> released on 13 May 2011 noted that “Police and army personnel continued to torture or otherwise ill-treat detainees. Victims included detained Tamils suspected of links to the LTTE and individuals arrested for suspected ‘ordinary’ criminal offences.”
- 8.42 The USSD 2010 report<sup>158</sup> observed:
- “The law makes torture a punishable offense and mandates a sentence of not less than seven years’ imprisonment; however, security forces tortured and abused citizens. Human rights groups alleged that some security forces believed torture to be allowed under specific circumstances. Following a 2007 visit, UN Special Rapporteur (UNSR) on Torture Manfred Nowak concluded that ‘torture is widely practiced in Sri Lanka.’ There was no indication that such practices had subsided. No accurate, publicly released statistics on reported torture cases were available.”
- 8.43 The USSD 2010 report<sup>159</sup> went on to add:
- “Civil society groups and former prisoners reported on several torture cases. For example, former detainees of the Terrorist Investigation Division (TID) at Boosa Prison

<sup>157</sup> Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, <http://amnesty.org/en/region/sri-lanka/report-2011> date accessed 19 May 2011

<sup>158</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1b

<sup>159</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1b

74 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

in Galle confirmed reports of torture methods used there. These included beatings, often with cricket bats, iron bars, or rubber hoses filled with sand; electric shock; suspending individuals by the wrists or feet in contorted positions; abrading knees across rough cement; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper mixed with gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment.

“In the east and the 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. There were reported cases of detainees being released with a warning not to reveal information about their arrests under the threat of rearrest or death if they divulged information about their detention. There were also previous reports of secret government facilities where suspected LTTE sympathizers were taken, tortured, and often killed.

8.44 The USSD 2010<sup>160</sup> report further noted:

“According to human rights organizations, obtaining medical evidence of torture in the country was difficult, since there were fewer than 25 forensic specialists, equipment was lacking, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases police intimidated doctors responsible for collecting evidence, and any potential victim receiving a medical examination usually was accompanied by the person holding him or her in detention, often the person who allegedly had committed the torture.”

8.45 Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern<sup>161</sup>, release on 31 March 2011 observed:

“Sri Lanka is a party to the main international human rights treaties prohibiting torture, the International Covenant on Civil and Political Rights and the UN Convention against Torture. Torture is also prohibited under the country’s constitution.

“Reported incidents of torture in Sri Lanka have often been associated with the conflict. However, on the International Day in Support of Victims of Torture in June [2010] the World Organisation Against Torture issued a statement that it had ‘received credible testimonies of torture from across the country, including in cases not related to the ethnic conflict or terrorism’. In an article published in early 2011, the Asian Human Rights Commission argued that torture had become institutionalised within the Sri Lankan police service.

“The media reported a number of cases of alleged torture during 2010.”

<sup>160</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1b

<sup>161</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010> date accessed 24 May 2011

8.46 On 12 January 2011 The Asian Human Rights Commission (AHRC)<sup>162</sup> reported:

“Sri Lankan citizens are protected against torture and arbitrary arrest in sections 11, 12 and 13 of the Constitution of Sri Lanka. In addition Sri Lanka has ratified the United Nations Convention against Torture and Cruel and Inhuman Treatment in 1994.

“While the legislation is there, the effectuation is not. The gap between the rights set out on paper and the daily practice at the police stations is tremendous.”

See also [Constitution](#)

8.47 The same source<sup>163</sup> added:

“Many times the police do not wish to cause permanent damage to the detainee, as it can be used as a proof of torture and increase the chances for prosecution of the officers. Tools and methods, which only cause injuries to the surface of the body, have therefore been carefully enhanced. If the person is remanded for a longer period of time it is common for the police to use severe physical torture in the beginning of the period, while shifting to mental torture in the end, giving the injuries time to heal before the person will see a magistrate or a Judicial Medical Officer (JMO).

“These kind of well-developed techniques do not just occur in the ‘heat of the moment’ or are accidental. They are being deliberately performed with tools being present at the stations as well as the methods are being passed down from senior officers to new officers as a part of their teachings.

“The police often deny the detainee medical treatment as a punishment and an extension of the torture.

“The detainee has the right to see a JMO and the doctors are also obliged to report any suspicious injuries. But neither are the hospitals independent institutions nor are the doctors and JMO’s immune to threats and bribes. Furthermore, there is a lack of JMO’s and especially in rural areas where hospitals cannot provide a fulltime JMO, there might not be one present or available when the detainee is admitted to the hospital.

If the hospitalization is due to ill treatment by the police, the officers in charge will most likely try to prevent the detainee from seeing a JMO or at least they will guard the consultation. Even if the JMO compiles a Medico-Legal Examination Form (MLEF) there is no assurance that the document will get further than the hospital. The police often force doctors and JMO’s to file a false MLEF or the officer will dictate the form himself. There are even examples of detainee’s trying to convey torture and as a result being denied medical treatment by the doctors.”

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<sup>162</sup> Asian Human Rights Commission, Sri Lanka: Police torture as an indicator of the constitutional degradation of the Rule of Law, 12 January 2011 <http://www.humanrights.asia/news/ahrc-news/AHRC-ART-004-2011> date accessed 27 May 2011

<sup>163</sup> Asian Human Rights Commission, Sri Lanka: Police torture as an indicator of the constitutional degradation of the Rule of Law, 12 January 2011 <http://www.humanrights.asia/news/ahrc-news/AHRC-ART-004-2011> date accessed 27 May 2011

76 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.



- 8.48 Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010<sup>164</sup> noted:

"A diplomatic mission commented that torture in the law enforcement system is widely used and documented, but there are only rare cases of prosecution. In general, impunity for the ones who committed torture is a major issue. The diplomatic mission also commented that the poorest people are more vulnerable to (severe) torture and less likely to take successful legal action against torture.

"When asked about the level of torture, the Director of the anonymous local NGO informed the delegation that it is well documented that confessions are very often obtained under torture also when it comes to minor crimes. Torture takes place in police custody as well as by TID, in Boosa detention centre and Galle Prison.

"Ms. Kishali Pinto-Jayawardene [a human rights lawyer and works as a senior consultant at the Law & Society Trust] said that the Emergency laws have resulted in the legal mindset of law enforcement officers in Sri Lanka being inclined towards frequent keeping of people in remand without judicial scrutiny and the use of torture to obtain confessions. Ms. Kishali Pinto-Jayawardene mentioned that the use of torture is well documented in Sri Lanka and referred to the reports of the Asian Human Rights Commission in this regard."

- 8.49 On 19 September 2010 TamilNet<sup>165</sup> reported that:

"The Terrorism Investigation Division (TID) of Sri Lanka government continues to torture hundreds of Tamil youths arrested and detained under the Prevention of Terrorism Act (PTA) without trial, a journalist who had met the detainees said, under conditions of anonymity.

"The TID men attack the detainees blindly using iron rods, cricket bat and batons besides squeezing their testicles. Videos of detainees being killed and tortured are shown by the TID men to terrorize the detained youths."

- 8.50 On 13 January 2012 BBC Sinhala<sup>166</sup> reported that:

"A Tamil Tiger suspect in Sri Lanka has detailed in the court the alleged torture in police custody after being abducted by a white van.

"Thyagarajah Prabhakaran, 24, a resident of Puttalam, in a petition to the Supreme Court state that he was abducted by a group came in a white van in Colombo, on 04 February, 2009.

<sup>164</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 [http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p50

<sup>165</sup> TamilNet, TID torture Tamil detainees held under PTA, 19 September 2010 <http://www.tamilnet.com/art.html?catid=13&artid=32648> date accessed 29 September 2010

<sup>166</sup> BBC Sinhala, 13 January 2012, White Van abductee 'tortured in police' [http://www.bbc.co.uk/sinhala/news/story/2012/01/120113\\_white\\_van\\_torture.shtml](http://www.bbc.co.uk/sinhala/news/story/2012/01/120113_white_van_torture.shtml) date accessed 29 January 2012

“Thereafter, the officers of police Crime Investigation Division (CID) detained him at an unknown location, which he believes could be in Wattala.

“While being detained, the suspect said, CID officers hanged him from the legs and tortured using clubs.

“In his petition suspect Thyagarajah Prabhakaran requests the Court to order the authorities to release him as he is being detained without being charged for two years and ten months.

“The Supreme Court noted that the allegations raised in the petition are of very serious nature.

“After considering his appeal, the Supreme Court ordered the Attorney General to submit a report on the possibility of releasing the suspect on 08 March, or to file charges against him.”

8.51 On 19 January 2012 the same source<sup>167</sup> reported that:

“The main suspect in the murder of Sri Lankan Former Foreign Minister Lakshman Kadirgamar [who was killed in Colombo in August 2005] informed courts that he was tortured while in police custody to extract a confession.”

“One policeman beat the suspect's head with poles and his ear drum was burst following assault by the other, the suspect claimed.

“As a result, he told court that his hearing is partially impaired.

He told the judge that information about his torment has already been conveyed to the Colombo magistrate and the judicial medical officer.”

8.52 The [website of the Asian Human Rights Commission \(AHRC\)](#) regularly reports on incidents and allegations of torture .The AHRC also produced a document, entitled [Police torture case, Sri Lanka, 1998 - 2011](#), dated 24 June 2011, providing details of 323 cases of torture related to that period of time.

## Extra-judicial killings

8.53 The USSD 2010 report<sup>168</sup> noted that:

“There were reports that the government or its agents committed arbitrary or unlawful killings, but reliable statistics on such killings by the government or its paramilitary allies were difficult to obtain because past complainants were killed and families feared reprisals if they filed complaints. Among these arbitrary and unlawful killings, a number

<sup>167</sup> BBC Sinhala, 19 January 2012, Kadirgamar murder suspect 'tortured'  
[http://www.bbc.co.uk/sinhala/news/story/2012/01/120119\\_kadirgamar\\_torture.shtml](http://www.bbc.co.uk/sinhala/news/story/2012/01/120119_kadirgamar_torture.shtml) date accessed 29 January 2012

<sup>168</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011,  
<http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm> , date accessed 11 May 2011, Section 1a

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of suspects detained by police or other security forces died under questionable circumstances.

“According to official accounts, some deaths occurred when security forces took the suspects to the scenes of their alleged crimes, shot, and killed them while they allegedly were trying to escape.”

- 8.54 The Amnesty International Annual Report 2011, Sri Lanka<sup>169</sup>, released on 13 May 2011 observed that “Police killings of criminal suspects in apparent staged ‘encounters’ or ‘escape’ attempts continued to be reported; police descriptions of the cases were often strikingly similar.”

See also [Deaths in custody](#)

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## PRO-GOVERNMENT (NON STATE) PARAMILITARY GROUPS

- 8.55 The AI Annual Report 2011, Sri Lanka<sup>170</sup> observed that: “Armed Tamil groups aligned with the government continued to operate in Sri Lanka and commit abuses and violations, including attacks on critics, abductions for ransom, enforced disappearances and killings.”
- 8.56 Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka<sup>171</sup> (accessed on 3 February 2012) observed that “The security forces preferred to outsource much of the work of controlling major Tamil towns such as Jaffna, Vavuniya, Batticaloa and Trincomalee to non-LTTE paramilitary groups such as the People’s Liberation Organisation of Tamil Eelam (PLOTE), Eelam People’s Democratic Party (EPDP), Tamil Eelam Liberation Organisation (TELO) and latterly the People’s National Liberation Tigers (TMVP).”

## Human rights violations by paramilitary groups

- 8.57 The Danish FFM report of October 2010<sup>172</sup> observed:

“According to a leading human rights activist, the para-military groups are engaged in abductions and extortion activities. The same source said that no particular group of people is targeted for these activities but that the activities have a more generalized

<sup>169</sup> Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, <http://amnesty.org/en/region/sri-lanka/report-2011> date accessed 19 May 2011

<sup>170</sup> Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, <http://amnesty.org/en/region/sri-lanka/report-2011> date accessed 19 May 2011

<sup>171</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, Security and foreign forces, 4 January 2012, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012

<sup>172</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 [http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p50

target. The presence of the groups is a concern and lead to a feeling of insecurity for local people. According to the source, the number of cases has been considerably reduced in 2010 compared to earlier. The source said that he made a recent visit to the East and that in this connection he did not receive any reports on cases related to abduction and killings. However, there is still a generalized fear among the local people.”

8.58 The USSD 2010 report<sup>173</sup> noted that:

“Reports of abductions for extortion and ransom increased during the year, particularly in the north and east. Local residents blamed such abductions in the Jaffna Peninsula on armed members of the EPDP, led by government ally and Member of Parliament Douglas Devananda. In other areas of the north and east, however, it was difficult to identify the perpetrators. Whereas in the past local citizens often reported they were reasonably certain which paramilitary groups were behind abductions and killings, during the year they more often stated that they were unsure of which group was involved in a particular incident.”

8.59 The USSD 2010 report<sup>174</sup> also observed that:

“The overall number of extrajudicial killings dropped significantly from the previous year. Nevertheless during the year unknown actors suspected of association with progovernment paramilitary groups committed killings and assaults of civilians. These included the Tamil Makkal Viduthalai Pulikal (TMVP), led by breakaway LTTE eastern commanders Vinayagamurthi Muralitharan, alias ‘Karuna,’ and Sivanesanathurai Chandrakanthan, alias ‘Pillaiyan,’ in the east, as well as the Eelam People’s Democratic Party (EPDP), led by Minister of Social Services and Social Welfare Douglas Devananda, in Jaffna. These and other progovernment paramilitaries also were active in Mannar and Vavuniya. All of these groups endeavored to operate political organizations, some with more success than others, and there were persistent reports of close, ground-level ties between paramilitaries and government security forces. Whereas these groups served more of a military function during the war, often working in coordination with security forces, the paramilitaries now took on increasingly criminal characteristics as they sought to solidify their territory and revenue sources in the postwar environment.”

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## AVENUES OF COMPLAINT

8.60 The USSD report<sup>175</sup> 2010 noted:

“Citizens were allowed to file fundamental rights cases to seek redress of human rights violations. The judiciary exhibited some independence and impartiality in adjudicating these types of cases, and plaintiffs were awarded damages in a number of instances.

<sup>173</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1b

<sup>174</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1a

<sup>175</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1e

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Observers cited bureaucratic inefficiencies in this system, leading to delays in the resolution of many cases; cases filed by persons suspected of having ties to the LTTE appeared to be subject to delays much more frequently. Where damages were awarded, there were relatively few problems in enforcing the court orders.”

## Impunity

- 8.61 The USSD 2010 report<sup>176</sup> noted that “There was no independent authority to investigate complaints. Senior officials in the police force handled complaints against the police.” and added that “Impunity, particularly for cases of alleged police torture and corruption, was a serious problem.” as well as that “In cases in which security force personnel allegedly 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.” The same report further noted that “Lawyers who defended human rights cases sometimes were under physical and verbal threats.”<sup>177</sup>
- 8.62 The AI Annual Report 2011, Sri Lanka<sup>178</sup> observed that “Investigations into human rights violations by the military, police and other official bodies and individuals made no apparent progress; court cases did not proceed.”
- 8.63 The UNCAT’s Concluding Observations<sup>179</sup> of 25 November 2011 observed:
- “18. The Committee remains concerned about the prevailing climate of impunity in the State party and the apparent failure to investigate promptly and impartially wherever there is reasonable ground to believe that an act of torture has been committed. It also notes the absence of an effective independent monitoring mechanism to investigate complaints of torture. The Committee expresses concern over reports that the Attorney General’s office has stopped referring cases to the Special Investigations Unit (SUP) of the police and the large proportion of pending cases still outstanding. The Committee is also concerned at numerous reports concerning the lack of independence of the judiciary...”

## Human Rights Commission of Sri Lanka (HRCSL, aka SLHRC)

- 8.64 The USSD 2010 report<sup>180</sup> observed that:

<sup>176</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1d

<sup>177</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011 Section 1e

<sup>178</sup> Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, <http://amnesty.org/en/region/sri-lanka/report-2011> date accessed 19 May 2011

<sup>179</sup> UNCAT, Forty-seventh session, 31 October–25 November 2011, Consideration of reports submitted by States parties under article 19 of the Convention, Advance Unedited Version, Concluding observations of the Committee against Torture, 25 November 2011

[http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4\\_en.doc](http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4_en.doc)

Date accessed 13 January 2012

<sup>180</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2a



“By statute the Sri Lanka Human Rights Commission (SLHRC) had wide powers and resources and could 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, and there were reports of a large backlog of cases with virtually no action by the commission during the year. Rather than taking an investigative approach to determining the facts and details of human rights cases, the SLHRC instead took a more tribunal-like approach, weighing only the evidence brought to it in deciding whether to pursue a case. In 2007 the International Coordinating Committee of National Human Rights Institutions downgraded the SLHRC to observer status, citing governmental interference in the work of the SLHRC.”

See the [SLHRC website](#) for more information about the organisation.

8.65 On 3 March 2011 the website on the HRCSL<sup>181</sup> noted:

“Inquiry and Investigation Division of HRCSL has released a summary report of complaints, which were received during the year 2010. According to sources HRCSL received 9901 complaints this year. The head office received 4205 complaints and ten regional offices received 5696 complaints. Compared to the previous year the statistics indicate a reduction of 21 percent.

“The receipt of complaints by regional offices are as follows; Kandy – 579, Matara – 542, Anuradhapura – 605, Ampara – 169, Badulla – 195, Jaffna – 243, Tricomalee – 188, Vavuniya – 2642, Kalmunai – 204 and Batticaloa – 329.

“Out of the complaints more than 14 percent of complaints were employment related issues. Other significant complaints included instances of torture, arrest, detentions, harassment and complications in school admission to popular schools.”

8.66 The UNCAT’s Concluding Observations<sup>182</sup> of 25 November 2011 observed:

“16. While noting the Human Rights Commission of Sri Lanka’s (HRCSL) broad inquiry powers to investigate human rights violations vested in Section 11 of the Human Rights Commission Act No 21 of 1996, the Committee is concerned about its reported inactivity, the lack of cooperation from the police and the government and the limited resources and challenges to its independence and impartiality as a result of the 18th Amendment to the Sri Lankan Constitution, which places the appointment of its members solely in the hands of the Head of State.”

## Witness protection

8.67 The USSD 2010 report<sup>183</sup> observed that “At year's [2010] end there was no functioning witness protection program.”

<sup>181</sup> Human Rights Commission of Sri Lanka, HRCSL received 9901 complaints in the year 2010, 3 March 2011 <http://hrctl.lk/english/?p=1543> date accessed 11 May 2011

<sup>182</sup> UNCAT, Forty-seventh session, 31 October–25 November 2011, Consideration of reports submitted by States parties under article 19 of the Convention, Advance Unedited Version, Concluding observations of the Committee against Torture, 25 November 2011  
[http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4\\_en.doc](http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4_en.doc)  
 Date accessed 13 January 2012

<sup>82</sup> The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

- 8.68 The [UNCAT's Concluding Observations](#)<sup>184</sup> of 25 November 2011 expressed the Committee's concern "...at the absence of an effective mechanism to ensure the protection of and assistance to witnesses and victims of human rights violations and abuses, which has a negative impact on the willingness and ability of witnesses and victims to participate in investigations or to testify in proceedings..." and added that: "...the State party should ensure that witnesses and victims of human rights violations are effectively protected and assisted, in particular by ensuring that perpetrators do not influence protection mechanisms and that they are held accountable."

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## 9. JUDICIARY

- 9.01 Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka<sup>185</sup> (accessed on 3 February 2012) observed that:

"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. In certain cases law makers may refer to Sinhalese, Tamil or Muslim (sharia) precedents. 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. Laws and legislation are enacted and maintained using all three major languages.

"It is also empowered to arbitrate over constitutional disputes. It is incumbent on the Attorney General to examine Bills in Parliament and communicate opinions to the Speaker on any amendments to Bills when they reach the Committee stage. The constitution ensures a substantial measure of independence for the judiciary. Restrictions on this independence arise from the fact that the president appoints the judges of the Supreme Court and the Court of Appeal. The Judicial Services Commission, an independent body, exercises control on both appointments and terms of office of the judicial officers serving at lower levels. However, the independence of the judiciary is consistently called into question..."

## ORGANISATION

- 9.02 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>186</sup>, released on 8 April 2011 noted that:

<sup>183</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 5

<sup>184</sup> UNCAT, Forty-seventh session, 31 October–25 November 2011, Consideration of reports submitted by States parties under article 19 of the Convention, Advance Unedited Version, Concluding observations of the Committee against Torture, 25 November 2011

[http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4\\_en.doc](http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4_en.doc)

Date accessed 13 January 2012

<sup>185</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, Internal Affairs, 17 January 2012,

[http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012

“In criminal cases juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. There are no formal procedures for ensuring how quickly an arrested person may contact family or a lawyer; in practice they are allowed to make calls on their mobile phone to such persons. 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. Private legal aid organizations assisted some defendants. Juries were not used in cases brought under the PTA, but defendants in such cases had the right to appeal.

“Defendants are presumed innocent. Confessions obtained by coercive means, including torture, are inadmissible in criminal courts, except in PTA [Prevention of Terrorism Act] cases.

“Defendants have the right to question prosecution witnesses during their trials and are allowed access to the prosecution's evidence. 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 usually were made relatively quickly.

“The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. In practice most courts outside of Jaffna and the northern parts of the country conducted business in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive a fair hearing in many locations, but trials and hearings in the north were in Tamil and English. Few legal textbooks existed in Tamil.”

9.03 Europa World Online, Sri Lanka<sup>187</sup>, accessed on 1 June 2011, 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.”

## INDEPENDENCE

9.04 The USSD 2010<sup>188</sup> report observed that:

<sup>186</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1e

<sup>187</sup> Europa World online, Sri Lanka, Government and Politics, Judicial System, undated <http://www.europaworld.com/entry/lk.dir.175> [subscription only], date accessed 1 June 2011

84 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“With the passage of the 18th amendment, executive influence over the judiciary significantly increased. 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. Although there were allegations of instances when the president may have intervened to assign judges favorable to his position in high-profile cases, there were other instances where judicial decisions clearly went against what the president might have preferred. During the year the government again failed to appoint the Constitutional Council, whose function is to ensure the independence of such constitutional bodies as the Judicial Service Commission. As a result a series of important checks on executive power were absent. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament.”

## FAIR TRIAL

- 9.05 Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern<sup>189</sup>, released on 31 March 2011 observed that “Sri Lanka has a highly developed judicial system, which faces many challenges. At the end of the year, the Sri Lankan government reported a judicial backlog of approximately 65,000 cases. As a consequence, there were a high number of prisoners who had been on remand for a relatively long period. The Sri Lankan government committed additional funds at the end of 2010 to clear this backlog.”

## PENAL CODE

- 9.06 The [Penal Code of Sri Lanka \(Consolidated version up to Act No. 16 of 2006 of 24 April 2006\)](#) is available clicking on the hyperlink.

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## 10. ARREST AND DETENTION – LEGAL RIGHTS

For information about the application of legal rights and violations of the law, see [Security forces and paramilitary groups](#).

- 10.01 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>190</sup>, released on 8 April 2011, observed that:

“Under the law authorities are required to inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice often several days and sometimes weeks or months elapsed before detained persons appeared before a magistrate. A magistrate could authorize bail or continued pretrial

<sup>188</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1e

<sup>189</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessable-hrd-report-2010> date accessed 24 May 2011

<sup>190</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1d

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 is required to remand the suspect, and only the High Court can grant bail. In all cases suspects have the right to legal representation. Counsel is provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases. Outside of alleged secret, and therefore incommunicado, detentions and prisons, detainees were allowed access to family members.

“A number of observers complained about the slow pace of the judicial process, with some estimates claiming that more than half those in prison were either awaiting or undergoing trial.

“Persons convicted and undergoing appeal did not receive credit towards their original sentence for time served in prison while the appeal continued. Appeals often took several years to resolve.

“The president granted amnesty to a number of prisoners throughout the year [2010], sometimes for national holidays or other occasions. The criteria for determining who benefitted from such releases were not clear. One report stated 1,312 prisoners were given a presidential pardon in September, with unsubstantiated reports of payments to government officials in return.”

10.02 Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010<sup>191</sup>, dated October 2010 noted that: “ICRC informed the delegation that under the normal criminal law, the accused will have access to a legal advisor. In general, Legal Aid is available, but often the detainee will not be aware of the possibility of legal aid and does not have the resources to access a lawyer.”

10.03 European Commission, Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka<sup>192</sup>, 19 October 2009, observed:

“In Sri Lanka constitutional safeguards relating to arrest and detention include Article 13 of the Constitution which foresees a number of fundamental safeguards, such as freedom from arbitrary arrest and the right to be informed of the reasons for the arrest. Every person held in custody, detained or deprived of personal liberty shall be brought before a judge and shall not be further held in custody, detained or otherwise be deprived of personal liberty except upon and in terms of the order of the judge. The Code of Criminal Procedure includes safeguards regarding the integrity of detained persons. However, many of the protections in the Code do not apply in cases of detention under the emergency legislation [see below]. The emergency legislation allows security forces to arrest persons on broadly defined grounds and to hold

<sup>191</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 [http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p47-48

<sup>192</sup> European Commission, Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka, 19 October 2009 [http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc\\_145152.pdf](http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145152.pdf) date accessed: 11 January 2010, p50

86 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.



suspects for up to one year under 'preventive detention' orders issued by the Secretary of the Ministry of Defence without complying with the procedural safeguards for detainees provided in the Criminal Procedure Code."

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## EMERGENCY REGULATIONS AND THE PREVENTION OF TERRORISM ACT

- 10.04 The Amnesty International (AI) report Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands<sup>193</sup>, dated 8 March 2011 noted:

"Thousands of people are languishing in detention without charge or trial under Sri Lanka's repressive anti-terrorism laws. Sometimes held in secret prisons, they are vulnerable to a whole range of abuses, including torture or being killed in custody.

"Sri Lanka has been under a state of emergency almost continually since 1971. Successive governments have used national security as an excuse to introduce a range of broad and often confusing emergency regulations. This has led to a serious erosion and even suspension of people's rights to freedom of thought, conscience and expression, as well as their right to live free from arbitrary arrest and detention.

"The emergency laws grant state authorities sweeping powers of detention and permit holding people in secret locations, a practice that facilitates human rights abuses like enforced disappearances, torture and deaths in custody, which constitute crimes under international law."

- 10.05 With regards to the Prevention of Terrorism Act (PTA), the same AI report<sup>194</sup> observed:

"The Prevention of Terrorism Act was introduced as a temporary law in 1979, and made permanent in 1981. The act allows the suspension of certain rights of criminal procedure, including the right of individuals to be presumed innocent, as a means to prevent terrorism and other unlawful activities.

"Under the act, people can be arrested without charge or trial and detained for up to 18 months while police investigate the possibility of their involvement in illegal activity. The act also allows for indefinite detention on order of a magistrate pending trial. In Sri Lanka, where the wheels of justice grind slowly, people can remain in pre-trial detention for years.

"The act enables security forces to systematically violate human rights. Like the emergency regulations, provisions in the act allow confessions to police officers above a certain rank as admissible evidence in court. Interrogating officers, therefore, are given an incentive to obtain confessions by any means, including torture. This is exacerbated by the fact that if a person has been tortured into confessing, the burden of proving this allegation rests with the alleged victim."

<sup>193</sup> Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands, 8 March 2011 <http://www.amnesty.org/en/library/info/ASA37/001/2011/en> date accessed 23 May 2011

<sup>194</sup> Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands <http://www.amnesty.org/en/library/info/ASA37/001/2011/en> date accessed 23 May 2011

10.06 The AI report of March 2011<sup>195</sup> also added:

“Detention orders [for those arrested under the emergency regulations or Prevention of Terrorism Act] are supposed to be issued for those held beyond the initial period. Several safeguards have been introduced to guarantee the welfare of detainees, including, for instance, that a detention order can only be issued if the officer in charge of the nearest police station has been notified within 24 hours of the arrest. Breach of this provision is an offence. However, in practice, legal safeguards are ignored and many of those arrested and detained are tortured in custody.

“Like the emergency regulations, the Prevention of Terrorism Act grants broad powers to the police to enter and search premises without a warrant, to seize property and arrest individuals ‘connected with or concerned in or reasonably suspected of being connected with or concerned in any unlawful activity’. The authorities have used the laws to shut down newspapers and printing presses. The Prevention of Terrorism Act grants extraordinary power to the Minister of Defence to order the detention of an individual suspect for investigation or as a preventative measure. The Minister can determine not only the place and conditions of detention, but also impose continued restrictions or prohibitions on a person’s basic freedoms, including freedom of expression, association and movement, even after he or she is released from official custody.”

10.07 The same AI report<sup>196</sup> further observed that:

“Because they provide for vaguely and broadly defined offences such as ‘terrorism’ the emergency laws have been used to restrict freedom of expression and association, increase pressure on human rights activists, journalists, trade unionists and others holding dissenting views.

“The authorities continue to carry out arrests under the act and detain suspects for questioning. Official statements confirm that over 1,900 people already arrested and detained under the act will remain in custody pending investigations.”

10.08 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>197</sup>, released on 8 April 2011 observed that:

“Under the Emergency Regulations, the armed forces have the legal authority to arrest persons, but they are required to transfer suspects 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. The defense secretary extended some detentions beyond one year under the Prevention of Terrorism Act (PTA).

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<sup>195</sup> Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands <http://www.amnesty.org/en/library/info/ASA37/001/2011/en> date accessed 23 May 2011

<sup>196</sup> Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands, 8 March 2011, <http://www.amnesty.org/en/library/info/ASA37/001/2011/en> date accessed 23 May 2011

<sup>197</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1d

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“Data concerning arrests made during the year under the Emergency Regulations were fragmentary and unreliable. The government detained an unknown number of individuals at least temporarily. Observers stated that, although many were released within two days if no official detention order was produced, others were known to be detained for much longer. Although in May [2010] the government relaxed a portion of the Emergency Regulations, including provisions that previously had allowed security forces wide latitude in conducting searches without judicial warrants, the remaining portions of the regulations allowed detentions without charges or warrants.”

10.09 The Danish FFM report of October 2010<sup>198</sup> noted:

“Ms. Kishali Pinto-Jayawardene [who is a human rights lawyer and works as a senior consultant at the Law & Society Trust] stated that normal criminal procedure is not ordinarily resorted to Sri Lanka, as the police is using the Emergency Regulations, which provide the authorities with wide ranging power, not only in connection with suspects of terrorism but also in connection with common thieves. Ms. Kishali Pinto-Jayawardene stated that the level of arrests, and in particular arbitrary arrests, in general has declined for terrorist suspects (Tamils) after the ending of the war.

“Ms. Kishali Pinto-Jayawardene further stated that, in an increasing number of cases, the police fabricate charges against suspects. This has become part of the judicial environment and there is little accountability on the part of the police. Ms. Kishali Pinto-Jayawardene commented that although the Emergency Regulations have been reduced in certain aspects in May 2010, the police do not act differently. Resorting to abuse instead of systemic investigation has become part of the normal routine.

“[ICRC informed the delegation that]... persons administratively detained under the Emergency Regulation or the PTA do not have access to legal counsel, and even for those who succeed to get a lawyer there is no effective legal remedy (a habeas corpus [a writ ordering a prisoner to be brought before a judge case may be filed in the higher courts; however, this legal remedy is not effective since the processing time of the petition is long]).”

10.10 On 14 April 2011 TamilNet<sup>199</sup> reported that:

“Information smuggled out of the notorious Magazine Prison in Borella, Colombo, reveal that 58 Tamil prisoners, 44 of them with no charges filed or charged without any viable court case or witnesses to prove guilt, are being held under the Island's Emergency Regulations in the prison for more than 12 years.

“The informant told TamilNet, the 44 prisoners are taken to the Colombo High Court once every 14-days to mark their presence in the jail, but have no legal representation due to lack of financial resources. ‘Judges are reluctant to take action to release the inmates due to political compulsion,’ the informant prisoner said.

<sup>198</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 [http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p47-48

<sup>199</sup> TamilNet, 58 Tamils languish in Magazine prison for more than 12 years, 14 April 2011 <http://www.tamilnet.com/art.html?catid=13&artid=33805> date accessed 1 June 2011

One youth from Batticaloa, arrested when he was 17-years old is in the prison for more than 18 years, exceeding the customary 14-years normally served by prisoners with life-imprisonment.”

10.11 On 14 December 2010 BBC News<sup>200</sup> reported:

“Hundreds of Tamils detained for years on charges of helping the Tamil Tigers have asked Sri Lankan President Mahinda Rajapaksa to show mercy or grant them a trial.

“The detainees were arrested under prevention of terrorism legislation introduced as a temporary law in 1979 and made permanent two years later.

“Under the act, suspects can be held for up to 18 months without charge or trial.

“But some detainees have spent more than 10 years in jail, with cases still pending in courts.

“Human rights activists say more than 650 Tamils, including about 50 women, are suspended in legal limbo in Sri Lankan jails.

“A few of the detainees, whom the BBC interviewed by phone, said they want the president to look into their plight.”

10.12 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, September 2011<sup>201</sup> noted:

“On August 25<sup>th</sup> [2011] Sri Lanka's president, Mahinda Rajapakse, announced that the government intended to end the state of emergency that had been in force since the assassination of the foreign minister, Lakshman Kadirgamar, in August 2005. The expiry occurred on August 30<sup>th</sup>, but some of the most important security-related measures under the emergency regulations have been added to the Prevention of Terrorism Act (PTA). These include the proscription of the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers), the continued functioning of the office of the commissioner-general of rehabilitation (who is in charge of rehabilitating former LTTE rebels), the detention of ex-LTTE combatants and the validity of high-security zones. The 6,000-odd people kept in detention under the emergency regulations will now continue to be held under other laws.

“The president's announcement was welcomed as a step towards the removal of the wartime measures that restricted civil rights in the interests of security. However, it is not clear whether the ending of the state of emergency will lead to any real change in people's lives, as the PTA and other laws have in effect replaced the emergency regulations. “

10.13 On 7 September 2011 HRW<sup>202</sup> observed that “Emergency regulations lifted in Sri Lanka do not affect existing and new laws that allow the government to detain people for long

<sup>200</sup> BBC News, Legal limbo Tamils beg for mercy or trial, 14 December 2010

<http://www.bbc.co.uk/news/world-south-asia-11808551> date accessed 1 June 2011

<sup>201</sup> Economist Intelligence Unit, Country Report Sri Lanka, September 2011

[http://www.eiu.com/index.asp?layout=displayIssueArticle&issue\\_id=968435481&article\\_id=126843551](http://www.eiu.com/index.asp?layout=displayIssueArticle&issue_id=968435481&article_id=126843551)  
1 [subscription only] date accessed 6 January 2012

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periods without trial...” adding that “...many of the powers in the emergency regulations can also be found in the existing Prevention of Terrorism Act:

“Just like the emergency regulations, the PTA allows for arrests for unspecified ‘unlawful activities’ without warrant and permits detention for up to 18 months without producing the suspect before a court. The government need not charge the person with an offense. The act also provides immunity from prosecution for government officials who may commit wrongful acts, such as torture, under the legislation. Legal proceedings are prohibited if an official acted ‘in good faith,’ or in ‘pursuance of any order made or direction given under this Act.’

“Sri Lanka’s attorney general, Mohan Peiris, whose term ended on August 31, said that the lapsing of the emergency regulations will not mean a change in detention practices: ‘No suspects will be released and there is no change even though the emergency has been allowed to lapse,’” he told reporters.’

10.14 The [UNCAT’s Concluding Observations](#)<sup>203</sup> of 25 November 2011 observed:

“10. While noting the State party’s decision to lift the long-standing state of emergency on 31 August 2011, the Committee expresses concern that 24 hours before it ended new regulations were decreed under the Prevention of Terrorism Act No. 48 of 1979 (PTA). The Committee is concerned about the sweeping nature of these PTA regulations, which unduly restrict legal safeguards for persons suspected or charged with a terrorist or related crime, as pointed out by the Human Rights Committee and the Special Rapporteur on Torture.

“11. While noting the clarification given by the State party in respect of the inadmissibility of evidence obtained through torture under the Evidence Ordinance Act 1985, the Committee remains concerned by the fact that the PTA allows all confessions obtained by police at or above the rank of Assistant Superintendent of Police (ASP) to be admissible (sect. 16) placing the burden of proof on the accused that a confession was obtained under duress (sect. 17(2)). The Committee is also concerned at reports that in most cases filed under the PTA the sole evidence relied upon is confessions obtained by an ASP or an officer above that rank. The Committee further notes with concern reports documenting individual cases of torture and ill-treatment where the victims were allegedly randomly selected by police to be arrested and detained for what appears to be an unsubstantiated charge and subsequently subjected to torture or ill-treatment to obtain a confession for those charges...”

10.15 The [Amnesty International, Sri Lanka: Briefing to the UN Committee against Torture 2011](#), contains additional information on Emergency and Anti-terrorism legislation.

See also [Torture](#)

<sup>202</sup> Human Rights Watch (HRW), Sri Lanka: ‘Bait and Switch’ on Emergency Law, 7 September 2011 <http://www.hrw.org/news/2011/09/07/sri-lanka-bait-and-switch-emergency-law> Date accessed 19 January 2012

<sup>203</sup> UNCAT, Forty-seventh session, 31 October–25 November 2011, Consideration of reports submitted by States parties under article 19 of the Convention, Advance Unedited Version, Concluding observations of the Committee against Torture, 25 November 2011 [http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4\\_en.doc](http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4_en.doc) Date accessed 13 January 2012



**BAIL/REPORTING CONDITIONS**

- 10.16 A letter from the British High Commission in Colombo dated 14 September 2010<sup>204</sup> 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.”

To access the [Sri Lanka Bail Act \(No. 30 of 1997\)](#) click on the hyperlink.<sup>205</sup>

**ARREST WARRANTS**

- 10.17 A letter from the British High Commission in Colombo dated 14 September 2010<sup>206</sup> 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.”

See also [Emergency Regulations and the Prevention of Terrorism Act](#) for detention orders for those arrested under the emergency regulations or Prevention of Terrorism Act.

**COURT SUMMONS**

- 10.18 A letter from the British High Commission in Colombo dated 12 August 2011<sup>207</sup> observed:

“In July 2010 Mr [name omitted], a lawyer, Notary Public and Commissioner for Oaths based in Colombo explained the process regarding a summons. The usual process began with a suspect being arrested by the police. After completing their enquiries the police will produce the suspect before a Magistrate. The Magistrate will decide whether the case should proceed, and if it does, they will decide on whether the suspect should be released on bail or remain in custody. If granted bail, the Magistrates Court will subsequently issue a summons, notifying the accused person of the date of their next

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<sup>204</sup> British High Commission in Colombo, letter dated 14 September 2010

<sup>205</sup> Sri Lanka Consolidated Acts, Bail Act (No. 30 of 1997)

[http://www.commonlii.org/lk/legis/num\\_act/ba30o199787/](http://www.commonlii.org/lk/legis/num_act/ba30o199787/) date accessed 31 May 2011

<sup>206</sup> British High Commission in Colombo, letter dated 14 September 2010

<sup>207</sup> British High Commission in Colombo, letter dated 12 August 2011

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Court appearance. The Summons/Notice is a standard format and is used across the whole of Sri Lanka.

“Mr [name omitted] told me [Second Secretary Migration] that summonses are always served in person by a Fiscal Officer. This person is an employee of the Court and will visit the defendant’s last known address or place of work. If they cannot locate the defendant they will either serve the summons on the head of household, or if there is no response, they will paste the summons on the front door of the defendant’s last known address.

“Mr [name omitted] explained that more than one summons could be served on a person for the same case. For example, the case may not have proceeded on the first court date, or the defendant may not have appeared, so a second summons could be issued for a second court date. If a defendant failed to appear for a Court date, the police could approach the Magistrate and ask for them to issue an arrest warrant. If issued, the arrest warrant would be handed to the police. Mr [name omitted] confirmed that this was similar to UK courts issuing a bench warrant.”

#### 10.19 The same BHC letter<sup>208</sup> continued:

“In order to clarify the procedures further surrounding the issue of court summons, this week we approached three separate sources, asked three separate questions and recorded three separate answers as below:

- “What is the procedure for issuing a Court summons?”

“A Court official in Vavuniya told us that the police officer in charge of the case (OIC) initiates the summons which is signed by the registrar and then issued by the police to the subject.

“The Sri Lanka Police – Information Services Room stated that the Judge authorises the summons that needs to be served and he/she alone can approve this. The summons is then given to the police to be disseminated.

“A lawyer in Colombo said that the Judge authorises the summons that needs to be served and he/she alone can approve this. It is then served by a fiscal. If the fiscal is threatened or harassed the police get involved. Until such time there is no involvement of the police unless it’s a criminal case.

- “Can a Court summons be obtained fraudulently?”

“A Court official in Vavuniya said yes, they could be.

“The Sri Lanka Police – Information Services Room also said yes.

“A lawyer in Colombo also said yes, but added that it is a criminal offence and they did not see why someone would take such a risk.

- “How many summonses are issued before a warrant for arrest is issued?”

<sup>208</sup> British High Commission in Colombo, letter dated 12 August 2011

“A Court official in Vavuniya said only one. The courts issue two copies but only one is served and the other is kept in the police station.

“The Sri Lanka Police – Information Services Room told us that a warrant of arrest is issued if a person fails to appear after a summons has been served on three occasions.

“A lawyer in Colombo agreed that a warrant for arrest is served after the third occasion a person fails to appear.”

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## 11. PRISON AND DETENTION CENTRE CONDITIONS

11.01 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010) <sup>209</sup>, released on 8 April 2011 noted that:

“Prison conditions did not meet international standards due to overcrowding and the lack of sanitary facilities. According to prison officials and civil society sources, prisons designed for approximately 10,000 inmates held an estimated 26,000 prisoners. Approximately 1,400 of these were women. Some 12,000 of these total prisoners were convicted, while the remaining 14,000 were in detention either awaiting or undergoing trial. In some cases juveniles were not held separately from adults. Pretrial detainees often were not held separately from those convicted. In many cases prisoners were reported to be sleeping on concrete floors and often without natural light or sufficient ventilation. Female prisoners were held separately from male prisoners and in generally better conditions, but some human rights groups alleged that isolated incidents of degrading treatment occurred, including corporal punishment, overcrowding, maltreatment, or abuse.”

11.02 The USSD 2010<sup>210</sup> added that:

“There appeared to be no formal procedure without going through prison officials by which prisoners and detainees could submit complaints of poor conditions or abusive treatment to judicial authorities.

“The government permitted independent human rights observers and the International Committee of the Red Cross (ICRC) to visit to regular and remand prisons, but not those facilities holding LTTE ex-combatants yet to be formally charged. The government did not provide access to any detention facilities operated by military intelligence, stating that none existed. The ICRC was not allowed to visit suspected illegal detention facilities operated by paramilitaries. In December [2010], the Government requested the ICRC to close their offices in the North.”

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<sup>209</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm> , date accessed 11 May 2011, Section 1c, Prison and Detention Center Conditions

<sup>210</sup>US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm> , date accessed 11 May 2011, Section 1c, Prison and Detention Center Conditions

94 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

- 11.03 The USSD 2010<sup>211</sup> report also observed that: “Outside of alleged secret, and therefore incommunicado, detentions and prisons, detainees were allowed access to family members. A number of observers complained about the slow pace of the judicial process, with some estimates claiming that more than half those in prison were either awaiting or undergoing trial.”
- 11.04 The UNCAT’s Concluding Observations of 25 November 2011<sup>212</sup> observed:
- “8. Notwithstanding the statement of the Sri Lankan delegation categorically denying all allegations about the existence of unacknowledged detention facilities in its territory, the Committee is seriously concerned about reports received from non-governmental sources regarding secret detention centres run by the Sri Lankan military intelligence and paramilitary groups where enforced disappearances, torture and extrajudicial killings have allegedly been perpetrated...
- “12. The Committee notes that according to the State party’s core report, more than 80,000 persons were imprisoned annually between 2000-2005, of whom more than 60,000 were unconvicted. Furthermore, according to the additional written information provided by the State party’s delegation, 765 persons are detained in Sri Lanka under administrative detention orders as of 11 November 2011 but there is no central registry on detentions carried out under the PTA. The Committee recalls with concern that, in response to the Committee’s confidential inquiry under article 20 of the Convention (April 1999 - May 2002, A/57/44, paras. 123-195), the State party informed it that a computerized central police registry had been established, yet now reveals this has not happened...”
- “14. The Committee is concerned at the deplorable levels of overcrowding and poor conditions prevailing at police stations and prisons, especially the lack of hygiene, inadequate medical care, the non-separation of convicted and remand prisoners and the failure to keep adult detainees and juvenile offenders separate, as reported by the Special Rapporteur on torture (A/HRC/7/3/Add.6 and A/HRC/13/39/Add.6). In this respect, the Committee regrets the absence of information provided by the State party on measures taken to improve conditions of detention for those held on remand and for convicted persons...”
- 11.05 The Tamil Information Centre’s submission to the Committee Against Torture on Sri Lanka<sup>213</sup>, October 2011 noted:
- “Conditions in some military and police places of detention in which people detained under the PTA are held are so appalling as to amount to cruel, inhuman and degrading treatment. People providing testimony on their detention by both the military and the

<sup>211</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1d

<sup>212</sup> UNCAT, Forty-seventh session, 31 October–25 November 2011, Consideration of reports submitted by States parties under article 19 of the Convention, Advance Unedited Version, Concluding observations of the Committee against Torture, 25 November 2011 [http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4\\_en.doc](http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4_en.doc) date accessed 7 February 2012

<sup>213</sup> Tamil Information Centre submission to the Committee Against Torture on Sri Lanka, [http://www2.ohchr.org/english/bodies/cat/docs/ngos/TIC\\_SriLanka47.pdf](http://www2.ohchr.org/english/bodies/cat/docs/ngos/TIC_SriLanka47.pdf) date accessed 13 January 2012, Conditions in detention

police describe being kept for long periods of time in bare rooms with minimal or no furniture, often without toilet facilities, meaning that detainees must defecate and urinate on the floor, in shared cells as well as individual. Food is often insufficient or not provided for days at a time, and water given to detainees has been reported to be dirty, or withheld until they comply with interrogation.”

- 11.06 The Amnesty International (AI) report Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands<sup>214</sup>, dated 8 March 2011 observed:

“Many people detained under the act have been held in official custody for years. While in detention they can be moved from place to place or housed in an unofficial or secret place of detention while being interrogated. Amnesty International has spoken to dozens of family members of detainees who say that the removal of suspects to non-official detention centres makes it very difficult for families to track the whereabouts of their loved ones.

“Sometimes suspects can simply get lost in the system with their family unable to find out where they are being held. This contradicts a July 2006 Presidential Directive which stipulates that the Sri Lankan Human Rights Commission (SLHRC) must be informed of an arrest and of the place of detention within 48 hours. Under the Directive, families must be allowed to communicate with detainees.”

- 11.07 The same AI report<sup>215</sup> also noted that:

“In January 2010, hundreds of Tamil political prisoners went on hunger strike demanding that the government release them or, failing that, allow them to answer accusations against them in fair trials. The prisoners who took part included those detained in Anuradhapura, Batticaloa, Colombo, Jaffna and Trincomalee. They suspended their fast on the eighth day after President Mahinda Rajapaksa pledged to look into the prisoners’ demands within two months, however, their demands remained largely unmet.”

- 11.08 Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern<sup>216</sup>, release on 31 March 2011 noted:

“Overcrowding in Sri Lanka’s prisons is in part caused by a large backlog of cases in the courts and the large number of prisoners detained on minor charges due to their inability to pay fines. Remand prisoners and those imprisoned on minor offences are also held in the same facilities as more serious offenders. Former prison officials report that the majority of the prison population consists of pre-trial detainees and that the majority of convicted inmates serve sentences of less than three months. It is alleged

<sup>214</sup> Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands <http://www.amnesty.org/en/library/info/ASA37/001/2011/en> 8 March 2011, date accessed 23 May 2011

<sup>215</sup> Amnesty International, Sri Lanka: Forgotten prisoners: Sri Lanka uses anti-terrorism laws to detain thousands, 8 March 2011 <http://www.amnesty.org/en/library/info/ASA37/001/2011/en> date accessed 23 May 2011

<sup>216</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010> date accessed 24 May 2011



that some terrorist suspects are held without a detention order being in place and therefore fall outside the legal framework.”

- 11.09 The same report<sup>217</sup> also observed that: “Despite repeated calls by the international community, the International Committee of the Red Cross has not been allowed access to all former Liberation Tigers of Tamil Eelam fighters. The International Committee of the Red Cross has, however, continued to have access to other detainees in detention facilities throughout Sri Lanka.”
- 11.10 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights<sup>218</sup>, dated 9 December 2010, noted that: “The Committee is concerned about the acute overcrowding and the inhuman detention conditions which prevail in many of the State party’s prisons. The Committee is also concerned that children are not regularly separated from adults.”
- 11.11 On 31 October 2010 the Sunday Observer<sup>219</sup> – quoting information from the Rehabilitation and Prison Reforms Minister D.E.W. Gunasekera – reported:
- “Acute congestion is the root cause for many problems and vices in prisons. Over 148,740 prisoners were admitted to prisons in 2009. Of them 37,872 were those convicted of various crimes while the majority - 108,868 were remand prisoners. The daily average of inmates at the Welikada, Magazine and Colombo Prisons was around 9,000 in 2009 despite accommodation and facilities available for less than one-third of them, he said.
- “The situation relating to remand prisoners is deplorable. Some of them are in prison for only a day while others are languishing for years until their release on a court order. Convicted prisoners have a work schedule and better facilities, the Minister said.”
- 11.12 The International Committee of the Red Cross (ICRC) Annual Report 2010, Sri Lanka<sup>220</sup>, released in May 2011 noted that:
- “...across the country the ICRC visited more than 26,000 people [26,318 detainees, monitoring 3,575 of them individually, in 123 places of detention], including those arrested and detained in relation to the former armed conflict, with a focus on those held under the Emergency Regulations or suspected of affiliation with the LTTE. Delegates checked on inmates’ treatment and living conditions and reported their findings and recommendations confidentially to the detaining authorities. Efforts to obtain access to people held in rehabilitation centres proved unsuccessful.... More than 9,000 detainees

<sup>217</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011  
<http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010> date accessed 24 May 2011

<sup>218</sup> UN Concluding observations of the Committee on Economic, Social and Cultural Rights, dated 9 December 2010 <http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc> date accessed 25 May 2011, p9

<sup>219</sup> Sunday Observer, Prison reforms to see the light of day, 31 October 2010  
<http://www.sundayobserver.lk/2010/10/31/sec01.asp> date accessed 24 May 2011

<sup>220</sup> International Committee of the Red Cross, Annual Report 2010, Sri Lanka, released in May 2011  
<http://www.icrc.org/eng/assets/files/annual-report/current/icrc-annual-report-2010-sri-lanka.pdf> date accessed 19 May 2011

received visits from family members thanks to the ICRC's reimbursement of their transport costs."

11.13 On 23 June 2011, the Daily Mirror (Sri Lanka)<sup>221</sup> reported that the 2010 Performance Report of the Department of Prisons had recorded that 251 detainees had escaped from various prisons during that year, including 43 from the Welikada prison, three from the Colombo Remand Prison, seven from the Magazine Prison, seven from Negombo, and two from Boosa. In 2010 15,839 prisoners were granted an amnesty.

11.14 On 24 January 2011 BBC News<sup>222</sup> reported that:

"Inmates of a jail in north-central Sri Lanka have accused the prison authorities of shooting dead protesting prisoners.

"An inmate at Anuradhapura prison who wished to remain anonymous told the BBC Sinhala service that he saw at least four dead bodies.

"Hospital authorities say one person was killed and 24 people who were injured were admitted to hospital.

"Dr WMTD Wijekoon, director of Anuradhapura hospital, told the BBC that eight prison officers are among those injured.

"A group of nearly 50 inmates have been staging a fast on the roof of the prison since Sunday accusing the prison authorities of ill-treating the inmates."

11.15 A year later, on 24 January 2012, BBC News<sup>223</sup> reported that:

"At least 31 people have been injured in clashes between guards and rioting inmates at a prison in the Sri Lankan capital, hospital officials say.

"Most of the injured are prisoners who were shot by guards. Police deny claims that three inmates were killed.

"Several buildings were set alight in the remand wing of Colombo's main prison [Welikada (Magazine) prison] before order was restored.

"Prisoners say they want better food and conditions. Police said inmates were angry at moves to curb drug smuggling.

"The head of Sri Lanka's prisons department admitted that the treatment of prisoners in the jail fell short of acceptable standards.

"A local resident told the Associated Press news agency that disturbances had been going on for several days."

<sup>221</sup> Daily Mirror (Sri Lanka), 251 detainees have escaped from various prisons in the country, 23 June 2011 <http://print.dailymirror.lk/news/news/47888.html> date accessed 24 January 2012

<sup>222</sup> BBC News, 'Inmates killed' in Sri Lanka prison shooting, 24 January 2011 <http://www.bbc.co.uk/news/world-south-asia-12268829> date accessed 19 May 2011

<sup>223</sup> BBC News, Sri Lanka jail riot 'injures 31' in Colombo, 24 January 2012 <http://www.bbc.co.uk/news/world-south-asia-12268829> date accessed 24 January 2012

“Later the head of the prisons department told BBC Sinhala that the treatment of the prisoners was less than ideal and that this would be corrected.”

- 11.16 The Prison Brief for Sri Lanka<sup>224</sup> produced by the International Centre for Prison Studies, partner of the University of Essex, undated (accessed on 3 February 2012) recorded a daily average prison population of 26,984 (for 2010), including pre-trial detainees/remand prisoners amounting to 51.5% (average 2010 per cent of total) against an official capacity of the prison system of 10,692 (in 2007). The prison population rate (per 100,000 of national population) was 129 (based on an estimated national population of 20.86 million at mid-2010). In 2007 the total prison population was 24,255 (with a prison population rate of 120) while for 2004 the figures were respectively 20,661 and 105.
- 11.17 The Department of Census and Statistics Sri Lanka in its Statistical Abstract 2010 – Chapter XIII - Social Conditions<sup>225</sup>, table 13.9, Convicted persons by ethnic group and sex, 2002 - 2009 and table 13.10, Unconvicted persons by ethnic group and sex, 2002 - 2008 (website accessed on 19 May 2011), recorded that in 2009 the number of unconvicted prisoners totalled 108,868 (101,294 males; 7,574 females and 75,322 Sinhalese; 20,439 Tamils). In the same year the total figure for convicted prisoners was 37,872 (36,590 males; 1,282 females and 27,087 Sinhalese; 5,323 Tamils).

## DEATHS IN CUSTODY

- 11.18 The [Country of Origin Information \(COI\) Bulletin: Recent reports on Torture and ill-treatment](#), published on 30 November 2011<sup>226</sup> (See also [Torture](#)) provides information on this issue and report on recent cases. See in particular paragraphs 1.29; 1.30; 1.32; 2.07; 3.02; 3.11.
- 11.19 The Sri Lankan NGO Collective, Joint Alternative Report from the Sri Lankan NGO Collective to the Committee Against Torture<sup>227</sup> dated 14 October 2011 noted that “According to media reports there have been nine deaths in custody in the year 2011 and 96 cases of torture. No legal and administrative action regarding the same has been undertaken.” A Table on 2009 - 2011 Examples of Custodial Deaths is contained within the report, and six cases of deaths in custody – with the related details - are recorded. [see p34]”

<sup>224</sup> International Centre for Prison Studies, Prison Brief for Sri Lanka, undated [http://www.prisonstudies.org/info/worldbrief/wpb\\_country.php?country=111](http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=111) date accessed 3 February 2012

<sup>225</sup> Department of Census and Statistics Sri Lanka, Statistical Abstract 2010 – Chapter XIII - Social Conditions, table 13.9, Convicted persons by ethnic group and sex, 2002 - 2009 and table 13.10, Unconvicted persons by ethnic group and sex, 2002 – 2009 <http://www.statistics.gov.lk/abstract2010/chapters/Chap13/AB13-9.pdf> date accessed 19 May 2011

<sup>226</sup> Country of Origin Information (COI) Bulletin: Recent reports on Torture and ill-treatment, 30 November 2011 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/bulletin-11111.pdf?view=Binary> date accessed 13 January 2012

<sup>227</sup> The Sri Lankan NGO Collective, Joint Alternative Report from the Sri Lankan NGO Collective to the Committee Against Torture, 14 October 2011, [http://www2.ohchr.org/english/bodies/cat/docs/ngos/NGOCollective\\_SriLanka47.pdf](http://www2.ohchr.org/english/bodies/cat/docs/ngos/NGOCollective_SriLanka47.pdf) date accessed 7 February 2012 paragraph 97 and Annexure - Table on 2009 - 2011 Examples of Custodial Deaths

11.20 The UNCAT's Concluding Observations of 25 November 2011<sup>228</sup> observed:

"The Committee is concerned at reports from non-governmental organisations on deaths in custody, including police killings of criminal suspects in alleged staged 'encounters' or 'escape' attempts. The Committee notes with concern that the State party only reported two cases of death in custody, where the cause of death was determined to be suicide, for the entire period 2006-2011, while for a similar period between 2000-2005 the State party had reported in its core document approximately 65 annual deaths in custody from all causes..."

11.21 The Amnesty International Annual Report 2011, Sri Lanka<sup>229</sup> released on 13 May 2011 noted that: "Some people died in custody after being tortured by police."

11.22 Details related to five cases of death in custody are available from a [document by Asian Human Rights Commission dated 22 October 2010](#)

See also [Torture](#); [Abuses by Police and Armed forces](#) and [Impunity](#)

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## 12. DEATH PENALTY

12.01 The Amnesty International Annual Report 2011, Sri Lanka<sup>230</sup> released on 13 May 2011, considered Sri Lanka "... abolitionist in practice". Hands off Cain in its Country status on death penalty<sup>231</sup>, updated on 30 June 2011, also considered Sri Lanka a "... de facto abolitionist..." country and reported 1976 as the year of the last known execution.

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## 13. POLITICAL AFFILIATION

This section should be read in conjunction with sections on [Political System](#) and, for a wider perspective of freedom of speech generally, [Freedom of speech and media](#) and [Human rights institutions, organisations and activists](#)

<sup>228</sup> UNCAT, Forty-seventh session, 31 October–25 November 2011, Consideration of reports submitted by States parties under article 19 of the Convention, Advance Unedited Version, Concluding observations of the Committee against Torture, 25 November 2011

[http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4\\_en.doc](http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.LKA.CO.3-4_en.doc) date accessed 7 February 2012

<sup>229</sup> Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, <http://amnesty.org/en/region/sri-lanka/report-2011> date accessed 19 May 2011

<sup>230</sup> Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, <http://amnesty.org/en/region/sri-lanka/report-2011>, date accessed 19 May 2011

<sup>231</sup> Hands off Cain, Country status on the death penalty, updated 30 June 2011

<http://www.handsoffcain.info/bancadati/index.php?tipotema=arg&idtema=15000611> date accessed 7 February 2012

100 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

**FREEDOM OF POLITICAL EXPRESSION**

- 13.01 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>232</sup>, released on 8 April 2011 noted that:

“The government is dominated by the president's family; two of the president's brothers hold key executive branch posts as defense secretary and minister of economic development, while a third brother is the speaker of parliament. Independent observers generally characterized the presidential and parliamentary elections as problematic. Both elections were fraught with violations of the election law by all major parties and were influenced by the governing coalition's massive use of state resources... [introductory section]

“The president, who was reelected in January [2010] for a second six-year term, holds executive power, while the 225-member parliament, elected in April [2010], exercises legislative power... A number of violent incidents occurred during the campaign period, with five deaths connected to election-related violence, but there were few reported incidents of election-related violence or election law violations on election day. However, independent observers reported countless violations of election law by the president's ruling coalition and, to a lesser extent, by the main opposition parties during the weeks leading up to election day. The president's ruling coalition was accused of massive use of state resources in support of the president's campaign, including the repeated use of official vehicles, offices, and personnel to hold campaign events and to conduct voter education efforts that favored the president.

“The final vote count gave President Rajapaksa approximately 58 percent of the vote, with the main opposition candidate, retired general Sarath Fonseka, receiving just over 40 percent. There were no reliable public opinion polls conducted during the election campaign with which to compare these results. There were allegations of possible fraud occurring at counting centers, as ballots were tallied and totals reported to the elections commissioner. In several counting centers opposition party observers were chased away by government supporters. While many observers questioned the size of Rajapaksa's margin of victory, most believed that the results represented the will of the electorate. There were calls for a recount of ballots, but the elections commissioner refused to do so. By law election ballots are retained for one year following an election in case of a dispute. The elections commissioner has the power to release them, but he refused to allow any independent inspection of the ballots, even after a formal request by local election monitoring organizations to do so. Imprisoned opposition candidate Fonseka filed a petition in court to overturn the results of the election, based on the allegations of elections law violations and counting fraud, but on October 29 the Supreme Court dismissed the case on technical grounds without rendering a decision on the merits of the case, stating that it would be impossible to prove in court whether the alleged fraud and violations occurred to the point of justifying the disqualification of Rajapaksa as a candidate.”

- 13.02 The USSD 2010 report<sup>233</sup> also noted that: “The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through

<sup>232</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011

<sup>233</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 3



periodic elections held on the basis of universal suffrage.” The same source added that: “Political parties largely were free to operate and name candidates as they wished.”

- 13.03 The Freedom House report, *Freedom in the World 2011*, Sri Lanka<sup>234</sup>, covering events in 2010, released on 10 August 2011 noted that:

“Sri Lanka is not an electoral democracy. The 1978 constitution vested strong executive powers in the president, who is directly elected for a six-year term and can dissolve Parliament. The prime minister heads the leading party in Parliament but otherwise has limited powers. The 225-member unicameral legislature is elected for a six-year term through a mixed proportional-representation system.

“Elections have historically been generally free and fair, though marred by some irregularities, violence, and intimidation, and the LTTE refused to allow free elections in areas under its control. However, in the 2010 presidential vote, monitoring groups alleged inappropriate use of state resources – particularly transport, infrastructure, the police services, and media – to benefit the incumbent, in violation of orders issued by election officials. More than 1,000 incidents of violence, including at least four deaths, were reported in the preelection period.

“Election officials’ orders were similarly disregarded prior to the April 2010 parliamentary elections, which also featured extensive misuse of state resources.”

- 13.04 The same Freedom House report also observed:<sup>235</sup>

“Some observers charge that President Mahinda Rajapaksa’s centralized, authoritarian style of rule has led to a lack of transparent, inclusive policy formulation. The Centre for Policy Alternatives (CPA) and others have noted the concentration of power in the hands of the Rajapaksa family. The president’s brothers hold important posts – Gotabaya serves as defense secretary, Basil is a member of Parliament and now minister for economic development, Chamal is speaker of Parliament – and a growing number of other relatives, including the president’s son Namal, also serve in important political or diplomatic positions. The president and his family consequently control approximately 70 percent of the national budget. Other trusted party stalwarts serve as implementers and advisers. The passage of the 18th Amendment to the constitution in September 2010 effectively reversed efforts to depoliticize key institutions under the 17th Amendment, placing a government-dominated parliamentary council in control of appointments to independent commissions that oversee the police, the judiciary, human rights, and civil servants.”

## **FREEDOM OF ASSOCIATION AND ASSEMBLY**

- 13.05 The USSD 2010 report<sup>236</sup> noted that:

<sup>234</sup> Freedom House, *Freedom in the World 2011*, Sri Lanka, covering events in 2010, 10 August 2011, accessed via Refworld  
<http://www.unhcr.org/refworld/country,,,LKA,,4e4268bd1a,0.html> date accessed 10 January, Political Rights and Civil Liberties

<sup>235</sup> Freedom House, *Freedom in the World 2011*, Sri Lanka, covering events in 2010, 10 August 2011, accessed via Refworld  
<http://www.unhcr.org/refworld/country,,,LKA,,4e4268bd1a,0.html> date accessed 10 January, Political Rights and Civil Liberties

102 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“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 gives the president the power to restrict meetings, assemblies, and processions. The law states that rallies and demonstrations of a political nature may not be held when a referendum is scheduled, but the government generally granted permits for demonstrations, including those by opposition parties and minority groups. A number of university students were detained in October [2010] following demonstrations at several universities in protest of plans to develop private universities in the country. The government alleged that these demonstrations were unauthorized and deliberately set up with the help of leftist political parties to disrupt classes and clash with police.

“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.”

## OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 13.06 The USSD 2010 report<sup>237</sup> noted that: “During the year the government detained and imprisoned a small number of persons for political reasons. However, the government permitted access to such persons on a regular basis by international humanitarian organizations.” The same report also referred to cases “in which persons were detained for what appeared to be simply their opposition to the government and its top leaders. There were numerous cases of police arresting persons for putting up or simply possessing posters critical of the government.”<sup>238</sup>

### Sarath Fonseka and supporters

- 13.07 The USSD 2010 report<sup>239</sup> observed that:

“Most prominent among these political prisoners was main opposition presidential candidate and former army commander Sarath Fonseka, who was detained on February 8 [2010] by the military, held in detention for the rest of the year, brought before several military courts martial and civil courts on various charges, and ultimately sentenced to 30 months in prison at hard labor, which he was serving at the Welikada Prison at year's [2010] end. He also was stripped of his rank and pension, and all references to Fonseka on military plaques, etc., were ordered expunged. The accusations made against Fonseka after he initially was detained were vague, with suggestions by government officials that he had been plotting a coup. After more than a month, formal charges were brought under two courts martial on corruption in military procurement and violating military regulations by engaging in politics as a serving military officer. No charges were ever brought on the coup allegations. Later, he also

<sup>236</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2b

<sup>237</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1e

<sup>238</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1e

<sup>239</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1e

was charged in civil court under the PTA for allegedly fomenting civil unrest by making statements in December 2009 to the press about Defense Secretary Gotabhaya Rajapaksa's alleged order that surrendering LTTE cadres be shot (the 'white flag' incident). Fonseka later denied making these claims. In August the two courts martial found Fonseka guilty of the corruption charges and of engaging in politics while still in the military...At year's end Fonseka remained on trial for several charges, including revealing state secrets, for the 'white-flag' case."

See also [Freedom of speech and media](#)

13.08 The USSD 2010 report<sup>240</sup> continued:

"Despite his incarceration Fonseka ran successfully for a parliamentary seat on the ticket of the opposition Democratic National Alliance in the April [2010] elections and until his sentencing to prison in September was allowed out of detention to attend sittings of parliament. A number of human rights organizations accused Fonseka of being involved in a wide range of human rights abuses during the war, including extrajudicial killings, disappearances, and indiscriminate firing on civilians in the war zone. Nevertheless, many independent observers concluded that Fonseka was detained, prosecuted, and sentenced for political reasons, because of the initial lack of clarity in the allegations against Fonseka, the fact that no formal charges were brought against him for more than a month after his detention, the selective way in which laws were ultimately applied (some progovernment military officers spoke publicly in favor of the president during the campaign and were not similarly charged or punished), and the disproportionate nature of the sentences in the courts martial, which appeared to be designed to humiliate Fonseka and to deprive him of his seat in parliament.

"Twenty-two other individuals involved with Fonseka's campaign were arrested, most in connection with the allegations of a coup attempt. By November, however, all 22 were released from detention with no charges pending, leaving only Fonseka in prison.

"See also [Key political events \(1948 to June 2011\)](#)

13.09 Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern<sup>241</sup>, release on 31 March 2011 noted that: "Following the arrest of defeated presidential candidate Sarath Fonseka, police used batons and tear gas to break up a number of peaceful protests over his detention and conviction, including protests in Colombo in February [2010] and Galle in August. In the latter, two opposition MPs were arrested when they attempted to complain about police behaviour. They were later released without charge."

13.10 On 29 March 2011 LankaeNews<sup>242</sup> reported that: "Captain Senaka Haripriya Silva, who was the private Secretary of Gen. Sarath Fonseka during the Presidential election

<sup>240</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1e

<sup>241</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010> date accessed 24 May 2011

<sup>242</sup> LankaeNews, Gen. Fonseka's private Secretary released on bail after 13 months, 29 March 2011 <http://www.lankaenews.com/English/news.php?id=10908> date accessed 2 June 2011

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period when the latter was also a Presidential candidate was released on bail yesterday (28 [March 2011]) by the appeal Court after being in remand custody for over 13 months.”

13.11 A Reuters’ report<sup>243</sup> dated 18 November 2011 noted:

“A Sri Lankan court on Friday convicted and sentenced a former army chief to three years in prison for making a false statement the country’s defence secretary ordered surrendering separatist Tamil fighters killed in the last days of a 25-year civil war.

“General Sarath Fonseka, who lost to his former commander-in-chief President Mahinda Rajapaksa in the 2010 presidential election, is already serving a 30-month term after a court-martial convicted him of misappropriation in September [2011].

“The three-member high court bench was divided in its ruling on the conviction, but unanimously dropped charges of printing a publishing a false rumour and exciting the public to disaffection toward the government.

“He was arrested barely two weeks after the presidential election in early 2010 on a host of charges, which the general says were politically motivated. He nonetheless won a parliamentary seat in April 2010 but the court-martial conviction cost him his seat, and he was stripped of his rank.”

See also [Annex B](#) (Political organisations) and [Annex C](#) (Prominent people)

### **Tamil National Alliance (TNA) supporters**

13.12 The HRW World Report 2012, Sri Lanka<sup>244</sup>, released on 24 January 2012, noted that:

“Members and supporters of the Tamil National Alliance (TNA), campaigning ahead of local elections in Jaffna in June [2011], were attacked by army personnel wielding rods, batons, and sticks. Among the injured were TNA members and police officers assigned to provide security to the parliamentarians. The results of an investigation into the incident ordered by the secretary of defense are not known.

“The TNA and the government have been in negotiations to deal with, among other matters, devolution of powers to the provinces, a key issue underpinning the civil war. The talks have been rife with tension, with the TNA accusing the government of deceitful and facetious behavior, and the government accusing the TNA of issuing LTTE-type ultimatums as a result of its electoral victory in the north. The TNA left talks with the government in August but has since returned.”

13.13 The quarter two update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report<sup>245</sup>, dated 30 June 2011, noted that:

<sup>243</sup> Reuters AlertNet, Sri Lanka’s jailed ex-army chief gets new prison term, 18 November 2011 <http://www.trust.org/alertnet/news/sri-lankas-jailed-ex-army-chief-gets-new-prison-term/>, date accessed 18 January 2012

<sup>244</sup> Human Rights Watch, World Report 2012, Sri Lanka, released on 24 January 2012 <http://www.hrw.org/sites/default/files/reports/wr2012.pdf> date accessed 1 February 2012

“On 16 June [2011], military personnel disrupted a local election-related Tamil National Alliance (TNA) party meeting in Jaffna. The TNA alleged that attendees and TNA MPs’ police protection officers were threatened and assaulted. Our High Commissioner discussed the incident separately with the Sri Lankan Foreign Minister and Attorney General. Our Deputy High Commissioner also raised our concerns with the Jaffna Security Force Commander. The government said the TNA had not had permission to use a public address system and that events had been exaggerated.”

See also [Key recent developments](#)

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## 14. FREEDOM OF SPEECH AND MEDIA

For a wider perspective on freedom of speech generally, this section should be read in conjunction with sections on [Political affiliation](#) and [Human rights institutions, organisations and activists](#)

### LEGAL FRAMEWORK

- 14.01 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>246</sup>, released on 8 April 2011 noted that:

“The law provides for freedom of speech and of the press, but in practice this was not always supported. Government officials criticized, pressured, and harassed the media, and most journalists practiced self-censorship.

“The government owned the country’s largest newspaper chain, two major television stations, and a radio station. However, 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.

“In July 2009 the government officially reactivated the Press Council Act of 1973. This act, which includes power to impose punitive measures including fines and lengthy prison terms, proscribed the publishing of articles that discussed internal communications of the government, decisions of the cabinet, matters relating to the military that could affect national security, and details of economic policy that could lead to artificial shortages or speculative price increases.”

- 14.02 The International Federation of Journalists (IFJ) document Free Speech in Peril: Press Freedom in South Asia 2010-11<sup>247</sup>, dated May 2011 observed:

<sup>245</sup> Quarterly update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, Latest update: 31 December 2011 <http://fcohrdreport.readandcomment.com/human-rights-in-countries-of-concern/sri-lanka/> date accessed 31 January 2012

<sup>246</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2a

<sup>247</sup> International Federation of Journalists (IFJ), Free Speech in Peril: Press Freedom in South Asia 2010-11, May 2011 <http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf> date accessed 1 June 2011, p41

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“...the increasing number of media houses coming under government control through political manoeuvring. Media owners have become government MPs or ministers and editors have become close affiliates of powerful ministers. The owners of mainstream newspapers such as Island/Divaina (Upali Group), Lakbima (Sumathi Publishing) are either government MPs or have close relatives who are in government. The Nation is owned and run by close affiliates of the Rajapaksa family. The Wijaya Group has no direct connections with the government, though the editor of Lankadeepa (the group’s Sinhala language paper) is the President’s nominee to the Sri Lanka Press Council.

“One case in point is Asia Broadcasting Corporation Private Limited (ABC Network), which ran five radio channels in Sinhala, Tamil and English that were shut down by the government in October 2007 over a report about alleged activities of the separatist Liberation Tigers of Tamil Eelam (or Tamil Tigers) in the south of the island nation. In April 2008 the network was reissued its licence after a member of the opposition United National Party (INP[UNP]) Duminda Silva, brother of network owner Raynor Silva, crossed over to the government side.

“Licences for television and radio in the post-1995 period (there were five prior to this with only TNL operating as an independent channel) were given to political allies. Today, with the proliferation of television and radio channels, a large number are government-controlled by proxy. Newspapers and TV channels that attempt to be independent suffer violent attacks, threats - such as the withdrawal of broadcast licences – and intimidation.”

#### 14.03 The IFJ report of May 2011<sup>248</sup> continued:

“Another serious concern is government efforts to exert more control over the media through numerous legal mechanisms. This has led many international observers to opine that the process of legitimising media suppression in post-war Sri Lanka is well underway.

“In June 2009, shortly after the final victory over the Tamil Tigers, the government announced its intent to revive the draconian Press Council Law (PCL) and in 2010, despite protests from media organisations, appointed a chairman and four members to the board. According to the Press Council Act the composition of the Council consists of seven members, five appointed by government, one working journalist and one working employee to be nominated by the industry and representative media organisations. The seven members must be in place for the Council to be deemed a legal entity. Notwithstanding the fact that the media industry and journalists’ organisations have unanimously refused to name their representatives despite repeated requests from the government, the Council is functioning...”

“Although the PCL was replaced by the Press Complaints Commission of Sri Lanka (PCCSL) in 2003, and the Law’s punitive provisions have not been operational since 1994, the Law itself was not repealed. The PCL gives the government wide-ranging powers to fine and sentence journalists and publishers reporting on a range of public interest issues, including the internal communications of the government and decisions of the Cabinet, to extended periods of imprisonment.”

<sup>248</sup> International Federation of Journalists (IFJ), Free Speech in Peril: Press Freedom in South Asia 2010-11, May 2011 <http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf> date accessed 1 June 2011, p41

- 14.04 The Freedom House Freedom of the Press 2011 - Sri Lanka<sup>249</sup>, released on 17 October 2011, observed:

“Although the constitution provides for freedom of expression, it and other laws and regulations place significant legal limits on the exercise of this right. The 1979 Prevention of Terrorism Act (PTA) contains extremely broad restrictions on freedom of expression, such as a prohibition on bringing the government into contempt. The decades-old Official Secrets Act bans reporting on classified information, and those convicted of gathering secret information can be sentenced to up to 14 years in prison. Although no journalist has ever been charged under the law, it is used to threaten them.

“There is no enforceable right to information in the constitution or separate legislation. In fact, the Establishments Code, the formal administrative code governing civil servants, actively discourages access to information even on public-interest grounds. Broadcast licensing decisions sometimes appear to be arbitrary and politically influenced.”

- 14.05 The same source<sup>250</sup> added:

“A shrinking number of privately owned newspapers and broadcasters continue to scrutinize government policies and provide diverse views, but most do not engage in overt criticism or investigative reporting. Media outlets have also become extremely polarized, shrinking the space for balanced coverage.

“In recent years, ownership has also become more consolidated, with many private outlets now owned by government officials or their close associates. The Colombo-based Free Media Movement has noted that state-run media – including Sri Lanka’s largest newspaper chain, two major television stations, and a radio station – are heavily influenced by the government, citing cases of pressure on editors, several unwarranted dismissals of high-level staff, and biased coverage. Business and political interests exercise some control over content through selective advertising and bribery.”

## JOURNALISTS

- 14.06 The Human Rights Watch (HRW) World Report 2012, Sri Lanka<sup>251</sup>, released on 24 January 2012 noted that:

“Free expression remained under assault in 2011. Gnanasundaram Kuhanathan, editor of a Jaffna-based newspaper, was beaten with iron bars by a group of unidentified youths in late July [2011]. He was severely injured and required hospitalization. In July a team of Radio Netherlands journalists were harassed by police and later robbed and attacked at gunpoint by a gang in a white van, a notorious symbol of terror in Sri Lanka. Lal Wickrematunge, chairman of the Sunday Leader and brother of Lasantha Wickrematunge (who was gunned down in

<sup>249</sup> Freedom House Freedom of the Press 2011 - Sri Lanka, released on 17 October 2011, accessed via RefWorld <http://www.unhcr.org/refworld/country,,,LKA,,4e9bec282,0.html> date accessed 23 January 2012

<sup>250</sup> Freedom House Freedom of the Press 2011 - Sri Lanka, released on 17 October 2011, accessed via RefWorld <http://www.unhcr.org/refworld/country,,,LKA,,4e9bec282,0.html> date accessed 23 January 2012

<sup>251</sup> Rights Watch, World Report 2012, Sri Lanka, released on 24 January 2012 <http://www.hrw.org/sites/default/files/reports/wr2012.pdf> date accessed 1 February 2012

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2009), received a phone call from President Rajapaksa in response to an article on high-level corruption in which the president said to Wickrematunge, 'You are writing lies, outrageous lies! You can attack me politically, but if you attack me personally, I will know how to attack you personally too.'

"There have been no further developments regarding the killing of Lasantha Wickrematunge or the disappearance of Prageeth Ekneligoda, a contributor to Lanka e-news, who has been missing since January 24, 2010."

14.07 Freedom of the Press 2011 - Sri Lanka<sup>252</sup>, released on 17 October 2011 observed:

"Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, face regular intimidation and pressure from government officials at all levels. Official rhetoric is markedly hostile toward critical or 'unpatriotic' journalists and media outlets, with prominent leaders, including Defense Secretary Gothabaya Rajapaksa, often making statements that equate any form of criticism with treason. State-controlled media and the Defense Ministry website have been used to smear and threaten individual journalists and other activists. As a result, levels of self-censorship have risen considerably, with many journalists unwilling to engage in reporting that is critical of the government or Rajapaksa family, as well as issues concerning the end of the war and potential war crimes violations.

"The level of threats and harassment against local journalists and media outlets remained high in 2010. In addition to verbal and physical attacks from official sources, journalists and press advocacy groups perceived as supportive of Tamil interests have drawn the ire of Sinhalese nationalist vigilante groups. On a number of occasions, reporters attempting to cover sensitive news stories were roughed up by police during the course of their duties.'

"A number of journalists received death threats in 2010, while others were subject to attempted or actual kidnapping and assaults. Around the time of the January [2010] presidential election, access to news websites was blocked, the Lanka newspaper was shut down, several journalists were detained and questioned, and state media employees were harassed."

14.08 The IFJ report of May 2011<sup>253</sup> noted that:

"Overtly, 2011 has been a period of relative calm and overall the situation has improved from what it was during the final phase of the war and the immediate aftermath of the 2010 presidential election. No murders of journalists were reported last year. And although there has been a decline in the number of recorded attacks on journalists several incidents were reported.

"The reporting climate is in no way conducive to assertive journalism. Sunil Jayasekara, convenor of the Free Media Movement (FMM) admits the situation may appear to have

<sup>252</sup> Freedom House Freedom of the Press 2011 - Sri Lanka, released on 17 October 2011, accessed via RefWorld <http://www.unhcr.org/refworld/country,,,LKA,,4e9bec282,0.html> date accessed 23 January 2012

<sup>253</sup> International Federation of Journalists (IFJ), Free Speech in Peril: Press Freedom in South Asia 2010-11, May 2011 <http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf> date accessed 1 June 2011, p39-41

improved, but cautions that fewer attacks and the absence of killings do not mean the environment is favourable for journalists to practice their craft without fear of reprisal. A number of International media and human rights groups have echoed Jayasekara's sentiment.

"There are still high levels of anxiety and journalists continue to look over their shoulders and continue to curtail their comments and reports.

"A major factor contributing to this sense of unease is the government's failure to conduct proper investigations into any of the attacks against media persons and institutions, which has helped foster a climate of impunity and indifference."

- 14.09 The IFJ report of May 2011<sup>254</sup> further noted that: "Journalists and media activists say that the reporting environment is so insecure that journalists can report only what the government or those closely affiliated with the ruling party wish to make public, and point to examples of drastic reprisals for media that does not toe the line, such as the one inflicted on Lanka-E-News [whose offices suffered an arson attack in January 2011 which destroyed its premises]."
- 14.10 The IFJ report<sup>255</sup> – accessible from the hyperlink in the footnote – provided specific information on the situation faced by Lanka-E-News and other attacks to media organisations and journalists. Further information on this issue is available from the Committee to Protect Journalists (CPJ) Attacks on the Press 2010: Sri Lanka<sup>256</sup>, issued on 15 February 2011 and accessible from the footnote. The CPJ report noted that: "Sri Lanka ranked fourth on CPJ's 2010 Impunity Index, a ranking of countries where journalists are regularly murdered and governments fail to solve the crimes." The same ranking was in the CPJ's 2011 Impunity Index<sup>257</sup>, released on 1 June 2011.
- 14.11 The Amnesty International Annual Report 2011, Sri Lanka<sup>258</sup> released on 13 May 2011 observed that: "Journalists were physically assaulted, abducted, intimidated and harassed by both government personnel and members of government-allied armed groups. Little effort was made to investigate attacks or bring perpetrators to justice."
- 14.12 The USSD 2010 report<sup>259</sup> observed that:
- "Media freedom suffered from severe government pressure throughout the island, and most journalists practiced self-censorship, particularly on problems critical of top

<sup>254</sup> International Federation of Journalists (IFJ), Free Speech in Peril: Press Freedom in South Asia 2010-11, May 2011 <http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf> date accessed 1 June 2011, p41

<sup>255</sup> International Federation of Journalists (IFJ), Free Speech in Peril: Press Freedom in South Asia 2010-11, May 2011 <http://asiapacific.ifj.org/assets/docs/043/219/7bb382b-82afadb.pdf> date accessed 1 June 2011

<sup>256</sup> Committee to Protect Journalists (CPJ), Attacks on the Press 2010: Sri Lanka, 15 February 2011 <http://cpj.org/2011/02/attacks-on-the-press-2010-sri-lanka.php> date accessed 2 June 2011

<sup>257</sup> Committee to Protect Journalists, 2011 Impunity Index, released on 1 June 2011 <http://www.cpj.org/reports/CPJ.2011.Impunity.Index.pdf> date accessed 6 June 2011

<sup>258</sup> Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, <http://amnesty.org/en/region/sri-lanka/report-2011>, date accessed 19 May 2011

<sup>259</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2a

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government officials. National and international media freedom organizations and journalists' associations expressed concern over media freedom and were sharply critical of the government's role in harassing and intimidating journalists. The police, under the authority of the Ministry of Defense, reportedly maintained a special unit to monitor and control all references in the media to members of the Rajapaksa family.

"Senior government officials repeatedly accused critical journalists of treason and often pressured editors and publishers to print stories that portrayed the government in a positive light. This pressure reportedly was exerted sometimes directly through threats and intimidation and sometimes through orders to government and private firms to cease advertising in critical newspapers. Threats led some journalists to choose self-exile... Statements by government and military officials contributed to an environment in which journalists who published articles critical of the government felt under threat."

- 14.13 On 30 December 2010 Reporters sans Frontières (Reporters without Borders)<sup>260</sup> observed:

"Reporters Without Borders condemns the new forms of censorship and obstruction being used by government to prevent diverse and freely-reported media coverage of the situation in Sri Lanka. The fall in the number of physical attacks, threats and cases of imprisonment is to be welcomed, but it is worrying that the authorities are blocking the return of real editorial freedom.

"At the same time, the flight of at least 55 Sri Lankan journalists, including many press freedom activists, into exile during the past three years has left a void in the country's media."

- 14.14 Sri Lanka ranked 163 out of 179 countries (from 1 for the highest level of press freedom to 179 for the lowest level) in the Reporters sans Frontières Press Freedom Index 2011-2012<sup>261</sup>, released on 27 January 2012. The country ranked 156 out of 196 countries in the Freedom House Freedom of the Press 2011, Global Press Freedom Rankings<sup>262</sup>, released on 2 May 2011.
- 14.15 Additional information on the situation of journalists is available from the web-site of the [Committee to Protect Journalists \(CPJ\)](#) and of [Reporters sans Frontières \(RSF\)](#).

## INTERNET/MOBILE PHONES

- 14.16 Freedom of the Press 2011 - Sri Lanka<sup>263</sup>, released on 17 October 2011 observed:

<sup>260</sup> Reporters sans Frontières, Less anti-media violence in 2010 but more obstruction and self-censorship, 30 December 2010 <http://en.rsf.org/sri-lanka-less-anti-media-violence-in-2010-30-12-2010,39197.html> date accessed 2 June 2011

<sup>261</sup> Reporters sans Frontières Press Freedom Index 2011-2012, 27 January 2012 <http://en.rsf.org/press-freedom-index-2011-2012,1043.html> date accessed 30 January 2012

<sup>262</sup> Freedom House Freedom of the Press 2011, Global Press Freedom Rankings, released 2 May 2011 <http://freedomhouse.org/images/File/fop/2011/FOTP2011GlobalRegionalTables.pdf> date accessed 2 June 2011

<sup>263</sup> Freedom House Freedom of the Press 2011 - Sri Lanka, released on 17 October 2011, accessed via RefWorld <http://www.unhcr.org/refworld/country,,,LKA,,4e9bec282,0.html> date accessed 23 January 2012



“Approximately 12 percent of the population accessed the internet in 2010, with many residents deterred by the high costs involved, although mobile-telephone usage continued to grow exponentially. Positively, web-based media and blogs have taken on a growing role in the overall media environment, with outlets such as Groundviews and Vikalpa providing news and a range of commentary, even on sensitive stories and events that are otherwise barely covered by the mainstream media. The government has taken some steps to censor the internet, blocking access to a number of news websites. While the majority of the blocks were temporarily put in place around key events such as the January 2010 presidential election, some, such as the bans on the Lanka eNews and TamilNet websites, remain permanent. In 2010, several news websites that provide content via SMS were forced to self-censor after Dialog, the main telephone operator, refused to relay reports critical of the government through this medium. In addition, staff at Lanka eNews faced threats and harassment, with editor Sandaruwan Senadheera going into exile during the year. Many journalists assume that their phone and online communications are monitored.”

14.17 On 8 November 2011 Reporters sans Frontières<sup>264</sup> stated:

“Reporters Without Borders is appalled to learn that access to four leading news websites –SriLankaMirror, SriLankaGuardian, Paparacigossip9, and LankaWayNews– has been blocked on the media and information ministry’s orders since 6 November [2011], a day after the ministry suddenly announced that news websites with ‘any content relating to Sri Lanka’ needed to register without delay.

“The announcement that news websites need to register with the media and information ministry and obtain accreditation came on 5 November, shortly after the secretary to the ministry, W.B. Ganegala, had accused certain websites earlier the same day of constantly defaming senior government officials.

“It is not yet known how news websites are supposed to register or what sanctions they face if they refuse to comply. Some website journalists reportedly went to the ministry and requested registration forms only to discover that no procedures have so far been put in place.

“The number of blocked sites has risen steadily in recent weeks. They include the Lanka-e- News site, which was blocked at the end of October [2011] by state-owned Sri Lanka Telecom (SLT) and privately-owned Internet service provider Dialog Axiata PLC without Lanka-e-News being given any explanation...The decision to block the site was upheld by a court today.”

14.18 The HRW World Report 2012, Sri Lanka<sup>265</sup>, released on 24 January 2012, noted that: “In November the government blocked at least six news websites claiming that they had maligned the character of the president and other top government officials.”

14.19 The USSD 2010 report<sup>266</sup> observed that:

<sup>264</sup> Reporters sans Frontières, Government blocks critical news websites, says they have to Register, 8 November 2011, accessed via RefWorld <http://www.unhcr.org/refworld/pdfid/4ebcf92f2.pdf> date accessed 23 January 2012

<sup>265</sup> Human Rights Watch, World Report 2012, Sri Lanka , released on 24 January 2012 <http://www.hrw.org/sites/default/files/reports/wr2012.pdf> date accessed 1 February 2012

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“There appeared to be some limited government restrictions on access to the Internet, including government blocking of Web sites it deemed pornographic. There were suspicions that the government was behind the blocking of Internet access to several Tamil news Web sites, including the pro-LTTE TamilNet.

“High-speed Internet was available in major cities and towns, including Jaffna, with more widespread use among younger and urban populations. Cell-phone use, including text messaging, was high across a broad spectrum of society without government restriction. The Ministry of Defense attempted to impose regulations requiring the registration of all SIM card purchases, but there appeared to be sizable gaps in the implementation and enforcement of these regulations.

“According to International Telecommunication Union statistics for 2009, approximately 8.8 percent of the country's inhabitants used the Internet.”

14.20 The Reporters sans Frontières Internet Enemies 2011: Countries under surveillance - Sri Lanka, 11 March 2011<sup>267</sup>, reported:

“Online journalists and media continue to be targeted for violence. Impunity persists, and the regime does not hesitate to use censorship when its efforts to induce self-censorship no longer suffice.

“Some independent news websites - LankaeNews, LankaNewsWeb, InfoLanka and Sri Lanka Guardian - were blocked in January 2010 a few hours before the presidential election results were announced. Since then, they have all been unblocked with the exception of LankaNewsWeb, which the country's main access provider, Sri Lanka Telecom, has rendered inaccessible since 11 July 2009. TamilNet is still blocked, even after the government's military victory over the Tamil Tiger rebels.

“An arson destroyed offices of the online news website LankaeNews in the night of 30 to 31 January 2011 in Malabe, a Colombo suburb. The main building which housed the online newspaper's library and computers was gutted, putting the website out of business. The site is known for being critical of the authorities. The arson method indicates that it had been prepared well in advance. The fire erupted a few days after the publication of an article challenging the testimony given by Gotabaya Rajapakse, the Secretary of Defence and President's brother, during the trial of the former Sri Lankan Army commander, Sarath Fonseka.

“A suspect was apprehended in the evening of 31 January [2011]. The police reported that he is a member of a gang which works on contract. A second suspect managed to escape while being arrested. Dozens of Sri Lankan journalists paraded through Colombo's streets in support of LankaeNews, and to protest the latest attacks on press freedom, which occur far too often in the country.

<sup>266</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2a

<sup>267</sup> Reporters sans Frontières Internet Enemies 2011: Countries under surveillance - Sri Lanka, 11 March 2011, <http://en.rsff.org/surveillance-sri-lanka,39720.html> date accessed 2 June 2011

“On 24 January 2010, a Sri Lankan political analyst and cartoonist, Prageeth Eknaligoda, who worked for the news site LankaeNews, went missing in Colombo. One year later, no progress has been made with his case.”

- 14.21 Comprehensive information on freedom of expression on the Internet in Sri Lanka is available from the [Centre for Policy Alternatives \(CPA\) report Freedom of Expression on the Internet in Sri Lanka](#), dated 22 November 2011.

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## 15. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 15.01 The International Federation for Human Rights report, Steadfast in Protest - Annual Report 2011 - Sri Lanka<sup>268</sup>, published on 25 October 2011, noted:

“[In 2010 and until April 2011] Human rights defenders seeking accountability for human rights violations, in particular for alleged violations of international human rights and humanitarian law committed by the Government and the LTTE during the civil conflict that ended in 2009, fighting against corruption or defending environmental rights, were subjected to various acts of intimidation including threats, slandering campaigns, judicial harassment and even forced disappearance and killing. Human rights defenders were also subjected to reprisals when promoting and using the UN human rights system, while failure to investigate prominent cases of assassination and disappearance of human rights defenders further contributed to an environment of fear and silence.”

- 15.02 The same report<sup>269</sup> also observed:

“Despite the formal end of the civil war in May 2009, the Government continued to maintain a strict blockade on the release of information regarding the human rights situation in Sri Lanka to the international community, especially the human cost during the final phase of the war between December 2008 and May 2009. As a consequence, any attempt by local or foreign human rights defenders, including journalists, to uncover and report on the gross human rights abuses committed against Tamil civilians by governmental forces during this period as well as on continuing rights abuses, particularly on enforced disappearances and killing in the north, was met with intimidations and threats. As a result of these threats, many were forced into hiding or to leave Sri Lanka. Human rights defenders who documented and reported on human rights violations, particularly in the north, were indeed systematically targeted and threatened by government intelligence agents and paramilitary groups, all the more when they submitted information under the UN Human Rights Complaints Mechanisms and used the UN Special Procedures.”

- 15.03 On 29 July 2011 the UN News Centre<sup>270</sup> reported:

<sup>268</sup> International Federation for Human Rights report Steadfast in Protest - Annual Report 2011 - Sri Lanka, 25 October 2011 (accessed via Refworld) <http://www.unhcr.org/refworld/pdfid/4ea7b3fc27.pdf>, date accessed 6 January 2012, p370

<sup>269</sup> International Federation for Human Rights report Steadfast in Protest - Annual Report 2011 - Sri Lanka, 25 October 2011 (accessed via Refworld) <http://www.unhcr.org/refworld/pdfid/4ea7b3fc27.pdf>, date accessed 6 January 2012, p374

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"The United Nations human rights office today called for the swift investigation and prosecution of the killers of a prominent human rights defender whose body is believed to have been found, 17 months after he disappeared.

"A body exhumed yesterday in Sri Lanka is thought to be that of Pattani Razeek, the managing trustee of Community Trust Fund (CTF) and a leading member of regional non-governmental organization (NGO) networks, according to Ravina Shamdasani, a spokesperson for the Office of the UN High Commissioner for Human Rights (OHCHR).

"We hope that investigation and prosecution of this crime will now be expedited, and that there will be similar progress in resolving the many thousands of outstanding cases of disappearance in Sri Lanka,' she said."

15.04 On 14 December 2011 Sri Lanka Brief, quoting Groundviews<sup>271</sup> reported that:

"On December 10th 2011, a group of 42 HRDs and political activists from the South of Sri Lanka were detained by police in the Northern town of Jaffna and prevented from attending a protest to mark international human rights day in Jaffna.

"The protest on December 10th 2011 was organized by a collective of civil society groups and activists including Right to Life, International Movement against Discrimination and Racism (IMADR), Committee to Investigate Disappearances (CID), families of the disappeared and political parties including the Tamil National Alliance, Nava Sama Samaja Party (NSSP), the Socialist Party, and Communist Party of Sri Lanka (Maoist) to highlight key human rights issues and ongoing violations particularly in the North of Sri Lanka.

"The HRDs were released at around 12.45 pm by the HQI and allowed to join the protest in pairs."

15.05 On 6 January 2012 BBC News<sup>272</sup> reported that:

"Campaigners in Sri Lanka have urged the United Nations to intervene in the case of two activists believed to have been abducted last month.

"Some accuse the security forces of abducting the men but police say they are doing their best to find them.

"Lalith Kumar Weeraraj and Kugan Muruganathan organised demonstrations by the families of missing people.

<sup>270</sup> UN News Centre, After body of Sri Lankan rights defender is apparently found, UN calls for action, 29 July 2011 <http://www.un.org/apps/news/story.asp?NewsID=39188&Cr=sri+lanka&Cr1> date accessed 26 January 2012

<sup>271</sup> Sri Lanka Brief, 42 Political Activists and HRDs Detained and Prevented from Participating in Peaceful Protest in Jaffna Town on Human Rights Day, 14 December 2011 <http://www.srilankabrief.org/2011/12/42-political-activists-and-hrds.html#more> date accessed 26 January 2012

<sup>272</sup> BBC News, 6 January 2012, Appeal to UN over missing Sri Lanka activists <http://www.bbc.co.uk/news/world-asia-16443096> date accessed 6 January 2012

“They disappeared while organising one such rally in Jaffna, a city central to the civil war which ended in 2009.

“Supporters have maintained that they believe the security forces secretly abducted them, not least because Jaffna is firmly controlled by the military and because the wife of one of the victims says she later spotted their motorcycle inside a police compound.

“The army and police deny holding the men. A police spokesman told the BBC a special investigation was under way.

“Since the two human rights workers disappeared there have been no more demonstrations for the families of missing people.

“Activists say that during his own campaigns for missing people, Lalith Kumar Weeraratne had visited several places of detention and found there two people who had gone missing.”

15.06 The Amnesty International Annual Report 2011, Sri Lanka<sup>273</sup> released on 13 May 2011 observed that “The authorities continued to deny access to human rights organizations and other independent observers to visit the country to conduct research.” and added that: “Human rights defenders continued to be arbitrarily arrested, abducted, attacked and threatened.”

15.07 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>274</sup>, released on 8 April 2011 noted 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 and physical threats to their work. The government often criticized local NGOs critical of government actions, failed to respond to requests for assistance, and put pressure on those who sought such assistance.

“Although the ICRC did not have an overall operating mandate since July 2009, and the government told ICRC in December to close its offices in Jaffna and Vavuniya, it was able nonetheless to conduct a number of its functions including prison visits and other monitoring.”

15.08 Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern<sup>275</sup>, released on 31 March 2011 noted that:

“The operating environment for human rights defenders in Sri Lanka remained difficult throughout 2010. Prominent human rights defenders faced public criticism from

<sup>273</sup> Amnesty International, Annual Report 2011, Sri Lanka, released on 13 May 2011, <http://amnesty.org/en/region/sri-lanka/report-2011>, date accessed 19 May 2011

<sup>274</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 5

<sup>275</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010> date accessed 24 May 2011

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members of the government and have been called 'traitors'. Activists have been intimidated when carrying out their work and some received anonymous death threats.

"There were also direct barriers to human rights organisations wishing to work in Sri Lanka. Some international human rights organisations were not granted visas to visit Sri Lanka in 2010. The government also cancelled visas for organisations working within Sri Lanka."

- 15.09 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights<sup>276</sup>, dated 9 December 2010, expressed serious concern "... about widespread threats, attacks, defamation campaigns and various forms of stigmatization against human rights defenders in the State party as well as about illegitimate restrictions of their activities."

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## 16. CORRUPTION

- 16.01 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>277</sup>, released on 8 April 2011 noted that:

"The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials in all three branches of the government frequently engaged in corrupt practices with impunity.

"The mandate of the Commission to Investigate Allegations of Bribery or Corruption expired during the year [2010] and had not been renewed by year's [2010] end.

"Although members of parliament are asked to complete financial disclosure reports upon their election, there was no follow-up to ensure compliance, and little or no reporting ultimately was done.

"There was no law providing for public access to government information."

- 16.02 On 19 May 2011 the official website of the Government of Sri Lanka<sup>278</sup> reported that:

"The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) has recommenced investigations into complaints on alleged acts of bribery and corruption.

"Complaints can now be forwarded in writing or in person, the Commission stated.

"The Commission had been defunct since March 29, 2010 due to new appointments not being made after the Commission's term had come to an end.

<sup>276</sup> UN Concluding observations of the Committee on Economic, Social and Cultural Rights, dated 9 December 2010 <http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc> date accessed 25 May 2011, p3

<sup>277</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 4

<sup>278</sup> Official website of the Government of Sri Lanka, Bribery Commission operational again, 19 May 2011

[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201105/20110519bribery\\_commission\\_operation\\_al\\_again.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201105/20110519bribery_commission_operation_al_again.htm) date accessed 1 June 2011

“However it had recommenced operations on May 16 as a result of the new appointments on the recommendations of the Constitutional Council.”

- 16.03 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights<sup>279</sup>, dated 9 December 2010, expressed concern “... about the high levels of corruption which undermines the realization of economic, social and cultural rights for all and the fact that the State party has not yet taken firm and effective measures to combat corruption and impunity associated with it.”
- 16.04 The Freedom House report, Freedom in the World 2011, Sri Lanka<sup>280</sup>, covering events in 2010, released on 10 August 2011 noted that:
- “Official corruption is a continuing concern. The current legal and administrative framework is inadequate for promoting integrity and punishing corrupt behavior, and weak enforcement of existing safeguards has been a problem. For example, legislators routinely ignore wealth-declaration requirements stipulated in the 1994 Bribery Amendment Act. The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) has taken up hundreds of cases, but they have yielded only five prosecutions (three acquittals and two convictions), and after the term of the commissioners expired in March 2010, replacements were not appointed, rendering the body ineffective for the remainder of the year. Corruption watchdogs have found that government interference and the Treasury's ability to withhold funding compromise the CIABOC's independence. Corruption cases can only be initiated by members of the public, who have been reluctant to do so because of a lack of whistleblower protections. Sri Lanka was ranked 91 out of 178 countries surveyed in Transparency International's 2010 Corruption Perceptions Index.”
- 16.05 Sri Lanka was ranked 86 (out of 182 countries) with a score of 3.3 in Transparency International's 2011 Corruption Perceptions Index (CPI)<sup>281</sup>, released on 1 December 2011. The CPI score indicates the perceived level of public-sector corruption in a country from 0 (highly corrupt) to 10 (low levels of corruption). Additional information is available from [this weblink to the website of Transparency International Sri Lanka \(TISL\)](#)

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<sup>279</sup> UN Concluding observations of the Committee on Economic, Social and Cultural Rights, dated 9 December 2010 <http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc> date accessed 25 May 2011, p3

<sup>280</sup> Freedom House, Freedom in the World 2011, Sri Lanka, covering events in 2010, 10 August 2011, accessed via Refworld <http://www.unhcr.org/refworld/country,,,LKA,,4e4268bd1a,0.html> date accessed 10 January, Political Rights and Civil Liberties

<sup>281</sup> Transparency International's 2010 Corruption Perceptions Index (CPI), released on 1 December 2011 <http://cpi.transparency.org/cpi2011> date accessed 8 February 2012

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## 17. FREEDOM OF RELIGION

### LEGAL FRAMEWORK AND DEMOGRAPHY

- 17.01 The US State Department July-December 2010 International Religious Freedom Report-Sri Lanka<sup>282</sup> (USSD Religious Freedom report 2011), released on 13 September 2011,<sup>283</sup> 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, Muslims populate the east, and the north is almost exclusively Hindu.”
- 17.02 A letter from the British High Commission (BHC) in Colombo dated 27 September 2011<sup>284</sup> observed that: “The 1981 census...recorded that there are four main religions in Sri Lanka. Buddhism is by far the largest with 69% of the population, followed by Hindus at 15%, Muslim at 8% and Christians also at 8%. The Christian figure mainly consists of persons who are of Sinhalese or Tamil ethnicity and a vast majority of these people reside on the west coast of Sri Lanka.”
- 17.03 The USSD Religious Freedom report 2011 observed:
- “The constitution and other laws and policies protect religious freedom; however, in practice, the government enforced some restrictions. The constitution accords Buddhism the ‘foremost place’ and commits the government to protecting it, but does not recognize it as the state religion.
- “There was no change in the status of respect for religious freedom by the government during the reporting period. Although the government publicly endorses religious freedom, in practice there were problems in some areas.”
- 17.04 The same report<sup>285</sup> added that: “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.”

### HINDUS

- 17.05 The USSD Religious Freedom report 2011<sup>286</sup> noted that: “Most Tamils, who make up the largest ethnic minority, are Hindus.” The same report<sup>287</sup> added that “There were

<sup>282</sup> US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Introduction

<sup>283</sup> US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Section 1

<sup>284</sup> British High Commission Colombo, letter dated 27 September 2011

US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Section 2

<sup>286</sup> US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Section 1

reports during the current reporting period of government troops setting up Buddhist shrines in Tamil areas of the north, with some Tamil groups claiming this was a sign of imminent, government-sponsored Sinhalese colonization of former LTTE-held areas, but military commanders in the north reported that they removed the offending shrines as soon as they were reported.”

## MUSLIMS

- 17.06 The USSD Religious Freedom report 2011<sup>288</sup> noted that “Almost all Muslims are Sunnis; there is a small minority of Shi'a, including members of the Bohra community.” It also observed that: “In contrast to previous years, there were no attacks against Muslims reported.”

## CHRISTIANS

- 17.07 The USSD Religious Freedom report 2011<sup>289</sup> noted that “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, Pentecostals, and members of the Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership is small.” It added that: “There continued to be sporadic attacks on Christian churches by Buddhist extremists and some societal tension due to ongoing allegations of forced conversions, although the number and scale of attacks appeared to be fewer than in recent years.”<sup>290</sup>

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## 18. ETHNIC GROUPS

### LEGAL FRAMEWORK AND DEMOGRAPHY

- 18.01 The CIA World Factbook<sup>291</sup>, Sri Lanka (updated on 27 December 2011), 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 groups (0.5 per cent) and a further 10 per cent were of unspecified ethnicity (2001 census provisional data). The Sri Lankan Department of Census and Statistics (Statistical

<sup>287</sup> US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Section 2

<sup>288</sup> US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Section 1 & Introduction

<sup>289</sup> US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Section 1

<sup>290</sup> US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Introduction

<sup>291</sup> CIA - The World Factbook – Sri Lanka <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011 Date accessed 27 January 2012

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Abstract 2010, Chapter II, tables 2.10 - 2.11, accessed on 1 June 2011)<sup>292</sup>, based on a total population of 18,797,257, stated that 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 [areas in northern and eastern Sri Lanka where Tamils are concentrated] in which the 2001 census enumeration was not completed were not included. The U.S. State Department (USSD), Background Note: Sri Lanka<sup>293</sup>, last updated on 6 April 2011 reported that Tamils were 18 percent of the overall population.

- 18.02 Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka<sup>294</sup> (accessed on 3 February 2012) observed:

"...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.

"Language and religion are the main ingredients of ethnic identity in Sri Lanka. The mother tongue of the Sinhalese is Sinhala. Approximately 93 per cent of Sinhalese are Buddhists, almost all embracing the Theravada (Lesser Vehicle) school, although this is divided into three doctrinal schools, established in the 18th and 19th centuries. The overwhelming majority of Tamils speak Tamil and are Saivite (Shiva-worshipping) Hindus. Caste distinctions are a significant factor in Tamil politics, rooted in the dominance of the land-owning Vellalar caste from the colonial period onwards at the expense of the warrior Karaiyar caste whose members gravitated more easily towards the cause of separatism in the 1970s. In addition, important cultural distinctions, including different caste practices, exist between Northern and Eastern Tamils. Most Muslims are Tamil-speaking but they resisted being co-opted into the Tamil nationalist project during the civil war. The overwhelming majority are Sunni of the Shafii school of jurisprudence although small numbers of Shia Muslims exist. The Christian segment of the population - about seven per cent of the total - consists of both Sinhalese as well as Tamils in roughly equal proportions." <sup>295</sup>

<sup>292</sup> Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.10 <http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf> and 2.11 <http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-11.pdf> date accessed 1 June 2011

<sup>293</sup> U.S. State Department (USSD), Background Note: Sri Lanka, last updated 16 April 2011 <http://www.state.gov/r/pa/ei/bgn/5249.htm> date accessed 7 June 2011

<sup>294</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, Internal Affairs, 17 January 2012

[http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012

<sup>295</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012, Demography, 19 October 2011



- 18.03 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>296</sup>, released on 8 April 2011 noted that: “There were 28 Tamils and 17 Muslims in the [225-seat] parliament.”

## SINHALESE

- 18.04 Estimated to be between 74 per cent (CIA World Factbook, Sri Lanka<sup>297</sup>, updated on 27 December 2011) and 82 per cent (Sri Lankan Department of Census and Statistics, (Statistical Abstract 2010, Chapter II, tables 2.10 - 2.11, accessed on 1 June 2011)<sup>298</sup> of the total population, the Sinhalese are the main ethnic group in the country. They speak Sinhala and are overwhelmingly Buddhist (Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka<sup>299</sup> (accessed on 3 February 2012)

- 18.05 The ICG report Sri Lanka: Reconciliation in Sri Lanka: Harder than ever<sup>300</sup>, 18 July 2011 observed:

“The Sinhalese are very scared of Tamils and of the LTTE. To some degree, this is the result of the Rajapaksa government being out ahead of the population on the ethnic issue.

“The regime keeps the paranoia alive by constantly raising the spectre of the LTTE organising abroad or influencing international actors, when it is quite clear that its leadership and capacity to carry out any organised violence have been destroyed. This culture of fear has also facilitated selective amnesia in the Sinhalese community about the years of ethnic violence and discrimination that drove the civil war and culminated in the government’s devastating offensive in the Vanni.

“Convincing the Sinhalese to understand and acknowledge the suffering the Tamil community has endured, and the complex set of responsibilities for that suffering, is one of the biggest challenges for reconciliation in Sri Lanka.”

<sup>296</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 3

<sup>297</sup> CIA - The World Factbook – Sri Lanka <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011 Date accessed 27 January 2012

<sup>298</sup> Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.10 <http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf> and 2.11 <http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-11.pdf> date accessed 1 June 2011

<sup>299</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 24 May 2011, Demography, 27 April 2011

<sup>300</sup> International Crisis Group (ICG), Sri Lanka: Reconciliation in Sri Lanka: Harder than ever, Asia Report N°209 – 18 July 2011, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/209%20Reconciliation%20in%20Sri%20Lanka%20-%20Harder%20than%20Ever.pdf>, p32, Date accessed 6 January 2011

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## TAMILS

- 18.06 Approximately 18 per cent of the population are ethnic Tamils (the combined total of Indian and Sri Lankan Tamils) (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka<sup>301</sup>, accessed on 3 February 2012. Jane's added that:

"Although some of the main Tamil areas of the northeast were not covered by the estimated census of population conducted in 2001, there is evidence of a decline in the Sri Lankan Tamil population ratio in the country as a whole between 1981 and 2001. This is mainly due to the emigration of an estimated 800,000 Tamils from Sri Lanka to India and destinations in the West as political refugees since the intensification of the ethnic conflict in the mid-1980s. The Sri Lankan Tamil Diaspora forms the largest and most politically significant expatriate grouping outside the country. Many were driven from the country and have retained a strong sense of animosity towards Sri Lanka coupled with a willingness to support the cause of an independent state through financial donations to front organisations associated with the Liberation Tigers of Tamil Eelam (LTTE). The largest concentrations of Tamils are in India/Tamil Nadu (approx. 200,000), Canada (150,000-200,000), followed by the United Kingdom (180,000), Germany (70,000), Australia (45,000), France (40,000) the United States (25,000) and Malaysia (25,000). Smaller communities also exist in South Africa, Italy, Norway, Denmark, Sweden and New Zealand."

- 18.07 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 2010, Chapter II, tables 2.10 - 2.11, accessed on 1 June 2011)<sup>302</sup>

- 18.08 A British High Commission (BHC) Colombo letter dated 9 November 2011<sup>303</sup> observed:

"There are frequent comments made in conversation in Sri Lanka that, 'There are more Tamils in Colombo than Sinhalese'. Published statistics do not support this claim. In some small areas of Colombo there are indeed a much higher percentage of Tamils than Sinhalese, but equally there are areas which are considered almost entirely Muslim. In establishing the ethnicity breakdown, compilers often mix race and religion. Not all Sinhalese are Buddhists, not all Tamils are Hindus and there are many Muslims and Roman Catholics who are considered Tamil merely because that is the language they speak.

"A former Chief Justice once told me [Second Secretary migration] that there were 400,000 Tamils living in Colombo. Similarly, Mano Ganesan MP informed me that Colombo District has close to 300,000 Tamils living here as permanent residents and

<sup>301</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012, Internal Affairs, 17 January 2012

<sup>302</sup> Sri Lanka Department for Census and Statistics, Statistical Abstract 2010 – Chapter II (Population), Table 2.10 <http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-10.pdf> and 2.11 <http://www.statistics.gov.lk/abstract2010/chapters/Chap2/AB2-11.pdf> date accessed 1 June 2011

<sup>303</sup> British High Commission Colombo, Letter dated 9 November 2011

another 50,000 as temporary residents. Most of the Tamils live within Colombo City limits but other sizeable numbers live south of the city in the suburbs of Dehiwala and Mount Lavinia. He added that another 100,000 Tamils reside in Wattala and a further 50,000 reside further south in Kalutara. This would estimate up to 500,000 living in Colombo and its immediate environs. Clearly these figures would be with regard to Colombo District, and based on the 2008 estimated figure above, would indicate that between 16 – 20% of the total population of the Colombo district are Tamil.”

- 18.09 The Minority Rights Group International (MRGI) report No war, no peace: the denial of minority rights and justice in Sri Lanka<sup>304</sup>, released on 19 January 2011 observed:

“Tamil is the ‘mother tongue’ of Tamils and Muslims (excluding Malays) and is spoken by one in four Sri Lankans. The north and east is the only contiguous region of the island where Tamil is widely used; the Nuwara Eliya district in the central highlands is the only other part of the country where Tamil-speakers comprise the majority of the local population. There are concentrations of Tamil-speakers in urban centres such as Colombo (where they comprise 56 per cent of all residents within municipal limits) and Kandy, and in far-flung districts such as Badulla, Puttalam, Kalutara, Kegalle, Matale and Ratnapura, where they comprise around 20 per cent of the population.

“Over 20 years since constitutional recognition of Tamil as an official language, Tamil-speakers continue to experience discrimination in their access to public services and institutions. Particularly outside of the north and east, the government officers with whom Tamil-speakers interact are largely mono-lingual Sinhala-speakers.”

- 18.10 Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern<sup>305</sup>, release on 31 March 2011 noted that:

“Throughout the conflict, minorities suffered disproportionately – including at the hands of the now defeated Liberation Tigers of Tamil Eelam. The political rights of minorities, a key driver of the conflict, continued to be restricted in 2010. Tamil representatives continued to report discrimination from the government and security forces. Tamil civilians in Colombo were asked to register their presence with their local police station in July, and throughout 2010 arrests under the Emergency Regulations and Prevention of Terrorism Act primarily affected Tamils.”

- 18.11 Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka<sup>306</sup>, accessed on 3 February 2012:

<sup>304</sup> Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 <http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html> date accessed 20 May 2011, p26

<sup>305</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011 <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010> date accessed 24 May 2011

<sup>306</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012, Internal Affairs, 17 January 2012, Post-Independence ethnic tension

“Until the early 1980s this process [the tension in relations between the Sinhalese and 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.”

18.12 The USSD 2010 report<sup>307</sup> observed:

“Both local and Indian-origin Tamils maintained that they suffered long-standing, systematic discrimination in university education, government employment, and other matters controlled by the government. According to the SLHRC [Sri Lanka Human Rights Commission], Tamils also experienced discrimination in housing. Landlords were required to register any Tamil tenants and to report their presence to the police, although in practice many landlords did not comply.

“Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-age Tamil men by security forces and paramilitary groups.”

18.13 The International Crisis Group (ICG) report of July 2011<sup>308</sup> observed:

“Tamils in the north and east are still haunted by the LTTE. Many feel that they gave up everything for the Tigers' promise of a separate state and a life free from discrimination. They are angry about the forced recruitment, the abductions and the refusal to allow people out of the Vanni. But many also look back to life under the LTTE as a time when they at least had some dignity and protection against the most blatant violations of their rights by the government and security forces. Now, under the thumb of the military, they feel they have nothing.

<sup>307</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 3

<sup>308</sup> International Crisis Group (ICG), Sri Lanka: Reconciliation in Sri Lanka: Harder than ever, Asia Report N°209 – 18 July 2011, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/209%20Reconciliation%20in%20Sri%20Lanka%20-%20Harder%20than%20Ever.pdf>, p32-33, Date accessed 6 January 2011

“The government’s policies and Tamil suspicions are also increasing the vulnerability of certain members of the Tamil community, especially former or suspected LTTE cadres. Many of those caught up in the government’s ‘rehabilitation’ camps were not hardcore fighters. Some were forcibly recruited in the final days of the war; others had lived under Tiger rule for decades and had to cooperate with their orders to survive. Nonetheless, when detainees are released and returned to their communities, they are treated with suspicion.

“The resulting ostracism is dangerous. But instead of trying to build trust between people who have been associated with the LTTE (rightly or wrongly) and those who have not, the government is undermining those relationships. This is true of the military’s widespread use of former detainees as informants, but also of the government’s development policy.

“Finally, the decades of war in the north and east, and the LTTE’s control of society have encouraged a selective amnesia within the Tamil community as well. There is little recognition among Tamils that the LTTE committed crimes against Muslims and Sinhalese in the name of the Tamil people.”

### **Tamils of Indian origin (‘Up-country Tamils’)**

18.14 The MRGI report of January 2011<sup>309</sup> (accessible from the footnote) contains a specific section on up-country Tamils which provides detailed information on this group. It noted inter alia that: “Tamils of Indian origin, also known as plantation Tamils or up-country Tamils, comprise about 5.4 per cent of the Sri Lankan population” and that “[p]lantation Tamils are the most neglected and underprivileged ethnic minority [sic] community in Sri Lanka.”

18.15 On 9 January 2009, The Official Government News Portal of Sri Lanka<sup>310</sup> 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.”

The Grant of citizenship to stateless persons (Special Provisions Amendment) Act, No. 5 2009 is accessible from [this weblink](#).

<sup>309</sup> Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 <http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html> date accessed 3 February 2012, Case Study – Tamils of Indian Origin

living in the plantation sector, p18

<sup>310</sup> Official Government News Portal of Sri Lanka, Legislation granting citizenship passed, 9 January 2009 [http://www.news.lk/index.php?option=com\\_content&task=view&id=7985&Itemid=44](http://www.news.lk/index.php?option=com_content&task=view&id=7985&Itemid=44) date accessed 17 August 2010

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**MUSLIMS**

- 18.16 A BHC letter dated 27 September 2011<sup>311</sup> observed that: “The third largest [ethnic] group are Muslims who make up around 7% of the population... Sri Lanka is unique in that Muslims are considered an ethnic group as well as a religious group, although you often see people referred to as Ceylonese Moors or Sri Lankan Moors on government issued documents, such as birth certificates.”
- 18.17 The US State Department July-December 2010 International Religious Freedom Report-Sri Lanka<sup>312</sup> (USSD Religious Freedom report 2011), released on 13 September 2011, observed that “In contrast to previous years, [in 2010] there were no attacks against Muslims reported.”
- 18.18 The ICG report of July 2011<sup>313</sup> observed:
- “For Muslims from the north and east, the end of the war brought hope that their long-ignored displacement and losses would be addressed. While much of that community is now less vulnerable than its Tamil neighbours, it is receiving little help. Instead, its purported representatives are often seen as working for their own personal gain, while the Muslim community in general is under pressure to toe the government line. Divisions among and within Muslim political parties further weaken the community’s voice. All of this contributes to Muslims’ fears in the north and east that a largely Tamil bureaucracy will continue to block their demands and rights and, in the worst case, actively resist their return to areas in which they once lived.”
- 18.19 A letter from the British High Commission, Colombo, dated 13 August 2010<sup>314</sup>, reported:
- “The High Commission delegation met with the congregation of the Mohameedeen Jumma Mosque in Jaffna. Their spokesman told us that in 1990 the entire Muslim community in Jaffna was expelled from the peninsula by the LTTE, at gunpoint with 2 hours notice. They had lost all of their property and belongings. For two decades they had managed to survive, and whilst 125 families had returned to Jaffna, many others who wanted to return were waiting for something to be done to assist them. We were told that there were camps in Puttalam full of Muslims who wanted to return to Jaffna. Whilst people sympathised with their plight, nothing was ever done about it. There used to be 16 mosques in Jaffna, now there were only 6. Muslims used to own 5,000 homes in Jaffna, now only 10 families had their own homes. Many of their former homes were badly damaged or occupied by others. The Muslim community had always been held in high esteem as businessmen, but now the government were giving all of the licences to the Sinhalese, and the Tamil community were receiving assistance from both the Sri Lankan and Indian governments. They complained that the Muslim community had no

<sup>311</sup> British High Commission Colombo, letter dated 27 September 2011

<sup>312</sup> US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Introduction

<sup>313</sup> International Crisis Group (ICG), Sri Lanka: Reconciliation in Sri Lanka: Harder than ever, Asia Report N°209 – 18 July 2011, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/209%20Reconciliation%20in%20Sri%20Lanka%20-%20Harder%20than%20Ever.pdf>, p33, Date accessed 6 January 2011

<sup>314</sup> British High Commission, Colombo, letter dated 13 August 2010

voice. They had no political leaders and because they were only a 5% minority, they had no MPs. Furthermore they said that they were not recognised internationally and were not accepted as refugees by foreign governments.”

See also [Freedom of religion](#)

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## 19. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

### LEGAL RIGHTS

- 19.01 The International Lesbian and Gay Association (ILGA) report, State-sponsored homophobia<sup>315</sup>, dated May 2011, (ILGA Report 2011), stated that same-sex sexual relations are illegal for men and women.
- 19.02 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>316</sup>, released on 8 April 2011, noted that although the law criminalises ‘homosexual activity’ it was not ‘officially enforced’ but added that: “There were no legal safeguards to prevent discrimination based on sexual orientation or gender identity.” The same report added that: “There were reports that persons undergoing gender reassignment procedures had difficulty in amending government documents to reflect those changes.”
- 19.03 The website, Utopia-Asia.com, Country Listings, Sri Lanka<sup>317</sup>, undated, accessed on 1 February 2012 observed that “Although homosexual activity between consenting adult males remains technically illegal in Sri Lanka (vestiges of antiquated 1883 colonial anti-sodomy laws), gays are more visible than ever in culture, politics and local sidewalk cafés.”
- 19.04 The ILGA Report 2011<sup>318</sup> quoted part of the Sri Lanka Penal Code relevant to same-sex relationships:
- “Article 365 – ‘Voluntarily [sic] carnal intercourse with man, woman or animal against the order of nature - imprisonment for a term which may extend ten years.’ [sic]
- “Article 365A (as introduced by the ‘Penal Code (Amendment) Act, No. 22 of 1995’) ‘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)

<sup>315</sup> International Lesbian and Gay Association (ILGA), State-sponsored homophobia, May 2011 [http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2011.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf) date accessed 7 June 2011

<sup>316</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

<sup>317</sup> Utopia-Asia.com, Country Listings, Sri Lanka, undated, <http://www.utopia-asia.com/tipsri.htm> accessed on 1 June 2011

<sup>318</sup> International Lesbian and Gay Association (ILGA), State-sponsored homophobia, May 2011 [http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2011.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf) date accessed 7 June 2011

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years of age in respect of any person under sixteen (16) years of age shall be punished worth [sic] 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.”

- 19.05 The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women<sup>319</sup>, dated January 2011 noted that:

“Section 365A of the Penal Code (enacted in 1883) criminalises sexual activity between two consenting adults of the same sex. In 1995, the government amended the word ‘males’ in the original text to ‘persons’, thereby criminalising same-sex sexual activity between women as well.

“This provision discriminates against lesbian, bisexual and transgender men and women by denying them their right to life, right to equality and right to choice.

“To date although there have been no convictions under this provision of the Penal Code, complaints have been received by police stations citing this provision. This criminalization paves the way for police and anti-gay groups to brand all lesbian, bisexual, transgendered persons as ‘perverts’ and criminals. The fear of being apprehended and identified as a person of non-normative sexual behavior or practice leads to a cycle of silence by members of the LBT community, by their families and friends and by the society as a whole and makes them vulnerable to a range of abuses including extortion, intimidation, unlawful arrest and detention, harassment and torture.”

See also [Women](#)

- 19.06 The NGO, Women’s Support Group<sup>320</sup> state in an undated entry on its website (accessed on 1 June 2011) noted that: “The Sri Lankan legal system makes it extremely difficult for our [LGBT] 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.”

- 19.07 The same report<sup>321</sup> also observed that:

<sup>319</sup> The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women’s support Group, dated January 2011

[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG\\_SriLanka48.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf) date accessed 25 May 2011, p2-3

<sup>320</sup> Women’s Support Group, Introduction, undated <http://www.wsglanka.com/index.html> date accessed 1 June 2011

<sup>321</sup> The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women’s support Group, dated January 2011

[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG\\_SriLanka48.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf) date accessed 25 May 2011, p5

“Transgendered men and women in Sri Lanka are denied the right to recognition by the State due to the fact that there is no structured system which allows transgender men or women to alter the category of ‘sex’ on their Birth Certificate or National Identity Card. However, since there are loopholes in the system, on two occasions a transman and a transwoman managed to succeed in changing the sex noted in his/her identity card from female to male/male to female.”

## TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

19.08 The USSD 2010 report<sup>322</sup> observed that: “In recent years human rights organizations reported that, while not actively arresting and prosecuting those who engaged in LGBT activity, police harassed and extorted money or sexual favors from those persons and assaulted gays and lesbians in Colombo and other areas. This led to many incidents of crimes against members of the LGBT community going unreported.”

19.09 The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka<sup>323</sup> observed:

“On 25 June 2010, the Daily Mirror in Sri Lanka carried a news article quoting Prime Minister D. M. Jayaratne as having said that ‘... it is not wrong for the gay community to seek rights but we must know what exactly they want. They must communicate to us’. In a letter dated 1 July 2010, the WSG [Women’s Support Group], along with two other organisations working on LGBT rights in Sri Lanka responded to this news article by sending a written request for an appointment with the Prime Minister. However, to this date we have not received a response to our letter.

“The inability for Lesbians, bisexual women and transgender persons to register civil partnerships or marriage prevents them from accessing a whole range of benefits that partners of heterosexual marriages enjoy.”<sup>324</sup>

19.10 The latest quarterly update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report<sup>325</sup>, dated 31 December 2011, observed that: LGBT-rights activists have raised concerns over increased negative media coverage and harassment, as well as unwarranted scrutiny by law enforcement authorities. A gay-rights organisation was reportedly visited twice in October [2011] by the Criminal

<sup>322</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

<sup>323</sup> The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women’s support Group, dated January 2011 [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG\\_SriLanka48.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf) date accessed 25 May 2011, p2

<sup>324</sup> The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women’s support Group, dated January 2011 [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG\\_SriLanka48.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf) date accessed 25 May 2011, p8

<sup>325</sup> Quarterly update to the Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, Latest update: 31 December 2011 <http://fcohrdreport.readandcomment.com/human-rights-in-countries-of-concern/sri-lanka/> date accessed 31 January 2012

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Investigation Department who searched their offices, questioned the staff and took sensitive information on clients.”

- 19.11 Additional information on LGBTI-related issues for Sri Lanka is available from the Sri Lanka section of the website of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), accessible from [here](#).

## SOCIETAL TREATMENT AND ATTITUDES

- 19.12 The USSD 2010 report<sup>326</sup> noted that “There were LGBT organizations, and several events were held throughout the year [2010]. In addition to pressure, harassment, and assaults by police, there remained significant societal pressure against members and organizations of the LGBT community.”

- 19.13 The Gay Times Gay Guide, Sri Lanka<sup>327</sup>, (undated, website accessed on 1 February 2012) 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 counselling 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.”

- 19.14 As reported on the website of the Sri Lankan gay organisation Women’s Support Group<sup>328</sup>, undated (website accessed on 1 June 2011):

“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

<sup>326</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

<sup>327</sup> Gay Times, Gay Guide, Sri Lanka, undated <http://www.gaytimes.co.uk/Hotspots/GayGuide-action-Country-countryid-884.html> date accessed 1 February 2012

<sup>328</sup> Women’s Support Group, Introduction, undated <http://www.wsglanka.com/index.html> date accessed 1 June 2011



identity from those around them due to the fear of what may happen to them if their identity is known.”

- 19.15 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.
- 19.16 The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka<sup>329</sup> observed that “Transgender persons have spoken of the reluctance of employers to offer them employment. In one case reported to the WSG, a transman [female-to-male transgender person] had been dismissed from his employment after he had been ‘discovered’ by his employer.”
- 19.17 The same report<sup>330</sup> added:
- “Within a healthcare system that is blind to the existence of LBT communities, equality of access to healthcare remains denied to these individuals.”
- “The absence of health care which responds to the needs of persons of different gender identities and the criminalization of same sex orientations render it difficult for LBT persons to access public health services in a manner that is open and informative about their medical and personal histories and that offers them confidential and appropriate healthcare.”
- “Criminalization renders lesbian, bisexual and transgender women and men vulnerable to a range of violations of their human rights to health.”
- See also [Medical issues](#)
- 19.18 On the issue of violence the same report<sup>331</sup> observed that: “Because of the invisibility of the LBT community in Sri Lankan law and policy as well as because of the criminalization of non-normative sexual behaviour and practice, there is an absence of data on violence against LBT women. This leads to further invisibility of the nature and forms of violence that affect lesbians, bisexual women and transgender persons.”

<sup>329</sup> The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women’s support Group, dated January 2011  
[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG\\_SriLanka48.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf) date accessed 25 May 2011, p6

<sup>330</sup> The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women’s support Group, dated January 2011  
[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG\\_SriLanka48.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf) date accessed 25 May 2011, p6

<sup>331</sup> The Status of Lesbians, Bisexual Women and Transgendered Persons in Sri Lanka, NGO Shadow Report to the Committee on the Elimination of All Forms of Discrimination Against Women, prepared by the Women’s support Group, dated January 2011  
[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG\\_SriLanka48.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WSG_SriLanka48.pdf) date accessed 25 May 2011, p6

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In considering the position of lesbian and bisexual women see [Women](#), for more information about the status of women in Sri Lankan society.

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## 20. WOMEN

### OVERVIEW

20.01 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>332</sup>, dated 4 February 2011, noted that: “The Committee is concerned that, although the State party ratified the Convention [UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)] in 1981, the Convention has not yet been accorded the status of domestic law under the Constitution or an Act of Parliament.”

20.02 The same document<sup>333</sup> welcomed:

“(a) The enactment of the Prevention of Domestic Violence Act (2005);

“(b) The enactment of the Citizenship (Amendment) Act No. 16 of 2003 enabling a Sri Lankan woman to transmit her citizenship to her child;

“(c) The Penal Code (Amendment) Act No. 16 of 2006 which includes a new definition of the offence of trafficking in persons in line with the United Nations Convention Against Transnational Organized Crime and its Protocols and provision to impose certain reporting obligations on incidents of child abuse; and

“(d) The establishment of the Ministry of Foreign Employment Promotion and Welfare, and the adoption of the Sri Lanka National Policy on Labour Migration which has a focus on concerns of migrant women workers.

“The Committee also commends the State party’s commitment to elaborate a National Action Plan for the Protection and Promotion of Human Rights including a Thematic Action Plan on Women.

“While welcoming the State party’s commitment to elaborate a thematic action plan on women, the Committee is concerned that the previous National Action Plan has never been adopted. The Committee is also concerned about the delays in the adoption of the bill establishing the National Commission on Women.”

20.03 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>334</sup> also added:

<sup>332</sup> UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*<sup>332</sup>, 4 February 2011 <http://www2.ohchr.org/tbruce/cedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p2

<sup>333</sup> UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*<sup>333</sup>, 4 February 2011 <http://www2.ohchr.org/tbruce/cedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p2

<sup>334</sup> UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*<sup>334</sup>, 4 February 2011 <http://www2.ohchr.org/tbruce/cedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p4

“The Committee is concerned about the persistence of stereotypes regarding the roles, responsibilities and identities of women and men among the general public and the media. The Committee is concerned that gender role stereotyping perpetuates discrimination against women and girls and is reflected in their disadvantageous and unequal status in many areas, such as employment, decision-making, land ownership, education including sexual and reproductive education, sexual harassment and other forms of violence against women, including violence in family relations.”

- 20.04 The Freedom House report, Freedom in the World 2011, Sri Lanka<sup>335</sup>, covering events in 2010, released on 10 August 2011 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 remain serious problems, with hundreds of complaints reported annually; existing laws are weakly enforced. Violence against women, including rapes, increased along with the general fighting in the civil conflict, and has also affected female prisoners and interned IDPs. The entrenchment of the army in the north and east increased the risks of harassment and sexual abuse for female civilians (many of whom are widows) in those areas. 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.”

- 20.05 The International Crisis Group (ICG) report [Sri Lanka: Women's Insecurity in the North and East](#)<sup>336</sup>, dated 20 December 2011, provides comprehensive information on the situation of women in the north and the east.

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## LEGAL RIGHTS

- 20.06 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>337</sup>, released on 8 April 2011 noted that: “Women had equal rights under 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.”

<sup>335</sup> Freedom House, Freedom in the World 2011, Sri Lanka, covering events in 2010, 10 August 2011, accessed via Refworld

<http://www.unhcr.org/refworld/country,,,LKA,,4e4268bd1a,0.html> date accessed 10 January, Political Rights and Civil Liberties

<sup>336</sup> International Crisis Group (ICG), Sri Lanka: Women's Insecurity in the North and East, Asia Report N°217

20 Dec 2011 <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/217%20Sri%20Lanka%20-%20Womens%20Insecurity%20in%20the%20North%20and%20East%20KO.pdf>

date accessed 9 January 2011

<sup>337</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

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- 20.07 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>338</sup>, observed:

“While noting that there is an ongoing reform of the Muslim Personal Law, the Committee is concerned about the persistence of discriminatory provisions in the law, including in the Penal Code, the Land Development Ordinance which gives preference to male heirs over females, the general personal laws, the Muslim Personal Law, the Kandyan Law and the Tesawalamai Law. The Committee is also concerned about the plurality of legal systems composed of the general, customary and religious laws and the lack of choice for women between the different legal systems. The Committee further reiterates its concern at the fact that there is no opportunity for judicial review of legislation pre-dating the Constitution.”

- 20.08 The Organisation for Economic Co-operation and Development, Social Institutions Gender Index (SIGI), Gender Equality and Social Institutions in Sri Lanka<sup>339</sup>, undated (website accessed on February 2012) noted that:

“Women have a moderate degree of financial independence in Sri Lanka. They have access to land in general, but face some discrimination in rural areas.

“Sri Lankan women have access to property other than land.

“Women also have equal access to bank loans, mortgages and other forms of credit from a variety of sources including the State, private financial institutions and donor-assisted or local credit delivery programmes.

“Parental authority is not equally shared in Sri Lanka. Fathers are regarded as the natural guardians of children while mothers are viewed as custodians and are usually responsible for the daily activities related to child-rearing. Recent judicial developments have reduced discrimination against women in the event of divorce. In the past, men enjoyed preferential custody rights. New legislation emphasises the well-being of children, who may be placed with either parent.

“Sri Lanka’s Constitution provides for equal inheritance rights for men and women, but is again sometimes superseded by other legal systems. Islamic law discriminates against women in the area of property in that Muslim women are typically granted smaller inheritance shares than male heirs.”

## Marriage/divorce laws

- 20.09 The Centre for Reproductive Rights report, Women of the World: South Asia<sup>340</sup>, Sri Lanka chapter, undated, website accessed on 1 June 2011, noted:

<sup>338</sup> UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*<sup>338</sup>, 4 February 2011 <http://www2.ohchr.org/tbruc/cedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p3

<sup>339</sup> Organisation for Economic Co-operation and Development, Social Institutions and Gender Index, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka> date accessed 3 February 2012

<sup>340</sup> Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated [http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf\\_wowsa\\_srilanka.pdf](http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf) date accessed 1 June 2011, p220-225

“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.”

20.10 The same source<sup>341</sup> 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.”

<sup>341</sup> Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated [http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf\\_wowsa\\_srilanka.pdf](http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf) date accessed 1 June 2011, p225

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See also [Muslims](#)

- 20.11 The SIGI Gender Equality and Social Institutions in Sri Lanka<sup>342</sup>, undated (website accessed on February 2012) recorded that:

“Sri Lanka’s legal age of marriage is 18 years for both men and women. Early marriage is less common than in other South Asian countries, but does occur in some communities that follow certain religious beliefs and cultural practices. For example, Islamic law argues against the concept of minimum age of marriage.

“Polygamy is illegal in Sri Lanka. However, Islamic law allows Muslim men to take up to four wives. In reality, only a very few Muslim men have multiple wives, and those that wish to enter a second marriage must give prior notice to their first wives.”

- 20.12 On 24 August 2010 the Daily News<sup>343</sup> reported that ‘premature marriages’ in Sri Lanka were showing a diminishing trend.

“This positive growth was achieved due to the high literacy rate and development of the thinking pattern among children, Peradeniya University social analyst and researcher Dr M D H Senevirathna said.”

“Urban girls in Sri Lanka marry later than their rural counterparts. Nearly 60 percent of the urban girls between 18 to 24 years are married. Marriage at an early age is still a common practice in most rural areas, he said.”

- 20.13 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>344</sup> observed:

“The Committee is concerned about the preservation of a combination of general, customary and religious marital laws that contain discriminatory elements against women. The Committee is concerned that polygamy is not prohibited, that there is no minimum age of marriage recognized under Muslim personal law, and that Tamil women need their husband’s consent to appear in court or undertake any transaction. The Committee is further concerned about the lack of progress in recognizing no-fault divorce and women’s economic rights upon divorce.”

- 20.14 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights<sup>345</sup>, dated 9 December 2010, mentioned that “... the Muslim Personal Law allowing early marriage of girls as young as 12 years old... ” had not been repealed yet and added that: “The Committee notes with serious concern that the State party relies

<sup>342</sup> Social Institutions and Gender Index, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka> date accessed 3 February 2012

<sup>343</sup> Daily News, Drop in premature marriages, 24 August 2010  
<http://www.dailynews.lk/2010/08/24/news42.asp> date accessed 6 October 2010

<sup>344</sup> UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>344</sup>, 4 February 2011 <http://www2.ohchr.org/tbruce/cedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p3

<sup>345</sup> UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>345</sup>, 4 February 2011 <http://www2.ohchr.org/tbruce/cedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p4

on the communities themselves to amend their personal status laws and that the Women's Bill does not protect women and girls from all communities from early and forced marriage."

- 20.15 UNICEF's *The State of the World's Children 2011: Adolescence – An Age of Opportunity*<sup>346</sup>, dated February 2011, reported that in Sri Lanka the incidence of child marriage for the period 2000–2009 (defined as the "Percentage of women 20–24 years old who were married or in union before they were 18 years old") was 12 per cent. It also reported that the percentage of "Girls aged 15–19 who are currently married/in union" for the period 2000–2009 was 9 per cent.

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## POLITICAL RIGHTS

- 20.16 The USSD 2010 report<sup>347</sup> noted that "There were 10 women in the 225-member parliament, two 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. Women's participation in politics was approximately 5 percent in the parliament and the provincial councils."
- 20.17 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>348</sup>, observed:

"The Committee is concerned about the extremely low level of participation of women in politics and public life, including a low representation of women in Parliament, Provincial Councils and Local Authorities, at the decision-making level and in the diplomatic corps. The Committee is further concerned that no measures have been taken to encourage women to participate in political life and that the State party attributes the low representation of women to their own choice, their preoccupation with multiple roles, high costs of the electoral campaigns and the lack of confidence of political parties in the ability of women to garner votes."

See also [Political system](#)

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## SOCIAL AND ECONOMIC RIGHTS

- 20.18 Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern<sup>349</sup>, release on 31 March 2011 noted

<sup>346</sup> UNICEF's *The State of the World's Children 2011: Adolescence – An Age of Opportunity* [http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report\\_EN\\_02092011.pdf](http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf) date accessed 31 May 2011, Table 9 & 11

<sup>347</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 3

<sup>348</sup> UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*<sup>348</sup>, 4 February 2011 <http://www2.ohchr.org/tbruce/cedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p4

<sup>349</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011

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that: “Sri Lanka has an established tradition of gender equality in many parts of society. Women enjoy equal access to health and education and make up the majority of university students. Sri Lanka ranked 16 out of 134 countries in the World Economic Forum Global Gender Gap Index 2010.”

## Employment

- 20.19 The USSD 2010 report<sup>350</sup> observed 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.”
- 20.20 The 2010 Foreign & Commonwealth Office Report<sup>351</sup> noted that “... gender barriers in the labour market mean that most women are employed in low-skilled, casual jobs and traditions of male leadership make it difficult for them to challenge this situation.”
- 20.21 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>352</sup>, observed:
- “The Committee is concerned about the persistence of discrimination against women in the labour market, in particular the concentration of women in low-skilled and low-paid jobs and the high rate of unemployment affecting women despite the achievements of the State party in the area of education. The Committee expresses its concern at the lack of protection of women working in the informal sector and the lack of specific law on sexual harassment. It is further concerned that, despite the State party's ratification of the ILO Convention No. 100 on Equal Remuneration, the principle of equal remuneration for men and women for work of equal value has not been reflected in national legislation.”
- 20.22 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights<sup>353</sup> noted with concern: “... that despite the decrease in unemployment in recent years, the female unemployment rate has remained twice as high as that of males for the past decades and that almost half of the 15-29 age group, especially educated youths, remain unemployed.”

See also [Single mothers/widows](#)

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<http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010> date accessed 24 May 2011

<sup>350</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

<sup>351</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011

<http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010> date accessed 24 May 2011, p292

<sup>352</sup> UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*<sup>352</sup>, 4 February 2011 <http://www2.ohchr.org/tbruce/cedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p7

<sup>353</sup> UN Concluding observations of the Committee on Economic, Social and Cultural Rights, dated 9 December 2010 <http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc> date accessed 25 May 2011, p5

## Family planning/abortion

- 20.23 The USSD 2010 report<sup>354</sup> noted that: “Couples and individuals were generally free to decide the number, spacing, and timing of their children.”
- 20.24 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>355</sup>, noted that:
- “While the Committee acknowledges the achievements of the State party in the area of maternal healthcare, it is concerned about the limited knowledge of reproductive health and the low rate of use of contraceptives, the high level of teenage pregnancies especially in less developed and conflict-affected areas, as well as the low accessibility to family planning and the increase in prevalence of HIV/AIDS infection among women. The Committee is also concerned that abortion is a punishable offence under the law, unless the purpose is to save the life of the mother and regrets that about 10 percent of maternal mortality is reported as the direct result of clandestine abortion.”
- 20.25 The State of the World’s Children 2011<sup>356</sup> reported that in Sri Lanka the percentage of “Women aged 20–24 who gave birth before age 18... ” for the period 2000-2009 was 4 per cent and that: “[the] Adolescent birth rate – Number of births per 1,000 adolescent girls aged 15–19... ” was 28.
- 20.26 The Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter<sup>357</sup> website undated, accessed on 1 June 2011 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.

<sup>354</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm> , date accessed 11 May 2011, Section 6

<sup>355</sup> UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>355</sup>, 4 February 2011 <http://www2.ohchr.org/tbruce/cedaw/CEDAW-C-LKA-CO-7.pdf> , date accessed 25 May 2011, p7

<sup>356</sup> UNICEF’s The State of the World’s Children 2011: Adolescence – An Age of Opportunity [http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report\\_EN\\_02092011.pdf](http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf) date accessed 31 May 2011, Table 11

<sup>357</sup> Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated [http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf\\_wowsa\\_srilanka.pdf](http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf) date accessed 1 June 2011, p212-213 & 216-217

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“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.”

See also [Health and welfare](#)

- 20.27 The UNDP’s Global Review, Country profiles: Sri Lanka<sup>358</sup>, undated (accessed on 1 June 2011) 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).”

- 20.28 The same source<sup>359</sup> further noted that:

“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.” (UNPD ESA, Abortion Policies)

<sup>358</sup> United Nations Population Division, Department of Economic and Social Affairs, Abortion Policies, Country profiles: Sri Lanka: undated, <http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc> date accessed 1 June 2011

<sup>359</sup> United Nations Population Division, Department of Economic and Social Affairs, Abortion Policies, Country profiles: Sri Lanka: undated, <http://www.un.org/esa/population/publications/abortion/doc/srilanka.doc> date accessed 1 June 2011



For additional information on the issue of abortion click on the following hyperlinks:

[Asia Safe Abortion Partnership \(ASAP\): A Study of Knowledge, Attitudes and Understanding of Legal Professionals about Safe Abortion as a Women's Right in Sri Lanka and FPA: Economic Perspectives of Unsafe Abortions in Sri Lanka](#)

## Single mothers/widows

20.29 A British High Commission (BHC) letter dated 30 January 2012<sup>360</sup> noted that:

“In general, 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.

“Rural Tamil communities remain 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. The Salvation Army spokesperson 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.

“The Haven & Sunshine Homes in Colombo are Salvation Army establishments run specifically for single mothers. A spokesperson for Salvation Army explained that the only other organisation in Sri Lanka that offers similar support are the Mother Teresa's Homes based in Moratuwa and Wattala on the outskirts of Colombo, which are linked to the Catholic Church. It was explained that the Haven has 13 beds and is for women over the age of 18 years who voluntarily attend with babies. Sunshine home is for all ages of women referred to the Salvation Army by the Courts. She told us that she is seeing an increase in the number of unmarried mothers being referred and that the main reason that women come to them is because they do not want to go home to face their families. Each woman admitted has to pay Rs 1,500 a month (£8.50) to cover costs, although those unable to pay are treated sympathetically and confidentially.

“The Salvation Army spokesperson added that women often 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. The Sri Lankan government provides no state assistance or benefit payments for these women. However, I was told that the women returning from the Middle East must report to the Sri Lankan Bureau for Foreign Employment (SLBFE) on return to Colombo Airport. The SLBFE is part of the Sri Lankan Ministry for Foreign Employment, Promotion & Welfare, and in cases where a woman informs them that she is pregnant and requires assistance; they will contact the Salvation Army. If accommodation is available, the SLBFE will pay the Salvation Army the Rs 1,500 (£8.50) per month until the birth of the child. If they are unable to offer accommodation, the SLBFE will contact Mother Teresa's Home.”

20.30 The BHC letter of 30 January 2012<sup>361</sup> continued:

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<sup>360</sup> British High Commission Colombo, Letter dated 30 January 2012

<sup>361</sup> British High Commission Colombo, Letter dated 30 January 2012

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"There are several teenage mothers in the homes and also cases where engaged women have become pregnant by men other than their fiancés. In these latter cases the Salvation Army does their best to resolve the family matters between the woman and her fiancé to ensure the child has a future. Without a named father there will be issues with registering the child's birth. However, she added that only a few single mothers actually end up going back to their families, especially those with illegitimate children, because the culture of Sri Lanka has not changed that much over the years. With regard to women returning from the Middle East, Salvation Army discuss matters with the parents/families of the mother and often the mother and baby are accepted back into the family because the "children look beautiful with their Middle-Eastern features". We were told that the Haven carries out a lot of counselling with the women to address their mentality. They try to encourage them to find employment or convince the father of the child to marry the women for the sake of the child.

"We asked the Salvation Army spokesperson whether she had encountered any cases from the North and East of the country where women had become pregnant by military from either government forces or LTTE. She stated that to date no such cases had been referred to the Salvation Army.

20.31 The same source<sup>362</sup> added:

"The spokesperson told us that following the birth the mother is given one month to decide what they want to do with the child. If no decision has been made after one month they counsel the mother to make a quick decision as they normally require them to leave the centre and release her bed for other admissions. 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 their experience, only two out of ten mothers decide to have their babies adopted and they are put up for adoption to local couples first. Failing that, the Department inform potential foreign couples who have expressed an interest in adopting children from Sri Lanka.

"The other alternative is to have the child entered into a children's home. This is often an option advised to mothers under the age of 18, or who are jobless, as it allows the mother to maintain contact should they attain a position where they can have the child back.

"There was some academic research carried out on those persons seeking abortions in Sri Lanka which suggested that pregnancy outside marriage was still relatively rare; see (<http://iussp2005.princeton.edu/download.aspx?submissionId=51193>)."

20.32 On 9 September 2010 Irin<sup>363</sup> reported that:

"Fifteen months after the end of fighting between Sri Lankan government forces and the Tamil Tigers, women in the north are taking up a new and challenging role as breadwinners - with more and more becoming day labourers to support their families.

<sup>362</sup> British High Commission Colombo, Letter dated 30 January 2012

<sup>363</sup> Irin, Sri Lanka: Women take over as breadwinners in north, 9 September 2010

<http://www.irinnews.org/report.aspx?ReportID=90429> date accessed 6 October 2010

“A survey conducted by the Jaffna-based Center for Women and Development, a non-profit group, revealed that the northern region had approximately 40,000 female-headed households - including more than 20,000 in Jaffna District.

“Three factors have reduced the male-headed households in number: the war, disappearances or being in military custody,’ said Saroja Sivachandran, the centre’s director.”

“Although up-to-date statistics are hard to come by because many people remain displaced, Sivachandran and government officials say the northern and eastern regions combined are home to some 89,000 war widows.

‘This has drastically altered their livelihood options. Over 50 percent of them [women who head households] are single parents under 30 years of age supporting their own and extended families,’ said Visaka Dharmadasa, executive director of the Association for War-Affected Women (AWAW).”

- 20.33 The Minority Rights Group International (MRGI) report, No war, no peace: the denial of minority rights and justice in Sri Lanka<sup>364</sup>, released on 19 January 2011, observed that:

“A large number of households – some estimate nearly two thirds – are now headed by women, as men were either killed in fighting or have been taken into custody by the military. This is an issue in all of the north and east but is most acute in the Vanni. According to a recent study there are over 89,000 war widows in the entire north and east and around 20,000 female-headed households in Jaffna alone. The situation for these households is extremely difficult. Most of these women have little or no employment opportunities, livelihood or income generation support.”

- 20.34 The same MRGI report<sup>365</sup> added that:

“Women are specially affected by the lack of documentation such as marriage and death certificates.

“The lack of death certificates is a major problem in the north of Sri Lanka and in parts of the east. For the large number of female-headed households, death certificates proving that their husbands have died are essential to be able to claim compensation, to claim benefits, in some cases to put children into school, and to remarry. The government has begun a process to expedite the granting of death certificates, but activists interviewed for this report expressed fears that the fact that the authorities continue to dispute the numbers of those killed in the last stages of fighting may limit the number of death certificates they are willing to issue.”

- 20.35 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>366</sup>, dated 4 February 2011, observed:

<sup>364</sup> Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 <http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html> date accessed 20 May 2011, p9

<sup>365</sup> Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 <http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html> date accessed 20 May 2011, p11

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“The Committee notes with appreciation the elaboration by the State party of a National Development Agenda. It, however, expresses its concern about the lack of data on disparities between urban and rural women and reiterates its concern about the increase of the number of widows as a result of the conflict, and the Tsunami in 2004, many of whom are elderly, illiterate and with meagre means of living. The Committee notes that discriminatory practices prevent women from acquiring ownership of land since only the ‘head of household’ is authorized to sign official documentation such as land ownership certificates and receive pieces of land from Government.”

- 20.36 The ICG report, Sri Lanka: Women’s Insecurity in the North and East<sup>367</sup>, dated 20 December 2011 noted that “Thirty years of civil war between the government and Liberation Tigers of Tamil Eelam (LTTE) has resulted in tens of thousands of female-headed households in the north and east.” and added:

“While estimates vary, the government has referenced up to 90,000 ‘war widows’, with over half in the east. Whatever the actual figures, single Tamil women are heavily overrepresented in villages and populations centres throughout the region.

“The ‘Joint Plan for Assistance for the Northern Province 2011’, drawn up by the government, the UN and NGOs, estimates that some resettled communities in the north will have up to 30 per cent female-headed households.

“One particularly vulnerable group are young widows. At the height of the fighting and the LTTE’s forced recruitment, first in the east and then more so the north, many young women and girls – some as young as thirteen or fourteen – were forced into marriages to avoid being recruited. While these marriages were acknowledged by the families, they generally were not registered with the authorities, particularly in the case of those under eighteen, the legal age of marriage. Once the fighting ended, many of their ‘husbands’ were dead or missing; some simply abandoned the girls. These young ‘widows’, many of whom now have children of their own, struggle to provide for themselves and their dependants, and stigma often prevents them from remarrying.”

## Mixed marriage

- 20.37 A British High Commission (BHC) letter dated 30 January 2012<sup>368</sup> noted that:

“Marriages between Sinhalese and Tamils are not uncommon, however, some families still have firm views on the issue and we are aware of mixed couples who keep their relationship a secret for fear of upsetting certain family members. The Registrar General’s Department in Colombo is the central registry for births, deaths and marriages. We contacted the Statistics Department and were told that although there

<sup>366</sup> UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*<sup>366</sup>, 4 February 2011 <http://www2.ohchr.org/tbrucedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p8

<sup>367</sup> International Crisis Group (ICG), Sri Lanka: Women’s Insecurity in the North and East, Asia Report N°217

20 Dec 2011 <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/217%20Sri%20Lanka%20-%20Womens%20Insecurity%20in%20the%20North%20and%20East%20KO.pdf> date accessed 9 January 2011, Executive Summary and p.19-20

<sup>368</sup> British High Commission Colombo, Letter dated 30 January 2012

are statistical records available regarding marriages from 1997-2008, there had been no specific statistics identifying mixed marriages. They did however offer a guesstimate that the figure would probably be around 5 in every 100 registered marriages. For methods of recording marriages in Sri Lanka see [http://www.rgd.gov.lk/web/index.php?option=com\\_content&view=article&id=64&Itemid=41&lang=en](http://www.rgd.gov.lk/web/index.php?option=com_content&view=article&id=64&Itemid=41&lang=en).”

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## VIOLENCE AGAINST WOMEN

### Legal rights

20.38 The website of the Ministry of Justice and Law reforms of Sri Lanka<sup>369</sup> (accessed on 1 June 2011) recorded:

“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.”

20.39 As noted in the Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter<sup>370</sup>, accessed on 1 June 2011:

“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

<sup>369</sup> Ministry of Justice and Law reforms of Sri Lanka, Legislation passed by Parliament in 2005, Prevention of Domestic Violence Act, No. 34 of 2005, <http://www.justiceministry.gov.lk/NEW%20LEGISLATION/vm.htm#Prevention%20of%20Domestic%20Violence>

<sup>370</sup> Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated [http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf\\_wowsa\\_srilanka.pdf](http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf) date accessed 1 June 2011, p 230 - 231

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to pay compensation to the victim. The burden of proof rests on the prosecution, which must prove its case beyond a reasonable doubt.”

## Female Genital Mutilation

20.40 The SIGI Gender Equality and Social Institutions in Sri Lanka<sup>371</sup>, undated (website accessed on 3 February 2012) noted that “Female genital mutilation is not a general practice in Sri Lanka, although it is known to occur among some segments of the Muslim population. At present, there is no legislation against FGM.” The Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter<sup>372</sup> observed that: “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.” The State of the World’s Children 2011<sup>373</sup> does not provide any data on the incidence on FGM/cutting for Sri Lanka.

See also [Violence against children](#)

## Rape/domestic violence

20.41 The USSD 2010 report<sup>374</sup> observed that:

“The law prohibits rape and domestic violence but it was not effectively enforced. Sexual assault, rape, and spousal abuse were pervasive societal 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 legally separated. While in theory the law could address some of the problems of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary to see progress in combating these crimes.

“Sexual harassment was a criminal offense carrying a maximum sentence of five years in prison. Some observers acknowledged sexual harassment to be widespread; however, enforcement of the law was not effective. Domestic violence was also thought to be widespread, although, as with sexual harassment, discussion of these problems was not common.”

20.42 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>375</sup>, observed:

<sup>371</sup> Social Institutions and Gender Index, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka> date accessed 3 February 2012

<sup>372</sup> Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated [http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf\\_wowsa\\_srilanka.pdf](http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf) date accessed 1 June 2011, p 230 - 231

<sup>373</sup> UNICEF’s The State of the World’s Children 2011: Adolescence – An Age of Opportunity [http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report\\_EN\\_02092011.pdf](http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf) date accessed 31 May 2011, Table 9

<sup>374</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

“The Committee is concerned that, despite the adoption of the Prevention of Domestic Violence Act, there are significant delays before cases are processed under this Act. It appears from the constructive dialogue that most cases are dealt with through police mediation, and that family relations prevail over protection of women and suppression of violence against women. The Committee is further concerned that marital rape is recognized only if a judge has previously acknowledged the separation of the spouses. It also regrets the absence of specific data and information on domestic violence. The Committee is concerned that the criminalization of same sex relationship results in women being completely excluded from legal protection. It is also concerned about the information that the law enforcement officers are allowed to arbitrarily detain them.”

- 20.43 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights, dated 9 December 2010, expressed:

“...deep concern that in spite of the high incidence of domestic violence against women and children in the State party, the provisions of the Prevention of Domestic Violence Act No.3 of 2005 remain insufficiently known, notably by the police, and that protection orders are seldom issued and perpetrators rarely prosecuted. The Committee also notes with concern the absence of temporary shelter for women and children victims of domestic violence and the considerable delays to obtain court decisions in this matter.”

- 20.44 The ICG report Sri Lanka: Women's Insecurity in the North and East<sup>376</sup>, dated 20 December 2011 noted that:

“There have been alarming incidents of gender-based violence, including domestic violence within the Tamil community, in part fuelled by rising alcohol use by men. Many women have been forced into prostitution or coercive sexual relationships. Some have also been trafficked within the country and abroad. Pregnancies among teenagers have increased. Fear of abuse has further restricted women's movement and impinged on education and employment opportunities.

“The current situation in the north and east comes in the wake of serious accusations of sexual violence by the military against Tamil women at the end of the war and in the months thereafter. There is credible evidence to support some of these accusations. Yet cultural stigma, decades of impunity, and the government's refusal to allow a independent investigation of the end of the war and its aftermath make it impossible to determine the full extent of misconduct. In a well-known rape case in the north in June 2010, criminal prosecution has been pending for eighteen months against four soldiers following concerted pressure from local women's groups. But this is a striking exception.”

- 20.45 The same IGC report<sup>377</sup> added:

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<sup>375</sup> UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*<sup>375</sup>, 4 February 2011 <http://www2.ohchr.org/tbruc/cedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p5

<sup>376</sup> International Crisis Group (ICG), Sri Lanka: Women's Insecurity in the North and East, Asia Report N°217

20 Dec 2011 <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/217%20Sri%20Lanka%20-%20Womens%20Insecurity%20in%20the%20North%20and%20East%20KO.pdf> date accessed 9 January 2011, Executive Summary

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“Explicit allegations of domestic violence and sexual abuse do not make the headlines as frequently – unless the security forces are implicated, in which case many Tamil media outlets more readily pick them up – but those who have access to survivors hear a steady stream. There is still significant stigma associated with being a victim of sexual abuse or seeking separation from a husband, and impunity for violence against women remains the rule – as is true across Sri Lanka. As a result, many incidents are not reported at all, while others are exaggerated. This leaves the Tamil community, the government and the rest of the country with an incomplete picture of the experiences of women in the north and east.

“Crisis Group research for this paper suggests that in the final months of the war and the initial stages of screening and internment camps in the Vanni, there were various acts of sexual violence by the military, including rape of civilians and suspected cadres. But as life in those crowded camps continued, sexual violence within the Tamil community increased. Now, for women in the resettled villages across the north and in the east, domestic violence within the community (including sexual violence), as well as sex work and coercive sexual relationships more broadly are serious problems. The fear of and potential for more widespread sexual violence by the security forces also remain.”

20.46 The SIGI Gender Equality and Social Institutions in Sri Lanka<sup>378</sup>, undated (website accessed on 3 February 2012) noted that “Legislation protecting the physical integrity of women in Sri Lanka is quite strong” but added that “Domestic violence, including spousal rape, is an... area of concern. Incidents are rarely reported and legal protection has been insufficient.”

20.47 On 24 November 2011, the Daily News<sup>379</sup> reported that:

“Domestic violence is on the rise in Sri Lanka although only a few cases are reported since most victims are reluctant to come forward with their tales due to social and cultural reasons, Women in Need Executive Director Sumithra Fernando said at the United Nations Conference Hall yesterday.

“Most victims of domestic violence are helpless since they have no protection at home. Most people consider domestic violence as a family problem.’

“According to the Forum Against Gender based Violence, victims of violence are largely women.

<sup>377</sup> International Crisis Group (ICG), Sri Lanka: Women’s Insecurity in the North and East, Asia Report N°217

20 Dec 2011 <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/217%20Sri%20Lanka%20-%20Womens%20Insecurity%20in%20the%20North%20and%20East%20KO.pdf> date accessed 9 January 2011, p25-26

<sup>378</sup> Social Institutions and Gender Index, Gender Equality and Social Institutions in Sri Lanka, undated, <http://genderindex.org/country/sri-lanka> date accessed 3 February 2012

<sup>379</sup> Daily News, 'Domestic violence on the rise', 24 November 2011 <http://www.dailynews.lk/2011/11/24/news51.asp> date accessed 9 February 2012

“In Sri Lanka the most prevalent types of violence against women are domestic violence, rape, sexual violence, forced prostitution, incest and trafficking. In many cases these violations are hidden, this is especially true of domestic violence and incest.’

“Domestic violence is the most highly reported type of violence according to the Police Bureau for the Prevention of Abuse of the Women and Children, Women in Need data and hospital desk data.”

- 20.48 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2010<sup>380</sup> – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, (undated, website accessed on 1 June 2011) recorded that in 2009 there were in total 1,624 cases of rape/incest. The figures for 2006; 2007 and 2008 were respectively: 1,463; 1,397 and 1,582.
- 20.49 On 29 December 2011 the Daily Mirror (Sri Lanka)<sup>381</sup> reported that “A total of 1,637 rape cases had been reported to the police during this year, the police said.”

See also [Assistance available to women; Lesbian, gay, bisexual and transgender persons](#) and [Violence against children](#)

### **Violence in resettlement areas and camps (May 2009 to December 2011)**

- 20.50 The MRGI report of January 2011<sup>382</sup> observed that:
- “There are serious concerns expressed by women activists interviewed over reports of sexual abuse and harassment in the resettled areas. There have been reports of rape.”
- “Activists and women interviewed for this report mentioned cases of women being coerced into sexual activity, or in some situations doing so voluntarily in return for favours from military personnel or to ensure their protection. As a result of the large military presence in the Vanni in particular, there are military sentry points adjoining households, some where women live alone. Soldiers have free access to these houses. Cases of harassment have occurred, where army personnel call up women and ask them to come to the camps at late hours or abuse them over the phone.
- “Women have also complained about harassment at security checkpoints. They fear travelling alone, without male support.”
- 20.51 The Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011<sup>383</sup>

<sup>380</sup> Sri Lanka Department of Census and Statistics, Statistical Abstract 2010 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, <http://www.statistics.gov.lk/abstract2010/chapters/Chap13/AB13-13.pdf> undated, website accessed on 1 June 2011

<sup>381</sup> Daily Mirror (Sri Lanka), 1,637 rape cases reported in 2011: Police, 29 December 2011 <http://www.dailymirror.lk/news/15756-1637-rape-cases-reported-this-year-police.html> date accessed 21 January 2012

<sup>382</sup> Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 <http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html> date accessed 20 May 2011, p10

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noted that: “There were reports of sexual violence and rape in the recently resettled areas in the north of Sri Lanka which contain a high number of women-headed households. Criminal proceedings began in the latter part of 2010 against several Sri Lankan Army soldiers who were accused of raping civilian women in the north.”

20.52 The USSD 2010 report<sup>384</sup> also noted that:

“There were reports that individual cases of gender-based violence perpetrated by members of the security forces occurred in areas with heavy security force presence, but others stated that military officials were responsive to reports of such incidents and showed a willingness to prosecute the offenders. The government did not release any details about prosecutions or punishments for such offenses, and some observers suggested that there was reluctance by victims to report such incidents in northern and eastern areas where security forces were much more prevalent. Statistics on numbers of such cases also were unavailable because few victims reported such incidents.

“Human rights groups in northern districts alleged that the wives of men who were killed as a result of the conflict often fell victim to prostitution because of their economic vulnerability.”

20.53 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>385</sup>, dated 4 February 2011, observed:

“While noting the State party’s explanation that women were not subjected to violence and discrimination during the last stages of the conflict and in the post conflict phase, the Committee remains deeply concerned about reports of gross violations of the human rights of women on both sides, particularly the Tamil minority group, the internally displaced women and the female ex-combatants. The Committee is particularly concerned about reports of sexual violence allegedly perpetrated also by the armed forces, the police and militant groups. The Committee is also deeply concerned about reports on the inadequate infrastructure and the limited availability of basic services such as shelter, health facilities, water and sanitation.”

20.54 Additional information on related issues is available from the Refugee Documentation Centre of Ireland document [Reports on existence in forest area etc of female only detention / torture camps during Tamil - Sri Lankan conflict \(where internees were routinely tortured, raped etc in ‘torture camps’ by EPDP / Sri Lankan military\)](#), dated 13 January 2012, which is accessible from the hyperlink.

20.55 The ICG report Sri Lanka: Women’s Insecurity in the North and East<sup>386</sup>, dated 20 December 2011 noted:

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<sup>383</sup> Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, released on 31 March 2011  
<http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/accessible-hrd-report-2010> date accessed 24 May 2011, p292

<sup>384</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

<sup>385</sup> UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>385</sup>, 4 February 2011 <http://www2.ohchr.org/tbru/cedaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p8



“Women in Sri Lanka’s predominantly Tamil-speaking north and east are facing a desperate lack of security in the aftermath of the long civil war. Today many still live in fear of violence from various sources. Those who fall victim to it have little means of redress. Women’s economic security is precarious, and their physical mobility is limited. The heavily militarised and centralised control of the north and east – with almost exclusively male, Sinhalese security forces – raises particular problems for women there in terms of their safety, sense of security and ability to access assistance. They have little control over their lives and no reliable institutions to turn to. The government has mostly dismissed women’s security issues and exacerbated fears, especially in the north and east. The international community has failed to appreciate and respond effectively to the challenges faced by women and girls in the former war zone.”

See also section above on [Rape/domestic violence](#)

See also [Security forces and Paramilitary groups](#) and [Humanitarian issues and Internally Displaced Persons \(IDPs\)](#)

## HEALTH AND WELFARE

- 20.56 The State of the World’s Children 2011<sup>387</sup> reported that in Sri Lanka the “Antenatal care coverage (%) 2005–2009...” was respectively 99 per cent (“At least once”) and 93 per cent (“t [sic] least our times”), while the percentage of “skilled attendant at birth” was 99 per cent and the reported “Maternal mortality ratio – Number of deaths of women from pregnancy-related causes per 100,000 live births during the same time period...” was 39.

See also [Medical issues](#)

## ASSISTANCE AVAILABLE TO WOMEN

- 20.57 The USSD 2010 report<sup>388</sup> noted that “Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally scarce due to a lack of funding.” It added that: “Women appeared to be equally diagnosed and treated for sexually transmitted infections, including HIV.”
- 20.58 On 20 October 2010, the Asian Human Rights Commission, in an article dedicated to the implementation of Prevention of Domestic Violence<sup>389</sup>, observed inter alia that “The

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<sup>386</sup> International Crisis Group (ICG), Sri Lanka: Women’s Insecurity in the North and East, Asia Report N°217

20 Dec 2011 <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/217%20Sri%20Lanka%20-%20Womens%20Insecurity%20in%20the%20North%20and%20East%20KO.pdf> date accessed 9 January 2011, Executive Summary

<sup>387</sup> UNICEF’s The State of the World’s Children 2011: Adolescence – An Age of Opportunity [http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report\\_EN\\_02092011.pdf](http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf) date accessed 31 May 2011, Table 8

<sup>388</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

<sup>389</sup> Asian Human Rights Commission, Sri Lanka: The right without remedy -- views and reflections on the Prevention of Domestic Violence Act, 20 October 2010 <http://www.humanrights.asia/news/ahrc-news/AHRC-ART-110-2010> date accessed 8 June 2011

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police do not consider domestic violence a serious matter and especially in undermanned stations they are likely to neglect cases of domestic violence or put them low on the priority list... Even though a police officer has the authority to issue a PO [Protection Order] on an aggrieved person it is very unlikely he will do so.”

20.59 The same source<sup>390</sup> added:

“Another big challenge of the effectiveness of the Act is the lack of victim protection. Most women depend almost solely on their partner economically. They have no means to provide housing for themselves and their children or to sustain their livelihood, which means the alternative to a violent husband is homelessness.

“No shelter or housing is offered by law enforcers or by the legal system itself. The law stipulates that the court may order, if the aggrieved person requests, that she can be placed in a shelter or provided with temporary accommodation. However, only private organizations such as Welcome House, Women’s Development centre in Kandy, Women In Need and the Salvation Army run shelters for abused women and children.”

“Magistrates are reluctant to refer abused women and their children to privately run shelters, who they do not always find accountable. The judiciary would be more likely to refer women to state run shelters. Besides, the rights of a woman for adequate housing should not only focus on shelter options for her, but also the possibility of removing the violent partner.

“It is nevertheless an extremely hard choice for a woman to choose to live her life in shelter, even for those who can afford it, due to fear of harassment, loss of status, social stigma or concerns of the children’s future.”

20.60 The website of the online forum [South Asian Women’s Network \(SAWNET\)](#) (accessed on 3 February 2012) lists several organisations operating in Sri Lanka dealing with problems faced by women.

See also [Rape/domestic violence](#)

20.61 A BHC letter dated 30 January 2012<sup>391</sup>, 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 several years ago the Sri Lanka Police Service Children & Women Bureau was created to deal with complaints. An Inspector of Police (IP) for the bureau told us that there are now 42 Children and Women’s Bureau office desks operating across the island and following the end of the civil conflict new office desks had been opened up in the North and East. The headquarters of the Children and Women’s Bureau is situated in Pagoda, Colombo. Female sub Inspector officers have been assigned to each of the 42 desks and 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

<sup>390</sup> Asian Human Rights Commission, Sri Lanka: The right without remedy -- views and reflections on the Prevention of Domestic Violence Act, 20 October 2010 <http://www.humanrights.asia/news/ahrc-news/AHRC-ART-110-2010> date accessed 8 June 2011

<sup>391</sup> British High Commission Colombo, Letter dated 30 January 2012

mainly to victims of domestic abuse. The IP stated that most rape and sexual assault cases are reported by females aged 16 and under. He commented that relationship issues led to many assaults due the advanced technology now available to those of that age i.e. internet, texts, camera phones etc. He was unable to comment on cases reported by those above the age of 16, as they have not updated their statistics. However, reports from those above the age of 16 are comparatively lower as many women remain reluctant to make complaints of rape or sexual assaults. The IP added that professional counselling services are available for the victims from 08:30 -16:30 daily from Mondays to Fridays.

20.62 The same BHC letter<sup>392</sup> continued:

“The director of the NGO Governance of the Family Planning Association (FPA) of Sri Lanka stated that with the war coming to and [sic] end there is more outreach in Northern and Eastern parts of the country. She explained that during the conflict many Tamil women in the north and east willingly became pregnant in order to avoid being recruited to fight. Being pregnant allowed them to safeguard themselves from being a part of the LTTE and allowed them to remain in their family units. However, many were then separated from their parents and husbands and remained in IDP camps, some for as long as 3 years, although most have now been re-united with their families, neighbourhoods and society. One key community project in Mankulam, Jaffna is jointly managed by the UNFPA and Family Planning Association.”

See also [Violence against women](#)

[Return to contents](#)

## 21. CHILDREN

Users are recommended to read this section in conjunction with the preceding material on women, in particular with regard to the position/treatment of girls by the state and society.

### OVERVIEW

- 21.01 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 20 September 2010)<sup>393</sup>
- 21.02 UNICEF's The State of the World's Children 2011: Adolescence – An Age of Opportunity<sup>394</sup>, dated February 2011, reported that in 2009 the total population (in thousands) under 18 was 5,850 and that under 5 was 1,784.

<sup>392</sup> British High Commission Colombo, Letter dated 30 January 2012

<sup>393</sup> UN Office of the High Commissioner for Human Rights (OHCHR), Sri Lanka, Status of Ratifications, undated <http://www2.ohchr.org/english/bodies/ratification/index.htm> date accessed 20 September 2010

<sup>394</sup> UNICEF's The State of the World's Children 2011: Adolescence – An Age of Opportunity [http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report\\_EN\\_02092011.pdf](http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf) date accessed 31 May 2011, Table 6

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- 21.03 Key demographic data about children in Sri Lanka can be obtained from the [website of UNICEF, Sri Lanka](#) (undated, website accessed on 3 February 2012). In 2009 the total population under 18 was around 5.8 million<sup>395</sup>. In addition basic statistical information covering nutrition, health, HIV/AIDS, education, demographic indicators, economic indicators, women, child protection, under five mortality rates and rates of progress at reducing child mortality can be found in annexes to the UNICEF report, [The State of the World's Children 2011](#), dated February 2011

## LEGAL RIGHTS

- 21.04 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 20 September 2010.<sup>396</sup> The voting age is 18 (CIA World Factbook, Sri Lanka<sup>397</sup>, updated on 27 December 2011). The minimum age for voluntary enlistment into the armed forces is 18 years old.
- 21.05 The age of consent is 16. (Avert, Worldwide age of consent<sup>398</sup>, undated, website accessed on 1 June 2011). 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." (Helplinlaw.com, undated, website accessed on 20 September 2010)<sup>399</sup> However amongst Muslims, "who continued to follow their customary religious practices of girls attaining marrying age with the onset of puberty and men when they were financially capable of supporting a family." (US State Department July-December 2010 International Religious Freedom Report-Sri Lanka<sup>400</sup>, released on 13 September 2011).
- 21.06 The U.S. Department of Labor's 2010 Findings on the Worst Forms of Child Labor<sup>401</sup>, dated September 2011, observed that:

<sup>395</sup> UNICEF Sri Lanka, Statistics, last updated 2 March 2010

[http://www.unicef.org/infobycountry/sri\\_lanka\\_statistics.html#78](http://www.unicef.org/infobycountry/sri_lanka_statistics.html#78) date accessed 3 February 2012

<sup>396</sup> UNICEF, Comments to the UN's Universal Periodic Review of Sri Lanka, undated

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF\\_LKA\\_UPR\\_2008\\_UnitedNationsChildrensFund\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF_LKA_UPR_2008_UnitedNationsChildrensFund_uprsubmission.pdf) date accessed: 20 September 2010

<sup>397</sup> CIA - The World Factbook – Sri Lanka

<https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011 Date accessed 27 January 2012

<sup>398</sup> Avert, Worldwide age of consent, undated <http://www.avert.org/aofconsent.htm> Date accessed 27 January 2010

<sup>399</sup> Helplinlaw.com, Family laws - Sri Lanka, undated

<http://www.helplinlaw.com/article/sri%20lanka/167> date accessed: 20 September 2010

<sup>400</sup> US State Department, July-December 2010 International Religious Freedom Report-Sri Lanka, released on 13 September 2011 [http://www.state.gov/j/drl/rls/irf/2010\\_5/168252.htm](http://www.state.gov/j/drl/rls/irf/2010_5/168252.htm) date accessed 27 January 2012, Section 2

<sup>401</sup> U.S. Department of Labor's 2010 Findings on the Worst Forms of Child Labor, September 2011 (accessed via ecoinet) [http://www.ecoi.net/file\\_upload/90\\_1317902661\\_2011-10-03-usdol-child-labor-2010.pdf](http://www.ecoi.net/file_upload/90_1317902661_2011-10-03-usdol-child-labor-2010.pdf) date accessed 2 February 2012, p699-700

“During the reporting period, the Government of Sri Lanka took a major step by adopting a comprehensive child labor policy to eliminate the worst forms of child labor. In addition, the Government adopted the child labor hazardous occupations list. Despite these significant gains, research found limited evidence that the Government prosecuted those responsible for violating laws to protect children from the worst forms of child labor, including armed conflict and trafficking.

“The Penal Code, Amendment Act No. 16 of 2006, criminalizes and prescribes penalties for individuals who engage children younger than age 18 in debt bondage, forced labor, slavery, armed conflict or trafficking. The Penal Code, Amendment Acts No. 22 of 1995 and No. 29 of 1998, criminalizes and prescribes penalties for individuals who engage children younger than age 18 in pornography and prostitution.”

- 21.07 The UN Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Sri Lanka<sup>402</sup>, dated 1 October 2010 noted that:

“The Committee expresses deep concern that children suspected of security-related offenses have and may still be detained under the Emergency (Miscellaneous Provisions and Powers) Regulation No 1. of 2005 and the Prevention of Terrorism Act. The Committee is seriously concerned these children may be detained in unpublicized places of detention for up to one year, and denied access to a lawyer, family members, a judge or any other competent authority to challenge the legitimacy of their detention.

“The Committee notes the adoption of Emergency Regulation No. 1580/5 of 2008 relating to Child Friendly Rehabilitation and Reintegration Procedures of the Child Surrendees /Arrested which introduces judicial intervention in the rehabilitation and reintegration process. The Committee is however concerned that this process does not comply with the international juvenile justice standards, in particular as concern notably children’s rights to be assisted by a legal counsel and to challenge the lawfulness of their placement in a protective accommodation centre and has therefore not received support from UN agencies.”

“The Committee notes as positive the assurances given by the State party to the Committee that children formerly associated with armed conflict, including those detained on security and terrorism-related charges will never face prosecution. The Committee expresses concern that in the absence of any official document clarifying the criminal liability of children formerly associated with armed groups, prosecution of children could still be envisaged in application of emergency Regulation 1462/8 Of September 2006 and other security and anti-terrorism laws which equally apply to adults and children.”

See also [Emergency Regulations and the Prevention of Terrorism Act](#)

- 20.08 A British High Commission (BHC) letter dated 30 January 2012<sup>403</sup> noted that:

<sup>402</sup> UN Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Sri Lanka , 1 October 2010 <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPAC-LKA-CO-1.doc> date accessed 26 May 2011, p7

<sup>403</sup> British High Commission Colombo, Letter dated 30 January 2012

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“With regard to the children, we asked the Salvation Army spokesperson if she was aware if they were discriminated against solely because of their illegitimacy. She said she was not. We 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. She added that there were always prospective parents for a child of Sri Lankan – Arab appearance because generally they were attractive looking children.”

- 20.09 Information on national laws on children in Sri Lanka is available from a dedicated section of the website of Child Rights International Network (CRIN), Sri Lanka, accessible from [here](#).

## **VIOLENCE AGAINST CHILDREN**

See also [Childcare and protection](#) for information about problems with the protection system.

- 21.10 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>404</sup>, released on 8 April 2011 noted that:

“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 way contrary to compulsory education regulations. It also defines child abuse to include the involvement of children in war.

“NGOs attributed the problem of exploitation of children to the lack of enforcement, rather than inadequate legislation. The BPCW [Bureau for the Protection of Children and Women] conducted investigations into crimes against children and women, and the National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the president. During 2009 the BPCW received 1,974 complaints of grave violent crimes and 986 of minor crimes against children.

“The government advocated greater international cooperation to bring those guilty of sexual exploitation of children to justice. Although the government did not keep records of particular types of violations, the law prohibits sexual violations against children, defined as persons less than 18 years of age, 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' imprisonment. The penalties for sexual assault of children range from five to 20 years' imprisonment and an unspecified fine. By the end of 2009 the government opened 1,575 files, of which 497 resulted in indictments for sexual assault and exploitation of children, including kidnapping, cruelty to children, rape, and statutory rape; 299 cases were dismissed, and 303 cases were referred to the police for further investigation. The remaining were pending at the end of 2009, and no further details were available at year's end.”

- 21.11 The USSD 2010 report<sup>405</sup> continued:

<sup>404</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

“Commercial sexual exploitation of children remained a problem in coastal resort areas. Private groups estimated that approximately 6,000 children were exploited for commercial sex in the country and that local citizens were responsible for much of the exploitation. Other groups believed foreign tourists were more frequently the exploiters of thousands of children, especially boys, for commercial sex, most of whom were reportedly forced into prostitution by traffickers. There was little solid data to elucidate these reports, and some observers stated the problem was much less prevalent than approximately 10 years ago. 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.”

- 21.12 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights<sup>406</sup>, dated 9 December 2010 noted that:

“The Committee is deeply concerned that no effective measures have been taken by the State party to enforce child labour laws as previously recommended by the Committee...and that almost one million children continue to be exploited economically in agriculture or as domestics, the latter being often subjected to various forms of violence.

“The Committee is deeply concerned that thousands of children remain sexually abused and exploited including in child sex tourism. The Committee notes with grave concern that perpetrators of child sexual exploitation and abuse, including child traffickers are rarely prosecuted, while child victims may still be excluded from protection of the law and placed on remand for conducting prostitution.”

- 21.13 The U.S. Department of Labor’s 2010 Findings on the Worst Forms of Child Labor<sup>407</sup>, dated September 2011, noted that:

“Children in Sri Lanka are engaged in the worst forms of child labor, 5363 including agriculture.

“Children are also employed in domestic service, a largely unregulated and undocumented sector. Some child domestics are subject to physical, sexual and emotional abuse. 5366 Children also work as street vendors.

“Children reportedly work in the mining, fishing, construction and manufacturing...”

“Children, mostly males, are exploited in prostitution in coastal areas as part of sex tourism. There is limited evidence that some children working in agriculture are subject to debt bondage and some children, including those younger than age 12, have been kidnapped and forced to work in the fireworks and fishing industries.”

<sup>405</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

<sup>406</sup> UN Concluding observations of the Committee on Economic, Social and Cultural Rights, dated 9 December 2010 <http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc> date accessed 25 May 2011, p8

<sup>407</sup> U.S. Department of Labor’s 2010 Findings on the Worst Forms of Child Labor, issued in December 2011 (accessed via ecoinet) [http://www.ecoi.net/file\\_upload/90\\_1317902661\\_2011-10-03-usdol-child-labor-2010.pdf](http://www.ecoi.net/file_upload/90_1317902661_2011-10-03-usdol-child-labor-2010.pdf) date accessed 1 February 2012, p699

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- 21.14 The UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka<sup>408</sup>, dated 1 October 2010 observed that:

“The Committee expresses serious concern that insufficient efforts have been made by the State party to investigate the death of hundreds of children during the five last months of the conflict as a result notably of alleged shelling and aerial bombardments of civilians, hospitals, schools and humanitarian operations and deliberate deprivation of food, medical care and humanitarian assistance. The Committee is also concerned that high levels of malnutrition and poverty undermine the right to survival and development of many children in the State party, especially in the conflict affected and disadvantaged areas.”

- 21.15 The same source<sup>409</sup> added that “The Committee, while welcoming the adoption in 2005 of the Prevention of Domestic Violence Act No.34, remains seriously concerned about widespread and growing child abuse and neglect in the State party, including child sexual abuse in the home and community.”

- 21.16 US Department of State’s Trafficking in Persons Report 2011<sup>410</sup>, released 27 June 2011 noted that:

“In 2009, the National Child Protection Authority (NCPA) estimated that approximately 1,000 children were subjected to commercial sexual exploitation within Sri Lanka although some NGOs believed the actual number was between 10,000 and 15,000. NGOs expressed concern that the recent increase in tourism in the very poor post-conflict areas on the east coast may increase demand for child sex tourism. There are reports of children being subjected to bonded labor and forced labor in dry-zone farming areas on plantations, and in the fireworks and fish-drying industries. Some child domestic workers in Colombo, generally from the Tamil tea-estate sector of the country, are subjected to physical, sexual, and mental abuse, nonpayment of wages, and restrictions of their movement. Some women and children were promised garment industry work by agents and were instead forced into prostitution.”

“Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.

“The government continued to provide some counseling and day care for abused children through the operation of six resource centers, although it is not known how many trafficked children, if any, were assisted in the reporting period.”

- 21.17 For additional information please see the website of the [National Child Protection Authority \(NCPA\)](#).

<sup>408</sup> UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc> date accessed 26 May 2011, p7

<sup>409</sup> UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc> date accessed 26 May 2011, p12&18

<sup>410</sup> US Department of State, Trafficking in Persons Report 2011, released on 27 June 2011, Sri Lanka Section, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm> date accessed 29 January 2012

21.18 On 7 November 2011 the Daily Mirror (Sri Lanka)<sup>411</sup> reported that:

“Over 7,000 complaints of children being abused have been recorded in Sri Lanka this year, an official said on Sunday.

“The National Child Protection Authority said most of the complaints included children being sexually abused or molested by their parents, guardians or people known to them.

“Sri Lanka has a national telephone hotline to report child abuse and most of the complaints had been received on the hotline and were authenticated, said Anoma Dissanayake, the chairperson of the National Child Protection Authority.

“Dissanayake said people with political links in Sri Lanka are also believed to be involved in child abuse but the incidents go unreported owing to the political connections of the suspects.”

21.19 On 13 November 2011 the same source<sup>412</sup> reported that “Police have identified as many as 258 cases of sexual abuse involving children...during the first nine months of this year...” and that “[According to a document tabled in Parliament] 334 incidents where children were ill-treated and sexually abused were reported in 2010, a slight drop from 346 cases reported the previous year. In 2007, 366 cases were reported while 262 cases were reported in 2006. However, 451 cases were reported in 2005 and 471 cases in 2004.” On 29 December 2011 the same newspaper<sup>413</sup> reported that “Police spokesman SP Ajith Rohana said that they have detected an increase in statutory rape cases this year when compared with previous years.” and that “A total of 1,637 rape cases had been reported to the police during this year, the police said.”

20.20 A BHC letter dated 30 January 2012<sup>414</sup>, noted that: “The IP [Inspector of Police] stated that most rape and sexual assault cases are reported by females aged 16 and under. He commented that relationship issues led to many assaults due the advanced technology now available to those of that age i.e. internet, texts, camera phones etc...The IP added that professional counselling services are available for the victims from 08:30 -16:30 daily from Mondays to Fridays.”

21.21 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2010<sup>415</sup> – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009, (undated, website accessed on 1 June 2011) recorded that in 2009 there were in total 346 cases

<sup>411</sup> Daily Mirror (Sri Lanka), SL records over 7,000 child abuse complaints, 7 November 2011  
<http://www.dailymirror.lk/news/14582-sl-records-over-7000-child-abuse-complaints.html> date accessed 21 January 2012

<sup>412</sup> Daily Mirror (Sri Lanka), Sex abuse cases on the rise, 13 November 2011  
<http://www.dailymirror.lk/news/14731-sex-abuse-cases-on-the-rise.html> date accessed 21 January 2012

<sup>413</sup> Daily Mirror (Sri Lanka), 1,637 rape cases reported in 2011: Police, 29 December 2011  
<http://www.dailymirror.lk/news/15756-1637-rape-cases-reported-this-year-police.html> date accessed 21 January 2012

<sup>414</sup> British High Commission Colombo, Letter dated 30 January 2012

<sup>415</sup> Sri Lanka Department of Census and Statistics, Statistical Abstract 2010 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2005 - 2009,  
<http://www.statistics.gov.lk/abstract2010/chapters/Chap13/AB13-13.pdf> undated, website accessed on 1 June 2011

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of cruelty to children and sexual exploitation of children. The figures for 2006; 2007 and 2008 were respectively: 362; 366 and 340.

See also [Female Genital Mutilation](#)

## Missing, unaccompanied and orphaned children in the North

- 21.22 The report of the UN Secretary-General Children and armed conflict<sup>416</sup>, dated 13 April 2010 recorded:

“As of the end of November [2009], 1,221 separated, unaccompanied and orphaned children have been identified in the north of the country. Of those, 517 have been reunified with their families or relatives and 704 have been placed in residential homes. In addition, 162 parents have reported to probation officers that their children are missing and families continue to file requests for tracing their children at the Family Tracing and Reunification Unit established in Vavuniya in December 2009.”

- 21.23 The UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka<sup>417</sup>, dated 1 October 2010 observed that:

“The Committee expresses deep concern over the poor living conditions of children, among them unaccompanied children and children with disabilities, who have been kept for months in IDP camps in Vavuniya and Jaffna districts and at Menik Farm, as well as, of children currently living in transit and return areas. The Committee expresses serious concern that internally displaced children who have suffered trauma through multiple forced displacements, separation from families, and experienced denial of essential basic services are prevented from receiving assistance due to inadequate support from the State party and the restrictions placed since June 2010 on the activities of international and national humanitarian agencies.”

- 21.24 The UN Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Sri Lanka<sup>418</sup>, dated 1 October 2010 noted that:

“The Committee expresses serious concern that in spite of some progress made in terms of family tracing, the whereabouts of hundreds of children who are missing have not been clarified and that many children remain unidentified due mainly to the lack of coordinated tracing structure and the obstacles met by humanitarian agencies, including those with specific expertise in family tracing and reunification to access to camps,

<sup>416</sup> United Nations, Report of the Secretary-General on children and armed conflict in Sri Lanka, 13 April 2010

<http://www.unhcr.org/refworld/pdfid/4bfcce6a2.pdf> date accessed 27 August 2010, Paragraph 156

<sup>417</sup> UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc> date accessed 26 May 2011, p17

<sup>418</sup> UN Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Sri Lanka, 1 October 2010 <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPAC-LKA-CO-1.doc> date accessed 26 May 2011



transit, return and resettlement areas. The Committee is further concern about the absence of accurate data on children who have died as a result of the conflict and the difficulties of families to obtain death certificates.”

21.25 On 1 August 2011 Irin<sup>419</sup> reported that:

“More than two years after Sri Lanka's decades-long conflict officially ended, the whereabouts of 630 children are unknown, according to a government database.

“Most went missing during the final phase of the war that ended on 18 May 2009, when government forces declared victory over the now defeated Liberation Tigers of Tamil Eelam (LTTE), who had been fighting for an independent Tamil homeland since 1983.

“According to reports cited by the UN Children's Fund (UNICEF), 64 percent of those missing were recruited by the LTTE while 30 percent were last seen behind government lines.

“In December 2009, Charles [Pienicia Charles, the most senior government official in the Vavuniya District], set up the Family Tracing Unit within the Vavuniya Divisional Secretariat.

“To date, more than 600 children have been reunited with their parents through the unit, with 13 cases pending and under verification.

“Another 34 names given by parents have been matched with those on the database, with officers now trying to locate the children.

“Recently the number of people coming to Charles for help in finding their children has decreased. However, tracing those still on the list will take time.”

21.26 On 29 August 2011 BBC Sinhala<sup>420</sup> reported:

“Almost 600 children out of 1800 have been reunited with their families by UNICEF with the coordination of several organizations, Vavuniya Government Agent (GA) PSM Charles told BBC Tamil service.

“Ms Charles also said that with the help of UNICEF, actions are underway to find out whereabouts of those missing children as she received tearful pleas from more than 1000 parents in the region.”

21.27 Additional information is available from the [UN Report of the Secretary-General on children and armed conflict in Sri Lanka](#)

21.28 Specific information on the return to Sri Lanka of families with children; unaccompanied and separated children reintegration support post return and monitoring mechanisms for children is available from the [European Commission, Comparative Study on Practices in the Field of Return of Minors](#), December 2011 (see section 5.6 on Sri Lanka).

<sup>419</sup> Irin, Sri Lanka, Over 600 war children still missing, 1 August 2011

<http://www.irinnews.org/report.aspx?reportid=93381> date accessed 21 January 2012

<sup>420</sup> BBC Sinhala, 1000 children 'still missing' since war, 29 August 2011

[http://www.bbc.co.uk/sinhala/news/story/2011/08/110829\\_children\\_missing.shtml](http://www.bbc.co.uk/sinhala/news/story/2011/08/110829_children_missing.shtml) date accessed 21 January 2012

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## CHILDCARE AND PROTECTION

See also subsection [Health and welfare](#) below

- 21.29 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 20 September 2010)<sup>421</sup>, 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."

- 21.30 On 16 August 2010 the Daily Mirror (Sri Lanka)<sup>422</sup> reported that the Probation and Child Care Services (DPCCS) Department had stated that "More than 500 cases of child abuse have been reported in the past six months from some 420 government and privately maintained children's homes in the country..."

- 21.31 The U.S. Department of Labor's 2010 Findings on the Worst Forms of Child Labor<sup>423</sup>, dated September 2011, noted that:

"The National Child Protection Authority (NCPA) is an independent agency under the Ministry of Child Development and Women's Affairs (MCDWA). It shares responsibility with the National Steering Committee for coordinating action to protect children. This body's mandate includes formulating policies on child abuse and exploitation, coordinating groups that combat child abuse and exploitation, conducting research and mobilizing resources. The NCPA is mandated to assist children who are victims of physical and sexual abuse, sexual exploitation and armed conflict. The NCPA and the Women and Children's Bureau of the Sri Lankan Police (WCBSLP) are the key agencies responsible for coordinating efforts to combat child trafficking, forced child labor, commercial sexual exploitation of children and the use of children in illicit

<sup>421</sup> UNICEF, Comments to the UN's Universal Periodic Review of Sri Lanka, undated [http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF\\_LKA\\_UPR\\_2008\\_UnitedNationsChildrensFund\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF_LKA_UPR_2008_UnitedNationsChildrensFund_uprsubmission.pdf) date accessed: 20 September 2010

<sup>422</sup> Daily Mirror (Sri Lanka), Child abuse in children's homes: 16 August 2010 <http://www.dailymirror.lk/print/index.php/news/front-page-news/18600.html> date accessed 8 October 2010

<sup>423</sup> U.S. Department of Labor's 2010 Findings on the Worst Forms of Child Labor, September 2011 (accessed via ecoinet) [http://www.ecoi.net/file\\_upload/90\\_1317902661\\_2011-10-03-usdol-child-labor-2010.pdf](http://www.ecoi.net/file_upload/90_1317902661_2011-10-03-usdol-child-labor-2010.pdf) date accessed 2 February 2012, p700-701

activities.

“Complaints of violations for child labor, child trafficking, forced child labor, commercial sexual exploitation of children and the use of children working in illicit activities can be made via two hotlines, operated by either the NCPA or the WCBSLP.”

21.32 Please also see the website of the [National Child Protection Authority \(NCPA\)](#).

21.33 Additional information is also available from the websites of [Save the Children in Sri Lanka](#) and [UNICEF Sri Lanka](#).

### **Government and Non Government Organisation (NGO) childcare**

21.34 The UNICEF comments to the UN in its Universal Periodic Review of Sri Lanka, undated, accessed 20 September 2010<sup>424</sup>, 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.”

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

21.36 The UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka<sup>425</sup>, dated 1 October 2010 observed that:

“The Committee is seriously concerned that the State Party has not formulated a coherent national policy on de-institutionalization of children and continues to put emphasis on the placement of children in institutions although a large number of institutions remain unregistered and/or not adequately regulated and monitored, with the effect that :

“(a) Mechanisms to deinstitutionalize and/or reintegrate children into their families are not in place in most of these institutions and many children often do not maintain relationships with their families ;

<sup>424</sup> UNICEF, Comments to the UN’s Universal Periodic Review of Sri Lanka, undated [http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF\\_LKA\\_UPR\\_2008\\_UnitedNationsChildrensFund\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/LK/UNICEF_LKA_UPR_2008_UnitedNationsChildrensFund_uprsubmission.pdf) date accessed: 20 September 2010

<sup>425</sup> UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc> date accessed 26 May 2011, p11

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- “(b) Large numbers of children in conflict with the law, children victims of abuse and neglect, children with disabilities and, increasingly, children living in poverty continue to be institutionalized and for long periods of time;
- “(c) Unacceptable conditions prevail in many institutions which are unable to provide basic facilities such as sanitation facilities, sleeping space, medical care and clothing to children;
- “(d) Children’s emotional wellbeing is gravely affected in the institutions and the situation is aggravated by the fact that most of the caregivers are untrained and not adequately paid and by a high turnover of staff;
- “(e) Institutionalized children are often deprived of vocational training, counseling and other alternative educational opportunities; and
- “(f) The situation of institutionalized children is not regularly assessed.”

## EDUCATION

- 21.37 The USSD 2010 report<sup>426</sup> observed that “The law requires 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.” With regards to ‘resettled areas’, the same report noted that “School facilities were being demined and reconstructed, but many were in poor condition and lacked basic supplies. Medical care in these areas was limited, but improvements continued throughout the year.”
- 21.38 The U.S. Department of Labor’s 2010 Findings on the Worst Forms of Child Labor<sup>427</sup>, dated September 2011, observed that: “Children in Sri Lanka are able to access school. Reports indicate that almost all children complete nine years of the required basic education. However, both the 2-decade long civil conflict and the 2004 tsunami devastated specific parts of the country, creating major educational disparities in the affected areas.” and that “Children in Sri Lanka are provided free and compulsory education until age 14.”
- 21.39 The same report<sup>428</sup> added that “The Government has reported the provision of rehabilitation and reintegration programs for all former child soldiers from non-State armed groups heavily involved in the recent conflict. Specifically, the Government provided three residential educational and vocational training facilities for child ex-combatants. These facilities offer catch-up education classes and facilitate family visits to reintegrate the children into their communities.”

<sup>426</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

<sup>427</sup> U.S. Department of Labor’s 2010 Findings on the Worst Forms of Child Labor, September 2011 (accessed via ecoinet) [http://www.ecoi.net/file\\_upload/90\\_1317902661\\_2011-10-03-usdol-child-labor-2010.pdf](http://www.ecoi.net/file_upload/90_1317902661_2011-10-03-usdol-child-labor-2010.pdf) date accessed 2 February 2012, p700

<sup>428</sup> U.S. Department of Labor’s 2010 Findings on the Worst Forms of Child Labor, September 2011 (accessed via ecoinet) [http://www.ecoi.net/file\\_upload/90\\_1317902661\\_2011-10-03-usdol-child-labor-2010.pdf](http://www.ecoi.net/file_upload/90_1317902661_2011-10-03-usdol-child-labor-2010.pdf) date accessed 2 February 2012, p700

21.40 On 17 January 2011 the official website of the Government of Sri Lanka<sup>429</sup> reported that:

“Major General Shavendra Silva, Acting Permanent Representative of Sri Lanka to the United Nations speaking on the advancement of Girl Child Education in Sri Lanka at the UN said, the Government took concerted action to rehabilitate and reintegrate all former child combatants.

“Among them, 351 were girls. Knowing that these children had been forced to take up arms instead of school books, the Government of Sri Lanka adopted a dynamic approach towards their reintegration’.

“Such an approach was based on the principles of women empowerment, livelihood training, psycho-social support, and above all, restorative justice, he said.

“For those who missed the opportunity of experiencing a childhood and a formal education, arrangements have been made through the ‘catch up schools’ to enable them to complete the General Certificate of Education examinations, irrespective of their current age.”

“To assist the former LTTE combatants, including women, a vocational, technical and language training opportunities are offered under the ‘Accelerated Skills Acquisition Programme’. The ‘Nanasala’, or the centres of wisdom, is another such programme launched in the conflict affected areas to provide community [sic] based education to the youth of whom majority are females.”

21.41 The State of the World’s Children 2011<sup>430</sup> reported that the “Youth (15–24 years) literacy rate 2004–2008” (defined as “Number of literate persons aged 15–24, expressed as a percentage of the total population in that age group”) was respectively 97 per cent for males and 99 per cent for females.

21.42 The Sri Lanka Department of Census and Statistics recorded in their Statistical Abstract 2010, Education, Number of schools, pupils, teachers and pupil teacher ratios by type of school, 2002 - 2009<sup>431</sup> (undated, website accessed on 1 June 2011) that in 2009 there were 10,205 Government schools; 98 private schools and 697 Pirivenas [Buddhist monastic colleges] with a total number of pupils of 4,033,248. In Government schools the Pupil Teacher Ratio was 18.

<sup>429</sup> Official website of the Government of Sri Lanka, Dynamic approach to reintegrate ex-LTTE child cadres

- Maj Gen Shavendra Silva at UN, 17 January 2011

[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201101/20110117dynamic\\_approach.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201101/20110117dynamic_approach.htm) date accessed 1 June 2011

<sup>430</sup> UNICEF’s The State of the World’s Children 2011: Adolescence – An Age of Opportunity [http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report\\_EN\\_02092011.pdf](http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf) date accessed 31 May 2011, Table 5

<sup>431</sup> Sri Lanka Department of Census and Statistics, Statistical Abstract 2010, Education Number of schools, pupils, teachers and pupil teacher ratios by type of school, 2002 – 2009, undated <http://www.statistics.gov.lk/abstract2010/chapters/Chap14/AB14-3.pdf> date accessed 1 June 2011

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21.43 On 16 August 2011 Irin<sup>432</sup> reported that:

“As thousands of students begin uninterrupted schooling after a lapse of years, education officials in Sri Lanka's former northern conflict zone are facing a shortage of teachers.

“John Edward Solemn, assistant education director of Vavuniya South, an educational division, said the lack of teachers, especially in rural schools and in the subjects of English, mathematics and science, was a major concern for the region.

“Of a total 1,016 schools in the Northern Province, 850 are operational, according to government and UN reports.

“Of these, 720 have been repaired at a cost of US\$4.2 million, according to the Joint Plan of Assistance Northern Province 2011, released by the Sri Lanka government, the UN and other partners in February.

21.44 A letter from the British High Commission (BHC), Colombo, dated 17 September 2011<sup>433</sup>, quoting the United Nations Development Programme (UNDP), reported that:

“There are 101 schools in Kilinochchi District, of which 81 were open and functioning. The biggest challenges apart from needing furniture, renovation of buildings, plus water and sanitation facilities, were a shortage of teachers and transport to get teachers to and from the school. Many schools were still only open for a couple of hours a day because teachers were travelling from outside of the district.

“There are 109 schools in Mullaitivu District, of which 78 were open and functioning. The biggest challenges apart from needing furniture, renovation of buildings, plus water and sanitation facilities, were a shortage of teachers. Transport to get teachers to and from the school had been an issue but many teachers now remained in Mullaitivu during the week, returning to homes outside of the district at weekends.”

21.45 On 3 November 2011 Irin<sup>434</sup> reported that:

“The decades-long conflict has ended in Sri Lanka, but the damage to the country's educational system lingers, particularly in the disaster-prone east, say families and experts.

“Conflict as well as natural disasters have displaced families and damaged schools, said Brenda Haiplik, education chief for the UN Children's Fund (UNICEF) in the commercial capital, Colombo.

“Floods this year alone have caused about US\$12 million in damage to the education infrastructure, according to UNICEF.

<sup>432</sup> Irin, Sri Lanka, High demand for teachers in former conflict zone, 16 August 2011  
<http://www.irinnews.org/report.aspx?reportid=93508> date accessed 21 January 2012

<sup>433</sup> British High Commission, Colombo, letter dated 17 September 2011

<sup>434</sup> Irin, Sri Lanka, Education - could do better in the east, 3 November 2011  
<http://www.irinnews.org/report.aspx?reportid=94132> date accessed 21 January 2012

“In addition, there are teacher shortages, said Duminda Perera, head of the Community Livelihood Support Programme at the International Organization for Migration (IOM) in Sri Lanka.”

21.46 A British High Commission (BHC) letter dated 30 January 2012<sup>435</sup> noted that:

“[The Salvation Army spokesperson told us that] 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. However, children born to mixed parents often face religious and racial challenges when it comes to schooling. In many cases the children are educated in the Sinhala medium; however wealthier families who can afford to let their children study in English medium, find it more suitable for their children’s schooling.”

## HEALTH AND WELFARE

21.47 The UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka<sup>436</sup>, dated 1 October 2010 observed that:

“While noting the State party’s remarkable achievements in reducing infant, child and maternal mortality and continuous efforts to provide universal access to maternal and child health care services, the Committee expresses concern that the proportion of GDP [Gross Domestic Product] devoted to health has been decreasing since 2007.

“The Committee is further concerned over the considerable variations in children’s health status depending on the regions where they live, with children living in the plantation sector or in conflict affected areas being particularly disadvantaged.

“While noting the formulation of a National Policy on the Health of Adolescents and the creation of youth friendly health services in 2005, the Committee notes with concern the limited knowledge among adolescents about reproductive health, persistent problems of youth suicides and alcohol, drug and tobacco use by adolescents in the State party. The Committee also expresses serious concern at the high level of teenage pregnancies especially in less developed and conflict affected areas as well as the high level of abortions in the State party which represent a significant proportion of maternal deaths.”

21.48 The same UN document<sup>437</sup>, also added:

“While noting the existence of a large number of social protection systems to support poor families and the fact that overall poverty has declined in recent years, the Committee nevertheless expresses concern that a large proportion of the State party’s families and children continue to live in extreme poverty, especially in rural areas and

<sup>435</sup> British High Commission Colombo, Letter dated 30 January 2012

<sup>436</sup> UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc> date accessed 26 May 2011, p13-14

<sup>437</sup> UN Consideration of reports submitted by states parties under article 44 of the convention, Concluding Observations: Sri Lanka, <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-LKA-CO-3-4.doc> date accessed 26 May 2011, p15

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tea plantations which undermines their development. The Committee is also concerned that disadvantaged families are excluded from poverty alleviation programmes due to shortcomings in their management and coordination and that they rarely meet the needs of children and families who require them most as such families often have no knowledge of the existing support programmes and services.”

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## 22. TRAFFICKING

22.01 The US Department of State’s Trafficking in Persons Report 2011<sup>438</sup>, released 27 June 2011 noted that:

“Sri Lanka is primarily a source and, to a much lesser extent, a destination for men, women, and children subjected to forced labor and sex trafficking. Sri Lankan men, women, and some children (between 16 and 17 years old) migrate consensually to Kuwait, Jordan, Saudi Arabia, Qatar, Lebanon, the United Arab Emirates (UAE), Oman, Bahrain, and Singapore to work as construction workers, domestic servants, or garment factory workers. Some of these workers, however, subsequently find themselves in conditions of forced labor through practices such as restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of detention and deportation for immigration violations.

“Within the country, women and children are subjected to sex trafficking in brothels, especially in the Anuradhapura area, which was a major transit point for members of the Sri Lankan Armed Forces heading north. Boys are more likely than girls to be forced into prostitution – this is generally in coastal areas for domestic child sex tourism. In 2009, the National Child Protection Authority (NCPA) estimated that approximately 1,000 children were subjected to commercial sexual exploitation within Sri Lanka although some NGOs believed the actual number was between 10,000 and 15,000. NGOs expressed concern that the recent increase in tourism in the very poor post-conflict areas on the east coast may increase demand for child sex tourism. There are reports of children being subjected to bonded labor and forced labor in dry-zone farming areas on plantations, and in the fireworks and fish-drying industries. Some child domestic workers in Colombo, generally from the Tamil tea-estate sector of the country, are subjected to physical, sexual, and mental abuse, nonpayment of wages, and restrictions of their movement. Some women and children were promised garment industry work by agents and were instead forced into prostitution. A small number of women from Thailand, China, and countries in South Asia, Europe, and the former Soviet Union may be subjected to forced prostitution in Sri Lanka.

“Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted three traffickers, in the first case under its anti-trafficking legislation, and rejuvenated its inter-agency task force. However, serious problems remain unaddressed, such as the detention of identified trafficking victims (including those who provided evidence to support the three convictions), the failure to achieve criminal convictions for fraudulent recruitment agencies involved in trafficking in persons, and official complicity in human trafficking.”

<sup>438</sup> US Department of State, Trafficking in Persons Report 2011, released on 27 June 2011, Sri Lanka Section, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm> date accessed 29 January 2012

22.02 The same USSD report<sup>439</sup> added:

“The Sri Lankan government increased law enforcement efforts in addressing human trafficking cases over the reporting period. Sri Lanka prohibits all forms of trafficking through an April 2006 amendment to its penal code, which prescribes punishments of up to 20 years’ imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape.

“During the year, there was some evidence of government officials’ complicity in trafficking. There were allegations that police and other officials accepted bribes to permit brothels to operate; some of the brothels exploited trafficking victims. Many recruitment agencies were run by politicians or were politically connected. Some sub-agents cooperated with Sri Lankan officials to procure forged or modified documents, or real documents with false data, to facilitate travel abroad. There were no reported law enforcement actions taken against officials complicit in human trafficking. The Sri Lankan Police continued to teach a counter-trafficking module to all police recruits during their basic trainings. Additionally, police officers who were previously trained in IOM training-of-trainers courses conducted 16 training workshops at local police stations on counter-trafficking in the reporting period.

“The government made limited progress in protecting victims of trafficking during the year.

“Government personnel did not employ formal procedures for proactively identifying victims. The National Counter Human Trafficking Resource Center of the Sri Lanka Department of Immigration and Emigration trained 10 immigration officers on the identification of trafficking victims, in partnership with IOM [International Organisation for Migration], in 2010; 50 officers were trained in 2009. The government pursued a partnership with the Salvation Army to transfer women and child victims of abuse to protection facilities, though it is unknown how many trafficking victims, if any, were referred in the reporting period.

“The Sri Lankan government made some progress in its efforts to prevent trafficking during the last year. The government formed an inter-ministerial anti-trafficking task force in October 2010, led by a coordinator from the Ministry of Justice, and developed a terms of reference on how government agencies will work together to combat trafficking.”

22.03 The U.S. Department of Labor’s 2010 Findings on the Worst Forms of Child Labor<sup>440</sup>, dated September 2011, observed that: “Children are trafficked internally for the purposes of commercial sexual exploitation, forced labor and domestic service. Children are also trafficked abroad to work as domestic servants, primarily in Middle Eastern countries, where they are vulnerable to labor and sexual exploitation.”

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<sup>439</sup> US Department of State, Trafficking in Persons Report 2011, released on 27 June 2011, Sri Lanka Section, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm> date accessed 29 January 2012

<sup>440</sup> U.S. Department of Labor’s 2010 Findings on the Worst Forms of Child Labor, September 2011 (accessed via ecoinet) [http://www.ecoi.net/file\\_upload/90\\_1317902661\\_2011-10-03-usdol-child-labor-2010.pdf](http://www.ecoi.net/file_upload/90_1317902661_2011-10-03-usdol-child-labor-2010.pdf) date accessed 2 February 2012, p699

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- 22.04 The UN Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka<sup>441</sup>, dated 4 February 2011 observed:

“The Committee commends the efforts undertaken by the State party to combat trafficking, including the introduction of a new definition of the offence of trafficking in persons in the Penal Code, the organization of awareness-raising activities and the establishment of an Anti-Human Trafficking Task Force. The Committee further commends that a bill on witness protection is being elaborated. The Committee is, however, concerned at the low number of convictions and punishment of those convicted of trafficking and at the lack of protective measures and safe homes for victims of trafficking. It is also concerned that the State party has not ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.”

- 22.05 Additional, detailed information on this subject is available from the UNOG (United Nations Office on Drugs and Crime) report [Legal and Policy Review - Responses to Human Trafficking in Bangladesh, India, Nepal and Sri Lanka](#), dated 28 April 2011 and accessible from the hyperlink.

See also [Women](#); [Children](#) and [Internally Displaced Persons \(IDPs\)](#)

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## 23. MEDICAL ISSUES

### OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 23.01 A letter from the British High Commission (BHC) Colombo dated 25 October 2010<sup>442</sup> reported:

“The mission statement of the Sri Lankan Ministry of Health is ‘To contribute to social and economic development of Sri Lanka by achieving the highest attainable health status through promotive, preventive, curative and rehabilitative services of high quality made available and accessible to the people of Sri Lanka’ [www.health.gov.lk](http://www.health.gov.lk). The government of Sri Lanka promotes the fact that they provide free healthcare to all citizens through their national health service. A substantial budget is allocated for the purchase of drugs, enabling the population to purchase them at reasonable rates.

“We recently spoke to the General Manager of the State Pharmaceuticals Corporation of Sri Lanka (SPC). He told us that the SPC came under the Ministry of Health, but was an independent body with 784 employees. The administrative centre of the corporation was based in central Colombo, and co-ordinated 24-hour cover through pharmaceutical retail outlets nationwide. He explained that they had 52 distributors who were private companies working on a commission basis, and 74 different franchises. They also had a tie-up with the Cargill’s supermarket chain, with each store having a pharmaceutical counter manned by their own staff, which was part of the SPC distribution network.

<sup>441</sup> UN *Concluding observations of the Committee on the Elimination of Discrimination against Women, Sri Lanka*<sup>441</sup>, 4 February 2011 <http://www2.ohchr.org/tbrucdaw/CEDAW-C-LKA-CO-7.pdf>, date accessed 25 May 2011, p5

<sup>442</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 25 October 2010



Besides that there were independent outlets which also operated on a commission basis. The main storage depot for SPC is in Ratmalana, and holds between 3 to 6 months supplies of most popular drugs.”

23.02 The same BHC letter<sup>443</sup> added:

“SPC are able to procure all Western drugs. Sometimes there were difficulties obtaining some narcotic items in India, and also Indian drugs were occasionally sub-standard, but SPC also deal with European suppliers, and often obtained specific drugs from the UK, France, Germany or Switzerland. For very specific individual cases, a search would be conducted over the internet to locate the required items and the request to purchase them would be assessed by the Ministry of Health. If the costs could not be met by the government, an individual had the option to contribute towards them.

“Prescription and dispensing charges are cheaper in Sri Lanka than in the United Kingdom. As of 1st January 2008, the Healthcare and Nutrition Ministry banned the prescription of drugs by their trade names, instead insisting on the use of their generic names. This applies to doctors in government service as well as in the private sector... ‘The State Pharmaceutical Corporation (SPC) markets drugs under the generic name and is most of the time cheaper than the branded versions.”

23.03 The WHO (World Health Organisation) Country Health System Profile Sri Lanka<sup>444</sup> (undated, website accessed on 1 June 2011) 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...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...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.”

23.04 The WHO Mini profile 2007<sup>445</sup> (accessed on 1 June 2011), 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 [sic] of Unani, Siddha and Homeopathy

<sup>443</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 25 October 2010

<sup>444</sup> World Health Organisation (WHO), Country Health System Profile Sri Lanka, undated  
[http://www.searo.who.int/EN/Section313/Section1524\\_10878.htm](http://www.searo.who.int/EN/Section313/Section1524_10878.htm) date accessed 1 June 2011

<sup>445</sup> World Health Organisation (WHO), Mini profile 2007, Sri Lanka, undated,  
[http://www.searo.who.int/LinkFiles/Country\\_Health\\_System\\_Profile\\_9-Sri-Lanka.pdf](http://www.searo.who.int/LinkFiles/Country_Health_System_Profile_9-Sri-Lanka.pdf) date accessed 1 June 2011, p14

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systems as well. Nearly 60% of the rural population relies on traditional and natural medicine for their primary health care.”

- 23.05 Detailed information on government hospitals and their respective bed strength is available from the [website of the Sri Lankan Ministry of Healthcare and Nutrition](#) (accessed on 1 June 2011), by clicking on the following hyperlinks:

[Hospital Bed Strength on Category of Hospitals by District](#)

[Hospital and Bed Strength in Sri Lanka by District – Year 2010](#)

[Hospitals under Line Ministry 2010](#)

- 23.06 The same website<sup>446</sup> recorded that, as of December 2010, in total in Sri Lanka there were 1,042 hospitals with a total of 69,501 hospital beds.
- 23.07 The WHO Core Health Indicators, World health statistics 2008<sup>447</sup>, undated (website accessed on 1 June 2011) recorded that in 2004 (latest available figures) in Sri Lanka there were 10,479 physicians (between generalists and specialists) while the number of nursery and midwifery personnel was 33,233 and that of the pharmaceutical personnel was 990.
- 23.08 Additional information is available from the Ministry of Health [Health Manpower](#), updated on 31 December 2008 (website accessed on 3 February 2012)
- 23.09 A letter from the British High Commission (BHC), Colombo, dated 17 September 2011<sup>448</sup>, quoting the United Nations Development Programme (UNDP), reported that:
- “The health sector in Kilinochchi is facing staff shortages, in particular doctors. There is currently a lack of health infrastructure facilities and very few hospitals are functioning. The requirement for the district is 31 clinics, 13 healthcare centres and 13 hospitals. Currently there is 1 clinic, 11 healthcare centres and 1 hospital completed and functioning. A further 7 clinics, 1 healthcare centre and 6 hospitals are currently being built/renovated.”
- “The health sector in Mullaitivu is also facing staff shortages, in particular doctors. There is currently a lack of health infrastructure facilities and few facilities functioning. The requirement for the district is 59 clinics, 59 healthcare centres and 16 hospitals. Currently there are no clinics, 2 healthcare centres and 5 hospitals completed and functioning. A further 4 clinics, 7 healthcare centre and 3 hospitals are currently being built/renovated.”
- 23.10 With regards to Jaffna, the same BHC letter<sup>449</sup>, quoting the Government Agent for Jaffna reported:

<sup>446</sup> Ministry of Healthcare and Nutrition, Medical Institutions and Bed Strength In Sri Lanka By Hospital Type – 2010, <http://203.94.76.60/nihs/BEDS/bedsum2010.pdf> date accessed 1 June 2011

<sup>447</sup> World Health Organisation(WHO),Core Health Indicators, World health statistics 2008, undated [http://apps.who.int/whosis/database/core/core\\_select\\_process.cfm?country=lka&indicators=healthpersonnel#](http://apps.who.int/whosis/database/core/core_select_process.cfm?country=lka&indicators=healthpersonnel#) date accessed 1 June 2011

<sup>448</sup> British High Commission, Colombo, letter dated 17 September 2011

“With regard to healthcare in the district, the GA [Government Agent] told us that things were improving, although many facilities were still short staffed. She said that there were few specialists and no cardiologists. Although buildings had been allocated for development into healthcare facilities, no takers or donors had come forward. Jaffna Teaching Hospital is hopeful that over 100 doctors will qualify this year and that many will be content to take up posts in the district. She added though that an extra concern for healthcare in the district was the large military population and their families using the facilities provided.”

## HIV/AIDS – ANTI-RETROVIRAL TREATMENT

23.11 On 5 August 2010 Irin<sup>450</sup> reported:

“Sri Lanka has remained relatively unscathed by the global AIDS pandemic, but for the tiny minority of people living with HIV, life is extremely hard. ‘If you have AIDS, you become an immoral person overnight,’ said Chamara Sumanapala, a social commentator at the University of Colombo in the capital, Colombo. ‘People are simply not comfortable living with people who have HIV.’

“Those living with HIV face daily discrimination.

“Dr Chamil Jinadasa, an independent health worker in Colombo, said social stigma was one of the main barriers to the country's efforts to combat HIV/AIDS. ‘People are really worried that they will be socially stigmatized among their families and friends,’ he told IRIN/PlusNews. ‘This is a major concern; [it] increases the risk of further infections.’”

23.12 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>451</sup>, released on 8 April 2011, recorded 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 were reports of societal discrimination against these groups.”

23.13 A letter from the British High Commission in Colombo dated 14 September 2010<sup>452</sup> 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.”

23.14 On 28 December 2010 Irin<sup>453</sup> reported:

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<sup>449</sup> British High Commission, Colombo, letter dated 17 September 2011

<sup>450</sup> Irin, Sri Lanka: Taboo reinforces ignorance about HIV, 5 August 2010

<http://www.irinnews.org/report.aspx?ReportID=90077> date accessed 6 October 2010

<sup>451</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

<sup>452</sup> British High Commission in Colombo, letter dated 14 September 2010, available upon request

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"HIV prevalence in Sri Lanka is relatively low: The latest government figures (December 2009) indicated 1,196 cases - less than 0.1 percent of people aged 15-49, and less than 1 percent of those in high-risk groups.

"However, accurate assessment of HIV prevalence is difficult as social stigma and lack of knowledge make HIV prevention and information campaigns difficult. UNAIDS estimates the total number of infections is at least three times higher than indicated by official figures.

"The stigma around HIV makes HIV-positive people reluctant to disclose their status or even get tested, warned a joint report by UNAIDS and the Family Planning Association of Sri Lanka entitled People Living with HIV Stigma Index Sri Lanka."

## CANCER TREATMENT

- 23.15 A letter from the British High Commission (BHC) in Colombo dated 29 January 2012<sup>454</sup> 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 789 beds, caters for 878 day-care patients. We were told that the medical team included 24 radiotherapy oncologists, 4 paediatrician oncologists, 3 surgical oncologists, 3 gynaecological oncologists, 1 haematologist (plus haematology students from the College of Sri Lanka), 1 general physician, 2 senior anaesthetists (there are always 4 junior anaesthetists available) and more than 150 medical officers. The institute provides chemotherapy, radiotherapy and surgical treatment for cancer patients and possesses 1 linear accelerator and brachytherapy equipment. We were 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. Surgical, chemotherapy and radiotherapy treatment was available at all of these hospitals, apart from Kurunegala, where only surgical and chemotherapy treatments were available along with cobalt therapy. There are surgical oncologists based at Kandy, Anuradhapura and Batticaloa. We were told that there were no bone marrow transplant facilities available in the public sector in Sri Lanka."

- 23.16 The BHC letter of 29 January 2012<sup>455</sup> further reported:

"Within the private sector, Dr Ariyaratne said that there was chemotherapy, radiotherapy and surgical therapy available at hospitals in Colombo and Kandy. The private sector could also provide some stem cell transplants, although this was limited. The main hospitals providing cancer treatment were Ceylinco Hospital and the Oasis Hospital, both in Colombo. He added that the Ceylinco Hospital had a linear accelerator. Ceylinco's own website [www.ceylincohealth.com](http://www.ceylincohealth.com) states that 'The Ceylinco Healthcare

<sup>453</sup> Irin, Sri Lanka: Stigma stifles HIV reporting, 28 December 2010

<http://www.irinnews.org/Report.aspx?ReportID=91467> date accessed 2 June 2011

<sup>454</sup> British High Commission (BHC), Colombo letter dated 29 January 2012

<sup>455</sup> British High Commission (BHC), Colombo letter dated 29 January 2012

Centre is equipped for oral, breast, colorectal, stomach and cervical cancer screening, as well as for genetic testing to identify high-risk families. Tests such as mammography, colonoscopy, endoscopy, laryngoscopy, ultrasound screening and x-ray are performed at the centre in comfortable and pleasant surroundings. The unit also provides brachytherapy, radioactive iodine treatment and chemotherapy infusions. The Centre's Radiation Treatment Unit also offers Intensity Modulated Radiation Therapy (IMRT) with a state-of-the-art Linear Accelerator'. Dr Ariyaratne told us that the cost of this treatment is around Rs 500,000 (£ 2,835) and there is a 2 week waiting list. This compares with the treatment offered by the Cancer Institute which had a 3 week – one month waiting list, but was free of charge.

"We asked Dr Ariyaratne if, in his opinion, cancer patients in Sri Lanka from all backgrounds were able to access all of the available treatment. He said that obviously patients with money could access treatment both in Sri Lanka and abroad. The public sector did offer flexibility for patients from poorer backgrounds however. He explained that the institute sometimes referred patients for treatment in Singapore or Australia. In many cases relatives and friends rallied round to raise funds for this treatment, but the Institute could apply on the patients' behalf for a grant from the President's Fund. Each application was considered on its own merits and if successful, the patient was awarded sums to assist with the financing of the required treatment. Dr Ariyaratne added that the high cost of chemotherapy treatment meant that they often had to justify treatment in a letter written to the Ministry of Health with an assessment, which included the patients' ability to contribute to the cost of the treatment."

23.17 The same BHC letter<sup>456</sup> added:

"With regard to the availability of drugs for cancer treatment, we were told that for many years the government of Sri Lanka purchased these drugs from Switzerland. However, in recent years the government had purchased them from manufactures in India, Pakistan, Bangladesh and Indonesia. 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. Also, there were often occasions where the government had purchased fake drugs because no quality control check had been carried out. Dr Ariyaratne added that many drugs companies now offered credit facilities to general pharmacies which had resulted in more pharmacists making drugs for cancer treatment readily available."

## KIDNEY DIALYSIS

23.18 A letter from the British High Commission (BHC) Colombo<sup>457</sup> dated 30 January 2012 reported:

"On 26 January 2012 we spoke to Mrs Janet Gunesekara who is the head of the Kidney Patient's Welfare Society (KWPS). She gave us an update on the treatment of kidney patients in Sri Lanka.

<sup>456</sup> British High Commission (BHC), Colombo letter dated 29 January 2012

<sup>457</sup> British High Commission (BHC) Colombo, letter dated 30 January 2012

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“Mrs Gunesekera stated that the needs of kidney patients had increased in Sri Lanka in recent years. She stated that there were around 250 dialysis machines and only 17 nephrologists in the entire country. There are no reliable statistics on the number of persons suffering from kidney failure but it is currently estimated that every year a further 10,000 people are diagnosed. This increase is directly linked to the higher number of patients diagnosed with chronic diabetes. She said there was also a major concern that many patients are only identified with kidney issues at the chronic level, where both kidneys have failed, and added that it was very rare that a patient was diagnosed at acute level. Mrs Gunesekera gave the opinion that there are many more people suffering from the illness who were not even aware.

“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. An added cost is the travel to and from the hospital, given that nearly all of the hospitals offering treatment are in these areas and a large percentage of the patients live in rural areas. Some poorer patients without funds are often transported in vans. It was added that people often had a lack of trust in providing funds to such patients.”

23.19 The same BHC letter <sup>458</sup> continued:

“Braun & Company and Commercial Syndicate are the only suppliers of dialysis machines. Each dialysis machine can carry out a maximum of four treatment sessions per day. Each session lasts for 4 hours. However, because of the lack of new machines being purchased and poor maintenance they are often limited to three. This does not include time put aside for maintenance, plus many patients require several dialysis sessions per week. It is estimated that Sri Lanka requires between 500 and 1000 dialysis machine to cope with demand. Doctors and nurses in Sri Lanka are reluctant to take up nephrology due to the lack of dialysis machines and other services such as technicians and maintenance capacities; this has created a shortage of nephrologists to treat the growing numbers of kidney patients.

“With regard to public sector hospitals providing dialysis treatment we were told that the main hospitals were the National Hospital in Colombo, the Teaching Hospital Colombo South, Sri Jayewardenepura General Hospital and Kandy General Hospital. Old dialysis machines had been donated to the Police Hospital and Badulla Hospital. The problem with the public sector was that the Sri Lankan government simply could not afford to increase the number of facilities. Often it is only when organisations such as the KPWS fund and build units, or provides machines, that the government then allocate funds for staffing and running costs.”

23.20 The BHC letter of 30 January 2012<sup>459</sup> added that:

“In the private sector the following Colombo hospitals were specifically mentioned by Mrs Gunesekera: Navaloka Hospitals, Durdans Hospitals, Asiri Hospitals, Apollo Hospital and Asha Central Hospital. Costs for a dialysis treatment vary from Rs 6,000 – 10,000 per session (£34-£57), so for a person requiring 3 sessions a week costs could be as high as Rs 30,000 (£170) per week. The initial dialysis treatment is available in

<sup>458</sup> British High Commission (BHC) Colombo, letter dated 30 January 2012

<sup>459</sup> British High Commission (BHC) Colombo, letter dated 30 January 2012

the public sector free of charge, but thereafter patients need to purchase their own dialysis consumables at the price of Rs. 1,300 (£7) each. She added that people who can afford treatment in the private sector are often unable to access it because of the high demand and they end up in a queue.

“Mrs Gunesekera explained that many of the hospitals mentioned above, in both public and private sector, were 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. Many people who can afford it choose to go overseas for a transplant, to Singapore, US, UK, or more likely India. Persons who cannot afford to go overseas can make an application to the President’s Fund for assistance with funding.”

## MENTAL HEALTH

23.21 The World Health Organisation (WHO) report, The New Mental Health Policy for Sri Lanka<sup>460</sup>, undated, accessed on 3 February 2012, 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 [sic] of depression amongst the general public varies from 9% to 25%.”

23.22 On 23 June 2010 the Daily News<sup>461</sup> reported that:

“Sri Lanka's progress in the mental health sector is commendable and Sri Lanka has achieved a significant improvement in human resources development and expansion of resources and facilities. Sri Lanka is on the right track when it comes to improving mental health care, said WHO Representative Dr. Firdosi Rustom Mehta...

“Sri Lanka has the world's 10th highest suicide rate. Earlier Sri Lanka had the world's highest suicide rate, Dr. Mehta said that Japan has the world's eighth highest suicide rate and Sri Lanka is placed below Japan and some Baltic and Eastern European countries.

“Sri Lanka is doing much better in the field of mental health when comparing with the world's status.”

23.23 Additional information on this issue is available from the website of the NGO Sri Lanka Sumithrayo<sup>462</sup> (accessed on 3 February 2012), which noted that: “The current suicide rate in Sri Lanka is approximately 20 per 100,000 of population (2009 police department statistics). In simple terms on an average we lose 4000 people a year due to death by

<sup>460</sup> World Health Organisation (WHO), The New Mental Health Policy for Sri Lanka, undated, [http://www.whosrilanka.org/LinkFiles/Press\\_Releases\\_New\\_Mental\\_Health\\_Policy.pdf](http://www.whosrilanka.org/LinkFiles/Press_Releases_New_Mental_Health_Policy.pdf) date accessed 25 January 2010

<sup>461</sup> Daily News, Lanka's progress commendable – WHO, 23 June 2010 <http://www.dailynews.lk/2010/06/23/news13.asp> date accessed 8 October 2010

<sup>462</sup> Sri Lanka Sumithrayo, Statistics & Data, undated <http://www.srilankasumithrayo.org/statistics-a-data> date accessed 3 February 2012

suicide. Although this rate is considerably low when comparing with the 1995 data, it is still too high. Furthermore, the number of attempts is found to be ten to fifteen times more.” Out of a total number of 2,074 suicides between January and June 2009, 1,609 were of males and 465 of females.

- 23.24 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights<sup>463</sup>, dated 9 December 2010 expressed concerned “... that mental health services remain insufficient to cope with widespread post-conflict mental disorders. The Committee is also concerned that the 2007 draft Mental Health Act has still not been adopted.”

## Mental health hospitals and clinics

- 23.25 A letter from the British High Commission (BHC) Colombo<sup>464</sup> dated 31 January 2012 reported:

“The main public facility is the National Institute of Mental Health (NIMH); a government run establishment which can hold up to 1500 residential patients at its two locations close to each other in Angoda and Mulleriyawa, Colombo. It boasts a psychiatric intensive care unit, a general medical ward, a geriatric psychiatry unit, a prenatal psychiatry unit and a learning unit. It has 1,000 full-time staff which includes 8 consultant psychiatrists as well as 18 psychiatric social workers. Mulleriyawa is described as a halfway home which has 600 beds providing long term care for approximately 525 women. See: <http://www.nimh.lk/>

“A Consultant Psychiatrist from NIMH told us that every district in Sri Lanka, apart from Monaragala, has a hospital offering treatment for mental illness. All of these hospitals have between 8 – 12 beds for patients. Colombo has two hospitals apart from NIMH offering this facility. He added that although the government’s policy states that each district has at least 30 beds for patients with mental illnesses, this had not been implemented; adding that the only way many of the districts had managed to get extra beds was due to donations by the Sri Lanka College of Psychiatrists.

“The Park Hospital, Park Road, Colombo 5. ([www.parkhospitals.com](http://www.parkhospitals.com)) is the only private hospital providing psychiatric treatment with between 10 – 15 beds available for non-violent patients. We were told however that all psychiatrists working in the public sector conduct private consultations after 4pm each day, which is known as ‘channel consultation’.”

- 23.26 The same BHC letter<sup>465</sup> added:

“Three organisations below provide the following services:

- “Sahanaya – The National Council for Mental Health – two centres in Borella and Gorakana providing walk-in clinics and day care centres – [www.sahanaya.org/index](http://www.sahanaya.org/index) .

<sup>463</sup> UN Concluding observations of the Committee on Economic, Social and Cultural Rights , dated 9 December 2010 <http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc> date accessed 25 May 2011, p10

<sup>464</sup> British High Commission (BHC) Colombo, letter dated 31 January 2012

<sup>465</sup> British High Commission (BHC) Colombo, letter dated 31 January 2012

- “Sri Lanka Sumithrayo – based in Colombo but with 13 branches across the country providing counsellors and trained volunteers - [www.srilankasumithrayo.org](http://www.srilankasumithrayo.org)
- “Basic Needs – capacity building of communities, partner organisations and primary health care workers to help to the stigma surrounding mental health - <http://www.basicneeds.org/srilanka/index.asp>

23.27 The Médecins Sans Frontières MSF (Doctors Without Borders) undated Focus on Sri Lanka<sup>466</sup>, noted that: “Since November 2010, MSF has provided counselling to people suffering from mental trauma in partnership with the Kilinochchi District Mental Health Unit, in the far north of Sri Lanka. Most patients were suffering from bereavement or missing family members because of the conflict. Staff held both individual and family counselling sessions.”

### Psychiatrists and psychologists

23.28 The BHC letter of 31 January 2012<sup>467</sup> observed that: “There are no psychologists working within the public sector although there are [sic] 1 teaching at the University of Colombo. There are no numbers available for psychologists working within the private sector. There are currently 55 psychiatrists attached to the Ministry of Health and working across the country.”

### Post Traumatic Stress Disorder (PTSD)

23.29 The BHC letter of 31 January 2012<sup>468</sup> observed that:

“Post Traumatic Stress Disorder (PTSD) was first recognised in Sri Lanka in patients affected by the 2004 tsunami. Many of the psychiatrists and support staff in Sri Lanka have received training in Australia and the UK for the treatment of the disorder. A Consultant Psychiatrist from NIMH said that many patients often sought ayurvedic or traditional treatment for the illness long before approaching public hospitals, adding that this often resulted in patients then suffering from psychosis.”

### Availability and affordability of anti-depressant and therapeutic drugs

23.30 The BHC letter of 31 January 2012<sup>469</sup> reported that:

“The government through the State Pharmaceutical Corporation (SPC) provide free drugs 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. SPC are able to procure all Western drugs. Sometimes there were difficulties obtaining some narcotic items in India, and also Indian drugs were occasionally sub-standard, but SPC also deal with European suppliers, and often obtained specific drugs from the UK, France, Germany or Switzerland. For very specific individual cases, a search would be conducted over the internet to locate the required

<sup>466</sup> Médecins Sans Frontières MSF (Doctors Without Borders), Focus on Sri Lanka, undated [http://www.msf.org.uk/sri\\_lanka.focus](http://www.msf.org.uk/sri_lanka.focus) date accessed 27 January 2012

<sup>467</sup> British High Commission (BHC) Colombo, letter dated 31 January 2012

<sup>468</sup> British High Commission (BHC) Colombo, letter dated 31 January 2012

<sup>469</sup> British High Commission (BHC) Colombo, letter dated 31 January 2012

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items and the request to purchase them would be assessed by the Ministry of Health. If the costs could not be met by the government, an individual had the option to contribute towards them.”

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## 24. HUMANITARIAN ISSUES AND INTERNALLY DISPLACED PERSONS (IDPs)

### INTERNALLY DISPLACED PERSONS (IDPs)

- 24.01 The Foreign & Commonwealth Office (FCO) Country Profile of Sri Lanka<sup>470</sup> (last reviewed on 9 December 2011), observed that: “An estimated 300,000 civilians were displaced as a result of the fighting and placed in camps in northern Sri Lanka. International attention focused on improving conditions for them and for other longer-term displaced civilians, and supporting the Government to return Internally Displaced People (IDPs) to their areas of origin. By November 2011, the number remaining in government camps had fallen to approximately 7,000, but many more had been unable to return to their former areas of residence.”
- 24.02 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>471</sup>, released on 8 April 2011 noted that:
- “The country had a significant population of IDPs. Almost all IDPs were ethnically Tamil, although approximately 80,000 of the total displaced population were Tamil-speaking Muslims who were displaced from Jaffna by the LTTE in 1990. Although approximately 108,000 more recent IDPs remained in government-run camps at the beginning of the year [2010], most of these had returned to their home districts by year's end, with approximately 20,200 still in camps at that time.
- “Many IDPs who were able to return to their home districts were nevertheless unable to move back onto their own property due to uncleared land mines, restrictions that have designated their home areas as HSZs [High Security Zones], and other war-related destruction. Living conditions for these persons were often difficult.”
- 24.03 The USSD 2010 report<sup>472</sup> continued:
- “In addition to this group of newer IDPs, there were an estimated 200,000 displaced Tamils, most of whom were displaced prior to the last major offensive by the military in 2008 and were living with either relatives or friends. It was unclear at year's end how or when they might return to their places of origin, or whether some would prefer to settle permanently at their current location after being displaced for many years. Some returns of pre-2008 IDPs occurred throughout the year.

<sup>470</sup> Foreign & Commonwealth Office (FCO), Country profile of Sri Lanka, last reviewed 9 December 2011, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka;jsessionid=4AC8FCEAFE70794624EC38E125BD0AE9.tomcat2date> date accessed 11 January 2012 (The Internal Conflict)

<sup>471</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2d

<sup>472</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2d



“For the IDP camps the government accepted assistance from and provided access to NGOs and international actors. Management of the camps and control of assistance was under the military rather than civilian authorities, but civilian government agencies provided services to IDPs in the camps while working in concert with the military.

“The government released IDPs throughout the year [2010] for return to their areas of origin, but in some cases the government did not effectively coordinate with local or international aid agencies that were asked to provide assistance on short notice. The government sometimes failed to coordinate consistently with military personnel in the IDPs' home locations.

“The government generally cooperated with the UNHCR and some other humanitarian organizations in assisting IDPs; however, it restricted access to the north by NGOs and some international organizations, requiring them to obtain authorization for projects and access from the Presidential Task Force. While the UN and its organizations were given fairly effective access, other international NGOs had difficulty in operating projects they saw as needed, and permission for some humanitarian organizations to operate was denied or rescinded.”

24.04 The Minority Rights Group International (MRGI) report No war, no peace: the denial of minority rights and justice in Sri Lanka<sup>473</sup>, released on 19 January 2011 observed that “Families that have been returned and resettled have very limited income and livelihood support. There are few employment opportunities. Most of the people in these areas were either farmers or fishermen, but they are unable to return to cultivation or to access the sea front in most areas for security reasons and because of landmines.”

24.05 A letter from the British High Commission (BHC), Colombo, dated 13 August 2010<sup>474</sup>, reported that:

“When asked, the Senior Government Official for Jaffna told us that the local population were happy to receive IDPs back into the community. In many cases they were welcoming back relatives. He added that Muslims were also returning in small numbers. He said that in his view there were many Tamils from Jaffna residing in the south who were waiting to see how things turned out, to see if it was ‘better than Colombo’. He confirmed that there had been the inevitable land disputes between people who had abandoned their homes decades ago returning to find them occupied by others.

“A Human Rights spokesman based in Jaffna said that locals were suspicious of the IDPs returning. There were often questions asked as to whether they were working for military intelligence and if people associated with them would the military become suspicious. Land rights were now a big issue. At the beginning of the conflict people left their homes and went to Colombo, allowing other people to move in and look after their properties. Many of the owners were returning which was causing more displacement for the occupiers who now found themselves homeless.”

24.06 As far as the situation in the Kilinochchi district was concerned<sup>475</sup>, the same BHC letter noted that:

<sup>473</sup> Minority Rights Group International (MRGI), No war, no peace: the denial of minority rights and justice in Sri Lanka, released on 19 January 2011 <http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html> date accessed 20 May 2011, p9

<sup>474</sup> British High Commission, Colombo, letter dated 13 August 2010

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“The Senior Kilinochchi Sri Lankan Army official told us that nearly all of the IDPs originating from Kilinochchi district had returned, although many were with host families.

“The government had provided cash grants of Rs 5,000 whilst they were in transit and a further Rs 20,000 through UNHCR once they had returned. The World Bank was also giving Rs 20,000 to those who repaired and rebuilt their own properties. The Senior Government Official for Kilinochchi said that the government wanted to encourage people to start working again. Most wanted tools for farming and relied on an agriculture based income. NGOs working with the Presidential Taskforce had helped farmers cultivate 1,000 acres of paddy fields, with the government providing the seed. Some rice had already been harvested as a result of this. They were also encouraged to grow vegetable crops. We were told that 10% of families had female heads of the household. She said that she had seen women working in construction work, mixing cement, something that would never have been seen previously. In some cases the children had to look after their families.”

See also [Women](#)

24.07 A BHC letter, dated 17 September 2011<sup>476</sup>, reported that:

“The Government Agent (GA) in Jaffna told us that the district had recently been allocated Rs 29,000,000 (£163,000) from central government for development projects. They had received many requests from the local population for toilet facilities and for drinking water (especially in the islands), and for the creation or rebuilding of village tanks, to enable the collection of rainwater for use on farmer’s fields and domestic gardens. We were told that a total of 60,000 new houses are required within the district. An Indian housing scheme was set to build 7,400 homes. We asked if there were still High Security Zones (HSZ) in the district around Palaly and the coastal areas. She told us that these had still not been released by the government, adding that the programme to release the land back to former owners/occupiers had actually been slowed down.

“The International Organization for Migration (IOM) told us that all of the Jaffna camps for internally displaced persons (IDPs) had been closed. Many of the occupants were from Mullaitivu district or High Security Zones (HSZ) and had therefore been placed with host families. They added that there were still HSZs at Palaly and in coastal areas.”

24.08 Detailed information on post-war land issues in the North is available from the CPA (Centre for Policy Alternatives) report [Land Issues in the Northern Province: Post-War Politics, Policy and Practices](#), 9 December 2011.

24.09 With regards to High Security Zones, on 28 December 2011, BBC Sinhala<sup>477</sup> reported:

“More than 26,000 displaced people are yet to be allowed to resettle in their ancestral lands occupied by high security zones (HSZ) in Jaffna, according to Sri Lanka’s main Tamil political party.

<sup>475</sup> British High Commission, Colombo, letter dated 13 August 2010

<sup>476</sup> British High Commission, Colombo, letter dated 17 September 2011

<sup>477</sup> BBC Sinhala, 26,000 not resettled due to HSZ, 28 December 2011

[http://www.bbc.co.uk/sinhala/news/story/2011/12/111228\\_jaffna\\_hsz.shtml](http://www.bbc.co.uk/sinhala/news/story/2011/12/111228_jaffna_hsz.shtml) date accessed 27 January 2012

“The Tamil National Alliance (TNA) has submitted a report to the Supreme Court (SC) that detailed the HSZs in Jaffna which are still not made available to the original inhabitants by the Sri Lankan government.

“The government earlier informed the court that 111,199 people from nearly 36,000 families from former HSZs in Jaffna have already been resettled.”

24.10 As far as Kilinochchi is concerned, the BHC letter of 17 September 2011<sup>478</sup> noted:

“The Government Agent (GA) for Kilinochchi told us that resettlement was almost complete, although there were still 4 DS [Divisional Secretary] divisions where demining was taking place. Some IDPs from Menik Farm were therefore still living with families within the district. The government was providing 6-9 months livelihood support where it could, but there were gaps in this process. Food packages are still being handed to families with elderly and disabled, especially where the head of household is disabled, and to widows and orphans. We were told that 40,000 new houses were required in the district and 20,000 were to be reconstructed.

“Livelihoods were the biggest issue on the GA’s agenda and they were targeting dairy production and paddy production for women heads of household. They recognise that the agricultural infrastructure needs to be developed and the government has been providing Rs 35,000 (£200) livelihood packages to individuals to get them started in agriculture. Unfortunately these could not be given to families reliant on fishing, as the cost of boats and equipment was much too high.”

24.11 With regards to Mullaitivu, the same source<sup>479</sup> reported:

“We met the Mullaitivu Divisional Secretary (DS) and the development committee. They informed us of the current situation in Mullaitivu. There was currently a population of 88,887, although 38,208 are waiting for resettlement. Demining is still taking place and they hoped to be able to resettle most of those by December 2011. However, there were 6 DS Divisions that had not yet been assigned demining by the government. The Indian housing programme had begun and we visited a complex of 50 houses that were being constructed in an area of land reclaimed from jungle. We met with the families who had been allocated the houses, mainly families with female heads of household, widowers and orphans. They were looking forward to moving into the houses, but were concerned about how they were going to earn a living from the land. The main challenge was that the land had no access roads, nor access to mainstream electricity or water supply. We also spoke to construction workers who were building the houses and noted that none of them had been recruited from within the district.

“The DS told us their plans to develop the district, but said they required funding to complete much of the work. They told us that one of their main concerns was youth unemployment, saying that many had left school during a time when infrastructures in all sectors of industry had been destroyed and there were little or no employment opportunities. The list of priorities for the district mainly involved the development of agriculture and fishing industries; de-silting, cleaning lagoons, re-planting coastal

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<sup>478</sup> British High Commission, Colombo, letter dated 17 September 2011

<sup>479</sup> British High Commission, Colombo, letter dated 17 September 2011

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areas/mangroves, building sea walls and beacons, building storage facilities, replacing pumps to assist irrigation and clearing jungle, which would require further demining.”

24.12 Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010<sup>480</sup>, dated October 2010 – accessible from the hyperlink in the footnote – provided comprehensive information on the situation and general living conditions in the camps as well as on freedom of movement in and out of the camps.

24.13 On 19 May 2011 the official website of the Government of Sri Lanka<sup>481</sup> reported that:

“The overall population returned to their places of origin includes both recent IDPs (post-2008) and the long-term displaced (pre-2008). The resettlement of Menik Farm IDPs of Kilinochchi origin is complete, and the vast majority of the remaining 16,401 persons (4,981 families) hail from Mullative District, the latest OCHA [UN Office for the Coordination of Humanitarian Affairs] update said.

“Apart from areas with ongoing mine clearance operations in this district, there are several Grama Niladhari Divisions (GNDs) still to be released for mine action interventions to pave the way for IDP returns.”

24.14 On 5 July 2011 Irin<sup>482</sup> observed:

“More than two years after Sri Lanka's decades-long civil war officially ended, returnees to remote villages face tough times and uncertain futures, despite governmental and international efforts at reconstruction.”

“Seven months after the government declared victory over the LTTE in May 2009, the Ministry of Economic Development launched the Northern Recovery Project in December 2009 to accelerate development in the conflict-affected Vanni. Of some 120,000 resettled families in the Vanni, the ministry estimates about 29,000 have directly benefited from projects, while 56,000 families have benefited indirectly.

“According to the UN's latest Joint Humanitarian and Early Recovery Update, released on 24 June, 63 percent of returnees live below the poverty line. In the Mullaitivu District, 12 percent survive on less than \$0.50 a day, while in the adjoining Kilinochchi District that figure rises to 26 percent.

24.15 The UN OCHA Joint Humanitarian and Early Recovery Update for November-December 2011<sup>483</sup>, released on 24 January 2012 reported:

<sup>480</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 [http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p19-23

<sup>481</sup> Official website of the Government of Sri Lanka, Over 373,000 IDPs resettled in North, 19 May 2011 [http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201105/20110519over\\_373,000\\_idps\\_resettled\\_in\\_north.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201105/20110519over_373,000_idps_resettled_in_north.htm) date accessed 2 June 2011

<sup>482</sup> Irin News, Sri Lanka: Returnees struggle in post-war zone, 5 July 2011, <http://www.irinnews.org/report.aspx?ReportID=93148> date accessed 26 January 2012

<sup>483</sup> UN OCHA Joint Humanitarian and Early Recovery Update for November-December 2011, released on 24 January 2012 – Report #38

“By the end of December 2011, 421,056 people (126,524 families) had returned to the Northern Province. This figure includes 223,745 people (70,625 families) displaced after April 2008 and 197,311 persons (55,899 families) displaced before April 2008. At the end of November [2011] 6,732 IDPs (2,044 families), displaced after April 2008 remained in camps awaiting return to their areas of origin. An additional 7,518 IDP (2,040 families) from the protracted or long-term caseload, displaced prior to April 2008, remained in camps in Jaffna and Vavuniya districts.”

- 24.16 On 10 January 2012 the official website of the Government of Sri Lanka <sup>484</sup> reported that:

“The total number of Internally Displaced Persons (IDPs) in Menik Farm relief village has declined to 6,553 as of today (Jan. 10)

“The Government has released and resettled 275,065 IDPs so far under its programme for speedy resettlement.

“Accordingly, 236,429 IDPs from Vavuniya, Mannar, Trincomalee and other districts have been resettled in their places of origin.

“The Government released 27,720 IDPs for humanitarian reasons. They include the elderly, university students, infants with family members, pregnant women and foreign passport holders.

“10, 916 IDPs in the Jaffna District were also resettled in their places of origin, including Jaffna, Mannar, Vavuniya and Trincomalee.”

- 24.17 On 3 February 2012 the official website of the Government of Sri Lanka <sup>485</sup> announced:

“Around 98 percent of the nearly 300,000 Internally Displaced People (IDP) in the North have been resettled so far.

“According to the Minister [of Resettlement] 724,135 people or 216,412 families have been resettled in their original abodes in the cleared areas of the Northern Province.

“Only 6,556 people of 1,965 families still remain in two IDP camps either due to the delay in demining their home areas or they have no other place to go.”

- 24.18 The Internal Displacement Monitoring Centre (IDMC) Country page Sri Lanka, Country Statistics<sup>486</sup>, (accessed on 3 February 2012) recorded:

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[http://www.humanitarianinfo.org/srilanka\\_hpsl/Files/Situation%20Reports/Joint%20Humanitarian%20Update/LKRN057\\_JHERU\\_Nov-Dec\\_2011.pdf](http://www.humanitarianinfo.org/srilanka_hpsl/Files/Situation%20Reports/Joint%20Humanitarian%20Update/LKRN057_JHERU_Nov-Dec_2011.pdf), date accessed 5 February 2012

<sup>484</sup> Official website of the Government of Sri Lanka, IDPs drop to 6,553, 10 January 2012  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201201/20120110idp\\_drop.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201201/20120110idp_drop.htm) date accessed 26 January 2012

<sup>485</sup> Official website of the Government of Sri Lanka, IDPs drop to 6,553, 3 February 2012  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201202/20120203over\\_210000\\_idp\\_families\\_resettled.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201202/20120203over_210000_idp_families_resettled.htm) date accessed 5 February 2012

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“Based on available information, IDMC estimates that as of 31 December 2011

- “more than 95,000 people (more than 54,000 ‘old’ and more than 41,000 ‘new’ IDPs) remained in displacement in Sri Lanka as a result of the armed conflict that ended in May 2009 and
- “more than 421,000 people (more than 201,000 ‘old’ and more than 222,000 ‘new’ IDPs) had returned.

“However, the fact that people have returned to their homes does not necessarily imply that they have reached a durable solution. In Sri Lanka, it appears that many returnees in the north had not reached a durable solution as of October 2011, but remained in need of assistance and protection.”

Additional information and updates on the situation of IDPs and the humanitarian situation is available from the [website of OCHA Humanitarian Portal Sri Lanka](#) and the [IDMC website, Country page, Sri Lanka](#).

See also [The internal conflict \(1984 to May 2009\)](#)

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## Documentation for IDPs

- 24.19 For this information please see [Identity Cards](#). See also [Forged and fraudulently obtained official documents](#)

## FLOODS

- 24.20 The Economist Intelligence Unit (EIU) March 2011 Sri Lanka report<sup>487</sup> noted that:

“Extreme weather on the island in the final quarter of 2010 caused flooding that forced thousands of families from their homes, but the situation deteriorated in early 2011 as further heavy rain brought the number of people affected to over 1m. At the peak of flooding in January [2011] over 360,000 people were displaced. Although that number fell in February, continued heavy rainfall actually resulted in more serious damage to housing in that month as reservoirs overflowed. The Eastern province was the region that was most badly affected by the disaster—India sent an aircraft load of food for distribution in the province—but the Northern and North-Central provinces were also hit hard [sic].”

- 24.21 The UN OCHA Joint Humanitarian and Early Recovery Update for November-December 2011<sup>488</sup>, released on 24 January 2012, noted that: “On 25 December [2011],

<sup>486</sup> Internal Displacement Monitoring Centre (IDMC) Country page, Sri Lanka, Country Statistics, last updated: 25 January 2012 [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/D19BC2605A15FBF2C1257816004B8C9D?OpenDocument#45.2.1](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/D19BC2605A15FBF2C1257816004B8C9D?OpenDocument#45.2.1) date accessed 3 February 2012

<sup>487</sup> Economist Intelligence Unit March 2011 Sri Lanka report, [http://www.eiu.com/report\\_dl.asp?issue\\_id=707883855&mode=pdf](http://www.eiu.com/report_dl.asp?issue_id=707883855&mode=pdf) [subscription only] date accessed 2 June 2011

the national Disaster Management Center (DMC) reported nearly 35,800 people (9,700 families) affected by heavy rains and flooding, mainly in Mullaitivu, Jaffna and Kilinochchi districts. Some 3,000 people (800) families had sought shelter in temporary evacuation sites.”

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## 25. FREEDOM OF MOVEMENT

25.01 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>489</sup>, released on 8 April 2011 noted that: “The law grants every citizen ‘freedom of movement and of choosing his residence’ and ‘freedom to return to the country.’ In practice, however, the government restricted this right on multiple occasions.

“Infringement on freedom of movement was lower than in the previous year, and citizens were able to travel almost anywhere in the island; in practice police and military checkpoints were still a frequent sight in Colombo and elsewhere, and numerous High Security Zones (HSZs) and other areas remained off limits to citizens.

“The government no longer restricted travel by Sri Lankan citizens on the A-9 highway leading north from Vavuniya to Jaffna.”<sup>490</sup>

### IN-COUNTRY MOVEMENT

25.02 The USSD 2010 report<sup>491</sup> added that:

“Seizure of private lands by various actors remained a problem across the country. Disputes over land ownership in war-torn areas of the north and east increased significantly as many former residents began returning to areas they had left many years before. The military seized significant amounts of land during the war to create security buffer zones around military bases and other high-value targets, which the government called HSZs [High Security Zones]. The declaration of HSZs displaced a number of persons, particularly in the Jaffna Peninsula, and rendered inactive approximately 24 square miles of agricultural lands. A degree of progress was made in reducing the size of the HSZs during the year, with some lands being returned to their owners, in the area surrounding the Palaly Air Base in the Jaffna Peninsula, for example. Many of those affected by the HSZs continued to complain, however, that the pace of these returns was too slow and that the government was holding back on the return of lands it might see as economically valuable. The government cited the need to conduct careful demining prior to the handover of these lands, but questions persisted

<sup>488</sup> UN OCHA Joint Humanitarian and Early Recovery Update for November-December 2011, released on 24 January 2012 – Report #38

[http://www.humanitarianinfo.org/srilanka\\_hpsl/Files/Situation%20Reports/Joint%20Humanitarian%20Update/LKRN057\\_JHERU\\_Nov-Dec\\_2011.pdf](http://www.humanitarianinfo.org/srilanka_hpsl/Files/Situation%20Reports/Joint%20Humanitarian%20Update/LKRN057_JHERU_Nov-Dec_2011.pdf), date accessed 5 February 2012

<sup>489</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1f

<sup>490</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Introduction

<sup>491</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 1f

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about whether land cleared of mines was always immediately returned to its original owners.”

## Police registration

25.03 A letter from the British High Commission (BHC) in Colombo dated 2 February 2012<sup>492</sup> reported that:

“Throughout the civil conflict, the Sri Lankan authorities, acting under Section 23 of the Emergency Regulations Act, required households to register all residents, the emphasis being on Tamils who took temporary lodgings. These lists were then used in cordon and search operations to identify people from whom the police required further explanation as to why they were residing or travelling in a location. Persons identified as having not registered, were normally detained by the police for further questioning.

“There was often no uniformity in the implementation of the police registration. After the new government came to power in November 2005, police visited properties 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 Colombo and suburbs. Generally the police did not say that they were targeting only Tamil households, but collection of completed forms / booklets were only strictly enforced when it came to Tamil concentrations. The main purpose of these booklets was to assist the Police, when they launched cordon and search operations, to identify visitors or undeclared persons in the area. In the latter part of 2008 there was a programme of police registration, specifically targeting persons who had temporarily migrated to Colombo and Western Province from the North and the East of the country.”

25.04 The BHC letter of 2 February 2012<sup>493</sup> continued:

“In May 2010 the newly elected Sri Lankan government announced that whilst extending the emergency regulations, as is required monthly, certain regulations would be repealed. These included the restrictions on public marches and meetings, curfews, police entry into private property without a search warrant, restrictions on terrorist propaganda, and ‘the compulsory police registration of household members’.

“In July 2010 several Tamil media networks carried the story that police in the Wellawatte Police Division of Colombo had recommenced the practice of registering Tamils. The Democratic People’s Front leader Mano Ganesan was quoted as saying that ‘This is being conducted only in the city divisions where Tamils live in sizable numbers’ and requested that the President ‘intervene to stop this discriminatory act which is flatly against the spirit of reconciliation’.

On 22nd July 2010 in response to these allegations, the Police Spokesman Prishantha Jayakody gave a press release from their headquarters in Colombo. He stated that ‘the police were acting in accordance with the relevant provisions in the Police Ordinance,

<sup>492</sup> British High Commission (BHC), Colombo dated 2 February 2012

<sup>493</sup> British High Commission (BHC), Colombo dated 2 February 2012

under which officers in charge of police stations are empowered to carry out such registration of persons wherever deemed necessary to ensure maximum possible social security, accountability and safety to all citizenry, regardless of any ethnic consideration'. In a subsequent statement made to local media on the 25th July 2010, he was reported as saying that, 'Contrary to certain media reports, the registration programme is being carried out not only in Wellawatte, but also in Kirillapona and Kotahena at the moment', and added that 'registrations were a normal regular occurrence'. Wellawatte, Kirillapona and Kotahena are all areas with a large Tamil population."

25.05 The BHC letter of 2 February 2012<sup>494</sup> also added:

"In July 2011 The Sunday Leader newspaper carried the story that Ministry of Defence had launched a programme to register civilians claiming it to be part of a national security programme. The registration programme was described as not mandatory but a voluntary process (see; <http://www.thesundayleader.lk/2011/06/26/give-us-thy-name/>).

For access to this government website and registration see; <http://www.citizens.lk/>."

"Today [2 February 2012] we [Second Secretary migration and other BHC staff] have spoken to a non government organisation with offices in several parts of the country on their understanding of police registration. They opined that in general there was no mandatory police registration. They agreed that the police could invoke police registration in certain circumstances and that there was a voluntary registration scheme operated by the government. They added that if they had clients who were staying temporarily in lodges in the Colombo area, they sometimes advised them to go and register with the local police just to cover themselves. Another non government organisation based in Colombo told us that police registration was not happening now and they had received no reports of it happening anywhere in Sri Lanka in the last few months. We also spoke to a senior police officer who reiterated the statement made by their spokesman on 10th July 2010; see above."

25.06 Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010<sup>495</sup>, dated October 2010 noted that:

"UNHCR informed the delegation that while registration of residents with local police is authorized by Sri Lankan law, and is arguably not objectionable under international human rights law, the registration requirement is now being applied in a discriminatory fashion exclusively to those of Tamil origin.

"According to the Executive Director of the National Peace Council [The Danish report clarified that "This information is dated 25 August 2010 in a correspondence with the NPC."], the security situation for Tamils in Colombo has much improved. However, in July [2010] the police began to register Tamil residents in some parts of Colombo where the Tamil concentration in the population is high. The police attempted to justify their actions saying that all residents, irrespective of ethnicity, were being registered. But in

<sup>494</sup> British High Commission (BHC), Colombo dated 2 February 2012, available upon request

<sup>495</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 [http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p28

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practice it was only Tamil who were compelled to register themselves. This was accompanied by reports of search operations also taking place.”

- 25.07 On 22 August 2011 TamilNet<sup>496</sup> reported that: “Sri Lanka Army (SLA) soldiers have been engaged in registering Tamil youths of both sexes who are staying Colombo with their relatives and friends and lodges in Colombo city and its suburbs. This has caused fear among Tamils living in the South. But the SLA says that this ethnic and selective registration is a ‘routine affair’ and not an especially implemented assignment, a new kind of explanation aimed at escaping criticism.” On 29 October 2011 the same source<sup>497</sup> noted that: “Fear and tension prevail among residents of Batticaloa district following the re-introduction of registration of persons by the Sri Lankan Police. The SL police personnel, predominantly Sinhalese, have been collecting the details of residents living permanently and temporarily in Batticaloa.” On 31 October 2011 TamilNet<sup>498</sup> reported that Police in Trincomalee had started registering residents in Trincomalee city and its suburbs. “SL Police personnel were seen visiting households in Trincomalee city Sunday [30 October 2011] handing over printed forms to the chief occupant and asking him or her to write names of persons residing in the house. The forms are printed in three languages with the title “Declaration under Police Ordinance-Section 76”.

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## Check-points

- 25.08 The USSD 2010 report<sup>499</sup> observed that: “The additional police and military checkpoints on travelers from the north and the east and on movement to and in Colombo remained in effect. The number of formal, stationary checkpoints declined from the previous year, in particular in Colombo. Many observers noted an increase in temporary, roving checkpoints, however, especially at night in Colombo.”

- 25.09 A BHC letter dated 13 August 2010<sup>500</sup> reported that:

“A Senior Military Official in Jaffna said that within Jaffna District all of the checkpoints had been removed and the Navy had removed all checkpoints to the islands.

“A Human Rights spokesman based in Jaffna told us that checkpoints still exist, although they are not in fixed positions. The army just tend to stop vehicles and check driving licences. After 30 years of fearing the LTTE they have nothing to fear now. Many officers have nothing to do but harass the locals, making sexual innuendos to women and throwing stones at passers-by.

“The team from the High Commission noted during their visit that there were no checkpoints in Jaffna town. The drive along the A9 from Jaffna to Vavuniya revealed

<sup>496</sup> TamilNet, SL Army begins registering Tamils in Colombo, 22 August 2011

<http://www.tamilnet.com/art.html?catid=13&artid=34331>, date accessed 5 February 2012

<sup>497</sup> TamilNet, SL Police registering people in Batticaloa causes fear among residents, 29 October 2011

<http://www.tamilnet.com/art.html?catid=13&artid=34572>, date accessed 5 February 2012

<sup>498</sup> TamilNet, SL Police registers details of residents in Trincomalee city, 29 October 2011

<http://www.tamilnet.com/art.html?catid=13&artid=34578>, date accessed 5 February 2012

<sup>499</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011,

<http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2d

<sup>500</sup> British High Commission, Colombo, letter dated 13 August 2010, available upon request



only three checkpoints; the first at Elephant Pass, the second just south of Kilinochchi, and the third at Omanthai. At the first two, barriers were raised to allow vehicles through without stopping. The Omanthai checkpoint was the only checkpoint where vehicles were made to stop and occupants to produce documentation. NGO and humanitarian agencies told us that this was mainly to check whether the foreign employees of these organisations had the required MoD clearance to enter/remain in the Vanni. Locals were allowed to pass freely.”

25.10 The Danish FFM report of October 2010<sup>501</sup> observed:

“UNHCR informed the delegation that there are still checkpoints in Colombo, but less than before. The scrutiny at checkpoints is less but it has not disappeared. There is a sense of easing, but the situation is not totally relaxed. After decades of monitoring, it is a progressive improvement.

“UNHCR further mentioned that the number of arrests and detentions has decreased considerably. According to UNHCR, while Tamils could still be arrested in Colombo, arrests are less arbitrary and would probably be based on the person’s past activities and/ or profile real or perceived.

“The EU-delegation similarly commented that the overall security in Colombo had been relaxed and cordon and that search operations have stopped. Random checks are carried out at the few checkpoints which are left, but the checks are not targeted a certain ethnic group.

“ICRC [International Committee for the Red Cross] said that in Colombo, arrests at checkpoints are rare and cordon and search operations in Colombo have stopped.

“Most of the sources (Norwegian Embassy, a diplomatic mission, British High Commission, a local human rights organisation, the Co-ordinator of Law and Society Trust, the Director of an anonymous local NGO and a leading human rights defender) agreed that the security situation for Tamils in Colombo has improved, that the number of checkpoints has been reduced, and that cordon and search operations have been stopped.

“[The Director of an anonymous local NGO mentioned that] Roadblocks may be put up and random checks are undertaken. However, the situation related to checks has changed and people are rarely taken in for further investigations during checks.”

25.11 On 22 August 2011 TamilNet<sup>502</sup> reported that: “Check points along Galkissa from Colpetty are now operating. SLA personnel manning these points stop all vehicles and check the identity of those travelling.”

<sup>501</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 [http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p29

<sup>502</sup> TamilNet, SL Army begins registering Tamils in Colombo, 22 August 2011 <http://www.tamilnet.com/art.html?catid=13&artid=34331>, date accessed 5 February 2012

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## Unexploded ordnance (UXOs)

25.12 The South Asia Terrorism Portal (SATP) 2010 timeline<sup>503</sup>, undated, accessed on 1 June 2011, mentioned the demining work carried out by the Sri Lanka Army's de-mining Field Engineer troops and NGOs in the northern and eastern Districts of Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, Batticaloa and Trincomalee and recorded (4 January 2010) that "At present, troops are continuing their de-mining work in Vedithalattivu (Mannar), Mankulam (Kilinochchi) and Thunukkai-Amathipuram (Mullaitivu) areas. Initial surveys have confirmed that about 600 square kilometres area still remains to be cleared of mines and UXOs." With regards to the situation at a later stage (28 November 2010), the same source added: "Military Spokesman Major General Ubhaya Medawala has told the local media that the Army Field Engineers have so far cleared over 306,000 mines in a land area of 1,863 square kilometres in the North and East."

25.13 A letter from the British High Commission (BHC), Colombo, dated 13 August 2010<sup>504</sup>, reported that:

"A Senior Military Official from the Sri Lankan Army based in Jaffna told us that demining was continuing in the district and in his opinion it would be two years before all mines were cleared. The Sri Lankan Army were working with a number of mine clearance organisations and met regularly. He added that the army are conducting a programme of mine education with the local population. Unfortunately there had been two recent incidents of IDP injuries following explosions of mines/mortars.

"A Senior Military Official said that there was a lot of demining being carried out in Kilinochchi district by the military and NGOs, which was being monitored by the Presidential Taskforce. He stressed that this was a very slow business as there were 3 or 4 bund lines which were believed to be heavily mined.

"A Senior Government Official in Kilinochchi stated that demining was still being carried out in the district. There were several bunds which were proving particularly difficult so the whole process would take time. She said that fortunately there had been no recent casualties from exploding mines, but added that all returning IDPs are educated at transit points about identifying minefields and the different types of unexploded ordnance.

"A senior government official for Mullaitivu told the BHC team that "The division of Puthukkudiyiruppu (PTK) was where demining had not yet commenced. She said that she was working with the Sri Lankan Army, the demining NGOs and UNHCR on the resettlement programme."

25.14 On 3 May 2011 the Sri Lanka Daily Mirror<sup>505</sup> reported that:

"A total of 353,784 mines have been cleared and destroyed by the Army Field Engineers and other organisations engaged in de-mining activities in the Northern and

<sup>503</sup> South Asia Terrorism Portal (SATP), 2010 timeline, <http://www.satp.org/satporgtp/countries/shrilanka/timeline/2010.htm> date accessed 1 June 2011

<sup>504</sup> British High Commission, Colombo, letter dated 13 August 2010

<sup>505</sup> Daily Mirror, 353,784 mines cleared in North and East, 3 May 2011, <http://print.dailymirror.lk/news/news/42772.html> date accessed 8 June 2011

Eastern Provinces, in a land area of 3,939 square kilometres, Military Spokesman Major General Ubaya Medawala said.

“These clearing operations were conducted in Jaffna, Mannar, Mullaitivu, Trincomalee, Batticaloa, Polonnaruwa and Vavuniya districts, he said.”

“Presently the de-mining process is underway in Mannar, Kokavil, Muhamalai to Paranthan and also in areas of Kilinochchi.”

- 25.15 On 18 January 2012 the official website of the Government of Sri Lanka<sup>506</sup> announced that:

“An area exceeding 1,934 out of 2,061 square kilometres of lands in the North which were dotted with land mines and booby traps have been cleared by the end of 2011.”

“According to [Economic Development] Minister [Basil] Rajapaksa, a contingent of 3,600 persons who are trained in mine clearing are involved in the clearance of remaining lands and they are mainly from the humanitarian demining unit of the Sri Lanka Army and other foreign and local organizations.

“Mine clearance activities are closely monitored by the Humanitarian Mines Clearance Centre which is functioning under the Economic Development Ministry.

“More than 759,138 landmines, booby traps and unexploded devices have been recovered by the deminers so far.”

- 25.16 The latest updates on mine action are available from [this weblink](#) to a specific section of the Reliefweb website. Additional information is available from [this weblink](#) to the website of MAG (Mine Advisory Group). See also [Latest News](#)

## EXTERNAL MOVEMENT

- 25.17 The USSD 2010 report<sup>507</sup> noted that the government “... allowed citizens to leave the country under self-exile unless they were accused of breaking the law. More than a dozen journalists, having received physical threats, were in self-exile due to safety fears.”

## Exit procedures

- 25.18 A letter from the British High Commission (BHC), Colombo, dated 5 January 2012,<sup>508</sup> reported on the exit procedures at the Colombo Bandaranaike Airport:

“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

<sup>506</sup> Official website of the Government of Sri Lanka, Over 1,930 sq. kms landmines free in North, 18 January 2012  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201201/20120118landmines\\_free\\_north.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca201201/20120118landmines_free_north.htm) date accessed 5 February 2012

<sup>507</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2d

<sup>508</sup> British High Commission Colombo, letter dated 5 January 2012

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to the terminal buildings. Lanes are divided between Staff / Cars & Vans / Vans & Buses / Tourist buses / Taxis. Air Force personnel manning the checkpoint approach each vehicle and ascertain if the occupants are passengers, staff or visitors. Pedestrians are also checked. Departing passengers often have to produce confirmation of ticketing and/or a passport. Staff must produce their airport ID card. Sri Lankan visitors to the airport, including drivers, often have to produce their national ID card. The registration numbers of all vehicles are written manually into a register. During heightened security situations e.g. conferences, state visits etc., the number of checkpoints may increase along roads leading to the airport, especially along the main A3 from Colombo. The police or the military can man these.”

25.19 The same BHC letter<sup>509</sup> continued:

“The airport is split into two main terminal buildings; departure and arrivals. 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 the departure terminal. Immediately behind the security guard there are security checks where all bags and belongings are passed through scanners. All persons then pass through a scanner. Regardless of whether or not the detector alarm is activated, persons are then frisked by a security guard. Both male and female security staff are stationed at each checkpoint. Having passed through these security checks, persons walk through a long corridor and into the main departure area.

“From the departure area there are three security entrances to the check-in area. The gate to the right caters for passengers departing on Sri Lankan Airlines; the gate to the left is for passengers on all other airlines and the gate in between is for staff only. The security guards ask passengers for evidence of ticketing and will only allow persons to pass who have produced this. Persons holding a ‘day pass’ are not allowed into the check-in area. Immediately behind these security checks, a sign indicates ‘Customs’. A customs officer is often seen in the vicinity, but it is not a permanent presence. Likewise, there are scanners for baggage but these are rarely seen in operation.”

25.20 The same source<sup>510</sup> added:

“At the check-in desks, passengers have to produce their passports to airline staff and go through check-in procedures. Airline check-in staff routinely check the identity of the person against the passport details, the validity of the passport, and if the passenger has the appropriate visa for their country of destination or transit. Having checked-in, passengers then proceed to a security gate, where they produce their passport and boarding card in order to enter the Department of Immigration & Emigration (DIE) 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 scans the details page of the passport on the DIE Border Control System database. Three scanned images of the

<sup>509</sup> British High Commission Colombo, letter dated 5 January 2012

<sup>510</sup> British High Commission Colombo, letter dated 5 January 2012

details page appear on the computer screen in normal light, ultra-violet and infrared, in order to identify if the document has been forged or tampered with in any way. Non Sri Lankans will be checked against any existing database records and officers will check arrival endorsements in the passport. Passports belonging to all passengers i.e. Sri Lankan and foreign nationals, are endorsed with an immigration officer's embarkation stamp. Once through the immigration control, passengers proceed to the main departure lounge."

25.21 BHC letter of 5 January 2012<sup>511</sup> went on to report that:

"The Department of Immigration & Emigration (DIE) are notified only when a Court decides to impound the suspect's passport or an arrest warrant is issued. The details of such persons would be placed on their alert or wanted list within their database. 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. Again the details of suspects would be put on the DIE database. Without Court sanction, 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. The State Intelligence Service (SIS) has an office adjacent to the immigration embarkation control and DIE officials can refer embarking passengers to them if they think it necessary.

"Further security checks are conducted when passengers arrive at the boarding gate. Hand baggage and belongings, including mobile phones and shoes, are passed through a scanner. Passengers proceed through a scanner and are frisked depending on whether the alarm is activated. There is then a further boarding card check conducted by airline staff prior to entering the holding lounge. On many flights with European destinations, plus some with onward connections to Europe, North America and Australia, 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 transit and /or destination countries."

## Entry procedures

25.22 A letter from the British High Commission (BHC), Colombo, dated 5 January 2012,<sup>512</sup> reported on the entry procedures at the Colombo Bandaranaike Airport.

"Arriving passengers should be provided with a Department of Immigration & Emigration arrival card by the carrying airline. Depending on which stand the aircraft has arrived at, arriving passengers will either walk from the gate on the main pier, or be deposited by bus from outlying stands at the entrance to the immigration arrivals hall. Those passengers transferring to an onward flight will approach the transfer desk. Current figures indicate that between 45-50% of all passengers using Colombo Airport are transit passengers. They generally remain in the transit/departure areas until their onward flight departs, although those requiring overnight accommodation would have to seek entry to Sri Lanka at the immigration control.

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<sup>511</sup> British High Commission Colombo, letter dated 5 January 2012

<sup>512</sup> British High Commission Colombo, letter dated 5 January 2012

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“From 1 January 2012 all arriving foreign nationals, apart from nationals of Singapore and The Maldives, will require an electronic travel authority (ETA) for a short stay in Sri Lanka. Details pertaining to this can be found at; [www.eta.gov.lk](http://www.eta.gov.lk).”

25.23 The same BHC letter<sup>513</sup> also noted that:

“Passengers seeking entry to Sri Lanka must present themselves to an immigration officer and are required to hand over their passport and arrival card. The immigration officer will scan the details page of the passport. Three scanned images of the details page will then appear on the computer screen shown in normal, ultra-violet and infrared light, along with basic details regarding the document and the holder. This enables the immigration officer to identify if the document has been forged or tampered with in any way. Each immigration officer’s desk has a terminal connected to the DIE Border Control System. This system contains border control, visa/ETA details, citizenship and passport records and is networked to the DIE office in Colombo. It is not linked to any police or military database; however, there is an alert list containing information relating to court orders, warrants of arrest, jumping bail, escaping from detention, as well as information from Interpol and the State Intelligence Service (SIS) computer system. The immigration officer will check for any data matches, check that the document is genuine and unaltered, and look through the passport for visas and/or endorsements. Dependent on the circumstances of the individual passenger, the immigration officer may ask questions to ascertain the purpose of the visit. Once satisfied that the passenger qualifies for entry, the immigration officer will endorse the passport with an arrival stamp and hand back to the passenger. They will also endorse the arrival card which they retain.

“The State Intelligence Service has an office in the immigration arrivals hall and officers from SIS usually patrol the arrivals area during each flight arrival. Invariably, if they notice a person being held up by DIE they approach them and take details in order to ascertain if the person may be of interest to them. Their office contains three computer terminals, two linked to SIS records and one belonging to the airport containing flight information.”

25.24 The BHC letter of 5 January 2012<sup>514</sup> added:

“The main mode of onward travel from the airport is by road. There are numerous taxi services and there are pick-up areas for relatives/friends to collect arriving passengers. No public buses are allowed into the airport... There is a rail link direct into Colombo, and an airport station has recently been constructed around 200 metres from the terminal, although services appear infrequent. There is no permanent checkpoint for persons leaving the airport along the airport link road to the main A3. For persons travelling into Colombo, the first permanent checkpoint they encounter is on the bridge at Peliyagoda/Grandpass on entering the city. The number of vehicles being stopped has significantly reduced in recent months. Checkpoints are extremely rare now although this can vary during the early hours of the morning or according to the security situation at any given time.”

[See also check-points](#)

<sup>513</sup> British High Commission Colombo, letter dated 5 January 2012

<sup>514</sup> British High Commission Colombo, letter dated 5 January 2012

## Returns of refugees from India

25.25 A press release issued by UNHCR on 6 January 2012<sup>515</sup> stated:

“The number of Sri Lankan refugees returning home has seen a marked drop in 2011 when compared with the previous year, latest UNHCR statistics show.

“A total of 1,728 Sri Lankan refugees returned under UNHCR’s facilitated voluntary repatriation programme last year while higher numbers were recorded in 2010 during which the agency helped some 2,054 Sri Lankan refugees come home. In 2009, UNHCR facilitated the voluntary return of some 818 individuals.

“Although we introduced new measures to make the voluntary repatriation process easier, the pace of returns last year was slower than initially expected. This could be due to the delay in the launch, and subsequent suspension of the Colombo-Tuticorin ferry service,’ says UNHCR Representative in Sri Lanka Michael Zwack.

“In October 2011, UNHCR opened up the return of Sri Lankan refugees from India to Colombo by ferry, adding a new dimension to its voluntary repatriation programme. Until then, all returns took place by air. However the ferry service was suspended one month later.”

25.26 The UNHCR press release<sup>516</sup> added:

“Sri Lankan refugees returning under UNHCR's voluntary repatriation programme receive a standard reintegration grant as a first step towards helping them restart their lives. Each individual is also provided with a modest transport grant to help them arrange their own transportation back to their villages. Once at their destination in Sri Lanka, these returnees can approach one of UNHCR's five offices in the north and east to obtain a kit of basic household supplies.

“A majority of the returns are taking place to Sri Lanka’s eastern district of Trincomalee. A substantial number of Sri Lankan refugees are also going back to the Mannar and Vavuniya districts in the country’s north while small groups are returning to Jaffna, Kilinochchi, Batticaloa, Colombo, Ampara, Puttalam and Kandy.

“UNHCR carries out regular monitoring in these areas and seeks to ensure that returnees receive mine risk education and are included in the food ration lists and become considered as beneficiaries to the many government [sic], UN and other projects taking place to reestablish the lives of Sri Lankans in the North and East of the country. In addition, UNHCR refers persons with special needs (persons with disabilities, elderly persons etc) to specialized institutions and those in need of legal counseling [sic] to the relevant government authority or other organizations that can provide targeted assistance.

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<sup>515</sup> UNHCR, Sri Lankan refugee return figures fall in 2011, amidst suspension of ferry Service, 6 January 2012 <http://www.unhcr.lk/uplode-pdf/Overallstatsrefugeereturns06012012.pdf> date accessed 27 January 2012

<sup>516</sup> UNHCR, Sri Lankan refugee return figures fall in 2011, amidst suspension of ferry Service, 6 January 2012 <http://www.unhcr.lk/uplode-pdf/Overallstatsrefugeereturns06012012.pdf> date accessed 27 January 2012

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“UNHCR's most recent statistics, gathered from governments, show that as of end-2010 there are some 141,063 Sri Lankan refugees in 65 countries, with a majority - some 69,000 in 112 refugee camps and another 32,000 living outside camps in Tamil Nadu, India. The other main countries with Sri Lankan refugees are France, Canada, Germany, UK, Switzerland, Australia, Malaysia, the United States and Italy.”

- 25.27 Additional information on the assistance provided by UNHCR in helping Sri Lankan refugees return home is available from a dedicated section of the website of the UNHCR Sri Lanka, accessible from [here](#).
- 25.28 Specific information on the return to Sri Lanka of families with children; unaccompanied and separated children reintegration support post return and monitoring mechanisms for children is available from the [European Commission, Comparative Study on Practices in the Field of Return of Minors](#), December 2011 (see section 5.6 on Sri Lanka).

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## Returned failed asylum seekers

- 25.29 Extensive information on the treatment of Tamils at Colombo airport is available from the [Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009](#), dated 22 October 2009 (FCO October 2009 report)<sup>517</sup>. The report stated:

“The sources interviewed commented on the procedures followed by the Department of Immigration and Emigration (DIE) officials, who operate border control at the airport [Bandaranaike International Airport (BIA), located in Katunayake in the Gampaha district]; and the circumstances in which the State Intelligence Service (SIS), Criminal Investigations Department (CID) and Terrorist Investigation Department (TID) would become involved.”

- 25.30 The FCO October 2009 report<sup>518</sup> observed:

“Anyone who was wanted for an offence would be arrested. Those with a criminal record or LTTE connections would face additional questioning and may be detained. In general, non-government and international sources agreed that Tamils from the north and east of the country were likely to receive greater scrutiny than others, and that the presence of the factors below would increase the risk that an individual could encounter difficulties with the authorities, including possible detention:

- “outstanding arrest warrant
- “criminal record
- “connection with LTTE
- “illegal departure from Sri Lanka

<sup>517</sup> Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 <http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc> date accessed 6 January 2010, paragraph 1.1

<sup>518</sup> Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 <http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc> date accessed 6 January 2010, Executive Summary, Treatment of Tamils at Colombo airport

- “involvement with media or NGOs
- “lack of an ID card or other documentation.”

25.31 In particular, in reply to the question on what procedures were in place to identify failed asylum seekers at the airport and those who are wanted by the authorities the same source<sup>519</sup> reported:

“The DIE spokesman said that DIE recorded the details of all returnees in a register (logbook). Returnees were then referred to the Criminal Investigations Dept (CID), or sometimes the State Intelligence Service (SIS), without any harassment. If there was a passport, DIE could check the person’s details on their database, but this was not possible with an Emergency Travel Document (ETD). If there was an ID card number, checks could be done referring to the original passport. It was possible to establish whether a person had left the country illegally by looking at the passport as it would lack the embarkation stamp, but this would not be possible with an ETD. ETDs were considered full official documents issued by the Sri Lankan authorities. They were a proof of identity and were valid to go through any checkpoints. ETDs were stamped and returned to the returnee. The role of DIE ended when they passed returnees to CID.

“DIE had access to an alert list. This list contained information relating to court orders, warrants of arrest, jumping bail, escaping from detention as well as information from Interpol and the SIS computer system. The DIE computer system had its own alert system related to the alert list but this did not indicate the exact reason for the alert. Following an alert, DIE would refer these people to CID or SIS to establish the position.

“SIS records dated back 60 years and were being put onto computer. SIS computer records were available at the airport to both SIS and (on request) CID officers. On the other hand, police records were held for five years only; occasionally on computer, but normally on paper only.”

25.32 The FCO October 2009 report<sup>520</sup> also reported on whether specific factors would affect the way an individual is treated at the airport. In particular the report recorded:

“The Superintendent Police, Criminal Investigations Department (CID) at Bandaranaike International Airport said that if a person was suspected of being associated with LTTE, SIS would hand them over to the Terrorist Investigation Department (TID). Sometimes they were referred to Colombo Detection Bureau headquarters, or sometimes CID. In such cases a detention order for 90 days could be issued.

“The senior intelligence official said that if a person had an arrest warrant outstanding they would be arrested. If they had a previous criminal record, it would depend on what they said at interview. SIS would probably check with the local police where they came from: if they were wanted, they would be detained; if not, they would be released.

<sup>519</sup> Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 <http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc> date accessed 6 January 2010, Executive Summary, paragraphs 1.4; 1.5; 1.6; 1.10; 1.13

<sup>520</sup> Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 <http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc> date accessed 6 January 2010, Executive Summary, paragraphs 1.48; 1.54-1.59

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“The Superintendent Police, Criminal Investigations Department (CID) said that checks would be conducted as to whether they were wanted. If they were, they would be arrested and produced before the Magistrates Court in Negombo. The representative from Centre for Policy Alternatives (CPA) said that such an individual would definitely be stopped.

“If an individual has jumped bail/escaped from custody. The senior intelligence official said that the person would be produced at Court. The Superintendent Police, Criminal Investigations Department (CID) agreed. The representative from Centre for Policy Alternatives (CPA) said that the individual would definitely be stopped.”

“The IOM representative said that people encountered problems travelling inland if they did not have an ID card. They faced security checks, as the National Identity Card (NIC) was the only document that could prove identity. The Emergency Travel Document could be used, but only for a maximum of three months and they must then apply for an NIC. This could cause problems, as they could not apply for the NIC in Colombo if they originated from Jaffna, Kilinochchi, Mannar, Mullaitivu and Vavuniya, as they must receive Grama Seveka [local official] authority.”

- 25.33 A letter from the BHC, Colombo, dated 5 January 2012,<sup>521</sup> reported on the entry procedures for the UK returnees at the Colombo Bandaranaike Airport:

“UK returnees generally arrive in Colombo on Sri Lankan Airlines scheduled flights, which provide the only direct flights between the UK and Sri Lanka from London Heathrow Terminal 4. Returnees also arrive from the UK however on Qatar Airlines via Doha, Gulf Air via Bahrain and Jet Airways via Delhi or Mumbai. The UK Border Agency chartered aircraft in June, September and December 2011 specifically to remove Sri Lankan nationals who were remaining unlawfully in the UK. These have been reported separately. [see paragraphs 25.35 - 25.40 below]

“Returnees who are being escorted will be presented to the duty Chief Immigration Officer in the immigration arrivals hall by the escorting officers. Those who are not escorted should be presented to the duty Chief Immigration Officer by an airline official, although this does not happen in all cases. All returnees must be in possession of either a valid passport or an Emergency Passport issued by the Sri Lankan High Commission in London. They must also complete an arrival card, which they should have been given on the plane, and present this to immigration along with their passport.

“UK returnees escorted or presented by the airline are immediately identifiable as returnees to DIE. Unescorted returnees travelling on Emergency Passports issued by the Sri Lankan High Commission in London will be questioned by DIE to ascertain if they are returnees. However, unescorted returnees travelling on their original passports will in all probability not even be questioned by DIE unless they bring themselves to the immigration officers’ attention in some other way e.g. presenting a document containing forged or unauthorised endorsements.

“DIE procedures are the same for all deported and returned Sri Lankan nationals and they will interview them merely to confirm their Sri Lankan nationality. They record the details of all returnees in a register (logbook) which is held in the duty Chief Immigration Officer’s office. Once satisfied that a returnee is a Sri Lankan national in many cases

<sup>521</sup> British High Commission Colombo, letter dated 5 January 2012, available upon request



they refer them to the State Intelligence Service (SIS) and the Criminal Investigations Department (CID). If DIE is not satisfied that a returnee is Sri Lankan, for example they suspect they are a national of another South Asian country, then under the UK–Sri Lanka bilateral readmission agreement, the person would be sent back to the UK.”

25.34 The BHC letter of 5 January 2012<sup>522</sup> continued:

“The State Intelligence Service (SIS) is often notified by the Sri Lankan High Commission in London about planned enforced returns from the UK. SIS interviews every deportee and ascertains the grounds for their deportation/removal, how they left Sri Lanka and their background. SIS keeps paper and computerised records. SIS paper records date back 60 years and are currently being put onto a computer database. SIS computer records are available at the airport to both SIS and (on request) CID officers.

“Once SIS has completed their interview the returnee is then passed to CID. The main CID offices are on the ground floor adjacent to the DIE embarkation control, and underwent a complete refurbishment in 2010 funded by the Australian government. The office suite has three purpose built interview rooms, and facilities where returnees can relax and eat meals. All returnees/deportees passed to CID are interviewed, photographed and wet fingerprinted. The main objective of these interviews is to establish if the returnee has a criminal record, or if they are wanted or suspected of committing any criminal offences. The photographs are stored on a standalone computer in the CID office at the airport and the fingerprints remain amongst paper records in the same office. Checks are initiated with local police, but returnees are released to a friend or relative, whom CID refers to as a surety. The surety must provide their personal details and accept responsibility for the returnee. They are not required to lodge any money with CID. Some returnees have subsequently informed the British High Commission that around a week after they have returned to their home address they receive a follow-up visit from their local police to confirm their presence. On completion of their procedures CID will walk the returnee back to DIE. The duty immigration officer will then endorse the returnee’s passport/emergency passport with an immigration arrival stamp and hand it back to the returnee. The returnee will then be allowed to proceed to the Duty Free area, baggage reclaim and Customs. Emergency passports are considered full official documents issued by the Sri Lankan authorities. They are a proof of identity and are valid to go through any checkpoints.

“In general, the situation regarding all returnees regardless of race or creed appears to be more relaxed now. There is still inconsistency in the way individuals are dealt with and the British High Commission are aware that some returnees are not even identified by the authorities, or they are but they are allowed to proceed without undergoing the SIS/CID interviewing process. The border authorities have amended their procedures for the UKBA charter flights of returnees in order to speed up the process and this has been reported separately.”

25.35 The same source<sup>523</sup> added:

“The British High Commission are aware of the arrest of six returnees from the UK on their arrival at Bandaranaike International Airport. Two were arrested by CID for forgery offences in 2010, and three were arrested by CID for forgery offences in 2011. One

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<sup>522</sup> British High Commission Colombo, letter dated 5 January 2012

<sup>523</sup> British High Commission Colombo, letter dated 5 January 2012

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man, who arrived on the 29 September 2011 charter flight was arrested by local uniformed police as the subject of an outstanding arrest warrant, and was transferred to Kalmunai where he was subsequently charged with murder. All six of these returnees were processed by the Sri Lankan judicial system through the Courts.

“On 10 February 2011 a man was returned who had gone through the entire asylum and appeal process in the UK as a Sri Lankan national. He had also been issued with an emergency passport by the Sri Lankan High Commission in London. On arrival in Colombo he informed the immigration officer that he was in fact an Indian national and he provided a completely different identity. The Sri Lankan authorities did not approach the British High Commission in Colombo to arrange for his return to the UK, which they were entitled to under our bilateral readmission agreement, but instead held him at the airport and contacted the Indian High Commission in Colombo. He was subsequently interviewed by the Indian authorities, issued with a travel document and was removed to Chennai, India. Apart from these cases, no UK returnees have been held for more than 7 hours on arrival, none have been arrested and detained, and none have complained about their treatment on arrival by the authorities.

“Negotiations are currently taking place regarding the implementation of the EU-Sri Lanka Readmission Agreement (EURA). A project funded by the European Union has contracted the International Organization for Migration (IOM) to take this forward. The Government of Sri Lanka have indicated that they will develop their arrival procedures and redocumentation processes for the implementation of the EURA, adding that these will apply across the board for Sri Lankan returnees from all countries in the world. DIE have indicated that they wish to launch these new procedures from January 2012, but as yet we are not aware that this has taken place.”

- 25.36 Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010<sup>524</sup>, dated October 2010 reported:

“As regards, the authorities’ entering procedures for returnees, including returned failed asylum seekers in the Colombo Airport, Mr. W. A. Chulananda Perera, Acting Controller General, Department of Immigration and Emigration (DIE) explained that the returnee can enter the Sri Lankan border with either a national passport or an Emergency Travel Document issued by the Sri Lankan Embassy. If the returnee enters with a national passport, DIE can check the data in a database. Entry with an Emergency Travel Document does not give this possibility. However, an Emergency Travel Document is considered a proof of identity established in the country of departure. DIE registers the details of all returnee, including travel documents, flight numbers and country of return in a register that all law enforcement agencies are given access to.”

“A diplomatic mission said that the vast majority of Tamils returning at the moment are facing a minimal risk for undergoing a scrutiny at the airport. The source commented that the way people will be screened today seem to be the result of improved intelligence, also exchange of intelligence between countries in Asia. People with a clear LTTE-profile or people suspected of money transfer would be detained for further

<sup>524</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 [http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p52-53

investigations. According to the source there is in general no difference in the way Tamil and Sinhalese people are treated at the airport, and there are also examples of Sinhalese human rights defenders who have been detained for investigations.”

25.36 The Danish FFM report<sup>525</sup> further noted: “UNHCR stated that Colombo has a mixed population and that the general human rights situation in Colombo as regards living conditions, access to employment and education should not pose systematic problems to Tamils. According to the Norwegian Embassy, [in Colombo] a returnee from abroad would not be visible in the community, and it would not be a problem to find housing and a job.”

25.37 A letter from the British High Commission (BHC), Colombo, dated 3 October 2011<sup>526</sup> reported on “A flight chartered by the UK Border Agency specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom”, which left London on 28 September 2011 bound for Colombo and arrived at Bandaranaike International Airport on 29 September 2011

“... with 50 enforced returnees, many of whom were failed asylum seekers. The ethnic split of the returnees was 27 Tamil, 12 Muslim and 11 Sinhala, and there were 42 males and 8 females. All of the returnees were in possession of their own valid national passport or an Emergency Travel Document issued by the Sri Lankan High Commission in London.

“All of the returnees were dropped at the entrance to the immigration arrivals hall and were escorted to a seating area adjacent to the transfer desk which had been specifically created for this flight. Officials from the Department of Immigration & Emigration (DIE) had also arranged for desks to be placed in front of the seating area and used by their officers to conduct interviews with the returnees.

“At approximately 1115hrs officials from the DIE began interviewing the returnees at the desks in front of the seating area. The purpose of these interviews was to confirm the identity and nationality of the returnee.”

25.38 The same BHC letter<sup>527</sup> added that SIS (State Intelligence Service) and CID (Criminal Investigations Department) carried out joint interviews with returnees regarding their mode and route of travel to the UK, their activities in the UK and to ascertain any previous criminal activity in Sri Lanka and further observed that:

“On completion of the SIS/CID interviews, the returnees were placed back in the seating area. During the processing of the previous charter flight in June 2011, un-necessary delays had occurred at this stage whilst waiting for the duty immigration officer to allow them to proceed. For this charter DIE had removed this requirement and their officials merely stamped each returnees passport or Emergency Travel Document once the process had been completed.

<sup>525</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 [http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p31

<sup>526</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 3 October 2011, available upon request

<sup>527</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 3 October 2011

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"The first returnee was allowed to proceed at 1320hrs. Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50, to enable the returnee to have the means to travel to their onward address anywhere in Sri Lanka, and for overnight accommodation where required. Each returnee provided contact details to IOM."

25.39 The BHC letter of 3 October 2011 went on to add that:

"I was made aware by DIE that one of the first returnees processed by them had been identified as being the subject of an outstanding criminal arrest warrant. I was duly provided with a copy of the warrant which had been issued by Kalmunai High Court following the returnees' non-appearance at an earlier court hearing. DIE told me that he would go through the arrival procedures the same as all of the other returnees in the group, but then a uniformed police officer would arrest him. I was subsequently informed that the arrest had taken place and I was introduced to the uniformed police sergeant from Negombo police station who had made the arrest. I was told that the returnee would remain in Negombo police station, probably overnight, and then officers from Kalmunai would collect him and place him before Kalmunai High Court."

25.40 The [Freedom from Torture, report Out of the Silence: New Evidence of Ongoing Torture in Sri Lanka](#)<sup>528</sup> (FFT Report), released on 7 November 2011, provided information "Through the detailed examination of evidence of torture which took place between May 2009 and early 2011, as documented in the case sample of 35 completed medico-legal reports [of Sri Lankan asylum seekers in the UK]" and should be consulted in conjunction with the [UK Border Agency Country of Origin Information \(COI\) Bulletin: Recent reports on Torture and ill-treatment](#), published on 30 November 2011<sup>529</sup> and the section on [Torture](#). The FFT Report reported in its introduction the account of a Sri Lankan man who had returned to the country from the UK and was reportedly subject to ill-treatment:

"After I arrived in Sri Lanka I tried to leave the airport, two men stopped me, asked for my passport and asked me to come with them. They showed me their IDs – two people from CID [Criminal Investigation Department]. They took me out of a different entrance and pulled me inside a van. They started to ask questions about why I had come back to Sri Lanka – saying that I had escaped the first time but not this time. They tied my hands and legs and kicked me very badly."

"I was taken to a building. They asked questions like „why have you come back again?, ‘what did you do in the UK?’, ‘where is your brother?’ [an LTTE member]. I said I had no contact with him. They tortured me inside the room by removing my clothes and hitting me with burning irons. I was feeling a burning sensation all over my body. They kept me

<sup>528</sup> Freedom from Torture, Out of the Silence: New Evidence of Ongoing torture in Sri Lanka, 7 November 2011

[http://www.freedomfromtorture.org/sites/default/files/documents/Sri%20Lanka%20Ongoing%20Torture%20Freedom%20from%20Torture\\_Final%20Nov\\_07\\_2011.pdf](http://www.freedomfromtorture.org/sites/default/files/documents/Sri%20Lanka%20Ongoing%20Torture%20Freedom%20from%20Torture_Final%20Nov_07_2011.pdf), date accessed 13 January 2012, introduction

<sup>529</sup> UK Border Agency, Country of Origin Information (COI) Bulletin: Recent reports on Torture and ill-treatment, 30 November 2011

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/srilanka12/bulletin-11111.pdf?view=Binary> date accessed 13 January 2012

for two days and I found my body was all swollen. On the third day they put me inside the van. I thought they were going to shoot me. Later I realised that my family had given them some money and because of that I was released.”

“Rohan was tortured on his return to Sri Lanka from the UK in early 2011. He was referred to Freedom from Torture (formerly the Medical Foundation for the Care of Victims of Torture) several months ago when he escaped – on payment of a bribe by his family – and flew back to the UK.”

25.41 The FFT Report<sup>530</sup> further noted:

“14 of the 35 cases report periods of residence or travel abroad preceding detention and torture: five travelled for educational purposes, three for family reasons and four for the purpose of seeking refuge outside of Sri Lanka. In the remaining two cases, the purpose of travel was not stated. Of the four who sought refuge abroad, three were forcibly returned to Sri Lanka. In one case the individual had unsuccessfully claimed asylum in the UK a number of years earlier but was returned to Sri Lanka from another European state. Another was returned from a European state after two years of residence, having been refused asylum there. Of the 10 cases involving individuals who travelled abroad for non-asylum purposes, nine returned voluntarily to Sri Lanka (all from the UK). Several report returning for temporary visits for a variety of family reasons and two due to the disappearance of their fathers. One individual was en route to a non-European state for family reasons, but was returned en route due to the use of false documents.

“All of the 14 individuals who had returned to Sri Lanka after a period abroad, whether they left Sri Lanka through a legal route or otherwise, were subsequently detained and tortured. In five of these cases, the episode of detention and torture documented in the MLR occurred over a year and up to seven years after return. However, in nine cases the individual was detained within days, weeks or a month of their return. Of these nine cases, six were detained in Colombo, either from their home, at checkpoints or from a lodging house. Others were detained at checkpoints elsewhere in the country or directly from the airport upon arrival.”

25.42 A BHC Colombo letter of 19 December 2011<sup>531</sup>, reported on “A flight chartered by the UK Border Agency specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom” which left London on 15 December 2011 bound for Colombo. “Prior negotiations had taken place in both London and Colombo between the UK and Sri Lankan governments under the 2004 bilateral readmission agreement in order to facilitate the redocumentation of the returnees, the necessary authorisations for the aircraft, and the smooth arrival and processing of the returnees on arrival in Sri Lanka.”

25.43 The BHC letter of 19 December 2011 continued:

“The returnees were dropped at the entrance to the immigration arrivals hall and the first returnee to emerge at the top of the escalators was presented with a purple garland by

<sup>530</sup> Freedom from Torture, *Out of the Silence: New Evidence of Ongoing torture in Sri Lanka*, 7 November 2011

[http://www.freedomfromtorture.org/sites/default/files/documents/Sri%20Lanka%20Ongoing%20Torture\\_Freedom%20from%20Torture\\_Final%20Nov\\_07\\_2011.pdf](http://www.freedomfromtorture.org/sites/default/files/documents/Sri%20Lanka%20Ongoing%20Torture_Freedom%20from%20Torture_Final%20Nov_07_2011.pdf), date accessed 13 January 2012, p7

<sup>531</sup> British High Commission Colombo, letter to the UKBA COI Service, dated 19 December 2011

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a female member of the airport staff. It was later claimed that this had been arranged by the State Intelligence Services (SIS) who had photographed and videoed the presentation and arrival of the returnees. All of the returnees were escorted to a seating area adjacent to the transfer desk which had been specifically created for this flight. Officials from the Department of Immigration & Emigration (DIE) had arranged for six tables with three person bench seats to be placed in front of the seating area. These were then used by their officers to conduct interviews with the returnees.

“A colleague and I [Second Secretary (Migration)] from the British High Commission were waiting in the immigration arrivals hall along with officials from the Police Criminal Investigations Department (CID), SIS and airport security. DIE had brought in a team of Tamil speaking officers, and CID and SIS had also drafted in extra staff specifically to assist their airport based colleagues in processing the charter flight returnees.”

“A UKBA Chief Immigration Officer (CIO) handed several copies of the final manifest listing the names of the 55 returnees to DIE officials, along with a bag containing all of their travel documents and other identity documents. Two bags containing medication for three of the returnees was also handed to the DIE officials. The CIO informed me that the returnees had been provided with two full hot meals on the aircraft, plus several snack/drinks breaks during the flight.

“Once the group of returnees were seated and comfortable I addressed them in English. I explained who I was and what procedures they were about to go through, and offered them words of reassurance about the process and the amount of time it would take. I explained that we would assist them in contacting waiting relatives or friends, although DIE officials had instructed us to wait until they had been cleared to proceed before doing this. I added that I would reunite them with their baggage and personal belongings and when pressed about the length of time it would take I reiterated that I would remain at the airport until the last one of them had been cleared. None of the returnees appeared ill or distressed in any way. Some expressed concerns that they did not have the funds to enable them to travel to their home addresses, many in the north of the country. I explained to them that once they had cleared the arrival procedures the International Organization for Migration (IOM) would be providing them with a travel grant to facilitate their onward travel.”

25.44 The same BHC letter went on to observe that:

“At approximately 1205hrs officials from the DIE began interviewing the returnees at the tables in front of the seating area, with one immigration officer dealing with three returnees at a time. The senior DIE official informed me that they had set themselves a target of completing their part of the process within two hours. The purpose of these interviews was to confirm the identity and nationality of the returnee. The remaining returnees waited in the seating area and were allowed to use toilet facilities under the supervision of airport security staff. A water dispenser was available in the seating area. DIE subsequently completed all of their interviews of the 55 returnees by 1435hrs.

“Similarly to the previous charter flights, the senior official from SIS informed me that their officers and those from CID would carry out a joint interviews rather than separate interviews in order to speed up the process. Once the returnees had completed their interviews with DIE, they were escorted either to the SIS office immediately adjacent to the area where they were seated, or they were taken to CID’s ground floor interviewing

facilities. Each returnee underwent a further interview regarding their mode and route of travel to the UK, what they had been doing in the UK and checks to ascertain any criminal activity previously in Sri Lanka.

“On completion of the SIS/CID interviews, the returnees were placed back in the main seating area. As soon as passports/travel documents were reunited with the returnees they were allowed to proceed. The first returnee was allowed to proceed at 1435hrs. Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50, to enable the returnee to have the means to travel to their onward address anywhere in Sri Lanka, and for overnight accommodation where required. Each returnee provided contact details to IOM.

“All of the returnees were given either my business card or that of my colleague at the British High Commission, and were advised to contact us if they had any questions or concerns.”

25.45 On 16 December 2011 BBC Sinhala<sup>532</sup> reported that:

“A group of failed Sri Lankan asylum seekers deported from UK on Thursday [15 December 2011] were questioned at Colombo airport and released, police said.

“Human rights groups including Freedom From Torture (FFT) has said that it has gathered evidence that demonstrates that prisoners in Sri Lanka are still being ill-treated.

“Police said any action against the deportees, if any, would be decided only after analysing their statements recorded by the police Criminal Investigation Division (CID).”

25.46 Additional information on the issue of treatment of returnees is available from the Immigration and Refugee Board of Canada (IRB) document Information on the treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; repercussions, upon return, for not having proper government authorization to leave the country, such as a passport, 22 August 2011, LKA103815.E, accessible from this [weblink](#).

25.47 The IRB Response to Information Request of 22 August 2011<sup>533</sup> noted:

“After seeking information from Sri Lankan government officials, mission staff and other in-country stakeholders, an official from the Canadian High Commission in Sri Lanka stated the following in his correspondence with the Research Directorate:

“The screening process is the same for all persons returning to Sri Lanka - whether voluntarily or by escort. The process is not impacted by ethnicity.

<sup>532</sup> BBC Sinhala, Deportees 'questioned and released', [http://www.bbc.co.uk/sinhala/news/story/2011/12/111216\\_police\\_deportees.shtml](http://www.bbc.co.uk/sinhala/news/story/2011/12/111216_police_deportees.shtml) date accessed 27 January 2012

<sup>533</sup> Immigration and Refugee Board of Canada, Sri Lanka, Information on the treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; repercussions, upon return, for not having proper government authorization to leave the country, such as a passport, 22 August 2011, LKA103815.E, <http://www.unhcr.org/refworld/docid/4e784eab2.html> date accessed 27 January 2012

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“The process for persons removed to Sri Lanka begins with verification of the person’s citizenship by Sri Lankan Immigration. Once a person’s right to enter has been established, clients are then interviewed at the airport by Criminal Investigations Division (CID), followed by an interview by the State Intelligence Service (SIS). Sri Lankan State Intelligence Service’s questions are often in regards to how a client departed the country. They are seeking information about human trafficking and smuggling from the country.

“The CID conducts criminal background check[s] of returnees by contacting police stations in all districts that a client may have lived. As criminal records are not accessible through a national databank, the final criminal checks may take 24-48 hours to complete depending on the day of the week a person arrives in Colombo. Generally, police record checks may be completed in a few hours, but if a client arrives on a Saturday or Sunday it may take a bit longer to contact appropriate offices. Following this admission process deported Sri Lankan nationals are free to enter the country. (Canada 16 Aug. 2011)”

25.48 The same IRB Response<sup>534</sup> continued:

“In contrast to the Canadian High Commission official’s statement is a joint submission prepared specifically for the Research Directorate by the following parties:

- Law and Society Trust, a non-profit organization based in Colombo that is ‘conducting human rights documentation, research and advocacy’ work (Law and Society Trust n.d.);
- INFORM Human Rights Documentation Centre, a ‘Sri Lankan human rights organization’ that has been active since 1989 and that focuses on “monitoring, documentation and networking” (WEDO n.d.);
- Networking for Rights in Sri Lanka, a group creating a national and international network of Sri Lankan human rights defenders (NFR Sri Lanka n.d.); and
- a human rights lawyer in the United Kingdom (UK) (Law and Society Trust et al. 18 July 2011, 7).

“With regard to security procedures at the Colombo airport for failed Tamil refugee claimants, their joint submission states that

“[i]mmigration authorities are alerted about the impending arrival of those who are deported or who are ‘returned’ as a result of failed asylum processes. They are also identifiable by the fact that they travel on temporary travel documents. These individuals are taken out of immigration queues and subjected to special questioning by the Police, and by members of the Terrorist Investigation Department [TID]. They are almost always detained, sometimes for few hours, and sometimes for months, until security clearance is obtained. In situations in which most families of the deported/returned persons have been displaced due to the war, are not contactable by telephone, and in which Police records that could attest to their legitimate address and non-involvement in criminal or terrorist activity have often been misplaced due to the constant cycles of

<sup>534</sup> Immigration and Refugee Board of Canada, Sri Lanka, Information on the treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; repercussions, upon return, for not having proper government authorization to leave the country, such as a passport, 22 August 2011, LKA103815.E, <http://www.unhcr.org/refworld/docid/4e784eab2.html> date accessed 27 January 2012

displacement undergone by the entire community of the North and East in the past years, obtaining the required security clearance may take months. If there is no family member to follow up, this may lead to indefinite detention. (Law and Society Trust et al. 18 July 2011, 5)

"Their joint submission further notes that Tamil returnees are "particularly vulnerable if they arrive individually, and if no one knows they are arriving" (ibid., 6).

"On 19 May 2010, the Director of the Edmund Rice Centre, an Australian research, advocacy and networking organization that also works with refugees and asylum seekers (Edmund Rice Centre n.d.), said that Sri Lanka is 'not safe for deported asylum seekers,' including anyone connected to the Tamil Tigers or who left the country illegally (ibid. 19 May 2010). He explained that the Sri Lankan authorities are of the view that 'any Tamil who fled the country in an unauthorized way must be an LTTE [Liberation Tigers of Tamil Eelam] sympathizer, or if they are Sinhalese, then they must be a traitor' (ibid. 19 May 2010). The Director also noted that in the months leading up to May 2010,

'all asylum seekers returned to Sri Lanka ... [were] handed over to the CID, the Sri Lankan Police, and taken into custody. Some [were] detained, some [were] assaulted.' (ibid.)"

25.49 The IRB Response of 22 August 2011<sup>535</sup> added that:

"In a 30 June 2011 telephone interview with the Research Directorate, an adjunct professor of political science at Temple University, who is currently conducting research on Sri Lanka, indicated that information from sources in Sri Lanka suggests that the government has stationed former Tamil Tigers, who have sided with the government and are working with the Sri Lankan security forces, at the Bandaranaike International Airport where they screen arriving individuals. The professor noted that if you are a Tamil and have any connection to the Tamil causes, it is very likely that you would be screened at the airport and taken into police custody. It is very hard for anyone that has a connection to the Tamil Tigers to go back to Sri Lanka. (Adjunct Professor 30 June 2011)

"He also said that Tamils without any connection to the Tamil Tigers but with a history of opposing government policies would be considered associated with the Tigers and be screened at the airport (ibid.). The professor further stated that a person who has any past connection to the Tamil Tigers or a history of opposing the government will be detained and questioned (ibid.). He added that there have been reports of "abuse and torture" of airport detainees (ibid.).

"The Director of the Edmund Rice Centre also noted that '[a]nyone who publicly dissents from the Government's position is at risk' (19 May 2011). He explained that '[d]etention can be indefinite and court processes are heard within the prison itself. No

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<sup>535</sup> Immigration and Refugee Board of Canada, Sri Lanka, Information on the treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; repercussions, upon return, for not having proper government authorization to leave the country, such as a passport, 22 August 2011, LKA103815.E, <http://www.unhcr.org/refworld/docid/4e784eab2.html> date accessed 27 January 2012

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legal arguments are taken, and most often magistrates just continue to postpone the cases to a later date.’ (ibid.)

“In a January 2011 article, the daily Sri Lanka Guardian reported that Colombo's Katunayake International Airport has a ‘heavy presence of the intelligence officers’ who ‘systematically targeted’ Tamils coming back from overseas, putting them through ‘extensive interrogative processes for several hours’ (5 Jan. 2011). According to the news site's sources, Tamil passengers on all incoming and outgoing flights are the focus of the TID (Sri Lanka Guardian 5 Jan. 2011). These sources report that TID officials take individuals into custody, either interrogating them for hours or taking them away ‘in unmarked white vans to unknown destinations’ (ibid.).

“Similarly, the joint Law and Society Trust submission notes that Tamil returnees are detained and questioned about their connections with the LTTE in Sri Lanka, prior to their leaving the country, about the circumstances of their departures and about their links while they were outside the country. This can be a long process and under the PTA [Prevention of Terrorism Act] persons can be detained for prolonged periods. (Law and Society Trust et al. 18 July 2011, 6)”

#### 25.50 The same IRB Response<sup>536</sup> continued:

“According to the joint submission, detention conditions are ‘very brutal’ (ibid.). The United States (US) Country Reports on Human Rights Practices for 2010 indicates that prison conditions in Sri Lanka are overcrowded and ‘lack ... sanitary facilities’ (US 8 Apr. 2011, 8). It also reported other problems with prison conditions, including that prisoners were ‘sleeping on concrete floors,’ there was insufficient ventilation, and that there were reports of abuse coming from female-only prison sections (ibid.).

“In contrast, the Canadian High Commission official noted that “[t]here have been only four cases of persons having been detained upon arrival of which the Canada High Commission is aware. Each of these cases involved outstanding criminal charges in-country and were not related to their overseas asylum claims or their ethnicity. Persons of all ethnic backgrounds are returned either under escort or voluntarily to Sri Lanka daily, and the screening and admission process for all these persons remains the same. (Canada 16 Aug. 2011)

“However, Human Rights Watch publicly expressed concern about Britain returning rejected asylum seekers to Sri Lanka because it believes that ‘Sri Lankan nationals who have been affiliated with or are considered to be supporters of the ... LTTE, would be at significant risk of persecution if deported back to Sri Lanka’ (16 June 2011). The organization noted that its research ‘shows that Sri Lankan authorities have frequently violated the basic rights of people suspected of being affiliated with or supporters of the LTTE’ (Human Rights Watch 16 June 2011).

“Hatnews, a UK-based ‘conduit of information and news for asylum seekers [and] refugees’ (n.d.a), which is provided by ‘professional Journalists from around the world who are either currently refugees and asylum seekers in the UK or have gained their

<sup>536</sup> Immigration and Refugee Board of Canada, Sri Lanka, Information on the treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; repercussions, upon return, for not having proper government authorization to leave the country, such as a passport, 22 August 2011, LKA103815.E, <http://www.unhcr.org/refworld/docid/4e784eab2.html> date accessed 27 January 2012



'status' but are not currently working in journalism' (Hatnews n.d.b), states that 'there are growing claims made by returnees of detailed questions being asked during the documentation process by the SLHC [Sri Lanka High Commission in the UK] as to the content of their asylum claims and LTTE connections' (ibid. 10 June 2011).

#### "United Kingdom returnees

"In a 17 June 2011 press release, Amnesty International (AI) reports that the United Kingdom rejected 26 asylum seekers from Sri Lanka, most of whom were Tamil, and that when the returnees arrived in Colombo, they were taken for questioning (AI 17 June 2011). AI's Sri Lanka researcher is quoted as saying that '[t]he government of Sri Lanka has a history of arresting and detaining rejected Sri Lankan asylum seekers upon their return and we are aware of cases of people being tortured' (ibid.). In a news item about the pending deportations issued on 16 June [2011], the day before the deportations, the same researcher is also quoted as saying that '[t]he end of the armed conflict in Sri Lanka in May 2009 has not diminished the risks faced by rejected Sri Lankan asylum seekers, who continue to be subjected to arrest and detention upon their arrival in Sri Lanka' (ibid. 16 June 2011).

"The Hindustan Times, a New Delhi-based newspaper, reports that on 17 June 2011, the Policy Research and Information Unit of the Presidential Secretariat of Sri Lanka issued a news release in which it notes the arrival in Colombo of a 'group of Tamil asylum seekers' deported from Britain that day (17 June 2011). As the Hindustan Times indicates, a senior police officer informed the Unit that a 'special team' from the CID was recording the statements of the rejected Tamil asylum seekers, after which the police would "soon" let them leave (17 June 2011). The Daily News, a Colombo-based newspaper, also noted a police spokesman as saying that a CID team and the National Intelligence Bureau 'recorded lengthy statements' from the 26 deportees upon their arrival in Colombo (18 June 2011). The Colombo newspaper also said that the deportees consisted of 15 Tamils, 4 Sinhalese, and 7 Muslims (Daily News 18 June 2011).

"The London-based Independent newspaper similarly reported that the 26 rejected asylum seekers were 'met for questioning by the authorities' and that a police spokesman specified that they were being questioned by the CID (18 June 2011). In contrast, however, a police spokesman quoted in the Colombo-based Sunday Observer stated that no one was questioned by the CID and that the 'CID does not unnecessarily detain people if they don't have criminal records' (Sunday Observer 19 June 2011). The Sunday Observer article also indicates that there were no arrests or criminal charges laid against the rejected asylum seekers, and that all had returned to their homes (ibid.).

"The Ratmalana-based newspaper The Sunday Leader interviewed the South Asia Regional Director of the UK Border Agency in the wake of what it called 'the controversy and concerns over the recent deportation of Sri Lankans from Britain, including failed asylum seekers' (27 June 2011). The South Asia Regional Director said that they 'constantly monitor the country situation, and issues of safety on return have not arisen. There is no evidence that those who were previously removed to Sri Lanka have been mistreated. All those who returned to Sri Lanka last week passed through border control procedures and were allowed to proceed without incident.' (The Sunday Leader 27 June 2011)"

Please refer to a letter from the British High Commission in Colombo dated 24 June 2011, available in [Annex E](#), for a description of events following the UKBA charter flight of 16/17 June 2011.

25.51 The IRB Response<sup>537</sup> of 22 August 2011 went on to add:

“Documents

“The Canadian High Commission official informed the Research Directorate that [o]ver the past 2 years, there have been no recorded cases of detention or other issues related to persons who departed the country without legal documents. There have been no known adverse impacts for persons returning having originally depart[ed] without an issued passport.

“Those clients without valid travel documents to return to Sri Lanka must provide their details to Sri Lankan Missions. These missions verify citizenship and issue travel documents to return. There has been no issue for clients identified from this process. (Canada 16 Aug. 2011)

“The Temple University adjunct professor noted that people who left the country illegally and have no documentation upon their return are selected for screening; however, as mentioned already, they would be ‘safe’ if they are not connected to any government-opposed activities (Adjunct Professor 30 June 2011). The joint submission by Law and Society Trust and others states that if the airport authorities suspect that someone’s documents are forgeries, the person would undergo ‘extended questioning and possible detention’ (Law and Society Trust et al. 18 July 2011, 5).

“The Law and Society Trust-led joint submission also notes that even if a deported/returned person is ‘cleared’ and allowed to leave the airport, they are in danger of being detained at check-points for any number of reasons, and also subject to intimidation and extortion. They also face a threat from paramilitary groups who may abduct and torture them for information or for purposes of extortion. (ibid., 6)

“After re-entry

“According to the Law and Society Trust-led joint submission, some of the challenges faced by returnees, other than at the airport during re-entry, include difficulties finding accommodation, employment, family, and documentation (Law and Society Trust et al. 18 July 2011, 6). The report notes that if the returnees do not obtain a National Identity Card (NIC), ‘they could face re-arrest, detention and torture’ (ibid.). There are also no programs or policies in place to help returnees reintegrate into society, leaving them ‘vulnerable to abduction and extortion by armed groups’ (ibid.). Returnees are also viewed with ‘suspicion,’ and are generally seen as ‘traitors,’ ‘those who brought the country to disrepute’ [and] ‘... lied about the situation in the country abroad’ (ibid., 6-7). They also face ‘systematic media attacks’ that characterize ‘the Tamil diaspora community as being LTTE mouthpieces and supporters’ (ibid., 7). The United Nations (UN) Integrated Regional Information Networks (IRIN) reports that ‘returnees to remote

<sup>537</sup> Immigration and Refugee Board of Canada, Sri Lanka, Information on the treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; repercussions, upon return, for not having proper government authorization to leave the country, such as a passport, 22 August 2011, LKA103815.E, <http://www.unhcr.org/refworld/docid/4e784eab2.html> date accessed 27 January 2012

villages face tough times and uncertain futures, despite governmental and international efforts at reconstruction' in Sri Lanka's post-war zone (5 July 2011). For example, although the Ministry of Economic Development launched the Northern Recovery Project to help 'accelerate development' in Vanni, reconstruction is 'a slow process' (UN 5 July 2011). According to a senior rural development specialist with the World Bank, '[a] detailed assessment of the full needs of the returnees is yet to be completed .... As such, the limited development projects that are being implemented in selected areas will not meet the entire needs and expectations of the people.' (qtd. in UN 5 July 2011)"

- 25.52 Specific information on the return to Sri Lanka of families with children; unaccompanied and separated children reintegration support post return and monitoring mechanisms for children is available from the [European Commission, Comparative Study on Practices in the Field of Return of Minors](#), December 2011 (see section 5.6 on Sri Lanka)

### Physical examinations/scarring

- 25.53 A letter from the BHC, Colombo, dated 5 January 2012,<sup>538</sup> observed:

"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. 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."

- 25.54 The Freedom from Torture report *Out of the Silence: New Evidence of Ongoing Torture in Sri Lanka*, released on 7 November 2011<sup>539</sup>, however, noted that:

"...high levels of scarring [based on a data set of '35 medico-legal reports (MLRs) prepared by Freedom from Torture clinicians in relation to clients, most of whom are asylum seekers or refugees' in the UK] could reflect a policy of permanently 'branding' victims not only to inflict long-term psychological and physical damage, but also to ensure that the individual may be easily identified in future as having been suspected of links to the LTTE. Given that release from detention in each case in this data set occurred only after payment of a bribe and was otherwise arbitrary, the implication is that those carrying such scars are at risk of detention and possible further torture if returned to Sri Lanka. Beyond the impact on the individual, these enduring signs of torture must be intended to send a signal to the wider Tamil community about the consequences of association with LTTE elements."

- 25.55 On this issue, the FCO FFM Report of October 2009<sup>540</sup> noted that:

<sup>538</sup> British High Commission Colombo, letter dated 5 January 2012

<sup>539</sup> Freedom from Torture, *Out of the Silence: New Evidence of Ongoing Torture in Sri Lanka*, 7 November 2011

[http://www.freedomfromtorture.org/sites/default/files/documents/Sri%20Lanka%20Ongoing%20Torture%20from%20Torture%20Final%20Nov\\_07\\_2011.pdf](http://www.freedomfromtorture.org/sites/default/files/documents/Sri%20Lanka%20Ongoing%20Torture%20from%20Torture%20Final%20Nov_07_2011.pdf) date accessed 13 January 2012

<sup>540</sup> The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012. Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

“The senior intelligence official said that [if an individual has visible scarring] SIS would obviously question them, ask for an explanation and assess the merits of each case. SIS may carry out background enquiries via their local police. Scarring more directly related to military training would trigger specific questions and there would be a need to carry out specific enquiries, depending on where the person was from.

“The Superintendent Police, Criminal Investigations Department (CID), said he was not sure. If they suspected an LTTE link, a scar may trigger questions, but strip searches were not conducted at all.”

See also [Torture](#)

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## 26. CITIZENSHIP AND NATIONALITY

- 26.01 The US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010)<sup>541</sup>, released on 8 April 2011 noted that: “Citizenship was obtained by birth within the territory of the country and from a child's parents if born to citizen parents overseas.”
- 26.02 The Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter<sup>542</sup>, undated, website accessed on 1 June 2011, 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.”
- 26.03 The website of the Department for Immigration and Emigration<sup>543</sup> has a specific section on citizenship (accessible from the hyperlink in the footnote) providing specific information on this issue including the specific provisions related to dual citizenship.
- 26.04 The USSD 2010 report<sup>544</sup> also noted that:
- “The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the country's nationality of previously stateless persons, particularly hill-country Tamils. The

<sup>540</sup> Foreign & Commonwealth Office (FCO), Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, 22 October 2009 <http://www.homeoffice.gov.uk/rds/pdfs09/igcolombo-0809.doc> date accessed 6 January 2010, Executive Summary, paragraphs 1.66-1.67

<sup>541</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 6

<sup>542</sup> Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated [http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf\\_wowsa\\_srilanka.pdf](http://reproductiverights.org/sites/crr.civicactions.net/files/documents/pdf_wowsa_srilanka.pdf) date accessed 1 June 2011, p220

<sup>543</sup> Sri Lanka Department for Immigration and Emigration, Citizenship, undated, [http://www.immigration.gov.lk/web/index.php?option=com\\_content&view=article&id=146&Itemid=185&lang=en](http://www.immigration.gov.lk/web/index.php?option=com_content&view=article&id=146&Itemid=185&lang=en) date accessed 2 February 2012

<sup>544</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2d

government made limited progress towards naturalizing and providing citizenship documentation to stateless persons. By December [2010] approximately 20,000 hill-country Tamils in the country lacked identity cards and citizenship documents, compared with 30,000 at the beginning of 2009 and 70,000 in 2008. Those lacking identity cards were at higher risk of arbitrary arrest and detention, but there were no reports of such incidents during the year.

“The government passed laws in 2009 to grant citizenship to hill-country Tamils living among other Sri Lankan ethnic Tamils in refugee camps in India's Tamil Nadu, but progress on finding and registering these persons and granting them citizenship was slow.”

- 26.05 The UN Concluding observations of the Committee on Economic, Social and Cultural Rights<sup>545</sup>, dated 9 December 2010, expressed concern “... that Citizenship Act No.18 of 1948 which deprived Tamils of Indian origin of citizenship has still not been abrogated and that thousands of Tamils of Indian origin are still awaiting to be granted citizenship on the basis of the 2003 Grant of Citizenship to Persons of Indian Origin Act, and as stateless persons do not enjoy their economic, social and cultural rights.”

See also [Tamils of Indian origin \(Up-country Tamils\)](#)

## IDENTITY CARDS

- 26.06 The latest requirements for obtaining a national identity card (NIC), ‘Eligibility Criteria’; ‘Necessary documents to be submitted to obtain an ID for the first time’; ‘Obtaining Duplicate Copy (for Lost Identity Cards)’ and ‘Renewing the Identity Card’ are available from this [weblink](#) to the relevant section of the Sri Lanka Registration of Persons Department<sup>546</sup> (accessed on 2 February 2012), which also noted that: “A Sri Lankan citizen is required to obtain an [sic] National Identity Card to authenticate his/her identity as a citizen of Sri Lanka.”
- 26.07 The website of the Registration of Persons Department<sup>547</sup> (accessed on 2 February 2012) also provides information on their [One day services](#) and [Mobile services](#).
- 26.08 Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010<sup>548</sup>, dated October 2010 reported:

<sup>545</sup> UN Concluding observations of the Committee on Economic, Social and Cultural Rights, dated 9 December 2010 <http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.LKA.CO.2-4.doc> date accessed 25 May 2011, p4

<sup>546</sup> Sri Lanka Registration of Persons Department, Obtainning NIC [sic], last updated 27 September 2011 [http://www.rpd.gov.lk/web/index.php?option=com\\_content&view=article&id=18%3Aobtaining-nic&catid=11%3Aobtaining-nic&Itemid=35&lang=en](http://www.rpd.gov.lk/web/index.php?option=com_content&view=article&id=18%3Aobtaining-nic&catid=11%3Aobtaining-nic&Itemid=35&lang=en) date accessed 2 February 2012

<sup>547</sup> Sri Lanka Registration of Persons Department, Obtainning NIC [sic], last updated 27 September 2011 [http://www.rpd.gov.lk/web/index.php?option=com\\_content&view=article&id=18%3Aobtaining-nic&catid=11%3Aobtaining-nic&Itemid=35&lang=en](http://www.rpd.gov.lk/web/index.php?option=com_content&view=article&id=18%3Aobtaining-nic&catid=11%3Aobtaining-nic&Itemid=35&lang=en) date accessed 2 February 2012

<sup>548</sup> Human Rights and Security Issues concerning Tamils in Sri Lanka, Report from Danish Immigration Service’s fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010 [http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact\\_finding\\_report\\_sri\\_lanka\\_2010.pdf](http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf) date accessed 27 May 2011, p55

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“The Norwegian embassy informed the delegation that for a returnee who had lost his/her NIC it would not be a problem to obtain a new one. The application for a new NIC can be based on his/her birth certificate and the ETD travel document. If the returnee has lost his/her birth certificate a new copy can be obtained from the Department of the Registrar General in Colombo which is the central registry for all documents.

“IOM [International Organisation for Migration] informed the delegation that returnees who apply for a substitute NIC will have to be verified by the Grama Sevaka/ Niladhari (local registrar) in their place of origin. If the returnees have not stayed in the area within the last 12 months, or if the Grama Sevaka would be a new person, family members, relatives and friends known to the returnee would be able to assist in providing evidence to the Grama Sevaka. It would normally take 6 months to obtain a NIC. In the meantime, the returnee would be able to identify himself on the basis of his Emergency Travel Document and/or his birth certificate. If the returnee has a driving license, he/she would already be registered in the system and the process to get a new NIC would be easier.

“The spokesman from the British High Commission mentioned that returnees from abroad are able to obtain a new/replacement NIC. The returnee should obtain a copy birth certificate from the Grama Sevaka in their area of origin or through the central registry in Colombo, and must also obtain confirmation of residence from their Grama Sevaka. The spokesperson from the British High Commission informed the delegation that in general, local records have been maintained during the war.”

- 26.09 The USSD 2010 report<sup>549</sup> observed that ‘Ethnic Tamils’ national identification cards were the only cards printed in both Sinhala and Tamil.
- 26.10 The US Department of State’s Trafficking in Persons Report 2011<sup>550</sup>, released 27 June 2011 noted that: “While most Sri Lankans have birth certificates and (after the age of 16) national identity cards, many of the 250,000 to 350,000 internally displaced people – a group very vulnerable to trafficking – did not have these documents. The Government of Sri Lanka continued to provide personnel time to conduct mobile documentation clinics for conflict-affected people with UNDP [United Nations Development Programme].”
- 26.11 The UN OCHA (Office for the Coordination of Humanitarian Affairs) Joint Humanitarian and Early Recovery Update for November-December 2011<sup>551</sup>, released on 24 January 2012 referred to the existence of mobile clinics for legal/civil documentation services in the Northern Province provided under UNDPs Equal Access to Justice (A2J) Project, implemented in partnership with the Ministry of National Languages and Social Integration and added that:

<sup>549</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm>, date accessed 11 May 2011, Section 2d

<sup>550</sup> US Department of State, Trafficking in Persons Report 2011, released on 27 June 2011, Sri Lanka Section, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm> date accessed 29 January 2012

<sup>551</sup> UN OCHA Joint Humanitarian and Early Recovery Update for November-December 2011, released on 24 January 2012 – Report #38 [http://www.humanitarianinfo.org/srilanka\\_hpsl/Files/Situation%20Reports/Joint%20Humanitarian%20Update/LKRN057\\_JHERU\\_Nov-Dec\\_2011.pdf](http://www.humanitarianinfo.org/srilanka_hpsl/Files/Situation%20Reports/Joint%20Humanitarian%20Update/LKRN057_JHERU_Nov-Dec_2011.pdf), date accessed 5 February 2012, p4

“People in the Manthai East (Mullaitivu district), Karachchi (Kilinochchi district) and Vavuniya North (Vavuniya district) DSDs submitted applications for/received some 3,100 birth certificates, 470 marriage certificates, 220 death certificates, 380 elders’ identity cards, as well as 1,020 National Identity Cards, and registered 67 Police complaints. Additionally, A2J supported 100 Sri Lankan children born on Indian soil to receive their Sri Lankan citizenship certificates.”

## TRAVEL DOCUMENTS

- 26.12 The website of the Department for Immigration and Emigration<sup>552</sup> has a specific section on passport (accessible from the hyperlink in the footnote) providing specific information on this issue including “Issue of Passports”; “Overseas Applications”; “Renewal, Extension or Alteration of Passports”; “Passport Support Services” and “FAQ’s on Passports”.

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## 27. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

- 27.01 A letter from the British High Commission (BHC) Colombo dated 14 September 2010<sup>553</sup> reported:

“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.”

- 27.02 The BHC letter of 14 September 2010<sup>554</sup> added that:

“The high level of corruption in Sri Lanka and the unscrupulous actions of government officials at all levels, somewhat undermines the issuing process for many official documents. 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 rarely 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.”

<sup>552</sup> Sri Lanka Department for Immigration and Emigration, Passports, undated, [http://www.immigration.gov.lk/web/index.php?option=com\\_content&view=article&id=137&Itemid=190&lang=en](http://www.immigration.gov.lk/web/index.php?option=com_content&view=article&id=137&Itemid=190&lang=en) date accessed 2 February 2012

<sup>553</sup> British High Commission in Colombo, letter dated 14 September 2010

<sup>554</sup> British High Commission in Colombo, letter dated 14 September 2010

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27.03 Additional information on Prevalence of fraudulent National Identity Cards (NICs) is available from the Immigration and Refugee Board (IRB) of Canada, LKA103785.E, accessible from this [weblink](#).

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## Annex A

### CHRONOLOGY OF MAJOR EVENTS

Unless stated otherwise, the information below is based on the BBC Timeline for Sri Lanka, updated 25 January 2012, accessed on 2 February 2012<sup>555</sup>

- 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. (Europa World online<sup>556</sup>, date accessed 1 June 2011)  
  
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.

<sup>555</sup> BBC News Timeline: Sri Lanka, updated 25 January 2012

[http://news.bbc.co.uk/1/hi/world/south\\_asia/country\\_profiles/1166237.stm](http://news.bbc.co.uk/1/hi/world/south_asia/country_profiles/1166237.stm) date accessed 1 June 2011

<sup>556</sup> Europa World online, Sri Lanka, Constitution and Government, undated

<http://www.europaworld.com/entry/lk.is.62> [subscription only] date accessed 1 June 2011

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|             |                                                                                                                                                                                                                                                                                                                                           |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2002</b> | 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. |
| <b>2003</b> | The LTTE suspend participation in the peace talks but the ceasefire holds                                                                                                                                                                                                                                                                 |
| <b>2004</b> |                                                                                                                                                                                                                                                                                                                                           |
| 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                                                                                                                                                                                                                                                                                             |
| <b>2005</b> |                                                                                                                                                                                                                                                                                                                                           |
| June        | Row over the deal reached with the Tamil Tiger rebels to share nearly \$3bn in tsunami aid among Sinhalas, 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.                                                                                                                                                                                                                                                               |
| <b>2006</b> |                                                                                                                                                                                                                                                                                                                                           |
| 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. 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.                                                                                                                                                                                                                                                                            |
| <b>2007</b> |                                                                                                                                                                                                                                                                                                                                           |
| 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.                                                                                                                                                                     |
| 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.                                                                                                                                                                                                                                                                      |
| <b>2008</b> | Government pulls out of 2002 ceasefire agreement.                                                                                                                                                                                                                                                                                                                                        |
| January     | 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.                                                                                                                                                                                                                                                                                  |
| July        | Dozens of soldiers reported killed in clashes with Tamil Tigers in far north.<br>Sri Lankan military says it has captured the important Tamil Tiger naval base of Vidattativu in the north of the island.<br>Clashes between Government troops and the LTTE reported in the districts of Jaffna, Mannar, Trincomalee and Vavunia. <sup>557</sup>                                         |
| August      | In addition to Trincomalee, the fighting spreads to the Kilinochchi and Mullaitivu districts causing large population displacement. <sup>558</sup>                                                                                                                                                                                                                                       |
| November    | Fighting intensifies in Kilinochchi district. <sup>559</sup>                                                                                                                                                                                                                                                                                                                             |
| <b>2009</b> |                                                                                                                                                                                                                                                                                                                                                                                          |
| January     | Government troops capture the northern town of Kilinochchi, held since 1998 by the Tamil Tigers as their administrative headquarters.<br>The ban on the LTTE is re-enforced. <sup>560</sup><br>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. <sup>561</sup> |
| 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.<br>Tamil Tiger planes conduct suicide raids against Colombo.                                                                                                                                     |
| March       | Former rebel leader Karuna is sworn in as minister of national integration and reconciliation.                                                                                                                                                                                                                                                                                           |

<sup>557</sup> The International Institute for Strategic Studies (IISS), Timeline 2008, undated  
[http://acd.iiss.org/armedconflict/MainPages/dsp\\_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2008](http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2008) [subscription only], date accessed 1 June 2011

<sup>558</sup> The International Institute for Strategic Studies (IISS), Timeline 2008, undated  
[http://acd.iiss.org/armedconflict/MainPages/dsp\\_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2008](http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2008) [subscription only], date accessed 1 June 2011

<sup>559</sup> The International Institute for Strategic Studies (IISS), Timeline 2008, undated  
[http://acd.iiss.org/armedconflict/MainPages/dsp\\_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2008](http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1113&DisplayYear=2008) [subscription only], date accessed 1 June 2011

<sup>560</sup> Official website of the Government of Sri Lanka, Govt bans LTTE, 8 January 2009  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca200901/20090108govt\\_bans\\_ltte.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca200901/20090108govt_bans_ltte.htm), date accessed 8 January 2009

<sup>561</sup> South Asia Terrorism Portal (SATP), Sri Lanka Timeline - Year 2009,  
<http://satp.org/satporgtp/countries/shrilanka/timeline/index.html> date accessed 21 January 2010

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|          |                                                                                                                                                                                               |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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. |
| August   | New Tamil Tiger leader Selvarasa Pathmanathan detained by Sri Lankan authorities.<br>First post-war local elections held in the north.                                                        |
| October  | Government announces early presidential and parliamentary elections.                                                                                                                          |
| November | Opposition parties form alliance to fight elections. The new alliance includes Muslim and Tamil parties.                                                                                      |

**2010**

|           |                                                                                                                                                          |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| January   | President Mahinda Rajapakska is re-elected.                                                                                                              |
| February  | Gen Fonseka is arrested. President Rajapaksa dissolves parliament, clearing way for elections in April.                                                  |
| April     | President Rajapaksa's ruling coalition wins landslide victory in parliamentary elections.                                                                |
| May       | Emergency regulations (ERs) are relaxed. <sup>562</sup>                                                                                                  |
| August    | Military court finds former army chief Sarath Fonseka guilty of involvement in politics while in uniform and sentences him to a dishonourable discharge. |
| September | Parliament approves a constitutional change allowing President Rajapaksa to seek unlimited number of terms.                                              |

**2011**

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| March     | The ruling United People's Freedom Alliance (UPFA) coalition secured a landslide victory in local elections. <sup>563</sup>                                                                                                                                                                                                                                                                                                                                   |
| April     | UN says both sides in the Sri Lankan civil war committed atrocities against civilians and calls for an international investigation into possible war crimes. Sri Lanka says the report is biased.                                                                                                                                                                                                                                                             |
| July      | Sri Lanka's largest ethnic Tamil party, the Tamil National Alliance - wins two-thirds of local councils in the former war zone in the north and east.                                                                                                                                                                                                                                                                                                         |
| August    | A Sri Lankan Defense Ministry report concedes for the first time that government forces caused civilian deaths in the final months of the conflict with the Tamil Tigers. <sup>564</sup><br>President Rajapaksa says his government will allow the expiry of state emergency laws which have been in place for most of the past 40 years. Government introduces new legislation allowing the detention of people suspected of terror offences without charge. |
| September | Parliament approves law allowing government to take over 37 businesses. Critics say they will be seized from opponents to reward supporters.                                                                                                                                                                                                                                                                                                                  |

<sup>562</sup> US State Department 2010 Human Rights Report: Sri Lanka (USSD 2010), released on 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm> , date accessed 11 May 2011, Section 1d

<sup>563</sup> Economist Intelligence Unit, April 2011 Sri Lanka report [http://www.eiu.com/report\\_dl.asp?issue\\_id=1297945914&mode=pdf](http://www.eiu.com/report_dl.asp?issue_id=1297945914&mode=pdf) [subscription only] date accessed 2 June 2011, p10

<sup>564</sup> Human Rights Watch (HRW), Sri Lanka: Official Report Whitewashes Military Abuses, 1 August 2011 <http://www.hrw.org/news/2011/08/01/sri-lanka-official-report-whitewashes-military-abuses> date accessed 18 January 2012

November The Lessons Learnt and Reconciliation Commission appointed by President Rajapakse hands over its final report on their probe into the three-decade long LTTE conflict and the manner in which it was conducted.<sup>565</sup>

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## Annex B

### POLITICAL ORGANISATIONS

The full list of recognised political parties with the name, approved symbol, and name of the secretary is available from this [weblink to the website of the Sri Lanka, Department of Elections, Political parties](#). For the composition of Parliament further to the April 2010 general election please see this [weblink to a different section of the same website](#).

The CIA World Factbook, Sri Lanka<sup>566</sup>, updated on 27 December 2011, recorded the following political parties and leaders:

“Coalitions and leaders: Democratic National Alliance led by Janatha Vimukthi Peramuna or JVP [Somawansa AMARASINGHE]; Tamil National Alliance led by Illandai Tamil Arasu Kachchi [R. SAMPANTHAN]; United National Front led by United National Party [Ranil WICKREMESINGHE]; United People's Freedom Alliance led by Sri Lanka Freedom Party [Mahinda RAJAPAKSA]

#### **Democratic National Alliance (DNA) / Democratic People's Alliance**

It obtained 7 seats in the 2010 general election. (Official website of the Department of Elections, Parliamentary General Election – 2010, Composition of Parliament<sup>567</sup>, accessed on 2 June 2010)

On 30 June 2010 the Daily Mirror (Sri Lanka)<sup>568</sup> reported that “General Sarath Fonseka has submitted an application to Elections Commissioner Dayananda Dissanayaka seeking to form his own party under the name ‘Democratic People's Alliance with Tiran Alles as the General Secretary. The new party will be part of the Democratic National Alliance (DNA) headed by General Fonseka which also includes the JVP. Currently Fonseka does not have his own political party although he heads the Alliance.”

“The Democratic National Alliance, which he formed with several opposition parties to contest the 2010 General Election, fared poorly and Fonseka has since been legally removed from his

<sup>565</sup> The International Institute for Strategic Studies (IISS), Timeline 2011, undated [http://acd.iiss.org/armedconflict/MainPages/dsp\\_ConflictTimeline.asp?ConflictID=174&YearID=1277](http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1277) [subscription only], date accessed 2 February 2012

<sup>566</sup> CIA - The World Factbook – Sri Lanka <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html> updated on 27 December 2011 Date accessed 27 January 2012

<sup>567</sup> Sri Lanka Department of Elections, Result of Parliamentary General Election April 2010, [http://www.slelections.gov.lk/parliamentary\\_elections/AICOM.html](http://www.slelections.gov.lk/parliamentary_elections/AICOM.html), date accessed 2 June 2010

<sup>568</sup> Daily Mirror (Sri Lanka), Fonseka forms new party, 30 June 2010, <http://www.dailymirror.lk/index.php/news/4741-fonseka-forms-new-party.html>, Date accessed 23 August 2010

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seat in Parliament.” (Jane’s Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Security and foreign forces, 3 January 2012)<sup>569</sup>

See also [Key recent developments \(July - December 2011 and January 2012\)](#) and [Sarath Fonseka and his supporters](#)

**Eelam People’s Democratic Party (EPDP)** <http://www.epdpnews.com/index.php?lng=eng>

“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 was currently the minister for social services and social welfare. Previously his public profile was limited by the fact he was extremely high on the list of LTTE targets for assassination. As of 2011, the EPDP remains part of the UPFA coalition.” (Jane’s Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Internal Affairs, 17 January 2012)<sup>570</sup>

**Illankai Tamil Arasu Kachchi (ITAK) See TNA**

**Jathika Hela Urumaya (JHU)** [National Heritage Party]

“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...

“The JHU’s swift creation led to a factious initial period as the party lacked unity. In October 2004, one of the founders and a member of parliament, Kolonnawe Sumangala, resigned from the party. In the same month, the JHU’s general secretary Uduwe Dhammakola, failed to attend a central committee meeting and was replaced by another JHU monk. Dhammakola eventually left the party in January 2005 to remain an independent parliamentarian, before supporting the UNP’s Wickremasinghe in the November 2005 presidential election, in direct contradiction to the JHU’s support of Rajapakse. Since these defections, the JHU has been able to maintain a more

<sup>569</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012, Security and foreign forces, 3 January 2012

<sup>570</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012, Internal Affairs, 17 January 2012

united party line.” (Jane’s Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Internal Affairs, 17 January 2012) <sup>571</sup>

**Janatha Vimukthi Peramuna (JVP)** <http://www.jvpsrilanka.com/en/>  
(People’s Liberation Front)

“The JVP was the second largest party within the UPFA, and follows a hybrid Marxist-Sinhalese nationalist platform.” The party secured 16 seats in the 2001 parliamentary elections. “This political revival was emphatically demonstrated by the success of 36 (of 39) candidates whom the JVP fielded through the UPFA at the elections of April 2004. In all but one district won by the UPFA, a JVP contestant outranked all others in the number of individual ‘preference votes’ polled. As such, the JVP held a powerful position in the ruling coalition... 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. By early 2007, he had largely succeeded in this project by splitting the opposition UNP and winning over a sizeable UNP contingent to defect to the government benches. The JVP has since broken ranks with Rajapakse, but is strongly in support of his military policy towards the ethnic conflict with the LTTE. In 2008, 10 parliamentarians from the JVP, accused of conspiring with the UNP against the party leadership, broke off to found the Jathika Nidahas Peramuna, a pro-government party. During the 2010 presidential election, the JVP endorsed the former army chief Sarath Fonseka when he ran under the UNF banner. The JVP also forms part of the Democratic National Alliance, a Fonseka-led electoral alliance, formed after his arrest. However in the March 2011 local elections, the JVP contested 233 local authorities alone and won 74 seats. It also contested the July and October [2011] phases of the elections without its ally, calling the long-term future of its relationship with the Democratic National Alliance into question.” (Jane’s Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Internal Affairs, 17 January 2012) <sup>572</sup>

### **Liberation Tigers of Tamil Eelam (LTTE/Tamil Tigers)**

The LTTE is an illegal organisation after a ban was re-enforced in January 2009.<sup>573</sup> It ceased to be an effective military force in May 2009, see [The internal conflict \(1984 to May 2009\)](#). Additional information on the LTTE can be found from the [Sri Lanka COI report of November 2010](#)

[See also Government treatment of \(suspected\) members of the LTTE](#) and [Situation of \(suspected\) members of the LTTE](#)

### **People’s Liberation Organisation of Tamil Eelam (PLOTE)**

<sup>571</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012, Internal Affairs, 17 January 2012

<sup>572</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012, Internal Affairs, 17 January 2012

<sup>573</sup> Official website of the Government of Sri Lanka, Govt bans LTTE, 8 January 2009 [http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca200901/20090108govt\\_bans\\_ltte.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca200901/20090108govt_bans_ltte.htm), date accessed 17 January 2012

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“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.” (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Internal Affairs, 17 January 2012)<sup>574</sup>

### **Sri Lanka Freedom Party (SLFP)**

Leader: Mahinda Rajapakse

Vice-president: Vinayagamoorathi Muralitharan [aka Karuna Amman]

“The SLFP is the largest party within the ruling UPFA coalition.”

“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, accessed on 3 February 2012, Internal Affairs, 17 January 2012)<sup>575</sup>

### **Sri Lanka Muslim Congress (SLMC)** <http://www.slmc.org.uk/>

Leader: Rauff Hakeem

Sri Lanka Muslim Congress officially crossed over to the government side during the parliamentary sessions of 22 November 2010.

“At the last general election [April 2010] the SLMC contested under the main opposition United National Party (UNP) led opposition alliance United National Front and won 8 seats.”<sup>576</sup>

“In the 2011 local elections, the SLMC, previously a constituent party of the UPFA, campaigned alone in 42 local authorities.” (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Internal Affairs, 17 January 2012)<sup>577</sup>

### **Tamileela Makkal Viduthalai Pulikal (Tamil People's Liberation Party) (TMVP)/Karuna faction**

<sup>574</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012, Internal Affairs, 17 January 2012

<sup>575</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012, Internal Affairs, 17 January 2012

<sup>576</sup> ColomboPage, Sri Lanka Muslim Congress to sit in the government side from today [http://www.colombopage.com/archive\\_10C/Nov22\\_1290416406CH.php](http://www.colombopage.com/archive_10C/Nov22_1290416406CH.php) date accessed 9 June 2011

<sup>577</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] date accessed 3 February 2012, Internal Affairs, 17 January 2012

"Tamil Eela 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 part 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 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.

"While Karuna spent time in detention in the UK on immigration offences, the paramilitary TMVP was registered as a political party, and the government installed Tamil paramilitary leader Pillaiyan as the chief minister of the Eastern Province following elections there in May 2008.

"Karuna subsequently returned to Sri Lanka in mid-2008 and coexisted uneasily with Pillayan under a nominally united TMVP, although in reality both leaders commanded separate militias (the TMVP comprised two separate factions that controlled different parts of the east). In what was likely an effort by Rajapakse to separate the two rival Tamil paramilitary leaders, Colonel Karuna joined the ruling Sri Lanka Freedom Party (SLFP) in March 2009 and was sworn in as minister of national integration, a non-cabinet ministerial portfolio. In April of that year, Karuna became the vice-president of the SLFP. In theory, the TMVP no longer operates as a paramilitary group, having conducted a handing in of their weapons in Batticaloa in March 2009, supervised by local police. However, it remains questionable if the TMVP's arsenal was surrendered in its entirety. In addition, clashes continued between factions loyal to Karuna and Pillayan in 2011. In May [2011], a TMVP provincial councillor was arrested in connection with the murder of a secretary of Karuna." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Internal Affairs, 17 January 2012)<sup>578</sup>

### **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 that year's parliamentary 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 the then 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. After the LTTE was comprehensively defeated with little chance of its revival in Sri Lanka, the TNA changed its stated objective from

<sup>578</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012, Internal Affairs, 17 January 2012

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that of a separate state to one of autonomy in Tamil majority areas. On this issue, the TNA has clashed with diaspora Tamils, most of whom continue to support full-scale separatism. To the consternation of diaspora Tamils, the TNA backed Sarath Fonseka in the 2010 presidential election. However, in the April [2010] election, its representation in parliament dropped from 22 to 14 seats.”

“The Tamil National Alliance (TNA), which formally dropped its commitment to a separate Tamil state ahead of the 2010 parliamentary elections, contested 17 local authorities and obtained 76 seats [in the 17 March 2011 local elections]. (Jane’s Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Internal Affairs, 17 January 2012)<sup>579</sup>

**United National Party (UNP)** <http://www.unp.lk/portal/>

“The UNP is the largest party within the United National Front coalition, and the single largest party in the Sri Lankan Parliament.”

“[After being in power for 17 years between 1977 and 1994] The UNP was returned to power in 2001 following a no-confidence motion in the SLFP government amid a grave economic downturn. The party was returned to power on a platform of economic liberalisation and a renewal in the peace process, signing a ceasefire agreement with the LTTE in February 2002. However, prime minister Wickremasinghe maintained an uneasy relationship with president Kumaratunga of the SLFP, with the prime minister branded a ‘traitor’ by the president.

“These difficulties harmed the UNP’s electoral chances, with the party losing 27 seats. Although the UNP remained the party with the largest share of seats in the parliament, a coalition led by the SLFP, the United People’s Freedom Alliance, meant the UNP returned to opposition. Wickremasinghe subsequently failed to win the November 2005 presidential election, largely owing to a LTTE boycott. The UNP was damaged by its association with the failed Norwegian-mediated Ceasefire Agreement (CFA), which was widely regarded as been heavily biased towards the LTTE. Wickremasinghe did not put himself forward as the UNP candidate in the 2010 presidential election and endorsed Fonseka as the UNP candidate. In the April [2010] election, the UNP gained less than 30 per cent of the vote, a result that was regarded as a disaster [The party obtained 60 seats coming second. (Official website of the Department of Elections, Parliamentary General Election – 2010, Composition of Parliament<sup>580</sup>, accessed on 2 June 2010)]. The marginalisation of the party continued into 2011 when it campaigned alone in 233 local authorities and only managed to obtain 892 seats nationwide. (Jane’s Sentinel, Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Internal Affairs, 17 January 2012)<sup>581</sup>

“In the parliamentary election, four months later, the opposition United National Front, which included the UNP, was trounced by the UPFA, securing a mere 60 parliamentary seats. The UNP did poorly in the March 2011 local elections, winning control of just nine local authorities compared to the 205 won by the UPFA. In the July and October [2011] rounds of the elections,

<sup>579</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012, Internal Affairs, 17 January 2012

<sup>580</sup> Sri Lanka Department of Elections, Result of Parliamentary General Election April 2010, [http://www.slelections.gov.lk/parliamentary\\_elections/AICOM.html](http://www.slelections.gov.lk/parliamentary_elections/AICOM.html), date accessed 2 June 2010

<sup>581</sup> Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012, Internal Affairs, 17 January 2012

the UNP won no local authorities but it did win the key Colombo Municipal Council, polling 43 per cent of the votes... Since the 1994 election of the centre-left Peoples' Alliance, the UNP's share of the key Buddhist vote has dropped to 20 per cent." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Political Leadership, 20 December 2011) <sup>582</sup>

**United People's Freedom Alliance (UPFA)/People's Alliance** <http://www.sandanaya.lk/>  
Founded in 2004. Leader Mahinda Rajapakse. (Europa World online, Sri Lanka<sup>583</sup>)

"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, accessed on 3 February 2012, Internal Affairs, 17 January 2012) <sup>584</sup>

It won the general election of April 2010 with 144 seats. (Official website of the Department of Elections, Parliamentary General Election – 2010, Composition of Parliament<sup>585</sup>, accessed on 2 June 2010)

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<sup>582</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed 3 February 2012, Political leadership, 20 December 2011

<sup>583</sup> Europa World online, Sri Lanka, Political organisations, undated  
<http://www.europaworld.com/entry/lk.dir.104> [subscription only, date accessed 1 June 2011]

<sup>584</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed on 3 February 2012, Internal Affairs, 17 January 2012

<sup>585</sup> Sri Lanka Department of Elections, Result of Parliamentary General Election April 2010, [http://www.slelections.gov.lk/parliamentary\\_elections/AICOM.html](http://www.slelections.gov.lk/parliamentary_elections/AICOM.html), date accessed 2 June 2010

## Annex C

### PROMINENT PEOPLE

|                                                                              |                                   |
|------------------------------------------------------------------------------|-----------------------------------|
| <b>President</b>                                                             | Mahinda Rajapakse                 |
| <b>Prime Minister</b>                                                        | Dissanayake Mudiyansele Jayaratne |
| <b>Minister of Economic Development</b>                                      | Basil Rajapaksa                   |
| <b>Minister of External Affairs</b>                                          | G.L. Peiris                       |
| <b>Minister of Health</b>                                                    | Maithreepala Sirisena             |
| <b>Minister of Justice</b>                                                   | Rauff Hakeem                      |
| <b>Minister of Mass Media and Information</b>                                | Keheliya Rambukwella              |
| <b>Minister of Resettlement</b>                                              | Gunaratne Weerakoon               |
| <b>Minister of Traditional Industries &amp; Small Enterprise Development</b> | Douglas Devananda                 |
| <b>Defence &amp; Urban Development Secretary</b>                             | Gotabhaya Rajapaksa               |

Click on the hyperlink for the full, current list of [Government ministers](#) (site modified 25 January 2012, accessed on 3 February 2012). President Rajapaksa also holds the following portfolios: Defence; Finance & Planning; Ports & Aviation; Highways. Prime Minister D.M. Dissanayake also holds the following portfolio: Buddha Sasana & Religious Affairs.<sup>586</sup>

### PROMINENT PEOPLE OUTSIDE OF THE GOVERNMENT

#### FONSEKA Sarath

“Sarath Fonseka served as commander of the army in 2005-2009 and ran against the incumbent Mahinda Rajapakse in the January 2010 presidential election.”

“Fonseka was arrested on 8 February 2010 on charges of profiting from corrupt armaments deals and the government announced that he would face a court martial for committing 'military offences' and attempting to politicise the army. Fonseka was one of six MPs from the Democratic National Alliance, formed in February 2010 as an amalgamation of five parties including the JVP, who were elected in the April parliamentary election. Fonseka sat in Parliament but was removed upon being arrested. He has since issued writs to the Court of Appeal, against his sentencing, cashiering and removal from parliament. In October 2010 he was sentenced to 30 months in prison by the court martial. On 18 November 2011, the Colombo High Court sentenced Fonseka to three years in jail as he was found guilty of violating emergency regulations when he was "spreading rumours and causing public disorder" when speaking with a weekly newspaper affiliated with the opposition. In the interview, he accused Defence Secretary Gotabhaya Rajapakse of ordering troops to kill surrendering ethnic Tamils during the final stages of the civil war.” (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Political Leadership, 20 December 2011)<sup>587</sup>

<sup>586</sup> Official website of the Government of Sri Lanka, Government Ministers, last updated on 25 January 2012 [http://www.priu.gov.lk/Govt\\_Ministers/Indexministers.html](http://www.priu.gov.lk/Govt_Ministers/Indexministers.html) date accessed 3 February 2012

<sup>587</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, [http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20Lanka&](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&) [subscription only] accessed 3 February 2012, Political leadership, 20 December 2011



Additional information is available from the [BBC News profile of Sarath Fonseka](#)  
See also [Key recent developments](#) and [Sarath Fonseka and his supporters](#)

**WICKREMASINGHE Ranil**

Leader of the main opposition party, United National Party (UNP) and former PM  
“[He] returned to power as prime minister for a second time, following his victory in the parliamentary elections of December 2001... 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. He did not contest the January 2010 presidential poll but it is unlikely he would have won....As leader of the UNP, Wickremasinghe has faced criticism for his authoritarian style of leadership at a time when the party has lost much of its support base in key areas. Since the 1994 election of the centre-left Peoples' Alliance, the UNP's share of the key Buddhist vote has dropped to 20 per cent.” (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 3 February 2012, Political Leadership, 20 December 2011)<sup>588</sup> In December 2011 he was re-elected as the Leader of the UNP defeating Karu Jayasuriy. (Daily Mirror Sri Lanka, 19 December 2011)<sup>589</sup>

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<sup>588</sup> Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka,  
[http://sentinel.janes.com/docs/sentinel/SASS\\_country.jsp?Prod\\_Name=SASS&Sent\\_Country=Sri%20La](http://sentinel.janes.com/docs/sentinel/SASS_country.jsp?Prod_Name=SASS&Sent_Country=Sri%20Lanka&)  
[nka&](#) [subscription only] accessed 3 February 2012, Political leadership, 20 December 2011

<sup>589</sup> Daily Mirror (Sri Lanka), Ranil wins election for UNP leadership, 19 December 2011,  
<http://www.dailymirror.lk/top-story/15552-ranil-wins-election-for-unp-leadership-.html> date accessed 3 February 2012

232 The main text of this COI Report contains the most up to date publicly available information as at 3 February 2012.  
Further brief information on recent events and reports has been provided in the Latest News section to 2 March 2012.

## Annex D

### LIST OF ABBREVIATIONS

|                 |                                                                           |
|-----------------|---------------------------------------------------------------------------|
| <b>AI</b>       | Amnesty International                                                     |
| <b>BHC</b>      | British High Commission                                                   |
| <b>CEDAW</b>    | Committee on the Elimination of All Forms of Discrimination Against Women |
| <b>CID</b>      | Criminal Investigations Department                                        |
| <b>CPA</b>      | Centre for Policy Alternatives                                            |
| <b>CPJ</b>      | Committee to Protect Journalists                                          |
| <b>ERs</b>      | Emergency Regulations                                                     |
| <b>EU</b>       | European Union                                                            |
| <b>FCO</b>      | Foreign and Commonwealth Office (UK)                                      |
| <b>FGM</b>      | Female Genital Mutilation                                                 |
| <b>FH</b>       | Freedom House                                                             |
| <b>GDP</b>      | Gross Domestic Product                                                    |
| <b>GOSL</b>     | Government of Sri Lanka                                                   |
| <b>HIV/AIDS</b> | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome           |
| <b>HSZs</b>     | High Security Zones                                                       |
| <b>HRW</b>      | Human Rights Watch                                                        |
| <b>ICG</b>      | International Crisis Group                                                |
| <b>ICRC</b>     | International Committee for the Red Cross                                 |
| <b>IDP</b>      | Internally Displaced Person                                               |
| <b>IMF</b>      | International Monetary Fund                                               |
| <b>IOM</b>      | International Organisation for Migration                                  |
| <b>LLRC</b>     | Lessons Learnt and Reconciliation Commission                              |
| <b>LTTE</b>     | Liberation Tigers of Tamil Eelam                                          |
| <b>MSF</b>      | Médecins sans Frontières                                                  |
| <b>NCPA</b>     | National Child Protection Authority                                       |
| <b>NFZ</b>      | No Fire Zones                                                             |
| <b>NGO</b>      | Non Governmental Organisation                                             |
| <b>OCHA</b>     | Office for the Coordination of Humanitarian Affairs                       |
| <b>OHCHR</b>    | Office of the High Commissioner for Human Rights                          |
| <b>PTA</b>      | Prevention of Terrorism Act                                               |
| <b>RSF/RSW</b>  | Reporters sans Frontières/Reporters without Borders                       |
| <b>SLA</b>      | Sri Lanka Army                                                            |
| <b>STD</b>      | Sexually Transmitted Disease                                              |
| <b>TB</b>       | Tuberculosis                                                              |
| <b>TDI</b>      | Terrorist Investigation Department                                        |
| <b>TI</b>       | Transparency International                                                |
| <b>UN</b>       | United Nations                                                            |
| <b>UNAIDS</b>   | Joint United Nations Programme on HIV/AIDS                                |
| <b>UNHCHR</b>   | United Nations High Commissioner for Human Rights                         |
| <b>UNHCR</b>    | United Nations High Commissioner for Refugees                             |
| <b>UNICEF</b>   | United Nations Children's Fund                                            |
| <b>USAID</b>    | United States Agency for International Development                        |
| <b>USSD</b>     | United States State Department                                            |
| <b>WFP</b>      | World Food Programme                                                      |
| <b>WHO</b>      | World Health Organization                                                 |

## Annex E

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### FOREIGN AND COMMONWEALTH OFFICE CORRESPONDENCE

Below are listed in chronological order (most recent first) the complete text of letters from the British High Commission in Colombo to the UK Border Agency referred to in the text above.

Country of Origin Information Service  
UK Border Agency

1 March 2012

Dear colleague,

#### **Re: UKBA Charter Flight of Returnees – 28/29 February 2012**

A flight chartered by the UK Border Agency specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom, left London on 28 February 2012 bound for Colombo. The departure time was delayed due to the late arrival of the operating aircraft. Flight BV8842 arrived at Bandaranaike International Airport at 1045hrs on 29 February 2012 with 52 enforced returnees, many of whom were failed asylum seekers. The ethnic split of the returnees was 29 Tamil, 13 Sinhala and 10 Muslim, and there were 45 males and 7 females. The returnees were in possession of their own valid national passport or an Emergency Travel Document issued by the Sri Lankan High Commission in London.

Prior negotiations had taken place in both London and Colombo between the UK and Sri Lankan governments under the 2004 bilateral readmission agreement in order to facilitate the redocumentation of the returnees, the necessary authorisations for the aircraft, and the smooth arrival and processing of the returnees on arrival in Sri Lanka. The experience gained during the previous UKBA charter flights in June, September and December 2011 allowed all parties to review procedures ahead of the flights' arrival. It had been agreed by the government of Sri Lanka that UKBA could return up to 60 returnees on the flight.

On arrival the aircraft was positioned on a stand some distance from the main terminal building. It was met by the handling agents, Sri Lankan Airlines, and airport security officials. A UKBA Chief Immigration Officer (CIO) was brought over to the terminal building ahead of everyone else by the handling agent and handed copies of the final manifest listing the names of the 52 returnees to DIE officials, along with their travel documents and other identity documents. Two

bags one containing medical records and another containing medication for some of the returnees was also handed to the DIE officials.

After some minutes the returnees were split into two groups of 26 and placed on two buses with a small number of airport security officials and driven to the main airport terminal. The first returnees were dropped at the entrance to the immigration arrivals hall at 1058hrs. All of the returnees were escorted to a seating area adjacent to the transfer desk which had been specifically created for this flight and cordoned off using temporary barriers. Officials from the Department of Immigration & Emigration (DIE) had arranged for five tables with three person bench seats and individual chairs to be placed in front of the seating area. These were then used by their officers to conduct interviews with the returnees.

From the British High Commission the Deputy High Commissioner, the Returns Liaison Assistant and I were waiting in the immigration arrivals hall along with officials from the Police Criminal Investigations Department (CID), SIS and airport security. DIE had brought in a team of Tamil speaking officers, and CID and SIS had also drafted in extra staff specifically to assist their airport based colleagues in processing the charter flight returnees.

As the returnees were taking to their seats I addressed them in English. I explained who I was and what procedures they were about to go through, and offered them words of reassurance about the process and the amount of time it would take. I explained that we would assist them in contacting waiting relatives or friends, although DIE officials had instructed us to wait until they had been cleared to proceed before doing this. I added that I would reunite them with their baggage and personal belongings and reiterated that I would remain at the airport until the last one of them had been cleared. None of the returnees appeared ill or distressed in any way. The only question asked was "Are there any media outside?" I explained that I had not been informed that the media were outside, but for previous charter flights there had been. I said that I would find out and added that they should be aware of potential cameras/reporters on leaving the customs area.

The escorting officers who had accompanied the returnees on the flight were brought to the airport terminal in two further buses and passed through the transit area and proceeded into the departure lounge.

At 1120hrs officials from the DIE began interviewing the returnees at the tables in front of the seating area, with one immigration officer dealing with one returnee at a time. The purpose of these interviews was to confirm the identity and nationality of the returnee and for the first time DIE took a digital photograph of each returnee. The remaining returnees waited in the seating area and were allowed to use toilet facilities under the supervision of airport security staff. A water dispenser was available in the seating area. DIE subsequently completed all of their interviews of the 52 returnees by 1440hrs.

After the interviewing process had commenced I went to the baggage reclaim area to liaise with the handling agents, Sri Lankan Airlines, after receiving a call from the Deputy High Commissioner who was in the baggage hall. The returnees baggage had appeared on reclaim belt number 5. I was concerned and telephoned the Airport Duty Manager to request airport security personnel be provided to ensure the security of the returnees baggage. Security officers and baggage handlers subsequently off-loaded the baggage from the carousel, and placed it in two containers which were positioned in a secure area behind baggage reclaim belt 3 with security officials present.

Similarly to the previous charter flights, the senior official from SIS informed me that their officers and those from CID would carry out a joint interviews rather than separate interviews in order to speed up the process. Once the returnees had completed their interviews with DIE, they were escorted either to the SIS office immediately adjacent to the area where they were seated, or they were taken to CID's ground floor interviewing facilities. Each returnee underwent a further interview regarding their mode and route of travel to the UK, what they had been doing in the UK and checks to ascertain any criminal activity previously in Sri Lanka.

On completion of the SIS/CID interviews, the returnees returned to the main seating area. As soon as passports/travel documents were reunited with the returnees they were allowed to proceed. The first returnee was allowed to proceed at 1445hrs. Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50, to enable the returnee to have the means to travel to their onward address anywhere in Sri Lanka, and for overnight accommodation where required. Each returnee provided contact details to IOM.

After the first returnee proceeded there was a steady flow of returnees completing the process. My colleague and I accompanied all of the returnees to the baggage reclaim area where we oversaw them collect their bags. Security personal ensured that each returnee collected the correct bags. Several of the returnees asked for our assistance in trying to get documents returned from UKBA. None of the returnees complained about missing baggage although one complained that his mobile phone had not been returned to his property on leaving the detention centre in the UK. All of the returnees were given either my business card or that of my colleague at the British High Commission, and were advised to contact us if they had any questions or concerns.

The returnees were pointed in the direction of Customs and the exit. Several returnees expressed a reluctance to go through Customs and asked if we could accompany them. For previous charter flights this had not been an issue as there were rarely Customs officers on the control, however, several Customs officers were present and were seemingly speaking to most arriving Sri Lankan passengers. My colleague and I both watched each returnee go through the Customs control to ensure they were not stopped or harassed in any way.

Following the earlier question regarding the media, throughout the day I ventured into the arrivals area outside the Customs to check for signs of cameras or reporters. None were evident and one of the security officials told me that he had not seen any present. I relayed this information to returnees as they were allowed to proceed. Many of the returnees returned to the Duty Free area to purchase goods before proceeding landside.

The whole process went extremely smoothly until the last four returnees. At 1810hrs I spoke to the Inspector of Police in CID and asked how much longer they would be. He advised me that they were awaiting the results of checks with Terrorist Investigation Department (TID) and the Criminal records department (CRD) and added they would all be allowed to proceed within 15 minutes. After 20 minutes I returned to CID to be told that they had all been allowed to proceed, but had been shown directly into the baggage reclaim area and out through Customs rather than return via the Immigration arrivals hall. We confirmed with CID paper records that they had left, obtained their contact details from the same records, confirmed that they had collected their baggage and on checking the entire baggage/duty free area were satisfied that they had indeed proceeded. We subsequently located one of them landside and IOM provided him with his travel grant. He confirmed that the other three had proceeded with him. The last of the returnees had therefore passed through Customs and into the arrivals area at around 1830hrs.



Xxxxxxxx

xxxxxxxxxxx

Second Secretary (Migration)

**This letter has been completed by staff of the British High Commission in Colombo entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author, or any policy of the Foreign and Commonwealth Office. The author has compiled this letter in response to a request from UKBA and any further enquiries regarding its contents should be directed to UKBA**

Country of Origin Information Service  
UK Border Agency

2 February 2012

Dear colleague,

### **Sri Lanka: Police Registration Update**

The British High Commission routinely monitors the treatment of the general population of Sri Lanka and changes to legislation and procedures by the Sri Lankan government. This supersedes and updates previous letters issued by this High Commission on the same subject.

Throughout the civil conflict, the Sri Lankan authorities, acting under Section 23 of the Emergency Regulations Act, required households to register all residents, the emphasis being on Tamils who took temporary lodgings. These lists were then used in cordon and search operations to identify people from whom the police required further explanation as to why they were residing or travelling in a location. Persons identified as having not registered, were normally detained by the police for further questioning.

There was often no uniformity in the implementation of the police registration. After the new government came to power in November 2005, police visited properties 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 Colombo and suburbs. Generally the police did not say that they were targeting only Tamil households, but collection of completed forms / booklets were only strictly enforced when it came to Tamil concentrations. The main purpose of these booklets was to assist the Police, when they launched cordon and search operations, to identify visitors or undeclared persons in the area. In the latter part of 2008 there was a programme of police registration, specifically targeting persons who had temporarily migrated to Colombo and Western Province from the North and the East of the country.

In May 2010 the newly elected Sri Lankan government announced that whilst extending the emergency regulations, as is required monthly, certain regulations would be repealed. These included the restrictions on public marches and meetings, curfews, police entry into private property without a search warrant, restrictions on terrorist propaganda, and 'the compulsory police registration of household members'.

In July 2010 several Tamil media networks carried the story that police in the Wellawatte Police Division of Colombo had recommenced the practice of registering Tamils. The Democratic People's Front leader Mano Ganesan was quoted as saying that "This is being conducted only

in the city divisions where Tamils live in sizable numbers” and requested that the President “intervene to stop this discriminatory act which is flatly against the spirit of reconciliation”.

On 22<sup>nd</sup> July 2010 in response to these allegations, the Police Spokesman Prishantha Jayakody gave a press release from their headquarters in Colombo. He stated that “the police were acting in accordance with the relevant provisions in the Police Ordinance, under which officers in charge of police stations are empowered to carry out such registration of persons wherever deemed necessary to ensure maximum possible social security, accountability and safety to all citizenry, regardless of any ethnic consideration”. In a subsequent statement made to local media on the 25<sup>th</sup> July 2010, he was reported as saying that, “Contrary to certain media reports, the registration programme is being carried out not only in Wellawatte, but also in Kirillapona and Kotahena at the moment”, and added that “registrations were a normal regular occurrence”. Wellawatte, Kirillapona and Kotahena are all areas with a large Tamil population.

In July 2011 The Sunday Leader newspaper carried the story that Ministry of Defence had launched a programme to register civilians claiming it to be part of a national security programme. The registration programme was described as not mandatory but a voluntary process (see; <http://www.thesundayleader.lk/2011/06/26/give-us-thy-name/>). For access to this government website and registration see; <http://www.citizens.lk/>.

On 29 November 2011 it was reported by Tamilnet that police registration had been reintroduced in Batticaloa (see <http://www.tamilnet.com/art.html?catid=13&artid=34572> )

Today we have spoken to a non government organisation with offices in several parts of the country on their understanding of police registration. They opined that in general there was no mandatory police registration. They agreed that the police could invoke police registration in certain circumstances and that there was a voluntary registration scheme operated by the government. They added that if they had clients who were staying temporarily in lodges in the Colombo area, they sometimes advised them to go and register with the local police just to cover themselves. Another non government organisation based in Colombo told us that police registration was not happening now and they had received no reports of it happening anywhere in Sri Lanka in the last few months. We also spoke to a senior police officer who reiterated the statement made by their spokesman on 10<sup>th</sup> July 2010; see above.

Xxxxxx

Xxxxxxxxxx

Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

31 January 2012

Dear Colleague,

**Re: Mental Health Treatment in Sri Lanka**

The British High Commission in Colombo routinely monitors health treatment in Sri Lanka. This letter supersedes and updates any previous letters issued regarding this subject.

The Sri Lankan Ministry of Healthcare & Nutrition produced the Mental Health Policy of Sri Lanka 2005-2015 [http://www.searo.who.int/LinkFiles/On-going\\_projects\\_mhp-slr.pdf](http://www.searo.who.int/LinkFiles/On-going_projects_mhp-slr.pdf) which sets out their vision for the future.

The main public facility is the National Institute of Mental Health (NIMH); a government run establishment which can hold up to 1500 residential patients at its two locations close to each other in Angoda and Mulleriyawa, Colombo. It boasts a psychiatric intensive care unit, a general medical ward, a geriatric psychiatry unit, a prenatal psychiatry unit and a learning unit. It has 1,000 full-time staff which includes 8 consultant psychiatrists as well as 18 psychiatric social workers. Mulleriyawa is described as a halfway home which has 600 beds providing long term care for approximately 525 women. See: <http://www.nimh.lk/>

A Consultant Psychiatrist from NIMH told us that every district in Sri Lanka, apart from Monaragala, has a hospital offering treatment for mental illness. All of these hospitals have between 8 – 12 beds for patients. Colombo has two hospitals apart from NIMH offering this facility. He added that although the government's policy states that each district has at least 30 beds for patients with mental illnesses, this had not been implemented; adding that the only way many of the districts had managed to get extra beds was due to donations by the Sri Lanka College of Psychiatrists.

The Park Hospital, Park Road, Colombo 5. ([www.parkhospitals.com](http://www.parkhospitals.com)) is the only private hospital providing psychiatric treatment with between 10 – 15 beds available for non-violent patients. We were told however that all psychiatrists working in the public sector conduct private consultations after 4pm each day, which is known as 'channel consultation'.

There are no psychologists working within the public sector although there are 1 teaching at the University of Colombo. There are no numbers available for psychologists working within the private sector. There are currently 55 psychiatrists attached to the Ministry of Health and working across the country.

The government through the State Pharmaceutical Corporation (SPC) provide free drugs 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. SPC are able to procure all Western drugs. Sometimes there were difficulties obtaining some narcotic items in India, and also Indian drugs were occasionally sub-standard, but SPC also deal with European suppliers, and often obtained specific drugs from the UK, France, Germany or Switzerland. For very specific individual cases, a search would be conducted over the internet to locate the required items and the request to purchase them would be assessed by the Ministry of Health. If the costs could not be met by the government, an individual had the option to contribute towards them.

Post Traumatic Stress Disorder (PTSD) was first recognised in Sri Lanka in patients affected by the 2004 tsunami. Many of the psychiatrists and support staff in Sri Lanka have received training in Australia and the UK for the treatment of the disorder. A Consultant Psychiatrist from NIMH said that many patients often sought ayurvedic or traditional treatment for the illness long before approaching public hospitals, adding that this often resulted in patients then suffering from psychosis.

Three organisations below provide the following services:

- Sahanaya – The National Council for Mental Health – two centres in Borella and Gorakana providing walk-in clinics and day care centres – [www.sahanaya.org/index](http://www.sahanaya.org/index).
- Sri Lanka Sumithrayo – based in Colombo but with 13 branches across the country providing counsellors and trained volunteers - [www.srilankasumithrayo.org](http://www.srilankasumithrayo.org)
- Basic Needs – capacity building of communities, partner organisations and primary health care workers to help to the stigma surrounding mental health - <http://www.basicneeds.org/srilanka/index.asp>

XXXXXX

XXXXXXXXX

Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

30 January 2012

Dear colleague,

**Re: Mixed Marriages, Single Mothers and Illegitimacy**

The British High Commission in Colombo routinely monitors the country situation in Sri Lanka. This letter supersedes and replaces any previous letters regarding the above subject.

In general, 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.

Marriages between Sinhalese and Tamils are not uncommon, however, some families still have firm views on the issue and we are aware of mixed couples who keep their relationship a secret for fear of upsetting certain family members. The Registrar General's Department in Colombo is the central registry for births, deaths and marriages. We contacted the Statistics Department and were told that although there are statistical records available regarding marriages from 1997-2008, there had been no specific statistics identifying mixed marriages. They did however offer a guesstimate that the figure would probably be around 5 in every 100 registered marriages. For methods of recording marriages in Sri Lanka see;  
([http://www.rgd.gov.lk/web/index.php?option=com\\_content&view=article&id=64&Itemid=41&lang=en](http://www.rgd.gov.lk/web/index.php?option=com_content&view=article&id=64&Itemid=41&lang=en))

The Haven & Sunshine Homes in Colombo are Salvation Army establishments run specifically for single mothers. A spokesperson for Salvation Army explained that the only other organisation in Sri Lanka that offers similar support are the Mother Teresa's Homes based in Moratuwa and Wattala on the outskirts of Colombo, which are linked to the Catholic Church. It was explained that the Haven has 13 beds and is for women over the age of 18 years who voluntarily attend with babies. Sunshine home is for all ages of women referred to the Salvation Army by the Courts. She told us that she is seeing an increase in the number of unmarried mothers being referred and that the main reason that women come to them is because they do not want to go home to face their families. Each woman admitted has to pay Rs 1,500 a month (£8.50) to cover costs, although those unable to pay are treated sympathetically and confidentially.

The Salvation Army spokesperson added that women often 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. The Sri Lankan government provides no state assistance or benefit payments for these women. However, I was told that the women returning from the Middle East must report to the Sri Lankan Bureau for Foreign Employment (SLBFE) on return to Colombo Airport. The SLBFE is part of the Sri Lankan Ministry for Foreign Employment, Promotion & Welfare, and in cases where a woman informs them that she is pregnant and requires assistance; they will contact the Salvation Army. If accommodation is available, the SLBFE will pay the Salvation Army the Rs 1,500 (£8.50) per month until the birth of the child. If they are unable to offer accommodation, the SLBFE will contact Mother Teresa's Home.

There are several teenage mothers in the homes and also cases where engaged women have become pregnant by men other than their fiancés. In these latter cases the Salvation Army does their best to resolve the family matters between the woman and her fiancé to ensure the child has a future. Without a named father there will be issues with registering the child's birth. However, she added that only a few single mothers actually end up going back to their families, especially those with illegitimate children, because the culture of Sri Lanka has not changed that much over the years. With regard to women returning from the Middle East, Salvation Army discuss matters with the parents/families of the mother and often the mother and baby are accepted back into the family because the "children look beautiful with their Middle-Eastern features". We were told that the Haven carries out a lot of counselling with the women to address their mentality. They try to encourage them to find employment or convince the father of the child to marry the women for the sake of the child.

We asked the Salvation Army spokesperson whether she had encountered any cases from the North and East of the country where women had become pregnant by military from either government forces or LTTE. She stated that to date no such cases had been referred to the Salvation Army.

The spokesperson told us that following the birth the mother is given one month to decide what they want to do with the child. If no decision has been made after one month they counsel the mother to make a quick decision as they normally require them to leave the centre and release her bed for other admissions. 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 their experience, only two out of ten mothers decide to have their babies adopted and they are put up for adoption to local couples first. Failing that, the Department inform potential foreign couples who have expressed an interest in adopting children from Sri Lanka.

The other alternative is to have the child entered into a children's home. This is often an option advised to mothers under the age of 18, or who are jobless, as it allows the mother to maintain contact should they attain a position where they can have the child back.

There was some academic research carried out on those persons seeking abortions in Sri Lanka which suggested that pregnancy outside marriage was still relatively rare; see (<http://iussp2005.princeton.edu/download.aspx?submissionId=51193>)

With regard to the children, we asked the Salvation Army spokesperson if she was aware if they were discriminated against solely because of their illegitimacy. She said she was not. We 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. She added that there were always prospective parents for a child of Sri Lankan – Arab appearance because generally they were attractive looking children. 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. However, children born to mixed parents often face religious and racial challenges when it comes to schooling. In many cases the children are educated in the Sinhala medium; however wealthier families who can afford to let their children study in English medium, find it more suitable for their children's schooling.

Rural Tamil communities remain 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. The Salvation Army spokesperson 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.

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 several years ago the Sri Lanka Police Service Children & Women Bureau was created to deal with complaints. An Inspector of Police (IP) for the bureau told us that there are now 42 Children and Women's Bureau office desks operating across the island and following the end of the civil conflict new office desks had been opened up in the North and East. The headquarters of the Children and Women's Bureau is situated in Pagoda, Colombo. Female sub Inspector officers have been assigned to each of the 42 desks and 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. The IP stated that most rape and sexual assault cases are reported by females aged 16 and under. He commented that relationship issues led to many assaults due the advanced technology now available to those of that age i.e. internet, texts, camera phones etc. He was unable to comment on cases reported by those above the age of 16, as they have not updated their statistics. However, reports from those above the age of 16 are comparatively lower as many women remain reluctant to make complaints of rape or sexual assaults. The IP added that professional counselling services are available for the victims from 08:30 -16:30 daily from Mondays to Fridays.

The director of the NGO Governance of the Family Planning Association (FPA) of Sri Lanka stated that with the war coming to an end there is more outreach in Northern and Eastern parts of the country. She explained that during the conflict many Tamil women in the north and east willingly became pregnant in order to avoid being recruited to fight. Being pregnant allowed them to safeguard themselves from being a part of the LTTE and allowed them to remain in their family units. However, many were then separated from their parents and husbands and remained in IDP camps, some for as long as 3 years, although most have now been re-united with their families, neighbourhoods and society. One key community project in Mankulam, Jaffna is jointly managed by the UNFPA and Family Planning Association.

There are very few Africans living in Sri Lanka and there is no considerable Sri Lankan diaspora in Africa; therefore there is no specific information relating to mixed Sri Lankan-African relationships and children.

Yours sincerely

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Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

30 January 2012

Dear Eugenio,

**Re: Treatment of Kidney Patients in Sri Lanka**

The British High Commission in Colombo routinely monitors health treatment in Sri Lanka. This letter replaces and supersedes any previous letter issued by the mission regarding the above subject. On 26 January 2012 we spoke to Mrs Janet Gunsekera who is the head of the Kidney Patient's Welfare Society (KWPS). She gave us an update on the treatment of kidney patients in Sri Lanka.

Mrs Gunsekera stated that the needs of kidney patients had increased in Sri Lanka in recent years. She stated that there were around 250 dialysis machines and only 17 nephrologists in the entire country. There are no reliable statistics on the number of persons suffering from kidney failure but it is currently estimated that every year a further 10,000 people are diagnosed. This increase is directly linked to the higher number of patients diagnosed with chronic diabetes. She said there was also a major concern that many patients are only identified with kidney issues at the chronic level, where both kidneys have failed, and added that it was very rare that a patient was diagnosed at acute level. Mrs Gunsekera gave the opinion that there are many more people suffering from the illness who were not even aware.

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. An added cost is the travel to and from the hospital, given that nearly all of the hospitals offering treatment are in these areas and a large percentage of the patients live in rural areas. Some poorer patients without funds are often transported in vans. It was added that people often had a lack of trust in providing funds to such patients.

Braun & Company and Commercial Syndicate are the only suppliers of dialysis machines. Each dialysis machine can carry out a maximum of four treatment sessions per day. Each session lasts for 4 hours. However, because of the lack of new machines being purchased and poor maintenance they are often limited to three. This does not include time put aside for maintenance, plus many patients require several dialysis sessions per week. It is estimated that Sri Lanka requires between 500 and 1000 dialysis machine to cope with demand. Doctors and nurses in Sri Lanka are reluctant to take up nephrology due to the lack of dialysis machines and other services such as technicians and maintenance capacities; this has created a shortage of nephrologists to treat the growing numbers of kidney patients.



With regard to public sector hospitals providing dialysis treatment we were told that the main hospitals were the National Hospital in Colombo, the Teaching Hospital Colombo South, Sri Jayewardenepura General Hospital and Kandy General Hospital. Old dialysis machines had been donated to the Police Hospital and Badulla Hospital. The problem with the public sector was that the Sri Lankan government simply could not afford to increase the number of facilities. Often it is only when organisations such as the KPWS fund and build units, or provides machines, that the government then allocate funds for staffing and running costs.

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. Costs for a dialysis treatment vary from Rs 6,000 – 10,000 per session (£34-£57), so for a person requiring 3 sessions a week costs could be as high as Rs 30,000 (£170) per week. The initial dialysis treatment is available in the public sector free of charge, but thereafter patients need to purchase their own dialysis consumables at the price of Rs. 1,300 (£7) each. She added that people who can afford treatment in the private sector are often unable to access it because of the high demand and they end up in a queue.

Mrs Gunsekera explained that many of the hospitals mentioned above, in both public and private sector, were 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. Many people who can afford it choose to go overseas for a transplant, to Singapore, US, UK, or more likely India. Persons who cannot afford to go overseas can make an application to the President's Fund for assistance with funding.

Yours sincerely

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Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

29 January 2012

Dear colleague,

**Re: Cancer Treatment in Sri Lanka**

The British High Commission in Colombo routinely monitors health treatment in Sri Lanka. This letter updates and replaces any previous letters on this subject. On 27 January 2012 we visited Maharagama Cancer Institute in Western Province, where we spoke to 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 789 beds, caters for 878 day-care patients. We were told that the medical team included 24 radiotherapy oncologists, 4 paediatrician oncologists, 3 surgical oncologists, 3 gynaecological oncologists, 1 haematologist (plus haematology students from the College of Sri Lanka), 1 general physician, 2 senior anaesthetists (there are always 4 junior anaesthetists available) and more than 150 medical officers. The institute provides chemotherapy, radiotherapy and surgical treatment for cancer patients and possesses 1 linear accelerator and brachytherapy equipment. We were 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. Surgical, chemotherapy and radiotherapy treatment was available at all of these hospitals, apart from Kurunegala, where only surgical and chemotherapy treatments were available along with cobalt therapy. There are surgical oncologists based at Kandy, Anuradhapura and Batticaloa. We were told that there were no bone marrow transplant facilities available in the public sector in Sri Lanka.

Within the private sector, Dr Ariyaratne said that there was chemotherapy, radiotherapy and surgical therapy available at hospitals in Colombo and Kandy. The private sector could also provide some stem cell transplants, although this was limited. The main hospitals providing cancer treatment were Ceylinco Hospital and the Oasis Hospital, both in Colombo. He added that the Ceylinco Hospital had a linear accelerator. Ceylinco's own website [www.ceylincohealth.com](http://www.ceylincohealth.com) states that "The Ceylinco Healthcare Centre is equipped for oral, breast, colorectal, stomach and cervical cancer screening, as well as for genetic testing to identify high-risk families. Tests such as mammography, colonoscopy, endoscopy, laryngoscopy, ultrasound screening and x-ray are performed at the centre in comfortable and

pleasant surroundings. The unit also provides brachytherapy, radioactive iodine treatment and chemotherapy infusions. The Centre's Radiation Treatment Unit also offers Intensity Modulated Radiation Therapy (IMRT) with a state-of-the-art Linear Accelerator". Dr Ariyaratne told us that the cost of this treatment is around Rs 500,000 (£ 2,835) and there is a 2 week waiting list. This compares with the treatment offered by the Cancer Institute which had a 3 week – one month waiting list, but was free of charge.

We asked Dr Ariyaratne if, in his opinion, cancer patients in Sri Lanka from all backgrounds were able to access all of the available treatment. He said that obviously patients with money could access treatment both in Sri Lanka and abroad. The public sector did offer flexibility for patients from poorer backgrounds however. He explained that the institute sometimes referred patients for treatment in Singapore or Australia. In many cases relatives and friends rallied round to raise funds for this treatment, but the Institute could apply on the patients' behalf for a grant from the President's Fund. Each application was considered on its own merits and if successful, the patient was awarded sums to assist with the financing of the required treatment. Dr Ariyaratne added that the high cost of chemotherapy treatment meant that they often had to justify treatment in a letter written to the Ministry of Health with an assessment, which included the patients' ability to contribute to the cost of the treatment.

With regard to the availability of drugs for cancer treatment, we were told that for many years the government of Sri Lanka purchased these drugs from Switzerland. However, in recent years the government had purchased them from manufactures in India, Pakistan, Bangladesh and Indonesia. 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. Also, there were often occasions where the government had purchased fake drugs because no quality control check had been carried out. Dr Ariyaratne added that many drugs companies now offered credit facilities to general pharmacies which had resulted in more pharmacists making drugs for cancer treatment readily available.

Yours sincerely

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Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

5 January 2012

Dear Colleague,

**Re: Exit and Entry Procedures at Bandaranaike International Airport, Colombo**

The British High Commission in Colombo routinely monitors the departure and arrival procedures at Colombo's Bandaranaike International Airport in respect of not just enforced or voluntary returnees, but all of the travelling public. This letter compliments the report of the FCO information gathering visit to Colombo – August 2009 and replaces any previous letters issued by the British High Commission in Colombo regarding this subject.

**Exit Procedures**

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. Lanes are divided between Staff / Cars & Vans / Vans & Buses / Tourist buses / Taxis. Air Force personnel manning the checkpoint approach each vehicle and ascertain if the occupants are passengers, staff or visitors. Pedestrians are also checked. Departing passengers often have to produce confirmation of ticketing and/or a passport. Staff must produce their airport ID card. Sri Lankan visitors to the airport, including drivers, often have to produce their national ID card. The registration numbers of all vehicles are written manually into a register. During heightened security situations e.g. conferences, state visits etc., the number of checkpoints may increase along 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. 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 the departure terminal. Immediately behind the security guard there are security checks where all bags and belongings are passed through scanners. All persons then pass through a scanner. Regardless of whether or not the detector alarm is activated, persons are then frisked by a security guard. Both male and female security staff are stationed at each checkpoint. Having passed through these security checks, persons walk through a long corridor and into the main departure area.

From the departure area there are three security entrances to the check-in area. The gate to the right caters for passengers departing on Sri Lankan Airlines; the gate to the left is for passengers on all other airlines and the gate in between is for staff only. The security guards ask passengers for evidence of ticketing and will only allow persons to pass who have produced this. Persons holding a 'day pass' are not allowed into the check-in area. Immediately behind these security checks, a sign indicates 'Customs'. A customs officer is often seen in the vicinity, but it is not a permanent presence. Likewise, there are scanners for baggage but these are rarely seen in operation.

At the check-in desks, passengers have to produce their passports to airline staff and go through check-in procedures. Airline check-in staff routinely check the identity of the person against the passport details, the validity of the passport, and if the passenger has the appropriate visa for their country of destination or transit. Having checked-in, passengers then proceed to a security gate, where they produce their passport and boarding card in order to enter the Department of Immigration & Emigration (DIE) 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 scans the details page of the passport on the DIE Border Control System database. Three scanned images of the details page appear on the computer screen in normal light, ultra-violet and infrared, in order to identify if the document has been forged or tampered with in any way. Non Sri Lankans will be checked against any existing database records and officers will check arrival endorsements in the passport. Passports belonging to all passengers i.e. Sri Lankan and foreign nationals, are endorsed with an immigration officer's embarkation stamp. Once through the immigration control, passengers proceed to the main departure lounge.

The Department of Immigration & Emigration (DIE) are notified only when a Court decides to impound the suspect's passport or an arrest warrant is issued. The details of such persons would be placed on their alert or wanted list within their database. 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. Again the details of suspects would be put on the DIE database. Without Court sanction, 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. The State Intelligence Service (SIS) has an office adjacent to the immigration embarkation control and DIE officials can refer embarking passengers to them if they think it necessary.

Further security checks are conducted when passengers arrive at the boarding gate. Hand baggage and belongings, including mobile phones and shoes, are passed through a scanner. Passengers proceed through a scanner and are frisked depending on whether the alarm is activated. There is then a further boarding card check conducted by airline staff prior to entering the holding lounge. On many flights with European destinations, plus some with onward connections to Europe, North America and Australia, 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 transit and /or destination countries.

## Entry Procedures

Arriving passengers should be provided with a Department of Immigration & Emigration arrival card by the carrying airline. Depending on which stand the aircraft has arrived at, arriving passengers will either walk from the gate on the main pier, or be deposited by bus from outlying



stands at the entrance to the immigration arrivals hall. Those passengers transferring to an onward flight will approach the transfer desk. Current figures indicate that between 45-50% of all passengers using Colombo Airport are transit passengers. They generally remain in the transit/departure areas until their onward flight departs, although those requiring overnight accommodation would have to seek entry to Sri Lanka at the immigration control.

From 1 January 2012 all arriving foreign nationals, apart from nationals of Singapore and The Maldives, will require an electronic travel authority (ETA) for a short stay in Sri Lanka. Details pertaining to this can be found at; [www.eta.gov.lk](http://www.eta.gov.lk)

The immigration hall is a large area with the immigration officer's counters arranged in an 'L' shape and recently split between Sri Lankan nationals and 'others'. There is a separate counter for 'Staff and Diplomats'. Passengers seeking entry to Sri Lanka must present themselves to an immigration officer and are required to hand over their passport and arrival card. The immigration officer will scan the details page of the passport. Three scanned images of the details page will then appear on the computer screen shown in normal, ultra-violet and infrared light, along with basic details regarding the document and the holder. This enables the immigration officer to identify if the document has been forged or tampered with in any way. Each immigration officer's desk has a terminal connected to the DIE Border Control System. This system contains border control, visa/ETA details, citizenship and passport records and is networked to the DIE office in Colombo. It is not linked to any police or military database; however, there is an alert list containing information relating to court orders, warrants of arrest, jumping bail, escaping from detention, as well as information from Interpol and the State Intelligence Service (SIS) computer system. The immigration officer will check for any data matches, check that the document is genuine and unaltered, and look through the passport for visas and/or endorsements. Dependent on the circumstances of the individual passenger, the immigration officer may ask questions to ascertain the purpose of the visit. Once satisfied that the passenger qualifies for entry, the immigration officer will endorse the passport with an arrival stamp and hand back to the passenger. They will also endorse the arrival card which they retain.

The State Intelligence Service has an office in the immigration arrivals hall and officers from SIS usually patrol the arrivals area during each flight arrival. Invariably, if they notice a person being held up by DIE they approach them and take details in order to ascertain if the person may be of interest to them. Their office contains three computer terminals, two linked to SIS records and one belonging to the airport containing flight information.

Once passengers have cleared immigration they can proceed through a Duty Free arrivals shopping area before descending to the baggage reclaim area. Having reclaimed baggage from the baggage belts passengers then enter the Customs Hall. Three channels are separated in the hall: 'Red Channel – Goods to Declare', 'Green Channel – Nothing to Declare – Sri Lankan Nationals Only' and 'Green Channel – Nothing to Declare – Foreign Nationals Only'. There is normally a customs officer present at each channel as flights arrive. There is no consistent pattern of dealing with passengers passing through the 'Nothing to Declare' channels. If challenged, a passenger is often asked to produce their passport and inform the officer from where they have arrived. A baggage search may then follow. On leaving the customs hall through two main sets of doors, passengers find themselves in the main arrivals hall.

The main mode of onward travel from the airport is by road. There are numerous taxi services and there are pick-up areas for relatives/friends to collect arriving passengers. No public buses are allowed into the airport. Tourist coaches have their own parking areas. There is a rail link direct into Colombo, and an airport station has recently been constructed around 200 metres from the terminal, although services appear infrequent. There is no permanent checkpoint for persons leaving the airport along the airport link road to the main A3. For persons travelling into Colombo, the first permanent checkpoint they encounter is on the bridge at Peliyagoda/Grandpass on entering the city. The number of vehicles being stopped has

significantly reduced in recent months. Checkpoints are extremely rare now although this can vary during the early hours of the morning or according to the security situation at any given time.

### **Entry Procedures for UK Returnees**

UK returnees generally arrive in Colombo on Sri Lankan Airlines scheduled flights, which provide the only direct flights between the UK and Sri Lanka from London Heathrow Terminal 4. Returnees also arrive from the UK however on Qatar Airlines via Doha, Gulf Air via Bahrain and Jet Airways via Delhi or Mumbai. The UK Border Agency chartered aircraft in June, September and December 2011 specifically to remove Sri Lankan nationals who were remaining unlawfully in the UK. These have been reported separately.

Returnees who are being escorted will be presented to the duty Chief Immigration Officer in the immigration arrivals hall by the escorting officers. Those who are not escorted should be presented to the duty Chief Immigration Officer by an airline official, although this does not happen in all cases. All returnees must be in possession of either a valid passport or an Emergency Passport issued by the Sri Lankan High Commission in London. They must also complete an arrival card, which they should have been given on the plane, and present this to immigration along with their passport.

UK returnees escorted or presented by the airline are immediately identifiable as returnees to DIE. Unescorted returnees travelling on Emergency Passports issued by the Sri Lankan High Commission in London will be questioned by DIE to ascertain if they are returnees. However, unescorted returnees travelling on their original passports will in all probability not even be questioned by DIE unless they bring themselves to the immigration officers' attention in some other way e.g. presenting a document containing forged or unauthorised endorsements.

DIE procedures are the same for all deported and returned Sri Lankan nationals and they will interview them merely to confirm their Sri Lankan nationality. They record the details of all returnees in a register (logbook) which is held in the duty Chief Immigration Officer's office.

Once satisfied that a returnee is a Sri Lankan national in many cases they refer them to the State Intelligence Service (SIS) and the Criminal Investigations Department (CID). If DIE is not satisfied that a returnee is Sri Lankan, for example they suspect they are a national of another South Asian country, then under the UK–Sri Lanka bilateral readmission agreement, the person would be sent back to the UK.

The State Intelligence Service (SIS) is often notified by the Sri Lankan High Commission in London about planned enforced returns from the UK. SIS interviews every deportee and ascertains the grounds for their deportation/removal, how they left Sri Lanka and their background. SIS keeps paper and computerised records. SIS paper records date back 60 years and are currently being put onto a computer database. SIS computer records are available at the airport to both SIS and (on request) CID officers.

Once SIS has completed their interview the returnee is then passed to CID. The main CID offices are on the ground floor adjacent to the DIE embarkation control, and underwent a complete refurbishment in 2010 funded by the Australian government. The office suite has three purpose built interview rooms, and facilities where returnees can relax and eat meals. All returnees/deportees passed to CID are interviewed, photographed and wet fingerprinted. The main objective of these interviews is to establish if the returnee has a criminal record, or if they are wanted or suspected of committing any criminal offences. The photographs are stored on a standalone computer in the CID office at the airport and the fingerprints remain amongst paper records in the same office. Checks are initiated with local police, but returnees are released to a friend or relative, whom CID refers to as a surety. The surety must provide their personal details and accept responsibility for the returnee. They are not required to lodge any money with CID. Some returnees have subsequently informed the British High Commission that around a week

after they have returned to their home address they receive a follow-up visit from their local police to confirm their presence.

On completion of their procedures CID will walk the returnee back to DIE. The duty immigration officer will then endorse the returnee's passport/emergency passport with an immigration arrival stamp and hand it back to the returnee. The returnee will then be allowed to proceed to the Duty Free area, baggage reclaim and Customs. Emergency passports are considered full official documents issued by the Sri Lankan authorities. They are a proof of identity and are valid to go through any checkpoints.

In general, the situation regarding all returnees regardless of race or creed appears to be more relaxed now. There is still inconsistency in the way individuals are dealt with and the British High Commission are aware that some returnees are not even identified by the authorities, or they are but they are allowed to proceed without undergoing the SIS/CID interviewing process. The border authorities have amended their procedures for the UKBA charter flights of returnees in order to speed up the process and this has been reported separately.

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. 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.

The British High Commission are aware of the arrest of six returnees from the UK on their arrival at Bandaranaike International Airport. Two were arrested by CID for forgery offences in 2010, and three were arrested by CID for forgery offences in 2011. One man, who arrived on the 29 September 2011 charter flight was arrested by local uniformed police as the subject of an outstanding arrest warrant, and was transferred to Kalmunai where he was subsequently charged with murder. All six of these returnees were processed by the Sri Lankan judicial system through the Courts.

On 10 February 2011 a man was returned who had gone through the entire asylum and appeal process in the UK as a Sri Lankan national. He had also been issued with an emergency passport by the Sri Lankan High Commission in London. On arrival in Colombo he informed the immigration officer that he was in fact an Indian national and he provided a completely different identity. The Sri Lankan authorities did not approach the British High Commission in Colombo to arrange for his return to the UK, which they were entitled to under our bilateral readmission agreement, but instead held him at the airport and contacted the Indian High Commission in Colombo. He was subsequently interviewed by the Indian authorities, issued with a travel document and was removed to Chennai, India. Apart from these cases, no UK returnees have been held for more than 7 hours on arrival, none have been arrested and detained, and none have complained about their treatment on arrival by the authorities.

Negotiations are currently taking place regarding the implementation of the EU-Sri Lanka Readmission Agreement (EURA). A project funded by the European Union has contracted the International Organization for Migration (IOM) to take this forward. The Government of Sri Lanka have indicated that they will develop their arrival procedures and redocumentation processes for the implementation of the EURA, adding that these will apply across the board for Sri Lankan returnees from all countries in the world. DIE have indicated that they wish to launch

these new procedures from January 2012, but as yet we are not aware that this has taken place.

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Second Secretary (Migration)

**This letter has been compiled by staff of the British High Commission in Colombo entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author, nor any policy of the Foreign and Commonwealth Office. The author has compiled this letter in response to a request from UKBA and any further enquiries regarding its contents should be directed to UKBA**

Country of Origin Information Service  
UK Border Agency

19 December 2011

Dear colleague,

**Re: UKBA Charter Flight of Returnees – 15/16 December 2011**

A flight chartered by the UK Border Agency specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom, left London on 15 December 2011 bound for Colombo. The arrival time was delayed due to a medical emergency involving one of the escorting officers. The Captain diverted the aircraft to land in Istanbul, Turkey to allow the officer to be hospitalised before continuing. Flight OR7603 arrived at Bandaranaike International Airport at 1127hrs on 16 December 2011 with 55 enforced returnees, many of whom were failed asylum seekers. The ethnic split of the returnees was 39 Tamil, 9 Muslim and 7 Sinhala, and there were 48 males and 7 females. The returnees were in possession of their own valid national passport or an Emergency Travel Document issued by the Sri Lankan High Commission in London. One was in possession of a Common Provisional Travel Document which had been endorsed by both the UK Border Agency and the Sri Lankan High Commission.

Prior negotiations had taken place in both London and Colombo between the UK and Sri Lankan governments under the 2004 bilateral readmission agreement in order to facilitate the redocumentation of the returnees, the necessary authorisations for the aircraft, and the smooth arrival and processing of the returnees on arrival in Sri Lanka. The experience gained during the previous UKBA charter flights in June and September 2011 allowed all parties to review procedures ahead of the flights' arrival. It had been agreed with the government of Sri Lanka that UKBA could return up to 50 returnees on the flight. At the time of departure however UK Border Agency requested if an additional 5 returnees could be placed on the aircraft. Contact was made with border control authorities in Sri Lanka who indicated that it would not be a problem.

On arrival the aircraft was positioned on a stand some distance from the main terminal building. It was met by the handling agents, Sri Lankan Airlines, and airport security officials. After some minutes the returnees were split into one group of 29 and another of 26, placed on two buses with a small number of airport security officials and driven to the main airport terminal. The returnees were dropped at the entrance to the immigration arrivals hall and the first returnee to emerge at the top of the escalators was presented with a purple garland by a female member of the airport staff. It was later claimed that this had been arranged by the State Intelligence Services (SIS) who had photographed and videoed the presentation and arrival of the returnees. All of the returnees were escorted to a seating area adjacent to the transfer desk



which had been specifically created for this flight. Officials from the Department of Immigration & Emigration (DIE) had arranged for six tables with three person bench seats to be placed in front of the seating area. These were then used by their officers to conduct interviews with the returnees.

A colleague and I from the British High Commission were waiting in the immigration arrivals hall along with officials from the Police Criminal Investigations Department (CID), SIS and airport security. DIE had brought in a team of Tamil speaking officers, and CID and SIS had also drafted in extra staff specifically to assist their airport based colleagues in processing the charter flight returnees.

The escorting officers who had accompanied the returnees on the flight were brought to the airport terminal in two further buses. Nearly all of them passed through the transit area and proceeded into the departure lounge. A UKBA Chief Immigration Officer (CIO) handed several copies of the final manifest listing the names of the 55 returnees to DIE officials, along with a bag containing all of their travel documents and other identity documents. Two bags containing medication for three of the returnees was also handed to the DIE officials. The CIO informed me that the returnees had been provided with two full hot meals on the aircraft, plus several snack/drinks breaks during the flight.

Once the group of returnees were seated and comfortable I addressed them in English. I explained who I was and what procedures they were about to go through, and offered them words of reassurance about the process and the amount of time it would take. I explained that we would assist them in contacting waiting relatives or friends, although DIE officials had instructed us to wait until they had been cleared to proceed before doing this. I added that I would reunite them with their baggage and personal belongings and when pressed about the length of time it would take I reiterated that I would remain at the airport until the last one of them had been cleared. None of the returnees appeared ill or distressed in any way. Some expressed concerns that they did not have the funds to enable them to travel to their home addresses, many in the north of the country. I explained to them that once they had cleared the arrival procedures the International Organization for Migration (IOM) would be providing them with a travel grant to facilitate their onward travel.

At approximately 1205hrs officials from the DIE began interviewing the returnees at the tables in front of the seating area, with one immigration officer dealing with three returnees at a time. The senior DIE official informed me that they had set themselves a target of completing their part of the process within two hours. The purpose of these interviews was to confirm the identity and nationality of the returnee. The remaining returnees waited in the seating area and were allowed to use toilet facilities under the supervision of airport security staff. A water dispenser was available in the seating area. DIE subsequently completed all of their interviews of the 55 returnees by 1435hrs.

Shortly after the interviewing process commenced I went to the baggage reclaim area to liaise with the handling agents Sri Lankan Airlines. For the previous two charters baggage had remained in baggage pallets in a secure area behind the main reclaim area. For this flight however the baggage emerged on reclaim belt number 4. Sri Lankan Airlines had arranged for the bags to be taken from the belt and placed on the floor in a corner of the main reclaim area. I was concerned that the length of time the baggage could remain there before being claimed may provide the opportunity for others to tamper with the bags. I therefore telephoned the Airport Duty Manager and requested airport security personnel be provided to ensure the

security of the returnees baggage. Two security officers appeared within minutes to oversee the reclaim process.

Similarly to the previous charter flights, the senior official from SIS informed me that their officers and those from CID would carry out a joint interviews rather than separate interviews in order to speed up the process. Once the returnees had completed their interviews with DIE, they were escorted either to the SIS office immediately adjacent to the area where they were seated, or they were taken to CID's ground floor interviewing facilities. Each returnee underwent a further interview regarding their mode and route of travel to the UK, what they had been doing in the UK and checks to ascertain any criminal activity previously in Sri Lanka.

On completion of the SIS/CID interviews, the returnees were placed back in the main seating area. As soon as passports/travel documents were reunited with the returnees they were allowed to proceed. The first returnee was allowed to proceed at 1435hrs. Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50, to enable the returnee to have the means to travel to their onward address anywhere in Sri Lanka, and for overnight accommodation where required. Each returnee provided contact details to IOM.

The first 27 returnees allowed to proceed made their way to the baggage reclaim area accompanied by myself or my colleague from the British High Commission. However, returnees then began gathering in the transit area and even though they had been complaining about the length of time the process was taking and they had been allowed to proceed, they insisted on waiting for fellow returnees to complete the arrival process. As a result over 20 of them just sat/stood around the main transit area until around 1800hrs

My colleague and I accompanied all of the returnees to the baggage reclaim area where we oversaw them collect their bags. The two security personal ensured that each returnee collected the correct bags and got them to sign to confirm receipt. One of the returnees complained that there was money missing from his baggage, a sum of £116 in cash; although he left the baggage reclaim area having still not searched his large laundry type bag thoroughly. None of the other 54 returnees complained about missing baggage or items. All of the returnees were given either my business card or that of my colleague at the British High Commission, and were advised to contact us if they had any questions or concerns.

All of the returnees were pointed in the direction of Customs and the exit. We mentioned to several of the returnees that local media were gathered in the arrivals area and may wish to interview/film them. Some returnees returned to the Duty Free area to purchase goods before proceeding landside. The last of the returnees passed through Customs and into the arrivals area at around 1830hrs.

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Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

9 November 2011

Dear colleague,

**Re: Rehabilitation and Reintegration of ex-LTTE Cadres in Sri Lanka**

The British High Commission in Colombo regularly monitors the treatment of ex-LTTE cadres in Sri Lanka and rehabilitation/reintegration programmes. This letter updates and replaces our previous letters on the same subject.

On 4<sup>th</sup> September 2009 the British High Commissioner and the Head of the International Organization for Migration (IOM) signed an agreement for approximately 17 million Sri Lankan Rupees (£94,000) of UK support towards the rehabilitation and reintegration of ex-combatants, in the presence of the Sri Lankan Minister of Justice. A press release by the High Commission stated, "The UK fully supports efforts to ensure sustainable rehabilitation of former combatants. This will be critical to reconciliation efforts following the end of the war and will underpin a transition to sustainable peace". The British High Commission continues to support this programme.

IOM state that initial reintegration programmes commenced in 2001 in the east of Sri Lanka. These had been funded by USAID and had targeted 300 ex-LTTE combatants and 300 ex- Sri Lankan Army combatants. The programme eventually reached 500 of these cadres and provided tools for many to carry out a trade, plus incorporated community reception and support. A private US contractor had provided the community aspect of the project and IOM addressed the needs of the individuals. Since then, programmes in the east had continued to do well, especially with the rehabilitation and reintegration of many cadres loyal to the TMVP (Tamil Makkal Viduthalai Pulikal or Karuna Group). This programme was conducted through the Ministry of Defence who provided lists of former TMVP cadres to the IOM office in Batticaloa. Technical support for the project was provided by the UK and IOM conducted a community perception survey to assess the impact these cadres would have within the local community.

UNICEF has had a comprehensive community based rehabilitation programme for child ex-combatants which included a significant component on catch-up education and vocational training. This was provided by the UN Development Programme, World University Service of Canada and Save the Children. A relatively small number of these ex-combatants had subsequently gone abroad for employment in Korea and Malaysia, although this programme has now discontinued.

In 2009 the Ministry of Disaster Management & Human Rights had already been in the process of compiling a document entitled the National Framework Proposal for Reintegration of Ex-Combatants into Civilian Life in Sri Lanka: (<http://natlex.ilo.ch/wcmsp5/groups/public/---asia/--->

[ro-bangkok/---ilo-colombo/documents/publication/wcms\\_117302.pdf](http://ro-bangkok/---ilo-colombo/documents/publication/wcms_117302.pdf) This document targeted the following categories:

- Ex-combatants of the LTTE who were captured and/or arrested
- LTTE activists who surrendered prior to the conclusion of hostilities
- Members of non-LTTE paramilitary groups who have already demobilised
- Affected/host communities

This initiative was welcomed and the Ministry consulted with working groups comprising of government officials, UN agencies, other stakeholders and local community leaders. It did not however involve vital ministries such as the Ministry of Defence or the Ministry of Justice. As a result they did not recognise the document and the Human Rights Ministry did not receive approval to take it forward.

The civil conflict officially ended in Sri Lanka on 18<sup>th</sup> May 2009. The government of Sri Lanka approached IOM to look at an operational programme for rehabilitation and reintegration of ex-combatants in the north of the country. IOM arranged for some Sri Lankan officials to travel to Colombia to see how the government there had reintegrated FARC rebels back into society. Whilst it gave an insight, it was appreciated that Sri Lanka was a unique situation that had not been replicated anywhere else in the world.

The Sri Lankan Ministry of Defence was given direct responsibility for Disarmament, Demobilisation and Reintegration (DDR). There were concerns about the legalities that needed to be addressed, and that other aspects of the programme would be split between several government departments/ministries. Discussions took place involving the Ministry of Justice, the Defence Secretary and other partners to seek a way forward. It had been claimed that paramilitary loyalists had been used to identify LTTE cadres, although there is no information to support this or confirm their role within the camps. The detained cadres were split into three specific groups:

- Active LTTE members who have been served with detention orders under the Emergency Regulations and are to be charged with offences. These are believed to currently number around 1,400, although that figure may include others held previously under the emergency powers.
- Former LTTE cadres who may be held in Protective Accommodation and Rehabilitation Centres (PARC) and who may remain there for an indeterminate period of between six months and one year. It was believed that initially, many of these were children.
- Those with low level LTTE involvement and were believed to number between 3,000-4,000. These would be released and receive community reintegration.

In press releases by the Rehabilitation & Prison Reforms Minister D E W Gunasekera in October 2010, and by the Commissioner General of Rehabilitation (CGR), Brigadier Susantha Ranasinghe in January 2011, they both stated that the total number of LTTE cadres that had been detained at the end of the war was 11,696.

In February 2010, the National Child Protection Chairman stated that the government would release all of the detained ex-LTTE child combatants by the end of May 2010 and re-unite them with their families. He said that over 500 child soldiers had surrendered to the Sri Lankan Army and been enlisted on a one-year rehabilitation/training programme which would end on the 22<sup>nd</sup> May 2010. Over 200 children had been studying in Colombo and almost 300 were being trained in professions in Vavuniya. Subsequently, all 562 ex-LTTE child combatants were released during May 2010.



Throughout 2010 persons in the 3<sup>rd</sup> category above were released in batches. For example, on 9<sup>th</sup> January 2010, 496 cadres were released, these included some so-called 'child soldiers,' on 31<sup>st</sup> January 2010 another 56 cadres were released directly to their parents and on 1<sup>st</sup> February 2010 a further 13 were released. In October 2010 another 306 were released and included 206 females. The RPR Minister stated that these were the last of the female detainees.

The release of these persons appeared poorly planned and no assistance had been provided for their reintegration. All were released to their families, which was a condition of their release, although some were released to their families in IDP camps. Those released did not receive proper identity documents, just a letter stating that they had been released from a rehabilitation centre. However, mobile units from the Department of the Registration of Persons had been visiting towns around the country enabling such persons to apply for a replacement National Identity Card.

The CGR stated in January 2011 that in total 5,686 persons had been released. There remained 4,658 ex-combatants detained in the 9 rehabilitation centres gazetted into law as being Protective Accommodation and Rehabilitation Centres (PARC). The Sri Lankan military operates these camps with involvement from various ministries. Those detained would continue to be released in batches over the next few months.

For many months there had been no access to these camps, or to the screening process, for local or international agencies. On 28 July 2010, IOM was allowed access to three PARCs in the Welikanda area. They noted:

- Ex-combatants were receiving vocational training in a variety of trades and many were confident that they would be able to apply the skills learnt for future activity.
- Ex-combatants were able to practice and play activities such as cricket, football and volleyball twice a day, although there was a shortage of equipment.
- All said that the living and sleeping accommodation was adequate and they were satisfied with the meals they were receiving three times a day.
- Mobile health and medical services were provided every month and emergency or specialist cases were taken to Polonnaruwa Hospital for treatment.
- Religious buildings had been constructed to enable ex-combatants to practice their religion twice a day.
- Every weekend, ex-combatants' relatives are allowed to visit from 7.30am until 4.30pm. The military have organised a bus service from Welikanda town to the PARC. ICRC are providing the transport costs to get to Welikanda and all families are eligible for this assistance, although it is often not enough to cover their costs and some families are unaware.
- Most of those detained were the bread winners for their families who were now struggling to earn sufficient income for their needs. Some were also responsible for elderly parents.
- No evidence of mistreatment was offered by any of the ex-combatants encountered in the PARCs.
- All were willing to return home as soon as possible and their primary issue is their release date.

- Although involved in various activities, many were still traumatised and required psychosocial support.
- Boredom and isolation from family/friends/partners were significant factors. Wider use of telephone facilities and placing them in camps closer to their homes would ease this.

On 8 August 2010 IOM visited two garment factories in Ratmalana and Homagama to meet female ex-combatants who were 'housed' there. There were a total of 261 females on the premises, aged between 18 and 44 years old. They noted:

- All basic amenities are provided by the factory. The ex-combatant's living quarters were separate from non ex-combatant workers, but they worked together.
- Most women responded positively when asked about their general well-being, although it was felt that in a more private setting, a wider range of opinions might have been heard.
- All women were paid a basic salary of between \$80-100 a month for a 6-day week. This is transferred to individual bank accounts but the women are unable to access these funds until they are released.
- All women were generally positive of their situation but were anxious to know their release dates. A government representative present said that they would be released by the end of September 2010.
- Most were positively disposed to starting home-based tailoring businesses, either alone or in groups, once they returned to their home villages, as a result of the work/training they were now undertaking.
- The women had been informed that they would be given National Identity Cards once they had provided their birth certificates.
- Sunday was a visiting day for family members.
- The ex-combatants commented that they had expected to have received visits from international humanitarian groups much earlier during their time in rehabilitation.

There were still a number of persons who are detained under the category of 'active LTTE members who have been served with detention orders under the Emergency Regulations and are to be charged with offences'. There were various quotes from the CGR and other military spokesmen regarding this group, but exact numbers were scarce. We were told around 1,000 had been transferred into the regular judicial system and another 703 were continuing to be investigated by the Terrorism Investigations Department (TID) with a view to following them into the judicial system.

Defence Spokesman and Government Minister Keheliya Rambukwella stated that the suspected detainees are yet to be charged by the Attorney General's (AG) Department. He added that they had been referred to the AG and those found guilty of involvement with major LTTE missions would be dealt with severely according to the law. When asked how long this would take he noted that it would not be an easy task for the AG's Department to handle all of the files of the detainees within a few days.

In December 2010 and January 2011 small batches of this group appeared before Magistrates in Colombo. TID told the Courts that these persons had been arrested under the instruction of

the Defence Secretary after having been found hiding amongst IDPs in various camps. TID added that they were awaiting instruction from the AG's Department. All those that appeared were further remanded in custody.

On 18 January 2011 it was announced that President Mahinda Rajapaksa had appointed a four member committee headed by Deputy Solicitor General Shavindra Fernando to study the cases of the LTTE suspects currently in detention and to recommend suitable action. The appointment came following a recommendation from the Lessons Learnt and Reconciliation Commission (LLRC) in its interim report handed to the President.

On 29 March 2011 whilst in Batticaloa I was part of a group from several overseas missions who met with a group of eight former LTTE combatants who were going through a reintegration programme administered by IOM and funded jointly by the US and Netherlands governments. There were 6 males and 2 females aged between 18 and 40. There were no government or security personnel present. Some had spent up to 9 years with the LTTE, others just 3 years. Some of them told us that they had been forced to join the LTTE as teenagers, one as young as 13. One female had lost a leg during her ordeal and wore a prosthetic limb. The group told us that they had been held in several different camps and all said that whilst detained their families had been informed of their whereabouts by the ICRC (Red Cross).

One by one they told us what they were doing. Six of them were in employment as a result of the programme; carpenters, tailors, grocers, fishermen, the other two had re-entered education, studying for 'A' levels. They said that since their release they have had no problems with the police or military, or with their families or the rest of the community. They had all been issued with a National Identity Card (NIC) and when asked if they were questioned at check points, they replied that there were no check points. They said that they received no 'special treatment' from the police, but added that they did have to sign each week at their local police station. If they had to travel away from home due to work they had to inform the police beforehand. We asked if they felt under pressure to rejoin the LTTE. They replied that they did not want to rejoin, adding that they were not under pressure.

At a subsequent meeting with senior police officer in Batticaloa we were told that there were some ex LTTE combatants residing in district, but that monitoring their reintegration was an army role. He added that these people did not have to report to the police.

Whilst in Kilinochchi on 17 August 2011 staff from this mission met with the team who were responsible for the reintegration of ex-LTTE cadres following their release from detention. They gave us the background to the project, saying that initially the Chief Minister of Eastern Province, Pillayan, had approached IOM to take the project forward, with Ministry of Defence approval and funded by USAid. This was initially to work with 1,000 cadres. However, the government had then said that they were to release the so called 'surrendered' from 22 camps in the north of the country in a project funded by both USAid and the Netherlands government. Since then 7,400 surrendered had been released, although 4,000 still remain in detention in 11 camps.

The team explained that work with the individual surrenderer began in the camps, where socio-economic profiling took place. Surrenderers were interviewed in batches, and the notes were recorded in hard copy and electronically. Surrenderers were then transferred to locations near to where they were going to be released and went through another circuit of meetings with IOM staff. Part of the conditions of their release was the requirement to report to the nearest IOM office. IOM run an outreach programme of verifications to confirm that the information given to them by the surrenderers is correct. On release IOM undertake another interview with them, which they often find more revealing as they do not have the same reluctance to divulge things

as they do in the camps. An additional requirement of the surrenderees release is that they are taken every week by bus to sign-in at military camps and attend camp meetings.

There are four components to the reintegration programme; education, training, on-the-job training and job placement. Surrenderees suggest what they want to do and where they would like to go and a reintegration plan is drawn up. Originally there was a limit on the cost of reintegration of between Rs 80 – 90,000 (£450 – 505), but this has now been limited to Rs 75,000 (£421). There were 3,000 surrenderees in Kilinochchi and Mullaitivu with outstanding reintegration programmes, some of whom had been with the LTTE for between 20-25 years, and some with excellent skills and qualifications. So far 300 surrenderees had gone through the programme in Kilinochchi. IOM had been told not to refer any of the surrenderees to large enterprises for employment as it was often difficult to get them accepted by the employer. It was felt easier to set them up with their own enterprises.

We asked the team what they considered the biggest challenges faced by the surrenderees following their release:

- Acceptance in the community, as during the war they may have taken sons and daughters away to fight for the LTTE
- Harassment by CID and/or the military e.g. surveillance, threats, potential abduction/kidnapping etc. One surrenderee had disappeared in Kilinochchi 7 months ago.
- Community flashbacks
- Social stigma/guilty feelings. Many are heads of household and the families suffer from the same stigma.
- Once the release package was received, they may not receive further support
- Many married during the war and were immediately separated. Many are now considered divorced and many women are described as widows, yet there is no official registration of the marriages and they have no documentation to produce.
- Many still have no identification documents
- All suffer from post traumatic stress disorder (PTSD) and trauma

To mitigate some of these challenges IOM have:

- An awareness programme for the police and the military
- A psychological referral programme and made government health services available
- Whilst the main objective was for the surrenderee to be in a position to support their family, once able to do so they had to make a contribution to the community e.g. to schools

The team told us that they too were feeling the pressure to deliver the reintegration programme. They told us that out of the 300 that had gone through the programme in Kilinochchi, 250 of them had successfully found professions. They saw that there were still several thousand more to go through the programme, yet the profiling of the surrenderees is set to expire by 31 December 2011.

On 30 September 2011 President Mahinda Rajapaksa summoned the heads of overseas missions to a hastily arranged meeting at his official residence in Colombo, Temple Trees. The event turned out to be a release ceremony for the remaining 1,800 ex-LTTE cadres,

see: [http://articles.timesofindia.indiatimes.com/2011-09-30/south-asia/30229609\\_1\\_ltte-fighters-ltte-querrillas-vocational-training](http://articles.timesofindia.indiatimes.com/2011-09-30/south-asia/30229609_1_ltte-fighters-ltte-querrillas-vocational-training)

It remains the view of humanitarian and aid agencies that the Sri Lankan government could have managed the situation regarding ex-LTTE cadres considerably better. Their initial reluctance to release details of those detained or allow access to the detention camps did not enhance their position with the international community. The head of one international agency has told me that the government could have done a lot to improve the way they are perceived. They should for example have publicised the fact that many of those detained had already received visitors. His organisation had been trying to encourage them to be more transparent, to publish lists of those persons detained and advertise initiatives that they had already taken. The international community however saw the reluctance of the Sri Lankan government to allow the ICRC access to the camps as a major hurdle in moving forward.

The Government appears to accept that post release reintegration has been problematic. Promised packages for ex-combatants on release had not actually been provided, nor had cash or other assistance. Economic regeneration in the northern former LTTE held areas is very slow with a lack of investors. The Government claim that over 1,000 job opportunities had been identified in the Colombo area but very few people were prepared to move there. There is freedom of movement for all Sri Lankans throughout the country but many choose to remain in their homelands, or seek to move abroad. Many of those released had returned to heavily militarised areas of the north and were being monitored for 'the security of themselves and the community'. There have been several media stories regarding the re-arrest of some ex-detainees, although the Government have claimed that these were for criminal offences committed post release.

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Second secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

9 November 2011

Dear colleague,

### **Re. Population Statistics – Colombo**

The last published census of Sri Lanka was in 2001. At the time, the ongoing conflict made the results unreliable as data was not collected from some districts. Out of the 5 Districts in the Northern Province, Jaffna, Kilinochchi, Mullaitivu were not covered during the preliminary and final census and Vavuniya and Mannar were covered only partially. In the Eastern Province, Ampara was covered completely, but Trincomalee and Batticaloa were only covered partially. As such, estimates for these districts were based on the information collected during a listing and numbering operation of the 2001 census, or on the Registrar General's estimates based on the registration of births and deaths. Furthermore, there has been significant internal migration within the country and migration overseas since then;

<http://www.statistics.gov.lk/PopHouSat/PDF/Population/p9p1%20Growth.pdf>

With regard to Colombo District, the total population according to the Census of 2001 Information Unit was 2,230,612, with a breakdown into major religions as follows:

Buddhist 1,573,540 – 70.5%  
Muslim 237,932 – 10.7%  
Hindu 197,802 – 8.9%  
Roman Catholic – 173,581 – 7.8%  
Other Christian 47,757 – 2.1%

Colombo District comprises of 13 Divisional Secretariat Divisions (DSD), one of which is Colombo DSD. Colombo DSD includes the areas of Fort, Pettah, Slave Island, Dematagoda, Maradana, Hultsdorf, Kotahena, Grandpass and Mutwal. According to the Census of 2001 Information Unit the total population of Colombo DSD was 376,770, with a breakdown into major religions as follows:

Muslim 134,271 – 35.6%  
Buddhist 94,046 – 25.0%  
Hindu 89,597 – 23.8%  
Roman Catholic 52,229 – 13.9%  
Other Christian 6,627 – 1.8%

The Department of Census and Statistics – Sri Lanka produces estimated mid-year population figures, the latest being for 2008. These figures show that the estimated population of Sri Lanka as 20,217,000. The estimated population of Colombo District is given as 2,488,000.

The Central Bank of Sri Lanka produces yearly country profiles, the latest of which is 2010. They estimated the population of the country as 20,653,000 and the population of Western Province, which includes the districts of Colombo, Gampaha and Kalutara as 5,865,000:

[http://www.cbsl.gov.lk/pics\\_n\\_docs/10\\_pub/docs/statistics/other/Socio\\_Econ\\_%20Data\\_2011\\_e.pdf](http://www.cbsl.gov.lk/pics_n_docs/10_pub/docs/statistics/other/Socio_Econ_%20Data_2011_e.pdf) . The ethnicity breakdown shown in the profile is based on the 1981 census.

There are frequent comments made in conversation in Sri Lanka that, “There are more Tamils in Colombo than Sinhalese”. Published statistics do not support this claim. In some small areas of Colombo there are indeed a much higher percentage of Tamils than Sinhalese, but equally there are areas which are considered almost entirely Muslim. In establishing the ethnicity breakdown, compilers often mix race and religion. Not all Sinhalese are Buddhists, not all Tamils are Hindus and there are many Muslims and Roman Catholics who are considered Tamil merely because that is the language they speak. There is additional confusion between Colombo District and Colombo DSD, and to further confuse matters a widely produced map of the City of Colombo, shows the city boundary includes the DSDs of Colombo and Thimbirigasyaya, which could be construed as Colombo metropolitan area.

Thimbirigasyaya DSD to the south of Colombo DSD includes of the areas of Thimbirigasyaya, Kollupitiya (Colpetty), Cinnamon Gardens, Borella, Bambalapitiya, Narahenpita, Havelock Town, Wellawatte and Kirillapone. According to the Census of 2001 Information Unit the total population of Thimbirigasyaya DSD was 263,550, with a breakdown into major religions as follows:

Buddhist 136,915 – 52%  
Hindu 56,719 – 21.5%  
Muslim 39,483 – 15%  
Roman Catholic 22,507 – 8.5%  
Other Christian 7,926 – 3%

A former Chief Justice once told me that there were 400,000 Tamils living in Colombo. Similarly, Mano Ganesan MP informed me that Colombo District has close to 300,000 Tamils living here as permanent residents and another 50,000 as temporary residents. Most of the Tamils live within Colombo City limits but other sizeable numbers live south of the city in the suburbs of Dehiwala and Mount Lavinia. He added that another 100,000 Tamils reside in Wattala and a further 50,000 reside further south in Kalutara. This would estimate up to 500,000 living in Colombo and its immediate environs. Clearly these figures would be with regard to Colombo District, and based on the 2008 estimated figure above, would indicate that between 16 – 20% of the total population of the Colombo district are Tamil.

It is widely accepted that there has been a significant movement of population into Colombo District since 2008 as the civil conflict entered its final phase. People from the five districts of the Northern Province who had been living in and around Colombo for the past five years were instructed to register with the police on 21<sup>st</sup> September 2008. Figures showed that the number of people who had migrated from the five districts to Colombo since 21<sup>st</sup> September 2003 stood at 37,037. Out of these, 2,242 were considered new entries, as they had not been previously

registered with the police. In all, 10,820 families were registered. On 5<sup>th</sup> October 2008, registration was extended to people from the three districts of Eastern Province. Figures showed that 4,449 persons from 1,419 families had migrated from the East over the same 5-year period.

The Department of Census and Statistics is currently conducting the 2011 Census of Population & Housing. Their website does not indicate when the results of this census will be published, see: <http://www.statistics.gov.lk/PopHouSat/CPH2011/index.php>

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Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

3 October 2011

Dear colleague,

**Re: UKBA Charter Flight of Returnees – 28/29 September 2011**

A flight chartered by the UK Border Agency specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom, left London at 1500hrs on 28 September 2011 bound for Colombo. Flight LS6286 arrived at Bandaranaike International Airport at 1020hrs on 29 September 2011 with 50 enforced returnees, many of whom were failed asylum seekers. The ethnic split of the returnees was 27 Tamil, 12 Muslim and 11 Sinhala, and there were 42 males and 8 females. All of the returnees were in possession of their own valid national passport or an Emergency Travel Document issued by the Sri Lankan High Commission in London.

Prior negotiations had taken place in both London and Colombo between the UK and Sri Lankan governments under the 2004 bilateral readmission agreement in order to facilitate the redocumentation of the returnees, the necessary authorisations for the aircraft, and the smooth arrival and processing of the returnees on arrival in Sri Lanka. It was agreed by the government of Sri Lanka that UKBA could return up to 50 returnees on the flight. The experience gained during the previous UKBA charter flight in June 2011 allowed all parties to review procedures ahead of the flights' arrival.

The aircraft was positioned on a stand some distance from the main terminal building. It was met by the handling agents, Sri Lankan Airlines, and airport security officials. After some minutes all 50 returnees were placed on one bus with a small number of airport security officials and driven to the main airport terminal. All of the returnees were dropped at the entrance to the immigration arrivals hall and were escorted to a seating area adjacent to the transfer desk which had been specifically created for this flight. Officials from the Department of Immigration & Emigration (DIE) had also arranged for desks to be placed in front of the seating area and used by their officers to conduct interviews with the returnees.

The escorting officers who had accompanied the returnees on the flight were brought to the airport terminal in two further buses. Copies of the final manifest listing the names of the 50 returnees were handed to DIE officials along with a bag containing all of their travel documents. Two bags containing medication for many of the returnees was also handed to the DIE officials.

A colleague and I from the British High Commission were waiting in the immigration arrivals hall along with officials from the Police Criminal Investigations Department (CID), the State Intelligence Service (SIS) and airport security. DIE had brought in Tamil speaking officers, and CID and SIS had also drafted in extra staff specifically to assist their airport based colleagues in processing the charter flight returnees.

Once the group of returnees were seated and comfortable, they were addressed by a Tamil speaking immigration officer who explained what processes they would have to go through. I then addressed the returnees in English and informed them who I was, again what procedures they were about to go through, and offered them words of reassurance about the process and the amount of time it would take. I offered them assistance in contacting waiting relatives or friends, although we were subsequently asked by DIE officials to wait until they had been cleared to proceed before making contact. None of the returnees appeared ill or distressed in any way and their main concerns seemed to be around being reunited with their baggage and belongings.

At approximately 1115hrs officials from the DIE began interviewing the returnees at the desks in front of the seating area. The purpose of these interviews was to confirm the identity and nationality of the returnee. The remaining returnees waited in the seating area and were allowed to use toilet facilities under the supervision of airport security staff. A water dispenser was brought for the returnees and officials to use. DIE officials subsequently requested two further tables and some chairs to enable them to conduct more interviews.

Similarly to the previous charter flight, senior officials from SIS informed me that their officers and those from CID would carry out a joint interviews rather than separate interviews in order to speed up the process. Once the returnees had completed their interviews with DIE, they were escorted either to the SIS office immediately adjacent to the area where they were seated, or they were taken to CID's ground floor interviewing facilities. Each returnee underwent a further interview regarding their mode and route of travel to the UK, what they had been doing in the UK and checks to ascertain any criminal activity previously in Sri Lanka.

On completion of the SIS/CID interviews, the returnees were placed back in the seating area. During the processing of the previous charter flight in June 2011, un-necessary delays had occurred at this stage whilst waiting for the duty immigration officer to allow them to proceed. For this charter DIE had removed this requirement and their officials merely stamped each returnees passport or Emergency Travel Document once the process had been completed.

The first returnee was allowed to proceed at 1320hrs. Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50, to enable the returnee to have the means to travel to their onward address anywhere in Sri Lanka, and for overnight accommodation where required. Each returnee provided contact details to IOM.

I accompanied most of the returnees to the baggage reclaim area where I liaised with the handling agent, Sri Lankan Airlines. I oversaw returnees collect their bags from three baggage



pallets that had been held securely behind the main reclaim area. I then pointed returnees in the direction of Customs and the exit. I mentioned to several of the returnees that local media were gathered in the arrivals area and may wish to interview/film them. Some returnees returned to the Duty Free area to purchase goods before proceeding landside. One of them purchased a large flat screen TV. The last of the returnees passed through Customs and into the arrivals area at around 1700hrs.

I was made aware by DIE that one of the first returnees processed by them had been identified as being the subject of an outstanding criminal arrest warrant. I was duly provided with a copy of the warrant which had been issued by Kalmunai High Court following the returnees' non-appearance at an earlier court hearing. DIE told me that he would go through the arrival procedures the same as all of the other returnees in the group, but then a uniformed police officer would arrest him. I was subsequently informed that the arrest had taken place and I was introduced to the uniformed police sergeant from Negombo police station who had made the arrest. I was told that the returnee would remain in Negombo police station, probably overnight, and then officers from Kalmunai would collect him and place him before Kalmunai High Court. I accompanied the returnee and the sergeant to the baggage reclaim area where we found the returnee's baggage, which comprised of a bicycle and a large bag. After some discussion the sergeant agreed that the returnee could take his bicycle to the police station and I watched as the returnee pushed the bicycle and bag through customs with the sergeant walking alongside.

I made a point of asking many of the returnees whether they had any medication, bearing in mind that DIE had in their possession the two large bags that had been handed to them by the UKBA escorting officer. Only one returnee requested the return of their medication. Once all of the returnees had been allowed to proceed, officials made it clear that they did not want the responsibility of the two large bags. As I had no idea what medication was in the bags, plus I was not allowed to bring drugs that did not belong to me into the country, I approached the port medical inspector at the airport and asked him if he could make use of the medication in the bags. He agreed and duly accepted the bags.

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Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

27 September 2011

Dear colleague,

**Re: Sri Lanka – Ethnic Groups, Religion and Language**

The last full census completed by the Government of Sri Lanka was in 1981. Although a census was carried out in 2001, because part of the island was under LTTE control, it included only 18 of the 25 districts, excluding Jaffna, Kilinochchi, Mullaitivu, Mannar and Vavuniya from Northern Province and Trincomalee and Batticaloa from Eastern Province. See: <http://www.statistics.gov.lk/PopHouSat/PDF/Population/p9p8%20Ethnicity.pdf> . The Government of Sri Lanka are currently undertaking the 2011 census.

According to the 1981 census Sri Lanka is made up of three main ethnic groups. Sinhalese being the largest group and making up almost 74% of the population. The second largest group are Tamils who account for around 18% of the population, although they can subsequently split into two distinct groups of Sri Lankan Tamils and Indian Tamils. The third largest group are Muslims who make up around 7% of the population. The origins of each of the ethnic groups are further explained at: <http://countrystudies.us/sri-lanka/38.htm> . Sri Lanka is unique in that Muslims are considered an ethnic group as well as a religious group, although you often see people referred to as Ceylonese Moors or Sri Lankan Moors on government issued documents, such as birth certificates.

The 1981 census also recorded that there are four main religions in Sri Lanka. Buddhism is by far the largest with 69% of the population, followed by Hindus at 15%, Muslim at 8% and Christians also at 8%. The Christian figure mainly consists of persons who are of Sinhalese or Tamil ethnicity and a vast majority of these people reside on the west coast of Sri Lanka.

There are the two national and official languages in Sri Lanka, Sinhala which is spoken by 74% of the population and Tamil which is spoken by 18% of the population. English is commonly used in government and business, and is spoken competently by around 40% of the population. Tamil is mainly spoken in Northern and Eastern Provinces, and in the Hill Country amongst Indian Tamils working on the tea plantations. Persons of all ethnic backgrounds in these areas may use Tamil as their first language.

Although much of the world focuses its attention on conflict between Sinhalese and Tamil groups in Sri Lanka, the relationship between Tamils and Muslims, especially in the north of the country, fluctuated greatly during the war (see: <http://groundviews.org/2011/06/21/21-years-of-hopeless-existence/>

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Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

17 September 2011

Dear colleague,

**Re: Sri Lanka: Development of Northern Province - update**

The British High Commission in Colombo routinely monitors conditions in the Northern Province in order to assess security and development. Staff from the mission visited the districts of Jaffna, Kilinochchi and Mullaitivu from 15 – 18 August 2011.

**Jaffna**

The Government Agent (GA) in Jaffna told us that the district had recently been allocated Rs 29,000,000 (£163,000) from central government for development projects. They had received many requests from the local population for toilet facilities and for drinking water (especially in the islands), and for the creation or rebuilding of village tanks, to enable the collection of rainwater for use on farmer's fields and domestic gardens. We were told that a total of 60,000 new houses are required within the district. An Indian housing scheme was set to build 7,400 homes. We asked if there were still High Security Zones (HSZ) in the district around Palaly and the coastal areas. She told us that these had still not been released by the government, adding that the programme to release the land back to former owners/occupiers had actually been slowed down.

With regard to healthcare in the district, the GA told us that things were improving, although many facilities were still short staffed. She said that there were few specialists and no cardiologists. Although buildings had been allocated for development into healthcare facilities, no takers or donors had come forward. Jaffna Teaching Hospital is hopeful that over 100 doctors will qualify this year and that many will be content to take up posts in the district. She added though that an extra concern for healthcare in the district was the large military population and their families using the facilities provided.

The GA provided the following statistics regarding children: As at 30 June 2011 there were a total of 205,924 children living in Jaffna district. Of those, 7,743 had lost one parent and 417 had lost both parents. Statistics further showed that 1,177 had lost their parents in a terrorist act, 438 had been abandoned by their parents and 1,413 were currently in children's homes. There were only 114 children who did not have a birth certificate. Between 1 January 2011 and 30 June 2011 there were 92 recorded cases of child abuse in Jaffna District. In 38 of these cases it involved sexual abuse and there were 6 cases of physical abuse. There were 16 cases

recorded as 'conflict with the law' and other figures included 9 cases where the child was separated from their parents, 9 children were neglected and 9 were forced into early marriages.

The International Organization for Migration (IOM) told us that all of the Jaffna camps for internally displaced persons (IDPs) had been closed. Many of the occupants were from Mullaitivu district or High Security Zones (HSZ) and had therefore been placed with host families. They added that there were still HSZs at Palaly and in coastal areas. Local fishermen complained that Indian trawlers were fishing in Sri Lankan waters just off these HSZs. The GA had earlier commented that bottom trawling by the Indian fishermen was backed by the government and was out of her control.

IOM also informed us that they were dealing with 492 ex LTTE cadres, or 'surrendered' as they had to be referred as, currently receiving counselling and referral services. We asked if they had any issues since their release from detention. We were told that they had to report to military camps once a month, which was particularly stressful for females entering into an all male military environment. They also had to report and register if they left the district at any time, which was an issue for men looking for employment. There were differing reactions from local communities regarding their return. In Jaffna, because it was not involved in the latter stages of the war, some were actually considered as heroes. In Mullaitivu or Kilinochchi districts however they were often unable to settle due to animosity towards them. This was mainly from family members who had been forced to hand over husbands, siblings and children to fight alongside them.

IOM provided the following statistics regarding demining: As at 26 June 2011 over 38 million square metres have been cleared in Jaffna district out of a total area of almost 61 million square metres (63.3%). Military and NGOs have cleared 96,879 anti-personnel mines, 199 anti-tank mines and 99,699 unexploded ordinances.

IOM also informed us that since 2009, their office in Jaffna had received a total of 217 voluntary returnees from 17 different countries. Of these 65 returnees were from the UK.

The Assistant Government Agent (AGA) in Maruthankarny told us that the division was the most vulnerable area of Sri Lanka, having suffered from the 2004 tsunami, the civil war and seasonable weather changes. There were still 18 Grama Niladhari areas where resettling still had to take place. There were 14,578 persons in the division, with 30% of families having a woman head of household. Of these people, 90% of them relied on fishing for their livelihoods and 10% on agriculture.

The AGA told us that there were no security concerns currently, and that their biggest worry was the Indian trawlers fishing in Sri Lankan waters, cutting through the nets of local fishermen. This has been flagged up to central government but nothing had been done about it. It was ironic that locals were banned from using trawlers and had no access to deep sea fishing yet the Indian fishermen were fishing in their waters.

The Division had 3,200 fishermen using 579 boats. There were currently 15 fishery societies and a fishing/coordination group had been set up to deal with challenges they faced. The DS Division of Maruthankarny had 65 km of coastline and we were told that their most urgent requirements were; fish preserving facilities, ice making plants, jetties for mooring boats, auction facilities and training for women in particular to enable them to dry fish. UNDP are assisting in the development of the coastline along with the government through their economic development programme. They have identified the immediate needs as housing and livelihoods.



It was explained that following the 2004 tsunami, the government had introduced a 300 metre buffer zone between the coastline and housing. This meant that many owners could not have regular access to their boats from their homes, many having become detached from their boats and engines during the latter stages of the war.

When asked about healthcare and education, the AGA told us that there were enough schools, but not enough teachers. With regard to healthcare, she told us that they had two divisional hospitals and a dispensary, but the problem was that there were no buildings to house further clinics or healthcare centres.

The United Nations Development Programme (UNDP) told us that 3 or 4 agencies had scaled down operations in Jaffna over the past few months. The World Bank programme was continuing to provide shelters, but they pointed out that only 50 permanent houses had been built. UNDP identified several areas where livelihood assistance was required in Jaffna and these mainly targeted women heads of household, fishing and agriculture. There was a requirement for multi-purpose buildings to support these industries, especially to support training needs. The district had a need for carpenters, builders and masons, but rather than train or provide tools for locals many tradesmen were being brought up from the south to work on projects. UNDP also identified that there were cultural differences between different generations, with many youngsters saying that they did not want to follow their parents into the family profession/business.

We met with a group of 10 enforced returnees at the IOM offices in Jaffna. Of these, 5 had been returned from the UK (one on the June 2011 charter), 4 from Papua New Guinea and 1 from Australia. We learnt that 3 of them were still unemployed, 3 had returned to the family business and 4 had embarked on new ventures using some of the skills they had picked up overseas. We asked each of the 5 returnees from the UK what problems they had faced since returning to Sri Lanka. One man said that his main problem was that his wife and child were still in the UK. When asked if there was anything else, he said that on his return the police had asked him about the LTTE. A second man, who had returned on the June charter flight, said that his biggest problem was that he had no work. He said he was hoping to continue his studies and we advised him to contact the British Council office in Jaffna. We asked him if any officials had contacted him since returning and he told us that about one week after his arrival a police officer visited his home to confirm he was residing there, but nothing else. The other 3 returnees said that they had had no problems at all since returning.

This was my third visit to Jaffna since the end of the war in May 2009. In September 2009 I had found most people upbeat and optimistic, whereas in June 2010 I found anger and frustration amongst most people I spoke to. Like previous visits I met with not just government officials but local NGO workers and ordinary people in towns and villages. I asked people what the mood was in the district, especially since the local elections earlier in the year. In general they told me that they were just concerned with getting on with their lives. No longer was the conversation automatically about security or political issues, and apart from 'grease yakkas', (see: <http://www.lankaweb.com/news/items/2011/08/31/how-grease-yakka-became-a-nationwide-plague>), crime was not the main talking point. Instead people wanted to talk about what investment they required and how they could start earning money and not rely on handouts from others. Checkpoints were no more, and although there is an obvious large military presence, it was not openly noticeable on the streets.

## Kilinochchi

The Government Agent (GA) for Kilinochchi told us that resettlement was almost complete, although there were still 4 DS divisions where demining was taking place. Some IDPs from Menik Farm were therefore still living with families within the district. The government was providing 6-9 months livelihood support where it could, but there were gaps in this process. Food packages are still being handed to families with elderly and disabled, especially where the head of household is disabled, and to widows and orphans. We were told that 40,000 new houses were required in the district and 20,000 were to be reconstructed.

Livelihoods were the biggest issue on the GA's agenda and they were targeting dairy production and paddy production for women heads of household. They recognise that the agricultural infrastructure needs to be developed and the government has been providing Rs 35,000 (£200) livelihood packages to individuals to get them started in agriculture. Unfortunately these could not be given to families reliant on fishing, as the cost of boats and equipment was much too high.

The GA touched on the subject of the reintegration of 'surrendered'. We were told that there was a gap between their release and the start of their reintegration programme, resulting in them not being assisted on time. There were 50 surrendered in one DS Division and only 5 or 6 of them had received any assistance, and only a few out of the total number of 292 in the district had been helped. They said that there was concern at local government level, but there were currently no ongoing issues with surrendered, and added that they were being accepted back into the community.

The United Nations Development Programme (UNDP) provided the following statistics regarding Kilinochchi District:

Resettlement – As at 31 July 2011 37,932 families had been resettled in Kilinochchi since the end of the conflict, totalling 120,332 individuals. There were 38 families i.e. 75 individuals, who were still in transit camps awaiting resettlement.

Housing – In May 2011 the requirement needs for the number of new or repaired permanent houses stood at 56,093. Of this 2,621 had been completed and 14,416 were in progress.

Education – There are 101 schools in Kilinochchi District, of which 81 were open and functioning. The biggest challenges apart from needing furniture, renovation of buildings, plus water and sanitation facilities, were a shortage of teachers and transport to get teachers to and from the school. Many schools were still only open for a couple of hours a day because teachers were travelling from outside of the district.

Health – The health sector in Kilinochchi is facing staff shortages, in particular doctors. There is currently a lack of health infrastructure facilities and very few hospitals are functioning. The requirement for the district is 31 clinics, 13 healthcare centres and 13 hospitals. Currently there is 1 clinic, 11 healthcare centres and 1 hospital completed and functioning. A further 7 clinics, 1 healthcare centre and 6 hospitals are currently being built/renovated.

Agriculture – UNDP had supported agricultural recovery in several selected Grama Niladhari divisions. The Department of Agriculture with the support of the Food & Agricultural organisation had distributed 16,320 farming packages and 6,150 home garden kits in Kilinochchi.

Fishing – In Kilinochchi District 3,168 families are reliant on fishing for their livelihoods. There are currently 8 functioning fishing co-operatives operating 320 glass fibre boats and 150 traditional craft. Compared to other livelihoods, NGOs distributed only a few boats and little equipment during the humanitarian crisis at the end of the war, the reason being that the cost of fishing assistance is 10 times greater than agricultural support. There is still a lack of infrastructure like storage rooms, cold storage, ice plants and refrigerated trucks.

Livelihood Assistance – As at April 2011, 29,080 families in Kilinochchi had not received any livelihood assistance from the government.

We met with the Kilinochchi Livestock Committee who told us their main focus is to boost both the production and consumption of milk. The government are encouraging children in particular to drink milk for its nutritional value, and a network had been set up to collect and despatch milk to pre-schools within 4 hours of production. However, we heard that the Rs 35,000 livelihood package offered to families by the government was not enough to cover the purchase of an animal, plus feed and shelter. IOM had provided 180 dairy cows as part of a planned 5-10 year programme to upgrade cattle for milk production and enabled packages to be given to families which included the animal, foodstuff and training for the owner. The committee went on to explain their plans for creating a marketing and collection/distribution network. We also heard how there used to be 23,000 goats in Kilinochchi, but the population was decimated to just 1,000 during the conflict. There are plans to reintroduce a breeding programme to build up the number of animals that provide milk and cheese as well as mutton. We were told that it is the government's aim that the Vanni is self sufficient by 2016, and that they hope to assist in achieving this.

We asked about the large wild herds of cattle that had grouped together during the latter stages of the war and wandered freely across the Vanni. We were told that 90% had been rounded-up and those that could be identified had been returned to their owners. Those that could not be identified and those which had been born in the wild had been given to needy families.

In my previous visit to Kilinochchi in June 2010 the amount of devastation had been apparent. Not a single building seemed to have escaped some form of destruction and people were living and working in temporary structures. What I saw now was an amazing transformation and the centre of Kilinochchi town was a hive of industry. The A9 road is being widened and rebuilt, and on either side of the road shops and businesses have sprung to life in newly built or reconstructed buildings. The strangest construction was adjacent to the huge, collapsed water tower in the centre of the town. Previously I had been told that the Sri Lankan Army had destroyed the tower when recapturing the town in 2009. It was now surrounded by a walled, landscaped garden, had its own 'tourist shop', and a large plaque described how the LTTE had blown up the tower, destroying the 'fountain of life'.

Outside of the town, in June 2010 there had been a military camp every mile along the A9 road, with manned observation posts every 100 yards, with the military very evident in both urban and rural areas, appearing as an occupying army. It was noted that on this visit 90% of the observation posts had been dismantled or were unmanned, similarly military camps had consolidated into several large camps and the military were much less visible.

## **Mullaitivu**

We met the Mullaitivu Divisional Secretary (DS) and the development committee. They informed us of the current situation in Mullaitivu. There was currently a population of 88,887, although 38,208 are waiting for resettlement. Demining is still taking place and they hoped to be able to resettle most of those by December 2011. However, there were 6 DS Divisions that had not yet been assigned demining by the government. The Indian housing programme had begun and we visited a complex of 50 houses that were being constructed in an area of land reclaimed from jungle. We met with the families who had been allocated the houses, mainly families with female heads of household, widowers and orphans. They were looking forward to moving into the houses, but were concerned about how they were going to earn a living from the land. The main challenge was that the land had no access roads, nor access to mainstream electricity or

water supply. We also spoke to construction workers who were building the houses and noted that none of them had been recruited from within the district.

The DS told us their plans to develop the district, but said they required funding to complete much of the work. They told us that one of their main concerns was youth unemployment, saying that many had left school during a time when infrastructures in all sectors of industry had been destroyed and there were little or no employment opportunities. The list of priorities for the district mainly involved the development of agriculture and fishing industries; de-silting, cleaning lagoons, re-planting coastal areas/mangroves, building sea walls and beacons, building storage facilities, replacing pumps to assist irrigation and clearing jungle, which would require further demining. We were told of a specific project where there was a huge tank (reservoir) that supplied water to 7,000 families by way of 37 lift pumps. Only 3 of these were currently working, 7 could be repaired, but the remainder would have to be replaced at a cost of around Rs 1,000,000 each (£5,600). Fishing was the main livelihood for 3,500 families within the district, but there were only 1,500 boats and many were in need of repair. On a 60 km coastline there was not one boat repair business. The government had provided a newly constructed building for this, but had no funds to supply tools and training.

The United Nations Development Programme (UNDP) provided the following statistics for Mullaitivu:

Resettlement – As at 29 July 2011 29,265 families had been resettled in Mullaitivu since the end of the conflict, totalling 85,850 individuals. Just over half of these had been resettled following periods of time staying with friends and relatives.

Housing – In May 2011 the requirement needs for the number of new or repaired permanent houses stood at 22,396. Only 1,017 had been completed although 7,727 were in progress.

Education – There are 109 schools in Mullaitivu District, of which 78 were open and functioning. The biggest challenges apart from needing furniture, renovation of buildings, plus water and sanitation facilities, were a shortage of teachers. Transport to get teachers to and from the school had been an issue but many teachers now remained in Mullaitivu during the week, returning to homes outside of the district at weekends.

Health – The health sector in Mullaitivu is also facing staff shortages, in particular doctors. There is currently a lack of health infrastructure facilities and few facilities functioning. The requirement for the district is 59 clinics, 59 healthcare centres and 16 hospitals. Currently there are no clinics, 2 healthcare centres and 5 hospitals completed and functioning. A further 4 clinics, 7 healthcare centre and 3 hospitals are currently being built/renovated.

Agriculture – UNDP had supported agricultural recovery in several selected Grama Niladhari divisions. The Department of Agriculture with the support of the Food & Agricultural organisation had distributed 10,580 packages of seed paddy, 14,150 farming packages and 7,000 home garden kits in Mullaitivu.

Fishing – In Mullaitivu District 3,875 families are reliant on fishing to support their livelihoods. There are currently 14 functioning fishing co-operatives operating 344 glass fibre boats and 75 traditional craft. Just as in Kilinochchi, NGOs distributed only a few boats and little equipment in Mullaitivu, the reason being that fishing assistance is 10 times greater than agricultural support. There remains a lack of infrastructure like storage rooms, cold storage, ice plants and refrigerated trucks.

Livelihood Assistance – As at April 2011, 18,491 families in Mullaitivu had not received any livelihood assistance from the government.

We attended a meeting in the Grama Sevaka's office at Udaiyarkaddu South. The office was in the centre of the town and still bore the bullet marks from the battle that had raged through the



area at the end of the civil conflict in April/May 2009. Outside, a delivery of chickens/feed/chicken wire was being distributed. Many people wandered in to speak to us and we learnt that all of them, 744 families, had only been allowed to return to the town 16 days previously on 2 August 2011. Many of them had lived in Menik Farm for over two years, although 236 families had been staying with family and friends in other areas. They explained that the town had been caught between the advancing Sri Lankan Army and the defending/retreating LTTE, and that they had nowhere to run. Every family we were told had lost at least one member during the battle and out of the 744 families, there were now 254 families with a female head of household and 234 disabled persons in the town. Having returned to their homes many had found them destroyed/damaged and surrounded by jungle. Their livestock had run off or been killed and many families had no resources or support. On top of this the rains had now started, increasing the number of mosquitoes which left children in particular vulnerable to dengue.

The Grama Sevaka and colleagues explained what the government and NGOs were doing to assist the people of the town. Each family was entitled to 12 tin roofing sheets and 6 wooden poles, plus a Rs 20,000 grant (£112). Save the Children had committed 150 shelters and IOM pledged even more shelters whilst we were there. Water and toilets were an issue and we heard that although agriwells had been dug, all of the other wells in the town had been damaged. The main concern of the town was livelihoods. We learnt that the town had been quite affluent previously due to teak plantations, and there had been a large LTTE run coir factory employing over 200 persons which had been completely destroyed. A 100 acre model farm was now run by the government, functioning and employing 250 people. However, a lot more land requires ploughing.

In June 2010 I had passed through the area whilst it was waiting demining. It had looked like the battle had passed through the previous day. Now, although the town itself did not look that different, it was bustling with people all trying to put their lives back together. Many of the people were remarkably upbeat, although it was also clear many were still traumatised and whilst it may take months to get the town's infrastructure up and running, it may be years to heal the mental scars.

## **Surrenderees**

Whilst in Kilinochchi we met with the team who were responsible for the reintegration of ex-LTTE cadres following their release from detention. They gave us the background to the project, saying that initially the Chief Minister of Eastern Province, Pillayan, had approached IOM to take the project forward, with Ministry of Defence approval and funded by USAid. This was initially to work with 1,000 cadres. However, the government had then said that they were to release the so called 'surrenderees' from 22 camps in the north of the country in a project funded by both USAid and the Netherlands government. Since then 7,400 surrenderees had been released, although 4,000 still remain in detention in 11 camps.

The team explained that work with the individual surrenderee began in the camps, where socio-economic profiling took place. Surrenderees were interviewed in batches, and the notes were recorded in hard copy and electronically. Surrenderees were then transferred to locations near to where they were going to be released and went through another circuit of meetings with IOM staff. Part of the conditions of their release was the requirement to report to the nearest IOM office. IOM run an outreach programme of verifications to confirm that the information given to them by the surrenderees is correct. On release IOM undertake another interview with them, which they often find more revealing as they do not have the same reluctance to divulge things



as they do in the camps. An additional requirement of the surrenderees release is that they are taken every week by bus to sign-in at military camps and attend camp meetings.

There are four components to the reintegration programme; education, training, on-the-job training and job placement. Surrenderees suggest what they want to do and where they would like to go and a reintegration plan is drawn up. Originally there was a limit on the cost of reintegration of between Rs 80 – 90,000 (£450 – 505), but this has now been limited to Rs 75,000 (£421). There were 3,000 surrenderees in Kilinochchi and Mullaitivu with outstanding reintegration programmes, some of whom had been with the LTTE for between 20-25 years, and some with excellent skills and qualifications. So far 300 surrenderees had gone through the programme in Kilinochchi. IOM had been told not to refer any of the surrenderees to large enterprises for employment as it was often difficult to get them accepted by the employer. It was felt easier to set them up with their own enterprises.

We asked the team what they considered the biggest challenges faced by the surrenderees following their release:

- Acceptance in the community, as during the war they may have taken sons and daughters away to fight for the LTTE
- Harassment by CID and/or the military e.g. surveillance, threats, potential abduction/kidnapping etc. One surrenderee had disappeared in Kilinochchi 7 months ago.
- Community flashbacks
- Social stigma/guilty feelings. Many are heads of household and the families suffer from the same stigma.
- Once the release package was received, they may not receive further support
- Many married during the war and were immediately separated. Many are now considered divorced and many women are described as widows, yet there is no official registration of the marriages and they have no documentation to produce.
- Many still have no identification documents
- All suffer from post traumatic stress disorder (PTSD) and trauma

To mitigate some of these challenges IOM have:

- An awareness programme for the police and the military
- A psychological referral programme and made government health services available
- Whilst the main objective was for the surrenderee to be in a position to support their family, once able to do so they had to make a contribution to the community e.g. to schools

The team told us that they too were feeling the pressure to deliver the reintegration programme. They told us that out of the 300 that had gone through the programme in Kilinochchi, 250 of them had successfully found professions. They saw that there were still several thousand more to go through the programme, yet the profiling of the surrenderees is set to expire by 31 December 2011.

Xxxxxxxx

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Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

12 August 2011

Dear colleague,

**Re: Sri Lanka: Court Summons**

The British High Commission in Colombo routinely monitors legal processes and procedures in Sri Lanka.

In July 2010 Mr Xxxxx Xxxxx, a lawyer, Notary Public and Commissioner for Oaths based in Colombo explained the process regarding a summons. The usual process began with a suspect being arrested by the police. After completing their enquiries the police will produce the suspect before a Magistrate. The Magistrate will decide whether the case should proceed, and if it does, they will decide on whether the suspect should be released on bail or remain in custody. If granted bail, the Magistrates Court will subsequently issue a summons, notifying the accused person of the date of their next Court appearance. The Summons/Notice is a standard format and is used across the whole of Sri Lanka.

Mr Xxxxx told me that summonses are always served in person by a Fiscal Officer. This person is an employee of the Court and will visit the defendant's last known address or place of work. If they cannot locate the defendant they will either serve the summons on the head of household, or if there is no response, they will paste the summons on the front door of the defendant's last known address.

Mr Xxxxx explained that more than one summons could be served on a person for the same case. For example, the case may not have proceeded on the first court date, or the defendant may not have appeared, so a second summons could be issued for a second court date. If a defendant failed to appear for a Court date, the police could approach the Magistrate and ask for them to issue an arrest warrant. If issued, the arrest warrant would be handed to the police. Mr Xxxx confirmed that this was similar to UK courts issuing a bench warrant.

In order to clarify the procedures further surrounding the issue of court summons, this week we approached three separate sources, asked three separate questions and recorded three separate answers as below:

**What is the procedure for issuing a Court summons?**

A Court official in Vavuniya told us that the police officer in charge of the case (OIC) initiates the summons which is signed by the registrar and then issued by the police to the subject.

The Sri Lanka Police – Information Services Room stated that the Judge authorises the summons that needs to be served and he/she alone can approve this. The summons is then given to the police to be disseminated.

A lawyer in Colombo said that the Judge authorises the summons that needs to be served and he/she alone can approve this. It is then served by a fiscal. If the fiscal is threatened or harassed the police get involved. Until such time there is no involvement of the police unless it's a criminal case.

Can a Court summons be obtained fraudulently?

A Court official in Vavuniya said yes, they could be.

The Sri Lanka Police – Information Services Room also said yes.

A lawyer in Colombo also said yes, but added that it is a criminal offence and they did not see why someone would take such a risk.

How many summonses are issued before a warrant for arrest is issued?

A Court official in Vavuniya said only one. The courts issue two copies but only one is served and the other is kept in the police station.

The Sri Lanka Police – Information Services Room told us that a warrant of arrest is issued if a person fails to appear after a summons has been served on three occasions.

A lawyer in Colombo agreed that a warrant for arrest is served after the third occasion a person fails to appear.

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Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

24 June 2011

Dear colleague,

**Re: UKBA Charter Flight of Returnees – 16/17 June 2011**

At 1700hrs on 16 June 2011 flight BV8862 left London bound for Colombo, Sri Lanka. The flight had been chartered by the UK Border Agency specifically for the return of Sri Lankan nationals who did not qualify for leave to enter or remain in the United Kingdom. The flight arrived in Colombo at 0900hrs on 17 June 2011 with 26 enforced returnees, 22 of whom were failed asylum seekers. The ethnic split of the returnees was 15 Tamil, 7 Muslim and 4 Sinhala, and there were 24 males and 2 females. All of the returnees were in possession of their own valid national passport or an Emergency Travel Document issued by the Sri Lankan High Commission in London.

Prior negotiations had taken place in both London and Colombo between the UK and Sri Lankan governments under the 2004 bilateral readmission agreement in order to facilitate the redocumentation of the returnees, the necessary authorisations for the aircraft, and the smooth arrival and processing of the returnees on arrival at Bandaranaike International Airport.

The aircraft was positioned on a stand some distance from the main terminal building. It was met by the handling agents, and senior airport security officials. After some minutes, the first of the returnees were placed into waiting buses along with escorting officers who had accompanied them from the UK. The buses then drove to the main airport terminal and the returnees and escorts were dropped at the entrance to the Immigration Arrivals Hall.

Two officials from the British High Commission were waiting in the Immigration Arrivals Hall along with officials from the Department of Immigration & Emigration (DIE), the Police Criminal Investigations Department (CID) and the State Intelligence Service (SIS). Airline and airport security staff were also present. Some CID/SIS officers had been brought in from Colombo to assist their airport based colleagues in processing the charter flight returnees.

All of the returnees were escorted into the Immigration Arrivals Hall and seated in the main transit area. Once everyone was seated and comfortable, I addressed the returnees informing them who I was, what procedures they were about to go through, and offering them words of reassurance about the process and the amount of time it would take. I also offered them assistance in contacting waiting relatives or friends, and added that the British High Commission would assist in reuniting them. None of the returnees appeared ill or distressed in any way.

At approximately 1000hrs a senior official from the DIE organised the first batch of returnees to go to a small office adjacent to where they were sitting to be interviewed by his officials to



confirm their nationality. The remaining returnees waited in the transit area and were allowed to use toilet facilities under the supervision of airport security staff. My colleague from the British High Commission and I spoke to the returnees individually to ascertain if there was anyone meeting them at the airport, and where they were travelling to in Sri Lanka to be reunited with family and friends. Several of them used my mobile telephone to contact their families.

Senior officials from SIS informed me that in order to speed up the arrival process, their officers and those from CID would carry out a joint interview rather than the usual separate interviews. They told me that they anticipated that each interview would only last around 20 minutes. Once the returnees had completed their interviews with DIE, they were escorted to CID's ground floor interviewing suite, which had been refurbished by the Australian Government in 2010, where they underwent further interviews regarding their mode and route of travel to the UK, what they had been doing in the UK, and checks to ascertain any criminal activity previously in Sri Lanka.

On completion of the SIS/CID interviews, the returnees were escorted back upstairs to the Immigration Arrivals Hall. Un-necessary delays did occur at this stage. Process dictated that the Duty Immigration Officer had to sign one document to confirm that CID/SIS had brought the returnee back to him. He was then responsible for endorsing the returnee's travel document, hand it to the returnee along with any other paperwork the returnee had provided, and sign another document to confirm the returnee had been allowed to proceed. Unfortunately, the documents listed the returnees in batches of five and individuals could not be allowed to proceed until all five named returnees had completed their interviews and were stood in front of the officer. Furthermore, the Duty Officer was often absent from his office, which meant that returnees were often just sitting or wandering around the Immigration Arrivals Hall.

Despite this, the first batch of returnees proceeded through Immigration before 1300hrs. Representatives from the International Organization for Migration (IOM) spoke individually to each returnee to hand over a travel grant in Sri Lankan Rupees equivalent to £50, to enable the returnee to have the means to travel to their onward address anywhere in Sri Lanka, and for overnight accommodation where required. Each returnee also provided contact details to IOM.

I accompanied each batch of returnees to the baggage reclaim area where I liaised with the handling agent, Sri Lankan Airlines. I oversaw the returnees collect their bags from the area where their baggage had been held securely and I then pointed them in the direction of Customs and the exit. I mentioned to each returnee that local media were gathered in the arrivals area and may wish to interview/film them. Some returnees returned to the Duty Free area to purchase goods before proceeding landside. The last of the returnees passed through Customs and into the arrivals area at around 1550hrs. Local media subsequently reported that the returnees had been processed and had left the airport terminal.

<http://print.dailymirror.lk/news/front-page-news/47355.html>

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Second Secretary (Migration)

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Country of Origin Information Service

UK Border Agency

25 October 2010

Dear colleague,

**Re: Availability of drugs in Sri Lanka**

The British High Commission in Colombo routinely monitors healthcare and the availability of drugs in Sri Lanka. This letter updates previous communications submitted by this mission.

The mission statement of the Sri Lankan Ministry of Health is “To contribute to social and economic development of Sri Lanka by achieving the highest attainable health status through promotive, preventive, curative and rehabilitative services of high quality made available and accessible to the people of Sri Lanka” [www.health.gov.lk](http://www.health.gov.lk). The government of Sri Lanka promotes the fact that they provide free healthcare to all citizens through their national health service. A substantial budget is allocated for the purchase of drugs, enabling the population to purchase them at reasonable rates.

We recently spoke to the General Manager of the State Pharmaceuticals Corporation of Sri Lanka (SPC). He told us that the SPC came under the Ministry of Health, but was an independent body with 784 employees. The administrative centre of the corporation was based in central Colombo, and co-ordinated 24-hour cover through pharmaceutical retail outlets nationwide. He explained that they had 52 distributors who were private companies working on a commission basis, and 74 different franchises. They also had a tie-up with the Cargill’s supermarket chain, with each store having a pharmaceutical counter manned by their own staff, which was part of the SPC distribution network. Besides that there were independent outlets which also operated on a commission basis. The main storage depot for SPC is in Ratmalana, and holds between 3 to 6 months supplies of most popular drugs.

The main objective of the SPC is to procure for the Ministry of Health all pharmaceuticals, surgical consumables, and laboratory chemicals and equipment through their Medical Supplies Division. We were told that all institutions administered by the Ministry of Health place orders with the SPC. The SPC then carry out a worldwide search as part of their standard procurement procedures, and arrange for the purchase and importation of the ordered drugs and equipment. We were told that 85% of their purchases were currently from India because not only were the goods much cheaper, but the freight charges were also much less. The General Manager added that SPC also supplied the private sector as well, accounting for 70% of the national

demand. They are now in the process of exploring new markets in the north and east of the country with a view to supplying new retail outlets. We were told that the SPC had continued to work in these areas when they were held by the LTTE during the war.

SPC are able to procure all Western drugs. Sometimes there were difficulties obtaining some narcotic items in India, and also Indian drugs were occasionally sub-standard, but SPC also deal with European suppliers, and often obtained specific drugs from the UK, France, Germany or Switzerland. For very specific individual cases, a search would be conducted over the internet to locate the required items and the request to purchase them would be assessed by the Ministry of Health. If the costs could not be met by the government, an individual had the option to contribute towards them.

With regard to other challenges, the General Manager stated that demand for drugs and medicines fluctuated and that supply could be put under pressure due to changes in prescription patterns or epidemics. Coupled with a short shelf-life for some drugs this meant that SPC had to manage the procurement and storage of supplies very carefully. Referring to the recent increase in the number of reported cases of dengue, whilst there were no inoculations or preventative measures available for the disease, there was one drug, Dextran 70, which managed the symptoms. SPC were currently obtaining supplies of Dextran 70 from Thailand.

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.

Prescription and dispensing charges are cheaper in Sri Lanka than in the United Kingdom. As of 1<sup>st</sup> January 2008, the Healthcare and Nutrition Ministry banned the prescription of drugs by their trade names, instead insisting on the use of their generic names. This 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 the 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 cheaper than the branded versions.

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Second Secretary (Migration)

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Country of Origin Information Service  
UK Border Agency

14 September 2010

Dear colleague,

The British High Commission in Colombo regularly monitors conditions in Sri Lanka. This letter supersedes and replaces any previous documents issued by this mission regarding the following specific subjects:

### **BAIL**

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. The Department of Immigration & Emigration (DIE) are notified only when a Court decides to impound the suspect's passport or an arrest warrant is issued. The details of such persons would be placed on their alert or wanted list within their database. 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. Again the details of suspects would be put on the DIE database. Without Court sanction, 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.

### **ARREST WARRANTS**

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.

### **TREATMENT OF HIV/AIDS**

We have 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.

### **BIRTH CERTIFICATES**



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.

### **SCARRING**

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.

### **CORRUPTION/IDENTITY DOCUMENTS**

The high level of corruption in Sri Lanka and the unscrupulous actions of government officials at all levels, somewhat undermines the issuing process for many official documents. 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 rarely 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.

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Second Secretary (Migration)

Country of Origin Information Service  
UK Border Agency

13 August 2010

Dear colleague,

**Re: Sri Lanka – Security and Development of Northern Province**

The British High Commission in Colombo routinely monitors conditions in the Northern Province in order to assess security and development. A team from the mission visited the districts of Jaffna, Kilinochchi, Vavuniya and Mullaitivu from 28<sup>th</sup> June until 1st July 2010.

**Security in Jaffna District**

A Senior Military Official from the Sri Lankan Army based in Jaffna stated that the security situation was returning to normal. No LTTE activity had been recorded and as far as he was aware, there were no active remnants of the LTTE. Occasionally the Sri Lankan Army discovered caches of arms. There had been no recent incidents of terrorism although there were some social problems. With the military moving out of the towns the police required educating in order to go back to normal policing. There had been several instances of petty crime, domestic disputes and unsocial behaviour (drunken youths riding around on motorcycles). Some military personnel have therefore gone back onto the streets in an attempt to clamp down on this, but they will move out when the situation improves. Regarding military groups operating in the area he stated that the Eelam People's Democratic Party (EPDP) were now under control. Prior to the parliamentary elections there had been a few incidents but no arms were raised. He said that he was sure that did not carry firearms any more.

A Senior Military Official from the Sri Lankan Army based in Jaffna told us that de-mining was continuing in the district and in his opinion it would be two years before all mines were cleared. The Sri Lankan Army were working with a number of mine clearance organisations and met regularly. He added that the army are conducting a programme of mine education with the local population. Unfortunately there had been two recent incidents of IDP injuries following explosions of mines/mortars. Looking to the future, he said that instead of the military having many small camps throughout Jaffna District, as they had now, these would be closed and all personnel would be based in three main garrisons within the district.

A Senior Government Official in Jaffna said that security was no longer a problem and that the community was able to move freely. Last year there had been a rise in the incidence of crime, which he blamed on anti-social behaviour post-conflict, but this had been addressed. The police were now more proactive. With regard to paramilitary groups he said that the EPDP had 'some stray people who had returned', adding that it was difficult to find out who had weapons and who did not.

A group of MPs from the Tamil National Alliance (TNA) said that the only threat is from the Sri Lankan Army, adding that paramilitary groups such as the EPDP were diminishing. A particular

case was mentioned of a gang rape of a local woman by four soldiers. All four have been arrested and await trial. They added that whilst the army had said that they were going to deal with crime, they were content to allow abductions, kidnappings, extra judicial killings to frighten the diasporas. It was claimed that many Sri Lankan born foreigners were unable to obtain MoD clearance to travel to the north.

A Human Rights spokesman based in Jaffna told us that pre and post elections there had been a spate of 5 or 6 abductions. They opined that this was done to justify a military presence in the area, and all but two were resolved with either the payment of a ransom or the person just turned-up. There is no longer a curfew in Jaffna and with the relaxation of the Emergency Powers the military and police are no longer entering houses. However, the military are ever present on the streets. Petty crime is still taking place and crimes are reported to the police, but the trust between the public and the police is not there. They added that there has been no evidence of the new Tamil police recruits yet. Most police stations now have Tamil speakers, but they are rarely seen on the streets.

The Human Rights spokesman when asked about paramilitary groups said that the EPDP were powerless now. Their members were still seen with weapons within their compound, and occasionally in villages, but their leadership had told them not to carry weapons. There had been a rumour that the Eelam people's Revolutionary Liberation Front (EPRLF) were regrouping.

A Vice Chancellor from the University of Jaffna said that the people of Jaffna now had free movement and could access most things. He added though that this had brought about an increase in crime, alcoholism and a lack of discipline.

### **High Security Zones (HSZ)**

A Senior Military Official based in Jaffna said that the HSZ in Jaffna District (Valikamam North) originally covered 37 sq. km. This had been reduced 27 sq. km. and would within the next month be reduced to 24 sq. km. He added that the buffer zone around the HSZ had now gone.

A Senior Government Official in Jaffna told us that 21,000 families were waiting to be resettled in the HSZ, but added that many people, around 2,700 families, were now in the former buffer zone (a 600m band of land around the HSZ).

A group of TNA MPs told us that there were still 100,000 persons displaced by the HSZ. Many of these persons were currently residing with host families.

### **Muslim Community in Jaffna**

The High Commission delegation met with the congregation of the Mohameedeen Jumma Mosque in Jaffna. Their spokesman told us that in 1990 the entire Muslim community in Jaffna was expelled from the peninsula by the LTTE, at gunpoint with 2 hours notice. They had lost all of their property and belongings. For two decades they had managed to survive, and whilst 125 families had returned to Jaffna, many others who wanted to return were waiting for something to be done to assist them. We were told that there were camps in Puttalam full of Muslims who wanted to return to Jaffna. Whilst people sympathised with their plight, nothing was ever done about it. There used to be 16 mosques in Jaffna, now there were only 6. Muslims used to own 5,000 homes in Jaffna, now only 10 families had their own homes. Many of their former homes were badly damaged or occupied by others. The Muslim community had always been held in

high esteem as businessmen, but now the government were giving all of the licences to the Sinhalese, and the Tamil community were receiving assistance from both the Sri Lankan and Indian governments. They complained that the Muslim community had no voice. They had no political leaders and because they were only a 5% minority, they had no MPs. Furthermore they said that they were not recognised internationally and were not accepted as refugees by foreign governments.

### **Security in Kilinochchi District**

A Senior Military Official based in Kilinochchi opined that the military and local community were getting on well with each other. He told us that the military had to observe the local community in case there were still LTTE in the area, however, he stressed that hardship meant that the local community were diverted to restoring their properties and livelihoods. There had been no sabotage or retribution. The crime rate was low, mostly petty crime, theft etc. The army assisted the local police with policing the district as there were low numbers of police officers. He said that the local police were quick to find fault with the army, referring to an incident where soldiers were recently arrested by the police. We were told that many of his soldiers spoke Tamil following a programme of language training by the army. Arms caches were still being found, many from information received from locals, mostly after they had stumbled across them whilst repairing property or farming land. The army had also recently discovered five bodies dressed in LTTE uniforms in a well. EPDP had an office in Kilinochchi but none of their operatives carried weapons. He stated that no other groups operated within the district.

A Senior Military Official said that there was a lot of demining being carried out in Kilinochchi district by the military and NGOs, which was being monitored by the Presidential Taskforce. He stressed that this was a very slow business as there were 3 or 4 bund lines which were believed to be heavily mined.

A Senior Government Official in Kilinochchi told us that there were no security issues in the district. There were small incidents of crime, such as robbery, which were evident in any community. She added that the crime rate was much lower there than in the south.

A Senior Government Official in Kilinochchi stated that demining was still being carried out in the district. There were several bunds which were proving particularly difficult so the whole process would take time. She said that fortunately there had been no recent casualties from exploding mines, but added that all returning IDPs are educated at transit points about identifying minefields and the different types of unexploded ordinance.

A group of returned IDPs in Pooneryn, Kilinochchi, told us that since coming back they had not had any problems with the military or the police. They knew that both military and police were in Kilinochchi town, and along the main roads, but they did not bother to come into the village.

### **Checkpoints**

A Senior Military Official in Jaffna said that within Jaffna District all of the checkpoints had been removed and the Navy had removed all checkpoints to the islands.

A Human Rights spokesman based in Jaffna told us that checkpoints still exist, although they are not in fixed positions. The army just tend to stop vehicles and check driving licences. After 30 years of fearing the LTTE they have nothing to fear now. Many officers have nothing to do but harass the locals, making sexual innuendos to women and throwing stones at passers-by.

The team from the High Commission noted during their visit that there were no checkpoints in Jaffna town. The drive along the A9 from Jaffna to Vavuniya revealed only three checkpoints; the first at Elephant Pass, the second just south of Kilinochchi, and the third at Omanthai. At the first two, barriers were raised to allow vehicles through without stopping. The Omanthai checkpoint was the only checkpoint where vehicles were made to stop and occupants to produce documentation. NGO and humanitarian agencies told us that this was mainly to check whether the foreign employees of these organisations had the required MoD clearance to enter/remain in the Vanni. Locals were allowed to pass freely.

## Humanitarian

A Senior Military Official in Jaffna said that the SLA had been involved in humanitarian projects, assisting in the building of 680 houses for IDPs. He added that 78,000 IDPs had returned to the Jaffna District, only 50 had been previously resident outside of the district. He said that there were no tensions between the IDPs and the resident community. With regard to transit camps, he told us that there was only one in Jaffna district which currently held around 2,900 IDPs. He added that they would require shelters when released.

With regard to ex-combatants the Senior Military Official in Jaffna merely repeated the government line that these persons would only be released after re-habilitation. Although there was still a camp at Tellippalai over 200 had been returned to their families. We were told that none were being detained under the PTA, those that had been had either been released or transferred out of the district.

A Senior Government Official in Jaffna stated that 70,000 IDPs had arrived in Jaffna from the Vanni, Mullaitivu and Trincomalee before Christmas 2009 and been settled with the help of the Sri Lankan Army. They had been given grants of Rs 5,000 (£29) on arrival and a subsequent Rs 20,000 (£116) through UNHCR. There remained camps containing 200 families, and approximately 7,000 were in tents and temporary shelters waiting to return home. In total he said that there were 52,000 war damaged houses that needed re-building.

A group of TNA MPs said that a majority of families remaining in camps had women as heads of the family. They complained bitterly that the government would still not release the names of the ex LTTE combatants currently detained. We were told that 46,000 were still in camps in the Jaffna peninsular, and that whilst children were going to school, many were under-nourished because the camps had ceased providing breakfast. They claimed there was a high rate of malnutrition.

A Human Rights spokesman based in Jaffna said that 78,000 IDPs had returned to Jaffna. In many cases they had just been returned and there had been no resettlement. Some of them had received a settlement award of Rs 50,000 (£290). Many of them are still with host families. They told us that there were no closed camps within Jaffna district for IDPs although they thought that there was a closed camp in Palaly for ex-combatants.

A group of humanitarian aid workers told us that many IDPs, having returned to the district six months ago were now struggling as they had no money. In many cases the host families were not as welcoming as they had originally been. There were also complaints that many families were unable to return to their homes because they were occupied by the military.



The Senior Kilinochchi Sri Lankan Army official told us that nearly all of the IDPs originating from Kilinochchi district had returned, although many were with host families. Temporary shelters were being provided as the LTTE had removed all of the roofs and windows from properties when they withdrew from the area. The Sri Lankan Army was assisting with the construction of homes but there was a shortage of tin sheeting for roofs, which were being provided by the Indian government.

The Senior Government Official for Kilinochchi told us that between 10,000 and 12,000 IDPs had been returned to the district from Menik Farm IDP camp. This brought the total number of persons returning to the district to 82,000 and meant that 2 out of the 4 regions were now completely resettled. Many of these had returned voluntarily having waited for the schools to open for their children. She stated that nearly all of the houses in Kilinochchi did not have roofs, explaining that during the conflict, the LTTE instructed the population to take their roofing and wood with them for shelters when they withdrew from the advancing Sri Lankan Army. UNHCR were providing tarpaulins and sheeting and some houses were being constructed of mud.

The government had provided cash grants of Rs 5,000 whilst they were in transit and a further Rs 20,000 through UNHCR once they had returned. The World Bank was also giving Rs 20,000 to those who repaired and rebuilt their own properties. The Senior Government Official for Kilinochchi said that the government wanted to encourage people to start working again. Most wanted tools for farming and relied on an agriculture based income. NGOs working with the Presidential Taskforce had helped farmers cultivate 1,000 acres of paddy fields, with the government providing the seed. Some rice had already been harvested as a result of this. They were also encouraged to grow vegetable crops. We were told that 10% of families had female heads of the household. She said that she had seen women working in construction work, mixing cement, something that would never have been seen previously. In some cases the children had to look after their families. In general she thought that most people were not concerned with seeking a political solution as they had much more important things to do like getting their lives back. She added that the people of Kilinochchi just wanted the basic needs, and a children's playground which they had requested.

The High Commission team accompanied UNOPS to Poonaryn in the north-west of Kilinochchi District. IDPs began returning to Pooneryn in December 2009. We visited a project where the local men are employed to construct shelters. As it appeared all of the houses in Pooneryn did not have roofs, almost every plot of land was having a shelter constructed. We spoke to a group of villagers who said they were concerned about the coming months. Whilst they were being employed by UNOPS to build the shelters they had an income, but they were due to finish at the end of this month. They were all farmers and pointed out that the rains did not arrive until October, and the harvest would not come in until next January. They said they needed sustainable jobs.

A Senior Government Official for Mullaitivu told us that out of the five administrative divisions under her control, two had almost completed their resettlement programme, two were ongoing and one had yet to commence. She produced detailed up to date statistics showing that 42,248 persons had been resettled in Mullaitivu District. Those persons awaiting resettlement numbered 69,808. The division of Puthukkudiyiruppu (PTK) was where demining had not yet commenced. She said that she was working with the Sri Lankan Army, the demining NGOs and UNHCR on the resettlement programme. We were told that all IDPs returning to the district had to register at her office in Mullaitivu.

The Senior Government Official for Mullaitivu said that the population of Mullaitivu needed to start working again, adding that 80% of them worked in agriculture, 10% in fishing and 10% in commerce. Mullaitivu had suffered worse than most areas in that reconstruction following the tsunami had not been completed because of the war. The government of Sri Lanka had drawn up a programme to improve electricity and water supply, and to improve the road infrastructure. Water was a particular problem as it was pumped from underground wells which would fail in the dry season. There were proposals to pump line water. The World Bank had funded the construction of 12,500 houses. This had been necessary because when the population abandoned their homes in order to flee the fighting, they took with them roofs, windows, doors etc. to provide shelter. She added that a problem they had was the large herds of stray cattle wandering across the district, comprising of domestic and farm animals that had joined together and reproduced in large numbers.

The Senior Government Official for Vavuniya told us that the population of Menik Farm IDP camp was just above 45,000. She was hopeful that all of them would be returned to their home districts by 1<sup>st</sup> October 2010. She referred to the former LTTE surrendees who had been held in camps within her district. She said that the vulnerable, the disabled, college students, mothers of young children and pregnant women had been released, along with 400 others who had been sent to Colombo to work in garment factories.

The High Commission team were escorted through Puthukkudiyiruppu (PTK) in Mullaitivu district. Demining has not yet commenced and the town was clearly the site of a fierce battle towards the end of the conflict. It appeared that not one building had escaped serious damage, including the hospital which had shell holes in the roof. The town was deserted except for the occasional soldier in an observation post, and herds of cattle meandering through the devastation of blown up buildings and vehicles.

## **Menik Farm**

The High Commission team visited Menik Farm in Vavuniya District. This had been the largest IDP camp in the country and at the height of the humanitarian crisis had been home to over 300,000 people within 5 separate zones. We met with the team of military and civilian staff who were managing the camp. They explained the huge logistical challenge to process each person in the camp in order to identify where their homes were and if it was safe for them to return. We were told that there were currently 45,900 persons in the camp, but this number was reducing every day. We were taken around the camp and allowed to speak to some of the families. Some of them had been in Menik Farm for 16 months. The tents they were living in were becoming tatty and UNHCR had to strengthen and waterproof them by providing more tarpaulin sheets. Most of the families we spoke to just wanted to know when they would be allowed to return home. Many told us that they were from Puthukkudiyiruppu (PTK) in Mullaitivu District. The army commander told them that PTK was still to be de-mined, but the plan was for them to be moved from their tents to another zone with semi-permanent housing until they were allowed to return.

UNHCR explained that a lot of people in the camp were allowed to travel by bus into Vavuniya. Businesses had grown up within the camp and one family told me that apart from growing their own vegetables next their tent they had a sewing machine and made money by making school uniforms. When the families were told that were being released, they were allowed to pack up all of their belongings, including the tents and sheeting, and take them with them. Supervised by the International Organisation for Migration (IOM), lorries would take them from the gates of the camp to their homes. We were told that some people were placed in transit camps if the

Government Agent of the district thought they were likely to be returned to their homes within a short period of time.

### **Reintegration/Reconciliation**

A Senior Military Official in Jaffna told us that the Sri Lankan government had been encouraging the Tamil population to join the security forces. He added that whilst the Sri Lankan Army had received no applicants, the police had recruited 450 Tamil officers who were currently undertaking training. With regard to language training, the Sri Lankan Army had conducted an extensive programme and 40% of their personnel now spoke Tamil.

When asked, the Senior Government Official for Jaffna told us that the local population were happy to receive IDPs back into the community. In many cases they were welcoming back relatives. He added that Muslims were also returning in small numbers. He said that in his view there were many Tamils from Jaffna residing in the south who were waiting to see how things turned out, to see if it was 'better than Colombo'. He confirmed that there had been the inevitable land disputes between people who had abandoned their homes decades ago returning to find them occupied by others. He told us that there was an urgent need for a political solution as people should feel that there is something positive happening, but added that Tamil and Muslim political parties were fragmented.

A group of TNA MPs gave the opinion that under the current GoSL nothing would happen regarding the reintegration and rehabilitation of the IDPs, and said that in many cases there was no resettlement plan. They expressed concern that military camps were growing up all over the province with houses provided by the Chinese government, providing homes for the Sinhalese military and all of their families. They pointed out that more money was now being spent on defence than during the conflict. Many people in Jaffna were still worried about discussing political issues and felt suppression of speech an issue.

A Human Rights spokesman based in Jaffna said that locals were suspicious of the IDPs returning. There were often questions asked as to whether they were working for military intelligence and if people associated with them would the military become suspicious. Land rights were now a big issue. At the beginning of the conflict people left their homes and went to Colombo, allowing other people to move in and look after their properties. Many of the owners were returning which was causing more displacement for the occupiers who now found themselves homeless. The spokesman also mentioned that in Jaffna there were many women aged 35-40 years who were unmarried because their families did not own land for dowries. Muslims were also returning to the area to reclaim their land and re-establish their businesses.

The Human Rights spokesman based in Jaffna added that locals were also suspicious of 'Sinhalese', which had not taken place yet but the signs were clear. Buddhist temples were being built, garment factories were planned for the area but would bring their own employees from the south and military personnel were accompanied by their families who were opening businesses. Contracts for 21 hotels in the district had all been awarded to Sinhalese businesses from the south. Many people in the diaspora wanted to return but are afraid at the moment, preferring to wait to see how things pan out. The spokesman said that there was a general air of frustration within Jaffna because people were not yet seeing tangible results. They were being made to opt for day to day reality over a political solution.

A Vice Chancellor from the University of Jaffna told us that in some of the older camps, a third generation were growing up there. There was no plan for reconciliation or resettlement because none was needed; these people did not know any other way of life.

A group of humanitarian aid workers said that there was a definite fear of Sinhalisation in the Northern Province. Military camps contained Sinhalese soldiers and their families, new factories were providing employment for Sinhalese workers from the south, floods of Sinhalese tourists were in the area and Buddhist temples were being built. Furthermore there was also a fear that the Chinese government who were building the road system would bring their own workforce from China.

## **Access**

A Senior Military Official in Jaffna confirmed that foreign nationals still required written permission from the Ministry of Defence before entering the Northern Province, but once they had received this they could travel freely. He added that there were 130 NGOs operating in the Northern Province.

A Senior Military Official in Kilinochchi said that recently there had been an issue with one foreign representative from an INGO. As a result the Ministry of Defence had introduced a new system for all foreign workers of NGOs and Humanitarian Groups wanting to obtain clearance to work in the Vanni region.

A Human Rights spokesman based in Jaffna told us that recently the authorities had reintroduced a pass system to allow fishermen to get to the shoreline. They had to produce their NIC and await military clearance. It was opined that this was corruption by officials who were in cahoots with fishing mafias from the south.

The Senior Government Agent for Kilinochchi said she had not been informed of changes to Ministry of Defence procedures regarding access for foreign humanitarian aid and NGO workers.

We spoke to Mr S, a UK voluntary returnee who had returned to Jaffna in late 2008. He had travelled on an Emergency Passport issued by the Sri Lankan High Commission in London and on arrival did not possess a Sri Lankan national identity card (NIC). He told us that he had had no problems travelling from Colombo to Jaffna. His application for a NIC took 6 months and he added that he had given a Colombo address in order to speed up the process.

The High Commission team witnessed a large crowd of people in Kilinochchi attending the mobile unit of the Registration of Persons Department. The unit was issuing birth and marriage certificates, and national identity cards for those persons who had lost all of their identifying documents when fleeing the conflict.

## **Economy**

A Senior Military Official in Jaffna told us that there were plans for Jaffna (Palaly) Airport to be expanded and used for domestic commercial flights. He added that ferries were due to start running from India to Talaimannar in Mannar District. A British company were currently building a bridge on the A32 road which would reconnect the Mannar road to the Jaffna peninsula. The

Chinese were due to commence a road building programme within the Jaffna District, which apart from upgrading current roads would include the building of a coast road between Mullaitivu and Point Pedro. He told us that the fishing industry was beginning to flourish, harbours were due to be developed and agriculture was increasing. He added that the local workforce would need to build up skills and capacity, particularly IDP returnees. Once the infrastructure was in place this would encourage more tourism and one leisure company had plans to build a 5\* hotel in Kuyts.

A Senior Government Official for Jaffna said that the opening up of the A9 meant easier access to other Sri Lankan markets but this had increased fish prices as much of it could be sold in Colombo for a higher price. The cost of living in Jaffna had dropped since 2008 and most goods were available in the shops having been brought up from the south. He mentioned that the building of a new bridge on the A32 re-linking Mannar to Jaffna would open up a further trade route. He was looking to develop light industries and saw opportunities in agriculture, fishing and garment industries. One garment manufacturer had already sent groups of employees to Colombo for training. He also hoped that an industrial estate would be reactivated, adding that road development was already helping the local economy.

A Human Rights spokesman based in Jaffna said that the building trade was booming but added that local workers were not being employed.

A Vice Chancellor from the University of Jaffna stated that Jaffna was becoming a consumer society. He added that not one project was providing employment of benefit for Jaffna, with all of the income returning south.

A Senior Government Official in Vavuniya said that there were proposals for an urban development plan in the district. This would comprise of redevelopment of the A9 road into a 6-lane highway, a new rail terminus, the building of factories and a push to increase tourism in the area. She added that the government have approached UNDP to invite suggestions as to what to do with the Menik Farm camp once it was empty.

## **Tourism**

A Senior Military Official in Jaffna stated that many tourists were visiting the peninsula, mostly from the south of the island. He added that some 'southerners' did not respect Tamil culture and often upset the locals by camping outside, which is frowned upon by the local community. The army had begun to hand out leaflets to tourists at Elephant Pass (the A9 causeway to the peninsula) explaining Tamil tradition and etiquette.

A Senior Government Official in Jaffna said that the district was welcoming many tourists, up to 20 buses a day. They were flocking to the area from the south to visit Hindu and Buddhist temples and other points of interest. This was putting a strain on the community as there were insufficient facilities to accommodate them. Cultural differences had arisen which caused concern and he had quoted that the tourists had been cooking under trees and sleeping outside. Jaffna was not yet receiving many overseas tourists and he accepted that the district did not yet have the investment to provide satisfactory accommodation or comfortable transport facilities.

A group of TNA MPs said that Jaffna was receiving up to 15,000 tourists per week. They complained that there were sanitary problems caused by such an influx and no hotels to



accommodate these numbers, adding that some of the main hotels were still occupied by the army.

A Human Rights spokesman based in Jaffna said that tourists from the south were flocking to Jaffna but language and cultural differences were causing friction between them and the local Tamil community. Visiting Sinhalese were setting up camp in streets, cooking under trees, sleeping in the open and openly celebrating Buddhist holidays in Jaffna which was causing resentment. A lack of accommodation meant that some tourists were knocking doors late at night to ask locals if they could stay there. There had been instances where the military had intervened and forced the locals to accommodate tourists in their homes.

## Education

A Vice Chancellor from the University of Jaffna said that his university had managed to sustain education during the conflict. The university itself had been at the war front and used as a camp for military and the displaced. He pointed out that there was no industry in Jaffna, only education. He provided interesting statistics: between 350 and 400 students had no parents, many were recently resettled, 60 male and 30 female students were ex LTTE combatants – many with injuries or disabilities, 70 female students were married with children, many whose husbands were either unemployed or detained in camps. He told us that university had planned to develop the ex-LTTE university in Kilinochchi into an agricultural faculty. They were about to sign the agreement but the government said that they wished to develop it as the new provincial government building.

A Senior Government Official in Mullaitivu stated that 62 out of 84 schools were now open in the district.

A group of returned IDPs in Pooneryn, Kilinochchi told us that whilst some of the schools were open, teachers were having to travel from Jaffna and as a result were only present from 11am to 1.30pm. They also commented that some school buildings in Kilinochchi were occupied by the military.

A Senior Government Agent in Vavuniya stated that in her district there was a real shortage of teachers, particularly English and science teachers.

## Health

Medical staff at Kilinochchi General Hospital explained that the hospital was shelled during the final weeks of the war and had to be abandoned. It was undergoing a complete refurbishment and had re-opened in May 2010. A surgical team showed us around and explained that they have the capacity at the moment to undertake routine surgery. Patients requiring more complicated surgery were normally transferred to Vavuniya. We also visited the maternity ward where there were currently around 160 births a month. The staff explained that many IDP mothers had been deprived of quality food during their pregnancies and this had been reflected in the babies born. Currently 20% of babies born were under-nourished, but staff did indicate that this was dropping month by month.

A Senior Government Agent in Mullaitivu said that the hospital in Mullaitivu was operating again from within a military area. She added that the problem was staffing the hospital as doctors were not keen to come to the area.

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Second Secretary (Migration)

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