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COUNTRY OF ORIGIN INFORMATION REPORT

SRI LANKA

18 FEBRUARY 2010

UK Border Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

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The main text of this COI Report contains the most up-to-date publicly available information as at 27 January 2010. Further brief information on recent events and reports has been provided in the Latest News section to 18 February 2010.

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The main text of this COI Report contains the most up-to-date publicly available information as at 27 January 2010. Further brief information on recent events and reports has been provided in the Latest News section to 18 February 2010.

PREFACE

i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 27 January 2010. The 'Latest News' section contains further brief information on events and reports accessed from 28 January – 18 February 2010. The report was issued on 18 February 2010.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

Country of Origin Information Service
UK Border Agency
2nd Floor B Block
Whitgift Centre
15 Wellesley Road
Croydon CR9 1AT
United Kingdom
Email: cois@homeoffice.gsi.gov.uk
Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

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

xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://www.ociukba.homeoffice.gov.uk/

The main text of this COI Report contains the most up-to-date publicly available information as at 27 January 2010. Further brief information on recent events and reports has been provided in the Latest News section to 18 February 2010.

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.

Independent Advisory Group on Country Information contact details:
Office of the Chief Inspector of the UK Border Agency
4th floor, 8-10 Great George Street,
London, SW1P 3AE
Email: chiefinspectorukba@homeoffice.gsi.gov.uk
Website: http://www.ociukba.homeoffice.gov.uk/

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Latest News

EVENTS IN SRI LANKA FROM 2 8 JANUARY TO 18 FEBRUARY 2010

16 February — The European Union has decided to suspend Sri Lanka's preferential trade benefits because of concerns over the country's human rights record. The Government is facing increasing international calls for an independent investigation into allegations of war crimes committed in the final stages of the war between the security forces and Tamil Tiger rebels last year.

BBC News, EU punishes Sri Lanka for rights abuses, 16 February 2010
http://news.bbc.co.uk/1/hi/world/europe/8518054.stm
Date accessed 9 February 2010

(See also section 3: History)

14 February — People are being resettled in several areas in the north, with 2,216 people being resettled in Karachchi area in Kilinochchi, Minister of Resettlement and Disaster Relief Services, Rishad Bathiudeen said. The Minister pointed out that the resettled people will be provided financial assistance of 50,000 Rupees and dry rations, adequate for 6 months. 175,000 people have already been resettled in the north.

www.news.lk, Already 175,000 re-settled in the North, 14 February 2010
http://www.news.lk/index.php?option=com_content&task=view&id=13677&Itemid=44
Date accessed 15 February 2010

(See also section 29: Internally displaced people)

9 February — Sri Lanka's recently re-elected President Mahinda Rajapaksa dissolved parliament, clearing the way for early elections, Election laws require a poll to be held between six and eight weeks from dissolution, and official sources say the date will most likely be 8 April, with parliament convening on 22 April [2010].

BBC News, Sri Lanka President Rajapaksa dissolves parliament, 9 February 2010
http://news.bbc.co.uk/1/hi/world/south_asia/8506563.stm
Date accessed 9 February 2010

(See also section 5: Constitution)

"The arrest of retired General Sarath Fonseka, Sri Lanka's former Chief of Army Staff and opposition political candidate in Sri Lanka's recently held presidential election, escalates post-election repression" General Fonseka was arrested on "late Monday [8 February] evening and will reportedly face a military Court Martial on charges that he revealed military secrets and plotted the assassination of President Mahinda Rajapaksa."

Amnesty International (AI), Arrest of Sri Lankan opposition leader escalates post-election repression, 9 February 2010
http://www.amnesty.org/en/news-and-updates/news/arrest-sri-lankan-opposition-leader-escalates-post-election-repression-20100209

The main text of this COI Report contains the most up-to-date publicly available information as at 27 January 2010. Further brief information on recent events and reports has been provided in the Latest News section to 18 February 2010.

Date accessed 9 February 2010

(See also section 4: Recent developments)

8 February Defeated presidential candidate Sarath Fonseka was arrrested. Military spokesman Major-General Prasad Samarasinghe said the arrest related to offences from Fonseka's time in the army, which ended in November 2009

BBC News, Sri Lanka election loser Sarath Fonseka arrested, 8 February 2010
http://news.bbc.co.uk/1/hi/world/south_asia/8504882.stm
Date accessed 8 February 2010

Reuters Alertnet, Sri Lanka arrests presidential also-ran Fonseka, 8 February 2010
http://www.alertnet.org/thenews/newsdesk/SGE6170M3.htm
Date accessed 8 February 2010

(See also section 4: Recent developments)

A protest was organised by a group of media organisations against the continuing threats to media workers by the government during and after the recently concluded presidential election. The Free Media Movement (FMM) said a number of journalists who supported the main opposition candidate Sarath Fonseka were sacked from state media.

BBC Sinhala, Journalists warn of 'further oppression', 8 February 2010
http://www.bbc.co.uk/sinhala/news/story/2010/02/100208_media_protest.shtml
Date accessed 8 February 2010

(See also section 16: Freedom of speech and media)

7 February The head of the Child Protection Authority stated that government was committed to handing over all former child soldiers to parents and relatives after a one-year rehabilitation programme. All the former child soldiers were expected to be released by the middle of May 2010.

BBC Sinhala, Child soldiers 'to be released soon', 7 February 2010
http://www.bbc.co.uk/sinhala/news/story/2010/02/100207_child_soldiers.shtml
Date accessed 8 February 2010

(See also section 24: Children)

6 February The Colombo Magistrate Court ordered the rehabilitation of 67 Liberation Tigers of Tamil Eelam (LTTE) suspects held in Boossa Detention Centre after investigations confirmed they were not hardcore terrorists.

BBC Sinhala, LTTE suspects to be rehabilitated, 6 February 2010
http://www.bbc.co.uk/sinhala/news/story/2010/02/100206_tdi.shtml
Date accessed 8 February 2010

(See also section 4: Recent developments)

5 February Parliament extended for another month the state of emergency which gives security forces wide-ranging powers to arrest and detain

suspects indefinitely without charge. Under the constitution the extension of a state of emergency has to be voted on every month.

TamilNet, SL parliament extends emergency another month, 5 February 2010
http://www.tamilnet.com/art.html?catid=13&artid=31145#
Date accessed 8 February 2010

(See also section 5: Constitution, section 12: Arrest and detention)

3 February — The elections commissioner rejected opposition allegations of fraud in the presidential election held on 26 January, over which around 5,000 supporters of the losing candidate Sarath Fonseka peacefully protested in Colombo. Since 27 January, the government had alleged that Mr Fonseka and his supporters may have been plotting a coup and assassination attempt on the president. The state-owned *Daily News* reported a total of 37 people had been detained under emergency regulations, including 15 ex-military members of Mr Fonseka's staff arrested during a raid on his office on 30 January.

Reuters Alertnet, Sri Lanka elections boss rejects fraud allegations, 3 February 2010
http://www.alertnet.org/thenews/newsdesk/SGE6120A2.htm
Date accessed 3 February 2010

Daily News (Sri Lanka), Thirty seven in custody, 3 February 2010
http://www.dailynews.lk/2010/02/03/sec01.asp
Date accessed 3 February 2010

BBC News, Sri Lanka holds 37 over 'plot to assassinate president', 3 February 2010
http://news.bbc.co.uk/1/hi/world/south_asia/8495799.stm
Date accessed 3 February 2010

(See also section 4: Recent developments)

2 February — The Supreme Court ruled that President Mahinda Rajapaksa's new term would begin in November 2010, giving him almost another year in power. He became president in November 2005 and won a new six-year term in a landslide victory in the presidential election (called two years early) on 26 January 2010.

BBC News, Sri Lanka court extends President Rajapaksa's tenure, 2 February 2010
http://news.bbc.co.uk/1/hi/world/south_asia/8493712.stm
Date accessed 3 February 2010

Reuters Alertnet, Sri Lanka president gets extra year in power, 2 February 2010
http://www.alertnet.org/thenews/newsdesk/SGE6110HF.htm
Date accessed 3 February 2010

(See also section 4: Recent developments)

1 February — Amnesty International called on the Sri Lankan government “to end its crackdown on journalists, political activists and human rights defenders following last week’s presidential election. Opposition supporters and journalists have been arrested, several prominent newspaper editors have received death threats and trade unionists and opposition supporters have been harassed since the poll.”

(See also section 16: Freedom of speech and media)

The main text of this COI Report contains the most up-to-date publicly available information as at 27 January 2010. Further brief information on recent events and reports has been provided in the Latest News section to 18 February 2010.

A group of senior military officers who had worked for General Fonseka's campaign in the recent presidentail elections – including at least nine high-ranking officers - were dismissed for what defence officials called being a "threat to national security".

Amnesty International (AI), Sri Lanka urged to end post-election clampdown on dissent, 1 February 2010
http://www.amnesty.org/en/news-and-updates/sri-lanka-urged-end-post-election-clampdown-dissent-20100201
Date accessed 2 February 2010

Sri Lanka senior military officers dismissed, 1 February 2010
http://news.bbc.co.uk/1/hi/world/south_asia/8491242.stm
Date accessed 2 February 2010

(See also section 4: Recent developments)

29 January The defence secretary said in an interview that the government was considering taking action against the opposition presidential candidate and former army chief General Sarath Fonseka for allegedly divulging sensitive information to the public. He also added they had arrested the second in command of the Tamil Tigers' overseas operations and said the suspect, known as Rajan (alias Subramaniam Sivakumar), had been arrested in a South East Asian nation and brought to Colombo on 28 January.

BBC Sinhala, 29 January 2010, Govt. to take action against Gen. Fonseka
http://www.bbc.co.uk/sinhala/news/story/2010/01/100128_gotabhaya_anbarasan.shtml
Date accessed 2 February 2010

(See also section 4: Recent developments)

The Committee to Protect Journalists (CPJ) said it was "alarmed by reports that journalists in Sri Lanka have been subjected to government intimidation, arrests, censorship, and harassment in the aftermath of this week's presidential election". CPJ also reported the case of Prageeth Ekneligoda, a political reporter – "described by colleagues as a political analyst who supported opposition presidential candidate Sarath Fonseka" – who remained missing after disappearing on the night of 24 January.

Committee to Protect Journalists (CPJ), Journalists in Sri Lanka face intimidation, censorship, 29 January 2010
http://cpj.org/2010/01/journalists-in-sri-lanka-face-intimidation-censors.php
Date accessed 2 February 2010

(See also section 16: Freedom of speech and media)

28 January The office of re-elected president Mahinda Rajapaksa announced that he would soon dissolve parliament and call a general election.The current parliament is due to end its term in April 2010.

Reuters Alertnet, Sri Lanka president to dissolve parliament, call poll, 28 January 2010
http://www.alertnet.org/thenews/newsdesk/SGE60R0JS.htm
Date accessed 2 February 2010

(See also section 5: Constitution)

USEFUL SOURCES FOR FURTHER INFORMATION

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

AlertNet (Thomson Reuters) http://www.alertnet.org/db/cp/srilanka.htm

Amnesty International http://www.amnesty.org/en/region/asia-and-pacific/south-asia/sri-lanka

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

BBC News 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

Foreign & Commonwealth Office (FCO)
http://www.fco.gov.uk/en/travelling-and-living-overseas/travel-advice-by-country/asia-oceania/sri-lanka

Human Rights Watch http://www.hrw.org/en/asia/sri-lanka

Immigration and Refugee Board of Canada (IRB)
http://www2.irb-cisr.gc.ca/en/research/ndp/index_e.htm?id=878

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/

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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

UNHCR Refworld http://www.unhcr.org/refworld/country/LKA.html

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

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

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REPORTS ON SRI LANKA PUBLISHED OR FIRST ACCESSED BETWEEN 28 JANUARY AND 18 FEBRUARY 2010

UNICEF
Humanitarian Action Report 2010, February 2010
http://www.unicef.org/har2010/files/UNICEF_Humanitarian_Action_Report_2010-Full_Report_WEB_EN.pdf
Date accessed 4 February 2010

(See also section 24: Children)

Children and Armed Conflict
Visit of Major General (ret.) Patrick Cammaert, Special Envoy of the Special Representative for Children & Armed Conflict to Sri Lanka, 05-11 December 2009
http://www.innercitypress.com/sri1caac.pdf
Date accessed 8 February 2010

(See also section 24: Children)

Campaign for Free and Fair Elections (CaFFE)
Final Report on the Presidential Elections 2010, 3 February 2010
http://www.caffe.lk/CaFFE_Final_Report_on_the_Presidential_Elections_2010_(Part_1)-5-1751.html
Date accessed 3 February 2010

(See also section 4: Recent developments)

Foreign & Commonwealth Office
Country profile, Sri Lanka, 29 January 2010
http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/sri-lanka
Date accessed 3 February 2010

(See also section 1: Geography, section 2: Economy)

Centre for Monitoring Election Violence (CMEV)
Presidential Election – 2010, Post Election Violence Updates, 28 January 2010
http://cmev.files.wordpress.com/2010/01/post-election-violence-updates_28_01_2010.pdf
Date accessed 29 January 2010

(See also section 4: Recent developments)

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 3 February 2010

(See also section 4: Recent developments)

Sri Lanka: President's New Term Time for Accountability, 27 January 2010

http://www.hrw.org/en/news/2010/01/27/sri-lanka-president-s-new-term-time-accountability
Date accessed 29 January 2010

(See also section 7: Human rights)

Uncovering Sri Lanka's war crimes, 22 January 2010
http://www.hrw.org/en/news/2010/01/22/uncovering-sri-lankas-war-crimes
Date accessed 29 January 2010

(See also section 7: Human rights)

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Background Information

1. GEOGRAPHY

1.01 The Central Intelligence Agency (CIA) World Factbook, Sri Lanka (updated on 29 December 2009), reported that the Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, is an island in the Indian Ocean, south of India. The country covers an area of 65,610 square kilometres. The capital is Colombo, Sri Jayewardenepura Kotte is the legislative capital. The country was estimated in July 2009 to have a population of 21,324,791. There are eight provinces: Central, North Central, North Eastern, North Western, Sabaragamuwa, Southern, Uva and Western. **[30]** The principal towns are Colombo, Dehiwala-Mount Lavinia, Moratuwa, Sri Jaywardene Kotte, Negombo, Kandy, and Galle. (The Sri Lanka Department for Census and Statistics, Statistical Abstract 2008, Population of principal towns by sex, census, years; and Table 2.4, website accessed on 1 June 2009) **[58a]**

1.02 The CIA World Factbook, (updated on 29 December 2009), 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) **[30]** However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2008, Chapter II, tables 2.10 - 2.11, undated, website accessed on 1 June 2009), based on a total population of 18,797,257 recorded in the 2001 census the population comprised: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor (7.9 per cent), Burgher (descendants of European colonists) (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts, in which the 2001 census enumeration was not completed, were not included. **[58a]** The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) estimated that Tamils were 16 percent of the overall population. **[2b] (Introduction)**

1.03 The US State Department Report for 2008 on Religious Freedom in Sri Lanka published on 26 October 2009, 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." **[2a] (Section I)**

1.04 There are three main languages spoken: Sinhala (official and national language) 74 per cent of the population, Tamil (national language) 18 per cent, and English (commonly used in Government and spoken competently by about 10 per cent of the population). (CIA World Factbook, Sri Lanka, updated on 29 December 2009) **[30]**

1.05 As recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2008, Chapter II, table 2.10, accessed on 1 June 2009) the highest concentration of Sinhalese population is in the districts of Gampaha, Colombo, Kurunegala, Kandy and Galle. The districts of Colombo, Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya have a high concentration of Tamils (figures from the 2001 census). However, data from

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

See also Section 19 on Freedom of religion and Section 20 on Ethnic groups

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MAP
1.06

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

For additional maps:

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

United Nation High Commission for Refugees (UNHCR):

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

European Country of Origin Information Network (ecoinet)
http://www.ecoi.net/sri-lanka/maps

Media Centre for National Security (MCNS)/Defence News (LTTE-contolled areas November 2005 – May 2009)
http://www.nationalsecurity.lk/maps.php

Daily Mirror (Sri Lanka), Army operations September 2007 – May 2009
http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=49597

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PUBLIC HOLIDAYS

1.07 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, January 2010, listed the following public holidays for 2010:

"January 14th (Tamil Thai Pongal Day); February 4th (National Day); February 13th (Maha Sivaratri Day); February 27th (Holy Prophet's Birthday); February 28th (Navam Full Moon Poya Day); April 2nd (Good Friday); April 13th-14th (Sinhala and Tamil New Year); April 28th (Bak Full Moon Poya Day); May 1st (May Day); May 27th-28th (Vesak); June 25th (Poson Full Moon Poya Day); July25th (Esala Full Moon Poya Day); August 24th (Nikini Full Moon Poya Day);September 10th (Eid al-Fitr, End of Ramadan); September 22nd (Binara Full Moon Poya Day); October 22nd (Vap Full Moon Poya Day); November 5th (Deepavali); November 21st (Il Full Moon Poya Day); November 28th (Eid al-Adha, Hadji Festival Day); December 20th (Unduvap Full Moon Poya Day); December 25th (Christmas Day)" **[75d] (p22)**

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2. ECONOMY

2.01 The CIA World Factbook, Sri Lanka (updated on 29 December 2009) recorded:

> "In 1977, Colombo abandoned statist economic policies and its import substitution trade policy for more market-oriented policies, export-oriented trade, and encouragement of foreign investment. Recent changes in government, however, have brought some policy reversals. Currently, the ruling Sri Lanka Freedom Party has a more statist economic approach, which seeks to reduce poverty by steering investment to disadvantaged areas, developing small and medium enterprises, promoting agriculture, and expanding the already enormous civil service. The government has halted most privatizations. Although suffering a brutal civil war that began in 1983, Sri Lanka saw [Gross Domestic Product] GDP growth average 4.5% in the last 10 years with the exception of a recession in 2001. In late December 2004, a major tsunami took about 31,000 lives, left more than 6,300 missing and 443,000 displaced, and destroyed an estimated $1.5 billion worth of property…About 1.5 million Sri Lankans work abroad, 90% in the Middle East. They send home more than $2.5 billion a year" **[30]**

2.02 The Human Development Index (HDI) for Sri Lanka was 0.759 for 2007, giving Sri Lanka an HDI ranking of 102 out of 182 countries. The GDP per capita was US$ 4,243 for the same year. "The HDI provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and enrolment at the primary, secondary and tertiary level) and having a decent standard of living (measured by purchasing power parity, PPP, income)." (UNDP, Human Development Report 2009, Country Fact Sheet, Sri Lanka) **[60a]** The CIA Factbook, updated on 29 December 2009, noted that in 2008 GDP per capita was estimated to be US$4,300 in 2008 and the unemployment rate was 5.2 per cent. The same source stated that percentage of the population below poverty line in 2002 was 22 per cent. **[30]**

2.03 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, January 2010, recorded that average consumer price inflation was 22.6 per cent in 2008 and was estimated at 3.4 per cent for 2009 (with a forecast of 9.7 per cent for 2010). **[75d] (p9)** The EIU also gave the actual unemployment rate at 5.2 per cent for 2008 while their estimated figure was 7 per cent for 2009 (with a forecast of 7.3 per cent for 2010). **[75d] (p9)**

2.04 The Sri Lanka Department of Census and Statistics recorded in their Statistical Abstract 2008, Socio Economic Indicators (undated, website accessed on 1 June 2009) that in 2007 the total labour force was 7,488,896 with an unemployment rate of 6 per cent. **[58c]**

2.05 The approximate rate of exchange from xe.com Universal Currency Converter on 14 January 2010 was £1 = 187 Sri Lankan rupees. **[33]**

2.06 The Sri Lanka Department of Census and Statistics recorded in their Poverty Indicators, Household Income and Expenditure Information 2006/07: undated (website accessed on 1 June 2009) that "The median household income per month for Sri Lanka is Rs.16,735 [approximately £90 based on 1 June 2009

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

2.07 As noted in the Economist Intelligence Unit (EIU), Country Profile 2008 Sri Lanka, (published in July 2008) “Economic activity is concentrated in the western province, and in particular in the capital, Colombo. Although average GDP per head topped US$1,000 in 2004, poverty is widespread, especially in rural areas.” **[75b] (p3)**

2.08 The Department of Census & Statistics. ‘Sri Lanka Official Poverty line’ (defined as ‘Minimum Expenditure per person per month to fulfil the basic needs’) at national level for December 2009 was Rs.3,038 (Rs.3,385 for Colombo). (Updated District official poverty lines, accessed on 27 January 2010) **[58g]**

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3. HISTORY

KEY POLITICAL EVENTS (1948 TO JUNE 2009)

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

3.01 The Foreign & Commonwealth Office (FCO) country profile of Sri Lanka (last reviewed on 27 August 2009) recorded:

"Following independence from Britain in February 1948, the political scene has been dominated by two parties: the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), which is now part of the People's Alliance (PA)…A republican constitution was adopted in 1972 and the ruling coalition, led by Sirimavo Banadaranaike, gave itself an extra two years in power. The UNP returned to power in 1978 and adopted a new constitution based on an executive presidency. It introduced for the first time elections based on proportional representation." **[15j] (History and Recent Political History)**

3.02 The FCO Sri Lanka country profile 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." **[15j] (Recent Political History)**

3.03 FCO Sri Lanka country profile, reviewed on 27 August 2009 noted "The elections in April 2004 produced a new political order with the victory of the UPFA (SLFP and JVP alliance). Support for the traditional parties dropped, and smaller parties – JVP [Janatha Vimukthi Peramumna], TNA [Tamil National Alliance] and JHU [Jathika Hela Urumaya] gained significant numbers of seats. The UPFA formed a minority government." **[15j] (Recent Political History)**

3.04 Europa World Online, accessed on 13 January 2010, recorded:

"At the general election, which took place on 2 April 2004, the UPFA won 105 of the 225 seats, having taken 45.6% of the votes cast; Wickremasinghe's UNP retained 82 seats (with 37.8% of the votes), while the TNA won 22 seats (with 7%). In an unexpected development, the Buddhist Jathika Hela Urumaya (JHU—National Heritage Party) won nine seats. The LTTE had openly supported the TNA during the election campaign and described the large number of seats won by the alliance as an endorsement and recognition of the LTTE as 'the sole representative' of the Tamil population. Participation at the election was reported to have reached 75% of eligible voters. The poll concluded peacefully. However, there were claims of voter intimidation and electoral malpractice, particularly in the north and east of the country. The UPFA, which had not secured an outright majority of seats in Parliament, undertook negotiations with a view to forming a coalition administration. Meanwhile, Mahinda Rajapakse, a senior member of the UPFA and former fisheries minister, was sworn in as Prime Minister on 6 April." **[1a] (Recent History)**

The main text of this COI Report contains the most up-to-date publicly available information as at 27 January 2010. Further brief information on recent events and reports has been provided in the Latest News section to 18 February 2010.

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

United People Freedom Alliance (UPFA)	105
United National Party (UNP)	82
Tamil National Alliance TNA	22
Jathika Hela Urumaya (JHU)	9
Sri Lanka Muslim Congress (SLMC)	5
Eelam People's Democratic Party (EPDP)	1
Up-Country People's Front (UCPF)	1

[39a]

3.06 The FCO Sri Lanka country profile recorded that "Sri Lanka was severely affected by the tsunami on 26 December 2004, which killed some 40,000 people and displaced 400 – 500 thousand people along two thirds of the north-east, south and south-west coastline. Half the fishing fleet was destroyed, and a quarter of hotels in the affected areas sustained serious damage." **[15j] (Geography)**

3.07 The FCO profile also noted that:

"In November 2005, Mahinda Rajapakse (SLFP) was elected President with 50.3% of the vote. The LTTE enforced a boycott of the poll in Tamil areas under their control or which they strongly influence. 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 have won a series of victories in Provincial Council elections." **[15j] (Latest Political Developments)**

3.08 The current list of Government ministers can be accessed from the official website of the Government of Sri Lanka, (last accessed on 4 September 2009) **[44a]**

3.09 Europa World Online, accessed on 13 January 2010, recorded:

"In March 2008 local elections were conducted in the Batticaloa district of the eastern province, at which the TMVP, campaigning under the UPFA banner, secured victory. However, the TMVP was criticized for alleged violence and intimidation in the run-up to the elections, and the poll was boycotted by the UNP and the TNA. Full provincial council elections were held in May; the UPFA, with the support of the TMVP, secured a majority in the provincial council, although some observers claimed that the election was not free and fair. Meanwhile, the violence continued unabated; in early April [2008] the Minister of Highways and Road Development, Jeyaraj Fernandopulle, (together with at least 14 other people) was killed in a suspected LTTE suicide bombing carried out near Colombo, while a suicide attack in the centre of the capital itself in mid-May left around 10 people dead." **[1a] (Recent History)**

3.10 The final official results are available from the website of the Sri Lanka Department of Elections. **[39c](Past Provincial Council Election Results)**

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

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

3.12 Referring to the situation in the Eastern Province, the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 27 May 2009) observed:

"An estimated 199 people were killed in 2008 in more than 190 incidents of violence since the Provincial Government was installed. There were ethnic clashes between Muslims and Tamils, many of them in response to the appointment of Sivanesathurai Chandrakanthan, alias Pillayan, the leader of the Tamileela Makkal Viduthalai Puligal (TMVP), as Chief Minister following provincial elections on 10 May - the first since 1988. With a level of democracy returning to the province expectations had been high that the security situation and economic prospects would improve. However, the return of Karuna to Colombo on 3 July led to significant intra-party rivalry between the Karuna and Pillayan factions." **[51d]**

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

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

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

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

"The ruling United People's Freedom Alliance (UPFA) recorded convincing victories in local elections held in Central and North-western provinces held on

February 15th [2009]. More than a dozen parties and several independent groups stood in the two ballots, and election officials declared that about 65% of the 3.4m voters in the two provinces had exercised their franchise…The UPFA's victories have been seen as a strong public endorsement of the government's military campaign against Tamil separatists." **[75l] (p11)**

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

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

See also Section 10: Abuses by Non-Government Armed Forces

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

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

The final official results are available from the website of the Sri Lanka Department of Elections. **[39c](Past Provincial Council Election Results)**

3.17 The Economist Intelligence Unit (EIU) Country Reports, Sri Lanka, September 2009 noted:

"The ruling United People's Freedom Alliance (UPFA) recorded a comfortable victory at the Uva provincial council elections in early August, securing 80% of the votes in Moneragala district and 60% in Badulla district traditionally a stronghold of the main opposition United National Party (UNP)…The UPFA also won 13 seats out of 23 in the Jaffna municipal council elections, garnering 51% of the votes. The Tamil National Alliance (TNA) secured eight seats, while the Tamil United Liberation Front won one, as did another independent group…At the Vavuniya urban council election the TNA emerged victorious, securing five of the 11 seats. The UPFA gained two seats, with a Tamil party, the Democratic People's Liberation Front, and the Sri Lanka Muslim Congress winning the remaining three. Although the UPFA did well in Jaffna, following a campaign marred by accusations of intimidation, the turnout was only 20.8%, according to the Department of Elections (the voter registry appears to have been inflated, contributing to the low turnout figure). In Vavuniya, where voter turnout was higher, at 49.9%, the UPFA's poor

performance surprised many observers. The Vavuniya result suggests that the UPFA may not be as popular in some Tamil dominated parts of the north as it appears to be in most of the island." **[75q] (p10)**

3.18 The full official results of the August 2009 Provincial Council Elections for the Uva Provincial Council; the Jaffna Municipal Council and the Vavuniya Urban Council are available from the website of the Sri Lanka Department of Elections **[39c] (Past Provincial Council Election Results)**

3.19 Information on how such elections were conducted is available from the PAFFREL (People's Action For Free & Fair Elections) Election Day report on the Provincial Council Elections for Uva Province and Local Government Elections for Jaffna Municipal Council and Vavuniya Urban Council. **[78a]**

3.20 The Economist Intelligence Unit (EIU) Country Reports, Sri Lanka, November 2009 recorded:

"As expected, the ruling United People's Freedom Alliance (UPFA) recorded a convincing win at the Southern provincial council election that was held on October 10th. The UPFA secured a healthy 68% of the vote, and 38 of the 55 seats in the council. The opposition United National Party (UNP) secured just 25% of the vote, winning 14 seats. The Marxist Janatha Vimukthi Perumena (JVP) performed extremely poorly, securing a mere 6% of the vote and three seats. The districts going to the polls included Galle, Matara and Hambantota, and a total of 1.7m people were eligible to vote. Hambantota is the hometown of the president, Mahinda Rajapakse, so the government had been expected to do well, but the result confirms the UPFA's overwhelming strength since the defeat in May of the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) in Sri Lanka's civil war." **[75o] (p10)**

3.21 The full official results of the October 2009 Provincial Council Elections for the Southern Provincial Council are available from the website of the Sri Lanka Department of Elections **[39c] (Past Provincial Council Election Results)**

3.22 Information on how such elections were conducted is available from the PAFFREL Election Day Report - Elections for the Southern Provincial Council **[78b]**

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THE INTERNAL CONFLICT (1984 TO 2009)

3.23 The FCO country profile of Sri Lanka, updated 27 August 2009, observed that:

"The ethnic conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) lasted over 25 years and appears to have come to an end with the military defeat of the LTTE in May 2009. Over 70,000 people are estimated to have been killed and some one million displaced. The roots of the conflict lie in the deterioration of relations between the Tamil and Sinhalese communities from the 1950s. By the late 1970s a number of armed groups were operating in the north and east of the island. In 1983 there were serious anti-Tamil riots in Colombo resulting in the lynching and killing of some 2000 Tamils. Some Ministers in the Government of Sri Lanka were implicated

in the event. Many Tamils returned to traditional Tamil areas in the North and many others began to seek asylum abroad…In mid 1987 when a Government of Sri Lanka embargo of Jaffna began to result in severe hardship, the Government of India, pushed by public opinion in Tamil Nadu, forced the Sri Lankan Government to sign the Indo-Sri Lankan Accord This provided for an Indian peacekeeping Force (IPKF) in the North and East. However relations between the IPKF and the LTTE broke down and there was heavy fighting and reports of human rights violations on both sides. President Premadasa negotiated the IPKF's withdrawal, which was completed in March 1990. During 1988, in part against the India intervention, unrest among the Sinhalese community grew into a violent insurgency by the Janatha Vimukthi Peramuna (JVP) and a counter-terrorist campaign. The rebellion ended in 1989 after JVP leaders were murdered. The Sri Lankan army undertook a ruthless counter-insurgency campaign and tens of thousands were killed. There followed a period of relative peace before the situation in the North and East deteriorated in June 1990. After 18 months, negotiations fell apart and the LTTE again resorted to violence. They extended their control until they held the Tamil heartland: the Jaffna Peninsula and large areas of the North and East. The security forces succeeded in winning back most of the East, but the North remained outside their control." **[15j] (The Internal Conflict)**

3.24 The FCO Sri Lanka country profile, updated on 27 August 2009, added:

"In July 1995, the Sri Lankan army launched a military operation, culminating in the fall of Jaffna in December 1995 to Government forces. At the end of January 1996 the LTTE began a bombing campaign in Colombo...During 1996, the Sri Lankan army secured enough of the Jaffna Peninsula to allow the civilian population to return to Jaffna town. The LTTE reasserted themselves in the Eastern province and infiltrated back into the Jaffna Peninsula. LTTE inspired terrorist attacks continued in the south, including on the Temple of the Tooth in Kandy, the most sacred Buddhist site in Sri Lanka…Fighting in the North intensified in late 1999 and the Vanni (jungle areas in the North [which comprises parts of the districts of Kilinochchi, Mullaitivu east, Mannar west, and Vavuniya south]) fell to the LTTE after some of the fiercest fighting since the conflict began. In April 2000 the LTTE carried out a major assault which led to the withdrawal of Sri Lankan troops from Elephant Pass (which links the Jaffna peninsula to the rest of Sri Lanka). With control of Elephant Pass, the LTTE continued further attacks into the Jaffna Peninsula. Fighting continued until December 2001 when the announcement of a new ceasefire by the LTTE was reciprocated by the newly elected UNF [United National Front] government. A Ceasefire Agreement was signed in February 2002 by the government and LTTE." **[15j] (The Internal Conflict)**

3.25 The FCO Country Profile on Sri Lanka further reported that:

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

"After President Rajapakse 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." **[15j] (The Internal Conflict)**

3.26 The House of Commons Library research paper *'War and peace in Sri Lanka'*, dated 5 June 2009 recorded:

"...in August 2005, the Minister of Foreign Affairs, Lakshman Kadirgamar, was assassinated in Colombo. The LTTE denied responsibility, but many were unconvinced. The authorities promptly re-introduced emergency regulations, under which people could be detained for three months at a time, and up to 18 months if suspected of being connected to any unlawful activity. These have remained in force ever since." **[80]**

See also Section 12: Arrest and detention – legal rights, Emergency Regulations

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

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

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

"A deterioration in the security and human rights situation throughout the East was observed in the last months of 2008." **[6h] (p10)**

3.28 The IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 14 December 2009) recorded:

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

3.29 The House of Commons Library research paper *'War and peace in Sri Lanka'*, dated 5 June 2009 recorded:

"In April [2008] the Sri Lankan armed forces launched another major offensive in the north. By now the asymmetry in terms of the number of soldiers was stark, with an estimated 160,000 troops ranged against about 10,000 LTTE fighters. Fighting was fierce but the offensive further weakened the LTTE. Operations continued, leading to a number of important bases, including the

LTTE naval base at Viddattaltivu and the base at Mallavi, being captured. There were reports that coordinated naval patrols with India were cutting off significant supplies of arms intended for the LTTE.24 However, tens of thousands of civilians were displaced by the renewed fighting." **[80] (p18)**

3.30 The IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 14 December 2009) added:

"The conflict escalated into full-scale war, with multi-pronged attacks on LTTE forces and daily air-raids followed by troop assaults. On 30 June [2008], the LTTE was described as having lost the capability to fight as a conventional army...The Tigers lost Paranthan, Elephant Pass and Jaffna over the preceding two and a half months - losses which culminated in the fall of Pooneryn on 15 November. The security forces also ended LTTE resistance in Vavuniya and Mannar districts. SLA commander General Sarath Fonseka claimed that, during 2008, the LTTE had lost 95% of the land it had once held, as well as some 8,000 fighters. The SLA deployed more than 50,000 soldiers in frontline attacks, and to maintain control of recovered areas. At the same time, the Sri Lankan Navy (SLN) neutralised the Sea Tigers, often referred to as the most lethal wing of the organisation, in more than 20 major clashes at sea."

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

3.31 Europa World Online, accessed on 13 January 2010, recorded:

"In the latter half of 2008 the Sri Lankan army made considerable advances against the LTTE, which, nevertheless, put up fierce resistance and increasingly resorted to terrorist attacks across the country. Both sides suffered heavy casualties, although, owing to stringent restrictions placed on the media by the Government, exact numbers were impossible to confirm. There was also growing international concern over the mounting casualties among (mainly) Tamil civilians as a result of the army's offensive against the LTTE. In response, the Government claimed that the retreating LTTE was using the civilian population as a human shield." **[1a] (Recent History)**

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

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

3.33 In the November 2008 report the EIU observed that:

"As part of its resistance effort, the LTTE launched two air raids on the night of October 28th. The first attack bombed the Army Area Headquarters in Thallady, Mannar, about 250km north of the capital, Colombo. Shortly afterwards, the LTTE dropped bombs on the Kelanitissa thermal power station, on the outskirts of Colombo. The city was plunged into darkness, anti-aircraft defences were set off and the power station itself was set ablaze. Officials later stated that the raid inflicted only slight damage to the facility. Although it is not clear how many aircraft were involved in the attacks, most reports suggest two planes, neither of which was brought down by air defences or the Sri Lanka Air Force. The attacks were the eighth and ninth raids by the LTTE's air force, which comprises single engine propeller-driven planes, since the maiden strike in March 2007." **[75h] (p9)**

3.34 The EIU December 2008 report mentioned that:

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

3.35 For additional details on the above mentioned events and information on developments in Sri Lanka in 2008, please see the South Asia Terrorism Portal, Sri Lanka Timeline - Year 2008

3.36 On 7 January 2009, BBC News reported that:

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

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

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

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

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

3.39 A Reuters report of 30 January 2009 noted that "The government and human rights watchdogs say the LTTE has blocked civilians from leaving, instead forcing them to stay as human shields, fighters or labourers building defences. The LTTE denies that, and says people are staying of their own free will because they fear abuse by the military." **[4f]**

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

"The Sri Lankan armed forces and the LTTE appear to be engaged in a perverse competition to demonstrate the greatest disregard for the civilian population…Retreating from Sri Lankan Army (SLA) advances, the LTTE has forcibly taken along all civilians under its control. As the territory held by the LTTE has shrunk—now a short, narrow strip on the northeast coast of the island—the civilian population has been dangerously forced into a smaller and smaller space."
[21k] (Summary)

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

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

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

3.43 The House of Commons Library research paper *'War and peace in Sri Lanka'*, dated 5 June 2009 recorded:

"In January 2009 the Sri Lankan armed forces achieved a decisive breakthrough in the north. The Tamil Tigers lost the key town of Kilinochchi and Elephant Pass, the strategic causeway between the Jaffna peninsula and the main body of the island of Sri Lanka. The army then laid siege to Mullaitivu, the last remaining town controlled by the LTTE, and quickly captured it too. The Sri Lankan Government declared that total military victory was imminent. By early February it was estimated that the LTTE had only around 1,000 remaining armed personnel remaining, concentrated along a 30 square kilometre area of coastline in the northern Vanni region. There were reportedly around 250,000 civilians in the area, with dozens allegedly being killed every day. The Sri Lankan Government unilaterally designated this area a 'safe zone' and called upon civilians to make their way there in order to avoid being caught up in the fighting. Over the following three months the Sri Lankan military gradually reclaimed the last remaining territory. The authorities largely ignored growing international condemnation of its failure to protect the civilians caught up in the fighting. The LTTE was accused of using civilians as 'human shields', Both parties to the conflict were accused of committing war crimes. The end finally came on 18 May, when the last piece of territory was claimed. Most, if not all, of the LTTE's leadership, including its commander in chief, Vellupillai Prabhakaran, were killed." **[80] (p3)**

3.44 The FCO Sri Lanka country profile, updated on 27 August 2009 observed:

"Towards the end of the fighting high numbers of civilians are believed to have been killed and injured as a result of being caught in the middle of 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. Hundreds of thousands of civilians were displaced as a result of the recent fighting and remain in IDP camps in northern Sri Lanka." **[15j] (Recent developments)**

3.45 The Human Rights Watch (HRW) World Report 2010 (covering events of 2009), released on 20 January 2010 noted:

"During the last months of the war, both sides committed serious violations of international humanitarian law, in what a senior United Nations official described as a 'bloodbath', while the overall human rights situation in the country continued to deteriorate as the government adopted increasingly repressive policies. During the final months of the conflict that ended in May, the LTTE continued to forcibly recruit civilians, including children, into its forces, used civilians as human shields, and physically prevented and at times shot at Tamil civilians under their control trying to flee the fighting. Government forces indiscriminately shelled densely populated areas, including

hospitals. Both parties prevented vital humanitarian assistance from reaching the civilian population.

"Since March 2008 the government has confined displaced Tamils fleeing the fighting. The population of the detention camps skyrocketed to over a quarter million people after the LTTE's defeat in May. Security forces also detained, in many cases in violation of domestic and international law, more than 10,000 people suspected of LTTE involvement or sympathies." **[21b] (Introduction)**

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The LTTE are defeated – May 2009

3.46 The International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2009 (undated, website accessed on 5 January 2010) recorded:

"[16 May 2009] For the first time in decades, Sri Lankan government forces take control of the country's entire coastline, confining the LTTE militants to a 1.2-square-mile strip between a lagoon and the sea... Later that day, Sri Lanka's president Mahinda Rajapakse declares that the militants were "finally defeated" and that the 25-year-old civil war was ended.

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

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

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

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

3.47 The International Institute for Strategic Studies (IISS) Armed Conflict Database, Political Trends (undated, website accessed on 14 December 2009) noted:

"On 19 May [2009], President Mahinda Rajapaksa formally announced the defeat of the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers), drawing a line under 26 years of civil war in Sri Lanka. Tamil Tiger chief Velupillai Prabhakaran lay dead, alongside most of the group's leadership. But while the government's military victory was decisive, it was mired in controversy over the treatment of civilians during the conflict – and concerns about how this would affect long-term relations between the majority Sinhalese population and Tamil minority. Of 10,300 fatalities reported by the New-Delhi based Institute for Conflict Management, 8,250 were civilians. The institute also estimated 1,682 Tamil Tigers and 368 security-force personnel killed. Because of a lack of independent observers, however, there were no definitive figures." **[51d]**

The conflict's impact: casualties and displaced persons

3.48 On 22 May 2009 Reuters reported:

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

3.49 On 27 May 2009 *The Guardian* reported:

"More than 200,000 refugees are corralled inside Menik Farm [in Vavuniya], a sweltering 1,400 acres of scrubland sealed off by barbed wire. Some are still hoping to find relatives amid the rows of tents that provide a temporary home. But others say relatives were separated out by the military, suspected of being Tamil Tigers. The Sri Lankan government says it has so far identified more than 9,000 members of the Liberation Tigers of Tamil Eelam (LTTE), and is sending them to 'rehabilitation centres', where they will be held for a year. The government claims that it needs to keep the civilians in camps it is building in the north of the country until it can be sure that they are not members of the LTTE. The camps sprawl out over a vast area, mile after mile of tents where the unfortunate civilians displaced by the recent fighting have been told they could spend up to two years before they are allowed to go home." **[20b]**

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

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

privately confided that they were seeking information from other detainees in the hope of identifying the group's members." **[20b]**

3.51 A BBC News report of 26 May 2009 quoted the army spokesman Brig Udaya Nanayakkara as saying that the process of "weeding out and rehabilitating" suspected Tamil Tiger guerrillas was already under way and that each one had been brought before judges.

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

3.52 On 29 May *The Times* reported:

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

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

3.53 On the same day Reuters reported:

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

"He also disputed a death toll reported in The Times of London that cited a 'U.N. source' to support an estimate that at least 20,000 people were killed during the months-long final siege. 'That figure has no status as far as we're concerned,' Holmes said. 'It may be right, it may be wrong, it may be far too high, it may even be too low. But we honestly don't know. We've always said an investigation would be a good idea.'…He said it was based on an unofficial

and unverified U.N. estimate of around 7,000 civilian deaths through the end of April [2009] and added on roughly 1,000 more per day after that. Holmes said the initial figure of 7,000 deaths had been deemed far too questionable for official publication." **[4b]**

3.54 The Reuters report of 29 May 2009 continued:

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

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

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

3.56 For further information regarding the conflict during 2009 see the South Asia Terrorism Portal, Sri Lanka Timelines - Year 2009

See also Section 27 on Humanitarian issues, Section 29 on Internally Displaced People (IDPs), and Annex A: Chronology of major events

The Sri Lankan government's Media Centre for National Security (MCNS)/Defence News has a series of maps that chart the gradual contraction of the area controlled by the LTTE between November 2005 and the rebels' defeat in May 2009: http://www.nationalsecurity.lk/maps.php

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4. RECENT DEVELOPMENTS (JULY 2009 TO JANUARY 2010)

4.01 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*, 11 January 2010 observed:

"Since the decisive military victory over the Liberation Tigers of Tamil Eelam (LTTE), Sri Lanka has made little progress in reconstructing its battered democratic institutions or establishing conditions for a stable peace. Eight months later, the post-war policies of President Mahinda Rajapaksa have deepened rather than resolved the grievances that generated and sustained LTTE militancy."

"The government's internment of more than a quarter million Tamils displaced from the Northern Province – some for more than six months – was further humiliation for a population brutalised by months of ferocious fighting.

"...the resettlement process has failed to meet international standards for safe and dignified returns. There has been little or no consultation with the displaced and no independent monitoring; many returns have been to areas not cleared of mines and unexploded ordnance; inadequate financial resources have been provided for those returning home; and the military continues to control people's movements. These and other concerns also apply to the estimated 80,000 Muslims forcibly expelled from the north by the LTTE in 1990, some of whom have begun to return to their homes." **[76b] (Overview)**

GOVERNMENT TREATMENT OF (SUSPECTED) MEMBERS OF THE LTTE

4.02 The Economist Intelligence Unit (EIU) Country Reports, Sri Lanka, September 2009, recorded:

"Efforts to reunite the vestiges of the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) received a blow in August [2009], with the arrest of the group's arms procurement master, Kumaran Padmanadan (also known as K P) in Malaysia and his subsequent deportation to Sri Lanka. Soon after the death in May [2009] of the LTTE's leader, Velupillai Prabhakaran, Mr Padmanadan had attempted to take over leadership of the group, and his arrest will be seen as a setback by those who hope to revive the Tigers. In August the Sri Lankan government called on foreign countries to hand over other Tamil Tiger rebels, as well as their assets, which reportedly amount to millions of dollars." **[75q] (p10)**

4.03 A press release issued by Human Rights Watch (HRW) on 28 July 2009 observed that:

"The military has reportedly removed several thousand camp residents for alleged membership or support of the LTTE, and transferred them to rehabilitation centers for LTTE fighters or to Colombo, the capital, for further interrogation. In many cases, the authorities have failed to inform relatives remaining in the camps about the fate and whereabouts of those removed, raising concerns of possible ill-treatment or enforced disappearance...

"While the Sri Lankan authorities are entitled to screen persons leaving the war zone to identify Tamil Tiger combatants, international law prohibits

arbitrary detention and unnecessary restrictions on the right to freedom of movement. This means that anyone taken into custody must be promptly brought before a judge and charged with a criminal offense or released. Although human rights law permits restrictions on movement for security reasons, the restrictions must have a clear legal basis, be limited to what is necessary, and be proportionate to the threat." **[21c]**

4.04 The International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines (undated, website accessed on 5 January 2010) noted "[30 July 2009] Sri Lanka´s Commissioner General for Rehabilitation, Major General Daya Ratnayake, announces that 9,797 former LTTE are detained at so called rehabilitation centres, a number that would be doubled in the near future. In these camps the militants are supposed to be categorized and be charged according to their involvement in the civil war." **[51b]**

4.05 A few days earlier, on 25 July 2009 the Official Government News Portal of Sri Lanka had reported that:

"The programme to rehabilitate LTTE suspects to bring them back to society is being successfully implemented, opined Minister Mahinda Samarasinghe while visiting the LTTE cadres who are being rehabilitated under the full protection of the Government and inquired into their well being.

"The program is mooted with the mediation of the Ministry of Disaster Management and Human Rights and the involvement of the International Labour Organisation and special attention has been drawn to them under the national plan of bringing into society those who had been involved in conflict." **[44d]**

4.06 On 5 August 2009 BBC Sinhala reported that a court in Colombo had allowed the police to further detain and question the leader of Tamil Tiger women's political wing Subramanium Sivagami, widely known as Thamilini [Tamilini]. "Thamilini who has fled the 'No Fire Zone' (NFZ) in the north and surrendered to the authorities in May [2009], is since detained by the police. Police told the magistrate that she is being investigated for being a member of a banned organisation, LTTE." **[9a]**

4.07 The Amnesty International (AI) briefing paper 'Sri Lanka: Unlock the Camps in Sri Lanka: Safety and dignity for the displaced now', released on 10 August 2009 reported:

"Arrests have been reported from the camps and Sri Lankan human rights defenders have alleged that enforced disappearances have also occurred. Since March 2009, Sri Lankan human rights organizations have reported that former LTTE members and members of other armed political factions aligned with the government were present in IDP camps. These unconfirmed reports indicate that they may have been used by the government to identify suspected LTTE members, who were then arrested or abducted and disappeared. Their presence is also reported in specialized detention facilities where former LTTE members are detained. Some arrests of persons with alleged connections to the LTTE have been acknowledged by Sri Lankan authorities and carried in the press. The whereabouts of others is unknown. Without independent access to the displaced people, including the ability to

speak confidentially to those detained in the camps and to conduct private, one-on-one interviews, it is impossible for humanitarian organizations to fulfil their protection duties or for independent human rights organizations to determine the scale of this violation." **[3a] (p23-24)**

4.08 The SATP Sri Lanka 2009 Timeline (undated, website accessed on 5 January 2010) recorded:

"[16 August 2009] The Commissioner General of Rehabilitation, Major General Daya Ratnayake, has said measures have been taken to rehabilitate over 10,000 ex-LTTE cadres in the North by the Government. In an interview with Sunday Observer, he said, 'The process to classify the ex-cadres into different groups considering their age, gender and involvement in the outfit has already been completed and the ground work to move them into new rehabilitation centres is nearing completion.'...The children between the ages of 12 to 18 years have already been separated from the group. There are over 455 children, the majority of whom the LTTE had forcefully recruited at its last stage of the battle. Former female LTTE cadres numbering 1,700 have also been separated and housed separately. The authorities have taken steps to separate male ex-LTTE cadres over 45 years of age and they will be given training according to their professions, skills, and their liking to undergo a vocational training."

"[28 August 2009] The Supreme Court in Sri Lanka has ordered authorities to file charges or release the LTTE suspects in custody." **[37b]**

4.09 A press release issued by the British High Commission, Colombo, on 4 September 2009, stated:

"On Friday 4 September 2009, The British High Commissioner Dr. Peter Hayes and the Head of International Organisation for Migration Mr. Mohammed Abdiker signed an agreement for approximately Rs.17 million of UK's support towards the Rehabilitation and Reintegration of Ex-combatants in the presence of the Minister of Justice, Hon. Milinda Moragoda.

"The Minister of Justice welcomed the support provided by the British High Commission to the Government of Sri Lanka. The Ministry of Justice and in particular the Commissioner General for Rehabilitation has been working closely with the International Organization for Migration to develop a community oriented demobilization, rehabilitation and reintegration programme. The programme focuses on strengthening capacity, support to receptor communities and an active involvement of the private sector to build sustainable solutions." **[15k]**

4.10 On 11 September 2009 AI reported:

"The government has also said that it has detained about 10,000 people suspected of ties to the Tamil Tigers – the real numbers could be higher. These detainees are held without charge or trial, in what are described by the government as 'rehabilitation camps'. Their whereabouts and conditions of detention in many cases are unknown.

"The International Red Cross (ICRC) said Friday [11 September 2009] that it is being denied access to these detainees. Incommunicado detention has been

shown to greatly increase the risk of torture and extrajudicial killing. There is a long history of both in Sri Lanka." **[3h]**

4.11 On the same day [11 September 2009] BBC News reported:

"A court in Sri Lanka has granted bail to two former Tamil Tiger civilian officials who have been in government custody for more than four months. The former rebel spokesman, Daya Master, and an interpreter for the group's political wing, George Master, surrendered to troops in April [2009]…The pair were released by a court in Colombo on a bail of $22,000 (£13,200) each and were told to report to the police every month. 'The court has said that they cannot leave the country until the investigations are over,' Sri Lankan military spokesperson Brig Udaya Nanayakkara told the BBC. The two have not been formally charged, but have been held under the Prevention of Terrorism Act. Both men played prominent roles presenting rebel views to the international media and visiting foreign diplomats during the failed peace process." **[9f]**

4.12 On 19 September 2009 the pro-LTTE website TamilNet reported:

"Colombo Chief Magistrate Nishantha Hapuarachchi Friday [18 September 2009] directed the Criminal Investigation Department (CID) to expedite the investigation into the cases against twenty-seven Tamil civilians arrested in connection with alleged terrorist activities and to report to the court on the progress made so far, on September 29. The order was made following Defence Counsel claiming that the Terrorist Investigation Division (TID) was acting unfairly in its investigations. Senior Defence Counsel Mr. K. V. Thavarasa told court that the TID had moved to release Daya Master and George Master within four months of arrest, claiming that they had not been involved in any terrorist activities. He further said other suspects, who were also arrested under Emergency Regulations, were unnecessarily kept in remand without a proper trial for more than a year… The counsel questioned why the TID who were able to release Daya Master and George within four months, could not finish investigations and charge these suspects or grant them bail." **[38r]**

4.13 A statement issued by HRW on 22 September 2009 noted:

"Human Rights Watch said it was concerned about a lack of protection mechanisms in the camps and the secret, incommunicado detention – and possible enforced disappearance – of suspected combatants…

"The government has announced that it has detained more than 10,000 displaced persons on suspicion of having been involved with the LTTE. The government has separated them from their families and transferred them to separate camps and regular prisons. Human Rights Watch documented several cases in which individuals were taken into custody without regard to the protections provided under Sri Lankan law. In many cases, the authorities have not informed family members about the whereabouts of the detained, leaving them in secret, incommunicado detention or possible enforced disappearance, and, as a result, especially vulnerable to abuse." **[21d]**

4.14 On 24 September 2009 AI reported that a detainee had been seriously injured and had to be hospitalised as a clash broke out between the Sri Lankan Army (SLA) and detainees being held at Poonthotham Teachers Training College,

which – AI noted – serves as an unofficial detention centre in north-eastern Sri Lanka. AI further reported that:

"The danger of serious human rights violations, including torture, enforced disappearances and extrajudicial killings increases substantially when detainees are held in locations that are not officially acknowledged places of detention and lack proper legal procedures and safeguards', said Sam Zarifi, Amnesty International's Asia Director. Detention centres such as the Poonthotham Teachers Training College are irregular places of detention. Since May 2009, an estimated 10,000 to 12,000 individuals suspected of ties to the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers) have been detained in irregular detention facilities operated by the Sri Lankan security forces and affiliated paramilitary groups.

"Several such groups are active in Vavuniya and have been implicated in human rights violations, including People's Liberation Organisation of Tamil Eelam (PLOTE), Tamil Eelam Liberation Organization (TELO), Eelam People's Democratic Party (EPDP) and both factions of the Tamil Makkal Viduthalai Pulikal (TMVP)." **[3i]**

4.15 AI further reported:

"On 25 May [2009], just a week after the Sri Lankan government declared victory over the Tamil Tigers, Army Commander General Sarath Fonseka announced that 9,000 Tamil Tigers cadres had surrendered to the army. Since then, there have been regular reports of arrests. Some have been officially acknowledged and reported in the Sri Lankan press and others reported by relatives of detainees in displacement camps.

"Many of these detainees are being held incommunicado, meaning they have not had access to family members or legal counsel and have not appeared in court.

"Amnesty International has confirmed the location of at least 10 such facilities in school buildings and hostels originally designated as displacement camps in the north. There have also been frequent reports of other unofficial places of detention elsewhere in the country.

"The International Committee of the Red Cross has no access to these detainees and there is no transparency about their registration and treatment." **[3i]**

4.16 On 19 November 2009 the *Daily Mirror* (Sri Lanka) reported that:

"The government rehabilitated a large number of ex-LTTE cadres who had surrendered themselves over past two years and most of them were sent abroad for employment after successful completion of vocational training programmes. Meanwhile, the government collaborating with the Ministry of Justice, admitted 273 children who were forcefully recruited and deployed in LTTE defences as child combatants, to Hindu College Ratmalana to continue their studies. In the aim of making the ex-LTTE child combatant as worthy citizens of the country, 293 more ex-LTTE child soldiers were given vocational training at the Punthottam Rehabilitation Centre in Vavuniya. The Commissioner, Major General Daya Ratnayake further said that over 1,854

ex-LTTE women cadres were also receiving formal education at the rehabilitation centres." **[11p]**

See also Section 24: Children

4.17 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*, 11 January 2010, observed:

"The military has been maintaining extra-legal detention centres for an estimated 11,000-13,000 people suspected of LTTE ties. These detained have had no access to lawyers, their families, ICRC 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 trial; most will detained for a further period of 'rehabilitation' and then released." **[76b] (p8)**

4.18 The ICG added that "In addition to the 11,000 or more alleged LTTE members held in special camps in the north, another 1500-2000 suspects continue to be held under emergency detention orders or other anti-terrorism legislation, some for years without charges." **[76b] (p18)**

4.19 The *Daily Mirror* (Sri Lanka), on 5 January 2010, reported that "There are currently 600 LTTE suspects behind bars" and that "The Attorney's General Department have requested the Justice Ministry to release sixty LTTE suspects, who were arrested by the police over the last few years, as there are no cases filed against them." **[11o]**

4.20 On 10 January 2010, BBC News reported:

"Thousands of Tamil Tiger suspects in government custody will not be released soon, a Sri Lankan minister has said. Power and Energy Minister WDJ Seneviratne said there were a 'considerable number of suicide bombers' among the 14,000 detainees... However, military spokesman Brig Udaya Nanayakkara told the BBC's Sinhala service that just over 11,000 LTTE suspects are in custody, following the release of 712 former LTTE combatants on Saturday. The reason for the discrepancy was not immediately clear." **[9g]**

4.21 On 21 January 2010 the *Daily Mirror* (Sri Lanka) reported that:

"Thirty six youth [sic] detained as LTTE members on suspicion by [sic] were released while another 20 were sent to rehabilitation camps by Colombo and Welikada Magistrate yesterday. Colombo Additional Magistrate Mohamed Maky released 16 suspects produced by the TID and sent 18 others to rehabilitation camp in Welikanda…Meanwhile Welikada Additional Magistrate Giyan Ranawaka released 20 persons while ordering to send two others to rehabilitation. Among the 16 released suspects, both male and female were those arrested as suspected LTTE suicide cadres, those responsible for transporting suicide kits and ammunitions to Colombo…Some of the suspects

released by Welikada Magistrate were initially arrested for attending a meeting conducted by late LTTE leaders like Karikalan and Thamil Chelvam." **[11h]**

4.22 On the following day [22 January 2010] the *Daily Mirror* (Sri Lanka) reported that "At least 118 people allegedly detained over their suspected LTTE involvement were released from prison today. They were released on the submission by the Attorney Genera's Department that the suspects did not have charges against them." **[11k]**

For information about human rights violations committed by the security forces see Security forces. Further information about displaced persons can be found in the section on Internally Displaced Persons (IDPs) below.

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SECURITY SITUATION IN JAFFNA DISTRICT AND EASTERN PROVINCE

4.23 A letter from the British High Commission (BHC), Colombo, dated 12 January 2010, reported on the security and development of Jaffna district and the Eastern province. With regards to the Jaffna district the letter noted:

"Both government and non-government organisations agree that since 5th August 2009 there has been a lighter presence at checkpoints and a reduction in some areas.

"There is also a consensus that there have been no cordon and search operations since the end of the conflict in May 2009.

"According to the Jaffna branch of the Sri Lankan Human Rights Commission, extrajudicial killings were down from 30 in 2008 to 4 in 2009. The Jaffna Bishop, a prominent human rights advocate, confirmed that the number of human rights violations had decreased dramatically and that the military appeared to have the paramilitaries under control." **[15p]**

4.24 The BHC letter of 12 January 2010 also reported that:

"A police spokesman said that there had been no cordon and search operations, no reported abductions or disappearances, and no extra judicial killings at all in recent months. He expected security to be relaxed further in the coming months. Both government and non-government organisations said that there had not been any reported abduction or disappearances recently and no reported extra judicial killings.

"On 29th December 2009 the government announced a complete lifting of the night time curfew that had been imposed on Jaffna peninsula on 8th August 2006. Earlier relaxations on 5th August 2009 had coincided with a resumption in a 24-hour electricity supply and were a welcome return to normality after years of disrupted supply, especially throughout the curfew hours. This will also have a favourable effect on the local fishing industry as it will allow fishermen to go night fishing.

"The police, government and non-government organisations agree that since the relaxation/lifting of the curfew, crime has shown a significant increase. These are mainly house robberies and theft, but also there have been cases of rape and murder linked to robberies. Recently a young couple was murdered in their home having disturbed burglars. The perpetrators were subsequently caught and have been charged. Everyone agrees that the police have responded to this well, have apprehended many suspects and are now showing an increased presence on the streets of Jaffna town. It is seen that police officers in Jaffna are now carrying out police work themselves, rather than relying on the army to do it for them as they had done previously.

"Since the re-opening of the A9 there has been a substantial increase in traffic resulting in the introduction of traffic police to the streets." **[15p]**

4.25 The BHC letter of 12 January 2010 also noted:

"Recent press reports indicate that the re-opening of the A9 Kandy-Jaffna highway has heralded the arrival of tourists from the south to Jaffna. According to the Jaffna Government Agent's office some 1,000 to 1,500 visitors from the south now visit Jaffna daily along with some foreign tourists, reports the Government Information Department…Sources also said that a large number of former Jaffna residents living in other parts of the country and abroad were visiting their families now with the restoration of peace in the north, reopening of roads and the restoration of transport facilities.

"National companies from Colombo are already assessing the potential of improved communication and transport links with Jaffna and investing heavily." **[15p]**

4.26 With regard to the Eastern Province the same source reported that:

"Security restrictions in Trincomalee district have markedly relaxed during 2009…The security situation in Batticaloa has also improved, although the town is not yet as calm as Trincomalee and there is still a high military presence. To emphasise this, in July 2009 a crowd of approximately 300 people gathered to watch a performance from the British Council forum theatre in a Batticaloa suburb with no military presence. This would not have been possible a few months ago.

"The police presence is comparable to Colombo but encouragingly, some do not carry weapons despite being on duty.

"The Senior Superintendent of Police (SSP) for Batticaloa was proud of the fact that there had been a marked improvement in the security situation in the district which allowed his officers to not have to carry weapons. He was not aware of any remaining LTTE cadres in the area and considered that most of the cached weapons had now been seized or could no longer be found as the land had now grown over. Reported abductions and low level crime were minimal.

"Church Elders in the Diocese of Trincomalee and Batticaloa have provided grass roots assessment. They opined that there was no longer a LTTE presence in the Batticaloa district. During the latter stages of the conflict, the few remaining LTTE cadres, mainly youths, had thrown away their weapons

and returned to their families. The community knew who they were but had no concerns about them re-arming. Community level engagement both with the police and SLA over the last 9 months had improved considerably. There were now regular meetings between the various community leaders and the Deputy Inspector General (DIG) Police and SLA commanders which allowed them to voice any concerns they had about the paramilitaries, abductions, harassment by the security forces. As a result, the paramilitaries were no longer carrying weapons, abductions were low (and once reported to the community leaders, they were able to raise it immediately with the DIG) and security check points were no longer a problem." **[15p]**

4.27 The BHC letter of 12 January 2010 further observed:

"It is apparent that recent security improvements in the Eastern Province are starting to make tangible improvements to the people living there.

"The Divisional Secretary (DS) spoke of the extent of development taking place in the Province with new roads, electricity and telephone lines, much of which being already visible. There is now a low police and military presence, and no LTTE. The prime beaches that the expatriate community alone had long enjoyed, even during the heavy fighting in the area, were now open for all and it was reported that during a recent weekend over 300 busloads of Sri Lankans had descended on Unlovely beach. They expected many more busloads of curious first time visitors for the considerable future. Passikudah beach, a very popular beach destination during the 1980s, recently saw several hundred people enjoying the public holiday. Members of a crowd said that they had no security concerns, their only complaint being the amount of rubbish scattered on the beach." **[15p]**

See also Section 10: Abuses by Non-Government Armed Forces and Section 28: Freedom of Movement

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PRESIDENTIAL ELECTIONS – 26 JANUARY 2010

4.28 The Economist Intelligence Unit (EIU) Country reports, January 2010, noted that:

"By the deadline of December 17th [2009] a record 22 candidates had submitted their nominations. Of these, 17 were from recognised political parties and five were independent candidates, but only two are thought to have any chance of winning. They are the president, Mahinda Rajapakse of the Sri Lanka Freedom Party (SLFP), and General Sarath Fonseka, who is backed by a coalition of opposition parties. The exchanges between these two candidates have grown increasingly heated as the campaign has proceeded...The two rivals have traded various charges of misconduct, corruption, fraud, favouritism and nepotism (without producing much evidence to back these accusations up).

"Both Mr Rajapakse and General Fonseka enjoy high levels of public support, owing to their status as national heroes for defeating the LTTE in May 2009 and so ending the island's long civil war. Backed by the main opposition

United National Party (UNP), General Fonseka receives support from the more liberal sections of society and from business people, while Mr Rajapakse's core support comes from the more conservative sections of the electorate." **[75d] (p10)**

4.29 The EIU January 2010 report further observed:

"A report by the Sri Lanka office of Transparency International, a German-based corruption watchdog, has accused the president of misusing public funds and assets for election campaign purposes, in breach of guidelines. Mr Rajapakse's campaign is said to have used government vehicles, helicopters and office buildings. The elections commissioner has also scolded the president's campaign for using state media to bolster support for Mr Rajapakse, but it has been relatively ineffectual in its attempts to end such practices." **[75d] (p11)**

4.30 On 27 January 2010 Thomson Reuters Alertnet reported:

"President Mahinda Rajapaksa won Sri Lanka's first post-war national election on Wednesday, but his rival alleged vote-rigging from inside an hotel surrounded by soldiers which he said were sent to arrest him. General Sarath Fonseka, a former army commander who led the military campaign to crush the Tamil Tiger insurgency, finally emerged from the hotel after the troops dispersed...Official results showed Rajapaksa winning 57.8 percent of 10.4 million votes cast against 40.2 percent for Fonseka, Elections Commissioner Dayananda Dissanayake said… Shortly before Rajapaksa was declared the winner, two people were killed and four wounded in a grenade attack on a Buddhist temple in the central town of Gampola, military spokesman Brigadier Udaya Nanayakkara said." **[4e]**

4.31 The full official results of the January 2010 Presidential Election are available from the website of the Sri Lanka Department of Elections **[39d](Presidential Election – 2010, Official Results, All Island Final Result)**

4.32 Information on how such elections were conducted is available from the PAFFREL Election Day Report **[78c];** the CaFFE Election Day Monitoring Report **[41a]** and the CMEV Statement on Election Day **[81a]**

4.33 The PAFFREL (People's Action for Free and Fair Elections) Election Day Report, 26 January 2010 observed inter alia that:

"The Presidential Election took place in an essentially peaceful and calm environment.

"The overall voter turnout was about 70 percent. However, voter turnout in the North was low at less than 20 percent. There was a series of grenade explosions in Jaffna in the early morning hours prior to the polls commencing. This together with a severe shortage of public transportation in other parts of the North, especially where displaced persons (IDPs) were located would have contributed to this low voter turnout.

"Although Election Day itself was peaceful and free from serious violations of election law, PAFFREL has in its previous reports pointed out that this was not the case in the pre-election period. PAFFREL received over 757 complaints

of which 578 were confirmed and about 300 serious. There was large scale misuse of state resources and violations of election laws relating to fair and balanced coverage of all candidates by the state media." **[78c]**

4.34 The CaFFE (Campaign for Free and Fair Election) Election Day Monitoring report, issued on the same day, concurred and noted that:

"Compare [sic] to the Pre- Election violence, the overall performance of the Presidential Election was peaceful, except for few incidents in the North.

"An Election will not become a 'Free and Fair' election; just because of there is less violent incidents. Most of the voters in the North in particular, were denied their right to vote as there were no transport facilities provided in time for them to go to the polling centers. The bomb blasts took place in Vavuniya and Jaffna too has made most of the voters scared, thus prevent them of voting." **[41a]**

4.35 The CMEV (Centre for Monitoring Election Violence) Statement on Election Day, issued on 27 January 2010 was along the same lines and noted that in addition to the incidence of violence on Election Day they wished to highlight three issues: "The first relates to the demonstrably unsatisfactory transport arrangements for IDP voting, which resulted in the effective disenfranchisement of a number of IDPs … The second issue relates to the series of explosions in Jaffna that occurred before polling commenced and immediately thereafter. CMEV believes that these acts of violence were perpetrated to reduce the voter turnout in the peninsula … The final issue … is especially critical and relates to the concerns raised by party agents and members of the public about the integrity of the count." **[81a]**

For more information about events following the elections see Latest news

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5. CONSTITUTION

5.01 Europa World Online, Sri Lanka: Government and politics, The Constitution, accessed 13 January 2010, stated: "The Constitution of the Democratic Socialist Republic of Sri Lanka was approved by the National State Assembly (renamed Parliament) on 17 August 1978, and promulgated on 7 September 1978 ...The Constitution guarantees the fundamental rights and freedoms of all citizens, including freedom of thought, conscience and worship and equal entitlement before the law." **[1a]**

5.02 Europa World Online, Sri Lanka: Government and politics, The Constitution, accessed 13 January 2010, further noted:

"Amendments to the Constitution require endorsement by a two-thirds' majority in Parliament. In February 1979 the Constitution was amended by allowing members of Parliament who resigned or were expelled from their party to retain their seats, in certain circumstances. In January 1981 Parliament amended the Constitution to increase its membership from 168 to 169. An amendment enabling the President to seek re-election after four years was approved in August 1982. In February 1983 an amendment providing for by-elections to fill vacant seats in Parliament was approved. An amendment banning parties that advocate separatism was approved by Parliament in August 1983. In November 1987 Parliament adopted an amendment providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit). In December 1988 Parliament adopted an amendment affording Tamil the same status as Sinhala, as one of the country's two official languages." **[1a]**

5.03 The Seventeenth Amendment to the Constitution was published as a Supplement to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of 5 October 2000. It introduced the Constitutional Council; the Public Service Commission; the Election Commission; the Judicial Service Commission and the National Police Commission. (The official website of the Government of Sri Lanka, The Constitution) **[44i]**

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

5.05 The Freedom House report, 'Freedom in the World 2009, Sri Lanka', released on 16 July 2009, noted:

"The 17th amendment to the constitution was designed to improve governance and depoliticize key institutions by creating a constitutional council responsible for appointing members to independent commissions overseeing the police, the judiciary, and public servants. Owing to a parliamentary impasse, Rajapaksa failed to reconstitute the council in 2006 after the terms of its previous members expired. Instead, he made unilateral appointments to the public service and police commissions in April 2007, and to the human rights commission, judicial services commission, Supreme Court, and other judicial

bodies in May of that year. Some local groups allege that these actions have threatened the independence of the institutions and created a class of appointees who owe their positions to the president." **[46c] (Political Rights and Civil Liberties)**

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

See also Section 8 on Avenues of complaint

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6. POLITICAL SYSTEM

6.01 Europa World Online, Sri Lanka, accessed on 13 January 2010 observed that the President is Mahinda Rajapakse and the Prime Minister Ratnasiri Wickremanayake. It further stated:

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

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

"The Cabinet of Sri Lanka under Executive President Mahinda Rajapakse was sworn in on 23rd November 2005 with 26 Ministers. With subsequent reshuffles it has expanded to more than four times its original number within the last two years to a total of 108 Ministers at present. This involves 52 Cabinet Ministers, 36 Non-Cabinet Ministers and 20 Deputy Ministers with the Executive President himself holding 6 ministerial portfolios including that of Finance and Planning." **[63a] (p2)**

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

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

6.04 The EIU report further noted:

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

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

See also Section 15: Political Affiliation for information about political rights in practice; and 18: Corruption

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Human Rights

7. INTRODUCTION

7.01 The HRW World Report 2010 (covering events of 2009), released on 20 January 2010, noted that during the last months of the civil war, both the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) committed serious violations of international humanitarian law:

"while the overall human rights situation in the country continued to deteriorate as the government adopted increasingly repressive policies. Threats, physical attacks, and arbitrary arrests against journalists, human rights defenders, and humanitarian workers continued unabated, causing significant numbers to leave the country. As in the past, rights violators enjoyed near-complete impunity." **[21b] (Introduction)**

7.02 The FCO Sri Lanka country profile, last reviewed on 27 August 2009, recorded that "Sri Lanka is a signatory to all six core [UN] human rights instruments. The Sri Lankan government has taken steps to improve its very poor human rights record of the 1980's and 1990's. Significant improvements have been made, but problems do remain." **[15j] (Human Rights)**

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

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

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

7.05 The UNHCR Guidelines 2009 also recorded that:

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

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

7.06 The UNHCR Guidelines 2009 further observed that:

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

7.07 The UNHCR 'Note on the Applicability of the 2009 Sri Lanka Guidelines', dated July 2009, observed:

"The country of origin information that UNHCR has considered indicates that Tamils from the North of Sri Lanka continue to face a significant risk of suffering serious human rights violations in the region (and elsewhere in the country) because of their race (ethnicity) or (imputed) political opinion. Tamils in the North are still heavily targeted in the security and anti-terrorism measures described in the Guidelines. Wide scale detention and confinement of Tamils from the North remains a serious concern. Pro-Government paramilitary elements also continue to operate with impunity against Tamils in the North." **[6i] (p2)**

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

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

defenders and journalists across the country reported increased attacks including death threats." **[3c]**

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

"The government's respect for human rights declined as armed conflict escalated. The overwhelming majority of victims of human rights violations, such as killings and disappearances, were young male Tamils, while Tamils were only 16 percent of the overall population. Credible reports cited unlawful killings by paramilitaries and others believed to be working with the awareness of the government, assassinations by unknown perpetrators, politically motivated killings, the continuing use of child soldiers by a paramilitary force associated with the government, disappearances, arbitrary arrests and detention, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of freedom of movement, and discrimination against minorities. Pro-government paramilitary groups were credibly alleged to have participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity. During the year, no military, police or paramilitary members were convicted of any domestic human rights abuse. The executive failed to appoint the Constitutional Council, which is required under the Constitution, thus obstructing the appointment of independent representatives to important institutions such as the Human Rights Commission, Bribery Commission, Police Commission, and Judicial Service Commission." **[2b] (Introduction)**

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8. SECURITY FORCES

8.01 The security forces comprise the 65,000-member Sri Lanka Police Service (SLPS) and the 5,850-strong paramilitary Special Task Force (USSD 2008) **[2b] (Section 1d)**; the 150,900-strong armed forces (including recalled reservists and comprising: army 117,900, navy 15,000, air force 18,000), and paramilitary forces of around 88,600 (including 13,000 Home Guard, an estimated 15,000 National Guard and a 3,000-strong anti-guerrilla unit). (Europa World Online, Defence, accessed on 13 January 2010) **[1a]**

POLICE

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

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

"The Special Task Force is the Para-Military arm of the Sri Lanka Police, deployed essentially for Counter Terrorist and counter insurgency operations within the country. They are also deployed in the close protection Units, providing security for VIP's and key installations…The nucleus for the Special Task Force (STF) was formed in 1983, drawing on Policemen already in service and having them trained by the Army in the handling of infantry weapons and given basic training in 'jungle warfare technique'. The first few platoons formed were deployed mainly to provide support for Police Stations in the North of Sri Lanka. As the STF grew in number, they took on the added responsibilities of providing protection to key installations in the Colombo District and providing personnel for the protection of the President, Prime Minister, several Ministers of the Cabinet and other VIPP." **[7] (Special Task Force)**

8.04 In addition to the Special Task Force, police divisions include: Mounted Police; Traffic Police; Human Rights Division; Women & Child Bureau; Police Narcotics Bureau and Tourist Police. The Inspector General of Police (IGP) controls both the Functional Command and the Territorial Command. (Website of the Sri Lanka Police Service Special Information, accessed on 17 September 2008) **[7] (Home)**

8.05 As recorded in Jane's Sentinel Country Risk Assessments, Country Report Sri Lanka (accessed on 27 January 2010):

"Policemen are poorly paid and susceptible to corruption at lower levels. Senior police officials are often subject to political pressures. Human rights organisations have been highly critical of the Sri Lankan police, the rapid expansion and poor training of which have contributed to lack of professionalism …Policing is conducted through over 300 police stations

located throughout the country. Police stations are graded into six categories and are under the charge of officers in the rank of chief inspectors, inspectors and sub-inspectors, depending on the grade of the station. Police stations are further grouped into 132 territorial districts, each under the charge of a superintendent/assistant superintendent of police. These districts are in turn grouped into 35 police divisions. Each division is under the charge of a senior superintendent of police/superintendent of police." **[5a] (Security and foreign forces, 24 January 2008)**

8.06 The same source noted:

"The Sri Lankan police recruits personnel directly at three levels - probationary assistant superintendent of police, probationary sub-inspector of police, and police constable. There is little if any chance of promotion from constable to senior rank. A six-month training programme is intended to impart traditional police skills as well as provide instruction in the role of the police in the community and the criminal justice system. Induction training includes: origin and nature of police work; general police responsibilities; elements of organisation and administration; ethics; operations and patrol systems (techniques, tactics and patrol); and the handling of public disorder." **[5a] (Security and foreign forces, 24 January 2008)**

8.07 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*, 11 January 2010, observed:

"With the police coming under the jurisdiction of the ministry of defence, headed by Gotabhaya Rajapaksa, and with senior appointments to the police made the president – not the National Police Commission as required by the constitution – 'the police is under the direct control of the President and his brother … and in direct violation of the constitution. It's a directly politicised police.'" **[76b] (p19)**

8.08 A letter from the British High Commission, Colombo, dated 12 January 2010, reported that:

"A Sri Lanka Police spokesman confirmed reports in the press that over 500 police officers had been recruited from the Jaffna District, particularly from Tamil and Muslim communities. Allegedly over 6000 applicants had been called for interviews and these included around 1000 young women. The interviews were for recruitment for the positions of police constables and drivers and were conducted by senior police officers. The government has taken action to open police stations in areas that were earlier under the control of the LTTE. A recruitment leaflet had been widely distributed giving terms and conditions of police officers and showing the basic starting salary as 14,280 Rupees (£75) per month plus allowances. He recognised that there was often a language problem between the police and the local population but informed us there was now active language training for police officers through their headquarters." **[15p]**

See also Section 8: Avenues of complaint

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Arbitrary arrest and detention

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

8.09 The USSD report 2008 noted:

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

8.10 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed that "The emergency and anti-terrorism legislation has been used to arrest and detain – in some cases without charge - critical journalists, newspaper operators and political opponents of the government." **[24a] (55)**

See also Section 12: Arrest and detention – legal rights, Emergency Regulations and Section 16: Freedom of speech and media

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

8.12 On 17 October 2008 the *Daily Mirror* (Sri Lanka) reported that P. Radhakrishnan had accused the police of arresting "five to 10 Tamil people" every day in Colombo and its suburbs using the registration details and that anybody carrying identity cards with addresses from rebel-held areas was immediately arrested. Those figures were corroborated by Chief Justice, Sarath N. Silva, who had previously told the media that nearly 1,400 Tamils are currently in custody. **[11i]**

8.13 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 noted that "The Government has been heavily criticized for the high number of Tamils who have been subjected to arrest and security detention, particularly on the basis of information gathered in registration exercises and questioning at cordons and road checkpoints [see below] in and around the capital." **[6h] (p14)**

See also Sections 12: Arrest and detention – legal rights; 28: Freedom of movement and 31: Citizenship and nationality, sub-section on Identity cards

8.14 On 5 July 2009 the pro-LTTE website TamilNet reported:

"Thirty-three Tamil political prisoners detained under the Prevention of Terrorism Act (PTA) in Welikada magazine prison [in Colombo] for the last thirteen years without any inquiry or charges against them in the courts of law have appealed to human rights organizations to take up their cases with

authority concerned and obtain their early release. All of them, including some women, are residents of North, East and upcountry areas...Meanwhile, another seven Tamils serving jail sentences after being found guilty in court of law charged under the PTA also have requested their release on government pardon. They have also appealed to the HR organizations to take up their cases with the authority concerned on humanitarian basis, sources said." **[38z]**

8.15 On 20 September 2009, the same source reported that:

"135 Tamil political prisoners out of a total of 600 Tamil political prisoners in maximum security Central Jail in Welikada, Colombo, continued their fast unto death campaign demanding the state to expedite their cases, release the prisoners who have no charges filed against them, and to allow others charged with less serious offenses to undergo rehabilitation…Most of the Tamil political prisoners have been detained under the Prevention of Terrorism Act (PTA) and Emergency Regulations (ER) for prolonged periods without charges being filed against them, and without due process of law." **[38j]**

See also Sections 12: Arrest and Detention Legal Rights; 28: Freedom of Movement; and 31 Citizenship and Nationality

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Cordon and search operations May 2009 onwards

Note: cordon and search operations took take place pre-May 2009 - details are documented in the June 2009 edition of the Sri Lanka Country Report.

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

8.17 The pro-LTTE website TamilNet reported the following incidents of arrests and detention of Tamils in Colombo during the months of July 2009:.

"[On 1 July 2009] Sri Lanka Terrorist Intelligence Division (TID) in Colombo took into custody...three Tamil civilians staying in a lodge located in Kotahena... The arrested civilians are suspected to be escaped detainees from one of the Sri Lanka Army (SLA) internment camps in Vavuniyaa... Police said they are investigating to find out how these three IDPs escaped from Vavuniyaa camp without informing the authorities' there.They further said they suspect that these Tamils were supporters of LTTE. The arrestees are said to be making arrangements to leave the country, the sources added." **[38aa]**

"[On 20 July 2009] Two Tamil youths who were waiting to take a flight to Cairo, capital of Egypt Thursday morning and another Tamil youth who arrived in [sic] Friday morning from Dubai were taken into custody at [Colombo] Katunayake International Airport by the Katunayake police. Police said they are being detained and are suspected to be LTTE cadres, sources in Colombo said. Two Tamil youths arrested on Thursday morning were said to be staying in a lodge in Wellawatte and Kotahena for the last two months, according to

inquires [sic] conducted by the police. Another person said to be the manager of a travel agency who helped these two Tamil youths to obtain visa and other travel documents go abroad was also arrested and is being subjected to interrogation by the Police Intelligence Unit...Katunayake police added, steps are being taken to hand over these three Tamils to the Criminal Investigation Department of the Police for further inquiry once the preliminary investigation is completed." **[38w]**

"[On 28 July 2009] Sri Lanka police took into custody eight Tamil youths Tuesday morning in a search conducted in Ettiyawathe in Colombo. The arrested youths are from Jaffna, their relatives said. The youths are detained in Kotahena police station. The police have been conducting search operations in Ettiyawathe area for the last two days." **[38v]**

8.18 Similar incidents were reported by the pro-LTTE website TamilNet in August 2009.

"[On 8 August 2009] Sri Lanka police took two Tamil civilians from a house located along Arethusa lane in Wellawatte [Colombo] Thursday, and claimed that they seized two suicide jackets, a micro pistol, and five hand grenades during the search of the house. Police spokesman Ranjit Gunasekara said the Tamil civilians, residents of Jaffna were under interrogation by the Terrorism Unit of Police. Western Province Police Intelligence Unit and Wellawatte Police Intelligence Unit conducted a joint operation to uncover the safe house, Mr Gunasekara said." **[38n]**

"[On 31 August 2009] Sri Lanka police took two Tamil civilians into custody in Colombo Thursday night in two separate incidents. One was arrested in Katunayake International Airport (KIA) area and the other along D. R. Wijewardene Mawatte in Colombo town, media spokesman Ranjit Gunasekara told media. He claimed both were suspected to be LTTE active members and were being subjected to interrogation by the Terrorist Intelligence Unit." **[38t]**

"[On 31 August 2009] Four Tamil civilians arrested by the police while staying with their relatives and friends in Katunayake, a High Security Zone (HSZ) in Colombo district Saturday night are still being detained in the Katunayake police station and interrogated by the Terrorism Intelligence Department (TID). All the four are natives of north and east, sources said. The arrestees had not registered themselves with the police in the area about their stay in the location and failed to prove their identity. They were taken into custody on receipt of information from the public that some strangers were seen in the area, police sources added." **[38o]**

8.19 Comprehensive information on the cordon and search operations between June and August 2009 is available from the Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, published on 22 October 2009 (FCO October 2009 report). The report observed:

"Most sources said that the frequency of cordon and search operations had not reduced significantly in recent months, though there were fewer large-scale operations than in previous years. No information was available on numbers of arrests. In general, young male Tamils originating from the north and east of the country were most at risk of being detained following cordon

and search operations, with the above factors again increasing that risk. Those without employment or 'legitimate' purpose for being in Colombo were also likely to be seen as suspicious." **[15m] (Executive Summary, Cordon and search operations since June 2009)**

8.20 The same source reported the reply of a Sri Lankan senior intelligence official to the question on the number of arrests during cordon and search operations in Colombo/ Gampaha since the beginning of June 2009:

"… he did not have figures for such arrests, adding that the police carried out cordon and search operations, but SIS supported them by checking their records. SIS provided information to the Inspector General of Police. Sometimes, if there was specific information and an operational need, they could be directly involved." (FCO October 2009 report) **[15m] (paragraph 2.1)**

"The representative of the Swiss Embassy in Colombo had not seen specific statistics on cordon and search operations but stated that all kinds of arrests and detentions were taking place, including cordon and search operations at lodges and in Tamil areas, as well as more targeted operations based on specific information. The Swiss representative added that the cordon and search operations had reduced since the end of the war." **[15m] (paragraph 2.4)**

"The representative from Centre for Policy Alternatives (CPA) had not heard of any arrests. However, they were aware that in some areas of low-income Tamil residence, such as Wellawatte and Kotahena, there were operations once or twice a week. In other areas, such operations were less frequent; but every day, somewhere in Colombo was raided. In general, cordon and search operations were 'easing off' but still happened." **[15m] (paragraph 2.8)**

"The former Chief Justice, Sarath Silva, said that cordon and search operations had been around for a very long time. Compared to previous years, such operations were less frequent than before. Until six months ago, when he was still Chief Justice, there were approximately 1,200 people in detention under the Emergency Regulations and the PTA, including those detained in Boosa detention centre. [Boosa detention centre is located in the southern district of Galle. Hundreds arrested under the Emergency Regulations (ERs) throughout the county are reported to be held there, frequently without being charged.] Former Chief Justice Silva said that most detainees were kept in Colombo, where Welikada prison had a separate section to accommodate them." **[15m] (paragraphs 2.9-2.10)**

"Professor Wijesinha [Secretary Ministry of Disaster Management & Human Rights - the government department with responsibility for protecting human rights in Sri Lanka] said that recently there had been no complaints about cordon and search operations, but there were some in the past. He was not aware of the total number of people arrested/detained in such operations. In the past, the evidence suggested that a lot of people were questioned during such operations, but released on the day itself or shortly thereafter. He said they used to keep track of such incidents in the past when there had been some large-scale operations (e.g. 2007) and had to look into complaints related to those. Such large-scale operations had not been seen in recent years." (FCO October 2009 report) **[15m] (paragraph 2.8)**

8.21 In reply to the question on how many of those arrested during cordon and search operations were Tamils "Mano Ganesan MP said that there were 360 Tamil prisoners detained around the country under the Emergency Regulations (ERs) and Prevention of Terrorism Act (PTA)." (FCO October 2009 report) **[15m] (paragraph 2.24)**

8.22 The FCO October 2009 report also stated:

"Maj. Gen. Silva said that since the end of the conflict, the number of persons remanded under the ERs/PTA had reduced. Currently, there were in total around 600 people detained nationwide under the ERs and the PTA. The number of those convicted was minimal. They were almost exclusively held in remand prisons, mostly within the Colombo district. People could be kept on remand depending on the accusations. There were a few people who had been kept on remand for over two years...Magistrates decided where people should be sent." (FCO October 2009 report) **[15m] (paragraph 2.52)**

See also Section 13: Prison conditions

8.23 With regards to the issue of charges against those detained during cordon and search operations:

"The representative of the Swiss Embassy in Colombo said that suspects were charged on 'suspicion of terrorist activities' and held under detention orders (DO) of either one of the various emergency regulations or under the Prevention of Terrorism Act." (FCO October 2009 report) **[15m] (paragraph 2.33)**

"The representative from CPA said that it was mixed. With some you see documentation from the police or Courts, others not. Some people were detained for 3 months without receiving any documentation and even their lawyers did not know why they were detained. Actual charges could be 'on suspicion' or 'aiding and abetting', but often they did not specify 'of what', or 'who'. Just 'being suspicious' was covered by a special section under the Emergency Regulations (ERs)." (FCO October 2009 report) **[15m] (paragraph 2.34)**

"The former Chief Justice, Sarath Silva, stated that most were arrested and detained 'on suspicion' (which is a specific category mentioned in the Emergency Regulations). Very few of them would have been charged." (FCO October 2009 report) **[15m] (paragraph 2.35)**

"Staff of a non-governmental organisation said that people were usually remanded and held without charge. Professor Wijesinha stated that a lot of them were not charged... Mano Ganesan MP said that some people were just detained at police stations and were never charged. Some were sent to detention camps managed by paramilitary groups." (FCO October 2009 report) **[15m] (2.36-2.38)**

8.24 The FCO October 2009 report also dealt with the issue of how long those detained during cordon and search operations were held and noted:

"The senior intelligence official stated that people were held a maximum of 72 hours; then they were produced to court. If there was a detention order issued

by the MOD they could normally be detained for 3 months. It could go to court but this depended on the grounds of the case." **[15m] (paragraph 2.39)**

"The Human Rights Activist said that he had no recent (since June 2009) examples, but that in the past some people were kept for 2-3 hours or overnight, some for up to three months. There had been people detained in the past, still held after more than ten years, without any charges...Cases of quick release were normally based on personal connections, bribes or more regular methods such as clearance from the police in the area of origin. Sometimes such a clearance could be obtained with a bribe." **[15m] (paragraph 2.40)**

"The representative of the Swiss Embassy in Colombo said that people were usually held for between 24 hours and three days by the police, then either released or sent to TID, CID, Boosa and other prisons." **[15m] (paragraph 2.41)**

"CPA said that it depended on the type of case. If a detainee obtained legal representation as soon as possible, they were more likely to be released. Others remain detained, were moved around and remained in custody longer." **[15m] (paragraph 2.42)**

"Mano Ganesan MP said that persons were detained for long periods of time without their cases being heard. There were over 1,500 held at Boosa detention centre who were not entitled to bail, rehabilitation or amnesty. Some had been held for over seven years." **[15m] (paragraph 2.45)**

See also Section 28: Freedom of Movement

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Disappearances/Abductions

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

8.25 The European *Commission* 'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka' (the EU report of October 2009), 19 October 2009, observed:

"Sri Lanka has among the highest number of disappearances in the world since 2006. The numbers provided for disappearances vary between different organisations but all reports agree that the number of disappearances is substantial. The UN High Commissioner for Human Rights has stated that some 1500 persons disappeared between December 2005 and December 2007. Human Rights Watch has reported 1000 cases of disappearances were reported to the NHRC in 2006 and over 300 in the first four months of 2007. In June 2008, the UN Working Group on Enforced and Involuntary Disappearances noted that it had sent 22 urgent actions to the Sri Lankan Government in the previous two months alone and that both women and humanitarian aid workers were being targeted. The former Sri Lankan Minister of Foreign Affairs Mangala Samaraweera in January 2007 was quoted in several news agencies stating that a person was abducted in Sri Lanka every five hours. The figures made available in November 2008 by Judge

Tillekeratne, Chairman of the Presidential Commission on Disappearances, showed that 886 persons disappeared in less than 12 months." **[24a] (62)**

"Reports indicate that in a significant number of cases individuals who initially disappeared were subsequently discovered in state detention. This strongly suggests that the state was implicated in their original disappearance. The UN Working Group on Enforced and Involuntary Disappearances has found that the Sri Lankan army, the police and the TVMP/Karuna group were responsible for many of the disappearances between November 2006 and November 2007. The report noted a growing culture of impunity enjoyed by members of the security forces and pro-government armed groups who perpetrated enforced disappearances as the government took no steps to combat the problem. Disappearances appear to be part of the Government's counter-insurgency strategy." **[24a] (63)**

8.26 Detailed information on abductions and disappearances since between June and August 2009 is also 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). The report observed:

"Most sources agreed that there had been few if any abductions / disappearances since June 2009. None were able to provide much information about the profile of Tamils targeted for abduction, though cases of journalists were mentioned.

"Sources agreed that abductions were carried out both for ransom and for political reasons. There was wide agreement among non-government sources that the security forces had some involvement in most cases, and that the police did not carry out meaningful investigations." **[15m] (Executive Summary, Abductions and disappearances since June 2009)**

8.27 The FCO October 2009 report recorded in particular that:

"The Human Rights Activist said his impression was that abductions for ransom were usually carried out by individuals who had connections with the security forces, not with their full involvement, but complicity in letting them happen or pass through checkpoints. Politically motivated disappearances happened with the full complicity of the authorities." **[15m] (paragraph 3.24)**

"The UNHCR Protection Officer said that in the past there were reports of 'white van' disappearances in Colombo, but not in recent months." **[15m] paragraph (3.26)**

"The former Chief Justice, Sarath Silva, said that the perpetrators were in general somehow related to the security forces and the police. There was impunity and a lack of accountability." **[15m] (paragraph 3.27)**

"Staff of a non-governmental organisation said that they thought that the perpetrators were part of the state apparatus and acted under the pretext of counter terrorism." **[15m] (paragraph 3.28)**

"Mano Ganesan MP said that many people who had disappeared turned up in police stations." "Professor Wijesinha [Secretary of the Ministry of Disaster

Management & Human Rights] said that it had occurred in just a couple of cases." **[15m] (paragraphs 3.37-3.38)**

"The former Chief Justice, Sarath Silva, said that the police did not investigate such incidents and there had been no prosecutions." **[15m] (paragraph 3.44)**

"Mano Ganesan MP opined that the police did not investigate because they knew that the perpetrators may be part of their own units." **[15m] (paragraph 3.47)**

8.28 The International Crisis Group (ICG) report *'Sri Lanka: A Bitter Peace'*, 11 January 2010, observed that "Disappearances and abductions – whether for ransom or to target those suspected of working with the LTTE – are much less frequent than in 2006-2008, though there have been reports of such cases since the war's end, primarily from the Northern and Eastern Provinces." **[76b] (p18)**

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

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

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

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

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

8.31 The UNHCR Guidelines 2009 continued:

"While responsibility for the abductions and disappearances are not claimed by any one group, in many of the cases documented by human rights groups there are indications of involvement by Government actors, including security forces, the army, navy, or police. The incidents reported have frequently followed security searches, interviews or other contact with police or security forces and involve perpetrators who are deliberately hiding their identity." **[6h] (p16)**

8.32 The USSD 2008 report noted that:

"Allegedly because of government pressure, the Sri Lanka Human Rights Commission (SLHRC) ceased providing statistics on forced disappearances by state security forces, progovernment paramilitary groups, or the LTTE…Witnesses and potential victims identified the perpetrators of many abductions as Tamil-speaking armed men using white vans without license plates. The government generally failed to investigate these incidents...During the year [2008], the government did not indict or convict anyone, including security force or paramilitary members, of involvement in disappearance-related cases." **[2b] (Section 1d)**

See also Section 8 on Police abuses: investigations and prosecutions

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

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

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

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

See also Section 8 on Avenues of complaint and on Police abuses: investigations and prosecutions

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Torture

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

8.35 The European Commission '*Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka*' (the EU report of October 2009), 19 October 2009, observed:

"Sri Lanka's Constitution proscribes 'torture or … cruel, inhuman or degrading treatment or punishment' (Art. 11). Sri Lanka also has various domestic laws to prevent and criminalize torture. In relation to the implementation of the CAT, Sri Lanka has adopted the 1994 Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment Act ('CAT Act') whose objective is to transpose the CAT into domestic law. Although in general the Constitution and the CAT Act incorporate the CAT in domestic legislation, several weaknesses have been identified. In particular, the Code of Criminal Procedure lacks several safeguards against torture, such as the right of a person arrested and held in custody to inform a family member of the arrest and the right of access to a lawyer and/or a doctor of his choice. The Code of Criminal Procedure also does not specify the interrogation conditions. The absence of an effective ex officio investigation mechanism in accordance with article 12 of the CAT is another weakness. Furthermore, under the emergency regulations, many of the safeguards against torture contained in the Code of Criminal Procedure do not apply, which has led to a situation in which torture becomes a routine practice in the context of counterterrorism operations. The non-applicability of important legal safeguards in the context of counter-terrorism measures, as well as excessively prolonged police detention, opens up the doors for abuse. While a significant number of indictments for torture have been brought under the CAT Act, the majority of prosecutions have been inconclusive." **[24a] (26)**

See also Section 12: Arrest and detention – legal rights, Emergency Regulations

8.36 The EU report of October 2009 further noted that:

"International reports indicate continual and well-documented allegations of widespread torture and ill-treatment committed by State forces (police and military) particularly in situations of detention. The UN Special Rapporteur on Torture has expressed shock at the severity of the torture employed by the army, which includes burning with soldering irons and suspension of detainees by their thumbs. The UN Special Rapporteur on Extra-Judicial Killings has noted that the majority of deaths as a result of torture at the hands of the police are not caused by 'rogue' police officers but by ordinary officers taking part in an established routine. There are particularly widespread allegations of torture and CIDT [cruel inhuman degrading treatment] in and near recent conflict zones. The allegations include claims of sexual assault and rape in IDP camps. Government officials have recognized that torture by police and security forces is widespread, although the GOSL denies that torture is widespread but 'is only occasionally resorted to by over-zealous investigative personnel…'" **[24a] (paragraphs 44-45)**

"There are consistent reports that allegations of torture or CIDT are not promptly or impartially investigated. Detainees and other victims are reluctant to report incidents of torture or CIDT to the authorities due to intimidation by police officers and threats of further violence. Medical examination of persons who complain of torture is wholly inadequate." **[24a] (paragraph 46)**

"Many of the protections against torture contained in domestic laws do not apply in cases of detention under the emergency legislation. The emergency legislation authorizes detention in a much wider range of circumstances than the law normally applicable. The emergency legislation allows security forces

to hold 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. Although involuntary confessions are not admissible in evidence, the onus of proving that the confession was involuntary rests on the person alleging torture." **[24a] (paragraph 47)**

See also Section 12: Arrest and detention – legal rights, Emergency Regulations

8.37 The ICG report *'Sri Lanka's Judiciary: Politicised courts, compromised rights'*, 30 June 2009 observed:

"Police are responsible for arrests and prosecutions of minor criminal offences. Most torture occurs in police custody immediately after the initial arrest. Police engage in torture, in part, because they lack the basic tools necessary to investigate effectively. For unskilled but ambitious officers, torture leading to confessions is perceived as the easiest road to promotion. Torture also disproportionately affects the poor. Given its pervasiveness in police custody, when and how a prisoner can secure bail is especially important." **[76c] (p17)**

See also Section 12 on Bail/Reporting conditions

8.38 The USSD report 2008 noted:

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

8.39 The USSD report 2008 continued:

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

"In the east and conflict-affected north, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions reportedly were followed by interrogations that frequently included torture. When the interrogations failed to produce evidence, detainees were often released with a warning not to reveal information about their arrests and threatened with rearrest or death if they divulged information about their detention. Human rights groups estimated that

more than 2,000 LTTE suspects were in regular detention centers, such as prisons, with approximately 1,200 more in police stations, the Criminal Investigation Division, the Terrorism Investigation Division, army or paramilitary camps, or other informal detention facilities. The military denied holding detainees at its facilities and did not grant access to national or international monitors to investigate claims of torture by military forces.

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

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

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

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

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Extra-judicial killings

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

8.41 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed:

"Unlawful killings perpetrated by soldiers, police and paramilitary groups with ties to the Government, have been a persistent problem in Sri Lanka. According to reports, many killings and disappearances of civilians have been carried out against persons suspected of being informants for, or collaborators with, the LTTE. The army assisted by pro-government Tamil paramilitaries, reportedly engaged in a deliberate policy of extra-judicial killings against those they considered to be supportive of the LTTE... Reports from a wide range of

sources indicate that the overall number of extrajudicial killings increased dramatically between 2006 and 2008...Reports also indicate that the police have engaged in summary executions. Several persons have been shot in police custody, while others have died as a result of torture" **[24a] (paragraphs 34-35)**

8.42 The USSD 2008 report noted that:

"There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Monitoring organizations reported that during the year [2008], approximately eight hundred of the several thousand deaths associated with the hostilities between government security forces and the LTTE were civilian casualties as a result of artillery fire into populated areas, aerial bombings, land mines, and other military action. International organizations noted that a significant proportion of the civilian casualties occurred in individual incidents, such as extrajudicial killings; however, reliable statistics on such killings by both sides were difficult to obtain because families feared reprisals if they filed complaints. The numbers reported by different organizations vary widely. Nongovernmental organizations (NGOs) believed that the majority of those reported as disappeared were actually killed." **[2b] (Section 1a)**

8.43 The HRW document *'Sri Lanka: Human Rights Situation Deteriorating in the East'* issued on 24 November 2008 reported that

"Human Rights Watch investigations have found that there have been at least 30 extrajudicial killings in the Eastern Province since September [2008]. In one recent case, the bodies of two young Tamil men who had been detained by the police on October 3, 2008, during a security roundup in the town of Batticaloa were found on a beach six days later with their hands and legs tied to a concrete pole, and showing signs of severe torture." **[21j]**

8.44 The International Crisis Group (ICG) report *'Sri Lanka: A Bitter Peace'*, 11 January 2010, recorded:

"The murder of two young Sinhala men in police custody in the southern town of Angulana in July 2009 led to public outrage. So too did a video of a mentally ill Tamil man being beaten to death by police in Colombo in October 2009. There has been a string of extrajudicial killings of 'underworld' leaders alleged to have links to politicians. The government admitted in parliament that 32 people died while in police custody in the first nine months of 2009" **[76b] (p19)**

See also Section 4: Recent Developments; Section 8 on Avenues of complaint ; Section 8 on Police abuses: investigations and prosecutions and Section 10 on Abuses by non-government armed forces

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ARMED FORCES

8.45 In November 2007 "the armed forces totalled 150,900 (including recalled reservists): army 117,900, navy 15,000, air force 18,000. There were also paramilitary forces of around 88,600 (including 13,000 Home Guard, an

estimated 15,000 National Guard and a 3,000-strong anti-guerrilla unit". (Europa World Online, Defence accessed on 13 January 2010) **[1a]**

8.46 As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, (accessed 27 January 2010):

"Several factors have adversely affected motivation, commitment and professionalism in the army. Foremost among these is that the overwhelming majority of personnel in the lower ranks are from the lowest income strata of society whose enlistment is due largely to their inability to find other employment. There has never been an indoctrination of an ideological fervour comparable in intensity and effect to the ethno-nationalist indoctrination of its cadres by the Tamil Tiger leadership. There is certainly no impulse for the soldiers to die as martyrs, emulating the suicide bombers among the Tigers. There has hardly ever been a risk of punishment for deserters. Instead, some of them prosper by engaging in crime, often under the patronage and protection of politicians. There is a sense of frustration and cynicism generated by the waywardness of military policy and the corruption that is believed to prevail both at the higher levels of the army hierarchy as well as among the politicians and other civilians who control policy matters. Factionalism in the officer corps is also not without ill-effects on morale.

"Recruiting is conducted solely from the Sinhalese community. Given the economic circumstances of the country, much affected by the insurgency, there appears little shortage of recruits, although standards are low. Retention, however, is a problem, and absence without leave/desertion rates are high." **[5a] (Army, 22 July 2009)**

Arbitrary arrest and detention

8.47 See Section 8 on Police, Arbitrary arrest and detention since many reports refer to 'security forces' in general

Torture

8.48 See Section 8 on Police, Torture since many reports refer to 'security forces' in general

Extra-judicial killings

8.49 See Section 8 on Police, Extra-judicial killings since many reports refer to 'security forces' in general

AVENUES OF COMPLAINT

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

"While the number of reported political crimes and human rights violations in Sri Lanka has increased since hostilities intensified in 2006, police investigations and convictions have not increased proportionally. The Government of Sri Lanka has been widely criticized for failing to acknowledge the extent of the problem and for lacking the commitment to effectively punish

perpetrators of human rights violations, in particular those among members of the police, security and military forces. In a recent statement, a group of 10 UN independent experts expressed their 'deep concern at the deteriorating human rights situation in Sri Lanka, particularly the decreasing space for critical voices and the fear of reprisals against victims and witnesses which – together with a lack of effective investigations – has led to unabated impunity for human rights violations.'" **[6h] (p20)**

8.51 The USSD report 2008 also observed that:

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

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

8.53 The HRW World Report 2010 (covering events of 2009), released on 20 January 2010 noted that "As in the past, rights violators enjoyed near-complete impunity." **[21b] (Introduction)**

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Police abuses: investigations and prosecutions

8.54 The Amnesty International report *'Twenty years of make-believe - Sri Lanka's commissions of inquiry'*, released on 11 June 2009 observed:

"Impunity has long been the rule in this country where violations of international human rights law and international humanitarian law are concerned, because successive governments wanted it that way... State agents have intervened directly in some cases to eliminate witnesses through bribes, threats, harassment, intimidation and violence, including murder, to discourage police investigations, and to mislead the public. Officials and other influential people have taken full advantage of significant flaws and inefficiencies in Sri Lanka's justice system to prevent prosecutions. Lack of consistent recognition by the courts of the principle of 'command responsibility' ...has greatly exacerbated the problem by allowing those with the most influence and seniority to misuse their powers and take advantage of flaws in the existing system." **[3f] (p1-2)**

8.55 The Freedom House 'Freedom in the World 2009, Country report, Sri Lanka', released on 16 July 2009, noted that "A lack of aggressive prosecution of the majority of past abuses, coupled with inadequate protection for victims and

witnesses, contributes to a climate of almost complete impunity." **[46c] (Political Rights and Civil Liberties)**

8.56 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed:

"The Attorney General is the principal official responsible for authorising prosecutions concerning serious offences and enjoys wide prosecutorial discretion. The independence and impartiality of the Attorney General are particularly important in Sri Lanka given his extensive powers, obligations and duties in criminal proceedings, including investigations into allegations of serious human rights violations committed by the State. The manner in which the current Attorney General was appointed in disregard of the 17th Amendment raises questions about his independence and impartiality. Reports indicate that the Attorney General's Department does not vigorously prosecute cases involving serious human rights violations." **[24a] (paragraph 30)**

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

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

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

8.58 The USSD 2008 report also observed:

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

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

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

8.60 A statement issued by the AHRC on 20 September 2008 reported:

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

8.61 On 15 August 2009, the pro-LTTE website TamilNet reported that Mount Lavinia Chief Magistrate had "ordered remand for five police officers including the Officer–in-Charge (OIC) of the Angulana Police Post until the 26th of August over the death of two youths from Angulana who were in police custody." **[38ag]**. On 17 August 2009, the same source reported that the Kaduwala Magistrate had ordered remand until 31 August for eleven police personnel who had been allegedly involved in assaulting a student. It noted, however, that the main suspect, (the son of a Senior Superintendent of Police) had not been produced in court along with other eleven suspects including three inspectors, one police sergeant and seven constables. **[38ag]**

8.62 On 1 November 2009 the *Sunday Observer* reported that CCD (Colombo Crime Division) had arrested the suspect policeman seen in a video beating a mentally ill person and letting him drown on 29 October 2009. The policeman would be produced in court following an inquiry and the police was reported "considering disciplinary action against the Chief Inspector, an Inspector and a Sub Inspector who were present at the scene for failing to prevent the enraged Constable from beating the victim, who died as a result of drowning. **[16c]**

Human Rights Commission of Sri Lanka (HRCSL)

http://www.hrcsl.lk/english/index.html

8.63 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed:

"The National Human Rights Commission (NHRC) of Sri Lanka is an independent commission, which was set up to promote and protect human rights in the country. Its main duties are to inquire into, and to investigate, complaints regarding procedures, to ensure compliance with the provisions relating to fundamental rights as guaranteed under the Constitution and to promote respect for, and observance of, fundamental rights. The NHRC also is mandated to inquire into and investigate complaints regarding infringements of fundamental rights and to provide for resolution thereof by conciliation and mediation in accordance with the provisions of the NHRC Act. The NHRC lacks the capacity to conduct detailed criminal investigations and is not adequately funded and resourced. Both the Bar and academics are unanimous that the NHRC does not have the will or power to address the more serious human rights issues. The Government has announced its intention to increase the powers of the NHRC. In October 2007, the Sub-Committee on accreditation of the International Co-ordinating Committee

(ICC) of National Human Rights Institutions took the decision to downgrade the NHRC from 'A' to observer 'B' status (not fully compliant with Paris Principles) due to two primary concerns: (1) it was not clear that the appointment of Commissioners was in compliance with the Paris Principles; and (2) in practice, it was not clear that the NHRC remained balanced, objective and apolitical, particularly with regards to the discontinuation of follow-up to 2,000 cases of disappearances in July 2006. This decision confirmed the inadequacy of the NHRC in fulfilling its important mandate." **[24a] (paragraph 33)**

8.64 The USSD 2008 report noted that:

"By statute the [Sri Lanka Human Rights Commission] SLHRC has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. However, in practice the SLHRC rarely used its powers. No actions were taken to investigate the more than 200 cases reported to the Jaffna Branch of the SLHRC since 2006. The SLHRC did not have enough staff or resources to process its caseload of pending complaints, and it did not enjoy the full cooperation of the government. The SLHRC had a tribunal like approach to investigations and declined to undertake preliminary inquires in the manner of a criminal investigator...The SLHRC's torture prevention monitoring unit, established in 2004, ceased effective functioning in 2006 because of inadequate funding." **[2b] (Section 4)**

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

"The SLHRC has been the subject of controversy and concerns over its performance following the end of the previous Commissioners terms in mid-2006 and their replacement by Commissioners directly appointed by the President, not by the Constitutional Council, in contravention of Sri [Lankan] Law. The formal position of the SLHRC remains strong, appointed by an all party selection committee (the Constitutional Council) and with extensive legal powers to summon witnesses and demand information – but the practice rarely reflects the theory. The Chairman of the SLHRC has confirmed that they have no jurisdiction against the militaries [sic], or against unknown persons/groups. There have been extensive discussions between the SLHRC and the UN who have been the main capacity builders and between the UN and the diplomatic community who have previously provided much of the funding. There are widely differing views with some members of the International Community believing that the SLHRC remains relevant and others believing that civil society groups provide a better answer to Sri Lanka's human rights issues." **[15c]**

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Ad hoc commissions of inquiry

8.66 The EU report of October 2009 observed that "The use in Sri Lanka of Commissions of Inquiry (CoI) has been widely criticized because it represents an ad hoc response to a series of particularly shocking incidents which has tended to shift attention away from the deficiencies in the normal institutions devoted to the protection of human rights." **[24a] (34)**

8.67 The Amnesty International report *'Twenty years of make-believe - Sri Lanka's commissions of inquiry'*, released on 11 June 2009 noted:

"The failure of the formal justice system to check grave violations of human rights has been a focus of domestic and international pressure on the Sri Lankan government for decades. That pressure has sometimes led the government to appoint ad hoc commissions of inquiry to look into particularly high profile cases. These have proved equally ineffective in combating impunity... Commissions of Inquiry have not worked as mechanisms of justice in Sri Lanka. Presidential Commissions have proved to be little more than tools to launch partisan attacks against opponents or to deflect criticism when the state has been faced with overwhelming evidence of its complicity in human rights violations." **[3f] (p2-3)**

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

8.68 The Foreign & Commonwealth Office (FCO) country profile of Sri Lanka (last reviewed on 27 August 2009) recorded:

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

8.69 A press release issued by Amnesty International on 17 June 2009 stated:

"The Presidential Commission of Inquiry, established to look into serious violations of human rights committed since 2006, was disbanded on Sunday [14 June 2009]. The Commission of Inquiry was unable to complete its mandate as no extensions were granted. Of the 16 cases referred, only seven were investigated with reports on five finalized. Not a single one resulted in any justice.

"On 16 June, a former High Court Judge Mahanama Thilakaratne, expressed his concern about the lack of independent police investigations into some cases investigated by the Commission of Inquiry." **[3j]**

See also Section 8 on Police, Disappearances/Abductions, Section 8 on Extra-judicial killings and Section 17: Human Rights institutions, organisations and activists

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Witness protection

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

8.71 This was confirmed by the Amnesty International report *'Twenty years of make-believe - Sri Lanka's commissions of inquiry'*, released on 11 June 2009 which noted:

"Sri Lanka has no witness protection programme. The lack of effective protection for witnesses against intimidation has been a very serious obstacle to prosecution of human rights cases, and obstructs the work of the Commission of Inquiry by inhibiting witnesses and potential whistleblowers...A bill to establish a rudimentary witness protection system in Sri Lanka has been stalled since June 2006...repeated delays in the legislative process suggest a lack of political will in effectively addressing witness protection." **[3f] (p29-30)**

See also Section Section 8 on Police and subsection on Ad hoc commissions of inquiry

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9. MILITARY SERVICE

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

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

DESERTION

9.02 On 2 September 2008, the Government Media Centre for National Security (MCNS)/Defence News reported:

"Sri Lanka Army's Courts Martial, following imposition of punishment on 106 convicted Army deserters have handed them over to Welikada Prisons Headquarters Tuesday (2) [September 2008] afternoon for imprisonment, a Press Release issued by the Army Headquarters declared. One more batch of 199 convicted Army deserters are also scheduled to be handed for imprisonment on Wednesday (3), upon completion of their legal proceedings, according to Army Directorate of Legal Services. Those deserters have been arrested by Military Police and respective local Police stations in the most recent past, consequent upon their failure to honour general amnesty periods, granted to them earlier by the Army, beginning last May. However, a total of 4870 Army deserters thus made use of the granted grace period and subsequently surrendered themselves to the Army between May 02-31, 2008. Similarly, some 2661 more deserters have responded positively to the amnesty until 13th June 2008. Those convicts, depending on the duration of their absence are accordingly sentenced to imprisonment between three months to one year, in accordance with respective rulings determined, based on the periods of desertion." **[49a]**

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

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

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

"About two thousand deserted soldiers of the Sri Lanka Army (SLA) are currently serving jail sentence from three months to one year rigorous imprisonment in several prisons in the south of Sri Lanka, sentenced by

Military Tribunal after trial. A further four thousand deserted soldiers are in custody, and soon they would be facing inquiry before military tribunal, media reports said quoting Commissioner General of Prisons Major General Vajira Gunawardene. Gunawadena added that prison authorities are now facing a major problem to find accommodation in prisons for the convicted deserters and future convicts." **[38b]**

9.05 On 15 September 2009 the *Daily Mirror* (Sri Lanka) reported that:

"More than 18,400 army and navy personnel who had deserted ranks before May 31 this year, have applied to receive an honourable discharge from service, the military said. Military Spokesman Brigadier Udaya Nanayakkara said that some 15,400 soldiers had deserted their ranks during the amnesty period. 'These deserters who came forward voluntarily during the amnesty period given by the army had been given an official discharge,' he said. He further stated that the amnesty period, that will end on September 24, had been extended until the September 30 to give more time for these deserters to come forward. Meanwhile, Navy yesterday said that more than 3000 navy deserters had also come forward during the amnesty period given by the navy, which ended on September 10…Currently; Air Force too [is] carrying out a programme to discharge its deserters… Statistics show that there are around 60,000 deserters from the three services in the country. The three forces repeatedly called those deserters to surrender to their respective forces during the war period, but the response was very poor." **[11b]**

9.06 On 4 November 2009 the Government-controlled *Daily News* reported that:

"The 136 officers and 4,855 other ranks of the Sri Lanka Army who were in Prison after deserting their posts prior to May 19, 2009 have been released under a special pardon, Parliament was told yesterday. Chief Government Whip and Urban Development and Sacred Area Development Minister Dinesh Gunawardena said that no person from the Navy and Air Force had been imprisoned due to deserting their posts." **[16b]**

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

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10. ABUSES BY NON-GOVERNMENT ARMED FORCES

LIBERATION TIGERS OF TAMIL EELAM (LTTE/TAMIL TIGERS)

The LTTE ceased to be an effective military force in May 2009, see History: The LTTE are defeated – May 2009.

10.01 The Freedom House report, 'Freedom in the World 2009, Sri Lanka', covering events in 2008, released on 16 July 2009, reported that:

"For years, the LTTE effectively controlled about 10 percent of Sri Lankan territory and operated a parallel administration that included schools, hospitals, courts, and law enforcement. It raised money through extortion of both local and overseas Tamils, kidnapping, theft, and the seizure of property. The LTTE imposed mandatory military and civil-defense training on civilians, and regularly carried out summary executions, assassinations, disappearances, arbitrary detentions, torture, and the conscription of children." **[46c] (Political Rights and Civil Liberties)**

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

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

10.03 The USSD 2008 report added:

"The LTTE, a terrorist organization banned in the United States, India, the European Union, and Canada, maintained [during 2008] control of a shrinking area in the north of the country. The LTTE attacked and killed a large number of civilians; engaged in torture, arbitrary arrest, and detention; denied fair, public trials; arbitrarily interfered with privacy; denied freedoms of speech, press, and assembly and association; and practiced extensive forced recruitment, including of children. The LTTE was active in areas, particularly in the south, that it did not control, attacking military and civilian targets, including public buses and trains, and conducting political assassinations…. **(Introduction)** Government security forces, progovernment paramilitary groups, and the LTTE used excessive force and committed abuses against civilians. The government used army commandos known as Deep Penetration Units to

conduct operations against the LTTE in the LTTE controlled Vanni. However, because of targeting errors, some of these attacks claimed civilian victims. The LTTE also used special operatives to conduct infiltration operations against government security forces. LTTE suicide cadres, also known as 'Black Tigers,' killed civilians in attacks targeted at the opposing military force." **[2b] 9Section 1g)**

10.04 The HRW World Report 2010 (covering events of 2009), released on 20 January 2010 noted:

"Forced to retreat by government offensive operations, the LTTE drove civilians into a narrow strip of land on Sri Lanka's northeastern coast, effectively using several hundred thousand people as human shields. The LTTE shot at and injured or killed many of those trying to flee from the war zone to government-held territory. LTTE forces also deployed near densely populated areas, placing civilians in increased danger of attack. As the fighting intensified, the LTTE stepped up its practice of forcibly recruiting civilians, including children, into its ranks and, to hazardous forced labor on the battlefield." **[21b]**

PARAMILITARY GROUPS

10.05 A letter from the British High Commission, Colombo, dated 12 January 2010, reported:

"A police spokesman said there were no paramilitary groups operating within the Jaffna District. The Government Agent stated that there was not a serious problem with paramilitary groups now because they all now wanted to join the mainstream. In the past people knew who they were, and were aware of them trying to collect ransoms. The police had reported that investigations were carried out but there was no apparent action taken. Some government and non-government sources refused to name any specific groups, but some humanitarian groups said that the most visible, intimidating and powerful were the Eelam People's Democratic Party (EPDP). This paramilitary party, aligned with the government, operated with impunity and often with the military, openly carrying weapons. They were known to stand in the roads forcing people to buy their newsletters. In the absence of alternative political parties, some traders have decided to support the EPDP. Although government puppets, EPDP can at least deliver some tangible benefits to their community, such as road construction and assistance in dealing with criminals." **[15p]**

10.06 The BHC letter of 12 January 2010 added:

"A major source of instability in the East has previously been the presence of armed paramilitary groups. The two main groups are Tamil Makkal Viduthalaip Puligal (TMVP) cadres loyal to the Eastern Province Chief Minister Sivanesathurai Chandrakanthan (aka Pillaiyan) and a group of former TMVP cadres loyal to Government Minister Vinayagamoorthy Muralitharan (aka Karuna). This improving picture has been confirmed by aid agencies, the Bishop of Batticaloa and others in the region. There is currently no visible evidence of paramilitary groups carrying arms in either Trincomalee or Batticaloa. The SSP Batticaloa confirmed that the various paramilitary groups that were until recently openly carrying weapons had now been disarmed.

"At the political level, tensions have been visible between politicians who remain loyal to Chandrakanthan and those who have switched their allegiance to Muralitharan. A senior local politician in Batticaloa recently left the TMVP to follow Muralitharan to the ruling Sri Lanka Freedom Party (SLFP) party. Their personal security has increased as a result. A number of former TMVP camps have been converted into SLFP party offices and there are billboards showing Muralitharan and the President shaking hands, a clear indication of the scale of the switch in allegiance.

"Humanitarian agencies and local wardens agreed that the situation was now much better than a year ago. There was no LTTE in the area and although the paramilitaries were no longer openly carrying weapons, it was well known that they still carried pistols hidden under their shirts." **[15p]**

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

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

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

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

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

"There has been a marked deterioration in the security situation since mid-2008, particularly in Batticaloa district. Political killings, enforced disappearances, attacks on police and army outposts, robberies, extortion and other criminal violence have become daily occurrences. In a single 24-hour period in November 2008 eighteen people were murdered in Batticaloa district

by different groups. Fear among civilians, business people and those involved in development work is extremely high. While it is difficult to determine responsibility for individual attacks, a general picture of the sources of violence can be drawn. Much of the violence is a product of increasingly bitter conflict between members of the Tamil Makkal Viduthalai Puligal (TMVP), now led by Eastern Province Chief Minister S. Chandrakanthan, better known as Pillayan, and supporters of TMVP founder and now government minister V. Muralitheran, alias Karuna." **[76a] (p3)**

10.09 The ICG report of 16 April 2009 continued:

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

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

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

"The government used paramilitary groups to assist its military forces in fighting the LTTE. The Tamil Makkal Viduthalai Pulikal (TMVP), led by breakaway-LTTE eastern commanders Vinayagamurthi Muralitharan, alias 'Karuna,' and Sivanesathurai Chandrakanthan, alias 'Pillaiyan,' operated mostly in the east. Pillaiyan was sworn in as chief minister of the Eastern Provincial Council in May following elections; Karuna was appointed a member of parliament on October 7 [2008]. The Eelam People's Democratic Party (EPDP), led by the Minister of Social Services and Social Welfare Douglas Devananda, operated in Jaffna. During the year [2008], there were numerous killings and assaults of civilians by unknown actors suspected of association with the TMVP or the EPDP. Other progovernment paramilitaries were increasingly active in Mannar and Vavuniya."**[2b] (Section 1a)**

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

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

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

See also Section 4 on Security and development of Jaffna district and Eastern province; Annex B: Timelines; Annex C: Political organisations and Annex D: Prominent people

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ARBITRARY ARREST AND DETENTION

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

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DISAPPEARANCES/ABDUCTIONS

10.15 The USSD report 2008 mentioned the involvement of the TMVP, the EPDP, and other paramilitary organisations in abductions and extortions with the protection of the government. **[2b] (Section 1g)**

10.16 The AI 2009 report recorded that the EPDP were: "reportedly responsible for…enforced disappearances" and that the TMVP continued to carry out "hostage-taking for ransoms…and enforced disappearances." **[3c]**

10.17 The HRW document *'Sri Lanka: human rights situation deteriorating in the East,'* issued on 24 November 2008, reported that the organisation "has learned from credible sources of at least 30 abductions in Akkairappatu and Adalachennai divisions in Ampara district in September and October [2008]. Witnesses said the abductions were carried out by armed men in civilian clothes who spoke Tamil, suggesting they belonged to the TMVP or other paramilitary groups." **[21j]**

10.18 The BHC letter of 12 January 2010 reported, with regards to the Eastern Province, that "The number of abductions in the area had dropped considerably over the last 6 months although a UNHCR representative mentioned three recent abductions of IDPs who had only recently been returned to Trincomalee." **[15p]**

See also Section 8 on Disappearances/Abductions

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TORTURE

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

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EXTRA-JUDICIAL KILLINGS

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

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

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

10.21 The USSD Country Reports on Terrorism 2008, recorded that:

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

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

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

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

See also Annex B

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FORCED CONSCRIPTION BY THE LTTE (UNTIL MAY 2009)

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

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

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

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

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

"The LTTE continues to systematically compel young men and women, including children, to join their forces, and have dramatically increased their forced recruitment practices. The LTTE has recently gone beyond its long-standing "one person per family" forced recruitment policy in LTTE-controlled territory and now sometimes requires two or more family members to join the ranks, depending on the size of the family…The LTTE continues to force

civilians to engage in dangerous forced labor, including the digging of trenches for its fighters and the construction of military bunkers on the frontlines. It also uses forced labor as punishment, often forcing family members of civilians who flee to perform dangerous labor near the frontlines." **[21e] (p3-4)**

10.26 The HRW report of December 2008 also observed that:

"By shutting down its pass system for travel, the LTTE has banned nearly all civilians from leaving areas under LTTE control (with the exception of urgent medical cases), effectively trapping several hundred thousand civilians in an increasingly hazardous conflict zone, with extremely limited humanitarian relief. The trapped civilians provide a ready pool of civilians for future forced labor and recruitment of fighters. In doing so, the LTTE is unlawfully seeking to use the presence of the large civilian population in areas under its control for military advantage." **[21e] (p4)**

10.27 The HRW report *'War on the displaced - Sri Lankan Army and LTTE Abuses against civilians in the Vanni'*, of February 2009, observed that "Since September 2008, the LTTE has increasingly forced people with no prior military experience to fight or perform supportive functions on the front lines, a practice which has led to many casualties." **[21k] (p9)**

10.28 The USSD 2008 report recorded that "As the conflict worsened, credible sources alleged that the LTTE's 'one family, one fighter' policy included forced recruitment of all age groups, including older teenagers." **[2b] (Section 1g)**

See also Section 24 on Child soldiers

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11. JUDICIARY

11.01 The Jane's Sentinel Risk Assessment country report for Sri Lanka (accessed on 27 January 2010) observed:

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

ORGANISATION

11.02 Europa World Online, accessed on 13 January 2010, recorded:

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

11.03 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that "The president appoints judges to the Supreme Court, the High Court, and the Courts of Appeal. A judicial service commission, composed of the chief justice and two Supreme Court judges, appoints and transfers lower court judges… Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament." **[2b] (Section 1e)**

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INDEPENDENCE

11.04 The USSD report 2008 stated that:

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

government has failed to appoint the Constitutional Council, whose function was to ensure the independence of constitutional bodies such as the judicial service commission. As a result a series of important checks on executive power was absent." **[2b] (Section 1e)**

11.05 The Freedom House 'Freedom in the World 2009, Country report, Sri Lanka', released on 16 July 2009, noted that "Successive governments have respected the constitutional provision for an independent judiciary, and judges can generally make decisions without overt intimidation from the political branches." The report also mentioned "growing concern about the politicization of the judiciary" in recent years but added "However, in 2008 the Supreme Court exhibited greater independence and ruled against the executive in cases concerning detentions and other actions found to lack a solid legal basis." **[46c] (Political Rights and Civil Liberties)**

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FAIR TRIAL

11.06 The USSD report 2008 noted that:

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

"Defendants were presumed innocent. Confessions obtained by coercive means, including torture, were inadmissible in criminal courts. Defendants bear the burden of proof, however, to show that their confessions were obtained by coercion. Subject to judicial review, in certain cases defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions were made relatively quickly." **[2b] (Section 1e)**

11.07 The USSD report 2008 continued:

"The law required court proceedings and other legislation to be available in English, Sinhala, and Tamil. In practice most court proceedings outside of Jaffna and the northern parts of the country were conducted in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive a fair hearing. Trials and hearings in the north were in Tamil and English. While Tamil-speaking judges were present at the magistrate level, only four High Court judges, one Appeals Court judge, and one Supreme Court justice spoke fluent Tamil. Few legal textbooks existed in Tamil." **[2b] (Section 1e)**

11.08 The Freedom House 'Freedom in the World 2009, Country report, Sri Lanka', released on 16 July 2009, noted that "Corruption is fairly common in the lower

courts, and those willing to pay bribes have better access to the legal system."
[46c] (Political Rights and Civil Liberties)

For further information on corruption generally see Section 18: Corruption

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12. ARREST AND DETENTION – LEGAL RIGHTS

12.01 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 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 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." **[24a] (50)**

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

"Under the law [however this is not the case under the Emergency Regulations, see below],authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice it often took a few days until the detained persons appeared before a magistrate. A magistrate may authorize bail or continued pretrial detention for up to three months or longer. Police do not need an arrest warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, the magistrate must remand the suspect, and only the High Court may grant bail. In all cases suspects had the right to legal representation. Counsel was provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases." **[2b] (Section 1d)**

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

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EMERGENCY REGULATIONS (ERS)/PREVENTION OF TERRORISM ACT (PTA)

12.03 The ICG report *'Sri Lanka's Judiciary: Politicised courts, compromised rights'*, 30 June 2009 observed:

"With weak constitutional constraints on derogation from fundamental rights, little prevents the frequent and unfettered invocation of Sri Lanka's two sets of emergency powers: emergency regulations issued under the Public Security Ordinance (PSO), No. 25 of 1947, and the 1979 Prevention of Terrorism Act (Temporary Provisions) (PTA). Both the PSO and PTA exploit the

constitution's provisions for derogation and weaken the protection of rights significantly. Purportedly deployed against the Liberation Tigers of Tamil Eelam (LTTE) only, both the PSO and the PTA are routinely used against Tamils in matters unrelated to terrorism." **[76c] (p6)**

12.04 The ICG report of June 2009 went on to note that:

"Parliament enacted the PTA in 1979 as a temporary response to growing unrest in the Northern Province. It was made permanent in 1982. Its provisions apply regardless of whether there is a declared emergency. Section 9 allows the justice minister to order a person detained without judicial review for renewable periods of three months, up to a total of eighteen months, if the minister 'has reason to believe or suspect that any person is connected with or concerned in any unlawful activity'. The person is to be presented to a magistrate, however, within 72 hours of their initial detention under Section 7 of the ordinance. The PTA differs from emergency regulations in that it requires ministerial involvement in detention decisions. Like emergency regulations, however, the PTA deprives judges of any authority to release prisoners on bail. Section 6 allows police to arrest persons and detain them for three days without judicial supervision, and to search their home without a warrant. Section 16 deviates from the standard criminal procedure code by making confessions to judges admissible. No provision of the PTA requires the detaining authorities to inform a prisoner of the reasons for the detention. The PTA also restricts free speech by criminalising certain forms of political expression and requiring prior approval for certain publications." **[76c] (p6)**

12.05 The ICG report of June 2009 went on to observe that:

"Emergency regulations are promulgated under Section II of the PSO. It vests the executive with open-ended authority to promulgate 'emergency regulations' that override otherwise applicable laws (except the provisions of the constitution) and cannot be challenged in court. Since the adoption of the Thirteenth Amendment in 1987, the proclamation of a state of emergency has been made immune from judicial challenge… More frequently than not, Sri Lanka has been in a state of emergency". **[76c] (p6)**

"The Rajapaksa administration has supplemented these wide-ranging powers since emergency rule was reimposed nationwide in 2005 by the preceding administration of President Kumaratunga. Of greatest significance are the Emergency (Miscellaneous Provisions and Powers) Regulations No. 1 of 2005 and the Emergency (Prevention and Prohibition of Specified Terrorist Activities) Regulations No. 7 of 2006. The 2005 regulations allow the secretary of the defence ministry to order the military or police to detain a person for up to a year to prevent acts "prejudicial to the national security or the maintenance of public order". The regulation contains no clarification of this vague standard. A new August 2008 regulation expands the government's power by allowing it to detain a person for a further six months. In addition, the 2005 regulations vest police with broad search and seizure powers and allow the use of confessions made to police, in contrast with normal criminal law and with no effective safeguards against abuse. It is left to the defendant to prove a confession was coerced." **[76c] (p7)**

12.06 The EU report of October 2009 noted that:

"The emergency regulations pose a number of grave problems. The principle of legality requires criminal offences to be clearly defined in unambiguous language. However, there is evidence that many of the provisions in the emergency regulations, such as the offence of engaging in terrorism, 'acts of terrorism', transactions and communications with persons or groups committing terrorist offences, have been given an extensive interpretation.

"Further, the emergency regulations delegate sweeping powers to military personnel to perform functions normally carried out by law enforcement officials, including powers of investigation, search, arrest and detention. Administrative detention is not adequately controlled by the provisions governing detention while under arrest or awaiting trial in line with the standards set out by the UN Human Rights Committee as the emergency regulations restrict court control of administrative detention. The emergency regulations also undermine the right against self-incrimination by creating a 'duty' for persons to answer police questions and weaken the principle of the presumption of innocence by reversing the burden of proof. Lastly, the emergency regulations severely limit the accountability of civilian and military authorities for their actions in the performance of their duties by providing that no action or suit shall lie against any public servant specifically authorized by the GOSL to take action in terms of regulations, provided that such person has acted in good faith and in the discharge of his official duties." **[24a](paragraphs 25-26)**

12.07 The EU report of October 2009 further stated that:

"Under the 2005 Emergency Regulations (Regulation 19), persons suspected of 'acting in any manner prejudicial to the national security or the maintenance of public order, or to the maintenance of essential services' may be arrested and held in detention for up to 18 months, without access to independent judicial review. Persons may be similarly detained under the Section 9 of the Prevention of Terrorism (Temporary Provisions) Act ('PTA'). There is also provision (Regulation 22) for automatic detention of a 'surrendee' up to two years for the purposes of 'rehabilitation', including persons seeking the protection of the state because of 'fear of terrorist activities'." **[24a](paragraph 51)**

"A person held in administrative detention, under Regulation 19(1), is to be physically produced before a magistrate 'within a reasonable time, having regard to the circumstances of each case, and in any event not later than thirty days from the date of such detention' and not within 24 hours of arrest as generally provided for under the Criminal Procedure Code. Court scrutiny and discretion to overturn an order made under Regulation 19(1) is in fact expressly excluded and where the Secretary to the Ministry of Defence has ordered detention under Regulation 19 or 21, the court 'shall order' continued detention." **[24a](paragraph 52)**

"The Emergency Regulations authorise the creation of counter-terrorism detention camps which are not subject to inspection by the NHRC. Provisions under the 2005 Emergency Regulations and the PTA allow for persons to be detained in places of detention other than a regular police station, detention centre, penal institution or prison, and the publication of a list of such authorised places of detention is not required. The risk of human rights violations, such as incommunicado detention or enforced disappearance, is significantly increased when detainees are held in locations that are not

recognised places of detention, without the normal procedures and safeguards to protect detainees." **[24a](paragraph 53)**

"So far as obtaining redress for unlawful detention is concerned, emergency regulations, such as Section 19 of the Emergency Regulations 2006 or Section 26 of the PTA, bar legal proceedings against any officer for acts done in good faith. These provisions thus render it impossible to use normal avenues of redress and compensation for unlawful arrest and detention. Although it remains possible to apply for habeas corpus in the High Court and the Court of Appeal, such applications have been rarely successful in gaining release. Relief against arbitrary arrest and detention can also be found by filing a fundamental rights application in the Supreme Court, but distance, difficulty of travel and of access to a Supreme Court lawyer create very significant barriers for most litigants." **[24a](paragraph 60)**

12.08 The pro-LTTE website TamilNet reported on 9 September 2008 that the: "The State of Emergency was declared on 12 August 2005. Since then it is being extended every month with the approval of the Sri Lankan parliament." **[38ac]**

See Latest news for more recent information on the state of emergency

12.09 The USSD report 2008 noted that:

"Under the emergency regulations, the armed forces had the legal authority to arrest persons, but they were required to turn suspects over to the police within 24 hours. Police could detain a person for a period of not more than one year under detention orders issued by a deputy inspector general of police or by the secretary of defense. After the abrogation of the CFA [Ceasefire Agreement], the defense secretary extended some detentions beyond one year under the Prevention of Terrorism Act. Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers and did not turn them over to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow legal safeguards." **[2b] (Section 1d)**

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

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

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

12.11 The BHC letter of 24 January 2009 further noted:

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

12.12 The ICG report of June 2009 observed:

"Military or police detention can be challenged in three ways in the lower courts. First, when a person is detained under either the criminal procedure code or under emergency laws (the PSO or PTA), that person must at some point be presented to a magistrate. Second, a person subject to prolonged illegal detention can file a 'writ of habeas corpus', which is a procedure for challenging a detention's legal basis. Third, a fundamental rights petition can be filed in the Supreme Court. None of these options provides an effective check on detaining authorities. Nor can victims of torture easily obtain damages after the fact." **[76c] (p16)**

12.13 The same report added:

"The emergency regulations impose no requirement on police to publish a list of detention facilities where people are held. Detainees are often held in parts of police or military facilities that are inaccessible to lawyers. They are often moved from the place of their arrest. Those from Tamil-majority Vavuniya and Trincomalee are routinely brought to Sinhala-majority Anuradhapura. Detainees from Mannar, Anuradha- pura and Vavuniya are shifted to Kandy. Because detainees are kept incommunicado or moved from the place of arrest to other prisons, sometimes without notification to family or counsel, it is hard to make an accurate tally." **[76c] (p18-19)**

12.14 The Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, dated 22 October 2009 (FCO October 2009 report) recorded:

"Former Chief Justice Silva said that there were remedies against the Emergency Regulations (ERs) and the Prevention of Terrorism Act, but it was doubtful how effective they could be. Often, people did not know how to access legal help and there was the problem of resources and costs. Another big problem was the length of time taken for investigations when someone was suspected. The Attorney General's department played a significant role. If the police could not charge suspects within 2-3 months they should be released on bail, but this did not necessarily happen. Courts did not always have specific reasons for not releasing people; some people had just been forgotten in detention. In general, people did spend a lot of time in detention." **[15m] (paragraph 2.11)**

12.15 Extensive information on the ERs is available from the International Commission of Jurists (ICJ) 'Briefing Paper: Sri Lanka's Emergency Laws' dated March 2009 (accessed on 16 December 2009) **[79a]**

See also Section 8 on Cordon and search operations

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BAIL/REPORTING CONDITIONS

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

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

12.17 A further BHC letter dated 24 January 2009 reported:

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

12.18 The ICG report of June 2009 noted that "As magistrate judge explained, 'under the emergency regulations, we simply can't give bail' and so no effective action is possible. Bail applications under the regulations are instead channelled to the attorney general, who often does not reply for months to a release request… In detention cases involving the emergency laws, moreover, representation is harder to find than in criminal cases." **[76c] (p18)**

See also Section 33 on Exit and Entry procedures

ARREST WARRANTS

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

"Formally it is difficult for the accused to be able to obtain a copy of his/her own arrest warrant. When an arrest warrant is issued, a copy is kept on the legal file and the original is handed to the police. An accused cannot apply for copies of the arrest warrant to the relevant court. However in practice forged documents are easily obtainable throughout Sri Lanka. Additionally given ongoing and well documented concerns over corruption in the police it would

probably not prove difficult to obtain a copy of an arrest warrant, although it would probably require prior contacts within the police service." **[15c]**

See also Section 8: Security forces; and Section 28: Freedom of movement

CRIMINAL RECORDS

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

"I was told that CRD is the sole storage facility for criminal records for the whole of Sri Lanka. It holds paper records of over 500,000 persons and includes photographs and fingerprints of both convicted criminals and suspects. There are over 400 personnel employed at CRD which sends officers/fingerprint experts on 2-week attachments to different parts of the country to obtain fingerprint evidence from scenes of crimes and collect fingerprint records taken by local police from suspects.

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

See also Section 31: Citizenship and Nationality and Section 33: Entry and Exit Procedures, subsection Treatment of failed asylum seekers

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13. PRISON CONDITIONS

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

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

13.02 The same source continued:

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

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

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

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

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

13.04 The ICRC 2008 report further recorded that "In spite of the intensification of the armed conflict, the ICRC had access to detainees in LTTE custody, most of whom were being held on criminal charges." 80 detainees were visited, of whom 12 were monitored individually and two were newly registered during 23 visits to 12 places of detention. **[34d] (p213)**

13.05 The Prison Brief for Sri Lanka produced by the International Centre for Prison Studies, last modified on 7 September 2009 recorded a total prison population of 25,537 at 31 July 2007 (including pre-trial detainees/remand prisoners amounting to 49.4 per cent of total) against an official capacity of the prison system of 10,692 (in 2004). The prison population rate (per 100,000 of national population) was 121 (based on an estimated national population of 21.1 million at end of July 2007)." **[65]**

13.06 The Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, dated 22 October 2009 (FCO October 2009 report) recorded:

"Maj. Gen. V.R. Silva, Commissioner General of Prisons explained that there were the following prisons in Sri Lanka:
- 3 closed prisons (Welikada; Matara; Galle)
- 19 remand prisons (for those awaiting trial). Out of those, 3 are in Colombo (Colombo, New Magazine and Negombo)
- 8 work camp (for short-term convicted prisoners)
- 2 open prisons
- 2 correctional centres for young offenders
- 25 lock-ups

"Maj. Gen. Silva said that first-time offenders were usually sent to Welikada; for a second offence, people were sent to other closed prisons. Magistrates could remand people close to their area of jurisdiction. Those arrested under the Emergency Regulations (ERs) and the Prevention of Terrorism Act (PTA) were sent to Welikada if they were first-time offenders; if not convicted, they were sent to remand prisons. Once in custody, they would be produced to court. Magistrates decided whether they should be sent to remand prisons… **(paragraphs** All prisoners were kept together (Tamils, Sinhalese, Muslims) but the magistrate could ask for some persons to be held separately for security reasons. He said that women were kept separately, with female prison guards. Mothers with infants/young children were kept together." **[15m] (paragraph 2.52)**

"Maj. Gen. Silva provided current figures for the prison population:
Convicted prisoners: 14,000 males and 350 females.
Unconvicted prisoners: 13,500 males and 975 females." **[15m] (paragraph 2.53)**

"He said that overcrowding was an issue, since the prison system was designed to accommodate comfortably up to 12,000 prisoners. With regard to conditions in detention, all prisons were regularly visited by the Board of Prison Visitors, appointed by the Ministry of Justice and Law reform. They could visit any prison, at any time, unannounced. They would meet to discuss various issues and make recommendations to the ministry in a report." **[15m] (paragraph 2.54)**

"Asked about Boosa, Maj. Gen. Silva said that it was a prison complex that served partly as a general remand prison and partly as a facility used and administered by the Terrorism Investigation Department (TID). TID was authorised to use Boosa as a remand prison for those under their investigations. Asked specifically about conditions in remand prisons, Maj. Gen. Silva said that most of them were old buildings built by the British. They had basic facilities, with some problems of overcrowding." **[15m] (paragraph 2.54)**

13.07 The FCO October 2009 report further recorded:

"[The Human Rights Activist said that] Police cells can experience problems of overcrowding (with cases of up to 14 people being held in a small cell) but it all depended on individual police stations. Conditions were usually very basic (no mattresses, with detainees sleeping on newspapers, and a pit in the floor of the same cell as a lavatory). He was not aware of Tamil detainees being kept separated from other detainees at police stations. Those of interest to the authorities were usually held by the Terrorism Investigation Department (TID) and only sent to Boosa detention camp after a few months." **[15m] (paragraph 2.47)**

"The representative of the Swiss Embassy in Colombo stated that some police stations such as Kotahena and Matara [in Colombo] were notorious for torture. People were likely to be beaten up, in some cases suspended upside-down or nearly suffocated with a plastic bag with petrol. Women were usually not beaten-up, but were sometimes slapped. There had been very few cases of people being raped or sexually abused. There has been an improvement in the prisons and at the police stations in that very severe torture seems applied to a lesser extent (also confirmed by ICRC). Furthermore, according to information provided by asylum applicants [Switzerland accepts in-country asylum applications in Sri Lanka], torture is mostly applied during interrogation and in the beginning of arrest, and rather rarely during detention or remand." **[15m] (paragraph 2.49)**

See also Section 8 on torture

"CPA said that accommodation was 'not five star', but it depended on the police station. Those in predominantly Tamil areas were of greater concern and did not reach very high standards. Prisoners were fed, but often could not sleep, as they were too scared. Those who created a relationship with the officers often got longer visiting times. If diplomats or lawyers visited them, they were more likely to get separate meeting rooms. Family visitors had to meet in an open room. The basic facilities were there, but there was often overcrowding, depending on the police station and the time of day. Some police stations were notorious for people being taken away, simply disappearing." **[15m] (paragraph 2.56)**

"Mano Ganesan MP stated that prisons were overcrowded and not satisfactory. The government did not look after the basic facilities and prisoners regularly made non-violent protests." **[15m] (paragraph 2.57)**

13.08 The Department of Census and Statistics Sri Lanka in its Statistical Abstract 2008 – Chapter XIII - Social Conditions, Convicted/Unconvicted persons by ethnic group and sex , 2000 - 2007 website accessed on 1 June 2009, noted that in 2007 the number of unconvicted prisoners totalled 99,513 (66,230

Sinhalese; 20,353 Tamils). In the same year the total figure for convicted prisoners was 31,306 (20,502 Sinhalese; 4,886 Tamils). **[58e] (Tables 13.09-13.10)**

13.09 The pro-LTTE website TamilNet reported on 15 October 2008 that "Around 20 Sri Lanka Army (SLA) personnel Wednesday [15 October] entered the Magazine Prison in Colombo, verbally abused and stripped the detainees sexually harassing them, the prisoners complained to Tamil National Alliance Batticaloa district parliamentarian P. Ariyaneththiran." **[38i]**

13.10 The same source reported on 20 January 2009 that:

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

13.11 On 5 January 2010 TamilNet reported that:

"More than 360 Tamil political prisoners being detained in Colombo Remand Prison and in the Magazine prison in Colombo are on a wide scale hunger strike demanding the authorities to expedite their cases or release them on bail...Reliable sources told TamilNet Tuesday that Tamil political prisoners who were protesting demanding release were attacked last Sunday by prison guards. When the news of the attack on Tamil detainees in the Magazine prison leaked out, the authorities began claiming that there was a clash between two groups of the prisoners. Sources close to the protesting prisoners denied the claim and said they were attacked by the jailers. Many of the Tamil political 'prisoners' are under detention for several years without facing any inquiry or cases in courts." **[38x]**

13.12 The same source had reported hunger strikes in Welikada jail in July, September and November 2009. On 31 July when "The fast unto death by Tamil political prisoners in Welikada prison that began Tuesday [28 July] continues for the fourth day. About two hundred Tamil political prisoners arrested under the Prevention of Terrorism Act (PTA) and being held under detention on Defence Ministry orders without being produced in court or without any indictment against them are participating the fast..." **[38ad]** On 18 September 2009, when "At least 36 Tamil political prisoners who were part of a fast unto death hunger strike at the central jail in Welikada Colombo are alleged to have been severely assaulted by guards and jailers..." adding that "A few weeks ago, in August 2009, two Tamil political prisoners have died under 'questionable circumstances' inside the Sri Lankan Central Prison at Welikada." **[38y]** On 20 September 2009 when "135 Tamil political prisoners

out of a total of 600 Tamil political prisoners in maximum security Central Jail in Welikada, Colombo, continued their fast unto death campaign..." and on 15 November 2009 when "Eighty-seven Tamil political prisoners began a hunger strike protest from Saturday morning [14 November] demanding guarantee for their lives and to strengthen the security for them following the attack on fellow Tamil prisoners Friday by Sinhalese prisoners in the presence of prison officials...". **[38ab]**

See also Section 8 on Cordon and search operations and Torture

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14. DEATH PENALTY

14.01 The Amnesty International Annual Report 2009, Sri Lanka released on 28 May 2009 considered Sri Lanka "abolitionist in practice". **[3c]** Hands off Cain in its 'Country status on death penalty', updated on 31 July 2009 also considered Sri Lanka a "de facto abolitionist" country and reported 1976 as the year of the last known execution. **[25a]**

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15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

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

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

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

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

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

15.03 The International Crisis Group (ICG) report *'Sri Lanka: A Bitter Peace'*, 11 January 2010, observed that "The brutal nature of the conflict, especially in its closing months, has undermined Sri Lanka's democratic institutions and governance." **[76b] (Overview)**

See also Latest news for information following the recent presidential elections and Section 5 on the Political system

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FREEDOM OF ASSOCIATION AND ASSEMBLY

15.04 As noted in the USSD report 2008:

"The law provides for freedom of assembly, and the government generally respected this right in practice; however, some restrictions existed. For example, the 2005 emergency regulations give the president the power to restrict meetings, assemblies, and processions. The law states that rallies and demonstrations of a political nature cannot be held when a referendum is

scheduled, but the government generally granted permits for demonstrations, including those by opposition parties and minority groups." **[2b] (Section 2b)**

15.05 The same report noted:

"The law provides for freedom of association, and the government generally respected this right in practice; however, some restrictions existed, such as those under the emergency regulations. The government often used informants to target individuals for arrests and interrogation based on their association. The LTTE did not allow freedom of association in the areas it controlled. Both the LTTE and TMVP reportedly forced persons to attend political rallies." **[2b] (Section 2b)**

15.06 The Freedom House 'Freedom in the World 2009, Country report, Sri Lanka', released on 16 July 2009, noted that "Freedom of assembly is typically upheld. Although the 2005 emergency regulations give the president the power to restrict rallies and gatherings, permission for demonstrations is usually granted. Police occasionally use excessive force to disperse protesters." **[46c] (Political Rights and Civil Liberties)**

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.07 "The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed that the emergency and anti-terrorism legislation has been used to arrest and detain political opponents of the government. **[24a] (paragraph 55)**

15.08 The ICG) January 2010 report, noted that Sri Lanka continued to suffer from violent attacks on political opponents of the government.

"The home of UNP parliamentarian Ranga Bandara was burned to the ground after he had helped lead a public campaign against the alleged construction of houses on state land by a Rajapaksa family member. There have been frequent attacks on JVP offices and campaigners, both during the southern provincial election campaign in July and August 2009 and since the presidential campaign began in November." **[76b] (p18)**

15.09 On 22 January 2010 BBC News reported that "The home of an opposition activist has been attacked with a petrol bomb in Sri Lanka's capital, Colombo, days ahead of a presidential election, police say. The bomb destroyed the car and damaged the home of Tiran Alles, an ally of Sarath Fonseka, the main election rival to President Mahinda Rajapaksa. Mr Alles, a businessman, escaped unhurt with his family." **[9k]**

See also Latest news for situation following the recent presidential elections, Section 4 on Recent developments; Section 12: Arrest and detention – legal rights, Emergency Regulations, Section 16: Freedom of speech and media and Annex C: Political organisations

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16. FREEDOM OF SPEECH AND MEDIA

16.01 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed:

"The Constitution of Sri Lanka guarantees freedom of the press and freedom of expression. However, the emergency legislation enables the Government to restrict freedom of expression in a disproportionate way. Several emergency laws create broad criminal offences aimed at limiting the communication and possession of information or material 'prejudicial to national security'. These broadly defined offences leave so much room for interpretation to the point that it is difficult for a person to know whether or not he is committing an offence." **[24a] (74)**

16.02 The Freedom House 'Freedom of the Press 2009', Country Reports, Sri Lanka, 1 May 2009 noted that:

"Media freedom continued on a downward trajectory in 2008, as outlets faced increased restrictions on covering the intensifying conflict between the government and the Tamil Tiger rebels, and journalists encountered heightened attacks and intimidation, particularly in the war-torn north. Although freedom of expression is provided for in the constitution, a number of laws and regulations restrict this right. The 1973 Press Council Law prohibits disclosure of certain cabinet decisions as well as fiscal, defense, and security information, while the decades-old Official Secrets Act bans reporting on information designated 'secret'." **[46a]**

16.03 On 25 June 2009 the International Federation of Journalists (IFJ) strongly condemned the Government's decision to revive the Press Council.

"The Sri Lankan Press Council Act of 1973 contains stringent provisions, including the power to prosecute for contempt and sentence journalists to extended periods in prison and to prohibit the publication of certain kinds of content by the media, including: Internal communications of the government and the decisions of the Cabinet; Matters relating to the armed services that may be deemed prejudicial to national security; and Matters of economic policy that could lead to artificial shortages and speculative price rises." **[18d]**

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

"The law provides for freedom of speech and of the press. Although the government owned the country's largest newspaper chain, two major television stations, and a radio station, private owners operated a variety of independent newspapers, journals, and radio and television stations. The government imposed no political restrictions on the establishment of new media enterprises. Several foreign media outlets operated in the country. Media freedom deteriorated in the Colombo area, as well as in the conflict-affected north and east. Many journalists practiced self-censorship.

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

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

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

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

JOURNALISTS

16.07 The EU report of October 2009 observed:

"Implementation of the right to freedom of expression remains a serious problem. Sri Lanka has been ranked as one of the most dangerous countries in the world for journalists. It is reported that senior Government officials have repeatedly accused critical journalists of treason and often put pressure on editors and publishers to run stories that portrayed the Government in a positive light. Journalists who criticise the government have reportedly been subject to verbal and physical attacks, harassment, restrictions on access and vilification. A considerable number of Sri Lankan journalists have been driven into exile; in some cases, their families remaining in Sri Lanka have continued to receive threats. Government representatives have often attempted to discredit critical voices, notably journalists, as supporters of the LTTE and traitors to Sri Lanka. The Ministry of Defence website has accused journalists of acting as mouthpieces for the LTTE" **[24a] (paragraph 75)**

16.08 The USSD 2008 report noted that "Media personnel were subject to threats and harassment during the year. Statements by government and military officials, including Defense Secretary Gothabaya Rajapaksa, Army Commander Sarath Fonseka, and Minister of Labor Mervyn Silva, contributed to an environment in which journalists who published articles critical of the government felt under threat." **[2b] (Section 2a)**

16.09 The Freedom House 'Freedom of the Press 2009', Country Reports, Sri Lanka, 1 May 2009 observed:

"Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, faced regular intimidation and pressure from both high- and low-ranking government officials…As a result, levels of self-censorship have risen considerably…The level of threats and harassment against journalists and media outlets continued to rise during the year. 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…A number of journalists fled the country as a result of threats. Previous cases of attacks and killings of journalists have not been adequately investigated or prosecuted, leading to a climate of impunity." **[46a]**

16.10 Freedom of the Press 2009 added:

"Several privately owned newspapers and broadcasters continue to scrutinize government policies and provide diverse views. However, media outlets have become more polarized, shrinking the space for balanced coverage. In recent years ownership has also become more consolidated, with many private outlets now owned by figures who are closely associated with the government or who hold official positions. 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." **[46a]**

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

"Murders, physical assaults, kidnappings, threats and censorship are the lot of Sri Lanka's journalists…Violence against the press that was for a long time restricted to the Tamil media, now affects journalists working in Sinhalese and English. Armed men attacked the popular TV station Sirasa of the MTV group, apparently because it was not sufficiently 'patriotic'. Editor of the highly independent Sunday Leader, Lasantha Wickrematunga, was assassinated in Colombo, in January 2009. Police have proved incapable of arresting the suspects, as in every case of murder and assaults against journalists in the past three years. **[27a]**

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

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

16.12 The Amnesty International Report 2009, Sri Lanka (covering events from January – December 2008), released on 28 May 2009, observed that "Journalists faced physical assaults, abductions, intimidation, harassment and being shot, by both government personnel and members of armed groups.

Journalists and media workers in the north and east were particularly at risk." **[3c]**

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

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

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

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

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

16.15 The RSF press release further noted:

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

16.16 The International Federation of Journalists (IFJ) report 'Under Fire Press Freedom in South Asia 2008-2009' released on 3 May 2009 which contained – inter alia - extensive details on the cases of Lasantha Wickrematunga and J.S. Tissainayagam, observed that "the Government deployed draconian counter-terrorism laws to imprison and prosecute journalists" and added that "…a signal seems to have been sent from the highest political level that verbal

abuse of media workers and physical intimidation and attacks are fair tactics." **[18a] (p38-43)**

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

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

16.18 On 1 September 2009 Amnesty International (AI) reported:

"A High Court in Sri Lanka sentenced journalist Jayaprakash Sittampalam (JS) Tissainayagam to 20 years rigorous imprisonment on Monday [31 August 2009], for writing and publishing articles that criticized the government's treatment of Sri Lankan Tamil civilians affected by the war. The court said the articles caused 'racial hatred' and promoted terrorism. Amnesty International said that it considers JS Tissainayagam to be a prisoner of conscience, jailed solely for exercising his right to freedom of expression in carrying out his profession. JS Tissainayagam was the first Sri Lankan journalist to be formally charged (and now convicted) under the country's draconian Prevention of Terrorism Act (PTA) for his writing." **[3g]**

16.19 AI added that:

"JS Tissainayagam was arrested in March 2008 and detained in police custody for five months before he was charged with an offence…The prosecution also put forth as evidence an alleged confession made by Tissainayagam while in police custody. Tissainayagam maintains that he was tortured by the police and that the confession was forced. The Court ruled that the evidence was admissible. Sri Lanka has a long history of torture and ill treatment of prisoners. Under the PTA, the burden of proof rests with the accused to prove that the confession was made under duress or torture." **[3g]**

16.20 On 13 January 2010, BBC News reported that JS Tissainayagam had been released on bail.

"JS Tissainayagam, a Tamil, won his liberty at the Court of Appeal on Wednesday morning...His lawyer, MA Sumantharan, told the BBC that bail had been set at 50,000 Sri Lankan rupees ($440). Mr Tissainayagam also had to surrender his passport. Mr Sumantharan said he expected his client to remain out of prison until an appeal against his conviction is heard. The BBC's Charles Haviland in Colombo says that is a process which is likely to take place in two years time - unless expedited by the attorney-general." **[9h]**

16.21 Additional information on the situation of journalists and on recent attacks against them is available from the following weblinks: Committee to Protect Journalists (CPJ), Sri Lanka 2009; Committee to Protect Journalists (CPJ) Attacks on the Press in 2008: Sri Lanka, **[57a]** and International Federation of

Journalists (IFJ) Incidents of Press Freedom Violations by Country, May 2008-April 2009 **[18b]**

INTERNET FREEDOM

16.22 The USSD report 2008 reported that:

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

16.23 The Freedom House 'Freedom of the Press 2009', Country Reports, Sri Lanka, 1 May 2009 observed:

"Access to the internet and to foreign broadcasts is generally not restricted, but foreign outlets came under pressure during the year [2008], with reports that the British Broadcasting Corporation was being jammed intermittently by the state-owned Sri Lanka Broadcasting Cooperation (SLBC). Just 3.7 percent of the population used the internet in 2008, with most residents deterred by the high costs involved. In June 2007, the government ordered the country's two largest internet service providers to restrict access to TamilNet, a pro-LTTE news website; the ban remained in place at the end of 2008. In May, the editor of an online news website, Lanka Dissent, alleged that the site had been disrupted by cyberattacks." **[46a]**

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

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

"A number of domestic and international human rights groups continued to investigate and publish their findings on human rights cases despite increasing government restrictions. The government continued to allow the ICRC unrestricted access to declared detention facilities. The ICRC provided international humanitarian law training materials and training to the security forces. During the year, the ICRC also delivered health education programs in LTTE controlled areas in the north and east and provided materials, such as hygiene products, clothes, and recreational items, to prison detainees." **[2b] (Section 4)**

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

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

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

17.03 On 16 September 2008, IRIN reported that:

"UN agencies have relocated all international staff and offices from areas under the control of the Liberation Tigers of Tamil Eelam (LTTE) in the north to areas under government control, with the last convoy of UN vehicles leaving on 16 September…The Sri Lankan government issued a directive on 5 September that the security of the agencies and staff could not be guaranteed in the Vanni due to the deteriorating security situation… According to CHA [Consortium of Humanitarian Agencies], 13 organisations, including UN agencies, were working in the Vanni with 534 employees when the directive to pull out was received. The majority of staff members are locals living within the Vanni, who did not relocate." **[55g]**

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

"[On 20 April 2008] Father Karunaratna, chairman of the North East Secretariat on Human Rights (NESoHR), is killed in an extra-judicial claymore attack in Vannivilangkulam, Mallavi, within the LTTE controlled territory. NESoHR was set up in July 2004 as part of the Norwegian-facilitated peace process, and had already seen two of its eleven founders killed in 2005.

Government and LTTE reject [sic] on each other the responsibility for the assassination while many foreign governments voice their condemnation of the killing." **[51a]**

17.05 The website of the International Committee of the Red Cross (ICRC) (accessed on 1 June 2009) recorded:

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

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

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

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

17.07 The HRW World Report 2010 (covering events of 2009), released on 20 January 2010 noted:

"Human rights activists were also targeted. On May 7 [2009], armed men in uniform abducted Stephen Suntharaj, a staff member of the Centre for Human Rights and Development who had just been released by a Supreme Court order after having spent two months in police detention. Suntharaj is still missing. On August 20, Paikiasothy Saravanamuttu, the executive director of the Centre for Policy Alternatives, a leading Sri Lankan NGO, received a death threat in an anonymous letter blaming him for Sri Lanka's possible loss of European Union trade privileges. Two weeks later police detained him briefly at the airport as he was reentering the country.

"Government officials continued to publicly accuse international agencies, including the UN and the ICRC, of being LTTE supporters or sympathizers. In September the government expelled a UNICEF spokesperson who had drawn attention to the plight of children during and in the aftermath of the war. In July

the government asked the ICRC to close its offices in eastern Sri Lanka, and barred it from accessing most displaced persons in the north." **[21b] (Attacks on Civil Society Actors)**

See also Section 8: Security Forces; Avenues of complaint, Section 16: Freedom of speech and media, Section 27: Humanitarian Issues and Section 29: Internally Displaced People

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18. CORRUPTION

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

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

18.02 The Freedom House 'Freedom in the World 2009, Country report, Sri Lanka', released on 16 July 2009, noted that: "Official corruption is a continuing concern, and the current legal and administrative framework is inadequate for promoting integrity and punishing corrupt behavior…Although hundreds of cases are being investigated or prosecuted by the Commission to Investigate Allegations of Bribery or Corruption, no current or former politician has been sentenced." **[46c] (Political Rights and Civil Liberties)**

18.03 Sri Lanka was ranked 97 (out of 180 countries) with a score of 3.1 in Transparency International's 2009 Corruption Perceptions Index (CPI), released on 17 November 2009. The CPI score indicates the perceived level of public-sector corruption in a country from 0 (highly corrupt) to 10 (low levels of corruption). **[63b]**

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

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19. FREEDOM OF RELIGION

OVERVIEW

19.01 The US State Department (USSD) Report for 2009 on Religious Freedom in Sri Lanka, covering events between July 2008 and June 2009, published on 26 October 2009, observed that:

"The Constitution accords Buddhism the 'foremost place' and commits the Government to protecting it but does not recognize it as the state religion. The Constitution also provides for the right of members of other religious groups to practice freely their religious beliefs. 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. There continued to be sporadic attacks on Christian churches by Buddhist extremists and some societal tension due to ongoing allegations of forced conversions. There were also attacks on Muslims in the Eastern Province by pro-government Tamil militias; these appeared to be due to ethnic and political tensions rather than to the Muslim community's religious beliefs." **[2a] (Introduction)**

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

19.03 The USSD Religious Freedom Report 2009 also noted:

"The Ministry of Religious Affairs has four departments that deal specifically with Buddhist, Hindu, Muslim, and Christian affairs. According to the legislation defining their mandates, each department should formulate and implement programs that inculcate religious values and promote a virtuous society. Parliament again took no action on 'anti-conversion' legislation first introduced in 2004...Matters related to family law, including divorce, child custody, and inheritance, are adjudicated according to the customary law of the concerned ethnic or religious group...Despite the constitutional preference for Buddhism, the Government observes a number of major religious festivals of other religious groups as national holidays. These include the Hindu Thai Pongal, New Year, and Deepawali festivals; the Islamic Hadji and Ramzan festivals and the Prophet Muhammad's birthday; and Christian Good Friday and Christmas. Religion is a mandatory subject in the public school curriculum. Parents and children may choose to study Buddhism, Islam, Hinduism, or Christianity. Students who belong to other religious groups can pursue religious instruction outside the public school system." **[2a] (Section II)**

19.04 The same report also observed that "During the reporting period, security forces committed human rights abuses against individuals at places of worship in the north and east. While these incidents had an impact on religious freedom, they were not religiously motivated; instead, they were a product of the conflict." **[2a] (Section II)**

19.05 The USSD Country Report on Human Rights Practices 2008, Sri Lanka, released on 25 February 2009, noted that "The law accords Buddhism a

foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the government generally respected this right in practice. There was no state religion, although the majority of citizens were followers of Buddhism." **[2d] (Section 2a)**

19.06 The US Committee on International Religious Freedom Annual Report 2009, released on 1 May 2009, (USCRIF Report 2009) observed:

"The Commission has remained concerned in recent years about religious freedom in Sri Lanka because of attacks targeting members of religious minorities and their places of worship and proposed legislation on religious conversion that, if enacted, would have violated international law norms and resulted in abuses of freedom of thought, conscience, and religion or belief… In the context of the civil war, violence against civilians based on ethnicity and/or religion has occurred throughout the country. Reports indicate that both sides in the conflict fail to take steps to prevent or stop incidents of communal violence between or among Buddhist Sinhalese, Hindu Tamils, Muslims, and Christians in Sri Lanka. Places of worship from various faith communities have been targeted by both government and LTTE forces. Attacks have occurred on religious holidays or during festivals. Moreover, for years, entire communities of Sri Lankan Muslims in the north and northeastern parts of the country have been displaced by LTTE forces seeking to consolidate Tamil hold over certain areas. While the LTTE has apparently encouraged displaced Muslims in some areas to return, a lack of safety guarantees has kept many Muslims from returning to LTTE-dominated areas." **[77] (p 224)**

HINDUS

19.07 The USSD Religious Freedom Report 2009 noted that 15 percent of the population is Hindu and that "Most Tamils, who make up the largest ethnic minority, are Hindu." It also recorded that "the north [is] almost exclusively [populated] by Hindus." and that "Most Tamils, who make up the largest ethnic minority, are Hindus." **[2a] (Section I)**

19.08 The same report noted that "Since 1983, the Government had battled the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization fighting for a separate state for the country's Tamil, and mainly Hindu, minority. The conflict formally ended in May 2009." However, "Adherence to a specific set of religious beliefs did not play a significant role in the conflict, which was rooted in linguistic, ethnic, and political differences. The conflict affected Buddhists, Hindus, Muslims, and Christians." **[2a] (Section I)**

MUSLIMS

19.09 The USSD Religious Freedom Report 2009 stated "Almost all Muslims are Sunnis; there is also a small minority of Shi'a, including members of the Bohra community." "Muslims populate the east..." **[2a] (Section I)**

19.10 The same report also recorded that:

"In 1990 the LTTE expelled approximately 46,000 Muslim inhabitants, virtually the entire Muslim population in the area, from the northern part of the country. Most of these persons remained displaced and lived in or near welfare centers. Although some Muslims returned to the northern city of Jaffna in

1997, they did not remain there due to the continuing threat the LTTE posed. There were credible reports that the LTTE warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict was over. It appears that the LTTE's actions against Muslims were not due to Muslims' religious beliefs but rather that these actions were part of an overall strategy to clear the north and east of persons unsympathetic to the LTTE. The LTTE made some conciliatory statements to the Muslim community, but many Muslims viewed the statements with scepticism. The LTTE later encouraged Muslim internally displaced persons (IDPs) in some areas to return home, asserting they would not be harmed. Although some Muslim IDPs returned home, the majority did not and waited for a government guarantee of safety in LTTE-controlled areas. Since the 2002 Ceasefire Agreement, the LTTE also carried out a number of attacks in the east in which Muslims were killed. No arrests had been made in these cases by the end of the reporting period. Although the Government defeated the LTTE militarily in May 2009, it remained unclear whether these Muslim citizens would soon be able to return to their former homes. **[2a] (Section II)**

See also Section 20: Ethnic Groups; Section 23: Women and Section 29: Internally Displaced People

CHRISTIANS

19.11 The USSD Religious Freedom Report 2009 stated that eight per cent of the population is Christian who tend to be concentrated in the west of the country:

"Almost 80 percent of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in cities. Seventh-day Adventists, Jehovah's Witnesses, Methodists, Baptists, Dutch Reformed, Anglicans, Pentecostals, and members of the Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership is small." **[2a] (Section I)**

19.12 The same report also recorded that:

"...allegations by Buddhist extremists of Christian involvement in 'unethical' or forced conversions continued to be a source of tension between the two communities... During the reporting period, Christians of all groups sometimes encountered harassment and physical attacks on property and places of worship by some local Buddhists who were opposed to conversion and believed the Christian groups threatened them. Some Christian groups occasionally complained that the Government tacitly condoned harassment and violence aimed at them. Police generally provided protection for these groups at their request. In some cases police response was inadequate, and local police officials reportedly were reluctant to take legal action against individuals involved in the attacks. The National Christian Evangelical Alliance of Sri Lanka reported numerous attacks on Christian churches, organizations, religious leaders, or congregants, many of which were reported to the police. Credible sources confirmed some of these attacks. A general increase in the number of attacks on churches, particularly in the south, occurred in April and May of 2008. The most severe attack was in Talangama, Colombo District, when Buddhist monks led mobs attacking the Calvary Church, destroying the building and severely injuring the pastor. No arrests were made following these attacks." **[2a] (Section III)**

19.13 The USCIRF Report 2009 stated:

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

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20. ETHNIC GROUPS

OVERVIEW

20.01 The CIA World Factbook, Sri Lanka (updated on 29 December 2009), recorded that the population is comprised of Sinhalese (73.8 per cent), Sri Lankan Moors (Muslims) 7.2 per cent, Indian Tamil 4.6 per cent, Sri Lankan Tamil 3.9 per cent, other 0.5 per cent and an unspecified 10 per cent (2001 census provisional data). **[30]** However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2008, Chapter II, tables 2.10 - 2.11, accessed on 1 June 2009), based on a total population of 18,797,257, the population comprises: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor/Muslim (7.9 per cent), Burgher (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent) (figures from the 2001 census). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included. **[58a]** The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) reported that Tamils were 16 percent of the overall population. **[2b] (Introduction)**

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

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

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

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

"Veddhas or Waaniy-a-Laato (forest-dwellers) comprises a very small community of indigenous peoples. The entire community is in danger of extinction. Sri Lanka also has other, smaller communities, such as the Burghers who are of Dutch and Portuguese origin." **[62a]**

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

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

20.04 As recorded in Jane's Sentinel Country Risk Assessments, 'Country Report, Sri Lanka' (accessed on 27 January 2010):

"…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…**(Internal Affairs, 4 December 2007, Post-Independence ethnic tension)** 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. The overwhelming majority of Tamils speak Tamil and are Hindus. Most Muslims are Tamil-speaking but they have resisted being co-opted into the Tamil nationalist project." **[5a] (Demography, 9 April 2009)**

20.05 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, April 2009 observed that "Inter-ethnic and political tensions in the East, which have been aggravated by the long conflict as well as the post-conflict administration of the area, continue to result in violent clashes and are affecting individuals from Sinhalese, Tamil and Muslim communities." **[6h] (p10)**

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TAMILS

20.06 Approximately 8 to 9 per cent of the population (the USSD 2008 reported 16 per cent) are ethnic Tamils (the combined total of Indian and Sri Lankan Tamils) – see paragraph 20.01 above. Jane's Sentinel Country Risk Assessments, Sri Lanka (accessed on 27 January 2010), observed that:

"Tamils comprise approximately 90 per cent of the population in the Northern Province and approximately 40 per cent of the population in the Eastern Province. Although these two provinces are considered by the Sri Lankan Tamils as constituting the traditional Tamil homeland in Sri Lanka, just under 50 per cent of Tamils actually live outside the Northern and Eastern provinces (although excluding the Indian Tamils, only 33 per cent live outside the two provinces)." **[5a] (Demography, 9 April 2009)**

20.07 In Colombo district there were 247,739 Sri Lanka Tamils and 24,821 Indian Tamils out of a total population of 2,251,274 (figures from the 2001 census). The districts of Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya also had a high concentration of Tamils. However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which

the 2001 census enumeration was not completed were not included. (Sri Lankan Department of Census and Statistics (Statistical Abstract 2008, Chapter II, tables 2.10 - 2.11, accessed on 1 June 2009) **[58a]**

28.08 A BHC letter dated 10 September 2009 reported:

"During a recent conversation, the former Chief Justice 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." **[15q]**

See also Section 28: Freedom of movement

20.09 The USSD report 2008 noted that:

"Both local and Indian origin Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the government. According to the SLHRC, Tamils also experienced discrimination in housing. Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-aged Tamil men by security forces and paramilitary groups." **[2b] (Section 5)**

20.10 The FCO Sri Lanka Country Profile, updated 27 August 2009 noted: "The ethnic conflict [between Sinhalese and Tamils] in Sri Lanka has been going on for over 20 years as the Liberation Tigers of Tamil Eelam (LTTE) fight for an independent homeland." (**[15j] (The Internal Conflict)**

20.11 Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (accessed on 27 January 2010), stated:

"Until the early 1980s this process [the tension in relations between the Sinhalese and Sri Lankan Tamils] was primarily political and was defined by sustained agitation by parties and groups representing the interests of the Sri Lankan Tamils against successive Sinhalese-dominated governments, interspersed with periodic outbursts of communal violence in areas of mixed ethnicity at which Tamils suffered at the hands of rampaging Sinhalese mobs…Tamil grievances at this stage were focused mainly on the theme of economic deprivation and political alienation and focused upon campaigning for a due share of political power, access to resources and economic opportunities, and entitlement to the benefits of development. Over time, there emerged within the Tamil community the idea that it constitutes a distinct 'national group', primarily in response to state alienation and exclusion, and that the Tamil community had been arbitrarily unified with the 'Sinhalese nation' in the creation of 'British Ceylon'. This notion formed the ideological and political basis of a secessionist movement committed to the objective of

establishing an independent Tamil state ('Eelam') encompassing the northern and eastern parts of the island of Sri Lanka.

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

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

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Up-Country Tamils

20.12 The USSD report 2008 recorded:

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

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

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

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

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

See also Section 31: Citizenship and Nationality

MUSLIMS

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

"Many Muslims continue to feel vulnerable to attacks and extortion from the TMVP and, to a lesser extent, from government security forces. Tensions between Tamils and Muslims, aggravated by the actions of the Pillayan and Karuna factions, remain high. Many remain bitter over the nomination of Pillayan, rather than the Muslim candidate Hisbullah, as provincial chief minister and complain that Tamils continue to control the provincial administration and council." **[76a] (p5)**

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

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

See also Section 10: Abuses by Non-Government Armed Forces and Section 19: Freedom of Religion, Muslims

INDIGENOUS PEOPLE - VEDDAS

20.17 The USSD report 2008 recorded that:

"The country's indigenous people, known as Veddas, numbered fewer than 1,000. Some preferred to maintain their traditional way of life and are nominally protected by the law. There were no legal restrictions on their participation in political or economic life. However, lack of legal documents was a problem for many. Vedda communities complained that they were pushed off their lands by the creation of protected forest areas, which deprived them of traditional livelihoods." **[2b] (Section 5)**

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

21.01 The International Lesbian and Gay Association (ILGA) report, State-sponsored homophobia, dated May 2009, (ILGA Report 2009, accessed on 27 January 2010) stated that same-sex relations are illegal for men and women. **[29]** Amnesty International's 'Sexual Minorities and the Law: A World Survey', updated in July 2006, accessed on 27 January 2010, observed that same-sex relations between women were not mentioned in law. The report also observed for transgender persons that there was "No data or the legal situation was unclear". **[3d]** The US State Department Country Report on Human Rights Practices 2008, Sri Lanka, released on 25 February 2009 (USSD 2008), stated that though the law criminalises "homosexuality" it was not enforced. **[2b] (Section 5)** The website, Utopia-Asia.com, Country Listings, Sri Lanka, undated, accessed on 27 January 2010 concurred that the law prohibiting same-sex relationships is not enforced **[72a]**

21.02 The NGO, Women's Support Group state in an undated entry on its website (accessed on accessed on 27 January 2010):

"The Sri Lankan legal system makes it extremely difficult for our community to live openly. The Penal Code based on 19th century British law, states that homosexual sexual activity is a crime. Up till 1995, the subject of this law was only men. However, the 1995 amendment to the Penal Code made it 'gender-neutral' and now the Penal Code criminalizes both male and female homosexual sexual activity." **[74a]**

21.03 The ILGA Report 2009 quoted part of the Sri Lanka Penal Code relevant to same-sex relationships:

"Article 365 – 'Volontarily 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) years of age in respect of any person under sixteen (16) years of age shall be punished worth rigorous imprisonment for a term not less than 10 years and not exceeding 20 years and with a fine and shall also be ordered to pay compensation of amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such a person.' **[29]**

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

21.04 The USSD report 2008 noted that "Some NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the government. In recent years human rights organizations reported that police harassed,

extorted money or sexual favours from, and assaulted gay men in Colombo and other areas." **[2b] (Section 5)**

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

SOCIETAL TREATMENT AND ATTITUDES

21.06 The Gay Times Gay Guide, Sri Lanka, (undated, website accessed on 27 January 2010) 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. During it's [sic] 6 year existence [sic] has suffered harassment including assaults on its founders, death threats and the stoning of its offices. There is still rampant homophobia in Sri Lanka for example the Sri Lankan Press Council ruled in favour of a paper that published a letter saying convicted rapists should be let loose amongst a lesbian conference to give them 'a taste of the real thing'." **[19a]**

21.07 As reported on the website of the Sri Lankan gay organisation Women's Support Group, undated (website accessed on accessed on 27 January 2010):

"The Women's Support Group has worked since 1999 for the rights of lesbians, bisexual women and transgendered persons (LBT). Our work has been diverse and at times very difficult. The stigma and discrimination that the gay, lesbian, bisexual, and transgendered (LGBT) community faces is validated by section 365 of the Penal Code of Sri Lanka... This law and a homophobic social environment create a smothering atmosphere for the LGBT people. They are subject to discrimination on many fronts. They face blackmail by others, they face threats to their family, career, and their life. Some have been thrown out of their homes and others have lost their jobs. The legal system and the stigma associated with being homosexual, bisexual or transgendered in our society makes it difficult for members of the LGBT community to live their lives fully and openly. Around you there are many people who hide their sexual and gender identity from those around them due to the fear of what may happen to them if their identity is known." **[74a]**

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

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

In considering the position of lesbian and bisexual women see Section 23: Women, for more information about the status of women in Sri Lanka society.

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22. DISABILITY

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

"The law forbids discrimination against any person on the grounds of disability; however, in practice discrimination occurred in employment, education, and provision of state services. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The government provided financial support to NGOs that assisted persons with disabilities including subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties due to negative attitudes and societal discrimination.

"There were regulations on accessibility; however, in practice accommodation for access to buildings for persons with disabilities was rare. The Department of Social Services provided housing grants, self employment grants, and medical assistance to persons with disabilities. In 2007 the department began offering a monthly allowance of approximately 3,000 rupees ($27) to families of the disabled. At year's [2008] end, 2,125 families had received this grant." **[2b] (Section 5)**

22.02 As noted on the website of Disability Information Resources (DINF) of the Japanese Society for Rehabilitation of Persons with Disabilities (JSRPD) (website accessed on 27 January 2010):

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

get older. Another factor is Polio although the government has now taken steps to eliminate the problem leading to a negligible number of (occurrence) Polio victims." **[70]**

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23. WOMEN

OVERVIEW

For information on the situation of girls see Section 24: Children

23.01 Sri Lanka signed the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 17 July 1980. (UN Office of the High Commissioner for Human Rights, updated 15 February 2008) **[22a] (Status of ratifications)**

23.02 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) noted that although "the law provides for equal rights for all citizens, and the government generally respected these rights in practice", there were instances where women faced discrimination. **[2b] (Section 5)**

23.03 The UNIFEM, Gender Profile of the Conflict in Sri Lanka, 1 February 2008 (accessed on 27 January 2010) reported that:

"Since 1983, Sri Lanka has experienced a civil ethnic conflict in the Northern and Eastern provinces that has resulted in life-threatening and traumatic experiences for women; loss of life, rape and being searched by armed groups are daily occurrences. Large numbers of women have participated as combatants in the conflict, and many civilian women are now household heads…**(Introduction)** Relative to the rest of South Asia, Sri Lankan women have traditionally enjoyed good levels of literacy, life expectancy, and access to economic opportunities…Female adult literacy levels are at 83.8% compared to male adult literacy at 90%. The female youth literacy rate is 96.6%...Unemployment among women is high and it is double that of men, even though the constitution guarantees equal opportunity employment." **[66a] (Economic security and rights)**

23.04 The Freedom House report, Freedom in the World 2009, Sri Lanka, released on 16 July 2009, observed:

"Women are under represented in politics and the civil service. Female employees in the private sector face some sexual harassment as well as discrimination in salary and promotion opportunities. Rape and domestic violence against women remain serious problems, with hundreds of complaints reported annually; authorities weakly enforce existing laws. Violence against women, including rapes, increased along with the general fighting in conflict areas during 2008. 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." **[46c] (Political Rights and Civil Liberties)**

23.05 The UNICEF 'State of the World's Children 2009', released on 15 January 2009 noted that "The key to Sri Lanka's outstanding improvements in maternal health was the expansion of a synergistic package of health and social services to reach the poor…The resulting improvements in women's health

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

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LEGAL RIGHTS

23.06 The USSD 2008 report observed:

"Women had equal rights under national, civil, and criminal law. However, adjudication according to the customary law of each ethnic or religious group of questions related to family law, including divorce, child custody, and inheritance, resulted in de facto discrimination. The minimum age of marriage for women was 18 years, except in the case of Muslims, who may follow their customary marriage practices and marry at the age of 15. Women were denied equal rights to land in government assisted settlements, as the law does not institutionalize the rights of female heirs." **[2e] (Section 5)**

See also Section 19 on Freedom of Religion and Section 31 on Citizenship

Marriage/divorce laws

23.07 The Centre for Reproductive Rights report, *Women of the World: South Asia*, Sri Lanka chapter, undated, website accessed on 27 January 2010, noted:

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

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

"Cruelty is not a ground for divorce, although it may be a factor in determining malicious desertion. Physical illtreatment [sic] per se is also not a ground for divorce under the general law, but it is a cause for legal separation… The Civil Procedure Code constitutes the general law on judicial separation. The code provides that either party may petition for separation 'on any ground on which by the law applicable to Sri Lanka such separation may be granted.'…The 1999 Maintenance Act is the general law on maintenance during marriage… The act requires any spouse with sufficient means to maintain the other spouse, if such individual is unable to maintain him or herself…The principles of custody are thus governed by the residuary Roman-Dutch law. The predominant feature of the common law is the preferential custodial right given to the father, which may be denied only in instances of danger to the 'life, health and morals' of the children. A mother who seeks custody therefore has the onus of displacing the father's right." On most of these matters there are

also more specific laws governing in particular, Muslims, Tamils and Kandyan Sinhalese.**[32] (p220-225)**

23.08 The same source noted that:

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

23.09 The UNICEF document '*Child marriage and the Law'* dated January 2008, accessed on 27 January 2010, recorded that the minimum age for marriage under secular/civil law is 18 years. However:

"Muslim marriage laws remained unchanged and no minimum age was established…Marriages of non- Muslims below the age if 18 are void. [There is] No statutory minimum age for Muslims to marry.

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

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POLITICAL RIGHTS

23.10 UNIFEM noted in its Gender Profile of the Conflict in Sri Lanka, 1 February 2008 (accessed on 27 January 2010), that "In 1931 Sri Lanka became one of the first countries in Asia, Africa, and Latin America to permit women to vote. In 1960, Sirimavo Bandaranaike became the first female Prime Minister of a modern nation. Chandrika Kumaratunga was elected Sri Lanka's first female president in 1994, and won a second term in office in elections in December 1999. Sri Lanka has a vibrant women's movement." **[66a] (Introduction)**

23.11 The same source also noted that "Women are severely under represented at the political and decision-making levels in Sri Lanka. According to the UN

Development Assistance Framework, this makes mainstreaming gender at the policy level difficult." (UNIFEM, Gender Profile of the Conflict in Sri Lanka **[66a] (The Impact of the conflict on women in Sri Lanka)**

23.12 The USSD report 2008 recorded that "There were 14 women in the 225 member parliament, five female ministers, and two women out of 11 justices on the Supreme Court…There was no provision for or allocation of a set number or percentage of political party positions for women or minorities… **(Section 3)** Women's participation in politics was approximately 5 per cent in the parliament and the provincial councils. " **[2b] (Section 5)**

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SOCIAL AND ECONOMIC RIGHTS

Employment

23.13 The USSD report 2008 recorded that:

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

Family planning/abortion

23.14 The Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter website, undated, accessed on 27 January 2010 observed that:

"There are no laws or policies that require individuals to accept family planning measures…The National Health Policy calls for the government to ensure the right of men and women to be informed about and have access to their choice of safe, effective, affordable, and acceptable methods of family planning…The Women's Charter issues several directives to the state with regard to women's right to family planning. It enjoins the state to ensure:

- women's right to control their reproduction and their equal access to information, education, counselling, and services in family planning, including the provision of safe family planning devices and the introduction and enforcement of regulations relating to their safety; and
- family planning policies are equally focused on men and women.

"There are currently some 14,000–15,000 women who undergo sterilization per year…The government does not regulate sterilization through any laws…Abortion, which is illegal in Sri Lanka, is the single most important reproductive health problem in the country…Abortion is a criminal offense under the penal code, except to save the woman's life…Legal abortions are usually performed in the government sector…Abortions are carried out in the

informal and private sector by private physicians or by clandestine abortion providers." (**[32] (p 212-213 & 216-217)**

23.15 The United Nations Population Division (UNDP), Department of Economic and Social Affairs, World Abortion Policies 2007, (undated, website accessed on 27 January 2010) recorded that in Sri Lanka abortion is permitted only to save the woman's life. **[6f] (Wall chart)** The UNDP's Global Review, Country profiles: Sri Lanka, undated (last modified 23 November 2005, accessed on 27 January 2010) provided additional details on the issue of abortion:

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

23.16 The same source 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) **[6d]**

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Single mothers/widows

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

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

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

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

23.18 The same BHC letter further observed that:

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

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

23.19 The UNIFEM, *'Gender Profile of the Conflict in Sri Lanka'*, 1 February 2008 (accessed on 27 January 2010) recorded that:

"There are an estimated 40,000 war widows in Sri Lanka. The loss of male breadwinners has created a new group of women vulnerable to economic hardship. There are approximately 30,000 female-headed families in the north and east of Sri Lanka… **(The Impact of the conflict on women in Sri Lanka)** According to a Consultation organized by International Alert in June 2003, widows are considered bad luck in much of Sri Lanka. As a result, war widows or wives of the missing face discrimination vis a vis housing, employment and other rights." **[66a] (Economic security and rights)**

Mixed marriages

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

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VIOLENCE AGAINST WOMEN

Legal rights

23.21 The website of the Ministry of Justice and Law reforms of Sri Lanka (accessed on 1 June 2009) 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." **[43b]**
(Legislation passed by Parliament in 2005, Prevention of Domestic Violence Act, No. 34 of 2005)

23.22 As noted in the Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, accessed on 27 January 2010:

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

newborns is fairly widespread among the Muslim community in Sri Lanka; the practice is not prohibited or regulated by law." **[32] (p230 - 231)**

Rape/domestic violence

23.23 The USSD 2008 report outlined that:

"The law prohibiting domestic violence was not effectively enforced. Sexual assault, rape, and spousal abuse were pervasive problems. The law specifically addresses sexual abuse and exploitation, and it contains provisions in rape cases for an equitable burden of proof and stringent punishments. Marital rape is considered an offense only in cases of spouses living under judicial separation. While the law may ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary. The Bureau for the Protection of Children and Women (BPCW) within the police conducted awareness programs in schools and at the grassroots level, causing women to come forward and lodge complaints. However, the government did not increase recruitment of female police officers to alleviate the problem.

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

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

Gender-based violence and the internal conflict

23.25 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*, 11 January 2010, observed:

"Women have suffered in distinctive ways both in the camps and since resettlement. In late September 2009, scores of pregnant women were abruptly released from the camps and told to make their own way home without assistance. There have been numerous credible reports of prostitution networks in the camps which function with the knowledge and involvement of Sri Lankan security forces. Many women, with no other means of financial support, have found themselves forced into selling sex for money and supplies. The large number of female-headed households among those families being resettled raises additional protection concerns given that many are returning to isolated areas patrolled by large numbers of Sri Lankan police and military." **[76b] (p5)**

23.26 The ICG report of January 2010 continued:

"There have also been regular reports from a variety of credible sources that significant numbers of women held in the camps have been raped or sexually assaulted. According to some, women have been removed from the camps with police and military assistance and then assaulted. According to others, former LTTE female fighters have been raped while held in detention centres.

The women involved are reportedly too afraid to report the crimes. With levels of fear so high and with no independent monitors allowed access to the camps, it has not been possible to confirm or disprove these accusations." **[76b] (p5)**

23.27 A letter from the British High Commission, Colombo, dated 12 January 2010, reported:

"Both government and non-government sources agree that domestic violence is an issue in Jaffna. The Government Agent said it was particularly high amongst the IDP community, caused by unemployment, poverty and alcohol. All sources referred to 'toddy tapping' (an alcoholic fermented juice from palm trees) as a major cause of domestic violence as it provides cheap/free alcohol for men in particular. There was one women's safe house in Jaffna, run by a local NGO with places for around 15 women. However, many sources highlighted the culture of the community did not support such action. Women and children were taught to suffer in silence and that issues must be dealt with within the family. Although the police and the Courts had taken action against some perpetrators, many actions go unpunished. The police have a Women and Children's Bureau based in Jaffna." **[15p]**

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

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

23.29 The USSD 2008 report observed that:

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

"According to the BPCW [Bureau for the Protection of Children and Women], 253 reported incidents of rape occurred through October. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally limited.

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

23.30 The UNIFEM Gender Profile of Sri Lanka, 1 February 2008 (accessed on 27 January 2010), noted "Sri Lankan women have experienced rape, detainment, harassment at checkpoints and other violations of their personal security in the two decades of civil war…. **[66a] (The Impact of the conflict on women in Sri Lanka)** The former Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, reported that rape was used in Sri Lanka's conflict, and that violent crimes increased against the backdrop of ongoing conflict." **[66a] (Human Rights Violations, including violence against women)**

See Section 8: Security forces for more information generally on abuses by government forces, impunity and prosecution. Also see section on Internally Displaced Persons (IDPS) for the more detail on the situation of displaced persons.

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Assistance available to women

23.31 The website of the Sri Lankan NGO Home for Human Rights (HHR) (undated, website last accessed on 4 January 2010) stated:

"HHR's Women's Desk provides several critical community based services geared towards women. These include social services and counseling for survivors of sexual and domestic violence, visiting hospitalized victims/survivors of assault, rape, or domestic violence, and helping to integrating these women back to their communities [sic]. HHR has also organized self-help groups for single mothers where women gather monthly to discuss their unique problems and share ideas on how to address them. The Women's Desk also helps displaced women and children return home or adapt to their new surroundings." **[26a] (Social and Community Services)**

23.32 According to an undated list on the website of the online forum South Asian Women's Network (SAWNET) (accessed on 27 January 2010) several organisations dealing with problems faced by women exist in Sri Lanka. **[17]** An undated list of local NGOs is also available from the website Peace Women - Women's International League for Peace and Freedom, accessed on 27 January 2010. **[23a]**

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

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

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

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24. CHILDREN

OVERVIEW

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

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

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

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

24.03 Key demographic data about children in Sri Lanka can be obtained from the website of UNICEF, Sri Lanka (undated, website accessed on 27 January 2010). In 2007 the total population under 18 was around 5.5 million. **[53c]** 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 – Special Edition, dated 20 November 2009. **[53g]**

Basic legal information

24.04 The age of criminal responsibility is 8 "with the courts having discretion to extend [this] to 12 yrs depending on the subjective assessment of level of maturity" (UNICEF's comments to the UN's Universal Periodic Review of Sri Lanka, undated, accessed 1 October 2008) **[53e]** The voting age is 18 (CIA World Factbook, Sri Lanka, updated on 29 December 2009) **[30]** The minimum age for voluntary enlistment into the armed forces is 18 years old (see Section 9: Military service).

24.05 The age of consent is 16. (Avert, Worldwide age of consent, undated, website accessed on 27 January 2010) **[64a]** The minimum age of marriage is 18, though there is a provision in the law on marriage that permits "parents to consent to a marriage involving a minor. If a parent unreasonably withholds consent, a court may authorize the marriage. Courts have held, however, that a parent's refusal to give consent will only be overruled if the court is satisfied that the refusal is without cause and contrary to the interest of the minor." (Helplinelaw.com, undated, website accessed on 24 September 2008) **[36a]** However amongst Muslims, "who continued to follow their customary religious practices", girls attained a marriageable age "with the onset of puberty and men when they are financially capable of supporting a family." (US State Department Report for 2009 on Religious Freedom in Sri Lanka, 26 October 2009) **[2a] (Section II)**

24.06 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) recorded that "The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage in technical training." **[2b] (Section 6d)**

See also Section 23: Women

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LEGAL RIGHTS

24.07 On laws protecting children the USSD report 2008 noted:

"Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also defines child abuse to include the involvement of children in war.

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

24.08 The same report noted that:

"The National Child Protection Authority was the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the police were responsible for the enforcement of child labor laws. There were 232 complaints of child employment through November [2008], a significant increase over 2007 levels. Information on litigation was not

available. Penalties for employing minors were 10,000 rupees ($89) or 12 months' imprisonment." **[2b] (Section 6d)**

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VIOLENCE AGAINST CHILDREN

24.09 The USSD report 2008, considering the situation of children not directly affected by the conflict between the Government and the LTTE, observed that:

"NGOs attributed the problem of exploitation of children to the lack of enforcement, rather than to inadequate legislation. The conflict with the LTTE had priority in the allocation of law enforcement resources. However, the police's BPCW conducted investigations into crimes against children and women. The National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the president. From January to October, the BCPW received 888 complaints of grave violent crimes and 1,787 of minor crimes against children." **[2b] (Section 5)**

24.10 The website of the Child Rights Network (CRIN), updated January 2010, reported comments by NGO stakeholders with regard to children made as part of the UN's Universal Periodic Review. These included:

"The Joint Civil Society Report (JCSR) noted many instances of children subjected to severe physical and sexual abuse by family members, teachers, and members of the clergy. The Global Initiative to End All Corporal Punishment of Children (GIECP) noted that, at a meeting of the South Asia Forum in July 2006, following on from the regional consultation in 2005 of the UN Secretary General's Study on Violence against Children, the Government made a commitment to prohibit corporal punishment in all settings, including the home.

"The Sri Lankan Civil Society Working Group on Child Recruitment (SLCSWG) noted that the forced recruitment of children and the use of child combatants have been long associated with Sri Lanka's violent ethnic conflict. SLDF was dismayed that in spite of assurances given to the UN and international scrutiny, the LTTE and the Karuna Group have not ceased to recruit children nor kept their commitments to release all children in their ranks. SLDF further noted that though the LTTE and Tamil Makkal Viduthalai Pulighal (TMVP), also known as the Karuna group, are primarily responsible for recruitment, given the visible and close association between the TMVP and the Government, the Government cannot absolve itself from taking responsibility for TMVP actions. HRW called on the Government to immediately end all cooperation with the Karuna group in the recruitment of children; and to fulfil its pledge to investigate the role of the security forces in child recruitment and other abductions by the Karuna group, and hold all those responsible accountable.

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

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

24.12 The USSD report 2008 also noted that:

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

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

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

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

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'Illegitimate' children

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

"With regard to the children, I asked Major Senevirathne [from the Salvation Army] if she was aware if they were discriminated against solely because of their illegitimacy. She said she was not. I further asked if she was aware of any particular problems regarding illegitimate children born from mixed relationships, including those born to women who had been abused by their Middle Eastern employers and were of mixed Sri Lankan – Arab appearance. Again she had no knowledge of any discrimination against them…The legitimacy of a child does not have any bearing on educational or healthcare facilities available. Healthcare is free in Sri Lanka and as long as a child can

produce a birth certificate, they will receive free education in government schools." **[15b]**

See also Section 23: Women, single mothers/widows

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Child soldiers

24.16 The Coalition to Stop the Use of Child Soldiers' Child Soldiers Global Report 2008, Sri Lanka, undated (released on 20 May 2008) reported that:

"In February 2006 the Penal Code was amended to make 'engaging/recruiting children for use in armed conflict' a crime punishable by 20 years' imprisonment. Despite these provisions, there had so far been no arrests of cadres of the LTTE or Karuna group…in relation to child recruitment. This was partly because the police often refused to accept complaints from parents of abducted children, despite parents having information about the identity of the abductors." **[61a] (Government)**

24.17 The Child Soldiers Global Report 2008 also noted:

"There were longstanding concerns about the treatment of children who 'surrendered' to the security forces; in December 2006 the government was criticized for not making a distinction between children and adults. The government subsequently appointed a commissioner general for rehabilitation, and as of mid-2007 was developing a rehabilitation program in cooperation with UNICEF. This included setting up a rehabilitation centre for 'child surrendees'…" **[61a] (Government)**

24.18 The USSD report 2008 recorded that "Both the LTTE and the TMVP recruited and used minors in their armed wings [in 2008]. However, UN Children's Fund (UNICEF) figures noted significant reductions in the scale of recruitment compared to prior years." **[2b] (Section 1g)**

24.19 Detailed information on "grave violations of children's rights" by both the LTTE and the TMVP is available from the UN Security Council *'Report of the Secretary-General on children and armed conflict in Sri Lanka'*, dated 25 June 2009 (covering the period from 15 September 2007 to 31 January 2009). The UN report observed in its summary that:

"…despite some very limited progress and the release of children by the Liberation Tigers of Tamil Eelam (LTTE) and a modicum of efforts on the part of the Tamil Makkal Viduthalai Pulikal (TMVP), trends of child recruitment continue to be a source of major concern in Sri Lanka. The killing and maiming of children also remains worrisome, especially in the context of the fighting and attacks which have a direct impact on the civilian population in affected areas of Sri Lanka." **[6e]**

LTTE

24.20 The Child Soldiers Global Report 2008 recorded:

"The LTTE consistently denied that it knowingly recruited children and it claimed that children sought to join by disguising their age. However, there is overwhelming evidence of recruitment, often forced, throughout areas under LTTE control as well as from government-controlled areas in the north and east. The recruitment of children typically followed a pattern of increased recruitment during the season of temple festivals and a fall during periods of international condemnation." **[61a] (Liberation Tigers of Tamil Eelam LTTE)**

24.21 On 31 May 2009 *The Observer* reported that "Tamil children as young as 11 were forced at gunpoint to fight for the Tigers in Sri Lanka's civil war." and that:

"Children…who were forced to fight on the front line in the final stages of the war in Sri Lanka, gave the Observer compelling evidence of war crimes committed by the Liberation Tigers of Tamil Eelam (LTTE)."

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

24.22 The UNICEF 'Monitoring of underage recruitment: June 2009 update' (website accessed on 4 December 2009) recorded that:

"According to UNICEF data-bases, as of 30 June, 2009, there are 1419 outstanding cases of under age recruitment by the LTTE. Of these, 63 are under the age of 18, and 1356 were recruited while under 18 but have now passed that age.... UNICEF continuously checks its database on under age recruitment to ensure its accuracy. UNICEF only withdraws recruits from its database when it is able to verify their release through an official letter of release, or by establishing that the child is reunited with his or her parents." **[53a]**

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

"In recent years, international pressure on the LTTE, increased monitoring of its practices by the UN Children's Fund (UNICEF), and other factors have led to a significant decline in its known recruitment of children, from 1,494 reported child recruitment cases in 2002 to 166 in 2007. Twenty-six cases were reported to UNICEF in the first 10 months of 2008, although escalating hostilities and limited access by international child protection agencies may result in significant under-reporting. Despite the reduced number of reported child recruitment cases, several reports suggest that the LTTE has increasingly targeted children in the Vanni for recruitment in recent months. Humanitarian agencies operating in the Vanni prior to the September 2008 expulsion documented a number of cases where LTTE cadre went to villages and IDP locations and organized rallies specifically targeted at 15 to 17 yearolds, urging them to volunteer for the LTTE and join the battle. The staff of a nongovernmental organization (NGO) active in the education sector in the Vanni also documented several cases where LTTE cadre went to address

students aged between 14 and 17 at their schools, urging them to join the LTTE." **[21e] (p5)**

24.24 The HRW report of December 2008 continued:

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

The LTTE ceased to be an effective military force following its defeat in May 2009. See section 3: History, The LTTE are defeated – May 2009, also Section 4: Latest developments and Section 10 on Forced conscription by the LTTE

Karuna group/TMVP

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

"The government was repeatedly condemned for tolerating the aiding and abetting by the security forces of child recruitment by the Karuna group. In November 2006 a UN special advisor on children and armed conflict 'found strong and credible evidence that certain elements of the government security forces are supporting and sometimes participating in the abductions and forced recruitment of children by the Karuna faction'. President Rajapakse and other Sri Lankan officials repeatedly promised that the government would investigate the allegations of state complicity and hold accountable any members of the security forces found to have violated the law. Human Rights Watch repeatedly asked the government for the results of the investigations and, in August 2007, questioned the sincerity of the government's commitment to an investigation. A government committee was established in 2007 to investigate the allegations." **[61a] (Government)**

24.26 The UNICEF 'Monitoring of underage recruitment: June 2009 update' (website accessed on 4 December 2009) recorded that: "As of 30 June 2009 there are 103 outstanding cases of under age recruitment by the TMVP. Of these, 24 are under the age of 18, and 79 were recruited while under 18 but have now passed that age." **[53a]**

See also Sections 9: Military Service; 19: Freedom of Religion (Introduction); 13: Prison Conditions; 23: Women; and 25: Trafficking. For information about violence as a result of the security situation, which affected children directly and indirectly, and abuses committed by the security forces and non-government groups see Security forces and Abuses by non-government armed forces. The internal conflict also displaced large numbers people and created humanitarian

problems in the north and east of the country, both affecting children. See also Section 27: Humanitarian issues and Section 29: Internally Displaced People (IDPs)

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CHILDCARE AND PROTECTION

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

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

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

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

24.29 A letter from the BHC Colombo dated 16 May 2008 noted that "The police have…improved their support of the victims of domestic violence and sexual abuse. They have specialist units from the Police Child & Women's Bureau working with the National Child Protection Authority, and the issue of child exploitation has also been addressed." **[15r]** On the subject of protection the USSD report 2008 noted that "The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The tourist bureau conducted awareness raising programs for at risk children in resort regions prone to sex tourism." **[2b] (Section 5)**

Government and NGO childcare

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

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

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

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

See also Section 23: Women

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EDUCATION

24.32 The USSD report 2008 recorded that "The law required children between the ages of five and 14 to attend school. The government provided extensive systems of public education and medical care. Education was free through the university level. Health care, including immunization, was also free." **[2b] (Section 5)** The youth (15-24 years) literacy rate, 2000-2007, was 97 per cent for males and 98 per cent for females. (UNICEF Sri Lanka, Statistics, Education, undated) **[53c]**

24.33 The Economist Intelligence Unit (EIU), Country Profile 2008 Sri Lanka (published in July 2008) noted that "Sri Lanka's policy of free education has led to an impressive literacy rate (92.5%) and school enrolment rate (75.2% of those aged 5-19 years). However, low examination pass rates at the secondary level undermine these achievements…Although technically the government has a monopoly on tertiary education, several private institutions also provide higher education." **[75b] (p11-12)**

24.34 The UNICEF *'State of the World's Children 2009'*, released on 15 January 2009 noted that "In basic education…Sri Lanka's performance has been outstanding. According to the latest international estimates, net primary school enrolment stands at more than 97 per cent for both girls and boys, while literacy rates among young people aged 15–24 are 97 per cent for males and 98 per cent for females." **[53f] (p21)**

24.35 A report issued by IRIN on 23 January 2009 noted that "The education of at least 30,000 students has been hampered by the [recent] fighting [in the north] and at least 154 schools closed or relocated." **[55e]**

24.36 On 23 December 2009 BBC Sinhala reported that hundreds of former Tamil Tiger (LTTE) child soldiers were "being educated in Sri Lanka as part of government rehabilitation efforts following the rebels' defeat in May. Sri

Lanka's government says it has 550 ex-child soldiers in its custody - and about half of them are being given the chance of education." **[9j]**
See also Section 4 on Treatment of former members of the LTTE

24.37 The Sri Lanka Department of Census and Statistics recorded in their Statistical Abstract 2008, Socio Economic Indicators (undated, website accessed on 1 June 2009) that in 2007 there were 10,429 Government schools; 93 private schools and 658 Pirivenas [Buddhist monastic colleges] with a total number of pupils around 4,100,000 in 2007. **[58c]**

See also Section 23: Women and subsection above on Violence against children.

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25. TRAFFICKING

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

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

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

25.02 The USSD 2008 report also added:

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

25.03 The US Department of State's 'Trafficking in Persons Report', released on 16 June 2009, noted that:'

"Sri Lanka is primarily a source and, to a much lesser extent, a destination for men and women trafficking for the purposes of forced labor and commercial sexual exploitation.

"Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government has not shown evidence of progress in convicting and punishing trafficking offenders; therefore, Sri Lanka is placed on Tier 2 Watch List. While the Sri Lankan government did not achieve any convictions of trafficking offenders, it arrested 29 alleged

traffickers and started prosecutions against ten people for trafficking-related offenses, an increase from the previous year when no one was arrested or prosecuted for trafficking-related crimes." (USSD, Trafficking in Persons Report, June 2009) **[2c] (Sri Lanka Section)**

25.04 The same report added:

"The government made some efforts to provide victims with necessary protection directly and ensure they received access to protective services provided by NGOs or international organizations. The government continued to provide limited counseling and day care for child victims of trafficking – through the operation of six resource centers run by the National Child Protection Authority (NCPA).

"Although government personnel did not employ formal procedures for proactively identifying victims and referring them to service providers, some ad hoc referrals were made during the year. Police did not attempt to identify trafficking victims among 16 foreign women who were arrested on prostitution charges during the year; all were placed in detention until they could pay for their departure from Sri Lanka. The government provided no legal alternatives for the removal of foreign victims to countries where they may face hardship or retribution. Authorities encouraged victims to participate in investigations and prosecutions of trafficking offenders, though sex trafficking victims rarely came forward to cooperate with police and prosecutors out of fear that doing so would damage their reputations. The slow pace of the Sri Lankan judicial system provided a strong disincentive to come forward. The government generally did not penalize victims of trafficking for unlawful acts committed as a direct result of their being trafficked, though some sex trafficking victims could have been penalized because the government failed to identify them among persons arrested for prostitution offenses." **[2c] (Sri Lanka Section)**

25.05 The USSD Trafficking in Persons Report, June 2009 also noted:

"The Sri Lankan government undertook modest efforts on trafficking prevention during the last year. The government conducted several trafficking awareness-raising activities, including the Women and Children's Bureau of the Police's sponsorship of a series of television docudramas that highlighted violence and crime against women and children, including the sex trafficking of Sri Lankan women and girls." **[2c] (Sri Lanka Section)**

See also Sections 23: Women; 24: Children; and 29: Internally Displaced People

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT

26.01 The WHO (World Health Organisation) Country Health System Profile Sri Lanka (undated, website accessed on 25 January 2010) provides useful general information on the health resources in Sri Lanka:

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

26.02 The WHO Mini profile 2007 (accessed on 25 January 2010), 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 systems as well. Nearly 60% of the rural population relies on traditional and natural medicine for their primary health care." **[68b] (p14)**

26.03 A detailed list of government hospitals is available from the website of the Sri Lankan Ministry of Healthcare and Nutrition (accessed on 25 January 2010). **[67b]** The following government hospitals exist in the Colombo district:

"Teaching Hospital
NH-Colombo General (Line Ministry Inst.)
TH-Castle (Line Ministry Inst.)
TH-Eye (Line Ministry Inst.)
TH-L.R.H (Line Ministry Inst.)
TH-Soysa (Line Ministry Inst.)
TH-Kalubowila (Line Ministry Inst.)
TH-Angoda Mental Hospital (Line Mini I.)
TH-Cancer Institute (Line Ministry Inst)
TH-Dental Institute (Line Ministry Inst)
TH-Sri Jayawardenepura (Line Mini Inst)

Base Hospital Type A
BHA-Avissawella
BHA-Homagama

BH-Fever Hos. Angoda IDH

District Hospital
DH-Moratuwa
DH- Premadasa Memorial-Maligawatta
DH-Wetara" **[67d]**

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

26.04 A different section of the same website recorded that in total in Sri Lanka there are 612 hospitals with a total of 66,835 hospital beds (Medical Institutions and Bed Strength in Sri Lanka by hospital type – Year 2008, undated, website accessed on 25 January 2010) **[67c]**

26.05 The WHO Core Health Indicators, World health statistics 2008, undated (website accessed on 27 January 2010) 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. **[68d]**

26.06 Additional information is available from the Ministry of Health 'Health Manpower', updated on 31 December 2008 (website accessed on 19 January 2010) **[67a]**

26.07 A letter from the British High Commission, Colombo, dated 12 January 2010, reported:

"The Director of Regional Health in Jaffna told us that there are 38 government hospitals in the Jaffna District providing 950 beds. However, he said that there are acute staff shortages that need to be addressed. There should be 19 specialist consultants in the district but there are none at present, although he pointed to a 'house team' at Point Pedro Hospital which had 3 of their own specialists. There should be 110 doctors but currently there were only 14, and with regard to Registered Medical Officers (paramedics) there were currently only 20 when there should be 58 working within the district.

"With regard to the equipment in the hospital facilities, the Director said that there were two problems, one was obtaining the equipment, and the second was having persons to operate the equipment. The equipment in many hospitals was basic.

"The Director stated that major surgery could be carried out at Point Pedro Hospital and at the Jaffna Teaching Hospital. However, a lack of specialists such as neurosurgeons meant that some patients were transferred to Colombo for surgery, and there were no facilities for heart surgery or some forms of cancer treatment in the district. Many patients requiring specialist treatment would travel to an appropriate hospital in Colombo. ICRC provided flights twice a week to transfer patients to Colombo, and emergency cases were flown down by the Sri Lankan Air Force. The district also had an emergency ambulance service that guaranteed a 10-minute response time." **[15p]**

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Availability and affordability of drugs

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

"We have contacted the State Pharmaceutical Co-operation (SPC) chairman Mr Ranjith Maligaspe. We were told that medical care is affordable for the average person in Sri Lanka. Most conventional medicines are available and government hospitals provide drugs free of charge, unless prescribed outside. Drugs are cheaper at SPC than in the private sector. SPC deal with 3000 drugs and surgical items, while the private sector supplies about 700 items. He added that in comparison most drugs would be cheaper than in the United Kingdom for prescription and dispensing charges. The Healthcare and Nutrition Ministry banned the prescription of drugs by their trade names, instead insisting on the use of their generic names as of 1st January 2008. This law applies to doctors in government service as well as in the private sector. The objective of this change was to support the National Drugs Policy of late Professor Senaka Bibile, and to 'ease the burden on the public' and give them 'a quality healthcare service'. 'The State Pharmaceutical Corporation (SPC) markets drugs under the Generic name and is most of the time very cheaper [sic] than the branded versions. Thus drugs sold under generic name are usually cheaper than those sold under the brand name…For an example drugs that are prescribed by doctors for high blood pressure range from Rs.7 to Rs.100 each but under the present regulations, a drug which has the same effect and quality can be purchased at Rs.7 each.'" **[15c]**

See also Section 26 on Mental health

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

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

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

26.10 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that "There was no official discrimination against those who provided HIV prevention services or against high risk groups likely to spread HIV/AIDS, although there was societal discrimination against these groups." **[2b] (Section 5)**

CANCER TREATMENT

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

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

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

26.12 The BHC letter of 23 April 2009 further reported:

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

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

See also Section on Overview of availability of medical treatment and drugs

KIDNEY DIALYSIS

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

"There are around 100 dialysis machines and only 15 nephrologists in the whole of Sri Lanka. No reliable statistics on the number of persons suffering from kidney failure on the island are available, but it is estimated that every year a further 3000 people are diagnosed…The availability of dialysis treatment is extremely limited due mainly to the extreme demand for limited machines, but also the cost of the treatment and the fact that poor water

pressure over virtually the entire island means that hospitals offering such treatment are limited to being in Colombo and Kandy." **[15i]**

26.15 The BHC letter of 7 May 2009 continued:

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

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

See also Section on Overview of availability of medical treatment and drugs

MENTAL HEALTH

26.16 The World Health Organisation (WHO) report, *'The New Mental Health Policy for Sri Lanka'*, undated, accessed on 25 January 2010, 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 prevance of depression amongst the general public varies from 9% to 25%." **[68a]**

Mental health hospitals and clinics

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

"The main public facility is the National Institute of Mental Health; a government run establishment in Angoda, Colombo, which can hold up to 1400 patients. There is a Long Stay Unit at Hendala where 200 male patients can remain indefinitely, and a similar establishment in Mulleriyawa that caters for up to 850 female patients. There are 9 other hospitals or units in the following locations that each have places for between 20-30 patients: Ragama Teaching Hospital, Colombo South Teaching Hospital, Batticaloa Teaching Hospital, Peradeniya, Kandy, Kurunegala, Galle, Badulla, and Kalutara. There

is only one private hospital providing psychiatric treatment, the Park Hospital, Park Road, Colombo 5 (www.parkhospitals.com), although private consultations with psychiatrists working at public facilities are available, which is known as 'channel consultation'." **[15t]**

26.18 The BHC letter of 19 August 2008 also reported that a number of NGOs also provided some mental healthcare.

"Sahanaya – The National Council for Mental Health – [has] two centres in Borella and Gorakana providing walk-in clinics and day care centres – http://www.sahanaya.org/index.php Sanasuma Counselling Service – based in Colombo and providing therapeutic counselling - www.sanasuma.com Sri Lanka Sumithrayo – based in Colombo but with 13 branches across the country providing counsellors and trained volunteers - www.srilankasumithrayo.org" **[15t]**

Psychiatrists and psychologists

26.19 The Ministry of Health'National Census of Health Manpower', updated on 30 June 2007 (website accessed on 1 June 2009), stated that there were 24 psychiatrists in the country but there is no mention of psychologists. **[67a]**

26.20 However, the BHC letter of 19 August 2008 reported that "There are no psychologists working within the public sector although there are 1 or 2 teaching at the University of Colombo and Peradeniya University. There are no numbers available for psychologists working within the private sector. There are approximately 20 psychiatrists attached to the Ministry of Health and a further 20 attached to universities." **[15t]**

Post Traumatic Stress Disorder (PTSD)

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

Availability and affordability of anti-depressant and therapeutic drugs

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

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27. HUMANITARIAN ISSUES

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

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

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

"Humanitarian access remains a serious concern for the civilians living in the conflict areas in the North. [See Section 4: Recent developments for the final phases of the conflict ended on 18 May 2009] Since September 2008, the UN and almost all other international aid agencies have been prevented from operating in the areas of the North affected by the fighting and humanitarian access has been severely limited. IDPs and other vulnerable groups in the North, who remain heavily reliant on food assistance, have been gravely affected by the limited food supplies. Civilians trapped within the fighting zones have extremely limited access to medical care and supplies and throughout the North the health crisis resulting from the conflict and displacement in the North exceeds available resources." **[6h] (p7-8)**

27.03 The OCHA, 'Sri Lanka, Vanni Emergency Situation Report #18', 27 May 2009, recorded:

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

"On 26 May [2009], Mr. John Holmes, ERC, and Mr. Lynn Pasco, USG for Political Affairs, briefed media in New York on the Secretary-General's recent visit to Sri Lanka. Mr. Holmes said the SG was 'able to see for himself that, while a lot has been done in terms of providing basic services, there is still a long way to go in areas like shelter.' 'The basic conditions of life are being met', he said, 'but there's quite a lot of progress to go.'" **[31a] [52a]**

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

"The United Nations, along with dozens of partner agencies, are working to improve basic conditions in camps housing people who fled the recently-ended conflict in northern Sri Lanka, it was announced today. The UN Office for the Coordination of Humanitarian Affairs (OCHA) said that since the arrival

of the last of the internally displaced persons (IDPs) at the camps, relief workers have been working to ease pressure on overcrowded sites, construct more latrines and improve water supply to meet international standards. Other priorities include reuniting families and improving freedom of movement in the camps….OCHA identified water and sanitation as an ongoing challenge, with only half of the latrines necessary having been constructed to date and only 75 per cent of water needed for drinking and bathing needs available. Another key concern is nutrition, given the large numbers of under- and malnourished children, as well as the high adult vulnerability rate, but only 10 of the 30 nutrition rehabilitation centres have so far been constructed.To meet child protection needs, 63 child-friendly spaces to accommodate over 20,000 children have been established, and teams to support former child soldiers, many of whom were forcibly recruited, are also in place." **[6c]**

See also Section 24: Children

27.05 The USAID 'Sri Lanka – Complex Emergency Fact Sheet #1, Fiscal Year (FY) 2010, issued on 25 January 2010 recorded:

"More than two decades of conflict between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) separatist movement and resulting population displacement have caused a complex emergency in Sri Lanka. In the months leading up to the May 19, 2009, GoSL declaration of victory over the LTTE, insecurity displaced more than 280,000 people, according to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA).

"Nearly 156,000 people had returned to areas of origin and approximately 29,000 others had transferred from internally displaced person (IDP) camps to host families and community care as of December 31, according to OCHA.

"Population returns increased significantly in late October 2009; however conflict-affected families returning to areas of origin continue to face challenges resulting from minimal livelihood or recovery opportunities after years of conflict.

"A USAID/OFDA principal regional advisor (PRA) visited northern Sri Lanka between December 12 and 15 to meet with returnees and assess humanitarian conditions. The PRA observed resilience among returning populations and reported shelter and livelihoods support as the most urgent needs, while cautioning that recovery efforts must build upon the existing capacity of returnees without damaging re-emerging markets and livelihoods with inflows of resources." **[12a]**

27.06 Detailed information on the humanitarian situation in Sri Lanka is available from the website of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Humanitarian Portal - Sri Lanka **[52]**

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

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28. FREEDOM OF MOVEMENT

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

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

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

28.02 And continued:

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

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

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

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

28.05 The same UNHCR document also recorded:

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

"Ethnic Tamils, in particular those originating from the North and the East, who reside in or seek to enter Colombo, have encountered disproportionate and discriminatory restrictions on their movement and ability to reside in Colombo." **[6h] (p17-18)**

COLOMBO

28.06 In a letter dated 29 April 2009, the BHC in Colombo observed that:

"Residing in Colombo or indeed all of Western Province can be difficult for Tamils, especially if they are originally from the north or east of Sri Lanka.

"Many essential services are only available in Colombo so people travel from the north and the east to access medical facilities, higher education, employment, passport and identity card issuing facilities and to make plans for overseas travel. Under the law, anyone can stay in Colombo without giving any prior notice to the police or security forces. However, persons from 'out of town' will be stopped like everyone else at the frequent checkpoints [see sub-section below] and this can prove a particular problem for Tamils who do not have adequate Sinhala language skills." **[15e]**

28.07 The Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, dated 22 October 2009 (FCO October 2009 report) contained specific information on the issue of the feasibility of residency in Colombo between June and August 2009. The report observed:

"Some sources referred to the common perception that there are more Tamils in Colombo than Sinhalese. Tamils are in the majority in certain areas of Colombo, but estimates suggest that they number 300,000 – 500,000, up to 20% of the population of Colombo District. Around 50,000 Tamils are temporary residents in Colombo and approximately 37,000 migrated from the Northern Province to Colombo between 2003 and 2008." **[15m] (Executive Summary, Feasibility of residency in Colombo after June 2009)**

28.08 A BHC letter dated 10 September 2009 reported:

"The last census of Sri Lanka was carried out in 2001. At the time, the ongoing conflict made the results unreliable, as data was not collected from some districts. Furthermore, there has been significant internal migration within the country and from the country since then. With regard to Colombo District the total population according to the Census of 2001 Information Unit was 2,230,612…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…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.

"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.

"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…" **[15q]**

See also Section 20: Ethnic groups

28.09 The FCO October 2009 report further recorded:

"Sources agreed that people who wished to live in Colombo but did not originate from there must register with the local police station. Registration usually required a National Identification Card or full passport, sometimes a letter from a Grama Seveka (a local official from the person's area of origin) and details of planned length and purpose of stay.

"In theory, anyone was entitled to register to stay in Colombo, but some sources suggested that young Tamil men originally from the north or east of the country could encounter difficulties and face closer scrutiny...In general, registration would be easier if people indicated that their stay in Colombo was temporary." **[15m] (Executive Summary, Feasibility of residency in Colombo after June 2009)**

28.10 The same source added:

"The UNHCR Protection Officer noted that it was very difficult for Tamils not from Colombo to obtain residence there. Tamils from the north and east must have a valid reason to find accommodation in Colombo; landlords must be very careful when renting places to Tamils who are not from Colombo. It can be very difficult to register if you are from the north and you do not have a letter from the local administration, the Grama Seveka [local official], in your

place of origin, in addition to your police registration certificate." **[15m] (5.12)**
"...she believed it was difficult for Tamils to stay even on a temporary basis. Tamils faced problems also because people were scared and reluctant to take them as lodgers or tenants." **[15m] (paragraph 5.30)**

"CPA [Centre for Policy Alternatives] stated that they were not aware of Tamils being told to leave Colombo, but they may be harassed and told it was not safe to stay here. There was established case law saying that persons could not be instructed to leave, but they could still be harassed." **[15m] (paragraph 5.38)**

"Mano Ganesan MP said people could stay as long as they complied with police registration, but that the police always directly or indirectly intimidated Tamils, often in order to get money from them. He was of the opinion that it was not advisable for Tamils who did not originate from Colombo to stay there." **[15m] (paragraph 5.42)**

See also Police registration and Lodges in Colombo below.

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POLICE REGISTRATION

28.11 A letter from the British High Commission (BHC) in Colombo dated 1 October 2008 reported that:

"The Sri Lankan authorities require households to register all residents, the emphasis being on Tamils who take temporary lodgings. These lists are then used in cordon and search operations to identify people who the police consider need to give a fuller explanation of why they are residing or travelling in a location. Returned failed asylum seekers could form part of these, although the areas covered by cordon and search operations (normally a few blocks) would not yield very many. Persons identified as having not registered, are normally detained by the police for further questioning. The government has in the past published large advertisements in the press reminding security officials of their responsibilities when they detain anyone. This is a partial response to complaints that those detained in cordon and search operations were not being treated according to the law." **[15c]**

See also Section 8 on Cordon and search operations

28.12 The BHC letter of 1 October 2008 continued:

"There is no uniformity in the implementation of the police registration. After the current Government came to power in November 2005, police visited households and issued forms to be completed by the head of the household, asking them to take full responsibility for the information provided and the persons on the list. The form sought information as to the purchase date and price of the property, from whom the property had been purchased, how the purchase had been financed and who had assisted in the finance etc. This form was issued to almost all houses in the Tamil concentrations in the city and suburbs. Generally the police do not say that they are targeting only Tamil households, but collection of completed forms / booklets are only strictly

enforced when it comes to Tamil concentrations. The main purpose of these booklets is to assist the Police, when they launch cordon and search operations, to identify visitors or undeclared persons in the area.

"There is currently a programme of police registration, specifically targeting persons who have temporarily migrated to Colombo and Western Province from the North and the East of the country." **[15c]**

28.13 *The Sunday Times* reported on 11 January 2009 that the Government had asked all Sri Lanka citizens to register online with the Ministry of Defence.

"The request is part of a government effort to further screen all persons residing in the country, said Lakshman Hulugalle, director general of the Media Centre for National Security. A website – www.citizens.lk – has been set up for the purpose. Sri Lanka residents are required provide personal details, including name, ethnicity, home address, type of house (apartment/flat, annexe, shop) occupied, and the nearest police station. Details of temporary residents should also be declared. 'There is no time frame for registering, but if the response from the public is slow, the authorities may have to enforce registration through the law, perhaps even using emergency regulations,' Mr. Hulugalle said. Those with no access to the internet can register at any government institution that has a special counter for registration purposes. Mobile units will be deployed in different areas on different days to facilitate the registration process." **[11m]**

28.14 A BHC letter of 29 April 2009 observed that:

"On the 18th September 2008, the Government announced a requirement for all persons who had arrived in Western Province within the previous 5 years from the North and East of the country to register at their local police station, or assigned schools, temples or other public buildings, by the 21st September 2008. The police estimated that there were roughly 100,000 people who fell into this category. Security officials at the time said that the measures were brought about to prevent the infiltration of terrorists and ensure the public was protected. In reality this 'Survey for Those Displaced' as it was advertised, was seen as exclusively targeting Tamils and was criticised from many quarters. It was also reported that police were taking a census of Tamils who had arrived from five particular districts: Jaffna, Mullaitivu, Kilinochichi, Mannar and Vavuniya." **[15e]**

28.15 The same BHC letter went on to mention that:

"Since this initial registration there have been further announcements by the Government and further dates set aside for those persons that had not registered previously to come forward. This also targets those persons who have arrived since the 21st September 2008. Amongst criticisms levelled at the process was that those registering were given no receipt or proof that they had registered. There were also delays in the process brought about by Sinhala speaking officers unable to communicate with those registering who only spoke Tamil." **[15e]**

28.16 On 17 April 2009 the pro-LTTE website TamilNet reported:

"All householders in Colombo have been instructed by Sri Lanka Defence Ministry to register their particulars at the nearest police station and that failure to do so may result in punitive measures, according to announcement made over loud speaker in Sinhalese and Tamil from a long white bus bearing the Sri Lanka government insignia, Thursday night and Friday morning. Letting a person live in the house without informing the police is a punishable offence, it was announced." **[38a]**

28.17 The Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, dated 22 October 2009 (FCO October 2009 report) recorded:

"The senior intelligence official said they [Tamils who had not previously resided in Colombo who wished to stay in the city] had to go to the local police station to notify the police of their arrival. They had to provide their details, their place and duration of stay. Anyone arriving in Colombo had to register, and also inform the police of any change of residence...The Colombo police could check with the local police from the area the person originated from. A registration list was kept at the Colombo police stations." **[15m] (5.7)** "A temporary address like a lodge could be used to register with the police." **[15m] (paragraph 5.18)**

"The senior intelligence official said that to register, people must provide their National Identity Card (NIC) and complete a form. If they did not have a NIC they could provide a letter from the Grama Seveka [local official]. Passports and emergency passports were also acceptable." **[15m] (paragraph 5.18)**

28.18 On 29 December 2009 the pro-LTTE website TamilNet reported that:

"Tamils coming from other countries or from North and East, should register themselves with the Sri Lankan Police in Colombo if they are staying in the city for more than 30 days, Sri Lankan Police Department said in a note to media ... Nimal Mediwaka, senior Deputy Inspector General of Police said the previous 'rule' that applied to all Tamils, whether they are from abroad or from the north and east visiting Colombo, was that they should all register themselves with the respective police station as soon as they arrived in Colombo and called the latest announcement a 'relaxation measure' of that rule." **[38ae]**

29.19 A British High Commission letter dated 12 January 2010 reported:

"The Government Agent has said that there is no restriction on anyone taking up residency in Jaffna. Once they have found somewhere to reside they must present themselves to the local police and produce their NIC. Persons are free to reside anywhere in the Jaffna District apart from the HSZ. A police spokesman also said there was no restriction and that anyone can come to Jaffna to live. Once a person had found a place to reside, they must register with the local police. A humanitarian group told us that new arrivals into Jaffna District received a token and once they had found a place of residence they had to report to the local police, they thought within 28 days. They added that they knew of no-one who had come back to Jaffna to stay, however, IOM informed us that they have many voluntary returnees from the UK who have resettled in the district." **[15p]**

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Lodges in Colombo

28.20 In a letter dated 29 April 2009, the BHC in Colombo observed that "…in June 2007 there was the well-publicised operation to evict Tamils from lodges/boarding houses in Colombo and Gampaha. A total of 374 Tamils were evicted but subsequently allowed to return following a decisive intervention by the Supreme Court." **[15e]**

28.21 A letter from the BHC Colombo dated 16 May 2008 expanded on the issue of eviction of Tamils from lodges in Colombo:

"In June 2007, Inspector General of Police Victor Pereira said, 'Tamils who were loitering in Colombo were given transport to return home unless they had proof of employment there'. However, many people from the north, east and other regions of Sri Lanka who had checked-in at the lodges, were in Colombo for a variety of reasons. Many were coming to look for employment, or undertake studies, or to receive medical treatment, or intending to travel abroad, plus people came to obtain official documents like identity cards or passports. But heavily armed police officers had entered the lodges in the Wellawatte, Kotahena, Pettah and Wattala areas of Colombo and a total of 376 persons were evicted, 291 males/85 females... It remains that Tamils living in Colombo for short periods of time, particularly in multiple-occupancy residencies, are subject to intense police scrutiny. (Source of a majority of the above was Mr Kandaramy, Executive Director of the Centre for Human Rights Development – CHRD)." **[15r]**

28.22 The Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, dated 22 October 2009 (FCO October 2009 report) recorded that

"[The senior intelligence official said that] Lodges were regularly checked and the lodge owners automatically informed the police of new arrivals…**(paragraph 5.7)** The Human Rights Activist said that people could stay as long as they liked but were effectively discouraged from staying for too long. Lodges in Tamil areas such as Pettah and Kotahena were regularly checked by the police and people there were questioned. However, he was not aware of any examples of people being asked to leave, even after a long period of time. Nevertheless, people needed to provide good reasons for staying in Colombo (such as employment, education, going abroad, medical visits, administrative practices). **(paragraph 5.27)**

"The IOM representative said that those staying temporarily in lodges could actually stay a long time, as long as they registered at the police station. Lodge owners had to register them at the police station and give a recommendation…**(paragraph 5.28)** The former Chief Justice Sarath Silva said that lodges were monitored by the police but everybody could stay, even for several months, as long as they registered with the police." **[15m] (paragraph 5.32)**

CHECK-POINTS

28.23 Detailed information on checkpoints/road blocks in Colombo/Gampaha 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). The report observed:

"Most sources agreed that there had not been any significant reduction in the number of checkpoints [in Colombo/Gampaha district]. Government sources said the purpose of checkpoints was to detect and prevent terrorist activity. Non-government sources suggested that checkpoints were also intended to identify suspicious individuals, to deter Tamils from settling in Colombo and to maintain the appearance that Sri Lanka was still on an emergency footing.

"In general, those most likely to be questioned were young Tamils from the north and east; those without ID; those not resident or employed in Colombo; and those recently returned from the West. However, most sources said that arrests at checkpoints were very rare and none had been reported since June 2009." **[15m] (Executive Summary, Checkpoints/road blocks in Colombo/Gampaha**

28.24 With regards to the procedures carried out at checkpoints:

"The UNHCR Protection Officer said procedures were mainly about verification of identity documents and checking on personal belongings and cars. They also believed people were asked about their place of origin and place of residence. Tamils were more targeted for checking. Tamils from the north and east were asked for their police registration certificate in addition to the National Identity Card." (FCO October 2009 report) **[15m] (paragraph 4.22)**

"The former Chief Justice, Sarath Silva, said the main problem was that checkpoints were manned by Sinhala speakers unable to read ID cards in Tamil. There was always the risk of abuse. There should always be at least one Tamil speaking officer but this was usually not the case. Tamils faced harassment and extensive questioning at such checkpoints." (FCO October 2009 report) **[15m] (paragraph 4.24)**

28.25 On the issue of the profile of Tamils targeted at checkpoints the FCO October 2009 report recorded:

"The representative of the Swiss Embassy in Colombo said that people, who could not identify themselves, lacked an ID card or had ID cards from Jaffna or northern districts, were likely to be detained briefly and then released after checks on their identity had been carried out." **[15m] (paragraph 4.39)**

"The UNHCR Protection Officer was not sure if there was a specific profile. The officer mentioned that after people are stopped, their language and accent plays a big role. If people are unable to speak Sinhala this is a problem. The less they can speak Sinhala, the less confident they are, the more suspicious they look." **[15m] (4.40)**

"[Staff of a non-governmental organisation stated that] An ability to communicate with police made a difference. Some Tamils from Colombo were tri-lingual (Tamil, Sinhala and English) and speaking fluent Sinhalese helped. Tamils from the north were vulnerable at checkpoints, especially those seeking employment and/or staying in Colombo on a temporary basis." **[15m] (paragraph 4.42)**

28.26 The USSD report 2008 recorded that "Security forces at army checkpoints in Colombo frequently harassed Tamils. After the government assumed effective control of the east, both the government and the TMVP operated checkpoints that impeded the free movement of residents, especially Tamils." **[2b] (Section 2d)**

28.27 With regards to checkpoints in the Jaffna district, a letter from the British High Commission, Colombo, dated 12 January 2010, reported:

"The consensus is that although they are still highly visible, the officers manning them are less vigorous and in many cases just watch people pass them. In recent weeks some groups claim that almost 50% of checkpoints have been removed. This varies however and approaching checkpoints entering causeways or near to High Security Zones (HSZ) still requires persons to get out of a vehicle and present their identification or residence documents. One humanitarian group has told us that they considered the purpose of the checkpoints was just to harass the public and thought that officers profiled unmarried males between the ages of 18-30 years old. A police spokesman has stated that there are no permanent roadblocks and that police checkpoints change location every week, although some in Jaffna town are permanent. Civilians are visibly more comfortable in their relationship with security forces." **[15p]**

29.28 With regards to the Eastern Province the same source noted that "The number of checkpoints on the main road to Trincomalee from the adjoining North Central Province has been reduced from twelve to two and there are fewer military and police personnel stationed along the road and in Trincomalee town, both during the day and at night." **[15p]**

See also Section 8 on Cordon and search operations and Section 32 on Exit – Entry procedures

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Security checks on rail network

28.29 A letter from the BHC, Colombo, dated 22 July 2008, reported that:

"The RPF [the 693-strong Railway Protection Force] are deployed in all parts of the country and they work alongside the police, the military and the home guard in a co-ordinated approach to dealing with security on the rail network. There are more than 1,000 police and armed forces personnel dedicated to the security of the railways, plus a voluntary group, the Civil Security Committee, who have also been given search powers…in Colombo there is a co-ordinated strategy with separate plans for the security of stations, tracks and trains. On commuter trains, searches are carried out at stations, plus trains are randomly stopped and searched. On entering stations, passengers face full body searches or enhanced searches by officers using hand held metal detectors. Passes and Identity Cards are routinely examined…Search teams are deployed throughout the journey on all of the longer main routes. These teams carry out similar searches and checks of passengers. The RPF are usually unarmed, although they can carry weapons when required. The

military routinely carry weapons. Search teams are deployed on trains throughout the country, and searches are made at all main stations." **[15s]**

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A9 HIGHWAY (KANDY/COLOMBO TO JAFFNA)

28.30 The Economist Intelligence Unit (EIU) Country Reports, Sri Lanka, August 2009 noted:

"After a lapse of several years, the A9 Jaffna-Kandy highway was reopened to general traffic on July 22nd [2009]. The A9 is the only land route that connects Sri Lanka's capital, Colombo, and the northernmost part of the country in the Jaffna peninsula. The highway, which is almost 200 miles long, was closed in August 2006 after an army camp in Jaffna came under attack from the LTTE. The road was open in 2003-06 in the wake of a ceasefire in 2001 between the government and the Tigers, but it was under the control of the rebels, who imposed heavy taxes on those who used it. The liberation of Kilinochchi and the Elephant Pass brought the entire highway under state control in early 2009. Following operations to ensure security, the government reopened it for military traffic in March [2009] and for commercial traffic in July [2009]." **[75r] (p11)**

28.31 On 21 December 2009 Reuters reported that the government had officially relaxed tight security on transport to and from its former northern war zone and noted:

"Except during a 2002-2004 truce that ultimately collapsed, the north-south A-9 road had been closed since 1990 as Liberation Tigers of Tamil Eelam (LTTE), who fought for a separate state for the ethnic minority Tamils, controlled parts of it. During the truce, the Tigers drew on the road as a revenue source, taxing vehicles using it. After that the northern Jaffna district was effectively cut off from road links with most of Sri Lanka until January this year. The Tigers' control over much of northern Sri Lanka meant the military-controlled Jaffna peninsula and its namesake city were virtual islands, with goods coming only by boat or air. Since the defeat of the LTTE in May after a 25-year war, the government had been relaxing various tight security measures it adapted to curb rebel activities, but some had remained in place." **[4c]**

28.32 A letter from the British High Commission, Colombo, dated 12 January 2010 observed:

"With the re-opening of the main A9 road into Jaffna, government run bus services have re-commenced after several decades from Jaffna to Kandy, Colombo and Batticaloa. These services can now link with buses to virtually anywhere else in the country. Export Credit Guarantee Department (ECGD) funding is underwriting the construction of a second land bridge to link Jaffna to the mainland. The re-opening of the A9 has also enabled other forms of transport to come into the district. More motorbikes, three-wheelers and mini-buses are now available and are seen in increasing in numbers. Local traders confirm that this has improved business significantly, reporting few shortages and significant decreases in consumer prices. It also increased traders' ability to get their goods to market. The private mini-buses are a cheaper alternative

to the government buses. Government sources complained that many of these newly introduced private buses were aware of the government timetables, and arrive at the bus stops just prior to the government buses and pinch passengers. A complaint aimed at the government buses was that they were not well maintained and there was a shortage of parts. There was quite a good bus network within the district; although one humanitarian group had pointed out that the timetables had not caught up with the lifting of the curfew resulting in persons being stranded." **[15p]**

See also following section on Jaffna District

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JAFFNA DISTRICT: ENTRY AND EXIT

28.33 A letter from the British High Commission, Colombo, dated 12 January 2010, reported:

"Following announcements by the Sri Lankan Government in December 2009, Sri Lankans in possession of a National Identity Card (NIC) can travel freely to and from Jaffna. They do not need any security clearance to enter or leave. Jaffna's islands are also open to free movement. Persons travelling by air between the military air bases at Rathmalana, Colombo (which is the only airport from where you can fly to Jaffna) and Palaly, Jaffna face lengthy security checks and searches. Foreign nationals must apply to the Ministry of Defence for written authority to travel to Jaffna and there are also restrictions on where they can travel within Jaffna District. Only a few months ago, humanitarian agencies and groups had described the Jaffna peninsula as an open prison and Jaffna as a garrison town. The relaxation of the entry/exit procedures are therefore seen as a much welcome improvement.

"There were regular air services, four a day, between Colombo Rathmalana and Jaffna Palaly military airports. These are operated by the Sri Lankan Air Force, Deccan and Expo Air. Humanitarian groups commented that they were concerned over the safety standards of some of the aircraft." **[15p]**

UNEXPLODED ORDNANCE (UXO)

28.34 The SATP 2010 timeline 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 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." (4 January 2010) **[37d]**

28.35 On 18 December 2009 IRIN reported that "Progress is being made in clearing landmines to allow internally displaced persons (IDPs) in Sri Lanka's north to return home, but clearance will ultimately be a long-term process with no fixed deadline, agencies say." **[55a]**

The latest updates on mine action is available form this weblink to a specific section of the Reliefweb website. **[31b]**

MOVEMENT BETWEEN LTTE-CONTROLLED AND GOVERNMENT- HELD AREAS DURING THE CONFLICT

28.36 The HRW report document *'Besieged, Displaced, and Detained -The Plight of Civilians in Sri Lanka's Vanni Region'*, issued on 23 December 2008 reported:

"The LTTE has forcibly blocked civilians in areas under its control from crossing into government-held territory, compelling them to move with retreating LTTE forces…Civilians seeking to flee the fighting in the Vanni also continue to be fearful of their treatment by government authorities. The Sri Lankan government has established a policy of detaining civilians fleeing LTTE-controlled areas in search of safety. Most of the families and individuals stopped while crossing into government-controlled areas have been detained indefinitely in military-run camps. Virtually all Vanni residents are ethnic Tamils who have relatives—by choice or compulsion—in the LTTE." **[21h] (Summary)**

28.37 HRW also reported that "Officials have reason to vet new arrivals to ensure that LTTE fighters are not disguised among them" and that, as of December 2008:

"… all who cross, including entire families, are being detained indefinitely in camps with little prospect of joining relatives or host families elsewhere in Sri Lanka… **(Summary)** Since March 2008, Sri Lankan security forces have detained almost all ethnic Tamil civilians fleeing the Vanni, intercepting them when they approach government controlled areas. Active fighting around the main A9 road and numerous government and LTTE checkpoints, and the widespread use of landmines by both sides have made travel overland extremely difficult and dangerous. As a result, until the mid-November 2008 LTTE withdrawal from northern Vavuniya district, most civilians fleeing the Vanni did so by sea, bribing local fishermen to take them by boat to the port town of Trincomalee or other government-controlled areas. Small numbers of civilians fleeing the Vanni still attempt to bypass the government security cordon to live in the predominantly Tamil areas of Mannar or Vavuniya, but they face arrest if identified." **[21h] (p10)**

28.38 The HRW document *'Trapped and Mistreated - LTTE Abuses Against Civilians in the Vanni'* of 15 December 2008 reported that:

"The LTTE has long used a coercive pass system to prevent civilians from leaving areas under its control. Strict regulations on movement of civilians have been in place since at least 1995. Ordinarily, persons of recruitment age (between 12 and 35 years old, male or female, more recently extended to 45 years) wishing to temporarily exit LTTE-controlled areas are required to leave a relative behind as a 'guarantor.' A 'guarantor' is normally a relative who ensures that the person leaving the Vanni will return to the Vanni as promised. If the individual fails to return to the Vanni as promised, the 'guarantor' is arrested and normally subjected to forced labor." **[21e] (p14)**

See also Section 4: Recent developments; Section 29: Internally Displaced People; Section 31: Identity cards and travel documents

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29. INTERNALLY DISPLACED PEOPLE (IDPS)

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

"The situation of civilians who manage to escape from areas of active hostilities into government-controlled territory is dire. Instead of providing the internally displaced with the assistance and protection they are entitled to under international law, the Sri Lankan government continues to violate their fundamental rights. The government has arbitrarily detained people during screening procedures; subjected all internally displaced persons, including entire families, to indefinite confinement in military controlled camps; and failed to provide adequate medical and other assistance to displaced persons. The government has directly restricted the efforts of relief agencies seeking to meet emergency needs, and has deterred agencies from offering greater support through policies that the agencies rightly perceive as unlawful." **[21k] (p28)**

29.02 The HRW report of February 2009 further noted that "The situation has further deteriorated since the beginning of 2009 with the arrival of thousands of new displaced persons in government-controlled areas. The government continues to immediately confine all of them in existing and newly established camps, mostly in Vavuniya district." **[21k] (p28)** The same report added that:

"Sri Lankan security forces subject people fleeing from LTTE-controlled areas to several stages of screening, ostensibly to separate those affiliated with the LTTE from displaced civilians…The military and the police Criminal Investigation Department have set up several screening points for displaced persons leaving the Vanni. Most displaced persons are initially screened during their first encounter with military forces after they have crossed the front line. The army currently transports the displaced persons to one of the hospitals in Kilinochchi where they spend up to 36 hours, being questioned by the security forces. In Kilinochchi, the security forces encourage people to reveal any affiliation that they have with the LTTE voluntarily. According to several sources, at the Omanthai checkpoint, the main screening point for displaced persons on the main A9 roadway before their arrival in camps in Vavuniya, the army conducts a more thorough screening process. During this screening process, the army has separated dozens of men and women aged 18 to 35, as well as some teenage children, from their families, allegedly for further questioning. Very little information is available regarding the first two stages of screening and it is not possible to verify whether and to what extent detentions occur in these locations. The government provides no information on who has been arrested…It is clear, however, that persons are arrested at Omanthai checkpoint." **[21k] (p29-30)**

29.03 The same HRW report went on to mention that:

"Upon arrival in Vavuniya, all displaced persons apparently without exception are subjected to indefinite confinement in de facto internment camps, which the government calls transit sites, 'welfare centers,' or 'welfare villages.' Local authorities were not prepared for the large influx of displaced persons and did not allow international agencies to adequately prepare the sites. As a result, the government started putting newly arriving displaced persons into schools

and colleges, interrupting the educational process for hundreds of schoolchildren and students, many of whom had to vacate the facilities. At the same time, relief agencies were struggling to set up additional shelter, water, and sanitation facilities at the last moment, as the displaced persons were being brought to the sites.

"Sri Lankan authorities have ignored calls from the international community to ensure the civilian nature of the camps. The perimeters of the sites are secured with coils of barbed wire, sandbags, and machine-gun nests. There is a large military presence inside and around the camps…Several sources reported to Human Rights Watch the presence of plainclothes military intelligence and paramilitaries in the camps. A UN official in Vavuniya told Human Rights Watch that she and colleagues have seen members of paramilitary groups in different camps. In particular, local staff members recognized several members of the People's Liberation Organization of Tamil Eelam (PLOTE), a pro-government Tamil paramilitary organization long implicated in abuses, present at one of the camps. While officially the camps are run by civilian authorities, in reality the military remains in full control, ensuring, as one relief worker put it, that 'nobody gets in or out.'

"Displaced persons confined in the camps enjoy no freedom of movement and are not allowed any contact with the outside world." **[21k] (p31-32)**

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

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

29.05 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 'Sri Lanka, Vanni Emergency Situation Report #18', 27 May 2009, recorded that during the period 27 October 2008 to 26 May 2009:

"289,915 persons crossed to the Government controlled areas from the conflict zone…287,598 people are accommodated in temporary camps [269,417 in Vavuniya camps, including the Menik Farm sites which accommodate over 225,000 IDPs]…2, 3174 IDPs (injured and care givers) are in hospitals in various districts as of 18 May 2009…1,537 people have been released from temporary camps into host families and elders' homes as of 21 May 2009. The majority of these people are elderly, mentally challenged individuals and other vulnerable groups." **[31a] [52a]**

29.06 On 20 May 2009 BBC Sinhala reported that:

"A number of children in camps for people displaced by Sri Lanka's Tamil conflict have been abducted, international human rights groups say. The

groups say they have verified reports of disappearances in the Vavuniya area and are calling for the United Nations to investigate. Suspected former Tamil Tiger child soldiers are said to have been removed by paramilitaries for questioning. A Sri Lankan military spokesman denied the groups' allegations…The Coalition to Stop the Use of Child Soldiers is an umbrella group of global organisations which includes Amnesty International and Human Rights Watch. It said it had received verified reports of abductions from camps in and around Vavuniya in the north. It alleges that groups like the EPDP, PLOTE and the TMVP-Karuna faction - all Tamil paramilitary groups affiliated to the government - have unfettered access to the camps despite the presence of the Sri Lankan military… [A spokeswoman for the groups was reported as saying that] 'Some are being taken away for ransom, they've been kidnapped for ransom, and there've been certain negotiated releases where mothers had some jewellery and they could negotiate a release right within the camp.' 'In other cases the children have been taken away for questioning for their alleged links to the LTTE, so they are suspected of being former child soldiers with the LTTE.'" **[9d]**

See also Section 24: Children

29.07 The Amnesty International (AI) briefing paper *'Sri Lanka: Unlock the Camps in Sri Lanka: Safety and dignity for the displaced now'*, released on 10 August 2009, reported:

"The majority [of displaced people who had fled fighting and were detained in some 40 camps spread across four districts] arrived in Vavuniya District where Manik Farm is the biggest complex of camps in April and May 2009. Manik Farm currently consists of 6 zones or sub camps (numbered 0- 5, and named after Tamil political leaders)... The Manik Farm complex alone currently accommodates about 230,000 people...Sri Lanka's internally displaced persons (IDP, displaced people) camps remain overcrowded and unsanitary despite reported improvements in conditions since the initial influx in April and May. Management of the camps is supervised by the military. Camps are guarded by armed personnel, camp managers are often retired military officers and the Ministry of Defence has been actively involved in determining who gets access. Displaced people are not permitted to leave – they are in fact detained without charge or trial." **[3a] (p5)**

29.08 The AI briefing paper of August 2009 continued:

"The Sri Lankan government misrepresented the scale of the crisis. It was not adequately prepared to deal with food, water and shelter needs of this enormous newly displaced population alone, and refused to allow unrestricted access to NGOs and International agencies to assist with the crisis. Even as access restrictions were gradually loosened to allow for delivery of material relief, international agencies continued to be prevented from talking to displaced people and thus engaging in crucial human rights protection activities such as interviewing people about violations they may have suffered or assisting with family reunification. Without independent monitoring, human rights concerns persist, including reports of arbitrary arrest and detention, enforced disappearances, abductions, torture and other ill treatment. On 9 July [2009] , the government of Sri Lanka announced that it had directed aid agencies, including the International Committee of the Red Cross (ICRC) to 'scale down' their operations in Sri Lanka, starting with the east. The ICRC's

active presence in Sri Lanka remains very important to protecting human rights, although it too has faced difficulties carrying out some of its activities, such as monitoring the screening process by which the authorities attempt to identify people with LTTE links, and tracing family members separated by the conflict for reunification. It has played an essential role in coordinating relief for the displaced since the fighting ended and visiting detainees, including former combatants who have been arrested or have surrendered to the authorities, and civilians detained on suspicion of ties to the LTTE, to monitor their conditions of detention and the manner in which they are treated." **[3a] (p5-6)**

29.09 The AI briefing paper of August 2009 further noted that:

"Access to camps housing internally displaced people…remains restricted. Human rights investigators, opposition politicians and the press are in general not permitted access, although the situation is reportedly improving for aid workers. But even humanitarian organizations say that the criteria for gaining access to the camps change constantly at the whim of local military personnel and individual camp commanders. **[3a] (p11)**

"The government of Sri Lanka has placed severe restrictions displaced people from leaving the physical confines of the camps, which are surrounded by razor fencing and barbed wire and guarded by armed military personnel. Although the government calls these facilities 'welfare villages,' they are effectively detention camps, where an entire category of persons (in this case Tamil people displaced from areas formerly held by the LTTE) are being arbitrarily detained in violation of international law." **[3a] (p13)**

29.10 The same AI paper added:

"There are persistent reports that people, including those with ties to the LTTE, have been able to buy their way out of the camps by bribing army personnel. Amnesty International was told by a contact in Jaffna whose brother-in-law is detained in an IDP camp in Vavuniya that at least 15 people with links to the LTTE were able to buy their way out of the camps for Rs.500,000 each. 'The big fellows are going out; it is the poor fellows who have to suffer,' the contact told AI. A group of Tamils in London with relatives in the camps shared stories in July 2009 of the release of relatives in Manik Farm by bribing paramilitaries." **[3a] (p13)**

29.11 A British High Commission letter dated 12 January 2010 reported:

"On 1st December 2009 the government pledged freedom of movement to all IDPs. In recent months about 70,000 civilians have been released and returned to Jaffna according to UN figures, however, DFID think the figure is more likely to be around 55,000. The Government Agent confirmed that so far only 8,000 IDPs of the 70,000 returned to Jaffna have been able to return to their homes. DFID funding is being used to support them and help resettle the remainder, most of who are currently living with host families. NGOs continue to report difficulty in accessing returnees.

"Resettlement of Internally Displaced Persons (IDPs) from both the war and the tsunami in the Eastern Province continues, but allegations of ethnic bias and attempts to re-engineer the ethnic demographic of parts of the Eastern Province persist. There have been complaints about forcible resettlement of

people from Batticaloa district to Trincomalee district, although Government officials have dismissed them. The DS said about 200 IDPs had returned to Valaichchenai and he was unaware of any reintegration problems." **[15p]**

29.12 The OCHA Sri Lanka - Humanitarian Snapshot of December 2009 reported:

"The accelerated returns programme continued throughout November [2009] and saw the return of nearly 60,000 IDPs to their districts of origin…Returns are continuing and for the first time since the beginning of the resettlement process the number of affected people who moved out of camps exceeds the number of people still accommodated in camps…Freedom of movement was granted to IDPs in camps in Vavuniya as of 01 December [2009], following an announcement by Senior Presidential Advisor Basil Rajapakse, the Chairman of the Presidential Task Force for Resettlement Development and Security in the Northern Province." **[53b]**

29.13 The OCHA 'Sri Lanka, Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya and Trincomalee Districts, Report # 17, 2 - 15 January 2010 (released on 21 January 2010), recorded that, as of 15 January 2010, 106,123 people were accommodated in temporary camps (100,566 in Vavuniya camps; 1,950 in Mannar camps and 3,607 in Jaffna camps. Further, "158,562 have been returned to Jaffna, Vavuniya, Mannar, Trincomalee, Batticaloa, Mullaitivu, Kilinochchi, Ampara, Kandy and Polonnaruwa districts between 05 August and 15 January 2010" and "28,973 people have been released from temporary camps into host families and elders' homes as of 14 January 2010. The majority of these people are elders, people with disabilities and other vulnerable groups." **[52c]**

29.14 The Internal Displacement Monitoring Centre (IDMC) Country page, Sri Lanka, Country Statistics, dated 22 January 2010 recorded:

- As of 31 December 2009, about 108,000 IDPs from the Vanni remained in previously closed camps, with limited freedom of movement (pass system) since 1 December
- About 156,000 IDPs had returned to their districts (not necessarily places) of origin in the north and east by 31 December 2009. Out of these, a large part remain in displacement there, according to reports
- In the east there remained 6,000 persons in displacement due to the Trincomalee High Security Zone
- By mid-2009, in addition to the 285,000 IDPs from the Vanni at that time, there was a caseload of 197,925 IDPs from the period before 2006, including over 60,000 Muslim IDPs now living in Puttalam who were expelled from the North by the LTTE in 1990" **[54a] (Still over 400,000 IDPs in Sri Lanka (January 2010)**

Additional information and updates on the situation of IDPs and the humanitarian situation is available from the website of OCHA Humanitarian Portal Sri Lanka **[52]** and the IDMC website, Country page, Sri Lanka. **[54]**

See also Latest News ; Section 4: Recent developments; Section 10: Abuses by Non-Government Armed Forces; Forced conscription Section 17: Human Rights Institutions, Organisations and Activists; Section 27: Humanitarian Issues and Section 28: Freedom of Movement

DOCUMENTATION FOR IDPS

29.15 On 14 May 2009 the Official Government News Portal of Sri Lanka announced that:

"The Government has taken steps to issue birth, death and marriage certificates to the internally displaced persons (IDPs) currently housed in welfare centres in Vavuniya, Mannar and Jaffna, the Department of Registration of Persons said. According to these sources, the District Secretaries of Vavuniya, Mannar, Mullaitivu and Kilinochchi have been informed of the steps to issue birth, marriage and death certificates to IDPs who are in need of such documents. The majority of them have misplaced these important documents while escaping from the LTTE." **[10l]**

29.16 On 1 June 2009 the same source reported that the Government had taken steps to issue Identity Cards to IDPs who arrived from conflict areas. "The new ID cards will be issued with inbuilt security measures to prevent forgery and even finger prints would be included in the card…Steps have been taken by ministry, together with the police and the Presidential Secretariat to provide identity cards to the displaced…" **[10b]**

29.17 On 18 September 2009, the Official Website of the Government of Sri Lanka announced:

"The United Nations Development Program (UNDP) has initiated a program to provide important legal documents the displaced people lost due to the ethnic conflict or the tsunami. The program, as a part of UNDP's Equal Access to Justice Project, conducts mobile clinics where the displaced can come and obtain all their lost documents such as identification cards, birth certificates, and land deeds etc. from one place within a day. The lack of identification cards and other legal documents severely hampers the resettlement of Internally Displaced Persons (IDPs) in original homes and family reunification. Mobile clinic offers a one-stop shop to get all the documents in one day and the displaced are spared a costly trip to city offices." **[44c]**

See also Section 31: Citizenship and nationality for information on identity documents

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30. FOREIGN REFUGEES

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

> "The law does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the government did not establish a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. As of October 31, 2,394 Sri Lankan citizens had fled to India. Children and adults were killed as a result of Sri Lankan Navy attacks on boats with refugees in the Palk Strait between the country and India." **[2fb] (Section 2d)**

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31. CITIZENSHIP AND NATIONALITY

31.01 The Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 27 January 2010, recorded that:

"The 1948 Citizenship Act is the primary central legislation on citizenship. The act was amended in 2003 to allow both parents to confer citizenship upon their children. Prior to the amendment, only a father could pass Sri Lankan citizenship to his children…Changes to regulations under the act have also been recently approved by the Cabinet of Ministers; these changes permit foreign spouses of Sri Lankan women to obtain citizenship on the same basis as foreign spouses of Sri Lankan men." **[32] (p220)**

31.02 As specified on the website of the Department for Immigration and Emigration (accessed on 1 June 2009), ethnic Sri Lankans holding citizenship of another country or Sri Lankans qualified for a grant of citizenship of a foreign country, who have contributed to the socio–economic development of Sri Lanka are eligible for citizenship. "Provisions were introduced to the Citizenship Act No: 18 of 1948 by the Citizenship (Amendment) Act No: 45 of 1987 for the resumption/retention of Dual Citizenship of Sri Lanka by ex-Sri Lankans/Sri Lankans qualified for grant of foreign Citizenship." **[71a]**

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

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

31.04 On 9 January 2009 The Official Government News Portal of Sri Lanka announced that on the previous day the Parliament had passed legislation granting Sri Lankan citizenship to over 28,500 stateless Tamils of Indian origin. **[10g]**

See also Section 20 on Up-country Tamils

IDENTITY CARDS

31.05 The website of the Registration of Persons Department (accessed on 1 June 2009) specifies what is required in order to apply for identity cards for the first time:

"The applicant should be a lawful resident of Sri Lanka and should have completed [sic] 16 years of age. Documents to be attached with the applications for an identity cards [sic] for the first time. Duly perfected Birth Certificate or presumptive age certificate. If the birth certificate or presumptive

age certificate is not available, a nil statement of register of birth and an affidavit should be submitted along with possible documents stated below: School leaving certificate. Baptismal certificate. Copies of children's birth certificates indicating the birth of applicant. Birth extract. Citizenship Certificate (if date of birth is indicated). Estate leaving certificate (if date of birth is indicated). Certified copies of relevant pages in the Passport. Record of birth or registration card issued by estate superintendent…Five copies of colour photographs (1 3/8" x 7/8"). Stamp fees…Documents to be furnished to prove residence. Residential certificate issued by the Grama Niladhari. In the absence of such certificate one or more of the following documents should be produced. Certified extract of the electoral list. Certified copy of monthly statement of bank Accounts. Certified copy of telephone bills. Certified copy of electricity bills. Certified copy of the deed pertaining to the ownership of the land or house. If the house is leased or rented, relevant agreement and receipts for payments of rates. Temporary residents should forward the copy of the letter which provided information to the police along with above documents." **[48a]**

31.06 The website of the Registration of Persons Department (accessed on 1 June 2009) also provides details of the documents to be attached to the application for duplicates for lost identity cards:

"Certified copy of the complaint made to the police regarding the loss of the identity card. Birth certificate or alternative documents mentioned in the above section [see previous paragraph]. Certificate of employment, (if employed) obtained within three months. Number of the lost identity card. Stamps to the value of Rs.15.00. Certificate of residence or other documents mentioned in the above section [see previous paragraph]. Five colour photographs (1 3/8" x 7/8"). Documents to prove that the number has been used…When applying for a duplicate of the lost identity card, the very same particulars in the lost identity card should be indicated in the application." **[48b]**

31.07 Additional information on the National Identity Card (NIC) including security features and a description of front and back of the card is available on an Immigration and Refugee Board (IRB) of Canada response to information request dated 8 April 2008, accessible from this weblink. **[42a]**

31.08 A letter from the British High Commission (BHC), Colombo, dated 18 August 2008, reported that:

"I have personally visited the Department of Registration of Persons where the Commissioner A.G.Dharmadasa and his colleagues explained the identity card application process to me. All subsequent information comes from that source, or where not, the relevant source is quoted. The Department is the central issuing office for the whole of Sri Lanka and receives up to 3000 applications for ID cards per day. There are also regional branch offices in Jaffna, Kandy and Nugegoda who are able to process applications. Applications must be made in person. There are three types of application:

- "First time applications, normally for children on reaching 16
- Persons requiring changes to their ID cards e.g. names, addresses, marital status
- Persons seeking replacements for ID cards that have been lost

Returned failed asylum seekers would in many cases fall into the last category. The procedure for issuing a duplicate for a lost identity card are explained fully on the Registration of Persons Department website at www.rpd.gov.lk

"The documents required to support such an application are:

- A police report, or certified copy, regarding the loss of the previous identity card.
- Birth certificate or an alternative document from the following list: presumptive age certificate, school leaving certificate, Baptismal certificate, birth extract, citizenship certificate, certified copies of relevant pages in the passport.
- Documents to prove residence – a residential certificate issued by the Grama Seveka (see below). In the absence of this, the following documents or certified copies should be produced of one or more of: a certified extract of the electoral list, ownership deeds, house lease or rental documents, utility bills.
- Certificate of employment (if employed) obtained within the last 3 months.
- Documents showing the number of the lost identity card and proving that this number has been used.
- Five colour photographs" **[15g]**

31.09 The BHC letter of 18 August 2008 also reported that:

"The Government of Sri Lanka is very aware of the problems they have in the country regarding identity documents. As they state on the RPD website, the national identity card is 'the sole document that establishes the identity of persons in order to assist in maintenance of law and order in the country to meet the challenges of the 21st century'. It remains the base document for the issue of a national passport. Both the Registration of Persons Department and the Registrar General's Department have introduced mobile services to travel around the country in order to issue identity cards and birth/marriage/death certificates to those persons who have previously failed to register or apply for such documents, or require replacements.

"The Government of Sri Lanka is also working very closely with the International Organisation for Migration in introducing integrated computerised databases. Previous paper databases relating to Registrar's records, Grama Seveka records, identity card and passport applications and the Department of Immigration & Emigration records are being inputted onto computer in order to simplify process and ease verification. They have also announced the introduction of a new biometric identity card. They have invited tenders from companies looking to produce this document and we await the results of this, but it is envisaged that the new card will hold both photographic and fingerprint data." **[15g]**

31.10 The BHC letter of August 2008 also confirmed, having contacted the UNHCR on 7 April 2008, that the UNHCR were not issuing ID cards to Sri Lankan nationals who did not have one and "… it was not within their mandate to do so." **[15g]**

31.11 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2008, Sri Lanka, issued on 25 February 2009 (USSD 2008) observed that "Unlike other citizens, ethnic Tamil's identification cards were printed in both Sinhalese and Tamil, allowing security forces immediately to determine who was an ethnic Tamil." **[2b] (Section 2d)**

31.12 This was also confirmed by the Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, dated 22 October 2009 (FCO October 2009 report) which recorded that "[The Human Rights Activist stated that] All ID cards carried a large number on the front that identified the province. Furthermore, ID cards for Tamils (unlike those for Sinhalese) were written in Tamil and Sinhala." **[15m] (4.38)**

See also Section 29: Internally Displaced People, Section 31: Forged and fraudulently obtained documents and Section 32: Entry-Exit Procedures, subsection Treatment of failed asylum seekers

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TRAVEL DOCUMENTS

31.13 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 1 June 2009), in Sri Lanka there are five types of travel documents: Diplomatic Passports; Official Passports and Ordinary Passports (valid for all countries and valid for specified countries); Emergency Certificates (valid for India and Nepal and for Saudi Arabia for Haj and Umrah pilgrimage only); Identity Certificates valid for All Countries issued to a person living in Sri Lanka, whose nationality is not established and Non Machine Readable Passports issued by Sri Lanka Missions abroad under special circumstances. "If Travel Document is lost a complaint should be made at the nearest Police Station and with a certified copy of the entry the matter has to be informed to the issuing authority. This document is required when applying for a new Travel Document in place of a lost one." **[71b]**

31.14 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 2 June 2009):

"Following are punishable offences. If found guilty upon prosecution imprisonment from 6 months to 5 years and a fine of Rs. 50,000 to Rs. 200,000 can be imposed. Submission of falsified or forged document/s to obtain a Travel Document. Applying for a Travel Document while in possession of such a document and / or possession of more than one valid Travel Document at a time. Despatch of a Sri Lanka Travel Document through the post, courier or another person from / to Sri Lanka without the prior approval of the Controller. For approval written request [in duplicate], Courier letter [in duplicate] and the Passport should be forwarded to the 3rd floor #41 Ananda Rajakaruna Mw Colombo 10 Sri Lanka." **[71b]**

See also Sections 18: Corruption; 29: Internally Displaced People; and 32: Exit – Entry Procedures

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32. FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

32.01 A British High Commission letter of 18 August 2008 reported:

> "Something that should be mentioned is the high level of corruption in Sri Lanka and the unscrupulous actions of government officials at all levels. It is common knowledge that persons can obtain an ID card or passport in any identity they want to with the right contacts. The Visa Section at this mission regularly see forged education certificates, bank statements, employment references etc, yet they never ever see forged Sri Lankan passports or ID cards. The reason for this is that the genuine documents are so easy to obtain fraudulently, there is no need to forge them. It is suspected that there are many more ID cards in circulation than the actual total population of Sri Lanka." **[15g]**

32.02 A further letter from the BHC, Colombo, dated 1 October 2008, reported that:

> "The base document for many services in Sri Lanka is the birth certificate, and in particular, access to state education requires the production of this document. The document also supports applications for national identity cards and passports. The British High Commission is aware that forged birth certificates are readily available through agents, at a reported cost of around 2,500 LKA rupees (approximately £12.50). These forged documents often pass the scrutiny of the relevant authorities and successfully support the fraudulent issue of ID cards and passports. There are numerous agents throughout the country who advertise employment or studies abroad, and will provide an entire package of forged documents to support applications for passports and/or visas. Apart from birth certificates, these can include forged passports, identity cards, educational certificates, work references, bank statements, sponsorship letters etc." **[15c]**

See also Section 19: Corruption, Section 31: Citizenship and nationality, subsection Identity cards and Section 33 on Treatment of returned failed asylum seekers

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33. EXIT AND RETURN

33.01 A letter from the British High Commission (BHC), Colombo, dated 28 August 2008, reported:

> "It should be noted that despite all of the security measures that are in place at Colombo Bandaranaike Airport, and the general security situation in Sri Lanka, there are daily instances of security breaches at the airport which is a constant concern to overseas missions. The design of the airport enables persons with knowledge of the layout to completely by-pass immigration controls and walk from landside to airside and vice versa with virtually no checks whatsoever. I have witnessed several instances of unaccompanied persons who were not wearing airport ID being allowed to walk unchallenged through the staff channel on the immigration arrival control. There are concerns about corruption amongst staff at all levels, the quality of the staff conducting checks, screenings and searches, and the amount of training that they receive." **[15u]**

EXIT PROCEDURES

33.02 The BHC letter of 28 August 2008 recorded that:

> "For departing passengers, staff and visitors to the airport there is a permanent checkpoint manned by the Sri Lankan Air Force, positioned on the airport road leading to the terminal buildings… Departing passengers often have to produce confirmation of ticketing and/or a passport…During heightened security situations the number of checkpoints may increase along the roads leading to the airport, especially along the main A3 from Colombo. The police or the military can man these.
>
> "The airport is split into two main terminal buildings, departure and arrivals areas. The departure area is restricted to departing passengers, staff, and visitors holding a 'day pass' issued from an adjacent ticket booth. Persons obtaining a 'day pass' have to produce a copy of their ID card or passport or driving licence, plus present the original document. Their details are recorded manually in a register. Before entering the departure terminal a security guard requires evidence of airline ticketing (and sometimes passports), staff ID cards or a day pass. Persons not holding these documents are not allowed into to [sic] the departure terminal…From the departure area there are two security gates to the check-in area…The security guards ask for either a staff ID card or evidence of ticketing and will only allow persons to pass who have produced these documents. Persons holding a 'day pass' are not allowed into the check-in area." **[15u]**

33.03 The BHC letter of 28 August 2008 continued:

> "At the check-in desks, passengers have to produce their passports to airline staff and go through check-in procedures. Having checked-in, passengers then proceed to another security gate, where they produce their passport and boarding card in order to enter the Department of Immigration & Emigration area. All passengers must complete a departure card and then queue at an immigration officer's desk. Passengers must present their passport, departure card and boarding pass to the immigration officer. The immigration officer will

swipe the passport onto the IED [Department of Immigration & Emigration] Border Control System database… Having passed through the immigration control, passengers proceed to the main departure lounge. There are further security checks conducted when passengers arrive at the boarding gate…There is then a further boarding card check conducted by airline staff prior to entering the holding lounge. On many flights with European destinations and some with onward connections to Europe/N.America, Airline Liaison Officers from several overseas missions and/or trained airline document checkers make further checks on passenger's passports to check their admissibility in their destination countries." **[15u]**

33.04 The BHC letter of 28 August 2008 also recorded that:

"There is evidence to suggest that boarding card switches take place and what is quite disconcerting is the number of non-passengers appearing at departure gates. These regularly include off-duty staff members and members of the military and police, but often just accompanied and/or unaccompanied visitors. Transit passengers can spend several hours/days at the airport without any security checks whatsoever and are allowed to completely avoid border control agencies. Since a high profile security breach at the airport in October 2007, staff had been instructed not to escort persons through security and immigration controls, yet members of staff still routinely do this whilst escorting passengers joining connecting flights within the terminal. Furthermore, locked doors separating arriving and departing passengers on piers leading to airbridges often remain unlocked, enabling persons to walk unhindered past security checks and onto aircraft." **[15u]**

33.05 A further letter from the BHC, Colombo, dated 1 October 2008, reported:

"As far as we have been able to establish, Immigration officers are notified [of bail/reporting conditions] only when court decides to impound the suspect's passport or an arrest warrant is issued, and there is no other mechanism to ensure that the Immigration Officers are aware of such instances. Apart from these Court powers, Immigration Officers have no power in law to prevent persons embarking. The other method, which is rare and case specific, is that the State Intelligence Service (SIS) can inform Immigration Officers of individuals suspected of terrorist activity and those on a wanted list. Without court sanction the Immigration officers are powerless to put an individual in detention if they are otherwise satisfied that they have a right to enter or live in Sri Lanka." **[15c]**

33.06 Additional information 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). **[15m]**

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ENTRY PROCEDURES

33.07 The BHC letter of 28 August 2008 reported:

"Arriving passengers should be provided with a Department of Immigration & Emigration arrival card by the carrying airline…If they intend entering Sri Lanka, they will take their completed arrival card to the immigration control…

Passengers wishing to enter Sri Lanka present themselves to an immigration officer and are required to hand over their passport and arrival card. The immigration officer will swipe the passport, which will enable basic details from the document to be displayed on a screen on the officer's desk. These include name, date of birth, nationality, passport number. Dependent on the circumstances of the individual passenger, the immigration officer may ask questions to ascertain the purpose of the visit. I have witnessed numerous arrivals and have noted that it is extremely rare that an immigration officer asks questions of passengers, concentrating on swiping the passport, confirming the passport details, checking for data matches and looking through the document for endorsements/visas. Each immigration officer's desk has a terminal connected to the IED Border Control System. This system contains immigration, citizenship and passport records and is networked to the IED office in Colombo." **[15u]**

See also Section 32 on Treatment of returned failed asylum seekers

33.08 The BHC letter of 28 August 2008 also noted that:

"Once a person is allowed to proceed, the immigration officer will endorse the passport and/or emergency travel document with an arrival stamp and pass back to the passenger…Onward travel from the airport is limited to road transport…There is no permanent checkpoint for persons leaving the airport along the airport link road to the main A3. For persons travelling into Colombo, often the first permanent checkpoint they encounter is on the bridge at Peliyagoda on entering the city. The number and position of checkpoints can change according to the security situation at a given time." **[15u]**

33.09 On 1 August 2009 the pro-LTTE website TamilNet reported:

"A 22 year-old Tamil youth was arrested by the National Intelligence Bureau (NIB) of the Sri Lanka Police on his arrival from South Africa at the [Colombo] Katunayake International Airport (KIA) on Wednesday. Currently he is being detained in the Fourth Floor of the Criminal Investigation Department for further inquiry, relatives in their complaints to human rights organizations said...A foreign employment agency sent the youth to a European country via South Africa. But he got stranded in South Africa. There he was arrested by South African authorities and detained for the last two years. Last week he was deported to Sri Lanka...NIB officials at the site immediately took the Tamil youth into custody." **[38u]**

33.10 On 16 September 2009 the *Daily Mirror* (Sri Lanka) reported that four suspects alleged to have links with the LTTE had been further remanded by the Colombo Chief Magistrate.

"Producing the suspects before court the CID said that the suspects had immigrated to the Fiji Islands for employment and the Fiji Islands authority had banished them. CID had apprehended them at the Katunayake airport allegedly for connections with the LTTE. CID further submitted that a letter regarding these suspects is to be received from the Fiji Islands authority and a move to not to grant bail to the suspects as investigations were proceeding.They were detained for ninety days following the Defence Secretary's detention order." **[11g]**

33.11 On 21 September 2009 the pro-LTTE website TamilNet reported that the Sri Lanka's State Intelligence Service (SIS) had arrested a Tamil engineer – identified as a resident of Point Pedro in Jaffna district – who arrived in Katunayake International Airport (KIA) from Singapore.

"He told the police during preliminary investigation that he had come to visit one of his relatives in Colombo. However, the SIS sources told media said it had arrested the engineer on information that he had been a close associate of Kumaran Pathmanathan alias KP and been working in a private ship owned by KP who is now in military custody. The engineer is detained by Sri Lanka Army for the further questioning." **[38s]**

See also Section 31: Citizenship and Nationality, subsection Identity Cards and Travel Documents

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TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

33.12 The BHC letter of 28 August 2008 reported:

"Persons who are questioned further by immigration officers invariably fall into two categories, those that are in possession of forged passports and/or visas, and those who have been returned/deported to Sri Lanka from overseas. The latter would include some returned failed asylum seekers from the UK, especially those travelling on emergency travel documents issued by the Sri Lankan High Commission in London. It is questionable whether immigration officers would actually identify UK returnees if they were travelling on their original, genuine Sri Lankan passports. In both of the above categories, the correct procedure for IED [Immigration and Emigration Department, later referred to as DIE] officers is to record the arrival of these persons manually into a logbook held in the adjacent Chief Immigration Officer's office. The name, date and time of arrival and arriving flight details are written into the log. It records why the person has come to their attention and how the case was disposed of. I have had the opportunity to look at the log, and it appears that the only two ways of disposal are to be passed to CID [Criminal Investigations Department], or allowed to proceed.

"The office of the State Intelligence Service [SIS] is on the immigration arrivals hall and an officer from SIS usually patrols the arrivals area during each arriving flight. Invariably, if they notice a person being apprehended they approach IED and take details in order to ascertain in [sic] the person may be of interest to them. Their office contains three computer terminals, one belonging to the airport containing flight information and two stand-alone terminals. If an apprehended person is considered suitable to be passed to CID, they are physically walked across the terminal building to the CID offices. A CID officer should then manually record the arrival of the person into a logbook held in their office. It is the experience of myself, the UK ALO [Airport Liaison Officer] and ALOs from other missions that often persons shown in the IED logbook to have been handed to CID are never actually recorded as being received in the CID logbook. It is believed that CID has allowed these persons to proceed and no action taken against them. I have been advised by CID that depending on the type of case, they can refer suspects to other police

departments like the Anti Human Smuggling Investigation Bureau (AHSIB) of CID, or the Terrorist Investigation Department (TID)" **[15u]**

33.13 The BHC letter of 28 August 2008 continued:

"The CID offices [at Colombo Bandaranaike Airport] contain two computers, one stand-alone desktop and one stand-alone laptop...Any checks on persons detained or apprehended are conducted over the phone with colleagues in central Colombo. I have been shown records held on these two computers which are basic spreadsheets. The desktop contains records of persons arriving in Colombo having been deported back to Sri Lanka. A separate file contains photographs of these deportees...The laptop contains records of those suspects who have been arrested and charged with offences, and court reference numbers. One CID Sergeant has told me that her staff have not received adequate training in the use of computers, which was confirmed by the presence of a typewriter in their office.

"With regard to fingerprint records, CID officers informed me that the only fingerprint records that exist are held in the criminal records office in Colombo. There is no electronic fingerprint database or IT facility to read fingerprints. The data is used solely as part of a person's criminal record and the fingerprints held are only those of convicted criminals. This was confirmed by the International Organisation for Migration who are currently working with the Sri Lankan government on identity management issues. They added that there are 500,000 records in paper form, dating back to the 1980s." **[15u]**

32.14 A letter from the BHC, Colombo, dated 18 August 2008, observed:

"I am aware that a so called 'catch 22' situation has been referred to by returned failed asylum seekers. It is claimed that persons arriving in Colombo without a national identity card require such a document to enable them to travel to their areas of origin, in order to obtain documents to support an application for a replacement. It is further claimed that without an ID card a person faces a serious risk of problems or arrest at a checkpoint or as part of a cordon and search operation by police. According to the Attorney General's Department, under the Registration of Person's Act it is a legal requirement to produce ID upon request by a Commissioner or any prescribed officer. Failure to produce ID without reasonable excuse can result in the arrest of that person under the Emergency Powers Act. In the Colombo/Gampaha region there are frequent checkpoints where police or military ask to see an identity card...The ability to travel without an ID card in Sri Lanka varies though in which part of the country you are travelling, how you are travelling and the security situation at a given time." **[15g]**

33.15 The BHC letter of 18 August 2008 continued:

"Were a Sri Lankan national to arrive at Colombo Airport having been removed or deported from the United Kingdom, they would be in possession of either a valid national Sri Lankan passport, or an emergency travel document/temporary passport [ETD], issued by the Sri Lankan High Commission in London. The holder of a valid passport would have the document endorsed by the immigration officer on arrival and handed back to him/her. A national passport contains the national ID card number on the laminated details page. I have made enquiries with the Department of

Immigration & Emigration at Colombo Airport, and with the International Organisation for Migration who meet certain returnees at the airport, and both have confirmed that a person travelling on an emergency travel document is dealt with similarly. They too have the document endorsed by the immigration officer on arrival and returned to them. Before issuing an emergency travel document, the Sri Lankan High Commission in London will have details of an applicant confirmed against records held in Colombo and will thus satisfactorily confirm the holder's nationality and identity. If a returnee subsequently wishes to obtain a national identity card, they would have to follow the procedures above and produce the documents listed." **[15g]**

33.16 The BHC letter of 18 August 2008 went on to confirm that:

"The Department of Immigration & Emigration at Colombo Airport have confirmed to me that passports and ETDs are acceptable means of identity for presentation at checkpoints and to the police. The International Organisation for Migration have informed me that in their experience, returnees had not encountered any problems producing passports or ETDs at either checkpoints or police stations. Persons who have been abroad and require a birth certificate are able [to] make an application for a replacement birth certificate at the Registrar General's Department in Colombo. Applicants are required to complete an application form, and whilst it assists if you are able to provide an original birth certificate number or date of registration, for an additional fee (Rs 25) the Department will do a full search of their records. The application forms can be downloaded from a website and applications can be submitted by post. For confirmation of these procedures see www.rgd.gov.lk". **[15g]**

33.17 The BHC letter further reported that:

"The Department of Registration of Persons [DRP] website, www.rpd.gov.uk, under 'Birth Certificates or alternative documents', specifically states that 'certified copies of relevant pages in a passport' would suffice in an application for an ID card. The website makes no specific reference to ETDs, but I have today confirmed with the DRP that a certified copy of the relevant pages of an ETD would also suffice. A returnee would in any case have the original passport/ETD in his/her possession. This would also satisfy the other criteria listed regarding the number of the previous identity card and whether it had been used, as it would be recorded on the passport/ETD.

"Amongst the list of all documents required to support an application for a replacement ID card is a residence certificate issued by a Grama Seveka. During my visit to DRP I was advised me that the role of the Grama Seveka in the ID card issuing process is solely to confirm residence, and that the certificate takes the form of a letter that is endorsed by the Grama Seveka's official stamp. They do not confirm identity. A person who for example had been residing abroad for several years could in theory approach any Grama Seveka, and it would depend on an individual interview as to whether a certificate would be issued. It may be that a person, who is in Colombo, but originally resided in the north or east of the island prior to going to the UK, may be instructed to go to their area of origin to obtain the certificate from the Grama Seveka there. I discussed this specific issue during my visit to DRP, and have since spoken to locally employed colleagues at the British High Commission, colleagues from IOM and other overseas missions and it appears that there is no hard or fast rule. Each application to a Grama Seveka

for a residence certificate is dealt with on an individual basis. If that person remained in Colombo at a fixed address for a period, then depending on the relationship they had with a Grama Seveka there, they may be able to obtain a certificate from them. In any event, I am assured that the possession of a passport would enable that person to travel to their area of origin, if required, to obtain the necessary documentation, although the security situation at a specific time may have a bearing on this.

"The application for an identity card could be made in person at the Registration of Persons Department in Colombo, or at the regional branch offices mentioned above. Having visited personally the RPD Front Office in Colombo, I can confirm that it provides a fairly quick service to individuals in need of identity documents, because it recognises that many persons travel into Colombo from all over the country for this purpose. I am not aware of any specific assistance or support being made available to returned failed asylum seekers. I am aware that there has been concern expressed if an applicant does not have a birth certificate." **[15g]**

33.18 In a letter dated 22 January 2009, the BHC, Colombo reported:

"Since my letter of 28th August 2008, I have further witnessed the return of Sri Lankan failed asylum seekers from the UK. On 15th January 2009, I spent several hours at Colombo Airport watching closely the processes that were afforded to a group of returnees who had arrived by both scheduled and charter flights. All of these returnees were Tamil speakers, and all were in possession of emergency travel documents, issued by the Sri Lankan High Commission in London.

"One of the returnees who had arrived on scheduled flight, without escorts, entered the immigration hall, completed a landing card, and presented himself to an immigration officer. The immigration officer took his emergency travel document and escorted him to the Duty Chief Immigration Officer's office where he was asked to take a seat. The returnees who had arrived on the charter flight entered the immigration hall accompanied by escorts, who left after a few minutes. The Department of Immigration & Emigration (DIE) were aware of their impending arrival and asked them to remain outside the Chief Immigration Officer's office. After a few minutes all of the returnees were placed in a waiting room adjacent to the main immigration control. One of the Chief Immigration Officers explained to them that they would be interviewed in order to confirm that they were Sri Lankan nationals. The fact that they had all been issued with Emergency Travel Documents by the Sri Lankan High Commission in London did not seem to make any difference. He further explained that after that they would be spoken to by officers from the State Intelligence Service (SIS) and the Criminal Investigation Department (CID)." **[15d]**

33.19 The BHC letter continued:

"DIE officers subsequently entered the waiting room and interviewed the adult returnees individually, but in full view and earshot of the others. These interviews were recorded on paper and questions were designed to confirm nationality and identity. Individual interviews took around 10-15 minutes and landing cards were completed for each returnee. The returnees did not have

their photographs or their fingerprints taken, and no computer records appeared to be checked or updated.

"Once DIE had completed their interviews, officers from SIS then entered the waiting room and began to interview the adult returnees. Again, these were conducted individually but in front of the others. They took photographs of each returnee on a small digital camera and recorded their interviews on a pro-forma. Their interviews basically covered exactly what the DIE officers had asked with regard to identity, although they then debriefed each returnee by ascertaining their routes and modes of travel to the UK. Individual interviews took around 15-20 minutes, and it took over two hours before these interviews were completed. Fingerprints were not taken and no computer records appeared to be checked or updated.

"The returnees were then taken down to the CID offices on the ground floor of the terminal. Here they were sat in the office and again went through virtually identical interviews with CID officers, individually, but in the presence of the others. These interviews were recorded in exercise books and photographs, which were not believed to be digital, were also taken of each returnee. As before, individual interviews lasted around 15-20 minutes and it was another two hours before all of the interviews were completed. Fingerprints were not taken and no computer records appeared to be checked or updated.

"The returnees were then taken back to the immigration hall, where they were handed their emergency travel documents which had been endorsed by an immigration officer's arrival stamp." **[15d]**

33.20 The BHC letter of January 2009 went on to note that:

"The whole process took several hours, but was conducted in a very relaxed atmosphere throughout. Children amongst the returnees had played and run around the airport terminal. Adults freely got up, walked around, used washrooms and chatted amongst themselves or with officers.

I would like to reiterate that:

- I did not see any of the officers from any of the border agencies record or check the returnees' details on any computer.
- All interviews with the returnees were recorded on paper.
- SIS and CID officers took photographs of the returnees.
- None of the returnees had their fingerprints taken.
- None of the returnees were fitted with any type of tagging device." **[15d]**

33.21 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). 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." **[15m] (paragraph 1.1)**

33.22 The FCO October 2009 report observed:

"Sources agreed that all enforced returns (of whatever ethnicity) were referred to the Criminal Investigations Department (CID) at the airport for nationality and criminal record checks, which could take more than 24 hours. All enforced returns were wet-fingerprinted. Depending on the case, the individual could also be referred to the State Intelligence Service (SIS) and / or Terrorist Investigation Department (TID) for questioning.

"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
- involvement with media or NGOs
- lack of an ID card or other documentation." **[15m] (Executive Summary, Treatment of Tamils at Colombo airport)**

33.23 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 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." (FCO October 2009 report) **[15m] (paragraph 1.4)**

"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." **[15m] (paragraph 1.5)**

"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." **[15m] (paragraph 1.6)**

"An official from the Australian High Commission [in Colombo] thought there were no procedures in place to identify failed asylum seekers...The DIE computer had a 'black-list' of persons of concern, but unless the exact spelling of the name, the date of birth and passport number matched that of the returnee/deportee, the person was not stopped. Consequently it was possible for the authorities to miss suspects and persons with criminal records." **[15m] (paragraph 1.10)**

"A representative of the Swiss Embassy in Colombo was of the view that officials of the DIE and CID did not communicate significantly. The representative added that there were mobile squads from TID checking passengers off specific flights, e.g. to and from India, from Malaysia and Singapore." **[15m] (paragraph 1.10)**

"Mano Ganesan MP, Leader of the Democratic People's Front, (an opposition party) said that there were no formal procedures at the airport. He said the Terrorist Investigation Department (TID) operated in plain clothes within the immigration and customs areas. They used their own discretion, did not identify themselves and just took people away." **[15m] (paragraph 1.13)**

33.24 With regards to the issue of what checks are undertaken on returnees, the FCO October 2009 report recorded:

"The Superintendent Police Criminal Investigations Department (CID) at Bandaranaike International Airport stated that on the 5th August 2009 they had introduced a new set of procedures for dealing with deportees after there were cases of persons who had arrest warrants outstanding being allowed back into the country. Checks were made for offences outstanding in Sri Lanka and with the local police station from where the deportee originated." **[15m] (paragraph 1.24)**

"The Superintendent said that CID now photographed and wet fingerprinted all deportees. The photographs were stored on a standalone computer in their office at the airport. The fingerprints remained amongst paper records also in the office at the airport. He added that returnees were held while checks were being conducted in the person's area of origin...CID could not release an individual until all checks were completed and clearance had been obtained from the local police. If there was evidence of any crime, they would be detained." **[15m] (paragraph 1.25-1.26)**

33.25 In reply to the question of what profile of Tamil was detained and/or interrogated on arrival at Colombo Airport "The representative of the Swiss Embassy in Colombo said that some returnees had been arrested; some only for a few hours, some for longer. They added that last year there were nine cases of forced returns from Switzerland to Sri Lanka. They were travelling with a 'laissez-passer'. Some of them were questioned but many were not." (FCO October 2009 report) **[15m] (paragraph 1.36)**

"Deputy Solicitor General, Kapila Waidyaratne, stated that someone found to have criminal records or connections with the LTTE would be investigated by CID and TID. However, in his opinion they would not necessarily be arrested.

Someone with a warrant of arrest or who had jumped bail or escaped from detention would be arrested." (FCO October 2009 report) **[15m] (paragraph 1.36)**

"Professor Rajiv Wijesinha, Secretary Ministry of Disaster Management & Human Rights (the government department with responsibility for protecting human rights in Sri Lanka), said that he was not aware of any detentions at the airport, but that he would only be aware of such detentions if they were brought to his notice...There was no evidence that those returning, even from well-known LTTE fund-raising hubs, were singled out for particular attention or were being mistreated." (FCO October 2009 report) **[15m] (paragraph 1.37)**

"The official from the Australian High Commission [in Colombo] said that in their experience, Sri Lankan immigration officers did not have much expertise in profiling passengers and unless the person came up on an alert list they were not stopped at the border." (FCO October 2009 report) **[15m] (paragraph 1.37)**

33.26 The FCO October 2009 report 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." **[15m] (paragraph 1.48)**

"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." **[15m] (paragraph 1.54)**

"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." **[15m] (paragraph 1.55-1.56)**

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." **[15m] (paragraph 1.57-1.59)**

"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." **[15m] (paragraph 1.57-1.59)**

See also Section 12 on Bail/Reporting conditions and Section 31 on Identity cards and travel documents and Section 32 on Forged and fraudulently obtained documents

Physical examinations/scarring

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

"There is strong anecdotal evidence that scarring has been used in the past to identify suspects. Previous conversations with the police and in the media, the authorities have openly referred to physical examinations being used to identify whether suspects have undergone military style training. More recent claims from contacts in government ministries suggest that this practice has either ceased or is used less frequently. At the very least it appears that the security forces only conduct these when there is another reason to suspect an individual, and are not looking for particular scars as such, but anything that may indicate the suspect has been involved in fighting and/or military training. There is no recent evidence to suggest that these examinations are routinely carried out on immigration returnees." **[15c]**

33.28 On this issue, the FCO October 2009 recorded that:

"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." **[15m] (paragraph 1.76)**

"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." **[15m] paragraph (1.77)**

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34. EMPLOYMENT RIGHTS

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

"The law allowed workers to form and join unions of their choice without previous authorization with the exception of members of the armed forces and police officers, who are not entitled to unionize. Seven workers may form a union, adopt a charter, elect leaders, and publicize their views. Forty percent of an establishment must belong to the same union to compel the employer to recognize the union. In practice such rights were resisted by the management of individual factories and administrative delays by the government in registering unions. Approximately 20 percent of the seven million-person work force nationwide and more than 70 percent of the plantation work force was unionized. In total there were more than one million union members. Approximately 15 to 20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates." **[2b] (Section 6a)**

34.02 The same report added that "Most large unions were affiliated with political parties and played a prominent role in the political process, although some major unions in the public sector were politically independent. The Ministry of Labor Relations and Manpower was authorized by law to cancel the registration of any union that does not submit an annual report, the only grounds for the cancellation of registration." **[2b] (Section 6a)**

34.03 And continued:

"By law all workers, other than police, armed forces, prison service, and those in essential services, have the right to strike, but the government did not enforce this law uniformly. Workers may lodge complaints with the commissioner of labor, a labor tribunal, or the Supreme Court to protect their rights. Strikes are forbidden in areas that are determined by the president to be 'any service which is of public utility or is essential for national security or for the preservation of public order or to the life of the community and includes any Department of the Government or branch thereof.' No services have been declared essential to date. The law prohibits retribution against strikers in nonessential sectors; in practice, however, employees were sometimes fired for striking…The Supreme Court occasionally intervened to stop public sector trade union actions when they threatened business or government operations…The law allows unions to conduct their activities without interference, and the government enforced the law unevenly. Public sector unions are not allowed legally to form federations, but the law was not generally enforced." **[2b] (Section 6a)**

"The law provides for the right to collective bargaining; however, the government did not enforce it…Employers found guilty of antiunion discrimination must reinstate workers fired for union activities but may transfer them to different locations. Antiunion discrimination was a punishable offense liable for a fine of 20,000 rupees ($177)." **[2b] (Section 6a)**

"While there was no national minimum wage, 43 wage boards established by the Ministry of Labor Relations and Manpower set minimum wages and working conditions by sector and industry in consultation with unions and employers. The minimum wage in sectors covered by wages' boards was increased to 5,750 rupees ($51) in July [2008]. In addition to the minimum wage, employees covered by the wages' boards received an allowance of 1,000 rupees per month ($9) in 2005 that effectively brought the total minimum wage to 6,750 rupees per month ($60)…These minimum wages, however, did not always provide a decent standard of living for a worker and family… Workers in sectors not covered by wage boards, including informal sector workers, were not covered by any minimum wage. The law prohibited most full time workers from regularly working more than 45 hours per week (a five-and-a-half-day work week). In addition the law stipulates a rest period of one hour per day. Regulations limit the maximum overtime hours to 15 per week… Health and safety regulations do not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent to such rights and feared they would lose their jobs if they removed themselves from the work situation." **[2b] (Section 6e)**

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Annexes

ANNEX A: CHRONOLOGY OF MAJOR EVENTS

Unless stated otherwise, the information below is based on the BBC Timeline for Sri Lanka, updated 23 January 2010 **[9i]**

See also Annex B: Timelines

1948 Ceylon gains independence from the United Kingdom.

1956 Sri Lanka Freedom Party wins the general election; Solomon Bandaranaike becomes Prime Minister.

1959 Bandaranaike is assassinated. His widow Sirimavo Bandaranaike succeeds him as SLFP leader and Prime Minister.

1972 The country becomes known as Sri Lanka.

1976 The Liberation Tigers of Tamil Eelam (LTTE) are formed

1978 New Constitution of the Democratic Socialist Republic of Sri Lanka comes into force. **[1a]**

Jayawardene becomes the country's fist executive President. The Tamil language is recognised in the Constitution.

1983 13 soldiers killed in LTTE ambush. Subsequent anti-Tamil riots leave an estimated several hundred Tamils. Start of 'First Eelam War'.

1985 First attempt of peace talks between the Government and the LTTE fails

1987 Indo-Sri Lankan peace accord signed. Indian Peace Keeping Force (IPKF) deployed to Sri Lanka

1990 The IPKF leave Sri Lanka. Hostilities between the Government and the LTTE hostilities escalate

1991 LTTE implicated in the assassination of Indian premier Rajiv Gandhi

1993 Assassination of President Premadasa killed in LTTE bomb attack.

1994 Chandrika Bandaranaike Kumaratunga comes to power

1995-2001

War rages across north and east. Tigers bomb Sri Lanka's holiest Buddhist site. President Kumaratunga is wounded in a bomb attack. Suicide attack on the international airport destroys half the Sri Lankan Airlines fleet.

2002 Sri Lankan Government and LTTE sign a cease-fire agreement with the mediation of Norway. De-commissioning of weapons begins; the A9 road linking the Jaffna peninsula with the rest of Sri Lanka reopens after 12 years;

passenger flights to Jaffna resume. Government lifts ban on Tamil Tigers. Rebels drop demand for separate state.

2003 The LTTE suspend participation in the peace talks but the ceasefire holds

2004 **March:** Renegade Tamil Tiger commander, known as Colonel Karuna, leads split in rebel movement and goes underground with his supporters. The LTTE regain control of the east with a short offensive.
July: Suicide bomb blast in Colombo, the first such incident since 2001
December: More than 30,000 people killed in the tsunami

2005 **June:** row over the deal reached with the Tamil Tiger rebels to share nearly $3bn in tsunami aid among 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.

2006 **February:** Government and Tamil Tiger rebels declare their respect for the 2002 ceasefire.
April: Explosions and rioting in Trincomalee. The main military compound in Colombo is attacked by a suicide bomber (at least eight people are killed). The army launches air strikes on Tamil Tiger targets.
June: 64 people are killed in a mine attack on a bus in Anuradhapura district. A few days later, more than 30 people are killed in a battle between Government forces and Tamil Tiger rebels in the Mannar district.
August: Clashes between Tamil Tiger rebels and Government forces in the north-east, considered the worst fighting since the 2002 ceasefire. Hundreds of people are killed and the UN says tens of thousands have fled.
September: The Government says it has pushed Tamil Tiger rebels from the mouth of strategic Trincomalee harbour. This is seen as the first major capture of enemy territory by either side since a 2002 ceasefire.
October: A suicide bomber attacks a military convoy, killing more than 90 sailors.
December: the Government announces revised though emergency regulations. **[76c]**

2007 **January:** After weeks of heavy fighting the military announces the capture of the Tamil Tiger stronghold of Vakarai, in the east. Tens of thousands of civilians flee the area. President Rajapakse's Government secures a parliamentary majority after 25 opposition MPs defect to its ranks.
March: Government troops claim continuing success against the Tamil Tigers rebels in coastal areas in the east. Thousands of civilians flee the fighting. Tamil Tigers launch their first air raid, hitting a military base next to the Katunayake Colombo international airport.
June: Police evict hundreds of Tamils from lodges in Colombo, citing security concerns, but the Supreme Court orders an end to the expulsions.
July: Government declares it has gained control of Thoppigala – the LTTE's last jungle stronghold in the east.
October: Eight aircraft destroyed, 30 people killed in Tamil Tiger attack on Anuradhapura air force base
2 November: The leader of the Tamil Tiger rebel political wing S.P Thamilselvan is killed in a raid by the Sri Lanka Air Force.

2008 **January:** Government pulls out of 2002 ceasefire agreement.

Government minister DM Dassanayake dies after a roadside bomb attack on his convoy in Colombo.
March: International panel, invited by the government to monitor investigations into alleged human rights abuses, announces that it is leaving the country.
April: Highways Minister J. Fernandopulle is killed in an explosion near Colombo blamed on Tamil Tiger rebels.
Dozens of soldiers reported killed in clashes with Tamil Tigers in far north.
July: Sri Lankan military says it has captured the important Tamil Tiger naval base of Vidattaltivu in the north of the island.
Clashes between Government troops and the LTTE reported in the districts of Jaffna, Mannar, Trincomalee and Vavunyia. **[51a]**
August: in addition to Trincomalee, the fighting spreads to the Kilinochchi and Mullaittivu districts causing large population displacement. **[51a]**
November: Fighting intensifies in Kilnochichi district. **[51a]**

2009 **January:** Government troops capture the northern town of Kilinochchi, held since 1998 by the Tamil Tigers as their administrative headquarters.
The ban on the LTTE is re-enforced. **[44b]**
Government troops regain control of the A-9 highway; capture the entire Jaffna peninsula and at a later stage Mullaitivu Town, the LTTE's stronghold in the Eastern coast. **[37b]**

February: Calls for a temporary cease-fire prompted by international concern over the humanitarian situation of thousands of civilians trapped in the battle zone are rejected by the government.
Tamil Tiger planes conduct suicide raids against Colombo.

March: Former rebel leader Karuna is sworn in as minister of national integration and reconciliation.

May: Government declares victory over the Tamil Tigers. Military says rebel leader Velupillai Prabhakaran was killed in the fighting. Tamil Tiger statement says the group will lay down its arms.

August: New Tamil Tiger leader Selvarasa Pathmanathan detained by Sri Lankan authorities.
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 Rajapasksa is re-elected **[4e]**

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ANNEX B: TIMELINES

SATP (SOUTH ASIA TERRORISM PORTAL) SRI LANKA TIMELINE FOR THE PERIOD 14 DECEMBER 2009 – 15 JANUARY 2010)

The section of the South Asia Terrorism Portal (SATP) Sri Lanka timeline reproduced below covers the period 14 December 2009 – 15 January 2010 **[37b] [37d]** For incidents and events prior to 14 December 2009 go to the SATP website, Timelines. **[37i]**

December 14 — A parliamentarian from the TNA is to contest the presidential polls to be held in January 2010. The Election Secretariat sources said TNA Jaffna parliamentarian M. K. Sivajilingam paid his deposit to contest the polls as an independent candidate. Sivajilingam earlier said that he will contest as an independent candidate if the TNA does not a field a presidential candidate. The Jaffna Member of Parliament opposes both candidates, incumbent President Mahinda Rajapakse and the former Chief of Defence Staff General Sarath Fonseka. The TNA, however, was divided on its decision whether to support the two main candidates, or to field a contender from the party. Sivajilingam a leading member of the TELO, was an ardent supporter of the vanquished terrorist outfit of LTTE. During the height of the war, he was in Chennai (India), after taking leave of absence from the Sri Lanka Parliament in October 2008.

December 18 — Sri Lanka Transport Board recommenced the commuter transportation between Kandy and Jaffna after a lapse of 26 years, Colombo Page reported. The first bus bound for Jaffna after the A-9 highway was opened left the Kandy bus stand at 3am (SLST), the Chief Minister of the Central Province Sarath Ekanayaka said. The commuter service between the two cities had been suspended for 26 years due to the LTTE terrorism in the North. Early reservations of seats in the Kandy-Jaffna buses are available for the commuters.

December 19 — 99.82 percent of 48,583 voters mandated independent and sovereign Tamil Eelam in the poll conducted in 31 centres across Canada.

December 21 — Princess Chrisanta, a cargo vessel formerly belonging to the LTTE was acquired by the Navy. It was held in a foreign country and was acquired through information gained through the state intelligence service, on a directive by President Mahinda Rajapakse and Defence Secretary Gothabaya Rajapakse. The vessel was escorted into the Colombo harbour on December 21. It was brought to the harbour by Navy tug boats Nandimitra and Vijayabahu. Six Navy personnel, led by former Media Secretary to the Navy, K.P.K. Dassanayake took part in the exercise.

It is believed that the vessel was to be used to aid the escape of LTTE leaders following heavy losses in the war. It has the capacity to carry one light helicopter. This is the largest of the eight LTTE vessels discovered or acquired by the Navy so far. The vessel, 90 meters in length and 16 meters in depth has an enormous cargo capacity of 5,000 metric tons.

The vessel which is now a property of the Sri Lankan Navy will be used in the future by the Navy as well as in the country's development process. It is currently fully operational, needing only a few minor adjustments. Navy Commander Vice Admiral Thisara Samarasinghe emphasized that the LTTE had a strong international shipping network and received much support from foreign countries. However following the battle over terrorism, an increasing number of countries have decided to join forces with Sri Lanka and this situation would continue in the future, he said.

The interview given by Sarath Fonseka to the Sunday Leader on December 13, 2009 wherein he alleges that three LTTE leaders who came to surrender with white flags during the final stages of the battle were shot dead by ground troops has opened an United Nations (UN) probe into possible war crimes charges against the Heroic Forces. The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Philip Alston in a letter to President Mahinda Rajapakse has demanded an explanation regarding the allegations made by Fonseka that the Defense Secretary has instructed the Commander of the 58th Brigade of the Sri Lanka Army to shoot those surrendering.

The UN is inquiring particularly "the circumstances of the death of three representatives of the LTTE Balasingham Nadeshan, Seevaratnam Pulidevan and Ramesh, as well as members of their families, in the night of 17 to 18 May, 2009." In his letter, Alston says that the information that he has received are based on the allegations made by Sarath Fonseka in the above mentioned interview. He also says "accounts of journalists embedded with the SLA 58th Brigade confirm some of the alleged circumstances of the deaths of Nadeshan, Pulidevan and Ramesh and their families." Referring to "fundamental legal rules applicable to all armed conflicts under international humanitarian law and human rights law", particularly Article 5 of the Geneva Conventions of 1949, the Special Rapporteur has inquired about the accuracy of the allegations and demanded information and documentary proof in the event that the accusations are inaccurate. The letter also seeks information on the family members of Nadeshan, Pulidevan and Ramesh.

The Presidential Secretariat in a release said the Government is making a careful study of the UN Rapporteur's letter, prior to a formal response, and any action that may be necessary. The Presidential Secretariat in a release said the Government is making a careful study of the UN Rapporteur's letter, prior to a formal response, and any action that may be necessary.

Three Sri Lankan Tamils in Melbourne in Australia are to plead guilty to charges of providing money to the LTTE. Aruran Vinayagamoorthy, 35, Sivarajah Yathavan, 38, and Arumugam Rajeevan, 43, of New South Walse, are to plead guilty to a single charge of providing money to the LTTE, their lawyers informed the Australian Supreme Court on December 21.

The Sri Lankan Government said that it has identified up to three former LTTE militants seeking asylum in Australia on a boat intercepted after a personal request from Kevin Rudd to Indonesia's President.

In October, a boat carrying 255 Tamil asylum-seekers to Australia was stopped by the Indonesian navy.

December 23-24 The authority at Poonthotam detention camps in Vavuniya, Major Weerasekera, on December 23 said that more than 35 former LTTE cadres detained in the camp were to be released on December 24. They told the reporters in Poonthotam that there are 209 detainees and 35 among them will be released on December 24.Some of the detainees who are in the camp have been with the LTTE for just three days while others have been for few months. However in other rehabilitation camps there are former LTTE combatants who have been with the LTTE for even for 24 years. Some of them have been 'lieutenant colonels' of the LTTE, according to the army. The detainees whom the journalists visited on December 23 are trained vocational activities such as beauty culture, tailoring, Masonry and sewing.

December 25 A Singapore opposition party member has been extradited to the US where he stands accused of trying to supply arms to the LTTE. Balldev Naidu, 47, a businessman and co-founder of the Reform Party, was extradited on December 18, the Straits Times newspaper said quoting the Home Affairs Ministry.

A LTTE vessel recently seized and brought to Colombo by the Sri Lanka Navy had been among five ships acquired by the group during the Eelam War IV though they could not be used at least once to smuggle in weapons.

December 27 The Government is planning to close down Menik Farm welfare camp in Vavuniya as soon as possible, Human Rights and Disaster Management Minister Mahinda Samarasinghe said, adding, that all IDPs in the Northern region will be back in their homes by January 31. "We are working hard to resettle all the IDPs by January 31 to meet our 180- day deadline. At the moment, there are only about 80,000 IDPs in welfare camps," he added. Speaking to The Nation, Minister Samarasinghe said about 120,000 IDPs had availed themselves of the freedom of movement by December 17. Of them, some 80,000 have returned to the welfare camps. According to the minister, the numbers had further come down by the evening of December 26 with only 80,000 persons remaining in the camps of which 72,000 had returned after visiting their relatives. "We are expediting the resettlement process to ensure the closure of the welfare camps ahead of the deadline. At the same time, the de-mining process is going ahead," he said. Referring to IDPs willingly returning to the camps, he said, "This shows that the IDPs are satisfied with the conditions in the camps giving lie to the media reports to the contrary. We do not propose to encourage those taking advantage of the freedom of movement to return from December 1. They may come back the same day. They are not required either to

return on the date of return they indicate in their application forms which they have to submit prior to leaving the camp. They may stay wherever they like," he added.

December 29 President Mahinda Rajapakse said when he came into power he introduced a people friendly manifesto Mahinda Chinthana and told the public if it could be successfully implemented, the benefits would be for the whole country, *Daily News* reported. "People accepted it and rallied round us with new vigour. We never forgot our election promises. Today I have come forward for re-election after completing 98 percent of my promises," he added.

Government said that it has resettled over 173,000 Internally Displaced Persons (IDPs) within five months in their native places. Addressing a media briefing at the Wanni Security Forces (SFs) headquarters Wanni SFs commander and competent authority for IDPs Major general Kamal Gunarathne said as of December 23rd only 108,573 IDPs are remaining at the welfare villages out of over 280,000 displaced civilians received by the security forces. The Commander said the resettlement is not an easy task. The Government resettles 1,000 IDPs in their own villages on a daily basis immediately after the areas are cleared of mines. He said the dangerous inmates have been separated and sent for rehabilitation away from the regular IDPs according to UN regulations.

De-mining officials, meanwhile, say the de-mining process is difficult in the northern region as the LTTE have mined the areas in an unpredictable pattern which is hindering the resettlement of the IDPs by the deadline at the end of January. "There is no set pattern of landmines laid by the LTTE landmines and we confront with various challenges," Major K. Raju, an expert of the Swiss Foundation for Mine Action (FSD) told Indian reporters recently. According to Major Raju whose team is involved in de-mining activities in north-western Mannar District, the unpredictable landmines pattern, poor visibility because of thick jungles in the terrain was slowing the de-mining progress.

The Government despite having given a pledge to resettle all the displaced people by the end of January 2010 said that there was no deadline for the resettlement of the Internally Displaced People (IDPs) who were in the camps in Vavuniya. Disaster Management and Resettlement Minister Samarasinghe told *Daily Mirror* Online that no such assurances were given earlier. "We did not promise to complete the resettling process on a particular date. However, the Government is working hard towards completing the process as soon as possible," he said. He said around 100,000 IDPs still remain in the camps whilst 20,000 have been granted freedom of movement from the camps. The Minister said the Government had organized 'go and see visits' for the IDPs to enable them to visit their homes and allow them to decide if they wished to remain in their home towns or otherwise. "If they want to return to their homes, then they may. However, if they wish otherwise we will make other arrangement for them," he added. Minister Samarasinghe said that he could not comment on what would happen to the camps once all the IDPs were

resettled, but said that the permanent structures once vacant would most likely be utilised.

December 31 Sri Lankan authorities have decided to lift the night time curfew imposed in Jaffna from. Governor of the Northern Province Major General G. A. Chandrasiri said that the curfew will be lifted from Jaffna as the normalcy has returned to the peoples' lives and the travelling on A-9 is permitted. The curfew will be lifted on the advice of Defence Secretary Gotabhaya Rajapakse and Chairman of the Uthuru Wasanthaya Task Force, Senior Presidential Advisor and Parliamentarian Basil Rajapakse. **[37b]**

January 4 Sri Lanka Army's de-mining Field Engineer troops till January 4, since the year 2002, cleared a total land extent of 450.41 square kilometres (450,402,744 square metres) of LTTE buried explosive devices, anti-personnel and anti-tank mines and Un-Exploded Ordnance (UXOs) from northern and eastern Districts of Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, Batticaloa and Trincomalee,.

Non Governmental Organizations (NGOs) are separately engaged in de-mining work in the same Districts. The extent of area de-mined by those NGO de-miners has not been included in the geographical extent figure as given above.

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.

The Tamil National Alliance (TNA) decided to support the Opposition consensus presidential nominee General (retired) Sarath Fonseka, an announcement by United National Party (UNP) which is leading the alliance in support of the General.

While indications were that a majority in the TNA would back Fonseka in the January 26 poll, there had been no formal word till now from the TNA on their interactions with the former Army chief.

Seeking the support of TNA at the upcoming presidential elections, Fonseka has offered to grant amnesty to all the detained LTTE cadres if he is elected.

January 5 President Mahinda Rajapakse stressed that he would never merge the North and the East under his administration.

Chief Government Whip and Urban Development and Sacred Area Development Minister Dinesh Gunawardena told Parliament on January 5 that the 17th Amendment to the Constitution is now defunct and there was no use in taking up its provisions.

The Sri Lankan Parliament voted to extend the state of emergency in the country by another month.

January 6-7 The slain LTTE chief Velupillai Prabakaran's father Thiruvengadam Velupillai passed away on January 6.

A total number of 16,989 Internally Displaced People (IDP) have been resettled and around 82,940 war displaced are living in eight IDP centres in Vavuniya and two other camps in Jaffna.

January 7 The United Nations Human Right expert said that the execution video depicting alleged execution of Tamil prisoners by Sri Lankan soldiers is authentic and called for an inquiry into possible war crimes during the final stages of the conflict between the Government forces and LTTE militants.

The direction pursued by the Government towards fulfilling the aspirations of the Tamil people is vastly different to that which is being followed by the TNA led by R. Sampanthan, Investment Promotion Minister Anura Priyadharshana Yapa told the Media at the Cabinet briefing. He said the Tamil people in the North are gradually being inducted into the democratic way of life. The High Security Zones established in Jaffna at the time of war are being gradually removed.

Foreign Employment Promotion and Welfare Minister Keheliya Rambukwelle said the LTTE and the TNA were part and parcel of the same team which tried to attain the Eelam goal through different means and they have gained a new life after their May 18 defeat with the General (retired) Sarath Fonseka group teaming up with the TNA.

The TNA Parliamentarian K. Thurairetnasingam said the party is extending its support to Sarath Fonseka at the Presidential election after getting him to agree to a number of conditions.

January 9 Military spokesman Brigadier Udaya Nanayakkara told the BBC Sinhala that just over 11,000 LTTE suspects are in custody, following the release of 712 former LTTE combatants.

January 10 Thousands of LTTE suspects in Government custody will not be released soon, said Power and Energy Minister W. D. J. Seneviratne.

January 12 President Mahinda Rajapakse said Tamils would be given a greater say in matters of governance through devolution of powers to provinces and promised to create an upper House in Parliament by proposing an amendment in the Constitution.

January 13 The Sri Lankan Government is taking measures to thwart any attempt by the remaining LTTE cadres and its overseas supporters from resurrecting the vanquished terrorist outfit, the Foreign Ministry said.

The Foreign Minister said that during the last four years the missions abroad mainly focused on dismantling the LTTE terror network abroad and countering their misinformation propaganda against the government while seeking to attract foreign investments and technical assistance for development work that continued in parallel.

President Mahinda Rajapakse said he will present his own solution to the problem of the people of the North and East during his second term.

January 14 The Norwegian Council of Eelam Tamils (NCET) on the Tamil festival day of Pongkal, announced initiation of three global committees: a Monitoring Committee to help and coordinate polls mandating Tamil Eelam as well as constitutions cum elections for people's councils in various countries; an Exploration Committee to examine the possibilities of founding a diplomatic centre in Oslo to represent the people's councils and a Representative Committee to discuss apex coordination or united functioning with other constructs that emerge with national thinking.

January 15 The Government is to expedite legal proceedings relating to the LTTE suspects held under the Prevention of Terrorism Act (PTA) and Emergency Regulations.

President Mahinda Rajapakse said that Sri Lanka still faces a severe threat from separatists though the LTTE has been militarily crushed and the country united after a 30-year war.

The President further said that the Government would gradually ease security restrictions imposed in the Northern and Eastern Provinces as well as other parts of the country because the LTTE no longer posed a conventional military threat.

The President dismissed all efforts that have been made so far to find political solutions to the country's ethnic problem and said he will present his own solution after the forthcoming election. **[37d]**

All the SATP timelines for the years 2000-2010 and (less in detail) the period 1931-1999 can be accessed from the following link: http://www.satp.org/satporgtp/countries/shrilanka/timeline/index.html **[37i]**

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ANNEX C: POLITICAL ORGANISATIONS

The full list of recognised political parties with the name, approved symbol, and name of the secretary is available from this weblink to the website of the Sri Lanka, Department of Elections, Political parties.

Akhila Illankai Tamil United Front (AITUK)
Founded in 2006; Tamil; advocates federal solution to ethnic conflict. **[1a]**

All Ceylon Tamil Congress (ACTC)
Founded in 1944, it contested the December 2001 and the April 2004 elections as part of TNA. **[8] (p563)** (See also TNA)

Ceylon Workers' Congress (CWC)
The CWC is both a trade union (with its main strength being among Tamil workers of Indian origin on tea plantations), and a political party seen as representing the community of Indian descent. **[8] (p437)**

Communist Party of Sri Lanka (CPSL)
Founded in 1943 and advocates the establishment of a socialist society. It supports the national unity of Sri Lanka. The party contested the April 2004 election as part of the winning coalition UPFA (United People's Freedom Alliance) winning only one seat. **[8] (p560)**

Democratic People's Front (previously Western People's Front)
Leader: Mano Ganesan. On 26 November 2008 the Western People's Front (WPF) changed its name into Democratic People's Front (DPF). WPF currently holds one parliamentary seat. **[45a]**

Democratic People's Liberation Front (DPLF)
Has operated as a national political party since 1988 and is the political wing of the People's Liberation Organisation of Tamil Eelam (PLOTE). **[8] (p560)**

Democratic United National Front (DUNF)
Formed in 1992 by a dissident group of UNP politicians. Supports the People's Alliance coalition. **[8] (p561)**

Democratic Workers' Congress (DWC)
Formed in 1939 as a trade union and in 1978 as a political party. Aims to eliminate discrimination against the Tamil-speaking Sri Lankans of recent Indian origin. **[1a]**

Deshapriya Janatha Viyaparaya (DJV)
(Patriotic People's Movement) Militant Sinhalese group associated with the JVP. **[1a]**

Desha Vimukthi Janatha Party (DVJP)
(National Liberation People's Party) Has operated as a national political party since 1988. **[1a]**

Eelavar Democratic Front (EDF)
Founded in 1989 by a majority of Eelam Revolutionary Organisation (EROS), which joined the LTTE. **[56]**

Eelam National Democratic Liberation Front (ENDLF)

Tamil; supports 1987 Indo-Sri Lankan peace accord; has operated as a national political party since September 1988. **[1a]**

Eelam People's Democratic Party (EPDP)
http://www.epdpnews.com/index.php?lng=eng **[59]**
A Tamil group formed in 1986 as a split from ERPLF. **[56]** The party gained one seat at the 2 April 2004 elections for the National Assembly and supported the Government subsequently formed by the UPFA. **[8]** "Led by Douglas Devananda, the Eelam People's Democratic Party (EPDP) broke away from the Eelam People's Revolutionary Liberation Front (EPRLF) in approximately 1988. Since 1990 it has fought alongside the Sri Lankan Army against the Liberation Tigers of Tamil Eelam (LTTE). Since 1994, the EPDP has been the most significant force in electoral politics in Jaffna, although voter turnout has been exceptionally low. The EPDP has generally been supportive of People's Alliance/UPFA government policy on the war and peace process. Although EPDP armed cadres may only be a few hundred strong, they retain a reputation for human rights abuses. Devananda has a cabinet portfolio and is currently the minister for social services and social welfare. However, his public profile is limited by the fact he is extremely high on the LTTE list for assassination." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka (accessed 27 January 2010) **[5a] (Internal Affairs, 4 December 2007**

Eelam People's Revolutionary Liberation Front (EPRLF)
The EPRLF now functions as two groups – the Suresh wing (on the TNA list) and the Varatharaja wing (on the EPDP list. **[8]** (See also TNA)

Eelam Revolutionary Organisation (EROS)
Founded in 1990 by a minority of the original EROS, led by Shankar Raji, the party supported EPDP in the parliamentary election of 2 April 2004. **[56]**
"EROS remains the most radically nationalist of the constitutional Tamil groups, but is not militarily active." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (accessed 27 January 2010) **[5a] (Internal Affairs, 4 December 2007)**

Illankai Tamil Arasu Kachchi (ITAK) See TNA

Jathika Hela Urumaya (JHU)
"The JHU is a Buddhist-Sinhalese political party led by Buddhist monks, formed in February 2004 with the specific intention to compete in that year's parliamentary elections. Although initially founded by the secular Sinhalese nationalist party Sihala Urumaya, all of the JHU's members of parliament are Buddhist monks.

"The JHU's creation and the unprecedented entry of saffron-clad monks into parliament has caused debate over whether monks should be entering politics at all both within and outside the party. However, the party's strong representation in the 2004 elections has encouraged the party to continue campaigning for Buddhist and Sinhalese issues in Sri Lanka." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, (accessed 27 January 2010) **[5a] (Internal Affairs, 4 December 2007)**

Jathika Nidahas Peramuna (JVN) See below

Janatha Vimukthi Peramuna (JVP)
(People's Liberation Front)
Founded in 1964; banned following a coup attempt in 1971, regained legal status in 1977, banned again in 1983, but regained legal status in 1994; Marxist; Sinhalese support. **[1a]** For the April 2004 election, the JVP entered into an alliance with President

Kumaratunga's a member of the United People's Freedom Alliance (UPFA) and gained 40 seats. **[8]** "The JVP was the second largest party within the UPFA, and follows a hybrid Marxist-Sinhalese nationalist platform…As such, the JVP holds a powerful position in the ruling coalition, amply demonstrated by the party's decision to temporarily leave the coalition in June 2005 as a protest against then-president Kumaratunga's policy of agreeing a Post-Tsunami Operating Management Structure (P-TOMS) with the LTTE. Agreement with Rajapakse over the future course of the peace process during his campaign prior to the November 2005 presidential election ensured that the JVP remained in opposition following Rajapakse's victory, but with conditional support for the government. Since his election in November 2005, Rajapakse has had an uneasy relationship with the JVP, and has worked steadily to reduce his political dependence on them in parliament…The JVP has since broken ranks with Rajapakse, but is strongly in support of his military policy towards the ethnic conflict with the LTTE." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (accessed on 27 January 2010) **[5a] (Internal Affairs, 4 December 2007)** On 12 May 2008 it was reported that "A dissident Janatha Vimukthi Peramuna (JVP) parliamentarian, Nandana Gunatillake, on Monday handed over particulars of a new political party under the name Jathika Nidahas Peramuna (National Freedom Front) to the Sri Lankan Commissioner of Elections. Wimal Weerawansa, the former propaganda secretary of the JVP, who left the party with ten other parliamentarians last month, would be the president of the JNP." (TamilNet, 12 May 2008) **[38ag]**

Liberation Tigers of Tamil Eelam (LTTE)

Formed on 5 May 5 1976, under the leadership of Velupillai Prabhakaran, it began its armed campaign in Sri Lanka for a separate Tamil homeland in 1983. **[37a]**

"The Tigers became a formidable force numbering upwards of 10,000 soldiers, including women and children…At the height of its powers at the end of the 1990s and the early years of this decade, the LTTE controlled nearly one-third of Sri Lanka." (BBC News, 18 May 2009) **[9v]** [Maps providing details of areas under LTTE control prior to November 2005 and the progressive erosion of such areas are available from this weblink - See also Section 3 and Section 4 on Recent developments] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (accessed on 27 January 2010), recorded that "The group's strength was estimated [in 2007] between 8,000 and 10,000." **[5a] (Non-State Armed Groups, 14 November 2007)**

"Under the leadership of Velupillai Prabhakaran, who has been killed aged 54 during fighting with the Sri Lankan army, the Liberation Tigers of Tamil Eelam (LTTE) were moulded, and refined, into one of the world's deadliest insurgent groups, and rigid discipline was instilled through his personal example. The LTTE of Sri Lanka, the 'Tamil Tigers', would become the progenitors of modern suicide bombing. They also developed their own navy and air force as they masterminded the art of weapons procurement in a globalised, post-cold-war world.

For Prabhakaran, no sacrifice was too great for the objective of 'Eelam' (precious land), a Tamil state in an island of mainly Sinhalese Buddhists. This has been particularly evident during the last four months, before Sri Lanka's President Mahinda Rajapaksa formally declared victory on Sunday [17 May 2009]. During this time, according to UN estimates, more than 6,000 civilians have been killed as the LTTE have been pushed from their northern territories into a 'no fire zone', consisting of a few kilometres of north-east coastline. The government has accused the LTTE leadership of using tens of thousands of civilians trapped there as human shields.

"The first LTTE suicide bombing came in the northern town of Nelliady in July 1987. Prabhakaran had formed the "Black Tigers", a group of male and female suicide bombers whose explosives-laden belts would later be copied by Palestinian, Chechen and Iraqi groups. The missions were preceded by months of intelligence gathering and Prabhakaran held secret audiences with the bombers before they departed for their targets.

"Between 1990 and 1995, the Tigers ran the northern Jaffna peninsula as a mini-state with Prabhakaran as its absolute ruler… In late 1995, Sri Lankan forces launched a massive campaign to retake the rebel-held north. The LTTE were expelled from Jaffna but 60,000 government troops found themselves hemmed in over the next few years as the Tigers captured large areas of the Vanni and the eastern province. The south was also hit by a spate of savage Black Tiger strikes… [In 2006] after nearly four years of brittle peace, fighting again erupted between the government and the LTTE. In the years since the Indian intervention [1990], Prabhakaran had very successfully transformed the Tigers from an archetypal guerrilla outfit into a conventional army. But this may ultimately have proved to be his downfall. When fighting again erupted in mid 2006, the Tigers were now compelled to fight the Sri Lankan forces on their own terms…By the summer of 2007, the government had recaptured all of the LTTE's eastern territory, forcing them back into their Vanni heartland. On 2 January 2008, Sri Lanka formally withdrew from the Norwegian-brokered ceasefire and exactly one year later, the de facto Tiger 'capital' of Killinochchi was recaptured by the government. In the intervening months, the LTTE carried out numerous bomb attacks across the island. This still prompts fears that even if they are, as it now appears, defeated as a conventional force, they will continue an underground war." **[20a]**

An undated section of the South Asia Terrorism Portal (SATP) (website accessed on 27 May 2009) provided additional information on the LTTE:

"Under the Prevention of Terrorism Act, 2002 (POTA) in India, the LTTE is a proscribed organisation. On October 4, 2003, the United States re-designated the LTTE as a Foreign Terrorist Organisation (FTO) pursuant to Section 219 of the US Immigration and Nationality Act. The LTTE has been proscribed, designated or banned as a terrorist group by a number of governments – India, Malaysia, USA, Canada, UK, Australia – countries where the LTTE has significant terrorist infrastructure for disseminating propaganda, raising funds, procuring and shipping supplies to support their terrorist campaign in Sri Lanka…

The LTTE leadership is organized along a two-tier structure: a military wing and a subordinate political wing. Overseeing both is a central governing committee, headed by the LTTE chief, Velupillai Prabhakaran…This body has the responsibility for directing and controlling several specific subdivisions, including, an amphibious group (the Sea Tigers headed by Soosai), an airborne group, (known as the Air Tigers), an elite fighting wing (known as the Charles Anthony Regiment, named after Anthony, a close associate of Prabhakaran and is headed by Balraj), a suicide commando unit (the Black Tigers headed by Pottu Amman), a highly secretive intelligence group and a political office headed by Thamilselvam and Anton Balasingham, widely regarded to be the political advisor and ideologue of the LTTE. [Thamilselvan was killed in November 2007 and Balasingham died in London in December 2006] The central governing committee also has an International Secretariat, which is in charge of the outfit's global network…

All LTTE fighters undergo a programme of rigorous training. A typical training schedule is spread over four months, during which they receive training in handling weapons,

battle and field craft, communications, explosives and intelligence gathering, as well as an exhausting physical regimen and rigorous indoctrination.

The LTTE has also set up a parallel civil administration within its territory by establishing structures such as a police force, law courts, postal services, banks, administrative offices, television and radio broadcasting station, etc." **[37a] (LTTE)** [Please note this information is only provided as background and should be read in conjunction with the rest of the report]

The SATP website also provides a list of LTTE leaders killed during encounters with security forces in Sri Lanka, 2008-2009 accessible from this weblink as well as a comprehensive list of Incidents involving Liberation Tigers of Tamil Eelam (LTTE)

In the UK the LTTE is one of the proscribed organisations under the Terrorism Act 2000. The (undated) list of 'Proscribed terrorist groups' is available from the Home Office website (accessed on 13 January 2010). **[35a]**

In January 2009 the Government of Sri Lanka re-proscribed the Liberation Tigers of Tamil Eelam (LTTE). "The unanimous decision was taken by the Cabinet in accordance with a memorandum submitted by President Mahinda Rajapaksa…The LTTE was first banned in 1998…The ban was lifted in September, 2002, ahead of the peace talks following the Ceasefire Agreement." (Official website of the Government of Sri Lanka, 8 January 2009) **[44b]** The proclamation issued by the President of Sri Lanka on the same day is available from this weblink. **[10e]**

See also Latest News; Section 4 on Recent developments; Section 10: Abuses by Non-Government Armed Forces; Forced conscription and Section 24 on Child soldiers

For the Karuna faction, see under TMVP.

See also Annex B

Mahajana Eksath Peramuna (MEP)
Founded 1956; Sinhalese and Buddhist support; left-wing; advocates economic self-reliance. **[1a]**

Nava Sama Samaja Party (NSSP)
(New Equal Society Party) A Trotskyist party founded in 1977. **[1a]**

People's Alliance (PA) aka Podujana Eksath Peramuna (PEP)
Formed in 1993 as a left-wing alliance which includes the LSSP, the SLFP (President Kumaratunga's party) and the SLMP. **[8] (p438)** This was the ruling party in Sri Lanka from August 1994 until December 2001. (See also UPFA)

People's Liberation Organisation of Tamil Eelam (PLOTE)
Formed in 1979 as a split from the LTTE. **[56] (Introduction)** Its political wing is the Democratic People's Liberation Front (see above). **[8] (p560)**
As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, (accessed on 27 January 2010), "The PLOTE originated as an LTTE splinter group, but it was never well armed and its military activities remained low key. In time, internal feuds and a souring of relations with its Indian sponsors fuelled the PLOTE's slow demise and the group was largely wiped out by the LTTE in 1986. After the [1987] Indo-Lanka Accord, the PLOTE renounced its armed rebellion against the Sri Lankan

government, but maintains armed cadres to this day." **[5a] (Internal Affairs, 4 December 2007, Non-parliamentary Tamil parties)**

Sri Lanka Freedom Party (SLFP)
"Founded in 1951, the SLFP campaigned for the attainment of republican status for Sri Lanka prior to adoption of the 1972 constitution. With a democratic socialist orientation, the party advocated a non-aligned foreign policy, industrial development in both the State and private sectors, and safeguards for national minorities. One family has led the party throughout its history. S.W.R.D. Bandaranaike (originally a leading figure in the United National Party) was the party's founder and first Prime Minister from 1956 until his assassination in September 1959. His widow, Sirimavo Bandaranaike, in 1960 became the world's first woman Prime Minister, holding this post until 1965 and again from 1970-1977. Following the party's return to power after 17 years in the August 1994 elections, she was again Prime Minister (the post by now being largely ceremonial) from November 1994 until her death in October 2000. Chandrika Bandaranaike Kumaratunga, the daughter of S.W.R.D. and Sirimavo, was Prime Minister from August – November 1994, becoming the elected President in November 1994, and is the leader of the SLFP. The SLFP returned to power in August 1994, heading the People's Alliance (PA) coalition. The PA secured another victory in general elections in October 2000, but lost power in the December 2001 general elections." **[8] (p561-562)**

"In April 2004, a new electoral alliance between the SLFP and the Marxist Janatha Vimukthi Peramuna (JVP) became the basis of a winning UPFA electoral coalition, which ending the UNF's 28 months in power. The SLFP prime minister Mahinda Rajapakse became the UPFA's presidential candidate in the November 2005 elections, with the strong backing of the JVP and the hard-line Sinhala Buddhist party, the Jathika Hela Urumaya (JHU). Rajapakse is a seasoned SLFP leader, and comes from a very well known political family in the Hambantota district of southern Sri Lanka - his father was one of the founding members of the SLFP in 1951. However, Rajapakse's rise to power represents a historic break in the SLFP from the virtually uninterrupted leadership of the Bandaranaike-Kumaratunga clan. Rajapakse is a popular and strong personality within the party, and has positioned two of his brothers into commanding positions of power." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 27 January 2010) **[5a] (Internal Affairs, 4 December 2007)**

Sri Lanka Freedom Party – Mahajana Wing (SLFP – M)
"Founded 2007 as breakaway faction of the Sri Lanka Freedom Party, under the leadership of former Minister of Foreign Affairs and former Minister of Port Development; advocates constitutional reform, including revisions to the Executive President's authority; memorandum of understanding signed with United National Party in July 2007 whereby the two parties pledged to contest future elections as a broad coalition (the 'National Congress'). Founder and Leader Mangala Samaraweera." **[1a]**

Sri Lanka Muslim Congress (SLMC)
The SLMC was formed to represent the Tamil-speaking Muslim population of the Eastern province and was organised as an all-island party in 1986. Led by Rauf Hakeem. At the 2 April 2004 elections for the National Assembly the party won five seats. **[8] (p562)**

Tamil Eelam Liberation Organisation (TELO) http://www.telo.org/ **[69]**
Formed in 1974, it is on the TNA list. **[56]** It has operated as a national political party since 1988. **[1a]** "The TELO currently has three members of parliament and is the second largest party in the LTTE-backed Tamil National Alliance." (Jane's Sentinel

Country Risk Assessments, Country Report, Sri Lanka, accessed on 27 January 2010) **[5a] (Internal Affairs, 4 December 2007)** (See also TNA)

Tamil National Alliance (TNA)

"The Tamil National Alliance (TNA) or Sri Lanka Tamil Government Party (Illankai Tamil Arasu Kachchi) is a political alliance of several Tamil parties formed in 2001 just before the 2001 elections. The alliance was formed by the All Ceylon Tamil Congress, Eelam People's Revolutionary Liberation Front (Suresh), Tamil Eelam Liberation Organisation and Tamil United Liberation Front (formerly the Federal Party). Since its formation, the TNA has acted in close co-operation with the rebel LTTE, and has frequently behaved as its advocate and political wing in parliament. In the April 2004 election, in which the SLFP and JVP alliance led by President Kumaratunga came to power, the TNA led by R Sampanthan won 6.9 per cent of the popular vote and 22 out of 225 seats in the Sri Lankan parliament." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 27 January 2010) **[5a] (Internal Affairs, 4 December 2007)**

Tamileela Makkal Viduthalai Pulikal (Tamil People's Liberation Party) (TMVP)/Karuna faction

"TamilEela Makkal Viduthalai Pulikal (TVMP: Tamil Eelam Peoples Liberation Tigers) is the political wing of the paramilitary group formerly known as the 'Karuna group'. It was formed by breakaway LTTE leader V. Muralitharan (alias 'Colonel Karuna'), who led a split in the LTTE in 2004, leading to the secession of a large chunk of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province. Human rights reports in 2007 have alleged that the Karuna group recruits under-age youths as fighters, and furthermore, that these recruits are forcibly abducted and coerced into joining. The Karuna group is also alleged to be behind the spate of kidnappings of wealthy Tamils in Colombo since mid-2006. In mid-2007, press reports suggested that there was a split within the Karuna group between Karuna himself and one of his key lieutenants. In October 2007, news emerged that Karuna had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences." Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 27 January 2010)
[5a] (Internal Affairs, 4 December 2007)

The EIU Country Report Sri Lanka, October 2008 recorded that

"Karuna led the TMVP when it broke away from the LTTE to co-operate with the government, but was recently arrested and imprisoned for entering the UK using false documents. Since his return from the UK in July [2008], the rivalry between Karuna and his former deputy, Sivanesathurai Chandrakanthan (also known as Pillayan), has re-emerged. These clashes go as far back as June 2007, when Pillayan accused Karuna of misappropriating funds from the group. The dispute escalated into violence, and Karuna reportedly ordered his loyalists to hunt down and kill Pillayan and his supporters. Towards the end of September, it was reported that Pillayan, now the chief minister for Eastern province, faced growing opposition from within the TMVP. On October 28th [2008] a Karuna camp in Batticaloa was attacked, killing four TMVP members and leaving others missing. It remains unclear whether this was an attack by

a Pillayan group, or by the LTTE itself. Some suggest that the latest rift between Pillayan and Karuna erupted following the latter's statement on October 21st [2008] that the Eastern provincial council did not need police powers." **[75h] (p10)**

The HRW document 'Sri Lanka: Human Rights Situation Deteriorating in the East' issued on 24 November 2008, referred to "deepening tensions and violent infighting within the TMVP, particularly between factions loyal to Karuna Amman, the founder, and Sivanesathurai Chandrakanthan, known as Pillayan, who was appointed the chief minister of Eastern Province in May [2008]." **[21j]**

The IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 14 December 2009) noted that "…the return of Karuna to Colombo on 3 July [2008] led to significant intra-party rivalry between the Karuna and Pillayan factions. The tension reached its climax when on 21 December [2008] Karuna formed a new party called the Tamil People's Liberation Alliance. On 5 October, Colombo attempted to quell any possible political instability by appointing Karuna as a Member of Parliament representing the ruling United People's Freedom Alliance." **[51d]**

The ICG (International Crisis Group) document 'Development assistance and conflict In Sri Lanka: Lessons from the Eastern Province, Asia Report N°165', 16 April 2009 referred to the "increasingly bitter conflict between members of the Tamil Makkal Viduthalai Puligal (TMVP), now led by Eastern Province Chief Minister S. Chandrakanthan, better known as Pillayan, and supporters of TMVP founder and now government minister V. Muralitheran, alias Karuna." **[76a] (p3)** The same ICG document also recorded that "After months of being the clear favourite of the central government, Karuna formally left the TMVP and joined the ruling Sri Lanka Freedom Party (SLFP) in a public ceremony in Colombo with the president on 9 March, where Karuna was named minister for national integration and reconciliation…The Ampara area TMVP leader and the president's district coordinator, Inyabarathy, also joined the SLFP. So, too, did 1,500 other people, many of them bussed to Colombo on orders of Karuna without being told they would be joining the SLFP. TMVP offices under the control of Karuna's faction are now being converted to SLFP offices. His cadres remain armed." **[76a] (p3, footnote 23)**

See also Section 10 on Abuses by non-government armed forces and Annex D: Prominent people

Tamil United Liberation Front (TULF)
Founded in 1976 following the merger of the All Ceylon Tamil Congress and Federal Party. **[1a]** It contested the April 2004 general election as part of TNA. (See also TNA)

United National Party (UNP) http://www.unp.lk/portal/ **[28]**
The conservative UNP was founded in 1947. It advocates the development of the country through free markets and inter-communal co-operation. The UNP formed the Government from 1947-1956 and again from 1965-1970. In 1977 it secured a landslide victory under J.R. Jayawardene, holding office for the following 17 years. The party lost power in 1994, but regained power in the December 2001 elections. It came second (with 82 seats) in the April 2004 general election. **[8] (p563)**

United People's Freedom Alliance (UPFA)/People's Alliance
Founded in 2003, it is an alliance of Sri Lanka Freedom Party (SLFP), JVP, LSSP, CPSL, SLMP, DVJP, MEP and National Unity Alliance (NUA). It won 105 seats in the April 2004 general election. **[56]** It reverted to original founding name of People's Alliance in April 2007. President: Ratnasiri Wickremanayake. **[1a] (Political organisations)**

"The UPFA is the coalition holding the single largest share of seats within the Sri Lankan parliament… However, the composition of the government benches of parliament has undergone significant changes in the three years since the elections. The two most important movements have been the departure of the second largest constituent, the Janatha Vimukthi Peramuna (JVP) by early 2007, and the arrival of new members who had defected from the opposition UNP." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 27 January 2010). **[5a]**
(Internal Affairs, 4 December 2007)

Up-Country People's Front

Represents the interests of workers, mainly of Indian Tamil origin, on tea plantations. **[1a]** At the 2 April 2004 elections for the National Assembly it gained one seat **[39a]**

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ANNEX D: PROMINENT PEOPLE

BOGOLLAGAMA Rohitha
Minister of Foreign Affairs **[44a]**

FONSEKA Sarah
Former army commander who led the military campaign against the LTTE. Main opposition candidate in the January 2010 Presidential election. **[4e] [75d]**
See also Section 4 on January 2010 Presidential election

KARUNA Colonel (nom de guerre of Vinayagamoorthi Muralitharan, aka Karuna Amman)
Former leader of Tamil Makkal Viduthalai Pulikal (TMVP). From October 2008 Member of Parliament of the United People's Freedom Alliance and from March 2009 national integration and reconciliation minister.

The Official Government News Portal of Sri Lanka recorded on 7 October 2008 that "Vinayagamoorthi Muralitharan was born in Kiran, in the Batticaloa district in 1966. He joined the LTTE in 1983 and became a top commander. He participated in several rounds of peace talks as a member of the LTTE delegation after the Ceasefire Agreement was signed in 2002." **[10i]**

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (accessed on 27 January 2010), V. Muralitharan (alias 'Colonel Karuna'):

"led a split in the LTTE in 2004, leading to the secession of a large chunk of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province. In October 2007, news emerged that Karuna had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences." **[5a] (Internal Affairs, 4 December 2007)**

"[On 25 January 2008] Renegade LTTE leader Vinayagamoorthy Muralitharan alias 'Colonel' Karuna was sentenced to nine-month imprisonment by a UK Court for identity fraud. He was arrested in London on November 2, 2007, for carrying an apparently genuine Sri Lankan diplomatic passport issued under a false name. Karuna told the Isleworth Crown Court in West London that he had received the false diplomatic passport from the Sri Lankan Government. He said Defence Secretary Gotabaya Rajapakse, who is also the brother of President Mahinda Rajapakse, had arranged the documents for him. Karuna, who founded the Tamil Makkal Vidhuthalai Pullikal (TMVP), was sentenced to nine months in jail under the Identity Cards Act after he pleaded guilty." (SATP Timeline, Year 2008) **[37c]**

As noted in comments dated 9 May 2008 and posted on 12 May 2008 on the website of the British High Commission, Colombo:

"A British High Commission spokesperson said 'Vinayagmoorthy Muralitharan (aka Karuna Amman) was released yesterday [8 May 2008] following his imprisonment [in the UK] for possessing false documents, contrary to Section 25 of the Control of

Identification Documents (Offences) Act 2005. He now remains under immigration detention custody. We have made clear our concerns at the circumstances by which Karuna travelled to the UK. We are deeply concerned that Karuna and his faction have allegedly been responsible for murder and abductions and are still believed to be involved in intimidation and child recruitment. The Crown Prosecution Service has advised the Metropolitan Police Service that there is insufficient evidence to provide a realistic prospect of conviction for any criminal offences in the UK.'" **[15l]**

The EIU Country Report Sri Lanka, July 2008 recorded that "Vinayagamoorthy Muralitharan, also known as Colonel Karuna, the former head of the TMVP, returned to Sri Lanka on July 4th [2008], having served a jail term in the UK for entering the country with a false passport." **[75a] (p10)**

On 7 October 2008 the Official Government News Portal of Sri Lanka announced that "Leader of the Tamil Makkal Viduthalai Pulikal (TMVP), Vinayagamoorthi Muralidaran, was sworn in as a Member of Parliament of the United People's Freedom Alliance… Muralidaran is the first member of the TMVP to enter parliament." **[10i]**

In December 2008 Karuna formed a new party called the Tamil People's Liberation Alliance. (IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 14 December 2009) **[51d]**

In early March 2009 Vinayagamoorthy Muralitharan joined the ruling Sri Lanka Freedom Party (SLFP) along with many of his followers and was given a non-cabinet post in the government, as national integration and reconciliation minister. (EIU, Country Report Sri Lanka, April 2009 **[75k] (p10)**

See also Section 3: History; and Annex C (TMVP)

PILLAYAN [PILLEYAN] (Sivanesathurai Chandrakanthan)
TMVP leader (IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 27 May 2009) **[51d]**
On 16 May 2008 Pilleyan, was sworn in as the Chief Minister of the Eastern Provincial Council after obtaining the highest number of votes for Batticaloa District in the Provincial Council elections. (The Official Website of the Government of Sri Lanka, 16 May 2008) **[10a]**
See also Annex C

PRABHAKARAN (PIRAPAHARAN) Velupillai (26 November 1954 – 18 May 2009)
Leader of the Liberation Tigers of Tamil Eelam (LTTE). His death was announced on 18 May 2009.

"To his followers, Vellupillai Prabhakaran was a freedom fighter struggling for Tamil emancipation. To his adversaries he was a secretive megalomaniac with a complete disregard for human life. Under his leadership, the Tamil Tigers became one of the world's most highly disciplined and highly motivated guerrilla forces. But in recent months they fought a desperate rearguard action as the Sri Lankan military inflicted defeat after defeat on them, ending their dream of a separate homeland in the north and east.

"It is believed that Prabhakaran founded the Tamil New Tigers in 1973 or 1974, although the exact date is unknown. It was just another in a series of pressure groups and organisations protesting against what they saw as the marginalisation of the Tamil people in the post-colonial Sri Lanka. In 1975 he was accused of the murder of the

mayor of Jaffna, who was shot at point blank range while he was about to enter a Hindu temple… A year later Prabhakaran's group was renamed the Liberation Tigers of Tamil Eelam (LTTE), commonly known as the Tamil Tigers. The Tigers became a formidable force numbering upwards of 10,000 soldiers, including women and children…He encouraged a cult of martyrdom among his followers which led to the first use of suicide bombings as a common form of attack, often against civilian targets.

"Under his leadership the LTTE was branded a terrorist organisation by many countries and he was wanted by Interpol, the global police network for murder, terrorism, organised crime and conspiracy. He was a shadowy figure, constantly under threat of arrest or assassination…Vellupillai Prabhakaran remained a secretive figure throughout his life, his movements between his various jungle hideouts carefully planned to avoid capture or assassination." **[9v]**
See also Annex C

RAJAPAKSE Basil
Senior Advisor to the Sri Lankan President Mahinda Rajapakse and brother of the President Mahinda Rajapakse. **[37b] (p15)**

RAJAPAKSE Gothabaya
Defense Secretary and brother of the President Mahinda Rajapakse (EIU, Country Report Sri Lanka, May 2009) **[75n] (p12)**

RAJAPAKSE Mahinda
President. He was re-elected in the Presidential election held on 26 January 2010 winning 57.8 percent against 40.2 percent for Fonseka. **[4e]**

See also Section 4 on January 2010 Presidential election

On the previous Presidential election held on 17 November 2005 14, "Mahinda Rajapakse secured a narrow victory over his closest rival, Ranil Wickremasinghe, winning 50.29% of the vote, compared with 48.43% for Wickremasinghe." (Europa World Online) **[1a] (Recent History)**

Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, (accessed on 27 January 2010) recorded:

"Mahendra Percy 'Mahinda' Rajapakse was born on 18 November 1945 in the Hambantota district of southern Sri Lanka…He is a lawyer by training and has been a political activist for most of his adult life.Rajapakse hails from a well-known and influential family in southern Sri Lanka, of which several members have figured prominently in politics. His father was a founder member of the Sri Lanka Freedom Party (SLFP) and a close associate of late, former prime minister Sirimavo Bandaranaike. Rajapakse first entered parliament in 1970 at the age of 25, as the representative of the parliamentary constituency of Hambantota District which his father had represented from 1947 to 1960."

"After the elections of April 2004, Rajapakse was able to muster a broader spectrum of support to assume the position of prime minister. His appointment strengthened his position within the party as successor to Kumaratunga for the presidential elections of 2005. By August 2005 it was apparent that Rajapakse had gained the backing of his party, despite Kumaratunga's clear hostility towards him. Rajapakse was elected president in November 2005 by a slim margin over rival candidate Ranil Wickremasinghe. Rajapakse's victory owed much to an election boycott of the Tamil

vote enforced by the Liberation Tigers of Tamil Eelam (LTTE). As the overwhelming majority of Tamils were hostile to Rajapakse's Sinhala nationalist campaign allies, the LTTE boycott effectively robbed Wickremasinghe of the votes that would have clinched him a winning margin.

Rajapakse's tenuous parliamentary majority remains constantly subject to stress, the risk of defection, and the threat of premature elections. The government only narrowly survived the threat of defection during the budget vote in December 2007.

Rajapakse's government has faced widespread criticism from domestic opposition and international human rights groups for the treatment of the Sri Lankan press since he came to power. Long subject to censorship, the press has faced extreme intimidation, including violence and threats, since the resumption of the civil war in mid-2006." **[5a] (Political Leadership, 10 June 2009, President Mahinda Rajapakse)**

SAMARAWEERA Mangala
Leader of the SLFP 'Mahajana wing' (SLFP –M)
See also Annex C

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. After this, Wickremasinghe consolidated his position as leader of his party, demonstrating his commitment to the continuing peace efforts with the LTTE, despite the assertion by his detractors that he was being outmanoeuvred. However, Wickremasinghe survived just over two years of his five-year term as his government was dismissed and fresh elections ordered in April 2004, which he subsequently lost. Despite this electoral defeat, Wickremasinghe remained the most obvious UNP candidate for the Sri Lankan presidency following the end of Kumaratunga's reign. He narrowly lost the 2005 presidential contest, but remains leader of the UNP as virtually all of his strong internal rivals defected to the government in late 2006 and early 2007." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, (accessed on 27 January 2010) **[5a] (Political Leadership, 10 June 2009, Opposition leader Ranil Wickremasinghe)**

WRIKEMANAYAKE Ratnasiri
Prime Minister **[1a]**

"Ratnasiri Wickremanayake, born on 5 May 1933, is a veteran politician. He was sworn in as the country's 14th prime minister on 21 November 2005. The decision to appoint Wickremanayake appears to have been taken at the last minute, as his name did not appear in the context of potential candidacy until the night of his appointment. He has held the post once previously and is also a senior vice-president of the ruling Sri Lanka Freedom Party (SLFP)… After the SLFP won the 2004 parliamentary elections, Wickremanayake was appointed minister of Buddhist affairs, public security, and law and order, and deputy minister for defence. He held both posts until being made prime minister in 2005 upon the election of President Mahinda Rajapakse. Wickremanayake is seen by many as taking a hard line on the ethnic conflict in Sri Lanka. During his previous term as prime minister, he refused to consider talks with the main Tamil militant group, the Liberation Tigers of Tamil Eelam (LTTE), until they unambiguously renounced terrorism." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed 27 January 2010) **[5a] (Political Leadership, 10 June 2009, Prime Minister Ratnasiri Wickremanayake)**

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ANNEX E: LIST OF ABBREVIATIONS

AHRC	Asian Human Rights Commission
AI	Amnesty International
BHC	British High Commission
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CID	Criminal Investigations Department
CPA	Centre for Policy Alternatives
CPJ	Committee to Protect Journalists
ERs	Emergency Regulations
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
GOSL	Government of Sri Lanka
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRC	Human Rights Commission
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
NPC	National Police Commission
NCPA	National Child Protection Authority
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PTA	Prevention of Terrorism Act
RSF/RWB	Reporters sans Frontières (Reporters without Borders)
SCOPP	Sri Lankan Government's Secretariat for Co-ordinating the Peace Process
SLA	Sri Lanka Army
SLAF	Sri Lanka Air Force
SLMM	Sri Lanka Monitoring Mission
STC	Save The Children
STD	Sexually Transmitted Disease
STF	Special Task Force
TI	Transparency International
TID	Terrorist Investigation Department
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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