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Report of a Home Office fact-finding mission to Sri Lanka

Conducted between 28 September and 5 October 2019

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Map of Sri Lanka



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¹ Maps of the World, Sri Lanka Political Map, undated, [url](http://www.mapsofworld.com).

Introduction

This document provides information obtained from the Home Office's fact-finding mission (FFM) to Sri Lanka. It does **not** provide advice on handling particular types of protection and human rights claims. For this, see the Sri Lanka country policy and information notes on the [Gov.uk website](#).

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Structure of this report

The report is split into:

- An introduction explaining the purpose of the mission and how it was planned and undertaken
- An executive summary
- A thematically arranged narrative, including some direct quotes from the sources interviewed
- Annexes

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Background

The FFM was conducted between 28 September and 5 October 2019 by 3 officials from the Country Policy and Information Team (CPIT), with support from the British High Commission in Colombo. The team visited Colombo.

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Purpose of the mission

The purpose of the mission was to gather accurate and up-to-date information from a range of sources about a number of issues concerning the treatment of Tamils including the government's attitude to diaspora activities and the treatment of members of diaspora groups, in particular members of the Transnational Government of Tamil Eelam (TGTE). The mission was also interested in gathering information about the treatment of members and former members of the Liberation Tamil Tigers of Eelam (LTTE).

This information is to complement existing publicly available material.

A full Terms of Reference (ToR) is available at [Annex A](#).

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Methodology

Research standards

The FFM was undertaken with reference to the [EU \[European Union\] common guidelines on \(Joint\) Fact Finding Missions: a practical tool to assist member states in organizing \(joint\) Fact Finding Missions](#), November 2010 (EU Guidelines 2010), and the Home Office's internal guidelines for conducting FFMs.

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Identification of sources

The FFM team (FFT) sought to interview a wide range of informed sources, including Sri Lankan government officials; journalists and non-governmental organisations.

That a particular source was interviewed, and the notes of that interview have been included should not be considered as endorsement of that source or the information provided. Rather, all sources and information provided needs to be critically assessed and considered against other publicly available material.

Sources were identified by a review of existing documentary material on Sri Lanka, and consultations with the British High Commission.

The sources contacted and interviewed are those that the FFT were able to identify as relevant to the mission. But, as with any FFM, factors including time constraints and availability of sources mean that the list of sources consulted, and information provided are not exhaustive. A list of sources interviewed is at [Annex B](#).

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Arranging and conducting interviews

The FFM team met more than 50 people during 18 face to face interviews.

At the start of each interview the FFT explained the purpose of the mission, including that the notes of the interview may be published in a report and that the sources would be able to review the notes before publication.

A copy of the FFT's introductory note can be found at [Annex C](#).

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Notes of interviews/meetings

The FFT took notes at all the meetings with sources. These were subsequently sent by email, for review and approval. Of the 18 sources, 11 approved the notes with a number making amendments to the original drafts. One source did not want us to use the notes at all and the remaining 6 sources were emailed the notes of the interviews, but did not provide a response.

All sources were asked how they would prefer to be referenced. A number of sources requested varying degrees of anonymity to protect their professional privacy and/or to protect their safety. In these cases, the FFT asked sources to provide a description of how they preferred to be referenced. All sources are described according to their own request where this was specifically made.

The notes of all interviews with sources are available at [Annex D](#).

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List of abbreviations

CID	Criminal Investigation Department
CIO	Chief Immigration Officer
ETD	Emergency Travel Document
FFM	Fact-Finding Mission
FFT	Fact-Finding Team
GTF	Global Tamil Forum
HRA	Human Rights Activist
HRC	Human Rights Commission
HRD	Human Rights Defender
IO	Immigration Officer
IOM	International Organization for Migration
ITJP	International Truth and Justice Project
LTTE	Liberation Tigers of Tamil Eelam
MNPEA	Ministry of National Policies, Economic Affairs, Resettlement and Rehabilitation, Northern Province Development and Youth Affairs
NGO	Non-Governmental Organisation
NMHI	National Mental Health Institute
PTA	Prevention of Terrorism Act
PTSD	Post-Traumatic Stress Disorder
SCRM	Secretariat for Coordinating Reconciliation Mechanisms
SIS	State Intelligence Service
SLPP	Sri Lanka Podujana Peramuna
SLR	Sri Lankan Rupee
TID	Terrorism Investigation Department
TGTE	Transnational Government of Tamil Eelam
TNA	Tamil National Alliance
UNHCR	United Nations Human Rights Commission

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Executive summary

Following the defeat of the Liberation Tigers of Tamil Eelam (LTTE) in May 2009 nearly 10,000 LTTE cadres are believed to have surrendered with many undergoing a period of rehabilitation in dedicated rehabilitation centres. The government described the rehabilitation process has having been successful with rehabilitees being given educational and vocational training, but some sources were critical of the government's efforts. Whilst some cadres have been able to secure employment with the government or the security forces others have found difficulty in securing jobs even though provisions are in place where the government are able to cover 50% of wages for those employed in the private sector. Some former cadres remain under monitoring and some face ostracism from their own community.

Since the end of the civil war the focus of the Sri Lankan government has changed and between 2015 and late 2019 under the new government, led by President Sirisena, there were improvements in the general feeling of personal freedom within the country.

Most Tamils do not suffer persecution simply for being a Tamil but there remains some discrimination towards them and other minority groups.

Tamil Diaspora groups are important within Sri Lanka in so much as they often send remittances home, but they do not have a specific political platform or representatives within the country. It is likely that some monitoring of political diaspora groups occurs outside of Sri Lanka although this was likely to be of the more prominent members. Several sources stated that they were aware of members of such diaspora groups returning to Sri Lanka and facing no issues on return.

The Transnational Government of Tamil Eelam (TGTE) are a proscribed group in Sri Lanka due to their links with the LTTE and because they are seen as pursuing an independent Tamil homeland. The TGTE advocate for a separate Tamil state but do not have widespread support within Sri Lanka, as most Tamils have more pressing concerns such as housing, employment, return of land and accessing information about relatives who disappeared during the war. It's possible that high profile members of the Tamil diaspora may face risk on return although the Attorney General's Department stated that they would only be at risk if they had committed a crime within Sri Lanka and members of the Criminal Investigation Department (CID) stated that mere membership of a proscribed group would not be enough to make a person of interest.

Returnees are likely to be questioned by immigration officials especially where they arrive on an emergency travel document. They are not arrested but may face questioning about how they left Sri Lanka and whether they were aided by smugglers. If the person is found to have links to the LTTE or if wanted for previous crimes committed in Sri Lanka may face further questioning by the CID based at the airport. This process can take a long time as checks need to be made with the persons local police and there is no central police database.

So-called 'White Van' abductions have not occurred in recent years, and whilst beatings and mistreatment is alleged to occur in police detention contacts felt that this is not to the same brutality as the past. Where someone is arrested under the Prevention of Terrorism Act (PTA) the authorities are required to notify the Human

Rights Commission. The families of those arrested should be issued with an arrest receipt stating the reason for arrest and the details of the officer and police station. Medical treatment for PTSD is freely available within the country.

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Source assessment and commentary

In trying to establish the various issues set out in the [Terms of reference](#), the Home Office has sought to assess the reliability of sources and information provided.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information; and, to a lesser extent given this report is limited to information gathered on the mission,
- whether the COI is consistent with and/or corroborated by other sources.

This report has focused primarily on the information given to the fact-finding team during the mission.

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Summary report

1. General situation

- 1.1.1 All the sources asked during the mission described the situation post-2015, when a new government led by President Maithripala Sirisena was elected, as having improved with people in general feeling no threat from the government or security forces². The space for freedom of expression has increased^{3 4 5} with one source noting that there was increased space for people to openly criticise the government⁶, journalists felt free to report what they want^{7 8} and NGOs, human rights and political actors had increased freedom to undertake their activities⁹.
- 1.1.2 Several sources noted that whilst the situation improved post-2015, following the October coup (where Maithripala Sirisena sacked Ranil Wickremesinghe from his role as Prime Minister, replacing him with the former President Mahinda Rajapaksa¹⁰) and the bombings (reportedly carried out by Islamist extremist suicide bombers) which took place in Easter 2019, intimidation and monitoring has increased^{11 12} with some civil society actors experiencing increased monitoring of their activities and multiple visits by the intelligence service or military who have collected details on their programmes and funding¹³. After the bombings took place check points were reinstated, although at the time of the mission these had all been removed^{14 15}.
- 1.1.3 Several sources also noted that whilst a general feeling of more personal freedom prevails there remains a fear that things could change at any time as views can be influenced by the government in power and some people were anxious about a change of power in the (then forthcoming) November Presidential elections^{16 17 18 19}. The elections in November saw the return to power of the Rajapaksa family, some of whom have been implicated in alleged war crimes and human rights abuses²⁰.

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² [NGO, 2 October 2019](#)

³ [HRC, 1 October 2019](#)

⁴ [NGO, 2 October 2019](#)

⁵ [Representative from the northern province community, 2 October 2019](#)

⁶ [NGO, 2 October 2019](#)

⁷ [Journalist 2, 2 October 2019](#)

⁸ [Journalist 1, 2 October 2019](#)

⁹ [Representative from the northern province community, 2 October 2019](#)

¹⁰ Al Jazeera, 'Sri Lanka president sacks prime minister, appoints Rajapaksa', 26 October 2018, [url](#)

¹¹ [Human Rights Activist, 30 September 2019](#)

¹² [Representative from the northern province community, 2 October 2019](#)

¹³ [Representative from the northern province community, 2 October 2019](#)

¹⁴ [UNHCR, 3 October 2019](#)

¹⁵ [NGO, 2 October 2019](#)

¹⁶ [Representative from the northern province community, 2 October 2019](#)

¹⁷ [Diplomatic sources, 2 October 2019](#)

¹⁸ [Tamil National Alliance \(TNA\), 1 October 2019](#)

¹⁹ [Journalist 1, 2 October 2019](#)

²⁰ BBC news, 'Return to power for wartime leader brothers', 21 November 2019 [url](#).

2. Treatment of Tamils

- 2.1.1 Most sources noted that Tamils are not specifically targeted and do not suffer persecution just for being a Tamil^{21 22 23} but they do suffer discrimination along with other minorities²⁴. According to one source there is more freedom and opportunities in the north compared to the situation pre-2015²⁵. Whilst there are increased opportunities in the north, job opportunities remain limited with the war having destroyed factories and other livelihoods and the promised economic development not happening²⁶. Housing and land for returnees remains a problem and there were a number of reintegration issues such as access to water and sanitation^{27 28}.
- 2.1.2 After the Easter bombings the return of checkpoints (ostensibly to check for Islamist terrorists) brought back fears amongst the Tamil community who have a subjective fear and mistrust of the authorities²⁹. Tamils in the north also viewed the addition of checkpoints when entering the north as a form of harassment as there are few Muslims based there³⁰.
- 2.1.3 Certain Tamils may be subject to closer scrutiny: for example, political activists and journalists and those returning from abroad may be monitored, although this was not the case for all Tamils³¹. One source noted that they had heard stories of returning Tamils who had faced harassment and intimidation for various reasons, including being wealthy³². Tamils do have more freedom of speech but fear the return of former president Rajapaksa³³.
- 2.1.4 There have been some recent tensions between Sinhalese Buddhists and other minorities including Tamils³⁴, with several sources telling the FFT of a recent case where a Buddhist monk had laid claim to land belonging to a Hindu temple. After his death his body was cremated on land belonging to the temple, which was in violation of a court order preventing the land from being used as such. There were protests in the Tamil community, but the police were accused of doing nothing to prevent the cremation taking place^{35 36 37}.
- 2.1.5 Sources also stated that they believed that there was some Buddhist colonisation of Tamil areas, possibly to attempt to change the demography

²¹ [Tamil National Alliance \(TNA\), 1 October 2019](#)

²² [Journalist 1, 2 October 2019](#)

²³ [Attorney General Department, 3 October 2019](#)

²⁴ [UNHCR, 3 October 2019](#)

²⁵ [UNHCR, 3 October 2019](#)

²⁶ [NGO, 2 October 2019](#)

²⁷ [UNHCR, 3 October 2019](#)

²⁸ [NGO, 2 October 2019](#)

²⁹ [Diplomatic Sources, 2 October 2019](#)

³⁰ [NGO, 2 October 2019](#)

³¹ [Human Rights Activist, 30 September 2019](#)

³² [Journalist 1, 2 October 2019](#)

³³ [Representative from the northern province community, 2 October 2019](#)

³⁴ [UNHCR, 3 October 2019](#)

³⁵ [NGO, 2 October 2019](#)

³⁶ [Attorney General Department, 3 October 2019](#)

³⁷ [Journalist 1, 2 October 2019](#)

of the north, although this was not to the same extent as occurred with the previous government^{38 39}.

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3. Tamil Groups

3.1 Transnational Government of Tamil Eelam (TGTE)

- 3.1.1 Most sources asked were aware of the Transnational Government of Tamil Eelam (TGTE) but thought that there was very little interest and support for them within Sri Lanka and expressed surprise that we had asked^{40 41 42 43}.
- 3.1.2 A senior member of the Attorney General's Department was even unaware that the TGTE were a proscribed group in Sri Lanka. However, a colleague from his department was able to confirm that they were proscribed due to their links to the Liberation Tigers of Tamil Eelam (LTTE)⁴⁴. One other source noted that the TGTE are seen as associated to the LTTE and viewed as an organisation attempting to disrupt the post-war situation and attempting to instigate violence⁴⁵.
- 3.1.3 The TGTE advocate for a separate Tamil state⁴⁶ and were formed after the defeat of the LTTE⁴⁷. Whilst initially a separate Tamil state was seen as an important issue the TGTE are now viewed as an extreme, impractical organisation and are not taken seriously⁴⁸. The TGTE are not covered in Sri Lankan media and their opinions are given no space⁴⁹.
- 3.1.4 One source noted that a separate Tamil state is of little interest to Tamils within the country who have more pressing concerns such as employment issues, locating those who have disappeared and the return of their land⁵⁰. The same source noted that other parties with similar agendas to the TGTE also have little support within the country⁵¹. An NGO noted that political parties need to be based in the country in order to affect change and therefore the TGTE would have little support from Tamil youth⁵².

³⁸ [Representative from the northern province community, 2 October 2019](#)

³⁹ [Journalist 2, 2 October 2019](#)

⁴⁰ [Human Rights Activist, 30 September 2019](#)

⁴¹ [NGO, 2 October 2019](#)

⁴² [Journalist 2, 2 October 2019](#)

⁴³ [Journalist 1, 2 October 2019](#)

⁴⁴ [Attorney General Department, 3 October 2019](#)

⁴⁵ [Journalist 2, 2 October 2019](#)

⁴⁶ [Human Rights Activist, 30 September 2019](#)

⁴⁷ [Journalist 1, 2 October 2019](#)

⁴⁸ [Journalist 1, 2 October 2019](#)

⁴⁹ [Journalist 2, 2 October 2019](#)

⁵⁰ [Human Rights Activist, 30 September 2019](#)

⁵¹ [Human Rights Activist, 30 September 2019](#)

⁵² [NGO, 2 October 2019](#)

- 3.1.5 The TGTE have claimed that genocide is taking place on Tamils in Sri Lanka^{53 54} although journalist 2 did not believe this was the case as no factual information for this has been provided⁵⁵.
- 3.1.6 Representatives from CID had little knowledge of the TGTE. However, they were asked if people connected to proscribed groups, such as the TGTE, were of interest and stated that: 'If you're active in a proscribed group or you fund them then action would be taken' although they noted that advice from the Attorney General would be sought first. If a person was just a member then CID stated that no action would be taken⁵⁶.

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3.2 Liberation Tigers of Tamil Eelam (LTTE)

- 3.2.1 When the war finished those connected to the LTTE were arrested, sent to court and ordered to go through a rehabilitation process⁵⁷. Some younger former cadres were given the opportunity to complete their education at school and university, some have been employed by the security forces or civil defence force with some given government employment as bus drivers and conductors⁵⁸. One source noted that some former cadres have gone into politics⁵⁹.
- 3.2.2 Several sources stated that ex-cadres fear they are being monitoring by the military and intelligence^{60 61 62 63}. One source noted that some individuals are more likely to be monitored such as those with criminal connections⁶⁴.
- 3.2.3 Representatives from the Human Rights Commission noted that prominent LTTE sympathisers who actively support the LTTE or raised funds for them in the past may be monitored or questioned although interest in them may depend of their past involvement and any current involvement with diaspora groups⁶⁵.
- 3.2.4 A human rights activist told the FFT that there is still interest from the security forces to look for former members of the LTTE. He stated that some activists have been summoned to the Terrorism Investigation Department (TID) and this includes former cadres who do not have an activist profile⁶⁶.
- 3.2.5 The representative from the northern province community told the FFT that after 2015 there continued to be some surveillance and house visits by the intelligence service on former LTTE cadres, although the style of enquiry

⁵³ [Journalist 2, 2 October 2019](#)

⁵⁴ [Human Rights Activist, 30 September 2019](#)

⁵⁵ [Journalist 2, 2 October 2019](#)

⁵⁶ [CID, 1 October 2019](#)

⁵⁷ [NGO, 2 October 2019](#)

⁵⁸ [Representative from the northern province community, 2 October 2019](#)

⁵⁹ [Journalist 2, 2 October 2019](#)

⁶⁰ [Representative from the northern province community, 2 October 2019](#)

⁶¹ [HRC, 1 October 2019](#)

⁶² [Journalist 2, 2 October 2019](#)

⁶³ [SCRM, 30 September 2019](#)

⁶⁴ [SCRM, 30 September 2019](#)

⁶⁵ [HRC, 1 October 2019](#)

⁶⁶ [Human Rights Activist, 30 September 2019](#)

was different to pre-2015 with the authorities being more polite and non-threatening. Some rehabilitees are targeted by the State Intelligence Service (SIS) who visit their homes, enquire about their activities and restrict their movements. Prominent people remain under scrutiny and can be called into the Terrorist Investigation Department (TID). Whilst the style of enquiry improved post-2015 the same source noted that after the local elections in February 2018 when the Sri Lanka Podujana Peramuna (SLPP) party won there has been increasing intimidation⁶⁷.

- 3.2.6 The Secretary to the Ministry of National Policies, Economic Affairs Resettlement and Rehabilitation (MNPEA) noted that he was not aware of any complaints from former cadres that they were being monitored and stated that there is little vigilance on the average ex-cadre⁶⁸.

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3.3 Rehabilitation

- 3.3.1 The Commissioner General of Rehabilitation told the FFT that in 2009 more than 10,000 LTTE cadres surrendered to the government and were handed over to armed forces to commence rehabilitation in one of the 24 rehabilitation centres. The rehabilitation of these initial 10,000 cadres was complete in 2013. 2,000 more former cadres were arrested and ordered to undergo rehabilitation by the courts. Over 12,000 ex-cadres have been reintegrated into districts mainly in the North and East of the country with the last rehabilitee being reintegrated into society earlier this year [2019]⁶⁹.
- 3.3.2 According to the Commissioner General of Rehabilitation the rehabilitation process involved psychological treatment, education and therapies which included treatment for Post-Traumatic Stress Disorder (PTSD). When the rehabilitation process is complete rehabilitees were supported to get employment with the government offering to pay 50% of the salary of ex-cadres employed in the private sector. Support was also offered to help rehabilitees acquire the means to make livelihoods such as help to buy fishing equipment, boats, farm animals and machinery⁷⁰.
- 3.3.3 Several sources who were asked about the rehabilitation process were unable to state whether it had been as success^{71 72 73}. Representatives from UNHCR told the FFT that due to how the rehabilitation process was run it is difficult to assess its success⁷⁴. Two sources told the FFT that whilst they believed some rehabilitation may have occurred, they did not believe there had been a regular programme of rehabilitation^{75 76}.

⁶⁷ [Representative from the northern province community, 2 October 2019](#)

⁶⁸ [MNPEA, 30 September 2019](#)

⁶⁹ [Bureau of the Commissioner General of Rehabilitation, 1 October 2019](#)

⁷⁰ [Bureau of the Commissioner General of Rehabilitation, 1 October 2019](#)

⁷¹ [UNHCR, 3 October 2019](#)

⁷² [Tamil National Alliance \(TNA\), 1 October 2019](#)

⁷³ [Journalist 1, 2 October 2019](#)

⁷⁴ [UNHCR, 3 October 2019](#)

⁷⁵ [Tamil National Alliance \(TNA\), 1 October 2019](#)

⁷⁶ [Journalist 1, 2 October 2019](#)

3.4 Societal treatment

- 3.4.1 Several sources told the FFT that rehabilitees can struggle to reintegrate and face a lack of job opportunities and discrimination from their communities^{77 78 79 80 81 82 83}, with 2 sources stating reintegration can be difficult as owing to the way that the LTTE were 'heavy handed' with their rule of the north not all Tamils were sympathetic to the them^{84 85}. As some ex-cadres are subject to ongoing scrutiny and/or monitoring the 'ordinary man' does not want to associate with them^{86 87 88}, with some fearing they will be seen as guilty by association⁸⁹. One source noted that some people are hostile and view rehabilitees as informants as they are often required to check in with the army base as part of their release from rehabilitation⁹⁰.
- 3.4.2 Rehabilitees also face a lack of access to job opportunities^{91 92} with some employers unwilling to employ them despite government incentives^{93 94} with one source suggesting that employers feared they would face visits from the State Intelligence Service (SIS) who would be monitoring the rehabilitees⁹⁵.

3.5 Scarring

- 3.5.1 A human rights activist told the FFT that he was unaware of anyone being singled out at the airport because of scarring. He also stated that if someone did have scarring the assumption would be that any scar is the result of fighting for the LTTE⁹⁶.
- 3.5.2 Representatives from UNHCR told the FFT that returning LTTE cadres would be checked for scarring and would likely lead to additional questioning although they were unsure of the reason for this but thought it might relate to the profile of the person⁹⁷.

⁷⁷ [SCRM, 30 September 2019](#)

⁷⁸ [Human Rights Activist, 30 September 2019](#)

⁷⁹ [NGO, 2 October 2019](#)

⁸⁰ [Representative from the northern province community, 2 October 2019](#)

⁸¹ [IOM, 3 October 2019](#)

⁸² [UNHCR, 3 October 2019](#)

⁸³ [Bureau of the Commissioner General of Rehabilitation, 1 October 2019](#)

⁸⁴ [SCRM, 30 September 2019](#)

⁸⁵ [Human Rights Activist, 30 September 2019](#)

⁸⁶ [Human Rights Activist, 30 September 2019](#)

⁸⁷ [NGO, 2 October 2019](#)

⁸⁸ [Representative from the northern province community, 2 October 2019](#)

⁸⁹ [SCRM, 30 September 2019](#)

⁹⁰ [UNHCR, 3 October 2019](#)

⁹¹ [IOM, 3 October 2019](#)

⁹² [Bureau of the Commissioner General of Rehabilitation, 1 October 2019](#)

⁹³ [MNPEA, 30 September 2019](#)

⁹⁴ [NGO, 2 October 2019](#)

⁹⁵ [Representative from the northern province community, 2 October 2019](#)

⁹⁶ [Human Rights Activist, 30 September 2019](#)

⁹⁷ [UNHCR, 3 October 2019](#)

- 3.5.3 A member of CID based at the airport told the FFT that no one is checked for scarring on their return⁹⁸.

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4. Treatment of returnees in general

- 4.1.1 Returning failed asylum seekers would likely be questioned at the airport by immigration officials^{99 100 101} and may be passed to the Criminal Investigation Department (CID) based at the airport^{102 103}. CID would make additional checks with the local police in the area where the person claimed to be from^{104 105}. These checks can take a long time to conduct as there is no central police database¹⁰⁶. Once released it is not unusual to experience a further check at home¹⁰⁷ although the period of monitoring can vary¹⁰⁸.
- 4.1.2 The representative from the northern province community stated that when failed asylum seekers are deported there may be some sensitivity with some of them being arrested and released on bail to attend court¹⁰⁹.
- 4.1.3 Representatives from the International Organization for Migration (IOM) told the FFT that when people return on an emergency travel document the Sri Lankan authorities are provided the details of the person, by the relevant issuing authority, prior to their arrival. Once they return and have passed through immigration control, they would be referred to the police based at the airport to check criminal records, and if there are no criminal warrants then they would be released. Where there are outstanding criminal warrants then criminal procedures will apply. Those who travel on their own passports are not recognised as readmission migrants¹¹⁰.
- 4.1.4 IOM also noted that claiming asylum aboard is not an offence and as such when someone returns to Sri Lanka who has been absent for a number of years or has an expired visa, they would not be questioned on this and there were no media reports of returnees being interrogated on such grounds. IOM have some presence at the airport and are based before immigration control to receive passengers returning on IOM programmes and they stated that in the last couple of years they have not witnessed the intense questioning of the past where returnees may have been asked what they had been doing in the UK. The police would only be interested in an individual if there were outstanding criminal offences¹¹¹.

⁹⁸ [Airport procedures](#)

⁹⁹ [Representatives from the department of Immigration and Emigration, 1 October 2019](#)

¹⁰⁰ [CID, 1 October 2019](#)

¹⁰¹ [Diplomatic Sources, 2 October 2019](#)

¹⁰² [Journalist 2, 2 October 2019](#)

¹⁰³ [IOM, 3 October 2019](#)

¹⁰⁴ [CID, 1 October 2019](#)

¹⁰⁵ [Diplomatic Source, 2 October 2019](#)

¹⁰⁶ [Diplomatic Source, 2 October 2019](#)

¹⁰⁷ [Diplomatic Source, 2 October 2019](#)

¹⁰⁸ [Representatives from the department of Immigration and Emigration, 1 October 2019](#)

¹⁰⁹ [Representative from the northern province community, 2 October 2019](#)

¹¹⁰ [IOM, 3 October 2019](#)

¹¹¹ [IOM, 3 October 2019](#)

4.1.5 When asked what would happen to returning Tamils an NGO told the FFT that they were aware of 5 cases where individuals were questioned on return about forged passports but then subsequently released¹¹². IOM stated that they did not believe there was a distinction between Tamil and Sinhalese returnees and whilst there may be isolated cases there was no systematic policy of discrimination¹¹³. Two other sources stated that they were not aware of ordinary Tamils being targeted on return^{114 115}, with several stating they were aware of family members or members of the Tamil diaspora who have returned to Sri Lanka and not encountered any difficulty^{116 117 118}. A human rights activist told the FFT that he was unable to recall any cases of ordinary Tamils being stopped at the airport and was not aware of anyone on a watchlist being stopped although he had heard anecdotally that this happens¹¹⁹.

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4.2 Treatment of returnees with links/perceived links to the LTTE

4.2.1 If returning failed asylum seekers were found to have links to the LTTE they would likely face further questioning¹²⁰ although it would depend on the case¹²¹. Representative from UNHCR stated that the level of security screening at the airport has decreased since 2015 and that if you are a high profile LTTE cadre you would be subjected to additional questioning, but this would not necessarily mean you would be detained¹²².

4.2.2 The Attorney General's Department and the Criminal Investigation Department told the FFT that former LTTE cadres would only be of interest if there was a pending criminal case against them and that mere membership of the LTTE would not make someone of interest^{123 124}, this was also confirmed by an NGO¹²⁵.

4.2.3 Two sources told the FFT that former LTTE cadres returning to Sri Lanka would be able to undergo rehabilitation if they requested it^{126 127}, although this would not apply if they had crimes outstanding¹²⁸.

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¹¹² [NGO, 2 October 2019](#)

¹¹³ [IOM, 3 October 2019](#)

¹¹⁴ [Journalist 2, 2 October 2019](#)

¹¹⁵ [Human Rights Activist, 30 September 2019](#)

¹¹⁶ [Journalist 2, 2 October 2019](#)

¹¹⁷ [Human Rights Activist, 30 September 2019](#)

¹¹⁸ [Representative from the northern province community, 2 October 2019](#)

¹¹⁹ [Human Rights Activist, 30 September 2019](#)

¹²⁰ [Journalist 2, 2 October 2019](#)

¹²¹ [NGO, 2 October 2019](#)

¹²² [UNHCR, 3 October 2019](#)

¹²³ [Attorney General, 3 October 2019](#)

¹²⁴ [CID, 1 October 2019](#)

¹²⁵ [NGO, 2 October 2019](#)

¹²⁶ [IOM, 3 October 2019](#)

¹²⁷ [Bureau of the Commissioner General of Rehabilitation, 1 October 2019](#)

¹²⁸ [IOM, 3 October 2019](#)

4.3 Treatment of returnees with TGTE links

- 4.3.1 Several sources were asked whether returning TGTE members would be at risk on return, and none could cite any issues that they were aware of although two sources stated that it could be problematic for genuine members and supporters as the TGTE is proscribed^{129 130}. One source thought that a high-profile member of the TGTE could be questioned and face arrest on return for having links to the LTTE¹³¹.
- 4.3.2 The Attorney General's Department however stated that if TGTE supporters arrive in the country peacefully they would not face any problems on return, they would only be able to take action against someone if they had committed an offence within Sri Lanka. They were not aware of any cases of returnees who have faced problems on return¹³².

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5. Diaspora and sur place activities

5.1 Government attitude

- 5.1.1 According to the Secretariat for Coordinating Reconciliation Mechanisms (SCRM) the government does not discourage returnees although they do not actively encourage them either. There is encouragement from the government to get the diaspora to invest in post-conflict areas in the north and east, although he noted that the diaspora have no desire to leave their homes abroad¹³³.
- 5.1.2 The representative from the northern province community stated that diaspora groups have influence over day to day living but only in relation to the money they send back to their families in Sri Lanka. Diaspora groups have no political platform in Sri Lanka¹³⁴.

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5.2 Monitoring of the diaspora

- 5.2.1 Several sources acknowledged that they were aware or believed that there was some monitoring of the diaspora by the Sri Lankan authorities^{135 136 137 138}. Journalist 1 stated that this was common practice as the government and military are fearful of an uprising and so place officers amongst protestors in the UK to monitor them¹³⁹. Journalist 2 was aware of protestors having their photos taken by those inside the Sri Lankan High Commission¹⁴⁰.

¹²⁹ [Human Rights Activist, 30 September 2019](#)

¹³⁰ [Journalist 1, 2 October 2019](#)

¹³¹ [Journalist 2, 2 October 2019](#)

¹³² [Attorney General Department, 3 October 2019](#)

¹³³ [SCRM, 30 September 2019](#)

¹³⁴ [Representative from the northern province community, 2 October 2019](#)

¹³⁵ [Journalist 1, 2 October 2019](#)

¹³⁶ [Human Rights Activist, 30 September 2019](#)

¹³⁷ [Representative from the northern province community, 2 October 2019](#)

¹³⁸ [Journalist 2, 2 October 2019](#)

¹³⁹ [Journalist 1, 2 October 2019](#)

¹⁴⁰ [Journalist 2, 2 October 2019](#)

- 5.2.2 The representative from the northern province community stated that activists were probably monitored, and he had heard reports of members of the diaspora facing intimidation when they return to Sri Lanka although he noted this was not the case for everyone and was more likely to be prominent activists. The same source did also note that members of UK/US Tamil groups and Global Tamil Forum (GTF) members have been able to come and go within Sri Lanka and travel to the north to cover the war heroes' event and have faced no problems. He went on to note that there may be a degree of self-censorship amongst active diaspora groups and some may not feel comfortable returning. Although he stated that some diaspora groups do what they do to raise their asylum profile¹⁴¹.
- 5.2.3 IOM stated that persons involved in protests abroad are of no interest as demonstrating abroad is not an offence although if links can be found to banned organisations then it may increase the risk on return¹⁴².
- 5.2.4 Monitoring on return to Sri Lanka is also a possibility if you are deemed to have done something against the government and monitoring of social media also occurs¹⁴³. A human rights activist and Journalist 1 both mentioned that former cadres and others employed by the authorities monitor protests and communities in the north and east^{144 145}. Journalist 1 also stated that in Jaffna many media organisations were penetrated by ex-cadres, paid by the military and that during the war, journalists in league with the government were placed in countries abroad to monitor activities¹⁴⁶.

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6. Reports of torture and abductions

6.1 Allegations of torture

- 6.1.1 Journalist 2 told the FFT that Tamil groups and journalists obtain information from Tamils who claim torture, but he was under the impression that instances of torture were no longer occurring¹⁴⁷.
- 6.1.2 The Human Rights Commission stated that an UK NGO had published pictures of people who had claimed to have been tortured using branding but they (HRC) had not seen any evidence of this and no such cases had been brought to their attention in Sri Lanka¹⁴⁸.
- 6.1.3 The representative from the northern province community told the FFT that the International Truth and Justice Project (ITJP) had produced a report which cited claims of severe torture in 2017 and 2018. The representative wasn't aware of any such incidents and had not received information on this from contacts in the north and east¹⁴⁹.

¹⁴¹ [Representative from the northern province community, 2 October 2019](#)

¹⁴² [IOM, 3 October 2019](#)

¹⁴³ [Journalist 1, 2 October 2019](#)

¹⁴⁴ [Human Rights Activist, 30 September 2019](#)

¹⁴⁵ [Journalist 1, 2 October 2019](#)

¹⁴⁶ [Journalist 1, 2 October 2019](#)

¹⁴⁷ [Journalist 2, 2 October 2019](#)

¹⁴⁸ [HRC, 1 October 2019](#)

¹⁴⁹ [Representative from the northern province community, 2 October 2019](#)

- 6.1.4 The HRC stated that there is some evidence of beatings but not to the same brutality as the past and whilst there were large arrests of Muslims following the Easter bombings there were hardly any complaints of torture¹⁵⁰.
- 6.1.5 An NGO told the FFT that there is torture in police detention and there is a belief that the police have secret places where torture may occur within the police station. They went on to state that torture is used to extract information particularly in sensitive cases where there is pressure to make an arrest. The same source also noted that situation is better than the past and torture is not targeted against any specific group adding that 'it's random, widespread and across the board', and that there is a saying 'without assault you won't get the truth'¹⁵¹.
- 6.1.6 Where torture is claimed the HRC are able to intervene immediately and make representations to the police on behalf of detainees. The HRC are able to provide protection and raise concerns about these allegations to the TID. The HRC stated that whilst not all allegations of ill treatment resulted in prosecutions against the police the HRC were able to provide a degree of relief to people¹⁵².
- 6.1.7 According to the HRC there is routine police action against findings of torture with some officers being prosecuted and punished with sentences up to 10 years. The same source noted however that implementation of the national law is lax with no statistics on the number of convictions although they understood that the conviction rate was not high¹⁵³. The Attorney General's Department told the FFT that there had been 'quite a few' prosecutions of security personnel who were convicted on the basis of ill treatment although they did not expand further on how many 'quite a few' referred to¹⁵⁴.

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6.2 Abductions

- 6.2.1 All sources consulted stated that there had been no recent reports of white van abductions^{155 156 157 158 159}.
- 6.2.2 Instances of abductions between 2015-2018 have been cited in reports^{160 161} but according to one source they were unaware of any such instances and had not received any information from contacts in the north and east regarding these claims¹⁶².

¹⁵⁰ [HRC, 1 October 2019](#)

¹⁵¹ [NGO, 2 October 2019](#)

¹⁵² [HRC, 1 October 2019](#)

¹⁵³ [HRC, 1 October 2019](#)

¹⁵⁴ [Attorney General Department, 3 October 2019](#)

¹⁵⁵ [SCRM, 30 September 2019](#)

¹⁵⁶ [Human Rights Activist, 30 September 2019](#)

¹⁵⁷ [Representative from the northern province community, 2 October 2019](#)

¹⁵⁸ [HRC, 1 October 2019](#)

¹⁵⁹ [Tamil National Alliance \(TNA\), 1 October 2019](#)

¹⁶⁰ [Representative from the northern province community, 2 October 2019](#)

¹⁶¹ [Human Rights Activist, 30 September 2019](#)

¹⁶² [Representative from the northern province community, 2 October 2019](#)

- 6.2.3 The HRC told the FFT that in 2016 representations were made regarding a cycle of abductions of Tamil youth, the HRC noted that most of these allegations stemmed from asylum seekers aboard who had reported the incidents to an NGO. The representations included allegations of abductions and sexual torture but following investigations within Sri Lanka the HRC were unable to detect any such instances occurring¹⁶³.

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7. Arrests and police procedures

7.1 Power to arrest

- 7.1.1 Representatives from CID informed the FFT that according to the law the police have the power of arrest. Under the Public Security Ordinance 1947 the President is able to bring in a state of emergency and in that instance the armed forces also have the power of arrest¹⁶⁴.

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7.2 Issuing arrest warrants

- 7.2.1 The Attorney General's Department told the FFT that arrest warrants are not issued to the wanted person or their family¹⁶⁵. When someone is taken into custody the arrestee and their family are issued with a receipt^{166 167 168} although one source noted this does not always happen although in recent years receipts have been issued more regularly¹⁶⁹. The receipts show why they were arrested, the name of the arresting officer and the police station¹⁷⁰.
- 7.2.2 The Attorney General's Department noted that a summons to appear in court might be given to family members if the wanted person was not there. Where the family refuse to accept the summons, the court would be informed. The same source went on to note that if there was no response to the summons to appear in court an arrest warrant would be issued although these are only issued after consideration has been given to all the evidence. If the authorities believe that the wanted person poses a flight risk then a travel ban may be issued, these can only be issued by the court or a higher police officer¹⁷¹.
- 7.2.3 Where someone is arrested under PTA it is a mandatory requirement that the Human Rights Commission are informed^{172 173} family members would also be notified¹⁷⁴.

¹⁶³ [HRC, 1 October 2019](#)

¹⁶⁴ [CID, 1 October 2019](#)

¹⁶⁵ [Attorney General Department, 3 October 2019](#)

¹⁶⁶ [Attorney General Department, 3 October 2019](#)

¹⁶⁷ [CID, 1 October 2019](#)

¹⁶⁸ [Human Rights Activist, 30 September 2019](#)

¹⁶⁹ [Human Rights Activist, 30 September 2019](#)

¹⁷⁰ [Human Rights Activist, 30 September 2019](#)

¹⁷¹ [Attorney General Department, 3 October 2019](#)

¹⁷² [HRC, 1 October 2019](#)

¹⁷³ [CID, 1 October 2019](#)

¹⁷⁴ [CID, 1 October 2019](#)

7.3 Detention

- 7.3.1 Representatives from CID told the FFT that where people have been arrested for minor offences, they will usually be held in detention for 1- 2 months before their case goes to trial. If the offence is of a more serious nature, such as terrorism or money laundering, additional enquiries which may take time to conduct will need to be made and, in those cases, people can be held for 1-2 years prior to their case going to trial¹⁷⁵.
- 7.3.2 HRC told the FFT that places of detention must be published and there are no longer secret places of detention in Sri Lanka. Detainees held under the Prevention of Terrorism Act (PTA) are held in ordinary prisons or Boosa, the high security prison based in the south¹⁷⁶.
- 7.3.3 Families are allowed to visit prisoners^{177 178} and if they experience any problems are able to report these to the HRC who are also able to intervene to get detainees moved nearer to their family if needed. Medical facilities are available in detention, but these facilities need to be improved¹⁷⁹.
- 7.3.4 HRC told the FFT that there have been allegations that people have been able to bribe their way out of prison, but they have seen no concrete evidence that this has occurred¹⁸⁰.

7.4 Witness protection

- 7.4.1 Witness protection is available^{181 182} and according to the Attorney General's Department witnesses can make representations from abroad or from a remote location¹⁸³. The Secretariat for Coordinating Reconciliation Mechanisms (SCRM) told the FFT that people can apply for witness protection and the process takes around 14 days although take up is low – possibly due to a lack of awareness¹⁸⁴.

7.5 Complaints' procedure

- 7.5.1 The Attorney General's Department told the FFT that people can lodge complaints using a special e-mail and telephone number¹⁸⁵. Representatives from CID stated that complaints regarding police procedures can be made directly to the Inspector General and CID HQ every Friday, but a person is also able to lodge a complaint at any time at their local police station.

¹⁷⁵ [CID, 1 October 2019](#)

¹⁷⁶ [HRC, 1 October 2019](#)

¹⁷⁷ [CID, 1 October 2019](#)

¹⁷⁸ [HRC, 1 October 2019](#)

¹⁷⁹ [HRC, 1 October 2019](#)

¹⁸⁰ [HRC, 1 October 2019](#)

¹⁸¹ [Attorney General Department, 3 October 2019](#)

¹⁸² [SCRM, 30 September 2019](#)

¹⁸³ [Attorney General Department, 3 October 2019](#)

¹⁸⁴ [SCRM, 30 September 2019](#)

¹⁸⁵ [Attorney General Department, 3 October 2019](#)

Complaints can also be made to the Human Rights Commission and the National Police Commission who have branches throughout the country¹⁸⁶.

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7.6 Stop/watch Lists and list of wanted people

- 7.6.1 According to CID a watch list exists and is maintained by the police. Where someone returns to Sri Lanka and is on a watchlist they would be arrested if there were outstanding criminal offences against them¹⁸⁷. SIS have their own watchlist and will screen returning passengers against this list, where a person is of interest they would be interviewed and handed to CID if further action was needed¹⁸⁸. A human rights activist told the FFT that he was not aware of anyone on the watchlist being stopped when they returned but had heard anecdotally that this does happen¹⁸⁹.
- 7.6.2 A travel ban to prevent someone leaving the country can be obtained by a court order^{190 191} and the person's name will then be added to a 'stop list'. This stop list is not maintained by the police¹⁹². According to Representatives from Immigration and Emigration this list is confidential and consists mostly of foreign passport holders although it can also include criminals who have been banned from travelling abroad¹⁹³. Where someone is the subject of a travel ban and attempts to leave the country it will be flagged up by immigration pre-departure checks and the person will be passed to CID for further investigation¹⁹⁴.
- 7.6.3 A list of wanted persons is published in 'Police Gazette 3' and contains a list of anyone wanted by the police¹⁹⁵. Border checks at the airport are linked to Interpol to help identify internationally wanted persons¹⁹⁶.

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8. Airport procedures

The FFT visited Colombo airport on 4 October 2019 and were escorted around the various sections of the arrivals' hall. The FFT were taken around the airport in the order that arriving passengers would be. The following information contains observations made by the FFT and information given to the FFT by immigration officials, members of CID and healthcare professionals based at the airport.

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¹⁸⁶ [CID, 1 October 2019](#)

¹⁸⁷ [CID, 1 October 2019](#)

¹⁸⁸ [IOM, 3 October 2019](#)

¹⁸⁹ [Human Rights Activist, 30 September 2019](#)

¹⁹⁰ [CID, 1 October 2019](#)

¹⁹¹ [Representatives from the department of Immigration and Emigration, 1 October 2019](#)

¹⁹² [CID, 1 October 2019](#)

¹⁹³ [Representatives from the department of Immigration and Emigration, 1 October 2019](#)

¹⁹⁴ [Representatives from the department of Immigration and Emigration, 1 October 2019](#)

¹⁹⁵ [CID, 1 October 2019](#)

¹⁹⁶ [Representatives from the department of Immigration and Emigration, 1 October 2019](#)

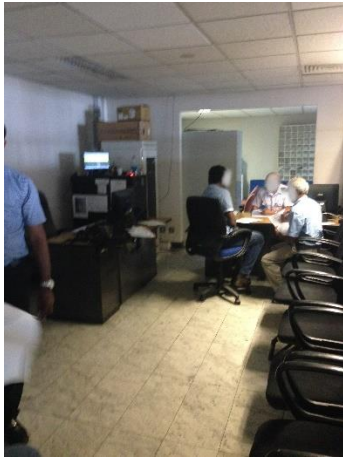
8.1 Arrivals process

- 8.1.1 There is no allocated immigration arrivals desk for Sri Lankan nationals. You may present yourself at any counter where you are greeted by an immigration officer.



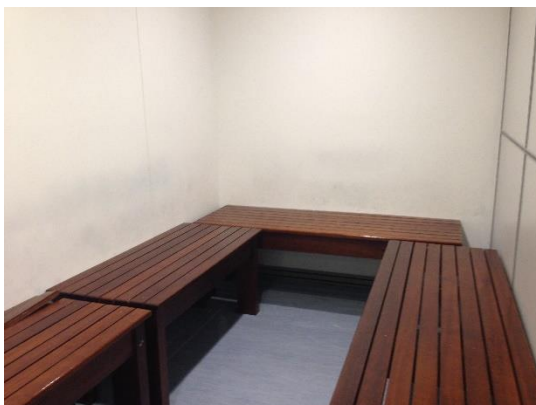
The picture above shows the arrivals hall at Colombo airport.

- 8.1.2 If the person raises the suspicions of the Immigration Officer (IO), they are referred to the CIO who decides if further investigation is needed. If that's the case, they are taken for a secondary examination inside the duty office where they will be questioned. The person is dealt within the time of an IO's shift, but usually within an hour. Children or adults with children are prioritised.
- 8.1.3 People returning on an enforced removal are taken directly to the Chief IO, then interviewed.
- 8.1.4 Flags on the immigration system may include court cases outstanding, name on blacklist (watch list), wanted by Interpol or a person of interest to intel or customs (as identified on the airline passenger list provided by major airlines and includes name, passport number and flight number).
- 8.1.5 If the person has left Sri Lanka illegally a statement will be taken by immigration officials. Persons arriving on an ETD (emergency travel document) wouldn't necessarily be questioned; only if they'd departed the country illegally.
- 8.1.6 If documents arise suspicion, they will be sent to the forgery examination suite for checking. Sometimes the passenger will also attend the suite for facial comparison.
- 8.1.7 The FFT's observations were that the CIO and Duty office is situated opposite the immigration arrival desks. These open onto the arrivals' hall, with an area to wait outside. Toilets are nearby and there is access to food, water and a prayer room. Whilst the FFT were there, interviews were taking place and the door to the offices were open. The FFT were informed, and observed, that there are no holding cells.



These pictures show the inside and outside of the CIO's office.

- 8.1.8 IOs and CIOs wear uniform. Some officers are plain-clothed and survey the arrivals' hall.
- 8.1.9 Following secondary questioning by immigration officials, if the person remains of interest, they are interviewed further. The FFT observed the door was open with officers inside. The door was also open when we returned anonymously on a different day.
- 8.1.10 After interview, they are passed to the Criminal Investigation Department. We walked the route a person would be taken from the CIO office to CID, which passed the SIS office. This was all in the open arrivals' hall. The FFT took the lift down to the CID office. There is a waiting area outside the main CID office with a water fountain.
- 8.1.11 CID record a statement regarding the person's departure from Sri Lanka and their facilitator (in case of trafficking). They check their criminal records division for previous offences. If no record is found, the person is released. This takes approximately 3 hours but if the flight arrives at night the person may be required to wait overnight. For this they can sit in the waiting area or in a room off the CID office. This room has wooden benches and a large observation window into the office.



These pictures show the waiting area located in the CID office and the observation window.

- 8.1.12 If a criminal record is found, CID will check with the local police station to see if that person is still of interest. If not, they will be released. If they are, the

local police will come and collect them. The airport CID have no further involvement following this.

- 8.1.13 Approximately 35 people per month are seen by CID, mostly returning from Korea and Australia. Most are seen due to their illegal departure or forged documents. There are 31 staff in the CID office, working round-the-clock shifts. The CID officer confirmed no one was checked for scarring.
- 8.1.14 During the visit to CID, which was a busy office, no passengers were being questioned there.
- 8.1.15 The airport has a medical facility available to all passengers if required.



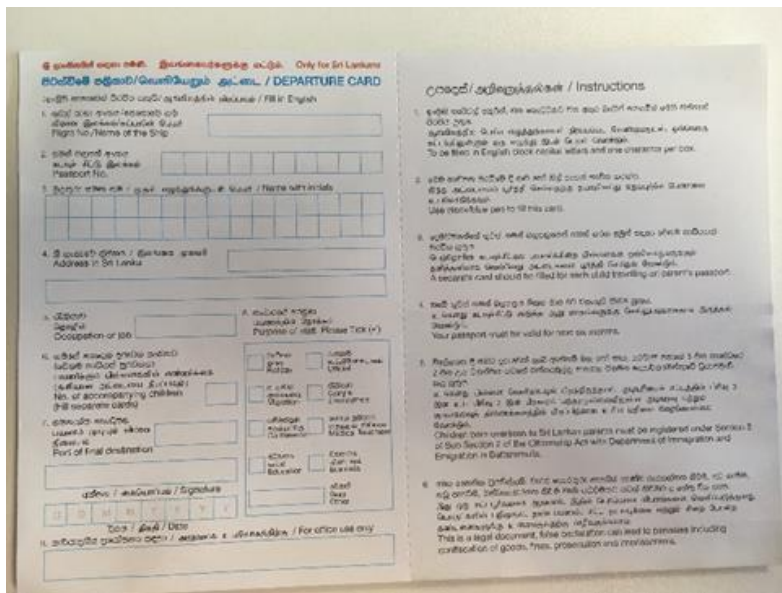
This picture shows the availability of health facilities at the airport.

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8.2 Departure process

- 8.2.1 On departure, Sri Lanka nationals must complete a departure card containing name, passport number, address in Sri Lanka, flight number, purpose of visit, county of destination (example below). If the person raises suspicions they will be questioned about their purpose of travel, final destination, all of which is recorded on the immigration system. It is mandatory for Sri Lankan nationals, who have employment abroad, to also register with the Sri Lankan Foreign Employment Bureau, this was confirmed by representatives from the Department of Immigration and Emigration¹⁹⁷. The passport will contain a stamp and sticker from this Bureau.

¹⁹⁷ [Representatives from the department of Immigration and Emigration, 1 October 2019](#)



This picture shows an example of a departure card.

8.2.2 Representatives from the Department of Immigration and Emigration stated that pre-departure checks are made on passports and visas to check they are genuine. Sri Lankan nationals are asked questions about the purpose of their trip. They are required to provide flight details, evidence of money for expenses and details of their employment¹⁹⁸.

8.2.3 Representatives from the Department of Immigration and Emigration stated it would not be possible to bypass checks at the airport without the complicity of immigration officials¹⁹⁹.

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9. Medical facilities

9.1.1 The FFT visited the National Mental Health Institute (NMHI) in Angoda on 2 October 2019. The FFT were given a presentation by health care professionals and were shown some of the facilities available at the hospital. The following contains information obtained during the presentation and information given, during questions and answers, to the FFT by health care professionals based at the hospital.

9.1.2 The NMHI has a 24-hour emergency care and a 24-hour outpatient facility. It provides comprehensive treatment for people with all ranges of mental health problems. The hospital covers a 50km radius and has 72 psychiatric nurses within the community.

9.1.3 The hospital has:

- 1420 beds
- 14 consultants
- 72 medical officers
- 439 nursing officers

¹⁹⁸ [Representatives from the department of Immigration and Emigration, 1 October 2019](#)

¹⁹⁹ [Representatives from the department of Immigration and Emigration, 1 October 2019](#)

- 18 community nurses (based at hospital)
- 9.1.4 In addition to providing care for those with mental health issues the hospital also runs:
- an outreach programme, going to schools to promote mental health
 - an awareness of gender-based violence
 - a volunteer programmes
 - a National Mental Health Helpline which is open 24/7. Trained nurses and doctors can give help and advice.
 - A mental unit open to the general public to help reduce the stigma of mental health within the community.
- 9.1.5 The hospital also provides involuntary care in a secure unit.
- 9.1.6 There is a national mental health helpline (1926) which is toll free and manned 24/7. People who call the helpline are connected to their closest mental health team and can be linked to social support services if needed.
- 9.1.7 The psychiatric consultant met by the FFT confirmed that Post-Traumatic Stress Disorder (PTSD) was treated at the hospital. He also commented that more social and family support was available than in the West and many people recover with this support. There are two or three experts in PTSD in Sri Lanka with one based in Jaffna, but general psychiatrists are also able to treat PTSD. Representatives from the HRC told the FFT at a different meeting that PTSD was a condition seen across the country and psycho-social services were lacking²⁰⁰.
- 9.1.8 The FFT were also told that psychiatric care is also provided in mental health units in all general hospitals across the 25 districts of Sri Lanka. University hospitals also have psychiatric units.
- 9.1.9 There are 100 consultant psychiatrists in the country and 300 mental officers, and all the basic medicines are available in the public sector although more recent ones may only be available in the private sector.
- 9.1.10 There are also 350 primary units in the country and the target is to have one mental health officer in each unit. Mental health care is available for everyone within a 10km radius.
- 9.1.11 The public health service is government run and completely free to all and the FFT were told there is no waiting list for treatment at the Angoda hospital.

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²⁰⁰ [HRC, 1 October 2019](#)

Annex A: Terms of reference (ToRs)

- **Entry/Exit procedures**
 - Exit checks
 - Bribery (prevalence, investigation, punishment)
 - “Stop” list
 - “Watch” list
 - Entry checks. Are returnees checked for scarring?
 - Detention at airport
 - Monitoring following return from abroad
- **Reports of torture and abductions.**
 - Abductions- do these occur still/how frequently, profile of those abducted. How long are people held for and where (official/unofficial)
 - Conditions / treatment in detention
 - Allegations of ill-treatment
 - Reporting conditions
 - Ongoing monitoring following release
 - Prison conditions
- **Arrest warrants**
 - Process of issuing arrest warrants- who would they issue them to if the person was not in the country
 - Examples
 - Prevalence of forged arrests warrants
- **TGTE**
 - Sur Place activities- attitudes of government towards them
 - Support for TGTE
 - Government interest in diaspora groups (and the level of involvement/profile of those they are interested in)
 - Evidence of monitoring of the diaspora
 - Treatment of returnees who have been involved with diaspora groups

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Annex B: List of sources

Diplomatic source

Secretariat for Coordinating Reconciliation Mechanisms (SCRM)

Ministry of National Policies, Economic Affairs, Resettlement and Rehabilitation,
Northern province Development and Youth Affairs (MNPEA)

Human Rights Activist

Criminal Investigations Department (CID)

Human Rights Commission of Sri Lanka (HRC)

Immigration Officials

Bureau of the Commissioner General of Rehabilitation

Northern province politician

Journalists 1 & 2

NGO

Visit to National Mental Health Institute of Sri Lanka

Representative from the Northern province community

IOM

UNHCR

Attorney General Department

Visit to arrivals Colombo Airport

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Annex C: FFM background explained to sources

FFM info to sources

Officials from the UK Home Office, the government department responsible immigration and asylum, are undertaking a Fact-Finding Mission (FFM) to Sri Lanka to better understand the current country situation, with a particular regard to the Tamil community.

We would [therefore] like to interview you.

If you kindly agree, we will:

- take [detailed] notes of the interview
- use the information you give in a report which will be placed on the Home Office website and made available to the public.
- only publish information you provide with your consent.
- also give you an opportunity to review the notes of the interview to ensure they are an accurate reflection of the conversation; and
- ask if you are willing to be identified as the source of the information you may provide. You may not wish to be publicly identified. If so, we will ask if you are willing to be identified in more general terms – for example, by the name of your organisation or in another way.

We may also ask about the background to your organisation (where appropriate) and your role to help us understand the context of the information you provide.

The FFM team will be seeking to look at the [see [Annex A: Terms of reference \(ToRs\)](#)].

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Annex D: Notes of meetings with sources

Secretariat for Coordinating Reconciliation Mechanisms (SCRM) 30 September 2019

SCRM is an executive agency under the office of the Prime Minister.

We have a mandate in 5 areas:

- Design and ensuring implementation of transitional justice mechanisms
- Support the government pertaining to non-recurrence measures
- Capacity building state and non-state entities
- Support the government on the communications agenda on Transitional Justice
- Support the Ministry of Foreign Affairs to ensure compliance with United Nations Human Rights Council (UNHRC) 30/1 and subsequent roll-over resolutions

Q. How are Tamils treated on return to Sri Lanka.

Tamils have a right of return via the Ministry of Foreign Affairs and UNHCR. This mostly applies to Tamils living in southern India.

There is a standard process for applying for dual citizenship though this is not always easy – there is a lot of bureaucracy. SCRM gave an example of a Sri Lankan woman with an Indian national spouse and children who had difficulties securing dual nationality.

Q. Is the Sri Lankan government aware of diaspora activities?

The government does not discourage returnees nor actively encourage them. However, the government has encouraged the Tamil diaspora to invest in the North and East post-conflict areas. There is increasing interest in the diaspora to get involved but there is no desire to leave their homes abroad.

There are increasing ethnic tension between the Sinhalese and Tamil communities against Muslims. Muslims have the perception they are not accepted or that their cultural practices will be lost so some are looking for opportunities abroad.

Witness and victim protection authority supports those who are seeking justice and reparations. Compensation / reparation is perceived as haphazard. The amount depends on volume and the number of victims. The aim is to harmonise compensation and not discriminate. Psycho-social support is lacking.

It hoped that the Office for Reparations will institute a policy to address these concerns

Q. If a person is giving evidence against the military, could they receive witness protection?

This was established in 2015. They can apply but the process takes around 14 days. There are low numbers of take-up for the witness protection scheme – possibly due

to lack of awareness, but the facilities are there. Witness protection provides relief if there is a criminal or civil investigation ongoing. You cannot merely say 'my life is in danger, I need protection'.

The Tamil community are more likely to give evidence against security forces than Sinhalese, even though they were also affected by the war. White van abductions also affected the Sinhalese, but they did not come forward to complain. Muslims were affected by the LTTE in the East, but they don't access remedies.

There have been no reports of white van abductions since 2015. But in October 2018 there were incidents of intimidation against those associated with the current government.

Q. Would a failed asylum seeker be able to apply for compensation?

It depends on how the policy is drafted. To be eligible you must be a Sri Lankan citizen or subject to a judicial order.

Some former LTTE leaders are now parliamentarians.

Rehabilitees struggle to reintegrate and go back to their homes (some left as young as 13) as they are ostracised for being LTTE. SCRM gave an example of former cadres who didn't see their families as they didn't want them to be ostracised.

Some support measures are in place; some former cadres have been absorbed into government programmes. Some are helping in de-mining programmes and assisting the military.

The LTTE ruled with a 'heavy hand' and the narrative of sympathisers isn't necessarily true though it may depend on the community they come from.

Former Military soldiers are better off- the families of those 5100 missing individuals who went missing in the later stages of the war, are able to apply for a death certificate if the individual is missing for more than 12 months- they are then presumed to be MIA or KIA

For non-military any individual can apply for a certificate of absence (introduced in 2016) you can list someone as missing after 12 months and are issued a certificate of absence which is valid for 2 years (you have to reapply every 2 years). This can be applied for from the local administrative office. Most families are reluctant to get those as they don't want to give up hope. But this allows them to apply for transfer of land/pensions and assets etc.

There are ongoing efforts to trace missing people – the Office for Missing Persons will try to search and trace. Cases can be filed with the police too. Unexplained graves have been found which raise questions.

There are many former LTTE cadres but many for them could be under surveillance. Certain individuals are more likely to be monitored such as those with connections with the criminal underworld, e.g. selling weapons. If they are watched, it is for good reason.

Some people may be charged for leaving Sri Lanka illegally but not all will be held criminally culpable.

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Ministry of National Policies, Economic Affairs Resettlement and Rehabilitation (MNPEA) 30 September 2019

The Ministry comes under the office of the Prime Minister and has many areas of focus including:

- policy formulation with other Ministries and interested parties;
- approval of high value planning projects;
- economic affairs in developing regions – Rapid Rural Development Programme and the Rural Infrastructure Development Project, which support infrastructure, water supply and sanitation, etc.;
- resettlement and rehabilitation in the North and Eastern Provinces, to support the many internally displaced persons (IDPs) living in welfare camps or with friends and family;
- release of lands under custody of the military – 90% of these lands have been returned;
- mine clearing operations, including victim assistance (aids for the disabled, retraining), mine destruction and reduction of hazardous land areas – aim to be mine-free by 2020 and allow mine fields to become agricultural land;
- housing assistance, financial benefits and employment.

Over 50,000 houses have been built in the North to benefit IDPs and refugees returning from India. In 2019 so far 10 000 homes have been released. Housing is prioritised according to need: women heads of household; families of missing persons; ex-combatants and rehabilitated ex-cadres; mine-affected persons; and disabled people (Jaffna centre producing artificial limbs). Returned failed asylum seekers, (who may be low-income) are not prioritised for housing but may be considered under IDPs or refugees.

In addition to housing, livelihood assistance is provided in the form of goods.

Returning economic migrants do not come under the remit of this Ministry; rehabilitation programmes (for ex-cadres) are ongoing if they need them. Some ex-cadres have graduated and been absorbed into government employment. When rehabilitation is completed, persons are supported to get employment. As an incentive, the government pays 50% of the salary of ex-cadres employed in the private sector. Teachers who volunteered in schools in the North during the war now have paid employment.

MNPEA had met with rehabilitees and had not heard any complaints that they were being monitored by the military. They (the ex-cadres) are eager to get back to work and that concern (of being under surveillance) is not there. They are more worried about income and livelihoods.

Even ex-cadres who have not been through rehabilitation are able to come and go freely; there is little vigilance on the average ex-cadre. In the current context, there is free movement. Attitudes of higher government officials are passed down through the ranks so the behaviour at the bottom-line changes accordingly.

MNPEA were not aware of ex-cadres facing problems on their return home (to their communities) but some private sector employers might be unwilling to employ them, despite the government incentives.

Human Rights Activist, 30 September 2019

Q. Are Tamils still arrested and detained?

There is interest from the security forces to look for former LTTE members. The source cited a woman [human rights defender who was summoned to the TID today (30th September 2019). The SF use intimidation tactics against activists, e.g. those representing families of the disappeared. There is a fear that something more could happen.

Former LTTE cadres have been summoned, too. Some with an activist profile, but not all. In the last year an activist from the East attended a human rights conference in the North and was arrested and beaten. Some random Tamils are subject to intimidation.

HRD are able to document their stories and some HRDs at risk from other countries had come temporarily to Sri Lanka. The government is not supportive, but tolerant.

The source faced interrogation in the past, during and after the war, but not for the last few years. He was arrested, detained and accused of reviving terrorism, causing discomfort to the government. He was subjected to harassment in the days after his release and has a court case pending related to this arrest till now. However, he is open with his views, and spoken about his arrest and there have been no repercussions since 2015, except one instance in 2016, where he was stopped and interrogated at the airport.

Q. Are Tamils monitored abroad?

There is some monitoring. Anecdotally, the source cited one person who was arrested and detained for a few hours who had participated in a protest abroad. He was picked up at the airport in 2017/18 for protesting about the war in 2008/09 and this is the first time he had returned.

A Norwegian-based Sri Lankan Tamil journalist (now a Norwegian citizen) was accused of writing against the government and judiciary and arrested in Jaffna in 2019. He was released but has a case pending against him.

Tamils returning from abroad are generally monitored to see what they are doing, especially in the North and East.

Certain Tamils are subject to close scrutiny, e.g. political activists, journalists. But, in his experience, not all Tamils are monitored, and he knew of Tamils from the diaspora who had not encountered any difficulty.

Some people are employed by the Sri Lankan authorities to take photos and videos of protestors. This is common in the North and East. There is a network of informants in the North and East made up of former cadres and others. So it would be no surprise if such monitoring occurred abroad. The source cited official and unofficial Sri Lankan representatives had taken photos of human rights activists in the UN building in Geneva.

He could not recall a random Tamil being stopped at the airport. He was not aware of anyone on the Watch list being stopped but has heard this happens anecdotally.

Q. Is there interest in the TGTE in Sri Lanka?

There is very little interest. They advocate for a referendum for a Tamil State, but Tamils have more pressing concerns, e.g. locating the disappeared, earning livelihoods, return of land. The TGTE does not seem to prioritize most pressing day to day life concerns of most Tamils. Even major Tamil politicians (from the TNA) are not advocating for a separate Tamil State; there is no wide support for this although they want autonomy. Although the TNA have lost some support, they remain the major electoral party in the North/East of Sri Lanka. Other parties with a similar agenda to the TGTE have little support. The TNA is engaged with the government but have critical positions on issues such as land and disappearances.

Q. Would TGTE members be at risk?

As a proscribed group, yes. The TGTE say genocide is occurring so they would be at risk of arrest or other reprisals.

The political active diaspora is small compared to the overall diaspora.

Q. How are people who have been arrested treated?

He had no specific examples of Tamils saying they'd been ill-treated on arrest in 2019. But he has met people who had made such complains to him in 2015 and possibly 2016. Most people who are arrested, regardless of the reason and irrespective of their ethnic group, are beaten by the police.

He had not heard of any white van abductions / disappearances since 2018, but there may be some that may have happened. The Human Rights Commission (HRC) have said they are not occurring, but he said there have been incidents reported in 2015-2017.

The source had written to the Chair of the HRCSL on this, pointing out incidents of disappearances in 2015-2016 that had been reported and/or he had heard of through family members, including one where a complaint had been made to the HRCSL. He had also pointed out that in 2016, there were also few incidents where people in North were arrested "abduction style", and that few were traced thanks to immediate and firm interventions of HRC. Some of these were mentioned in a report available at <https://groundviews.org/2016/06/28/continuing-abuse-under-pta-abductions-arbitrary-arrests-unlawful-detentions-and-torture/>

The source commented that in general, there is a high regard for the HRC and that their leadership is independent and competent.

There are regular reports of individual incidents of torture; in August 2019, a woman accused the police of beating her in Colombo.

Q. Are you aware of deliberate scarring?

He said he was not aware of anyone deliberately scarring themselves or being singled out at the airport because of scarring. The assumption is that any scar or injury is a result of fighting for the LTTE.

He had heard, anecdotally, that following the coup and Easter bombings, monitoring had increased, and this was more prevalent in the North and East.

Ex-cadres have said they are ostracised by their communities, a) due to close monitoring they might be under, and b) because of their activities in the LTTE. Anger is not just directed to the army but also towards the LTTE who formed an authoritarian state.

Arrest warrants:

Upon arrest, the person and person's family is issued with a receipt, though in practice receipts may not always be issued. However, in recent years receipts are issued more regularly. The receipts show why they were arrested, the name of the arresting officer and the police station. Some family members may be harassed if the police are looking for someone who has fled abroad.

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Members of Criminal Investigation Department (CID) 1 October 2019

Q. How are arrests made? Who has power of arrest?

According to law, police have the power of arrest. Other agencies may have powers of arrest, but these are confined to particular cases. Under the Public Security Ordinance 1947, the President may bring in a State of Emergency and then the armed forces have the power to arrest.

Q. How long are people detained before charge?

According to law, people may be detained for 24hrs; drugs offences up to 7 days. All arrestees must be brought before a magistrate within 24hrs of arrest. People arrested for terrorism or extremism offences may be held for 1-2 months.

Q. Process for issuing an arrest warrant

If someone is arrested under special laws (public security ordinance) then family members and the Human Rights Commission would be informed. Generally, arrestees are issued with a receipt of arrest, as are their family members.

Q. Do you have a list wanted persons?

This is published in 'Police Gazette 3' – not yet available online. Contains a list of wanted persons, i.e. anyone who is wanted by the police – everyone who is wanted is included on the list.

Q. Are you aware of counterfeit arrest warrants/receipts?

It is not possible to obtain fake arrest receipts.

Q. How long are people held before trial?

For trivial offences, usually within 1-2 months.

For more serious offences, such as money laundering or terrorism, it takes time to conduct enquiries, possible connections abroad, may have to liaise with Interpol, etc, so may take 1-2 years.

Q. Can family visit people held in custody?

Police custody is only 24-48 hours; then the person is moved to judicial custody. Families are allowed to visit those in police or prison custody.

Q. Is there a complaints procedure?

Every Friday, complaints can be made directly to the Inspector General and CID HQ. But at any time, a person can make a complaint, about arbitrary arrest for example, at their local police station. Complaints can also be made at the HRC and National Police Commission (NPC). NPC branches are throughout the country.

Q. Would someone previously detained still be of interest if they'd left then re-entered the country?

At airport they may be questioned by immigration, CID or SIS (intelligence service). They would be arrested if travelling with forged document. The SIS or CID would contact the local police to make checks on the persons address, etc. They could be held for 2-3 hours during the checking process. This is not to harass but to exclude criminality or explore criminal liability.

Q. Do people have to register with the local police?

Under Section 76 of the Police Ordinance, residents must register with their local police; this is generally only if you are resident in a place for a long period of time, eg. 1-2 years or more.

Q. Are former LTTE still of interest?

There's a voluntary rehabilitation process; not enforced.

Q. If former LTTE arrived back in Sri Lanka, what would happen?

Only of interest if a case was pending against them for a criminal act. Then they would face arrest. Otherwise they are of no interest.

Q. Are people connected to proscribed groups of interest, eg. TGTE?

Three groups were recently proscribed following Easter attacks [National Thowheeth Jama'ath, Jammiyathul Millathu Ibrahim and Willayath As Seylani]. If you're active in a proscribed group or you fund them then action would be taken. Advice would be sought from the attorney general.

CID said they were not experts on the TGTE, it was an intelligence issue.

Q. Are supporters of proscribed groups of interest?

Details of offences are published in the Gazette, e.g. funding, actively involved. If a person is just a member no action would be taken.

Q. Is there a watch list?

Yes, it's a routine police job to maintain the watch list.

If someone returned was on a watch list, then they'd be arrested if criminal offences outstanding.

Stop list not maintained by police but a court order can be obtained to prevent a criminal leaving the country (travel ban).

Some offences invite bail.

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Human Rights Commission (HRC) 1 October 2019

Q. Are former LTTE members still of interest/arrested?

The HRC thought monitoring continued.

A judicial medical officer was arrested for allegedly attempting to organise violent activities. A case was registered against him and there were reports of explosives being found under bridges in the North. This must be viewed in the political context; it happened just before elections. HRC are cautious when conducting investigations – you have to read between the lines.

Freedom of speech and association has opened up since October 2015. However, complaints from the North and East are still received. For example, when families meet to discuss the disappeared, or when human rights defenders meet, intelligence officers appear at these meetings.

In 2016, when a suicide jacket was found, 30 suspects were arrested by the TID under the PTA. The HRC monitored this due to complaints of torture and harassment of families. Many have since been released.

Some judicial medical officer reports have indicated signs of torture. There is evidence of beatings but not the same brutality that was seen in the past, e.g. broken limbs, extracted fingernails. The HRC makes representations on behalf of detainees.

A large number of Muslims were arrested following the Easter bombings. There were complaints of illegal arrests but hardly any complaints of torture. Some Muslims were detained because of their close relationship with Muslim extremists but others were arrested just for holding Arabic writing or because of where they'd travelled to. One woman was arrested for wearing a symbol that was insulting to Buddhism.

Q. Are police just looking for LTTE with criminal convictions or would just a supporter be of interest?

LTTE sympathisers may be monitored if they have some prominence, actively

supported or raised funds for the LTTE – then they may be questioned. The level of interest might depend on their degree of involvement in the past and on their current connections, e.g. with diaspora groups.

People arrested under the PTA are reported to the HRC (it is a mandatory requirement) but there may be a delay in this reporting so sometimes the family would hear of the arrest first. The PTA continues to function.

In 2016, representations were made on a cycle of abductions of Tamil youth. The Ministry of Foreign Affairs raised this with the HRC. There were accusations of abductions and sexual torture. The HRC investigated but could not detect anything of this nature. Most of these allegations came from asylum seekers abroad who reported the incidents to an NGO.

The HRC liaised with the NGO and requested further information on the complaints but the NGO was reluctant to provide details citing concerns of confidentiality. According to the NGO a pattern of offences had occurred but the HRC heard no such reports from families or civil society, despite its good relationship with these groups in the North and East. No other sources cited the incidents (and we would have expected civil society to make such complaints) and there have been no similar reports since then.

If evidence of torture is found the HRC makes representations to the police and enquiries proceed; there is immediate intervention. There have been complaints of 'roughing up' between 2013 and 2016. The HRC comes forward to provide protection and have expressed concerns about such allegations to the TID, so they know the HRC are looking into them.

Q. Are police accused of ill-treatment prosecuted?

There is routine police action against findings of torture by the HRC.

Implementation of national law is lax; there are no statistics on the number of indictments or convictions. However, the HRC understood convictions were not high. Although indictments against police may not be found, the HRC provides a degree of relief to the people.

Since 2015, there are more groups to whom people can complain.

Q. Are people still scared through torture?

A UK NGO published pictures of people allegedly tortured by branding but the HRC has seen no such cases; none have been brought to their attention in Sri Lanka.

Q. Can family visit detainees?

Families can visit. If there are problems, they can report to the HRC. Sometimes, detainees are not held locally and the HRC has intervened to get the detainee moved nearer their family.

Medical help in detention is available but facilities need to be improved. There is no wholesale negligence.

Q. Are there facilities for PTSD?

PTSD is seen across the country, but the psycho-social support is lacking. More mental health services are required.

Q. Are political detainees held separately?

In the past, senior politicians would be held separately. Places of detention must be published. There are no secret places of detention any more. Detainees held under the PTA are held in normal prisons or the high security prison 'Boosa', in the South.

Q. Could a person bribe their way out of prison?

There are allegations but no concrete evidence.

Q. Recent reports of white van abductions?

No enforced or voluntary disappearances have been reported recently.

HRC cited a case (date not known) of a business man abducted and found dead. Police were accused of the death and claimed it was a criminal investigation gone wrong.

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Representatives from the department of Immigration and Emigration, 1 October 2019

Border checks are automated and linked to Interpol to identify internationally-wanted persons. A database is shared with the police to identify criminals. Immigration works closely with SIS and shares information. The Stop list is confidential for data protection. It consists mostly of foreign passport holders. A person could be added to the Stop list following departure if further information comes to light that necessitates this.

Prior to departure checks are made on passports and visas to ensure they are genuine. Departing Sri Lankan nationals are asked about the purpose of their visit abroad, and must provide flight details, evidence of money for expenses, employment details etc If they have a job abroad, they must register with the Bureau of Foreign Employment.

If a criminal attempts to leave the country (or someone such as an army deserter) it will be flagged to Immigration if the person has been banned from travel abroad by the court. Immigration will pass identified criminal to CID after a preliminary investigation.

There is a lot of border surveillance and it is not possible to bypass checks without immigration officials being complicit.

If a foreign national is refused entry into Sri Lanka they will be held in a detention room.

Returning failed asylum seekers will be questioned if they've overstayed their visa. If a person is identified as a failed asylum seeker they will be questioned, then passed to CID. They may be released but monitored. The local police would be informed,

and the person would be monitored although the length of time may vary.

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Bureau of the Commissioner General of Rehabilitation, 1 October 2019

The Bureau is responsible for rehabilitation, resettlement and youth affairs and opened in 2007. More than 10,000 LTTE cadres surrendered to the government in 2009 and were handed to the armed forces to commence rehabilitation in 24 centres. This included child soldiers, who were based mainly in the Western Province of Colombo.

Rehabilitation of these initial 10,000+ cadres was completed in 2013. 2,000 more were arrested and were ordered to rehabilitation by the courts.

Those who had missed education (including those conscripted by force) have been given the opportunity to resume their education, to take O and A levels and some went on to university.

12,191 ex-cadres have been reintegrated, mostly from 7 districts in the North and East. Offices were established to look after the well-being of rehabilitees. Money and livelihoods were provided.

The last rehabilitee was reintegrated into society 2 months ago. Some former LTTE cadres remain in detention and may be rehabilitated.

The Bureau is now mainly responsible for rehabilitating drug addicts. There are 2 centres with 1,800 persons who receive education and vocational training.

Rehabilitation involves psychological treatment, education and therapies. This includes treatment for PTSD.

No rehabilitees have been involved in anti-government activity since their rehabilitation. However, there is still stigma and being ostracised from communities is a problem. They are given less priority for jobs, etc. 100-150 former cadres have joined the army; nearly 700 have joined the civil defence force. Support to rehabilitees is offered but limited to means to make a livelihood such as fishing gear and boats, farm animals, machinery, etc. Any requirement for medical treatment once rehabilitated would need to be accessed through hospitals.

Rehab is voluntary. If a returnee returning now was prepared to go into rehab they could. If a former LTTE cadre returned from the UK and asked for rehabilitation they would be offered it. If they were arrested for criminal activity, then the courts might decide if the person would go to rehab. Not every cadre went to rehab, and they were left to their own devices.

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Tamil National Alliance (TNA), 1 October 2019

Q How many MP's does the TNA have?

18 Tamil members of parliament with 16 of those members of the TNA.

Q Do the Gov monitor activities in London?

The TGTE exists outside of the country. It doesn't function within the country. They complain about the plight of the Tamils. The plight of the Tamils is not altogether

perfect we have many legitimate grievances and shortcomings. The TGTE claims to be a government in exile of the Tamil people comprising of ex patriots. We (TNA) are a political organisation representing the Tamil people of Sri Lanka and have been democratically elected into parliament we have no links to the TGTE but at the same time we acknowledge that there is discrimination against Tamils. Violations of Human Rights, religious, social and cultural rights and other continuing phenomena and continue to inhibit the Tamils from living with dignity. After the change in government post-2015 there have been some improvements. To discriminate against minorities is tolerated and is not dealt with under the law.

Q Has that increased since the Easter attacks?

Yes, there have been attacks against the Muslims, unwarranted.

Q Who are committing the attacks

Extreme elements.

When these forces join, they become engaged in violence against Muslims and Tamils. The local enforcement authorities are paralysed (i.e. the police don't act).

Q Why don't police act?

The police don't act because they are on the side of Sinhalese. They think they must be on the side of Sinhalese people. This type of action is encouraged by some political leaders and the minority people are left without any defence.

We don't have people abducted in white vans anymore. We don't have people being killed such as journalists and political and human rights activists, we don't have such violations happening in the big way it happened pre-2015. That was a whole different situation. Even now the minority people do not feel safe.

Q If a Tamil person was being threatened would police offer protection, or if they report a crime?

Not always. It would depend on the circumstances if the offenders are influential people, then no.

Q If someone returns who previously supported LTTE or TGTE what would happen

Depends on circumstance of each case.

Q If someone was a supporter of the LTTE would they still be of interest?

It needs to be viewed in the context of what happened during and after the war. People have gone missing, thousands of enforced disappearances and the government, former and present, are reluctant to carry out independent investigations on the issue of missing persons and the issue of enforced disappearances or in the case of grave violation of Human Rights committed by the armed forces during the war. There is a government reluctance to do the right thing

and Tamil people do not feel safe to come back particularly those who fled fearing persecution.

Q Someone who has claimed asylum in UK would they have a reasonable fear when they return

It has to be viewed in context of what is happening- the rule of law is not enforced or observed, there have been thousands of cases where they have been no investigations. People have natural fear in country where they do not feel safe. If they left because they fear persecution and been involved in some activity that puts them at risk then it needs to be understood in that context, that background.

Q Did the rehabilitation and reintegration scheme work?

The Sri Lankan government have not kept their commitment. They have a notorious reputation of not keeping commitments. Leaders come from abroad and the government here make commitments but do not keep them. The Government has committed things, but they have not done them.

Q The Government are saying that the rehabilitation and reintegration scheme has been successful, what are your views?

They have been engaged in some rehabilitation activity, I don't think there has been a regular program of rehabilitating Tamil youth particularly imparting skills to them.

Q Have they been given schooling during rehabilitation?

No, I don't think this has happened they have not given skills to youth who were involved in the war. They have not ensured that they can obtain jobs. The Government contribution has been seriously lacking.

We want the Tamil people abroad to come back but they must be mentally attuned to come back. They must be assured that they will be treated differently and have a future here- they are not being assured of that.

Q Would members of the TGTE be arrested if they returned?

I don't know about the TGTE I know nothing about their activities. Tamils who left the country as a result of LTTE or as a result of fear of persecution are being identified somehow when they come back- they could fear that they might not be safe.

Q Does the Government monitor activities of the diaspora?

I don't know.

Q Could you tell us about Tamil youth who leave country today, do they have a fear for their lives, or do they want to build a better future?

Depends on the circumstances of each case and how they left the country. Many Tamils left because they feared persecution.

Q Why are Young Tamils leaving Sri Lanka today?

Don't know about young Tamils who were not involved in war. You are not subject to persecution because you are a Tamil. Tamils who were involved in military conflict often know of other Tamils who were involved in the conflict and have disappeared then they have a genuine fear.

Q is there a genuine fear among young Tamils of persecution?

The situation at present is not as bad as it was some time ago, but it has certainly not improved to the point where everything is perfectly ok. Things can get worse at any point in time.

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Diplomatic Source, 2 October 2019

With Tamils there is a subjective fear and mistrust of the authorities, they do acknowledge that it is better, but they think it can change at any time. Checkpoints were brought back in following the Easter attacks, these are still there but not in action, but these checkpoints brought back fears amongst the Tamil community. However, it is mostly Muslims who were affected by the checkpoints.

When the emergency regulations were brought in, there might have been some local misuse to increase surveillance against Tamils, but the focus was clearly on the Muslim community.

Journalists and Human Rights activists have received summons to TID (already before Easter attacks) and are then released after a day of questioning.

On arrival FAS may be questioned, especially if they have arrived on an ETD, about how they left Sri Lanka, on what document and whether they were aided by smugglers. They may be charged for use of false documents or illegal departure and then appear in court. These entry procedures can take a long time, sometimes up to 8 hours, as this involves checking where the person used to live (checks have to be made with local police stations as there is no central police database of this information). People are not arrested this is just part of immigration procedure. People are then released, and it is not unusual to be checked at home after having left the airport. If a person has to be brought before Court, it might involve staying overnight at the airport depending on the time of arrival in a holding room with a large window overlooking to the office.

In the north those who might be targeted are activists working with families of the missing, journalists or those working with ex-cadres.

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Journalist 1, 2 October 2019

Q Are those with perceived links to LTTE still arrested?

What prevailed before 2009 is no longer there. The panic is not there. On the surface everything looks calm; free movement, no issues.

Despite the end of the war, peace is not there; the root causes still exist. The journalist cited the case of a Hindu temple that was illegally occupied by Buddhist

monks who cremated a Buddhist monk on temple land. This religious insensitivity sparked protests against Buddhists. The head of the Malwatta Buddhist temple [in Kandy] issued a statement saying people should not engage with these protests – Sri Lanka is a Sinhalese Buddhist country.

The Sinhalese mindset is that minorities live at the mercy of others. Protesters could be identified by the authorities and picked up at a later time.

The military is not controlled by the government. Even though the current government is liberal, some hardliners hold hard-line views against minorities. Views can change with the government; it's all political and depends who is in power.

Q Have you heard of the TGTE, do they have any recognition in Sri Lanka?

The TGTE does not have much recognition in Sri Lanka. It formed after the defeat of the LTTE. At that time, it was seen as a big thing but now it's seen as an extreme, impractical organisation and is not taken seriously. It may be problematic for genuine members or supporters as the TGTE is banned in Sri Lanka.

Q would a Tamil returning from abroad face difficulties?

Although the journalist hasn't faced any security related harassment whilst going to or returning from abroad at the airport, they have heard stories that persons of Tamil origin face harassment and intimidation at the hands of security sector for several reasons including for being wealthy.

Since 2012 and with the current government, security is generally relaxed. As a Tamil, the journalist has had no problems. Neither has his relatives. Many Tamils travel to Sri Lanka (from abroad) for Nallur, a Hindu festival held in August [Nallur temple is in Jaffna]. Hundreds of thousands attend each year and there have been no reports of problems.

Speaking to journalists from the North and following Twitter, the journalist was not aware of people facing additional scrutiny. People are free to protest, and they do. There are no repercussions. There is no direct action against Tamils. People protested following the issue with the Buddhist monk's cremation and nothing happened to them, the police took no action.

Not aware of conditions in detention but understands political prisoners are still detained.

Q Are you aware of monitoring of returning Tamils?

Monitoring on return to Sri Lanka is possible if you are deemed to have done something against the government. Officers were placed amongst protesters in the UK to monitor and keep track of them. This is common practice as the government and military fear revenge. Although the war ended in 2009, defence budgets continue to rise. Government monitoring of social media occurs. Ex-cadres are used to monitor communities. In Jaffna, many media organisations were penetrated by ex-cadres, paid by the military. During the war, journalists in league with the government, were placed in countries abroad to monitor activities; it's possible this

continues.

Tamils are not randomly stopped anymore. It happened briefly after the Easter bombings but not now. After experiencing such tight control [in the past] a more casual approach is now taken. A reason is needed to arrest someone now.

Q Was rehabilitation of former LTTE cadres successful?

Rehabilitation is not happening properly. Not heard of many success stories, although the journalist was aware of six Tamil girls who were successfully retrained as journalists. Reconciliation is more cosmetic than genuine.

Tamils who suffered at the hands of the army still have some respect for ex-cadres, but others discriminate against them, e.g. don't offer jobs for fear of reprisals.

Security forces are dominated by Sinhalese Buddhists. Lands have not been fully returned and a sizeable portion remains with the government (military).

Q Have you heard of any recent harassment of journalists and HR activists?

Regards harassment, the journalist cited an example of a journalist in Jaffna who was asked to come to the CID several times. This occurred in the last couple of years.

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Journalist 2, 2 October 2019

Journalist 2's main focus is on Tamils and human rights issues.

Former LTTE cadres are not directly mistreated; some former members have gone into politics. There is a fear they're being watched by the military and intelligence. Similar stories are heard in the North and East – a fear of being watched in case they take up arms.

Although this cannot be verified, journalists in the North say plain-clothed SIS officers film protests and protesters at times take photographs of the SIS officers and share with the media. In the north people take pictures of those taking pictures which they put on line saying, "these are the people taking pictures of you".

The journalist was aware of diaspora groups taking part in protests abroad and they see people taking photos from inside the Sri Lankan High Commission.

The journalist was aware of the TGTE and its leader, Rudrakumaran. Rudrakumaran says genocide is taking place on Tamils in Sri Lanka. The journalist did not believe this was the case as no factual information for this has been provided. The TGTE is not covered by Sri Lankan media, the leader of the TGTE opinions are not given any space.

A former provincial minister of the North Province claims genocide takes place in the form of ethnic cleansing, i.e. Buddhists taking over Tamil areas and temples, and military stationed in the North moving their families to the area. Tamil politicians say there is an attempt to change the demography of the North and East. This is partly to change the political make up of election wards in the North and North East.

A high profile TGTE member returning to Sri Lanka would face arrest and be

accused of LTTE links; the association with the LTTE would lead to arrest as it is seen as an organisation attempting to disrupt the post-war situation and as attempting to instigate violence, encouraging the take up of arms. They would definitely be questioned.

The current government met with the diaspora – the Global Tamil Forum (GTF). The TGTE opposes this but the diaspora meets anyway. There is no known support for the TGTE. Even the main Tamil political parties communicate with the GTF, not the TGTE.

The military still holds a lot of Tamil land; Around 10,000 soldiers are still based in the North. Military camps are still established for fear of another uprising.

There have been reports of Tamil youth taking up swords in the North, known as Aava. There are reports of attacks on police and the community. They may follow LTTE ideology. When the end of the war is celebrated the North commemorate the LTTE; the South commemorate the army.

The journalist was not aware of random Tamils being targeted on return. His Tamil relatives have visited Sri Lanka from abroad and not faced any issues since 2015. However, if the government changes, they would not return. Returning failed asylum seekers would definitely be questioned by CID at the airport. If they were found to have connections with LTTE they would face further questioning at CID HQ.

Tamil groups and journalists obtain information from Tamils who claim torture. The journalist was under the impression that torture did not occur now but that it could occur under the rule of Rajapaksa. Prior to 2015, he faced issues as a journalist and related a story of how he was followed in 2013 after meeting with a journalist from the UK. If the government changed, the journalist said he would not want to be seen meeting with Western officials.

He said he could report openly at the moment but thought he might not be able to under a new government after the 16 November Presidential election if former Defence Secretary Gotabaya Rajapaksa wins.

CID officers investigating some much-publicised incidents of enforced disappearances of Tamil youth and other high-profile criminal incidents have told the journalist they fear for their lives and safety of their family.

The CID officers fear that they will be forced to halt investigations.

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NGO, 2 October 2019

There was a loss of confidence in the current government following the coup and the failure to prevent the Easter Sunday suicide bombings. Prior to 2015 freedom of expression was limited. Now that space has increased, and people can openly criticise the government. There is still a long way to go but things are better.

For example, on victory day communities in the North can commemorate their dead, as opposed to commemorating the end of the war. Before 2015 this wasn't allowed. Checkpoints remained and people were forced off buses so they could be checked.

Today a common criticism is that the government has not provided a political solution to the Tamil problem; there is no economic development on the scale that was promised and anticipated.

Following the Easter 2019 bombings there were checkpoints in the south of the country and when entering the North. Random checkpoints were in the East but mostly checked Muslims. In the north there aren't many Muslims so having this checkpoint was viewed by the Tamil people as a form of harassment and humiliation against the general population; a real terrorist could avoid checkpoints if they wanted to. Tamils see Muslims being bullied and think that this could happen to them.

Tamils are not targeted anymore. Family members of former LTTE cadres may be under some surveillance and rehabilitees have to routinely report to the military.

Tamil employers won't give jobs to ex-cadres (even though the government pays half their salary). They are discriminated against (particularly female ex-cadres) by their own people due to their past and the fear that they are under surveillance from the military.

Q. Is there support for the TGTE?

Most people don't know much about the TGTE they have little support in Sri Lanka. They know Tamil parties in Sri Lanka, not abroad- you have to be based in Sri Lanka in order to do something. There is criticism of the diaspora by Sri Lankan Tamils; they see them as enjoying luxury lives and want them to help invest in their own communities.

Q. Does this encourage youth to leave the country?

Tamil youth have a passion to go to Europe; they express interest in travelling abroad and ask for advice on how to migrate. When they see the diaspora, they see the money they have, and this encourages them to leave. During the war they wanted to leave due to the security situation. Now the trend is to travel on a student visa and stay abroad due to the economic situation (they don't understand the asylum system). There are opportunities in Colombo, but all that's available in the North are government jobs; the war destroyed factories and other livelihoods, so jobs are limited.

Q. Do Tamil youth support the TGTE?

People are busy with what's happening on the ground, not with the TGTE. The youth would not support something that is not happening in Sri Lanka. People may face life threatening issues in the government changes.

Q. Are Sinhalese moving into Tamil areas?

There is evidence this occurred during the previous government but not sure now. The NGO relayed the case of the Buddhist monk who was cremated on Hindu temple land and how this caused friction between communities.

Q. Is there torture in detention?

In police custody. There is some civil society monitoring of this. There is a belief that Police have 'secret' torture places in their police station. They may assault detainees

to extract information even if they are innocent. If they want to solve a case, they may torture to extract a confession. They might target people who have previously committed a crime – that’s an easy target. The method of torture would depend on the crime or complaint. There is pressure to make arrests in sensitive cases, e.g. sexual assault. Individuals can bribe the police to torture their enemies. For example, if a maid was arrested for stealing, the employer would tell the police they must beat/slap the suspect to get the truth. But it’s not like in the past, the situation is much better than it was during the war. And police custody torture is not targeted against any particular group – it’s random, widespread and across the board. There is a saying “without assault you won’t get the truth”.

Q. What would happen to returning Tamils?

The NGO were aware of 5 cases where individuals were questioned on return and asked about forged passports at Colombo airport (only international airport). They were then released. If a person was found to support the LTTE, it would depend on the case; aware of one case where the person was questioned by TID as their name appeared on the immigration blacklist. They went to court but don’t know the outcome.

IOM support some nationals on their return and through immigration.

Q. Is supporting the LTTE enough to be arrested?

After the war whoever was connected would be arrested, sent to court and go through rehabilitation. Failed asylum seekers would be questioned by immigration. Now just having supported the LTTE is not enough to be arrested. Some people abroad do not know the situation has changed.

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Representative from the Northern province community, 2 October 2019

Q. Interest in former LTTE cadres

Even after 2015 (change of government) there continued to be some surveillance and house visits by the intelligence service. However, the style of enquiry is different to pre-2015 – they are polite and non-threatening. Since February 2018, when the SLPP won the local elections, there has been increasing intimidation. The military and security forces felt that Rajapaksa had returned, and this empowered them. Because of past experience, they think that if Rajapaksas come back there will be impunity. They feel his rule is imminent and the current government has taken a step back.

Comparatively NGOs, human rights and political actors are free to do what they do, unlike the past. But after the Constitutional coup in October there was a change and intimidation of civil society actors in the North and East by intelligence services or military resumed. They visited their premises many times, to collect details of their programmes, funding, etc.

Post-Easter bombings intimidation against civil society actors increased again. People are bullied on social media. The former governor of the Eastern Province posted pictures of civil society actors calling them ‘NGO rascals’. Although politicians

know the minority vote is important, this sort of thing raises alarm.

There has been an increase in the intimidation of civil society and several political activists in the north and east are complaining about increased intimidation.

Tamils have more freedom of speech post-2015 but they fear Rajapaksa's return. The need for more scrutiny following the Easter bombings was understood, though this targeted Muslims.

Pre-2015 everyone felt threatened by Sinhalese nationalist groups. But post-2015 the common man doesn't feel threatened by the government or security forces but there is an underlying fear.

Q. Does the government monitor diaspora groups

Activists are probably monitored, have heard reports of diaspora activist facing intimidation when they return to Sri Lanka. TID/CID are at the airport and collect intelligence. It has not been the case for everyone and now its more prominent activists.

Some US/UK Tamil groups, GTF members, come and go (into/out of Sri Lanka) and face no problems. They travel to the North and cover the 'war heroes' event. There is some self-censorship especially amongst active diaspora groups and they may not feel comfortable returning. There is an active threat but not at a high level. Some diaspora groups do what they do to raise the asylum profile.

The representative had not heard of any recent white van abductions. The ITJP report cited claims of severe torture and abductions in 2017 & 2018, but the representative wasn't aware of such incident or haven't heard from his contacts from north and east.

During the ceasefire period between 2002 and 2006 LTTE supporters aligned themselves. Intelligence watched and identified these people, took photos. They maintained a good record. Then in 2006 most of these people were killed or abducted (suggesting the records were kept to identify suspects). There may be a similar trend (of monitoring) in the UK outside the High Commission.

Diaspora groups have influence over day-to-day living in Sri Lanka, e.g. income may be received from family abroad, but they have no political platform. The TNA have a say in government, but they don't listen to the GTF or the TGTE.

Some funding might come from extremist groups abroad to more extremist groups in Sri Lanka.

Q. Treatment of returning FAS?

If failed asylum seekers are deported there may be sensitivity. Some of them have been arrested and released on bail and the court case follows but the representative was not aware of any torture claims.

Q. How are rehabilitees treated in the community?

Most are engaged with politics as part of the political group the Crusaders of Democracy- they work with the TNA.

Rehabilitees may be targeted by SIS – they visit their home, find out their activities, restrict movement. Prominent people are still under scrutiny and are called into the TID occasionally even after 2015

There is no rejection per se, but the ordinary man does not want to be seen affiliating with a former cadre due to ongoing scrutiny. Employers are not willing to employ as they will face visits by SIS.

Opportunities were given to some young fighters after they surrendered in 2009. Some were sent to schools and few among them entered universities. Some were employed into the security forces or civil defence force; there was controversy on the recruitment process but now they're living on a pensionable salary. Some given government employment as bus drivers and conductors. But, many of surrendees were detained in the name of rehabilitation and there were claims of abuses.

Q. Persons testifying against security forces.

Pre-2015 those who testified on cases about the disappeared were threatened and intimidated. 20 000 cases were referred, and 3-6 thousand people testified, some were openly intimidated pre-2015. Now, after the establishment of The Office of Missing Persons things are much better. There is still scrutiny but not as much as in the past.

After the Easter attacks things have changed and Muslims are being targeted as the security forces are looking for terrorists.

Q. Are Sinhalese moving to the North?

It's discreetly happening but not at the same levels as before. Some state-sponsored colonisation of Buddhists into Tamil areas continues on a low scale. Housing schemes may prioritise Sinhalese applicants. When the military build Buddhist temples they are aiding and abetting Sinhalisation in the North. When military release private land they leave the Buddhist temples, so Buddhists then claim the land as theirs. There are court orders banning such action. There are reports saying over 200 Buddhist shrines have been built in the North and East since the end of the war.

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IOM, 3 October 2019

IOM gave an overview of the work they do in Sri Lanka: supporting returns, resettlement and reintegration of IDPs and refugees; border management; counter-trafficking; humanitarian support after the war and tsunami; supporting the government in developing policies relating to migration.

Q. How are returnees treated?

Colombo is the main functioning international airport.

If persons are returning to Sri Lanka on an ETD, either an enforced or voluntary return, the Sri Lankan authorities are provided with their data from the relevant issuing authority, i.e. Sri Lankan High Commission. If a person travels on their own

passport, Immigration authorities would not be forewarned of their return, but information can be obtained through API. Immigration do not get involved with criminal matters – this is dealt with by the police at the airport.

After coming through immigration, ETD holders would be referred to the police to check criminal records, etc. If there are no criminal issues, the person is released. If there is a case to answer the usual criminal procedures will apply.

IOM are based before immigration to receive passengers on IOM returns programmes. Those who travel on their own passports are not recognised as readmission migrants.

IOM will provide reception support (meet and greet) and get the returnees to go to the immigration counter. If they are referred to CID, IOM observe this process. IOM have not witnessed intense questioning in the last couple of years, unlike in the past when returnees may have been asked what they were doing in the UK.

IOM did not believe there was a distinction made between returnees, whether Tamil or Sinhalese. There may be isolated cases but no systematic policy of discrimination. Alleged harassment against immigration officers is counterproductive – it demoralises officers and doesn't help customer relations.

One hinderance raised at the port of entry is the common offence of leaving Sri Lanka irregularly (illegally) – it's an offence under the law so will be dealt with under the law on return. Illegal departure may mean not leaving the country via an authorised port or using a forged document. Draft immigration legislation (Bill not yet in parliament) will prescribe a fine for illegal departure as opposed to attending court.

If someone claimed asylum, this would not be considered an offence. If a failed asylum seeker returned, they would not look at how long they have been gone. The police are only interested in criminal offences committed in Sri Lanka.

Even if a person had been away for a number of years, or their visa had expired, they wouldn't be questioned specifically on this. IOM do not see such alleged discriminatory treatment. There are no media reports of returnees being interrogated on such grounds. Any allegations to that effect need to be substantiated with facts. There is no distinction between the Tamil and Sinhalese speaking communities, the diaspora is saying otherwise to their own ends.

SIS don't arrest or prosecute but will screen arriving persons against their own watch list.

Q. Are persons involved in protests abroad of interest?

No. Demonstrating abroad is not an offence in Sri Lanka, if they can prove there is a link to a banned organisation then it might increase the risk. There are also a lot of demonstrations going on here and people are not taken into custody, we are not seeing cases of people being arrested on this basis.

IOM were not aware of all proscribed entities.

Q. Are individuals questioned on exiting the country?

Not unless there is a reason to, e.g. if the person is of interest or travelling on a forged document. If the person has a genuine visa they would not be questioned.

If Immigration suspects a person is being trafficked out the country, they would make referrals to other authorities to investigate

Individuals travelling for work abroad (and have been contracted to do so) must register with the Bureau of Foreign Employment.

Q. Do former LTTE cadres face problems on return?

Some went through rehabilitation and didn't face problems. They were all ex-combatants recognised by the government. So, if a former cadre returns same policy would should be applied unless they have crimes outstanding. To a large extent, rehabilitation has been successful; maybe not economically but there has been no further violence. The government has a genuine intention to put people back into the community.

There are some problems with reintegration in the North and East – societal problems including discrimination and bias within their communities, lack of livelihood opportunities.

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UNHCR Sri Lanka, 3 October 2019

Overview

Our focus is on asylum seekers and refugees who are seeking asylum here and Sri Lankan refugees from Tamil Nadu who indicated an interest to return.

Sri Lanka is a non-signatory state and therefore there is no legal or policy framework for asylum. As a result, asylum-seekers and refugees do not have the right to work and have no legal status while their children cannot access public schools although they do have access to health care free of charge the same as nationals.

UNHCR has advocated on access to education and work for asylum-seekers and refugees. Since there are now certain professions where Sri Lanka is importing labour, UNHCR is advocating for the reallocation of some of these jobs to asylum-seekers and refugees.

Q Tamil refugees returning from India- do they feel safe to come back?

The facilitation of returns on a voluntary basis was ongoing even during the war. After the armed conflict ended although there was an expectation that number of returnees would go up it did not and in fact it came down. Post-2015 numbers rose but they are still small. Estimates are that there are 65000 refugees in camps in Tamil Nadu and 35,000 outside of the camps around 100,000 in total. The interest in returns has decreased after 21st April and the impending elections may also have an impact on a decrease in interest.

UNHCR doesn't have access to camps in Tamil Nadu so it's difficult to assess the barriers to return. We get access only to refugees once they have expressed a wish to return.

India is not enforcing return to Sri Lanka.

Q What is the perception on the situation of returnees coming back from Europe?

We don't monitor forced returns.

We only monitor facilitated returns of refugees coming from India and a few other countries where refugees come through UNHCR.

Q What is the situation for Tamils in Sri Lanka?

Tamils returning back to areas in the North are facing a number of reintegration challenges - shelter, livelihood and WATSAN. The government are meant to set aside a quota of housing assistance for returnees, but this doesn't happen uniformly in all districts. Housing and land is a problem across the North as there are people who never owned land prior to the war - there is also secondary occupation and other complications.

Documentation is a challenge particularly for those born in India who have to resolve their citizenship if their parents have not carried out a consular registration of their births.

Every year we monitor a sample of refugees who have returned, we administer questionnaires and conduct household visits and produce a report which is made public. In the last few reports, security has not been identified as a major issue.

Q Why is water sanitation an issue?

Some areas have a shortage of water or polluted water.

In order to get housing, you need to have documents for the land, if you don't have documents you cannot benefit from housing assistance and thereby assistance with the building of toilets.

The number of development agencies have diminished.

Q How are LTTE members viewed when they return?

There is a perception in IDP/returnee communities that refugee returnees left while they remained and therefore assistance should be more for the IDP returnees. There is an underlying hostility.

Ex-cadres who have been rehabilitated are also sometimes viewed with hostility as people think they may be informants as they are often required to check in with the army base nearby regularly as a part of their release from rehabilitation, but this is not something we monitor.

You have military close by, but people in newly released lands do not express fear about this proximity. The military is much less visible, although the numbers may not have decreased. People living near military lands have not made any complaints to UNHCR.

There are no checkpoints anymore. They were reinstated temporarily after 21 April but have now been removed.

There are some tensions between Sinhalese Buddhists and other minorities

including Tamils.

Q Do you feel the government is interested in former LTTE cadres, are they monitored?

At the airport there is a security screening. Before 2015 there was a 3-tier screening structure.

These interviews would go on for 5/6 hours. Now it's just 1 tier and they are only interviewed by state intelligence. Between 2010-2015 there were 10 arrests of returning refugees. Since 2017 there have been no refugee returnees arrested/detained at the airport. Most returnees who are detained at the airport go through a rehabilitation process and are then released back into the community.

Q Do refugees have to go through rehab?

Not routinely. They are questioned. They have to register with the local authorities but that is the same for any resident in order to access services in the area. There is no requirement to be checked by security.

If you have admitted to being a high profile LTTE cadre you would be subjected to more questioning, but you will not necessarily be detained. However, lying about your profile or involvement can sometimes result in detention as name lists of returnees are shared with government prior to their return and therefore the intelligence services are aware of the people who are returning.

Q Are you aware of the TGTE?

No, we have no knowledge of the TGTE.

Q Are you aware of detention facilities?

Don't have access to detention facilities.

Q How are those who are arrested treated?

We don't monitor Human Rights in general although when refugees are detained, we try to ensure that they have access to legal representation.

Q Are returning LTTE cadres checked for scarring?

Yes, they are during screening checks at the airport. It could lead to additional questioning although we don't know why - probably to do with the profile of the person.

Q Has the Government rehabilitation programme worked?

It's been a closed process, so most agencies did not want to engage. It is difficult therefore to assess the programme.

Q Were children schooled?

Possibly yes, there is a wish to reskill, but we are not sure what the rehabilitation process entails. We have had no refugee minors who have gone through this process.

Q Do you feel Tamils are equal in the country?

It depends on the district. There has been historic discrimination which does not disappear overnight and still persists. Minorities in general face a certain degree of discrimination which is also borne out by the rise of very nationalistic elements that have targeted both Tamils and Muslims recently.

In the North there is more freedom, more opportunities and development compared to 5 or 10 years ago, so there has been an improvement. There could still be individuals who would be subjected to surveillance and discrimination. Also returning refugees and IDPs continue to face a number of challenges with regard to shelter, livelihoods, WATSAN etc.

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Attorney General Department, 3 October 2019

When asked initially one senior member of the department was unaware that the TGTE is a proscribed organisation in Sri Lanka, however a colleague was able to confirm that they are.

The TGTE is proscribed in Sri Lanka due to its links with the LTTE. If returning TGTE supporters have committed an offence here then we can take action but if they arrived peacefully into the country, they wouldn't face any trouble. Not aware of a single case of a person returning facing problems on return.

There is no reason for people to move away for their safety now. There is less military presence in the North and former LTTE cadres have become politicians. If an ex member of the LTTE returned and they were a wanted person they would be questioned but mere membership of the LTTE would not be of interest.

Not aware of harassment of Tamils, unless they are involved in illegal activities, e.g. illegal sand mining.

Aava group in Jaffna was created by the diaspora to keep their people there.

There have been 'quite a few' prosecutions of security forces personnel, convicted for ill-treatment. For example, the case of LTTE cadres held in a camp, which was stormed and attacked by villagers as the police looked on. Due process took place in a court of law, and prison sentences were given.

There have been allegations of torture in police custody and these officers have been prosecuted and punished – can be sentenced for 10 years.

Some people are not prosecuted due to lack of evidence.

Punishment for illegal departure under Section 45 – a fine. Facilitators would face a jail term. Penalty for forged documents for a first offence is a fine (5000 LKR) and subsequent offence a higher fine/short jail term.

Arrest warrants are not issued to the wanted person or their family. Only receipts are issued if the person is taken into custody. A summons to court might be issued and

given to the family if the wanted person is not there. If the family do not accept the summons this would be reported to the court. And if there is no response to the summons an arrest warrant would be issued. Arrest warrants are only issued after consideration has been given to the evidence. If there is evidence that the wanted person may be a flight risk, then a travel ban can be issued. Travel bans can be issued by the court of a higher police officer.

Witness protection is very comprehensive and protects victims and witnesses. Witnesses can even make representations from abroad or from a remote location. Sri Lanka is a signatory to the Committee against Torture (UNCAT). Officers are indicted and punished. A fundamental rights application can be made for compensation. Even imminent violations can be reported. There is a special e-mail and telephone number for complaints.

Not aware of recent incidents of harassment of journalists or human rights activists. Some media outlets might sensationalise reports.

Regarding the case of a Buddhist monk whose body was cremated on Hindu temple land. The land was in dispute and before a court. The court ordered a cremation could not take place, but it did. The police were ordered to investigate, and the case is ongoing.

The North and East is administrated by the TNA. Why would they allow Buddhist temples to be built?

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