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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Sri Lanka: Activity of the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, including arrests, whether LTTE members have been responsible for extortion, disappearances or bombings since the government defeated the LTTE, and whether the LTTE has the capacity to regroup within Sri Lanka (2010-Feb. 2016) [LKA105432.E]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

In a 2013 country guidance case concerning appellants from Sri Lanka, the United Kingdom's Upper Tribunal (Immigration and Asylum Chamber), the body "responsible for handling appeals against decisions made by the First-tier Tribunal (Immigration and Asylum) relating to visa applications, asylum applications and the right to enter or stay in the UK" (UK n.d.), found that "[t]he LTTE in Sri Lanka itself is a spent force and there have been no terrorist incidents since the end of the civil war" (UK 5 July 2013, para. 356(2)). In its 2013 report, Freedom House indicates that in the territory previously controlled by the LTTE, "[its] rule has been replaced by that of the army, which controls most aspects of daily life, including local government in some districts" (Freedom House 2013). In correspondence with the Research Directorate, the Sri Lanka Project Director at International Crisis Group stated that "there is no evidence to indicate the LTTE still exists as an organisation anywhere in the world" (International Crisis Group 29 Feb. 2016). Similarly, according to a researcher at the School of Sociology, Politics and International Studies (SPAIS) at the University of Bristol, whose research focuses on post-war Sri Lanka and who conducted fieldwork in the country from 2012-2014,

[t]he LTTE as a fighting force was destroyed in May 2009 ... the organisation was rendered completely combat ineffective in a permanent sense, in that the vast majority of their fighters were killed or detained, their infrastructure decimated and their territory occupied and dominated. (Researcher 18 Feb. 2016)

The same source stated that since the end of the civil war, the government of Sri Lanka has maintained a heavy military and intelligence presence in the territory previously controlled by the LTTE and that the government "retains complete control over all areas of Sri Lanka" (ibid.).

A 2014 working paper on the history of the LTTE, published by the Centre on Conflict, Development and Peacebuilding (CCDP) of the Graduate Institute Geneva, indicates that "[w]hile the LTTE military wing was almost totally annihilated during the last years and months of the war, the LTTE's international network

remained largely intact" (CCDP Nov. 2014, 71). Similarly, the US Department of State's *Country Reports on Terrorism for 2014* states that "[d]espite its military defeat at the hands of the Sri Lankan government in 2009, the LTTE's international network of sympathizers and financial support persists" (US June 2015, 365). According to a list of "terrorist entities" published online by the government of Canada's Department of Public Safety, "[a]lthough the LTTE was militarily defeated in May 2009, subversion, destabilization, and fundraising continue, particularly in the diaspora" (Canada 20 Nov. 2014).

According to the US Central Intelligence Agency's *World Factbook*, the Sri Lankan government has released "the vast majority of former LTTE combatants captured by Government Security Forces" (US 11 Feb. 2016). In its report submitted to the United Nations Human Rights Committee in September 2014, the government of Sri Lanka states that, as of 31 July 2014, over 96 percent of the 12,288 "former LTTE combatants that have surrendered or come under court order" were "rehabilitated and integrated into society;" 157 were "undergoing rehabilitation" and 85 "remain under legal proceedings" (Sri Lanka 17 Sept. 2014, para. 25).

2. Activities of LTTE

According to the *2015 Crime and Safety Report* for Sri Lanka, published by the US Department of State's Overseas Security Advisory Council (OSAC), "[t]he LTTE leadership did not survive the war, and there have been no terrorist attacks since 2009" (US 4 May 2015). Similarly, sources report that there have not been any instances of extortion, disappearances, bombings or human rights violations perpetrated by the LTTE against the Sri Lankan population since 2009 (Researcher 18 Feb. 2016; International Crisis Group 29 Feb. 2016; Chair 15 Feb. 2016). In correspondence with the Research Directorate, the Chair of the Department of Conflict Analysis and Dispute Resolution (CADR) at Salisbury University, who specialises in conflict and peace-related issues in Sri Lanka, stated that the LTTE no longer has the capacity to engage in such activities (*ibid.*). Information on incidents of extortion, disappearances or bombings committed by LTTE since 2010 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.1 Revival Attempts

Sources report that in 2014, security forces shot and killed three LTTE members leading an attempt to revive the LTTE in northern Sri Lanka (*Daily Mirror* 25 Apr. 2014; Sri Lanka 11 Apr. 2014; *The Telegraph* 11 Apr. 2014). Sources report that 65 people were arrested in connection with the revival attempt (*ibid.*; *Daily Mirror* 25 Apr. 2014). In a press release issued on 11 April 2014, the Ministry of Defence confirmed the killing "in the jungle off Padaviya" of three LTTE leaders, who "attempted resurgence of the LTTE" in Pallai in the Jaffna Peninsula (Sri Lanka 11 Apr. 2014). According to the press release,

[i]t was ... revealed that this local group was functioning under the instructions of LTTE leaders Nediyanwan and Vinayagam who are based in Europe. They were preparing the ground for another armed struggle. Immediate objectives of the local group included the recovery of [f] war like material dumped by the LTTE during retreat, re-establishment of LTTE intelligence network, regrouping of the potential cadre including those rehabilitated, collecting information on potential targets including in other provinces.

Investigations revealed that the funds for these activities ... came from Europe...It was also revealed that many safe houses, vehicles and other resources required for resurgence of the LTTE had been procured by them using this money. (*ibid.*)

According to sources, this was the first major military encounter that occurred between the LTTE and the government forces since the end of the civil war (*The Telegraph* 11 Apr. 2014; BBC 11 Apr. 2014). Furthermore, an article by the *Daily Mirror*, a Sri Lankan newspaper, states that the incident was the third attempt of LTTE revival since the war (*Daily Mirror* 25 Apr. 2014). According to the newspaper, the first two attempts, "about which very little details are available," occurred in 2012 (*ibid.*) The same source notes that in March 2012, the body of "a Tamil youth," a member of the Eelam Peoples Democratic Party (EPDP), [a pro-government paramilitary organisation (US 25 June 2015, 5)] was found in the Trincomalee district accompanied by a note saying "death to traitors" and an LTTE flag (*Daily Mirror* 25 Apr. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources also report on an incident in December 2012, in which the LTTE attempted to recruit Tamil youth in the Indian state of Tamil Nadu to carry out attacks on infrastructure in Sri Lanka (*ibid.*; *The Times of India* 20 Dec. 2012). According to the *Daily Mirror*, the arrest of "an unrehabilitated ex-LTTE cadre in Colombo" and six more Tamil youths, including two former Tigers who had formerly been rehabilitated and released, resulted in the discovery of a "clandestine campaign" in Tamil Nadu aimed at recruiting Tamil youth (*The Daily Mirror* 25 Apr. 2014). The same source reports that the recruits were being "indoctrinate[d] ... with extreme LTTE ideology," with "[t]he ultimate objective ... to infiltrate the island and conduct explosive attacks against key

installations and important individuals in Sri Lanka" (ibid.). The source adds that this was being "financed by Tiger elements in Europe" (ibid.).

3. LTTE Capacity to Regroup

A January 2015 BBC article states that "the overwhelming majority of analysts" agree that there are no chances of the return of the Tamil militancy to Sri Lanka, "in the short term at least" (BBC 9 Jan. 2015). In his article on LTTE revival, R. Hariharan, a retired senior Indian military intelligence officer [1], who collected intelligence on the LTTE during his tenure as a member of the Indian Peace Keeping Force (*International Law Journal of London* 22 Jan. 2014), writes that "while the revival of the LTTE in Sri Lanka is possible, the current socio-political environment is not conducive for it. Neither the historical context nor the popular upsurge for an independent Eelam that fostered Tamil militancy in the 1980s exists today" (Hariharan 2014, 71). The Project Director at International Crisis Group stated that while many Tamils in Sri Lanka and abroad may still be sympathetic with the political goals of the LTTE, "it is highly unlikely it could regroup within Sri Lanka" (International Crisis Group 29 Feb. 2016). According to the same source, the military defeat of the LTTE in May 2009

was followed by the collapse of its remaining international infrastructure following the arrest and rendition of the LTTE's international head, S. Pathmanathan (aka KP), in August 2009. It is likely that some hundreds, possibly thousands, of LTTE members escaped Sri Lanka in the final half-year of the war and are now living outside Sri Lanka. It is also certain that there remain many Sri Lankan Tamils outside Sri Lanka who once worked actively to support LTTE activities through fundraising and propaganda work. It seems likely that some of them still retain control over funds originally gathered to support the LTTE, but the amounts involved are not known. (ibid.)

According to the findings of the UK Upper Tribunal, "[the Government of Sri Lanka] is reasonably confident that there is a low risk of resurgence of the internal armed conflict from within Sri Lanka. Its concern is with the risk of resurgence coming from the diaspora" (UK 5 July 2013, para. 303). In a speech delivered at an international forum on global security held in Malaysia in April 2014, the Sri Lankan Secretary to the Ministry of Defence and Urban Development stated that "...although there is no more terrorism in Sri Lanka, the terrorists' global network continues to function largely unhindered," adding that its operatives continue to engage in illegal activities "and are constantly seeking ways to revive terrorist activities in Sri Lanka" (Sri Lanka 29 Apr. 2014).

4. State Response

Sources report that the government continues to arbitrarily arrest suspected LTTE members (International Crisis Group 29 Feb. 2016; Human Rights Watch 2016, 530; AI 23 Feb. 2016, 340). For further information relating to the arrest and detention of Tamils suspected of being affiliated with the LTTE, see the Responses to Information Requests LKA105041.E and LKA105042.E

In March 2014, the government of Sri Lanka announced that it had designated 16 organizations, including the LTTE and 424 individuals, under paragraph 4(2) of the United Nations Regulations No. 1 of 2012 [2] (Sri Lanka 21 Mar. 2014). Human Rights Watch states that the resolution "empowers the government to designate individuals, groups or entities believed to 'commit or attempt to commit or participate in or facilitate the commission of terrorist acts' and freeze their financial assets and economic resources" (Human Rights Watch 7 Apr. 2014). According to the US *Country Reports on Terrorism for 2014*, the organizations and individuals placed on the designated list were said to be engaging in terrorist activities aimed at reviving the LTTE (US June 2015, 249). The same source states that the Sri Lankan government did not elaborate on the criteria or provide evidence for designation (ibid.).

In contrast, Human Rights Watch states that the designation was "aimed at restricting peaceful activism" of the Tamil population and "putting all Tamil activists at risk by delegitimizing the major Tamil organisations abroad" by linking them to the LTTE (Human Rights Watch 7 Apr. 2014).

According to a 2014 article published by *Foreign Policy* and written by a Washington-based Sri Lankan journalist and a former visiting fellow at Harvard University, the government's "narrative" that the LTTE is regrouping with assistance from the Tamil diaspora is a means for Sri Lanka to use the "counterterrorism narrative" in order to "hide its own crimes" with regards to "poor governance" and human rights abuses (*Foreign Policy* 23 June 2014). The Researcher stated that, in his opinion,

the government of Sri Lanka's position has overplayed the threat of a revived LTTE beyond all reasonable possibility. I conclude that the government's exaggeration of this practically non-existent threat has been part of an attempt by the government to promote a culture of fear within Sri Lanka and thereby justify militarisation and overly harsh methods of control and abuses of human rights by the government. (Researcher 18 Feb. 2015)

Similarly, Hariharan writes that the Sri Lankan government "has been keeping alive the threat" of LTTE revival for political gains and to maintain an "oversized" army presence in "permanent camps" in the Tamil regions (Hariharan 2014, 70-71). However, the same source states that

there is a strong case to suspect that the overseas LTTE had made a bid to revive the movement in Sri Lanka. The LTTE's overseas network had survived the total destruction of the LTTE and its entire leadership, including its founder V Prabhakaran, in May 2009. It has access to the LTTE's large assets stashed abroad, waiting to be tapped. So Sri Lanka's concerns on this count are real. (ibid.)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In a March 2015 address to the parliament, the new Minister of Foreign Affairs of Sri Lanka, appointed in January 2015 after the country's elections (Sri Lanka n.d.), stated the following about the previous government's decision to designate the 16 organisations and 424 individuals on a UN terrorism list:

This was done to build up the hysteria about the LTTE regrouping. They banned several Sri Lankan Tamil diaspora groups under these provisions for their alleged links to the LTTE. However, most of the organisations listed may have merely been vocal proponents of Tamil rights. There was hardly any tangible evidence to link them to the LTTE. Some of the individuals listed had even been dead for some time. (Sri Lanka 18 Mar. 2015)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] R. Hariharan's article is published in *Scholar Warrior*, a journal of the Centre for Land Warfare Studies (CLAWS) in New Delhi, which is "an autonomous think tank on strategic studies and land warfare in the Indian context" (CLAWS n.d.). According to the article, Hariharan is "a former military intelligence officer ... associated with the Chennai Centre for China Studies and the South Asia Analysis Group" (Hariharan 2014).

[2] The United Nations Regulation No. 1 of 2012 is a Sri Lankan regulation, adopted by the Ministry of External Affairs of Sri Lanka on 13 May 2012, that facilitates the implementation of United Nations Security Council Resolution 1373 (2001) on the fight against the financing of terrorism (Sri Lanka 15 May 2012).

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