

REPORT ON VISIT TO SRI LANKA 14-23 MARCH 2002

Delegates: -

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24/2-03

A United Kingdom Home Office delegation visited Sri Lanka between 14 and 23 March 2002, to carry out a feasibility study on the setting up of an Information Exchange System (IES) for Sri Lanka similar to that which exists in Kosovo (KIP). We took the opportunity at meetings arranged to discuss this issue, and to talk about changes which have occurred in Colombo since the Home Office fact-finding mission of 9 - 13 July 2001. The following comments are attributed to the various spokespersons we met, and contain no opinions as to IND's policy towards Sri Lankan asylum claims.

1. International Committee of the Red Cross (ICRC) – 19 March 2002

1.1. The delegation was informed that the ICRC is able to verify whether they have issued documents to those who claim that they have been detained and released. The Sri Lankan Red Cross Society (SLRCS), however, should not be issuing any certificates from their office in Vavuniya as they do not make any visits and therefore cannot verify the information. The SLRCS also do not investigate or confirm any allegations of mistreatment.

1.2. When an individual is detained a detention order is issued to inform the family, and the ICRC is provided with a copy which acts as notification. The general public will be given access to the database which lists those detained (when it is operational) to check on a member of the family.

2. Secretary to the Ministry of the Interior – 19 March 2002

2.1. Responsibility for the police has been moved from the Ministry of Defence (MOD) to the Ministry of the Interior (this Ministry has similar areas of responsibility to the United Kingdom Home Office).

2.2. Corruption within the Immigration Service is being tackled.

2.3. Most individuals who leave Sri Lanka by air do so legally but then obtain a false passport in a third country such as Singapore or Thailand. This means that even if subsequently discovered these individuals cannot be prosecuted under the Immigrants and Emigrants Act. Sri Lankan law does not allow for prosecution under such circumstances.

3. UNHCR – 20 March 2002

3.1. The UNHCR representative said that there had been considerable and positive improvements in Colombo. These include the removal of most roadblocks and, following the lapsing of the Emergency Regulations (ER), the Government appeared to have plans to repeal the Prevention of Terrorism Act (PTA). In the Colombo area there is complete freedom of movement. The situation in the North and East however remains precarious, and in some instances may have even deteriorated. One positive factor, however, is that instructions to remove the pass system in Vavuniya and other areas in the North and East have been issued, but it may take time to be fully implemented on the ground.

3.2. Checks on returnees at Colombo airport have been eased with many returned rejected asylum seekers simply being waved through since December 2001. This is in sharp contrast to what happened previously where basically every returnee was referred to the CID and thereafter referred to the Magistrate in Negombo in order to carry out relevant checks, where these were necessary. Most returnee cases that underwent this process were released on the same day. Scarring is not seen to be a significant issue, although obvious scarring could draw attention and result in further enquiries and detention by the authorities.

3.3. Cases of escapes from army custody are not known to UNHCR although there have been reports of people held in police custody who have allegedly escaped. Obtaining release from army custody on the payment of a bribe appears to be a possibility; it is possible that such "releases" would be recorded as an official release without charge.

4. Controller, Immigration and Emigration, Ministry of the Interior – 21 March 2002

4.1. The delegation were informed that it would be almost impossible to pass through airport controls without having documents checked, as security is very tight.

5. Mr. Kandasamy, Co-ordinator and Executive Secretary, Centre for Human Rights and Development (CHRD) – 21 March 2002

5.1. Mr. Kandasamy stated that there are still reservations regarding the peace process, and many obstacles to overcome. He pointed out that human rights, conflict, and ethnic problems were inextricably linked. In the East there were unconfirmed reports of army personnel harassing females.

**6. Director, Senior Superintendent, Criminal Investigation Department (CID)
– 21 March 2002**

6.1. The Director explained that if a returnee were not wanted they would not be stopped at the airport. However, when the CID are certain that the individual has committed or been convicted of an offence then they would be stopped. A computer holds the name, address and age of a wanted person. The police purely go on records – scars would not make a difference, and the authorities would not make a decision on this basis.

6.2. We were told that there had been no round-ups of Tamils in Colombo in the last six months.

6.3. The Director thought that the Human Rights Commission (HRC) was very effective. The HRC are able to visit and make enquiries. Therefore the procedures are open and investigated, and the police are not able to do anything untoward.

6.4. The Prevention of Terrorism Act (PTA) is still in force. The government are seriously considering repealing the Act, and there has been an order not to make any arrests under the PTA, only under common law. [This is part of the text of the cease-fire agreement]. The CID is now allied with the Ministry of the Interior and the Director felt that this was a positive move as the police were now more closely linked to the public.

6.5. Failure to comply with reporting restrictions would not warrant reporting or recording.

6.6. Pro-government Tamil paramilitaries are beginning to give up their weapons.

6.7. There are computerised records in the South of the country only. Details of arrests etc. are sent from the North of the country, and are then transferred to computer. Paper-based records are held in the North. There are no photographs of wanted persons at the airport, only computerised records.

6.8. The Anti-Human Smuggling Unit is operational and proving successful. Coastguard patrols by the Sri Lankan navy have recently been stepped up to catch illegal emigrants.

6.9. The Director thought that Tamils and Sinhalese were generally co-existing without problems. He pointed out for instance that the Wellawatta area of Colombo is 70-80% Tamil. Furthermore, a sizeable number of Colombo's leading businessmen are Tamil. Tamils arriving in Colombo from the north no longer have to automatically register with the police.

6.10. We were told that at any time in the process from arrest right through to a possible court case, an accused can ask for the Tamil language to be used. Muslim officers that speak Tamil are often used in local police stations for this purpose. This was corroborated by a court official we met who stated that Tamil could be used as the language of court cases, but this has to be requested by lawyers.

An internal report relating to the feasibility study on IES – Sri Lanka has been issued separately.

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