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Sri Lanka: Treatment of suspected members or supporters of the Liberation Tigers of Tamil Eelam (LTTE), including information about how many are in detention; whether the government continues to screen Tamils in an attempt to identify LTTE suspects (2011-January 2015)

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1. Government Surveillance of the Tamil Population

Sources stated there is "widespread" apprehension within the Tamil population about surveillance by authorities (Anthropologist 8 Jan. 2015; NPC 10 Jan. 2015), such as concerns and suspicions regarding the monitoring of phone calls and e-mails (ibid.). In correspondence with the Research Directorate, the Executive Director of the National Peace Council of Sri Lanka (NPC), an independent NGO working to achieve peaceful resolutions to ethnic conflicts through advocacy, research and dialogue (ibid. 28 Nov. 2008), stated that this apprehension concerning government surveillance is present "even outside the North and East" (ibid. 10 Jan. 2015). In an article on government surveillance in post-civil war Sri Lanka, Amarnath Amarasingam, a postdoctoral fellow at the Resilience Research Centre of Dalhousie University, whose research focuses on post-war reconstruction and surveillance, especially in Sri Lanka (The Huffington Post n.d.), states that there is a "sophisticated culture of surveillance that now pervades the former war zones of Sri

Lanka" (Amarasingam 20 May 2014). In a telephone interview with the Research Directorate, the President of the Council of NGOs -Jaffna, a coalition of approximately 20 organisations working in the Jaffna peninsula on issues such as human rights violations and injustices (Insight on Conflict n.d.) stated that, in northern Sri Lanka, "everyday life is monitored, although not as systematically as before" (Council of NGOs 14 Jan. 2015). The Executive Director of the NPC similarly stated that

[t]here is routine surveillance of civil society activities in the North and East. Intelligence personnel in military uniform and civilian attire question participants at civil society events, such as exchange visits, seminars and even at social functions such as weddings. (10 Jan. 2014)

The anthropologist likewise stated that

[m]ost community activists, especially in the North, report being continually monitored by security forces. They feel that they are unable to talk to each other about political issues due to fear of increased surveillance and scrutiny. (8 Jan. 2015)

In his article, Amarasingam notes that former LTTE combatants are used by the authorities as informants (20 May 2014). Similarly, the anthropologist stated that

[o]ne of the government's most widely used practices is using Tamil informants, many of whom are former LTTE combatants who now work with the government. ... There is, in essence, a network of spies who help the government in monitoring Tamils in the North and East. Some are Tamil, others not. (8 Jan. 2015)

The US State Department's Country Reports on Human Rights Practices for 2013 states that the Civil Defense Force (CDF), formed in 2012 and which employs some former LTTE cadres, has been accused by civil society members of being "an avenue for the government to continue its surveillance and intimidation of the Tamil population" (US 27 Feb. 2014).

1.1 Government Screening to Identify Individuals with Alleged Links to the LTTE

Sources indicate that authorities in Sri Lanka continue to screen the Tamil population in order to identify individuals with links to the LTTE (Adjunct Professor 12 Jan. 2015; NPC 10 Jan. 2015; Anthropologist 8 Jan. 2015). In correspondence with the Research Directorate, an assistant professor of political science at Madras Christian College in Chennai, India, who researches the political situation in Sri Lanka, stated that, "[w]hile public screening has [been] reduced to [a] great extent, routine screening takes place informally" (20 Jan. 2015). In correspondence with the Research Directorate, an anthropologist affiliated with the American Institute of Sri Lankan Studies (AISLS), who has researched issues pertaining to ethnic minorities in Sri Lanka and their political situation during and after the civil war, explained that the government continues to look for an unknown number of former LTTE fighters that "simply walked away" while many others were captured or surrendered in the final months of the Sri Lankan civil war in 2009 (8 Jan. 2015).

In a telephone interview with the Research Directorate, an adjunct professor at Temple University in Philadelphia, who has researched the politicization of ethnic differences in Sri Lanka, stated that screening of the Tamil population to identify those with links to the LTTE occurs particularly in the northern and eastern regions of the country, adding that it is "much less present" in southern cities such as Colombo (Adjunct Professor 12 Jan. 2015). According to the same source, not all Tamils are subject to screening, only those individuals for whom the government claims there are "reasonable concerns" of having links with the LTTE are screened (ibid.). In contrast, in a 6 August 2014 article on the situation faced by failed asylum seekers forcibly returned to Sri Lanka by Australia, the British newspaper the Guardian states that, according to a Tamil asylum seeker, "every Tamil in Sri Lanka is suspected of being a sympathizer [of the LTTE]" (6 Aug. 2014).

Sources report that individuals returning from abroad are particularly subject to screening (Assistant Professor 20 Jan. 2015; Council of NGOs 14 Jan. 2015). According to some sources, authorities have used former LTTE cadres and informants to identify individuals with links to the LTTE (Anthropologist 8 Jan. 2015; Adjunct Professor 12 Jan. 2015), although this has "lessened" or has at least become "not as obvious" as in the past (ibid.).

According to a May 2012 report by Tamils Against Genocide (TAG), a US-based "international non-profit, non-governmental human rights organization devoted to advocacy, research and litigation against genocide and its accompanying human rights violations" (TAG n.d.),

failed asylum seekers are more likely to be readily associated with the LTTE either by virtue of the fact that they sought asylum or because of a presumption of involvement in Tamil diaspora activities which are viewed by the Sri Lankan government as being supportive of the LTTE. (ibid., May 2012, para. 1.3.3)

For more details on the treatment of Tamil failed asylum seekers please refer to RIR LKA104245.

2. Treatment of Individuals with Alleged Links to the LTTE

Country Reports 2013 states that individuals suspected of sympathizing with the LTTE are the target of "attacks" and "harassment," allegedly by individuals with links to the government (US 27 Feb. 2014, 1). Amnesty International (AI) states that

[s]ystematic abuse, including torture and sexual violence, of former LTTE members who failed to surrender to the authorities or people suspected of unacknowledged LTTE links, and abuse of their families by members of the security forces continues to be reported to Amnesty International by victims. (Sept. 2014, 10)

In contrast, the Adjunct Professor stated that while those accused of links with LTTE are still "not treated well," the situation has "improved a lot" since the end of the civil war [in 2009], noting that allegations of torture and detentions have diminished (12 Jan. 2015).

Sources report that critics of the Sri Lankan government have accused it of using the threat of revived terrorism to stifle detractors (AFP 10 Apr. 2014; FIDH 20 Mar. 2014; Bertelsmann Stiftung 2014, 26). According to Bertelsmann Stiftung, a German non-profit organization that studies the political and economic development of countries through its Global Transformation Index, "the threat of [a] revived LTTE is also used to justify militarization and the military's continued presence in the Northern Province" (ibid.). Similarly, the US Country Reports on Terrorism 2013 states that "the Sri Lankan government continued to maintain a strong military presence in post-conflict areas and continued to voice concern about the possible re-emergence of pro-LTTE sympathizers" (US 30 Apr. 2014). The President of the Council of NGOs likewise noted a "strong" military presence, including non-uniformed personnel in the north of the country (14 Jan. 2015).

According to Country Reports on Terrorism 2013, the government of Sri Lanka continued to search for financial links to the LTTE, although it also noted that "[t]here were criticisms that this search for terrorists was extended well beyond its utility and expanded to target legitimate political opponents of the government" (US 30 Apr. 2014). Sources noted that, in April 2014, the Sri Lankan government expanded a list of foreign organizations run by ethnic Tamils designated as supporters of terrorism; there are now 16 organizations on this list, including the LTTE (AFP 10 Apr. 2014; Human Rights Watch 7 Apr. 2014). According to Agence France-Presse (AFP), the Sri Lankan government accused these groups "of trying to revive the separatist war at home" (10 Apr. 2014). According to Human Rights Watch, Sri Lanka's decision to add to the list was "so broad that it appears aimed at restricting peaceful activism by the country's Tamil minority" (Human

Rights Watch 7 Apr. 2014). The Executive Director of Human Rights Watch's Asia Division is quoted in the article as saying that "[t]he Sri Lankan government is using vague counterterrorism regulations to tie the major diaspora Tamil groups to the ruthless but defunct LTTE" (ibid.).

Country Reports on Terrorism 2013 also noted that the Government of Sri Lanka continued to implement the Prevention of Terrorism Act (PTA), "which gives security forces sweeping powers to search, arrest, and detain individuals" (US 30 Apr. 2014). Sources similarly note the use of the PTA to hold suspects without trial for long periods of time (AFP 10 Apr. 2014; Human Rights Watch Jan. 2014, 3). Country Reports on Terrorism 2013 also states that Sri Lankan authorities "sometimes used the PTA to stifle dissent among political opponents or others critical of the government" (US 30 Apr. 2014).

2.1 Arrest and Detention

According to Human Rights Watch, "Tamils with alleged links to the LTTE remain targets of arbitrary arrest and detention, and are at risk of torture and other ill-treatment" (20 May 2013). The President of the Council of NGOs stated that arrest and detention of those with alleged links to the LTTE continue, but that they have been "reduced" (14 Jan. 2015). According to the Executive Director of the NPC, "[a]rrests and detentions are not common unless for some reasonable suspicion of criminal activities" (10 Jan. 2014). In contrast, Country Reports 2013 states that "NGOs and individuals complained that the armed forces and their paramilitary allies detained suspected LTTE sympathizers and did not surrender them to police, blurring the line between arrests and abductions" (US 27 Feb. 2014, 17). The same source further states that,

[i]n the east and north, military intelligence and other security personnel, sometimes allegedly working with paramilitaries, were responsible for the documented and undocumented detention of civilians suspected of LTTE connections. Detention reportedly was followed by interrogation that sometimes included mistreatment or torture. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threat of re-arrest or death. (ibid., 9)

Sources report that authorities arrested 60 people in April 2014 over accusations that they were trying to reorganize the LTTE (AFP 10 Apr. 2014; BBC 11 Apr. 2014). The BBC reports that there "has been a notable increase in arrests and security searches in northern Sri Lanka and some detentions in Colombo" (ibid.). According to AFP, the arrests of April 2014 were "the largest in number since Sri Lanka lifted a state of emergency in August 2011" (10 Apr. 2014). The BBC also reports that the arrests came as the Sri Lankan army said it had shot and killed three men "who were trying to revive the Tamil Tigers (LTTE)" in northern Sri Lanka under "instructions from two LTTE leaders based in Europe" (11 Apr. 2014).

2.1.1 Detention Camps

Amarasingam, in his article, states that, at the end of the war, LTTE combatants who surrendered or were captured, along with some civilians, were sent to various camps where "an announcement went out: 'even if you were given a minute of training in the LTTE, you must come forward'" (Amarasingam 20 May 2014). Those that did come forward were "usually separated from their families and taken to special rehabilitation centres, mostly located in the North" (ibid.). He adds that "by mid-2013, the majority of ex-combatants, men and women, had been released" from the camps (ibid.). According to sources, detention camps continue to operate in the country (Adjunct Professor 12 Jan. 2015; NPC 10 Jan. 2015). Sources report that, as of June 2014, 132 individuals officially remained in detention (Anthropologist 8 Jan. 2015; IPS 14 July 2014; UN 4 July 2014), out of nearly 12,000 LTTE members detained following the end of the civil war (ibid.; IPS 14 July 2014). Sources indicate that the government has shown a lack of transparency regarding information on detention camps, making it difficult to ascertain the conditions within

them (Council of NGOs 14 Jan. 2015; NPC 10 Jan. 2014; Anthropologist 8 Jan. 2015). The Assistant Professor stated that, while the majority of detention camps have officially been closed, security agencies continue to unofficially have some of the camps screen LTTE "cadres and supporters" (20 Jan. 2015).

2.2 Rehabilitation of Detained Former Combatants

An article by the UN's Integrated Regional Information Networks (IRIN) explains that, "[a]fter the war ended in 2009, former fighters were required to complete a roughly two-year rehabilitation programme if they wished to receive general amnesty; if they did not, they faced terrorism charges" (UN 4 July 2014). The same source further explains that

[m]ore than 11,800 former LTTE fighters, many of whom were forcibly conscripted by the rebels, have been rehabilitated through government-sponsored programmes that included vocational skills training such as mechanical skills, information technology, agriculture, animal husbandry, food processing, education, handicrafts, carpentry and construction, as well as psychosocial support and a mentorship system focused on conflict resolution and emotional resilience. (ibid.)

In an 8 November 2013 article, the BBC reports that "the Sri Lankan Ministry of Defence says it had 'a world-class terrorist rehabilitation programme' that offered healthcare, education, vocational training and facilities for sports, meditation and entertainment to former Tamil Tiger rebels" (8 Nov. 2013). Other sources similarly note that former LTTE members have been provided with vocational training (Council of NGOs 14 Jan. 2015; Adjunct Professor 12 Jan. 2015; Anthropologist 8 Jan. 2015). The President of the Council of NGOs stated that, while some NGOs have been able to work with detainees to provide vocational training, it was "very limited" and that the quality of rehabilitation was "to be questioned" (14 Jan. 2015). The anthropologist also stated that, while some forms of rehabilitation were "relatively benign, such as education and job training," some other forms "were more punitive and prison-like" (8 Jan. 2015). The BBC reports that "[o]rganisations such as the International Commission of Jurists and two United Nations reports have said the Sri Lankan rehabilitation programme failed to meet international standards and warned of the possibility of torture" (8 Nov. 2013).

2.3 Allegations of Mistreatment

According to the Adjunct Professor, while most detainees are now "rehabilitated" and have been released, many, especially women, have reported receiving "horrible" treatment (15 Jan. 2015). Country Reports 2013 states that "[s]everal former LTTE combatants released from rehabilitation centers reported torture or mistreatment as well as sexual harassment by government officials while in rehabilitation centres" (US 27 Feb. 2014, 9). The BBC reports that "allegations of rape and torture by the Sri Lankan security forces have emerged, some of them occurring four years after the civil war ended" (BBC 8 Nov. 2013).

2.3.1 Sexual Violence

Sources report that detainees have been subjected to sexual violence (ibid.; Human Rights Watch 26 Feb. 2013). According to a report by Human Rights Watch detailing cases of sexual violence against Tamils by Sri Lankan security forces occurring from 2006 to 2012, "Sri Lankan security forces have been using rape and other forms of sexual violence to torture suspected members or supporters of the Liberation Tigers of Tamil Eelam (LTTE)" (ibid.). The report, published on 26 February 2013, states that it "found that politically motivated sexual violence by the military and police continues to the present," with Human Rights Watch's Asia Division Executive Director adding that "[t]hese are not just wartime atrocities but continue to the present, putting every Tamil man and woman arrested for suspected LTTE involvement at serious risk" (ibid.). According to

the BBC, the Human Rights Watch report documents 62 cases of sexual violence following the end of the civil war (8 Nov. 2013).

2.4 Treatment of Released Detainees

The IRIN article states that "most" former LTTE fighters "have been rehabilitated and [have] re-entered civilian life," but "many are finding genuine integration difficult, according to rehabilitees, government officials and humanitarian workers" (UN 4 July 2014). The same source explains that reintegration is difficult due to "[c]onflict-related disabilities and persistent stigma against ex-combatants" (ibid.). According to the anthropologist, released detainees

are generally seen with suspicion and distrust by all sides. Some fellow LTTE members and supporters suspect them of having cooperated with the government [a]nd the government is suspicious that they have not fully "rehabilitated" and retain ties with the LTTE. On top of this, the economic situation in Tamil areas is very poor and prospects for education and employment for Tamil speakers, let alone poorly educated ex-militants, is limited. (8 Jan. 2015)

Country Reports 2013 similarly states that

[r]e-integration of former combatants released from rehabilitation remained challenging due to intensive surveillance by the military, social stigma (some persons were afraid to associate themselves with former combatants, who regularly had to report to the army), employment difficulties, and psychological trauma. (US 27 Feb. 2014, 12-13)

Sources note that former detainees continue to be monitored by authorities following their release (Assistant Professor 20 Jan. 2015; Adjunct Professor 12 Jan. 2015; Amarasingam 20 May 2014). In his article, Amarasingam states that many former LTTE combatants "are constantly watched, followed, and called in for hours of questioning during which they are asked the same questions they have answered many times before" (ibid.). The Executive Director of the NPC stated that former detainees must "report periodically at police stations and army camps" and that "security forces also visit them in their homes, which puts them and their families under pressure" (10 Jan. 2015). AI similarly states that

[p]ersistent surveillance, intimidation and monitoring of former LTTE members by the security forces continues to restrict their freedom of movement and association, and has, according to witnesses interviewed by Amnesty International and others, inhibited them from reintegrating into the social and economic life of their communities. (Sept. 2014, 11)

The Adjunct Professor stated that, from the government's point of view, this monitoring is seen as a necessity to ensure there is no resurgence of the LTTE (Adjunct Professor 12 Jan. 2015). According to the same source, not all former detainees are being watched all the time and most former detainees go about their lives without impediment, "as long as they don't raise [the] suspicion of authorities" (ibid.). In contrast, according to Amarasingam, "[t]he culture of surveillance that pervades the North and East of the country is a major impediment to the reintegration of ex-LTTE combatants (Amarasingam 20 May 2014). The same source states that

even five years after the end of the war, and several years of "rehabilitation," many of them have largely been left isolated, separated, and marginalized not only from the broader Sri Lankan society, but also from certain segments of the Tamil community. (ibid.)

The Inter Press Service (IPS) news agency reports that, according to government data, most released ex-Tigers are "engaged in manual labour in the north," as well as employed by "the fishing industry, the farming sector or the government's civil defence department" (IPS 14 July 2014). Sources note that unemployment among former LTTE members is higher than among the

general population (ibid.; UN 4 July 2014). According to IPS, "rehabilitated former female combatants find job options even more restrictive than their male counterparts" (IPS 14 July 2014). Sources note that the government offers limited funding to former detainees who qualify for assistance (ibid.; UN 4 July 2014). Sources also report that the International Committee of the Red Cross (ICRC) also offers grants (ibid.; IPS 14 July 2014) but that due to "the lack of complimentary schemes, ... thousands are floundering without a steady income" (ibid.).

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.

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Oral sources: Attempts to contact the following were unsuccessful within the time constraints of this Response: Asian Human Rights Commission; Associate Professor, Department of Peace and Conflict Research, Uppsala University; Canadian Tamil Congress; Center for Human Rights and Research; Centre for Peace Building & Reconciliation; Consortium of Humanitarian Agencies; Danish Refugee Council in Sri Lanka; Human Rights Commission of Sri Lanka; two human rights lawyers based in Sri Lanka; INFORM Human Rights Documentation Centre; Law & Society Trust; National Ethnic Unity Foundation; Networking for Rights in Sri Lanka; Peace and Community Action; Professor of Anthropology, University of Edinburgh; Professor of Sociology, University of Peradeniya; Tamils Against Genocide. The following was unable to provide information within the time constraints of this Response: Center for Policy Alternatives. The following were unable to provide information: Senior Fellow, Centre for Land Warfare Studies; Senior Lecturer, School of Global Studies, University of Gothenburg.

Internet Sites : The Diplomat; ecoi.net; Factiva; Gateway House; Lund University - Swedish South Asian Studies Network; The New York Times; Peacebuilding and Development Institute in Sri Lanka; Peace Direct; Peace Research Institute Oslo; Sri Lanka - Bureau of the Commissioner General of Rehabilitation; Civil Military Coordination - Jaffna; Stockholm International Peace Research Institute; swisspeace; TamilNet; United Nations - Refworld, UNHCR; University of Jaffna; University of Peradeniya.

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