

Sri Lanka (47) ^{14/5-04} (294)



SRI LANKA
COUNTRY REPORT

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Country Information & Policy Unit

IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM

CONTENTS	
1. Scope of Document	1.1 - 1.7
2. Geography	2.1 - 2.4
3. Economy	3.1 - 3.3
4. History	4.1 - 4.90
- Independence to 1994	4.1 - 4.10
- 1994 to the present	4.11 - 4.51
The Peace Process January 2000 – April 2004	4.52 - 4.90
5. State Structures	5.1 - 5.44
The Constitution	5.1 - 5.3
- Citizenship and Nationality	5.4 - 5.6
Political System	5.7 - 5.9
Judiciary	5.10 - 5.13
Legal Rights/Detention	5.14 - 5.21
- Death penalty	5.22 - 5.23
Internal Security	5.24 - 5.26
Prisons and Prison Conditions	5.27 - 5.29
Military Service	5.30 - 5.32
Medical Services	5.33 - 5.43
Educational System	5.44
6. Human Rights	6.1 - 6.155
6.A Human Rights Issues	6.1 - 6.56
Overview	6.1 - 6.4
Freedom of Speech and the Media	6.5 - 6.7
- Treatment of journalists	6.8 - 6.13
Freedom of Religion	6.14 - 6.27
- Introduction	6.14 - 6.16
- Buddhists	6.17
- Hindus	6.18
- Muslims	6.19 - 6.25
- Christians	6.26 - 6.27
Freedom of Assembly and Association	6.28 - 6.30
- Political Activists	6.31
Employment Rights	6.32 - 6.39
People Trafficking	6.40
Freedom of Movement	6.41 - 6.51
- Immigrants and Emigrants Act	6.52 - 6.56
6.B Human Rights - Specific Groups	6.57 - 6.131
Ethnic Groups	6.57 - 6.113
- Tamils and general Human Rights Issues	6.57 - 6.107
- Up-country Tamils	6.108 - 6.112
- Indigenous People	6.113
Women	6.114 - 6.122
Children	6.123 - 6.128
- Child Care Arrangements	6.129 - 6.130
Homosexuals	6.131
6.C Human Rights - Other Issues	6.132 - 6.155
Treatment of returned failed asylum seekers	6.132 - 6.139
Treatment of Non-Governmental Organisations (NGOs)	6.140
- International Committee of the Red Cross	6.141 - 6.145

Internally Displaced Persons (IDPs)	6.146 - 6.151
Illegal Emigration	6.152 – 6.155
Annexes	
Chronology of Events	Annex A
Political Organisations	Annex B
Prominent People	Annex C
References to Source Material	Annex D

1 SCOPE OF DOCUMENT

1.1 This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It is not a detailed or comprehensive survey.

1.2 The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum / human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

1.3 The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

1.4 The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by government offices, may be provided upon request.

1.5 All sources have been checked for currency, and as far as can be ascertained, contain information which remained relevant at the time this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

1.6 This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

1.7 It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

[Return to Contents](#)

2 GEOGRAPHY

2.1 The Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, lies in the Indian Ocean, south of India. The country covers an area of 65,610 square kilometres. It has a population of 19,576,783. The capital is Colombo. [Note: Sri Jayewardenepura Kotte is the legislative capital] [30] Other principal towns include Dehiwala-Mount Lavinia, Moratuwa, Jaffna, Kandy and Galle. [1]

2.2 The population can be divided into the majority Sinhalese (74%), Tamils (18%), Muslims (7%) and Burghers, the descendants of colonialists, (1%). [30] As stated in the U.S. Department of State International Religious Freedom Report 2003 "Approximately 70 percent of the population are Buddhist, 15 percent are Hindu, 8 percent are Christian, and 7 percent are Muslim". [20] (p1)

2.3 Three languages are spoken: Sinhala, Tamil and English. [30] Tamil was made the second official language in 1988. [1] Almost all Sinhalese are Buddhist and speak Sinhala; Tamils are mostly Hindu and speak Tamil. They are comprised of those Tamils who have a long history on the island, and "up-country" Tamils (roughly 30% of all Tamils) who are descendants of labourers brought from southern India to work on the plantations. Muslims speak mostly Tamil, but are distinguished by their religion. [30]

2.4 In most of the country the Sinhalese form the majority. Tamils are the largest community in the northern districts. "Up-country" Tamils live mainly in the hill country in the central part of Sri Lanka. In the east, Sinhalese, Tamils and Muslims are equally represented. In the rest of the country, there are substantial Tamil and Muslim communities, although they are in the minority there. [30]

For further information on Geography, refer to Europa World Year Book, source [1]

[Return to Contents](#)

3 ECONOMY

3.1 The U.S. Department of State Report 2003 notes that "Sri Lanka is a low-income country with a market economy based mainly on the export of textiles, tea, rubber, coconuts, and gems. It also earns substantial foreign exchange from the repatriated earnings of citizens employed abroad, and from tourism...Real Gross Domestic Product (GDP) growth was 3.2 percent in 2002 and forecast at 5.5 percent for the current year [2003]. As an early peace dividend, the country was able to reduce defense expenditures and focus on getting its large public sector debt under control. The economy benefited as a consequence from lower interest rates, a recovery in domestic demand, increased tourist arrivals, a revival of the stock exchange, and increased foreign direct investment. The cohabitation impasse between the President and the Prime Minister in the last 2 months of the year [2003] had an adverse effect on the economy, particularly in the country's equity markets and with foreign direct investment." [20] (p1-2)

3.2 According to the U.S. Department of State Report for 2003: "While there is no universal national minimum wage, approximately 40 wage boards established by the Department of Labor set minimum wages and working conditions by sector and

industry. These minimum wages did not provide a decent standard of living for a worker and family, but the vast majority of families had more than one worker. The Ministry of Labor effectively enforced the minimum wage law for large companies, but there was no monitoring of the informal sector. The monthly minimum wage in the garment industry was approximately \$27 (2,800 rupees), and approximately \$20 (2,100 rupees) in the hotel industry". [2b] (p20)

3.3 The approximate rate of exchange on 1 March 2004 was £1 = 183 Sri Lankan rupees. [33]

[Return to Contents](#)

4 HISTORY

Independence to 1994

4.1 The former British colony of Ceylon achieved independence in February 1948. Under the Constitution of 1972 the country became a republic with the name of the Democratic Socialist Republic of Sri Lanka. The Government was headed by a Prime Minister accountable to a unicameral Parliament. In 1978 a presidential system was introduced, with extensive executive powers being held by the President. [14a]

4.2 Since independence, the political situation in Sri Lanka has been characterised by the conflict between the Sinhalese majority and the Tamil minority. Before independence, Burghers played an important role in the British administration, as did many Tamils because of their knowledge of English. After independence the various communities were able to work together. However the Ceylon Citizenship Act 1948 withheld nationality from up-country Tamils, who had come to Sri Lanka only relatively recently in its history, having been brought over from India by the British. [14a] An amendment to the Parliamentary Elections (Order in Council) 1949 removed the franchise rights of these Tamils. [19]

4.3 For Tamils, the political situation changed in 1956, when Solomon Bandaranaike set himself up as a champion of Sinhalese interests and won the elections with a promise to make Sinhalese the country's only official language, instead of English. [14a] The Official Language Act was duly passed in 1956. [19]

4.4 While the 1978 Constitution recognised Tamil as a "national language" for public administration and the conduct of legal proceedings, Tamils continued to feel discriminated against as a result of the restrictive admissions policy applied to them for university places and public office. [14a]

4.5 In Jaffna the situation deteriorated. In 1976, extremists known as the Young Tigers murdered the Tamil mayor of Jaffna, who had been working with the Government. [14a]

4.6 Communal disturbances between Sinhalese and Tamils led to the imposition of a State of Emergency in the north for 5 days in June 1981, and throughout the country from August 1981 to January 1982. [1]

4.7 In June 1983, Tamil terrorist activity led to army reprisals and the worst outbreak of violence for many years, with more than 400 deaths and particularly severe rioting in Jaffna and Colombo. [1] Between July 1983 and July 1985 nearly 100,000 Tamils fled to southern India, where some of them were housed in camps. [14a]

4.8 The Indian Prime Minister, Rajiv Gandhi, tried to bring about a settlement between the Sri Lankan Government and the various warring groups in the north, but Gandhi's devolution proposals were rejected at a conference in Bangalore in 1986 by the leader of the LTTE, Velupillai Prabhakaran, who returned to Jaffna and stepped up operations against the Sri Lankan army. In 1987 the Sri Lankan army launched an offensive, Operation Liberation, to regain military control of the Jaffna Peninsula. [14a]

4.9 India once again resolved to mediate and the Indo-Sri Lankan Accord of 29 July 1987 was concluded between the Sri Lankan President, Junius Jayawardene, and Rajiv Gandhi. The peace plan included provision for the amalgamation of provincial councils in the north and east and for the repatriation of the 100,000 Tamils who had fled to India after the events of 1983. As part of the plan, an Indian Peace Keeping Force (IPKF) was despatched to the Jaffna Peninsula to oversee compliance with the provisions of the peace agreement. However the LTTE refused to disarm and fighting broke out. [14a]

4.10 On 25 March 1990 the IPKF withdrew from Sri Lanka. The LTTE held control of most of the Jaffna peninsula, and the army held an area in the north around Palaly and Kankesanthurai. [14a]

[Return to Contents](#)

1994 to the present

4.11 The People's Alliance (PA), led by the Sri Lanka Freedom Party of Chandrika Kumaratunga, won the 1994 parliamentary elections. This ended the 17-year rule of the United National Party (UNP). Mrs Kumaratunga was appointed Prime Minister. [1]

4.12 Presidential elections were held on 9 November 1994, which were won by Mrs Kumaratunga. The new President promised to abolish the executive presidency and to implement a programme of social, economic and constitutional change. The President's mother, Sirimavo Bandaranaike was appointed Prime Minister, the third time she had held that office. [1]

4.13 In the run up to the elections, Mrs Kumaratunga promised to bring peace by seeking a political solution to the Tamil conflict. In the autumn of 1994 talks were held with the LTTE, which led to a military truce on 8 January 1995. The LTTE unilaterally ended the truce in April 1995 and full-scale war broke out again in the north and east. [14a]

4.14 In July 1995, the Government launched a major military offensive, named "Operation Leap Forward", in the Jaffna peninsula. This was intensified in mid-October 1995 (under the code name "Operation Riviresa" [Sunshine]), and many thousands of civilians were forcefully exorted by the LTTE to leave the area. In retaliation for the army's offensive in the Jaffna peninsula, the LTTE carried out bomb attacks on the country's two largest oil storage facilities near Colombo in October 1995. In mid-

November 1995, two LTTE suicide bombers caused 18 deaths and more than 50 casualties in Colombo. [1]

4.15 In October 1995 the army launched an offensive, as a result of which it seized control of the town of Jaffna on 5 December 1995. In May 1996 the army took control of most of the Jaffna peninsula. In the Eastern Province the army retained control of the coastal strip, while the jungle areas behind the lagoons remained largely LTTE territory. [14a]

4.16 The LTTE rejected the President's offer of an amnesty in exchange for disarmament. The retaking of the city of Jaffna precipitated an escalation in LTTE-organised terrorist activity. In January 1996, 100 people were killed and about 1,400 were injured as a result of a suicide bomb attack on the Central Bank in Colombo. [1]

4.17 In early April 1996, against a background of continuing conflict between Tamil militants and government forces in the north and east of the country, the President extended the State of Emergency to cover the whole of the country (since coming to power in November 1994, the People's Alliance administration had restricted the emergency provisions to the troubled northern and eastern regions, and Colombo). [1]

4.18 In mid-May 1996, the Sri Lankan army announced that it now controlled the whole of the Jaffna peninsula. It also claimed that of the 300,000 Tamil civilians who had been displaced by the ethnic violence, about 250,000 had returned to government-held areas. [1]

4.19 In July 1996 the LTTE was suspected of planting a bomb on a crowded suburban train near Colombo which killed more than 70 people, and injured 500. In October 1996 the Government took legal action for the first time against the LTTE leader, Velupillai Prabhakaran, who along with nine other militants, was charged with more than 700 criminal acts of terrorism. [1]

4.20 In March 1997 the members of the Human Rights Commission (HRC) were appointed, 8 months after the Act establishing the HRC was passed in Parliament. In late June 1997, the Government announced that the function of monitoring the welfare of detainees which had until then been entrusted to the Human Rights Task Force would be transferred to the HRC as of 1 July 1997. [3b]

4.21 In May 1997 the Government launched Operation Jayasikuru (Sure of Victory), with the aim of gaining control of the 75 km highway between Elephant Pass, the point of entry to the Jaffna Peninsula, and Vavuniya. [1]

4.22 On 26 January 1998 the Government formally outlawed the LTTE, the day after an LTTE suicide squad crashed a truck through road blocks in the ancient capital of Kandy and set off a bomb outside the Temple of the Tooth (Dalada Maligawa), the country's holiest Buddhist shrine. A total of 13 were killed and 23 wounded in the attack, which occurred days before the 50th anniversary celebrations of Sri Lanka's independence which were to be held in the city. [4b]

4.23 LTTE violence continued. In early February 1998, 9 people were killed in Colombo as a result of another suicide bombing, and the following month 38 people died and

about 250 were injured when a suspected LTTE suicide bomber drove a bus laden with explosives into the capital's crowded business district. [1]

4.24 At the end of January 1998, polls were conducted in Jaffna for the first time in 17 years. The local authority elections, which were monitored by tens of thousands of troops, were contested by a number of moderate Tamil political parties, but were boycotted by the LTTE. The Eelam People's Democratic Party (EPDP) won the largest number of seats but the turnout was only 28%, owing to LTTE threats to disrupt the voting. [1] The PA and UNP did not participate. [4a]

4.25 On 12 March 1998, Sarojini Yogeswaram of the Tamil United Liberation Front (TULF) was sworn in as the first mayor of Jaffna since 1984 [4c] but she was assassinated in May 1998. The Sangilliyan Force claimed responsibility. [4i] The new mayor, P.Sivapalan, was himself killed in a bomb explosion in the Jaffna municipality office on 11 September 1998. The local army commander and several senior police officers were also killed in the blast. [4i]

4.26 At the end of September 1998 the Sri Lankan army lost the key northern town of Kilinochchi to the LTTE in fierce fighting which left many hundreds dead. However the army captured the tactically more important town of Mankulam. [4m]

4.27 The Defence Ministry announced at the beginning of December 1998 that Operation Jayasikuru, launched in May 1997, had been completed. Analysts have said that the Operation, during which thousands of soldiers and rebels had been killed or wounded, was one of the bloodiest in the civil war. A fresh offensive was launched, codenamed Rivi Bala (Sun Power), after the capture of the northern towns of Omanthai, Puliyankulam and Mankulam. The new offensive linked up the key towns of Mankulam, Oddusuddan and Nedunkerni in what was seen as a change of the Government's military strategy to inch closer to the LTTE base in the north eastern coastal town of Mullaitivu. [4p]

4.28 On 4 March 1999, the Sri Lankan Army (SLA) launched a new offensive in the north, codenamed Operation Rana Gosa (Battle Cry). The objective was to expand the area controlled by the security forces in the Vanni region. The army quickly recaptured some 535 square kilometres of territory formerly held by the LTTE. [4u] A further 325 square kilometres were recaptured later that month, including the town of Madhu, a Catholic pilgrimage town. [4v] In May 1999 the Sri Lankan army recaptured a further 102 square kilometres from the Tamil Tigers in the north western Mannar district. [4x]

4.29 On 18 December 1999, shortly before Presidential elections, a woman suicide bomber detonated explosives strapped to her body at an election rally. The attack, which killed 21 people and injured 110, occurred shortly after President Kumaratunga had delivered a speech. The President suffered facial injuries from shrapnel, and it was later reported that she had been blinded in her right eye. Almost simultaneously a bomb at a rally elsewhere in Colombo, addressed by opposition leader Ranil Wickremasinghe, killed 12 people and injured 70. There was no claim of responsibility for either bombing, but both were widely assumed to have been the work of the LTTE. [23a]

4.30 Three days later, President Kumaratunga was re-elected, after securing 51.12% of the vote for the People's Alliance. Her nearest rival was Ranil Wickremasinghe of the United National Party, with 42.71%. M.D. Nandana Gunathilaka of the People's Liberation Front received 4.08%. [24] The election commissioner D.M. Dassanayake said that the turnout was 73.31% of the country's 11.77 million eligible voters, and that the conduct of the polling had been generally fair despite some 500 complaints of fraud. [23a]

4.31 An unknown gunman assassinated Kumar Ponnambalam, a prominent Tamil politician, in January 2000. No group initially claimed responsibility, but Ponnambalam was known to openly support the Tamil Tiger rebels. His death came shortly after a suicide bomb attack outside the Prime Minister's office in Colombo [9b] which killed 13 people and resulted in the arrest of hundreds of Tamil suspects, and the imposition of an all-night curfew in Colombo. [9c]

4.32 Despite efforts at brokering peace talks, the violence continued. On 27 January 2000, a bomb ripped through a post office in Vavuniya, killing at least 11 people and injuring 33. [25a] Then on 10 March 2000, an attempt to ambush a ministerial motorcade resulted in a gun battle between rebels and police that left 23 people dead and 80 injured. [9d] On 7 June 2000, Industry Minister C.V. Gooneratne was assassinated by a suicide bomber in Colombo. [9e] The attack, in which 21 others died, [9f] took place during celebrations honouring the country's war heroes. [9g] President Kumaratunga immediately called for restraint. Although there were reports of sporadic violence, the State media announced that anyone trying to provoke a backlash against Tamils would be severely punished. [9h] A further suicide bombing occurred on 15 September 2000 in Colombo in which at least 8 people were killed and 21 wounded. [25b] Violence increased the following month, ahead of parliamentary elections. On 2 October 2000, a suspected Tamil Tiger suicide bomber killed 24 people, including a ruling party candidate, at a rally in the north east of the country. Three days later, a bomb attack at an election rally in the town of Medawachchi took the lives of 11 people. [9i]

4.33 Fierce fighting again broke out in March 2000 between government troops and Tamil rebels. [25c] The forces of the LTTE inflicted one of the worst defeats of the civil war on 22 April 2000 when they forced the SLA to retreat from the heavily fortified Elephant Pass base which commanded the narrow isthmus providing the only land route into the Jaffna peninsula. The SLA withdrew some 17,000 troops northwards from Elephant Pass and the nearby Yakachchi base after a two-day assault by LTTE fighters. LTTE forces continued their advance towards Jaffna City and on 30 April 2000 captured the town of Pallai, some 15 km north of Elephant Pass. [23b] The rebels continued to push north, and by the middle of May 2000 the Sri Lankan Government admitted that its troops had been forced back on the outskirts of Jaffna. [9j] The Sri Lankan military contained the push, with newly acquired weapons, and there followed a lull in the fighting. The SLA then went on the offensive: a rebel position in the northern Jaffna peninsula was attacked and destroyed on 5 July 2000, killing at least 23 militants according to a Government spokesman. [25d] Tamil Tiger rebels later admitted that they had lost 35 fighters, in the insurgents' worst defeat in three months. Independent confirmation of the battle situation could not be determined since neither side allowed journalists into the zone of fighting. [25e] A further lull in fighting followed, before in early September 2000, the Sri Lankan

military pushed to recapture lost territory. Military sources said that 118 soldiers were killed and more than 800 wounded. The rebels did not give figures for their own casualties but a military spokesman said 160 rebel fighters were killed. [251] Later in September 2000, the SLA captured Chavakachcheri, the second-largest town in the Jaffna peninsula, 6 miles east of Jaffna City. Tamil rebels responded by killing 24 soldiers in an attack on an army truck near Trincomalee. [251]

4.34 On 25 October 2000, a massacre of 26 Tamil inmates at the Bandarawela Bindunuwewa rehabilitation centre occurred. Reports from the area said that hundreds of men carrying machetes and knives rampaged through the camp. The Government ordered an enquiry into the events. [91] In March 2002, formal charges were brought against 41 people allegedly involved. Nineteen of those charged were policemen. [4w] In July 2003 two police inspectors and three local residents were sentenced to death for their involvement in the killings. The condemned men had the right to appeal. The trial was seen as swift by Sri Lankan legal standards, and officials said the judgement could serve as a deterrent to security personnel and was a victory for human rights campaigners who had been complaining about the lack of accountability in Sri Lanka. [9az] The U.S. Department of State Report 2003 reports that "The sentences were immediately commuted to 23 years rigorous imprisonment". [2b] [p3]

4.35 Government troops continued their offensive against the LTTE in December 2000 when they re-established a road link between the Jaffna peninsula's two largest cities, Jaffna and Chavakachcheri. [251] Fierce fighting continued into January 2001 with a major battle leaving more than 90 dead and at least 230 injured. [9m]

4.36 On 28 February 2001, the British Home Secretary included the LTTE in the list of proscribed organisations under the Terrorism Act 2000. The proscribed organisation or any person affected by the ban could appeal to the Home Secretary. If this application were rejected, an application for judicial review could be made to a tribunal known as the Proscribed Organisations Appeal Commission. [10b]

4.37 As outlined by BBC News OnLine reports, on 24 July 2001 Tamil Tigers attacked the Katunayake Air Force Base and the adjacent Bandaranaike International Airport. Fourteen LTTE cadres and seven military personnel were killed. Eight military aircraft were destroyed at the air base, and another six passenger planes – half the Sri Lankan Airways fleet – put out of action at Bandaranaike International Airport. Three of these passenger planes were completely destroyed. [9o] Officials announced that a new, senior-level committee had been established to oversee new security measures at the international airport. A Government spokesman described the new steps to strengthen security as a bid to reassure international airlines and the travel trade. [9p]

4.38 As reported in the U.S. Department of State Report 2003 "The President suspended Parliament from July to September 2001 out of concern that her coalition had lost its majority in Parliament because of defections. The suspension of Parliament angered opposition parties, which sponsored numerous demonstrations. One of these demonstrations ended with the deaths of two marchers killed by security forces....After further defections from her coalition, the President dissolved Parliament in October 2001, and called for elections to take place in December

2001." [2b] (p14)

4.39 The United National Front, a coalition of parties led by the United National Party (UNP) [2b] (p13) obtained 109 seats, and therefore defeated the ruling People's Alliance (PA) headed by President Chandrika Kumaratunga, who came second with 77 seats. [4ac] As leader of the UNP, Ranil Wickremasinghe became Prime Minister with Chandrika Kumaratunga continuing as President. [9a] The full results (with the number of seats won in the 2000 parliamentary elections in brackets) were: -

United National Party (UNP)	109 (89)
People's Alliance (PA)	77 (107)
People's Liberation Front – Janatha Vimukthi Peramuna (JVP)	16 (10)
Tamil United Liberation Front (TULF)	15 (5)
Sri Lanka Muslim Congress (SLMC)	5 (4)
Eelam People's Democratic Party (EPDP)	2 (4)
Democratic People's Liberation Front (DPLF)	1 (0)
Tamil Eelam Liberation Organisation (TELO)*	0 (3)
All Ceylon Tamil Congress (ACTC)*	0 (1)
Sihala Urumaya	0 (1)
Independent group	0 (1)

*Campaigned separately in 2000, but now allied to the TULF [4ac]

4.40 As stated in the U.S. Department of State Report 2003 "There were 28 Tamils and 24 Muslims in the 225-member Parliament." [2b] (p14)

4.41 As noted in the U.S. Department of State Report 2003 "Despite an extremely violent campaign preceding the 2001 election, including credible reports of the use of intimidation by both of the major parties, voter turnout exceeded 70 percent. The People's Alliance for Free and Fair Elections reported 755 incidents of violence and 49 deaths; the Center for Monitoring Election Violence reported 4,208 incidents and 73 deaths; and the police reported 2,247 incidents and 45 deaths connected to the election...A delegation from the European Union monitoring the 2001 election expressed concern about violence and irregularities in the voting, but concluded that the election "did to a reasonable degree reflect the will of the electorate." " [2b] (p14) After the election violence, the Government began an amnesty for the surrender of illegal firearms in an effort to restore law and order. Over a 15-day period, members of the public were able to hand in unauthorised weapons to their nearest police station without fear of prosecution. [9a]

4.42 Mahinda Rajapakse was appointed leader of the opposition PA in February 2002, succeeding former Prime Minister Ratnasiri Wickremanayake. [4ah]

4.43 In March 2002 the UNP won an unprecedented landslide victory in local polls, taking 217 councils out of the 222 that held elections. The PA came a distant second with just four councils, with the JVP taking one. The vote was peaceful by Sri Lanka's

normal bloody standards, but clashes killed five people. Prime Minister Ranil Wickremasinghe called the election a de facto referendum on the Norwegian-brokered peace process and said the vote was a resounding mandate for the plan aimed at ending nearly two decades of ethnic war. [42]

4.44 The Sri Lanka Monitoring Mission issued a press release on 7 May 2003 entitled "Killings of Members of Political Parties & Government Forces – Threat to the Ceasefire". In it they stated "Continuing attacks and killings of members of political parties and locally elected representatives pose a serious threat to the Ceasefire in Sri Lanka. These criminal acts are direct attacks on the foundations and development of democracy and have no place in a civilized society. Such attacks, especially when they appear to be systematic, spread fear among the population, create political oppression and are definitely undermining the Peace Process. Therefore it is of utmost importance that these attacks will stop immediately. The same goes for attacks and killings of people in and related to the Government Forces that appear to be systematically continuing in spite of the Ceasefire Agreement. The Government of Sri Lanka has on several occasions raised its deep concerns with SLMM about attacks on members of political parties and members of the Government Forces. The Director General of the Secretariat for Co-Ordinating the Peace Process and the Secretary of Defence have personally complained to the Head of SLMM about these attacks. Various political parties operating in the North and East have also formally complained to SLMM due to repeated threats and attacks on their offices, individual members and their families and elected representatives. In the majority of these cases, but not all, the complainants have blamed members of the Liberation Tigers of Tamil Eelam (LTTE), a signatory to the Ceasefire Agreement, for the attacks. When confronted with these accusations, LTTE has denied any involvement...It is very clear that if one of the Parties is responsible for threats, attacks or killings in Sri Lanka at this time, then that is a violation of the Ceasefire Agreement. SLMM would once again like to state that lack of proof does not rule out that one of the Parties might in fact be responsible." [22]

4.45 A Human Rights Watch document released on 7 August 2003 stated that "Political killings are on the rise again in Sri Lanka. According to local human rights groups and Tamil political parties, at least thirty-eight people have been killed or were abducted and remain missing in politically motivated attacks against opponents of the Liberation Tigers of Tamil Eelam (LTTE) since Sri Lankan Prime Minister Ranil Wickremasinghe and LTTE leader Vellupillai Prabhakaran signed a ceasefire agreement in February 2002. Hundreds of others have been threatened, assaulted, and injured. Most of the victims were members or former members of Tamil political groups opposed to the LTTE including some senior officials. Among those killed were Tamils who had worked for the Sri Lankan security forces. All of these cases appear either to be politically motivated or indicate the possibility of political motivations. In some instances witnesses have identified the perpetrators as members of the LTTE. In others, evidence of LTTE involvement is more circumstantial. Many local observers believe that the killings are indicative of a systematic campaign to silence the LTTE's opposition." [21]

4.46 According to the U.S. Department of State Report 2003 "During the year [2003], there was credible evidence that the LTTE killed more than 36 members of anti-LTTE Tamil political groups and alleged Tamil informants for the security forces, mainly in the

north and east. Both current and former members of anti-LTTE Tamil political parties were targeted by the LTTE. In one high-profile case, the deputy leader of the Eelam People's Revolutionary Liberation Front was shot and killed in Jaffna in June [2003]. The LTTE also targeted alleged Tamil informants to the military, killing several during the year [2003]. A police officer was also killed in Colombo in an apparent LTTE attack." [2b] (p3)

4.47 A report in the Sunday Observer dated 13 July 2003 stated that only 4 soldiers, 8 members of the Army Intelligence Unit, and 11 civilians had been killed by the LTTE since the cease-fire came into effect. This compared with more than 10,000 deaths from the three military forces during the previous six years of war. [16a]

4.48 As stated in a BBC News article in January 2004, President Kumaratunga told the nation that a secret swearing-in ceremony had extended her term by a year, until 2006. A spokesman for the Prime Minister said the President's move was undemocratic and illegal. The President's argument was that she still had a year in hand from her first term in office, which she had cut short by calling early elections. [9b-d]

4.49 A BBC News report of 20 January 2004 stated that "Sri Lankan President Chandrika Kumaratunga's party [the People's Alliance] has formed an alliance designed to stop Tamil Tiger rebels forming a separate state. The alliance is with former leftist revolutionaries, the JVP, who oppose any devolution of power to the Tigers." [9be]

4.50 A BBC News report of 8 February 2004 confirmed that "President Kumaratunga has dissolved the Sri Lankan parliament, paving the way for snap elections. National ballots for the 225-member legislature will be held on 2 April [2004], nearly four years ahead of schedule...The dissolution of parliament allows the president to create new posts and ministries and Mrs Kumaratunga immediately appointed two of her own supporters. Lakshman Kadirgamar, a former foreign minister, was appointed minister of information and telecommunication, while D M Jayaratne was made minister of posts and communication. The prime minister and his cabinet, meanwhile, will assume caretaker functions with no power to make key decisions until the election, officials said." [9ar]

4.51 According to a BBC News report dated 31 March 2004 "A number of Tamil residents have fled the eastern town of Batticaloa, saying they were forced out by supporters of renegade Tamil Tiger Colonel Karuna. The Tamils, from the northern Jaffna area, have returned home or gone to the capital, Colombo. The town has been tense since the killing of a politician linked to Colonel Karuna on Tuesday. The colonel broke from the northern Tigers faction this month, saying it was failing to represent the east...Reports of the numbers leaving vary, but media sources in the east suggest they could be in the hundreds. A spokesman for Colonel Karuna denied the Jaffna Tamils had been under any pressure to leave...The election observer group, the Centre for Monitoring Election Violence, said it had received reports that the alliance and its Tiger supporters had made it impossible for other Tamil groups to campaign." [9au]

[GENERAL ELECTIONS WERE TO BE HELD IN SRI LANKA ON 2 APRIL 2004. AS THAT DATE WAS TOO LATE FOR INCLUSION IN THIS DOCUMENT, DETAILS WILL BE INCLUDED IN A SEPARATE COUNTRY INFORMATION BULLETIN]

The Peace Process January 2000 – April 2004

4.52 In January 2000, the [then] PA Government said it would discuss a devolution proposal aimed at ending the lengthy civil war, with all political parties as well as Tamil Tiger rebels, and that a new constitution would be drafted containing the new proposals. The devolution plan was supported by the [then] opposition United National Party. [9a] It also emerged for the first time that international mediators had been trying to broker a peace deal with the LTTE since 1997. The first attempt was made by Commonwealth Secretary General Chief Anyoku, and later by the Norwegian Government. [9a]

4.53 On 8 August 2000, the Sri Lankan Government indefinitely postponed the vote on the reform bill, which if enacted, would have allowed the Tamil community in the north greater autonomy. Senior ministers said they had decided to delay the bill when it became clear they would be unable to muster the required two-thirds majority in Parliament. [9i]

4.54 The LTTE announced a unilateral month-long cease-fire to run from 24 December 2000. [9i] The Government said it wanted talks with the rebels, but would not lay down its arms first. The truce was extended for a third time until 24 April 2001, but the LTTE said they would end it unless the Government responded positively and stopped fighting. [25k] The LTTE announced an end to the cease-fire on 23 April 2001, blaming the Government for the failure of peace efforts. The rebels said they had suffered a large number of casualties and injuries in Government attacks while the cease-fire was in force. [25i]

4.55 The new UNP Government announced a month-long cease-fire to start on 24 December 2001, reciprocating an earlier declaration by the LTTE. [4a4] The main opposition People's Alliance promptly indicated its willingness to support the Government in its efforts. [4a5]

4.56 In an unexpected move, most barriers, barricades and checkpoints were removed in Colombo a few days after the commencement of the cease-fire. It meant that residents of Colombo were free to move around unimpeded for the first time in seven years. [4a2]

4.57 On 2 January 2002, the Sri Lankan Government announced a major easing of an economic embargo on rebel-held areas in the north of the country, a key demand of the LTTE. A Defence Ministry statement said that nearly all goods could be traded, [9a] including food and medicines, [9v] apart from a small number of items such as arms, explosives and binoculars. [9a]

4.58 Also in January 2002 it was reported that restrictions had been eased on the movement of civilians in and out of Vavuniya. The Government had made it easier to obtain passes and lifted the requirement of a guarantee for those seeking permits for longer stays. [9v]

4.59 On 21 January 2002 the Sri Lankan Government announced that it would extend the cease-fire for another month (until 24 February 2002), matching a unilateral extension made by the LTTE the previous day. [9w]

4.60 Later in January 2002, Lieutenant General Lionel Balagalle, Sri Lanka's top military commander, urged his senior officers to consider integrating Tamil Tiger rebels into the armed forces if the peace process succeeded, and to address the issue of absorbing former militants into society. Lieutenant General Balagalle said that the truce was holding except for minor violations. [9x]

4.61 On 13 February 2002, the Government lifted all restrictions on the movement of medicines and medical equipment to the country's war-torn northern districts, as part of continuing confidence-building measures intended to promote peace talks. A military spokesman said that no controls would be placed on quantity or brand but the transported stocks would be monitored at checkpoints for security reasons. [4a]

4.62 An announcement was made on 22 February 2002 that the Sri Lankan Government and Tamil Tiger rebels had signed a cease-fire agreement. [9z]

4.63 A BBC News OnLine report of 22 February 2002 detailed the text of the truce deal. The preamble to the agreement states the overall objective is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka. Article 2 of the agreement deals with measures to restore normalcy. This includes both parties, in accordance with international law, abstaining from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment; the parties refraining from engaging in activities or propagating ideas that could offend cultural or religious sensitivities; the parties reviewing security measures and the set-up of checkpoints, particularly in densely populated cities and towns, in order to prevent harassment of the civilian population; the parties agreeing that search operations and arrests made under the Prevention of Terrorism Act shall not be made, and that arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code; and the parties agreeing to provide family members of detainees access to those detainees. [9aa]

4.64 On 6 March 2002 it was announced that a further series of travel and other restrictions had been lifted. The rules differed from area to area but local media reported that in one part of the northern Vavuniya district the number of travel permits had been reduced from 24 to 3. [4aa] In the International Committee of the Red Cross (ICRC) Newsletter number 21 of March 2002, the organisation states it had agreed to act as a conduit for the passing of information between the parties concerned whenever there was an issue that affected the needs and the welfare of ordinary civilians. The ICRC referred to the opening of the two crossing points into the LTTE-controlled Vanni region from the government-controlled area on 15 February 2002, and regarded this event as dramatically reducing travelling time from the southern regions to population centres in the Vanni and back. This event had also permitted a large number of people to cross between the areas of control and also for a greatly increased quantity of goods to be transported both ways. In this manner some 300,000 people living in the area would benefit from better access to services and facilities. [34b]

4.65 Nordic Observers, known as the Sri Lanka Monitoring Mission (SLMM), began monitoring the cease-fire on 2 April 2002. Representatives from Norway, Sweden, Finland and Denmark would carry out the monitoring, working with local observers in six Districts in the North East Province. There had been no combat-related deaths reported since the truce was signed, although both sides had complained of provocations, particularly in the East. [45]

4.66 Also in April 2002, the LTTE opened a political office in a government-held area in the north of the country. The office in Vavuniya was inaugurated under the terms of the cease-fire agreement which allows the Tamil Tigers to engage in political activity in areas outside their control provided they are unarmed and out of military-style uniforms. In a sign of reconciliation, the Tigers invited a member of the Sinhalese community to open the office. It was the first major public appearance by the LTTE outside territory held by them. [9ab] The previous month, troops allowed LTTE cadres wearing cyanide capsules to move back into an uncleared [i.e. LTTE-controlled] area. Troops manning a roadblock close to Batticaloa town had come across the two cadres who were dressed in civil clothes at the time. However, since the cadres' intention was to proceed into the uncleared areas, troops allowed them to proceed after recording their details. [16a] According to the U.S. Department of State Report 2003 "During 2002, the Ministry of Defense reported capturing several LTTE personnel with weapons in government-controlled areas in direct contradiction of the terms of the ceasefire agreement. The Government reportedly returned most LTTE personnel directly to the closest LTTE checkpoint. Some, however, were detained for longer periods. Previously, the military sent the LTTE cadre it captured or who surrendered to rehabilitation centers." [2b] (p9)

4.67 A further development in April 2002 was the opening of the strategic A9 highway, a key road linking the Jaffna peninsula with the rest of the country. It was the first time the road had been opened in 12 years, and meant that civilians under the control of Tamil Tiger rebels could travel freely to government-controlled areas. This event came a week after the authorities lifted a six-year ban on domestic flights and cleared the way for commercial airlines to resume services to the war-ravaged Jaffna peninsula. [9ac]

4.68 On 10 April 2002, LTTE leader Velupillai Prabhakaran gave his first press conference for 12 years. [1a]

4.69 Also in April 2002, the LTTE agreed that nearly 100,000 Muslims expelled from the north by the Tamil Tigers a decade previously would be allowed to return to their original dwelling places. [4c]

4.70 On 17 April 2002, the leader of the LTTE cultural and social wing, Puthuvai Ratnadurai, addressed a public gathering in Jaffna; the first time such an event had taken place in 7 years. A BBC correspondent said the fact that the security forces allowed this celebration of Tamil culture and nationalism to take place at all, showed how much freedom the rebels now had to operate in areas under Government control. [9ad]

4.71 In June 2002 the Sri Lankan Government and the LTTE sealed a deal for the LTTE to open political offices in the northern islands. At the same time, fishing

restrictions were relaxed in the north and eastern provinces following a strike by fishermen. [40]

4.72 On 13 July 2002 an incident occurred in which two Norwegian peace monitors were held aboard a vessel by Tamil Tigers off the northern coast. The monitors had been called in after Sri Lankan naval vessels intercepted the Tamil Tiger vessel which was allegedly in violation of the cease-fire agreement. The monitors claimed that they were being held against their will, whereas an LTTE spokesman said they were kept on board the boat in the interests of their own personal safety. The LTTE later said they regretted the incident and stated they had full confidence in the peace mission. [9ag]

4.73 Another vital road opened in July 2002. The A5 road between Kandy and Batticaloa had been closed since 1995. [9af]

4.74 On 29 July 2002, the SLMM (Sri Lanka Monitoring Mission) issued a statement expressing their satisfaction about the progress of the cease-fire agreement, mentioning that the Sri Lankan Government and LTTE were getting closer to lasting peace. The statement went on to say that both parties had successfully refrained from military operations during the cease-fire, most fishing restrictions had been removed and freedom of movement for both parties and the public had been greatly enhanced, among other benefits. [4n]

4.75 A key demand by the LTTE was fulfilled in August 2002 when the Sri Lankan Government allowed the rebels the use of a controversial sea route. A Government spokesman told reporters that the rebels could move along the east coast twice a week, subject to certain conditions. The LTTE would be expected to inform the Government about their movements in advance, and the boats would carry a peace monitor and SLMM flag. [9ah]

4.76 On 23 August 2002 the Norwegian Government issued a statement confirming that the first round of formal peace talks between the Sri Lankan Government and the LTTE would be held in Thailand from 16 to 18 September 2002. The statement recognised that there would be difficulties ahead, but that both sides had displayed commitment to seek a durable settlement. The talks announcement came soon after Government and LTTE representatives held another round of talks in Kilinochchi on the reconstruction and rehabilitation of the north east. It also followed two meetings held in London and Oslo between Minister Milinda Moragoda and LTTE Chief Negotiator Anton Balasingham. [10g]

4.77 The Sri Lankan Government lifted its ban on the LTTE on 4 September 2002. The LTTE had made the removal of the ban a main precondition for sitting down to talks with the Government. [9ai] As stated in the U.S. Department of State Report 2003 "This meant that members of the LTTE were no longer subject to arrest simply because of their status." [2b] (p8)

4.78 BBC News reported that the first round of talks had been a success for both sides. While agreeing to continue the existing cease-fire agreement, the two sides talked about the return of refugees to government-designated high-security zones, the rebuilding of the north and east, and landmine clearance. [9aj] The LTTE announced at

the end of the talks that they were negotiating only for autonomy, and that fighting for an independent Tamil State would be a last resort. [167] But the concession was accompanied by a warning that the LTTE would not begin to disarm until a final peace deal had been signed. The significance of the announcement was reflected by a five-year high on the stock market, which had already risen by 34% in 2002. [4] The Government and LTTE agreed to form a joint task force for urgent humanitarian and reconstruction activities in the north and east, operating with the participation of Muslims, and for the benefit of all ethnic communities. [168]

4.79 In early October 2002, 10 people were killed in eastern Sri Lanka in clashes. The head of the international cease-fire monitors blamed irresponsible and destructive elements who were trying to destabilise the peace process. [9a1]

4.80 In the second round of peace talks that ended on 3 November 2002, it was announced that three committees were to be set up. The committees were to examine rehabilitation needs in war-hit areas, to push for military de-escalation, and to look at political questions at the heart of the 19-year civil war. The LTTE chief negotiator also said that they were now willing to accept and assimilate rival political groups, and allow a plurality of views in their strongholds in the north east. [9a1]

4.81 In a speech broadcast in November 2002, LTTE leader Velupillai Prabhakaran for the first time stated that his movement was ready to drop its long-standing demand for independence, and declared that he would settle for provincial autonomy and self-rule in Tamil-dominated areas in the east and north. However, he also warned that the Tamils would resume their struggle for a separate State if a political solution could not be reached in the ongoing peace process. [9a0]

4.82 At the end of the third round of peace talks in December 2002, it was announced that the Sri Lankan Government and the LTTE had agreed to share power in a federal system. Norwegian mediators said that the two sides had agreed on "internal self-determination based on a federal model within a united Sri Lanka". Under the deal, Tamils would have autonomy in the largely Tamil-speaking north and east of the country. Parliament would have to approve any change to the Constitution, requiring a two-thirds majority (which the Government did not have). [9ap]

4.83 The fourth round of peace talks in January 2003 focused on the humanitarian aspects of the post-conflict situation. An action plan for the resettlement of Jaffna was agreed upon. The first phase of settlement would be outside the High Security Zones (HSZs) maintained by the Sri Lankan Armed Forces, the second phase within the HSZs. It was also agreed at the talks that the World Bank would be the custodian of the funds given by donors for the rehabilitation of the north and east of the country. [169]

4.84 In January 2003 the SLMM said that recent months had shown a clear downward trend in child recruitment and other cease-fire violations by both sides. The SLMM said that during 2002 it investigated and upheld 556 cease-fire violations, 500 of which were perpetrated by the LTTE. According to the monitors, the most common violation by the LTTE was the recruitment of fighters under the age of 18. Most of these cases related to recruitment around the Batticaloa and Jaffna areas. On the Government side, the

most common violations by the military were harassment, extortion and restriction of movement. [9aq]

4.85 The sixth round of peace talks in March 2003 were overshadowed by the sinking of an LTTE vessel earlier in the month in which 11 Tamil Tigers were killed. The LTTE had threatened to boycott the talks, but eventually went ahead with them. There was none of the dramatic progress seen at previous rounds of talks, but both sides maintained that the process was on course. One positive step was the agreement by the LTTE to allow rival Tamil parties to conduct political activities in areas held by them. [9av]

4.86 On 21 April 2003 the LTTE suspended participation in the peace talks in protest at the handling of "critical issues". The LTTE expressed serious grievances about their "marginalisation" from negotiations and the perceived unequal dividends of peace, such as patchy security withdrawals on the ground. The LTTE were also bitter about their exclusion from reconstruction talks in Washington, due to the ban on the LTTE travelling to the U.S. [9aw] On 23 April 2003, the LTTE said that they had no intention of breaking the cease-fire, but wanted the Government to implement decisions agreed at earlier meetings. [9ax]

4.87 At an international donors conference in June 2003, a total of \$4.5 billion in aid was pledged towards rebuilding Sri Lanka. A total of 51 countries and 22 international organisations were present; however the LTTE boycotted the conference. Most of the money is conditional on progress in reviving the stalled peace talks, full compliance with the cease-fire agreement, effective protection of human rights, and a verifiable "de-escalation, de-militarisation and normalisation process", according to the final declaration at the conference. [9ay]

4.88 A BBC News report dated 1 November 2003 stated that "The Sri Lankan Government has reacted cautiously to proposals for power sharing that the Tamil Tiger rebels have called historic...It differs in fundamental respects from the proposals submitted by the government of Sri Lanka," said a statement from chief negotiator G L Peiris. The eight-page document, made public after months of speculation, is the result of several trips by the rebels to foreign countries to study different federal systems and consult constitutional experts. It is also the most detailed articulation so far of the Tigers' willingness to compromise on their demand for a separate state. The Tigers are asking for an "interim self-governing authority" for the north-east of Sri Lanka with powers over land, law and order and finances. A majority of the members of this body would be appointed by the Tigers, although it would have representatives from the Sinhala and Muslim communities and be subject to elections after five years. What many were looking for were signs of a commitment to protect rival ethnic groups and uphold values of human rights. The document does include provisions for the establishment of an independent human rights commission...There is no mention of disarmament - something the Tigers say they can only envisage at the time of a final political settlement because they see their extensive armed wing as their only bargaining chip at the negotiating table...The rebels' document contains no mention of how to integrate their own police force and judiciary with that of the government...The Tigers are demanding control over regulating access to marine and offshore resources. The Sri Lankan navy, which complains the rebels have used the ceasefire to smuggle in weapons by sea, may not agree. And the Tigers have given special emphasis to the

need to resettle refugees displaced from homes currently occupied by the Sri Lankan military. Thousands of these homes fall within high security camps that the government will be reluctant to relocate or remove. Some may take issue with the Tigers' suggestion that they have the power to borrow externally - seeing this as a sign of sovereignty not normally devolved to a region. And there is still the question of the legality of devolving all these powers - constitutional experts believe giving control over land and the judiciary may cause legal problems for the government even on an interim basis." [196]

4.89 As noted in the U.S. Department of State Report 2003 "President Chandrika Kumaratunga...temporarily suspended Parliament November 4 [2003]. The President also dismissed the ministers of defense, interior, and mass communications and assumed those portfolios herself because of what the President termed a "deterioration of the security situation" during the course of the peace process. Parliament reconvened November 19 [2003], and talks continued at year's end [2003] between representatives of the Prime Minister and the President over control of the three ministries and the Prime Minister's role in the peace process. The President reaffirmed her commitment to the peace process, but peace negotiations remained suspended at year's end [2003]." [26] (p1)

4.90 The Daily News reported on 16 January 2004 that the LTTE had reiterated that it would continue with the truce agreement irrespective of the political impasse in the South. A spokesman for the LTTE political office in Kilinochchi quoted Anton Balasingham as saying that the LTTE was prepared to participate in negotiations when a stable government assumes power in Colombo. LTTE political chief Thamilselvam made the same remarks when he met Norwegian Ambassador to Colombo Hans Brattskar in Kilinochchi on the same day. Thamilselvam reiterated his earlier pledge that the LTTE will not be the first to break the truce. "There is a resolute commitment of the LTTE that the Liberation Tigers will not be the party to commence it (war)," Thamilselvam earlier told Reuters. [164] As reported in the Daily News on 6 February 2004 the Sri Lanka Monitoring Mission's new chief Trond Furuhoide said that the current political impasse had had no impact on the Ceasefire Agreement. Furuhoide, SLMM's pioneering head of the mission, who led the SLMM during its first year was re-appointed by the Norwegian Government. He replaced Tryggve Tellefsen declared "persona non grata" by President Chandrika Bandaranaike Kumaratunga over his alleged bias towards the LTTE. [164]

For further details of history prior to 1994, refer to Europa World Year Book, source [1]

[Return to Contents](#)

5 STATE STRUCTURES

The Constitution

5.1 The Constitution was promulgated on 7 September 1978. It guarantees the fundamental rights and freedoms of all citizens, including freedom of thought, conscience and worship and equal entitlement before the law. Buddhism has the foremost place among religions and the State has a duty to protect and foster Buddhism. Sinhala and Tamil are the two official languages. [1]

5.2 As confirmed in the U.S. Department of State Report 2003 "Sri Lanka is a republic with an active multiparty system [2b] (p1)...The Constitution provides citizens with the right to change their government peacefully. Citizens exercised this right in practice through multiparty, periodic, free and fair elections held on the basis of universal suffrage; however, recent elections have been marred by violence and some irregularities. Power is shared between the President (elected in 1999 for a 6-year term) and the 225-member Parliament. The country is a longstanding democratic republic with an active multi-party system." [2b] (p13)

5.3 As noted in the U.S. Department of State Report 2003 "The Constitution provides for equal rights under the law for all citizens, and the Government generally respected these rights. The Supreme Court regularly upheld court rulings in cases in which individuals filed suit over the abridgment of their fundamental civil rights. The HRC and the CIUAH [Committee to Inquire into Undue Arrest and Harassment] are other mechanisms the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts." [2b] (p15) **SEE ALSO RELEVANT SECTIONS ON THE HUMAN RIGHTS COMMISSION AND THE COMMITTEE TO INQUIRE INTO UNDUE ARREST AND HARASSMENT**

[Return to Contents](#)

Citizenship and Nationality

5.4 Citizenship laws are based upon the Citizenship Act of Sri Lanka 1972, amended 1987. All those who were citizens of Ceylon are now considered citizens of Sri Lanka. Birth within the territory of Sri Lanka does not automatically confer citizenship, the exception being a child born of unknown parents. Most Sri Lankans are regarded as of Sri Lankan nationality by descent. However, certain persons with paternal or maternal blood ties to Sri Lanka may apply for citizenship by registration, provided they are at least 22 years old and intend to permanently reside in Sri Lanka. [7]

5.5 Voluntary renunciation of Sri Lankan citizenship is permitted by law. Involuntary loss of Sri Lankan citizenship includes where a person acquires a foreign citizenship; where a citizen by registration is shown to have given false information, resided abroad for more than 5 years without Government permission, or has been convicted of certain crimes or declared loyalty to a foreign Government; and where a citizen by descent whose father is a citizen by registration has not expressed a desire to retain citizenship after the age of 22. [7]

5.6 A Citizenship (Amendment) Bill was passed in Parliament in March 2003. Under the terms of the new legislation, the right of a mother to pass her Sri Lankan citizenship to her child is now identical to that of a father. Hitherto, only a father could pass citizenship to his children. Those over 22 years of age and who have assumed citizenship of another country will be recognised as Sri Lankan citizens upon application made to the Ministry of Interior. Such persons have the option to obtain dual citizenship or may renounce citizenship of the other country and assume Sri Lankan citizenship. [16p]

[Return to Contents](#)

Political System

5.7 The President is Head of State and exercises all executive powers. The President is directly elected by the people for a term of 6 years, and is eligible for re-election. The current President is Mrs Chandrika Bandaranaike Kumaratunga of the People's Alliance, who was sworn in on 12 November 1994, [1] and re-elected on 21 December 1999. [23a]

5.8 The Sri Lankan Parliament consists of one chamber with 225 members, and Members of Parliament are directly elected by a system of modified proportional representation. [1] The United National Front, a coalition of parties led by the United National Party (UNP) [2b] (p13) obtained 109 seats in elections in December 2001, and therefore defeated the ruling People's Alliance (PA) headed by President Chandrika Kumaratunga, who came second with 77 seats. [4ac] As leader of the UNP, Ranil Wickremasinghe became Prime Minister with Chandrika Kumaratunga continuing as President. [9a]

5.9 Sri Lanka comprises 9 provinces [1] and 25 administrative districts [2a] each with an appointed Governor and elected Development Council. In November 1987, an amendment to the Constitution was adopted, providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit). A network of 68 Pradeshiya Sabhas (district councils) was inaugurated throughout the country in January 1988. [1]

[Return to Contents](#)

Judiciary

5.10 As noted in the U.S. Department of State Report 2003 "The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice." [2b] (p7)

5.11 The judicial system consists of the Supreme Court, the Court of Appeal, the High Court, District Courts, Magistrates' Courts and Primary Courts. The last four are Courts of the First Instance. Appeals lie from them to the Court of Appeal and from there, on questions of law, or by special leave, to the Supreme Court. The High Court deals with all criminal cases, and the District Courts with civil cases. There are also Labour Tribunals to decide labour-based disputes. [1]

5.12 The Judicial Service Commission comprises the Chief Justice and two judges of the Supreme Court, nominated by the President. All judges of the Courts of First Instance (except High Court judges), and the staff of all courts are appointed and controlled by the Judicial Service Commission. The Supreme Court consists of the Chief Justice and not fewer than 6 and not more than 10 other judges. The Court of Appeal consists of the President, and not fewer than 6 and not more than 11 judges. [1]

5.13 It is very rare and most unlikely that an accused would be able to obtain a copy of his/her own arrest warrant. When an arrest warrant is issued, a copy is kept on the legal file and the original is handed to the police. An accused cannot apply for copies of the arrest warrant to the relevant court. Forged documents are easily obtainable throughout Sri Lanka with people paying between 100 and 1000 rupees for a forged arrest warrant. (Other examples of forged documents include passports, court

summonses, birth certificates, death certificates, marriage certificates and educational certificates). [15a]

[Return to Contents](#)

Legal Rights/Detention

5.14 As noted in the U.S. Department of State Report 2003 "Under the law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours. In practice, persons detained generally appeared within a few days before a magistrate, who could authorize bail or order continued pretrial detention for up to 3 months or longer. Security forces must issue an arrest receipt at the time of arrest, and, despite some efforts by the Government to enforce this standard, arrest receipts rarely were issued in previous years. Observers believed that the lack of arrest receipts in the past prevented adequate tracking of cases and permitted extended detentions and torture without making any persons directly responsible for those detainees. During the year [2003] arrest receipts were still not issued in some cases." [2b] (p6)

5.15 As noted in the U.S. Department of State Report 2003 "In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them and have the right to counsel and the right to appeal. The Government provides counsel for indigent persons tried on criminal charges in the high court and the courts of appeal, but it does not provide counsel in other cases. Private legal aid organizations assisted some defendants. In addition, the Ministry of Justice operated 11 community legal aid centers to assist those who could not afford representation and to serve as educational resources for local communities. However, at year's end [2003], the legal aid centers had not tried any cases." [2b] (p7)

5.16 As stated in the U.S. Department of State Report 2003 "Most court proceedings in Colombo and the south were conducted in English or Sinhala, which, due to a shortage of court-appointed interpreters, restricted the ability of Tamil-speaking defendants to get a fair hearing. Trials and hearings in the north and east were in Tamil and English, but many serious cases, including those having to do with terrorism, were tried in Colombo. While Tamil-speaking judges existed at the magistrate level, only four High Court judges, an Appeals Court judge, and a Supreme Court justice spoke fluent Tamil. Few legal textbooks and only a single law report existed in Tamil, and the Government has complied slowly with legislation requiring that all laws be published in English, Sinhala, and Tamil." [2b] (p8)

5.17 Members of a joint Danish/Canadian fact-finding mission team, on their visit to Sri Lanka between 1 and 12 October 2001, were told by a local Non-Governmental Organisation (NGO) that roughly 90% of cases involving LTTE suspects fall under section 5 of the PTA, related to "failure to give information". A lawyer attached to another local NGO stated that while section 5 provides for a maximum sentence of 7 years, there is no minimum sentence. Accordingly, if the person is charged under section 5 of the PTA and pleads guilty, the period spent in remand would most often be deducted from the sentence, and the person would end up being released. Also, where the only evidence against a Tamil suspect is a signed confession recorded in Sinhala, which encompasses most of the cases registered by police in Colombo, the case would

be challenged by the defence counsel when brought to court, and the person would be discharged. A lawyer with the Legal Aid Foundation (LAF) stated that 95% of PTA cases were based on confession alone, and 99% of these cases are normally discharged. [11]

5.18 Magistrates have key roles in relation to the prevention of torture, which they do not always fully perform. Officers in charge of places of detention are required to provide the local magistrate every 14 days with a list of all detainees, and the magistrate has to display the list on the court's notice board. These safeguards have never been fully implemented. Under the Code of Criminal Procedure, magistrates have a duty to examine detainees brought before them. There are reports that magistrates do not carry out this duty rigorously. This failure erodes the chances of tortured detainees receiving justice at a later stage. [36]

5.19 Sri Lanka acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 3 January 1994. The Convention Against Torture Act 1994 gives effect to the Convention in accordance with the Sri Lankan legal system. [61] Several provisions in the UN Convention against Torture were not fully implemented in the Convention Against Torture Act (CATA), which uses a more restrictive definition of torture than that contained in the UN Convention against Torture. [36] **SEE ALSO, SEPARATE SECTION ON TORTURE**

5.20 A report in the Sri Lankan Daily News of 14 May 2002 stated that the Legal Aid Foundation of the Bar Association of Sri Lanka (BASL) had set up a National Centre for Victims of Crime. The Centre will provide and co-ordinate legal aid to victims of crime in keeping with the 1986 UN declaration on Basic Principles of Justice for Victims of Crime. Other services include information for obtaining compensation and restitution. Protection would be given to victims from intimidation from the perpetrators of violence, while protecting the basic rights of offenders. The Centre will also provide legal help to families of victims and witnesses to crime. [166]

5.21 According to the U.S. Department of State Report "In the past in Jaffna, LTTE threats against court officials sometimes disrupted normal court operations. Although the Jaffna court suspended activities due to security concerns in 2000, it reopened in 2001 and functioned continuously since then. During the year [2003], the LTTE expanded the operations of its court system into areas previously under the Government's judicial system in the north and east. With the expansion, the LTTE demanded that all Tamil civilians stop using the Government's judicial system and rely only on the LTTE's legal system. Credible reports indicated that the LTTE implemented the change through the threat of force. The LTTE has its own self-described legal system, composed of judges with little or no legal training. LTTE courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. The courts reportedly imposed severe punishments, including execution." [26] (p.9)

[Return to Contents](#)

Death Penalty

5.22 On the Amnesty International "Website Against the Death Penalty" Sri Lanka is listed among those countries which are abolitionist in practice. This is explained as countries which retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the past 10 years and are believed to have a policy or established practice of not carrying out executions. [3c]

5.23 A BBC News report dated 15 October 2003 stated that "Two men had been sentenced to death in Sri Lanka for the 1998 bombing of the nation's holiest Buddhist shrine which killed 23 people... The men had been accused of using a truck bomb to blow up Kandy's famous Temple of the Tooth in January 1998. No one has been executed in Sri Lanka since 1976 and death sentences are normally commuted to life imprisonment." [9bb]

[Return to Contents](#)

Internal Security

5.24 As outlined in the U.S. Department of State Report 2003 "The Ministry of Interior, which President Kumaratunga renamed the Ministry of Internal Security on December 19 [2003], controls the 60,000-member police force, which has been used for military operations against the LTTE and is responsible for internal security in most areas of the country. In the past, the police paramilitary Special Task Force also engaged in military operations against the LTTE. The Ministry of Defense controls the 112,000-member Army, the 27,000-member Navy, and the 20,000-member Air Force. Home Guards, an armed force of more than 20,000 members drawn from local communities and responsible to the police, provide security for Muslim and Sinhalese communities located near LTTE-controlled areas." [2b] (p1)

5.25 Investigating agencies include the Operational Command of Colombo Security (OCC), the Directorate of Internal Intelligence (DII), the Directorate of Foreign Intelligence (DFI), the Criminal Record Department (CRD), the Criminal Investigation Department (CID) and the Terrorist Investigation Department (TID). The TID was set up in May 1998 as a new investigative agency of the police. The DII and DFI, until mid-1998, together formed the National Intelligence Bureau (NIB). [14b] Police are recruited nationally, not locally, and any Sri Lankan national, including those of Tamil ethnicity, is free and welcome to join the police force. [35a]

5.26 The LTTE's Tamil Eelam Police Force has been in existence since 1991, and there are 16 such police stations in the Vanni. [10c]

[Return to Contents](#)

Prisons and Prison Conditions

5.27 According to the U.S. Department of State Report 2003 "Prison conditions generally were poor and did not meet international standards because of overcrowding and lack of sanitary facilities. Women were held separately from men. In some cases, juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted." [2b] (p4)

5.28 As confirmed in the U.K. Home Office fact-finding mission report of 2001 "The prison authorities told us that over the last 5 years the prisons had become 300% overcrowded. There had been some small instances of rioting but the prison authorities had been able to bring this under control...The Prison Service has embarked on a six-year improvement project and part of this is moving facilities out of Colombo. A new facility has been built in Kandy." [35a] (p25-26)

5.29 The U.S Department of State Report 2003 notes "Conditions also reportedly were poor in LTTE-run detention facilities. The ICRC conducted eight visits in LTTE-controlled detention facilities. Due to the release of detainees in 2000 and the apparent release of the remaining soldiers held by the LTTE in 2002, ICRC visited fewer LTTE detention centers than in previous years." [2b] (p4)

[Return to Contents](#)

Military Service

5.30 Conscription does not exist. The legal recruitment age for the armed forces is 18. There is no known legal provision for conscientious objection. [36]

5.31 Desertion is punishable under article 103 of the Army Act by up to three years' imprisonment. Although desertion has been widespread, because of the paucity of recruits, the punishment of deserters rarely occurs. Amnesties for deserters have been announced several times, usually in the context of recruitment drives. According to these amnesties, deserters are allowed to return to their units without facing further penalties. Deadlines for amnesties are often extended as not all deserters apply in time to meet the initial deadline. [36]

5.32 In March 2003, the Sri Lankan military said it would offer 50,000 army deserters the chance of a legal discharge rather than issuing the usual amnesty. Previously, deserters had remained on the army's books, but had become a serious social problem, blamed for the rise in armed crime. Those who wished to rejoin the army would still have a chance, assuming they had deserted within the last three years and they had no criminal record. [36a]

[Return to Contents](#)

Medical Services

5.33 In a letter dated 30 March 2001, the British High Commission in Colombo outlined the standards of medical facilities in Sri Lanka. The traditional Western medical structure of general practitioners, specialists and hospitals with operating theatres and emergency units, co-exists with the traditional practice of ayurvedic (herbal) medicine. The country has its own National Health Service, which is available to everyone. [15b]

5.34 In the Colombo area and one or two of the larger centres such as Kandy, there are many well-reputed hospitals, staffed by physicians most of whom are very experienced and internationally trained. There is an extensive range of specialist care found in Colombo, both in the private and Government sectors. Specialist care would include

treating such conditions as cardiac, gastro-intestinal, dermatological, urological, orthopaedic and general surgery. [15b]

5.35 Most medications are available in Colombo, under various generic and company labels. The prices for medications bought in Sri Lanka range widely, but as a comparison, most drugs would be cheaper than the United Kingdom for prescription and dispensing charges. On the whole, medical care is affordable for the average person, and Government hospitals generally charge a lesser fee than private hospitals. [15b] As confirmed in the U.S. Department of State Report 2003 "Health care [for children], including immunization, was free". [2b] (p16)

5.36 In July 2003 it was announced that legislation to control and monitor the activities of private medical institutions would soon be presented before Parliament. It would establish guidelines for private hospitals, nursing homes, maternity homes, medical laboratories, blood banks, dental surgeries, dispensaries, consultation rooms and other establishments providing health screening or health promotion service. According to Ministry of Health sources, there are 160 private medical institutions and 800 private dispensaries including family physicians in the country. Over 60% of the population obtain medical treatment from private medical institutions, and a majority of them seek medical treatment through channelled services and family physicians. [16q]

5.37 In Government hospitals, free treatment is available for opportunistic infections that occur with HIV, such as chest and eye infections. There is free anti-retroviral treatment to prevent mother to baby transmission of HIV, and free post-exposure prophylaxis is given to all healthcare workers. At present, the anti-retroviral drugs that are commonly used in the West for HIV/AIDS are not available in the Government sector. Anti-retroviral drugs are available in the private sector but choice is limited when compared with the West. [15e]

5.38 A news report of 1 December 2002 indicated that the costs of treating HIV/AIDS patients in Sri Lanka had been slashed by more than 60% following a Government decision to import anti-retroviral drugs under generic names from India. The cost of treatment for each patient would be reduced from 15,000 rupees to 6,000 rupees per month. [4e]

5.39 According to the U.S. Department of State Report 2003 "There was no official discrimination against those who provided HIV prevention services or against high-risk groups likely to spread HIV/AIDS; however, there was some societal discrimination against these groups." [2b] (p15)

5.40 A Sunday Observer [of Sri Lanka] news item of 2 November 2003 reported that "President Chandrika Bandaranaike Kumaratunga opened the new Asiri Surgical Hospital at Narahenpita in the presence of a distinguished gathering last Monday...Managing Director of Asiri Hospitals, Ananda Wimalasena said that they have installed the latest CT scanner and it is the most recent in Asia...The ailments that could be treated there include orthopaedic, endoscopic, & laproscopic surgery (where a tiny camera and surgical devices are inserted into the body, and the surgeon views the operation on a video monitor), oncology (cancer treatment), neurology and advanced neurosurgery. Eye and ENT treatment and surgery could

be performed at this hospital too. The accommodation available at this hospital includes 9 air-conditioned luxury suites and 29 semi-luxury rooms, 36 non a/c rooms, and 2 wards with 5 beds in each ward. This hospital though ultra-modern has also catered to the 40% people [sic] who are under the poverty line." [16ae]

5.41 Hospitals specifically dedicated to mental health exist in Angoda and Mulleriyawa where there is also treatment for PTSD. [15d] It was reported in the Sunday Times (of Sri Lanka) in 1996, that psychiatric treatment was available at all teaching hospitals and main Government district hospitals throughout the country, and at ward 59 of the Colombo General Hospital. [31]

5.42 According to the U.S. Department of State Report 2003 "The law forbids discrimination against any person on the grounds of disability. It is believed no cases were filed under this law. There was some discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law does not mandate access to buildings for persons with disabilities. The World Health Organization estimated that 7 percent of the population consisted of persons with disabilities. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The Government also provided some financial support to NGOs that assisted persons with disabilities. Such assistance included subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO-run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties because of negative attitudes and societal discrimination." [2b] (p16-17)

5.43 A Daily News report dated 3 December 2003 states that around one million Sri Lankans (8% of the population) are disabled in one form or another according to Social Welfare Ministry statistics. A majority are from rural areas. [16ad]

[Return to Contents](#)

Educational System

5.44 The U.S. Department of State Report 2003 notes that "The law requires children between the ages of 5 and 14 to attend school. Approximately 85 percent of children under the age of 16 attended school. Education was free through the university level. [2b] (p16) The Government did not restrict academic freedom. The LTTE restricted academic freedom, and it repressed and killed intellectuals who criticize its actions." [2b] (p11)

[Return to Contents](#)

6 HUMAN RIGHTS

6.A HUMAN RIGHTS ISSUES

Overview

6.1 According to the U.S. Department of State Report 2003 "The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were no reports of security forces committing politically motivated killings and no reports of disappearances; however, the military and police reportedly tortured, killed and raped detainees. Prison conditions remained poor. There were reports of arbitrary arrest during the year [2003]. During 2002, the Government released more than 750 Tamils held under the Prevention of Terrorism Act (PTA). Only 65 Tamils held under the PTA remained in custody. The PTA, like the Emergency Regulations (ER) repealed in 2001, permitted warrantless arrests and nonaccountable detentions. Unlike in the recent past, there were few reports that security forces harassed journalists during the year. Violence and discrimination against women, child prostitution, child labor, limitations of worker rights, especially in the Export Processing Zones (EPZs), and discrimination against persons with disabilities continued to be problems. Violence against religious minorities increased, and institutionalized ethnic discrimination against Tamils remained a problem. Trafficking in women and children for the purpose of forced labor occurred, and there was some trafficking of women and children for the commercial sex industry. The Government acted against the children for sex trade, and international involvement in the sex trade declined significantly. [2b] (p2) There are no legal provisions to allow forced exile, and the Government did not practice it." [2b] (p7)

6.2 As outlined in the U.S. Department of State Report 2003 "In past years, the army generally turned over those it arrested under the ER to the police within 24 hours, although the police and the Army did not always issue arrest receipts or notify the HRC within 48 hours. The HRC has a legal mandate, generally respected by the police, to visit those arrested. Due to censorship and infrequent access, observers could not determine the state of affairs in LTTE-controlled areas." [2b] (p7)

6.3 According to the U.S. Department of State Report 2003 "The LTTE continued to commit serious human rights abuses. The LTTE was responsible for arbitrary arrest, torture, harassment, disappearances, extortion, and detention. Through a campaign of intimidation, the LTTE continued to undermine the work of elected local government bodies in Jaffna and the east. On occasion, the LTTE prevented political and governmental activities from occurring in the north and east. There was overwhelming evidence that the LTTE killed more than 36 members of anti-LTTE Tamil political groups and alleged informants during the year [2003]. There were also instances of intimidation of Muslims by the LTTE, and there was fighting between LTTE personnel in the east and Muslims that left several Muslims dead. The LTTE continued to control large sections of the north and east. The LTTE permitted journalists some access to the areas of the country it controlled. Some LTTE-imposed restrictions remained on freedom of movement of citizens. The LTTE denied those under its control the right to change their government, did not provide for fair trials, infringed on privacy rights, used child soldiers, and discriminated against ethnic and religious minorities." [2b] (p2)

6.4 According to the U.S. Department of State Report 2003 "In the past, the military

wing of the People's Liberation Organization of Tamil Eelam and the Razeek group were responsible for killing a number of persons; however, there were no reports of such killings during the year [2003]. The security forces had armed and used these militias and a number of other Tamil militant organizations to provide information, to help identify LTTE terrorists, and, in some cases, to fight in military operations against the terrorists. The exact size of these militias was impossible to ascertain, but they probably totaled fewer than 2,000 persons. These groups were asked to disarm following the February 2002 ceasefire agreement between the Government and LTTE. The militia handed over some weapons to the Government; however, most observers believed that the groups kept some arms. Persons killed by these militants in the past probably included LTTE operatives and civilians who failed to comply with extortion demands." [2b] (p3)

[Return to Contents](#)

Freedom of Speech and the Media

6.5 As noted in the U.S. Department of State Report 2003 "The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. In the past, the Government restricted these rights, often using national security grounds permitted by law. In 2002, criminal defamation laws, which had been used often by the Government to intimidate independent media outlets, were eliminated. In 2001, the Government officially lifted the censorship on war reporting. However, even when no specific government censorship was exercised, private television stations imposed their own, informal censorship on international television news rebroadcast in the country." [2b] (p10)

6.6 The U.S. Department of State Report 2003 states that "Although the Government owned the country's largest newspaper chain, two major television stations, and a radio station, a variety of independent, privately owned newspapers, journals, and radio and television stations dominated the media. Most independent media houses freely criticized the Government and its policies. The Government imposed no political restrictions on the establishment of new media enterprises." [2b] (p10)

6.7 As stated in a BBC News article of 29 March 2004 "Sri Lanka's election commission has taken over state-run television and radio amid allegations of misuse in advance of Friday's general election. It is the first time the state-run media has come under an independent authority during elections. The commission is empowered by the constitution to take over the electronic state media, but it has never been done before. The move comes after a bitter dispute about the role of the media...Allegations of bias have been levelled against the state media which President Chandrika Kumaratunga took control of five months ago. In a BBC interview earlier this month, she said the state media had been more free in recent months than at any time in the last decade...The current head of state run radio, Hudson Samarasinghe, said they planned to mount a legal challenge to the take over. Mr Samarasinghe complained that private channels were biased in favour of the president's rival, Prime Minister Ranil Wickramasinghe, and yet they were not being taken over...An independent media watcher from the international monitoring group, Transparency International, said he thought the timing was too late - with campaigning almost over. But he said in the past the president had

continued to broadcast in favour of her party in the final days when campaigning had stopped - claiming that she was not a candidate so it was not illegal. [9am]

[Return to Contents](#)

Treatment of Journalists

6.8 As stated in the US Department of State Report 2003 "The Sri Lanka Tamil Media Alliance (SLTMA) was formed in 1999 to protect the interests of Tamil journalists, who alleged that they were subject to harassment and intimidation by Tamil paramilitary groups and government security forces. Regional Tamil correspondents working in the war zones complained of arbitrary arrest and detention in the past and difficulty in obtaining press accreditation. The SLTMA filed cases on behalf of Tamil journalists, but its cases had not succeeded in the courts." [2b] (p11)

6.9 In October 2000, Tamil journalist, Maylwaganam Nimalarajan, was shot dead in Jaffna. Nimalarajan, who worked for Colombo's Tamil language daily Virakesari, had reported on vote rigging and intimidation during the parliamentary elections that month. [25]

6.10 The Daily News reported on 26 November 2002 that "The Sri Lankan Government is in the process of introducing far reaching legislative and institutional changes to create conditions for journalists to perform their duties independently without fear or favour. The Press Council law will be repealed and the council itself will be replaced by an Independent Press Complaint [sic] Commission. A Freedom of Information Act will be introduced shortly guaranteeing uninhibited access to information by the journalists. A Media Training Institute will be formed." [16m]

6.11 According to the U.S. Department of State Report 2003 "Unlike in the previous year [2002], travel by local and foreign journalists to conflict areas was not restricted. The LTTE did not tolerate freedom of expression. It tightly restricted the print and broadcast media in areas under its control...In the past, the LTTE killed those reporting and publishing on human rights." [2b] (p11)

6.12 According to the US Department of State Report 2003 "Unlike in the recent past, there were few reports that security forces harassed journalists during the year [2003]. [2b] (p2) Claims of harassment and intimidation of private media declined [2b] (p10) In 2002, the defamation laws were repealed and all cases pertaining to the defamation laws were dropped...The Press Complaints Commission of Sri Lanka was established during the year [2003] to provide a venue for citizens to bring complaints against media outlets. The Commission began full operations by November [2003], and started to investigate complaints...In 2002, two Air Force personnel were convicted of forcibly entering the home of and threatening a well-known journalist who reported regularly on defense matters. The two received 9-year sentences, were released on bail, and continued to appeal the charge during the year [2003]." [2b] (p11)

6.13 Reporters Sans Frontières (RSF), in their 2003 Annual report on Sri Lanka, also describe a great improvement in press freedom since the UNP came to power and since the peace process began. [27]

[Return to Contents](#)

Freedom of Religion

Introduction

6.14 According to the U.S. Department of State International Religious Freedom Report of 2003 "Discrimination based on religious differences is much less common than discrimination based on ethnic group or caste. In general, the members of the various faiths tend to be tolerant of each other's religious beliefs." [2a] (p3)

6.15 As outlined in the U.S. Department of State International Religious Freedom Report of 2003 "There are separate ministries in the Government, led by different ministers, that address religious affairs. These include: The Ministry of Buddha Sasana ("clergy"), the Ministry of Muslim Religious Affairs, the Ministry of Hindu Affairs, and the Ministry of Christian Affairs. Each of these ministries has been empowered to deal with issues involving the religion in question." [2a] (p1)

6.16 The U.S. Department of State International Religious Freedom Report of 2003 confirms that "Religion is a mandatory subject in the school curriculum. Parents and children may choose whether a child studies Buddhism, Islam, Hinduism, or Christianity. Students of minority religions other than Islam, Hinduism, and Christianity must pursue religious instruction outside of the public school system. There are no separate syllabi provided for smaller religions. Religion is taught in schools from an academic point of view." [2a] (p2)

[Return to Contents](#)

Buddhists

6.17 As confirmed in the U.S. Department of State Report 2003 "The Constitution accords Buddhism a foremost position, but it also provides for the right of members of other faiths to practice their religions freely, and the Government generally respected this right in practice. Despite the special status afforded by the Constitution to Buddhism, major religious festivals of all faiths are celebrated as public holidays." [2b] (p12) As noted in the Europa World Year Book 1998 "Theravada Buddhism is the predominant sect. There are an estimated 53,000 Buddhist Bhikkhus (monks) living in about 6,000 temples." [1] (p3154)

[Return to Contents](#)

Hindus

6.18 The U.S. Department of State Report 2003 states "Also during the year [2003], the Ministry of Hindu Affairs drafted a bill that would prevent proselytism to Hindus, including the use of outreach-type materials or media, and would require all conversions of Hindus to be reported to a local government official for investigation of possible force or allurements. The draft bill was under review at year's end [2003]." [2b] (p12)

[Return to Contents](#)

Muslims

6.19 As stated in the U.S. Department of State International Religious Freedom Report of 2003 "Almost all Muslims are Sunnis, with a small minority of Shi'a, including members of the Borah community. [2a] (p1) The LTTE has discriminated against Muslims, and in 1990 expelled some 46,000 Muslim inhabitants—virtually the entire Muslim population—from their homes in 540 areas under LTTE control in the northern part of the island." [2a] (p2)

6.20 As mentioned in U.S. Department of State Report 2003 "In 2001, four Sinhalese attacked a Muslim cashier. When the Muslim community protested police inaction, rioting Sinhalese confronted the Muslim persons, and two Muslims were killed. The police investigation into this incident remained open and no arrests were reported. There were no developments in this case during the year [2003]." [2b] (p12)

6.21 In an article from the Press Trust of India dated 5 April 2002 it was reported that "Admitting that its expulsion of thousands of Muslims overnight from the northern Jaffna peninsula in 1990 was an unjustifiable "political blunder", the LTTE has promised to re-settle them in their original habitations as soon as normalcy is restored in Sri Lanka." [4]

6.22 A BBC News report of 28 June 2002 noted that "Troops are enforcing a strict curfew in eastern Sri Lanka after violence between Muslims and Tamils left five people dead and 50 wounded, officials say. The unrest began in Muthur near Trincomalee a week ago after Muslims called a general strike in protest at alleged extortion by separatist Tamil Tiger rebels and attacks by Tamils." [9a]

6.23 A BBC News report dated 22 April 2003 reported that "Five people were killed and hundreds fled their homes in riots between Tamils and Muslims in north-eastern Sri Lanka last week in a new escalation of violence. The riots were sparked by an alleged Tamil Tiger kidnapping - an allegation the group denies." [9a]

6.24 BBC News reported on 18 August 2003 that "Mystery surrounds the killing of two Muslim farmers in eastern Sri Lanka – the latest in a spate of killings and kidnappings of Muslims in the region which have raised tension. Muslim politicians have blamed the murders on the Tamil Tiger rebel group which has denied involvement... Two Muslims were killed last week in Trincomalee district and two more kidnapped and then released... It is possible these killings have nothing to do with politics. In two recent cases murders in the east were blamed on the Tigers, but then subsequently turned out to have a purely criminal or personal motive." [9b] According to a report in the Daily News of 20 August 2003 "In a move to strengthen security in the East, the Government has instructed the Police Department to recruit 500 Reserve Police Constables and 50 Reserve Sub Inspectors immediately. Three Senior Police officers will also be appointed in Muslim populated areas in the Eastern Province as coordinating officers, Eastern Province Senior DIG Neville Wijesinghe told the Daily News yesterday. The special security arrangements in the East come in the wake of tension in the Eastern Province following a spate of killings in the East specially in Muttur in Trincomalee and Samanthurai in the Ampara district." [16]

6.25 According to the U.S. Department of State Report 2003 "Unlike in previous years there were no reports that the LTTE expelled Muslims from their homes [in 2003]". [2b] (p8-9)

Christians

6.26 As stated in the U.S. Department of State International Religious Freedom Report of 2003 "Christians tend to be concentrated in the west [of the country]... Roman Catholics account for almost 90 percent of the Christians, with Anglicans and other mainstream Protestant churches also present in the cities. The Seventh-day Adventists, Jehovah's Witnesses, and the Assemblies of God are present as well. Evangelical Christian groups have increased in membership in recent years, although the overall number of members in these groups still is small." [2a] (p1)

6.27 The U.S. Department of State Report 2003 notes "During the year [2003], there were confirmed reports of assault on Protestant and Catholic churches and church members by Buddhist mobs, often led by extremist Buddhist monks. Christian organizations reported an increase in attacks, with several per week by year's end [2003]. Village police were often reluctant to pursue Buddhist monk agitators out of deference for their position. At year's end [2003], no arrests had been made [2003]." [2b] (p12) A BBC News report dated 27 January 2004 confirmed that "Last week the President said there had been more than 30 attacks on churches since November [2003], but Christian groups put it at double that...Anti-Christian violence began with attacks against evangelical churches whom the Buddhist clergy accused of conducting unethical conversions but it has now spread to attacks on mainstream Catholics...Sri Lankan President Chandrika Kumaratunga has warned that anyone involved in sparking religious tension will be dealt with strictly but has also said she has heard that in some cases the police are turning a blind eye...Anti-Christian violence was exacerbated by the death last month of the monk Gangodavila Soma, who spearheaded the drive against conversions. Conspiracy theories arose despite an autopsy that said he died of a heart attack." [9b-c]

Freedom of Assembly and Association

6.28 The U.S. Department of State Report 2003 states "The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. Although the PTA may be used to restrict this freedom, the Government did not use the Act for that purpose during the year [2003]. Numerous peaceful political and nonpolitical rallies were held throughout the country during the year [2003]. The 1981 Referendum Act states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled. However, the Government generally granted permits for demonstrations, including those by opposition parties and minority groups." [2b] (p11)

6.29 As stated in the U.S. Department of State Report 2003 "In October 2002, special task force police killed eight Tamil civilians during a protest in Akkaraipattu. Police and the commission tasked with investigating the incident claimed that the crowd was trying to enter the police compound and the police were defending themselves. Tamils continued to dispute this finding, asserting that the protest was peaceful." [2b] (p11)

6.30 According to the U.S. Department of State Report 2003 "The LTTE does not allow freedom of association in the areas that it controls. The LTTE reportedly used

coercion to make persons attend its rallies". [2b] (p11)

[Return to Contents](#)

Political Activists

The JVP

6.31 As noted in the Dutch Ministry of Foreign Affairs Report of 24 July 1997 "The JVP (Janatha Vimukthi Peramuna = People's Liberation Front) is a radical left-wing party which in 1987 came out against the Indo-Sri Lankan Accord designed to resolve the ethnic conflict with the Tamils in the north and east of the country and began a campaign of strikes, attacks and killings of public officials and members of the police and army. The violence reached its peak from 1988 to 1990. After the JVP began attacking members of police officers' families, a ruthless campaign to eliminate the JVP was launched, with death squads responsible for abductions and dead bodies of suspected JVP supporters found by the roadside each morning. Once the JVP's leadership had been eliminated in November 1989, violence against the JVP gradually subsided. The summer of 1990 saw a brief revival of JVP activities, firmly clamped down upon, however. Hardly any further violent action was engaged in by the JVP after that. Persecution of JVP suspects continued in subsequent years, but with declining intensity as remaining JVP activists were successively eliminated. Reports of disappearances and extrajudicial executions of JVP members showed a gradual decrease after 1990. A few such reports were still received up until June 1992. In 1993 they ceased altogether...Since...August 1994, there has been no further politically motivated prosecution of JVP members. JVP suspects are now only prosecuted by the Sri Lankan authorities under ordinary criminal law and only for serious offences punishable under the Sri Lankan Penal Code." [14a] (p30-31)

[Return to Contents](#)

Employment Rights

6.32 As noted in the U.S. Department of State Report 2003 "The Government respects the constitutional right of workers to establish unions, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views; however, in practice, such rights were subject to administrative delays, and unofficially were discouraged. Nonetheless, approximately 20 percent of the 6.9 million work force nationwide and more than 70 percent of the plantation work force, overwhelmingly Hill Tamil, was unionized. In total, there were more than 1 million union members. Approximately 15-20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small-scale agriculture and small businesses usually did not belong to unions." [2b] (p17)

6.33 The U.S. Department of State Report 2003 states that "Most large unions were affiliated with political parties and played a prominent role in the political process, although major unions in the public sector were politically independent. More than 30 labor unions had political affiliations, but there were also a small number of unaffiliated unions, some of which had active leaders and a relatively large membership. During 2002, the Ministry of Employment and Labor registered 174 new unions and canceled

the registration of 150 others, bringing the total number of functioning unions to 1,689 by the end of 2002. About 500 unions were considered active. The Ministry of Employment and Labor is authorized by law to cancel the registration of any union that does not submit an annual report. This requirement is the only legal grounds for cancellation of registration. [2b] (p17) Anti-union discrimination is a punishable offense liable for a fine of \$200 (20,000 rupees)." [2b] (p18)

6.34 As stated in the U.S. Department of State Report 2003 "The law provides for the right to collective bargaining; however, very few companies practiced it." [2b] (p18)

6.35 The U.S. Department of State Report 2003 notes that "All workers, other than police, armed forces, prison service and those in essential services, have the right to strike...The President retains the power to designate any industry as an essential service...There were numerous public sector, but relatively few private sector, strikes during the year." [2b] (p18)

6.36 According to the U.S. Department of State Report 2003 "The law prohibits most full-time workers from regularly working more than 45 hours per week (a 5 1/2-day workweek)...Workers receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year. Maternity leave is available for permanent, seasonal and part-time female workers. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors was inadequate to enforce compliance. Health and safety regulations do not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent and feared they would lose their jobs if they removed themselves from the work situation." [2b] (p20)

6.37 As confirmed in the U.S. Department of State Report 2003 "The Constitution provides for equal employment opportunities in the public sector. However, women had no legal protection against discrimination in the private sector where they sometimes were paid less than men for equal work, often experienced difficulty in rising to supervisory positions, and faced sexual harassment. Women constituted approximately one-half of the formal workforce." [2b] (p15)

6.38 According to the U.S. Department of State Report 2003 "Regular employment of children also occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. It was believed that many thousands of children were employed in domestic service, although this situation was not regulated or documented." [2b] (p19)

6.39 As stated in the U.S. Department of State Report 2003 "The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage in technical training...Persons under age 18 may not be employed in any public enterprise in which life or limb is endangered." [2b] (p19)

[Return to Contents](#)

People Trafficking

6.40 As stated in the U.S. Department of State Report 2003 "The law prohibits trafficking in persons; however, the country was a point of origin and destination for trafficked persons, primarily women and children trafficked for the purposes of forced labor and sexual exploitation. Female citizens traveled to Middle Eastern countries to work as domestics, and some reported being forced into sexual exploitation. A small number of Thai, Russian, and Chinese women had been trafficked to Sri Lanka for purposes of sexual exploitation. Some children were trafficked internally to work as domestics and for sexual exploitation. The legal penalties for trafficking in women include imprisonment for 2 to 20 years and a fine. For trafficking in children, the law allows imprisonment of 5 to 20 years and a fine." [2b] (p20)

[Return to Contents](#)

Freedom of Movement

6.41 The U.S. Department of State Report 2003 states that "The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to [the country]", and the Government generally respected the right in practice. However, in the past, the war with the LTTE prompted the Government to impose more stringent checks on travelers from the north and the east and on movement in Colombo, particularly after dark. Tamils had to obtain police passes to move freely in the north and east, and frequently they were harassed at checkpoints throughout the country. These security measures had the effect of restricting the movement of Tamils. Starting in 2001, most travel restrictions were lifted by the Government. Areas with limited access continued to be near military bases and high security zones, defined as areas near military emplacements, camps, barracks, or checkpoints where civilians could not enter. Some observers claimed the high security zones were excessive and unfairly claimed Tamil agricultural lands, particularly in Jaffna. The LTTE limited travel on the road connecting Jaffna in the north to the rest of the country; however, in April 2002, the Government lifted all its restrictions on travel to Jaffna... The LTTE occasionally disrupted the flow of persons exiting the Vanni region through the two established checkpoints. In particular, the LTTE taxed civilians traveling through areas it controlled." [2b] (p12-13)

6.42 According to the joint Danish/Canadian Fact-Finding Mission report of 1 May 2002 "National Identity Cards (NICs) are issued only to individuals who are both citizens and residents of Sri Lanka, with an exception made for those brought to work on tea plantations before 1949. Such individuals are eligible for an NIC provided that they can prove they were plantation employees in Sri Lanka before 1949. Individuals normally obtain their first National Identity Card at the age of 16. Application forms are issued by the Department of Registration of Persons to approximately 10,000 schools across the country, which are completed by students and "certified" by the school principal. Students are not asked to present a birth certificate or any other documentation in support of their application. According to the Commissioner, it takes between two and four weeks to process the applications and mail the NICs to schools. Approximately 400,000 NICs are issued annually in this way. Those who leave school before the age of 16 are required to follow the normal NIC application procedure. This entails submission of one's application form, birth certificate and three photographs to the

Grama Sevaka [village headman] in one's area. He or she then forwards the application to the Department for processing. Provided one's application is in order, it generally takes four weeks to issue an NIC under these circumstances". [11] (p60)

6.43 A Daily News report of 23 September 2003 confirmed that "A record 3400 National Identity Cards (NICs) were issued by the Department for Registration of Persons (DRP) during the first three weeks of this month under the special one day NIC distribution scheme [that] commenced on September 1 [2003]...It is said that around 100 applications for new IDs are received by the Department each day while around 70 applications are received to replace their lost Identity cards. Meanwhile, nearly 20 applicants seek renewals for their outdated IDs." [16x]

6.44 As reported in the Danish Immigration Fact-Finding Mission Report of 1998 "In 1997 an office was set up in Colombo - the Front Office - with the task of assisting people from strife-ridden areas of Sri Lanka, including the northern and eastern areas, who have lost or are unable to produce, e.g. birth certificates, and are therefore prevented from obtaining a national identity card. The Office, which has been in operation since 2 December 1997, is able to assist persons who were originally resident in the following administrative districts: Jaffna, Mullaitivu, Killinochchi, Vavuniya, Trincomalee, Mannar, Batticaloa, Ampara, Point Pedro, Kalumnai and Puttalam. The Office can also help people returning from abroad, including rejected asylum applicants, who originally came from one of the aforementioned districts." [32] (p17) As noted in U.K. Home Office Fact-Finding Mission Report of 2001 "The Family Rehabilitation Centre (FRC), an NGO with its main office in Colombo, said it is able to give assistance to those who need to obtain a NIC and advice is given on what documents are needed and how they can be obtained: One of the problems often encountered by people coming to Colombo from the North is that their documents have been burnt in attacks on their homes. The FRC can give advice on how to obtain birth certificates or obtain reports from village heads to enable people to obtain NICs. They have legal officers who can help with this process. Another NGO, the Forum for Human Dignity (FHD) also helps in this area. They can verify and then stamp an individual's photograph to confirm authenticity and they then send the applicant to the Front Office to obtain his or her card." [35a] (p8)

6.45 The Refugee Council reported in "The Sri Lanka Monitor" in December 2000 that "Jaffna people wishing to travel to southern areas of Sri Lanka face considerable difficulty in obtaining permits to leave the peninsula...Local people say that this procedure may take weeks and sometimes months." [10a] (p4) A BBC News report of 8 April 2002 noted that "A key road linking the war-hit Jaffna peninsula in northern Sri Lanka with the rest of the country has been opened for the first time in 12 years. The opening of the strategic A9 highway means that civilians from areas under the control of Tamil Tiger rebels can travel freely to government-controlled areas." [9ac]

6.46 On 14 January 2002 BBC News reported that "The Sri Lankan government has eased restrictions on the movement of civilians in and out of the predominantly-Tamil populated northern town of Vavuniya, in the north of the country. Until now, Tamil residents have been required to obtain passes to leave or enter the town, which is close to areas controlled by the rebels. Now the government has made it easier to get the

passes and has also lifted the requirement of a guarantee for those seeking permits for longer stays." [94]

6.47 Information from the British High Commission in Colombo in May 2002 confirmed that "Household registration in Colombo is no longer taking place. This information comes from the DIG's [Deputy Inspector General's] office in Colombo and also from the SSP's [Senior Superintendent of Police's] office in the North." [15c]

6.48 As noted in the Dutch Ministry of Foreign Affairs Report of July 1997 "A passport is required in order to travel abroad. Passports are issued centrally by the Department of Immigration/Emigration in Colombo, to which they have to apply for [sic]. Application forms can be obtained from district offices (kachcheri) and forwarded, via those offices or otherwise, to Colombo." [14a] (p13) According to the Danish Immigration Service Fact-Finding Mission Report 1998 "The following documents still need to be submitted: national identity card, birth certificate and certified photos (by a justice of the peace)." [32] (p72) The U.K. Home Office Fact-Finding Mission Report 2001 confirms that "A same day service is available, but the normal service produces passports in 10 working days. Exit permits are not required." [35a] (p41)

6.49 Regarding security checks on leaving Sri Lanka, the U.K. Home Office Fact-Finding Mission Report of 2001 confirms that "On leaving the main road to approach the airport there are 2-3 checkpoints. Most traffic flows freely past these but random checks are conducted and members of the fact-finding mission team observed several lorries being stopped for checking. On arrival at the terminal building all vehicles are stopped at a fixed checkpoint... On entry to the terminal building all passengers have to show tickets and baggage was screened by X-ray machine. Since 22 March 2000 only passengers are allowed into the check-in area, which was screened off from the rest of the terminal. We had been told that this was as a result of pressure from European embassies whose Airline Liaison Officers (ALOs) had been worried that agents had previously been able to signal to officials to allow people to embark. This measure had gone some way to improving the situation and has halted the previous practice whereby agents could accompany passengers right up to the departure gate." [35a] (p39)

6.50 On their 2002 visit to Sri Lanka, Home Office officials were informed that "It would be almost impossible to pass through airport controls without having documents checked, as security is very tight." [35b]

6.51 According to the U.S. Department of State Report 2003 "The law does not provide for the granting of asylum and/or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. Asylum issues did not arise during the year [2003]. There were no reports of refoulement, the forced return of persons to a country where they feared persecution." [2b] (13)

[Return to Contents](#)

Immigrants and Emigrants Act

6.52 The Immigrants and Emigrants Act was first introduced in 1949. Section 45 lists

various categories of people who are guilty of offences under the Act, which include anyone who forges, alters or tampers with any passport, or has in their possession any forged passport, or who uses such a document. Section 45 sets out the punishment, which consists of a fine, or a period of imprisonment, or both. Section 45A provides punishments for those found guilty of facilitating illegal entry into Sri Lanka. [20]

6.53 The Immigrants and Emigrants (Amendment) Act was passed in July 1998. During the passage of the Bill the Sri Lankan Immigration Minister told Parliament that the amendment was designed to combat "the crime of illicit trafficking of persons from Sri Lanka." The Minister stated that the diplomatic missions of various western countries had made representations to the Sri Lankan authorities about organised groups engaged in the business of securing illicit entry of Sri Lankans to their countries. [20]

6.54 The Amendment Act increased the fines and the term of imprisonment which may be imposed on those found guilty under the Act, and made the term of imprisonment mandatory. The Act disallows the imposition of a suspended sentence, and certain offences under the Act are non-bailable. [20]

6.55 In the July 1999 Report "Tamils in Sri Lanka" published by the Dutch Ministry of Foreign Affairs, it is noted that "Prosecution on the grounds of illegal emigration is as a rule only pursued at the time of emigration. In the case of immigration, the CID in practice will only proceed to investigate the illegal emigration if the returning person is still in possession of the forged travel document or if there are other indications that the interested party has emigrated illegally (e.g. if the interested party declares this him or herself)...Contrary to what is stated in the Organisation Suisse d'aide aux Réfugiés report of 31 May 1999, the Immigrants and Emigrants Act has no retroactive effect. [14b] (p11) A rejected asylum seeker who is sent back [to Sri Lanka] does not always have to fear being prosecuted on return under the Immigrants and Emigrants Act, unless he is entering with a false travel document. The immigration authorities can question someone on arrival about their outward journey, but they generally do not have access to sufficient means of proof for prosecution on grounds of illegal emigration from that time." [14b] (p33) The Dutch Immigration and Naturalisation Service Policy Archive IND Z335 confirms that asylum seekers expelled by the Netherlands are, on arrival in Sri Lanka, in possession of a valid travel document, usually a recently issued laissez-passer from the Sri Lankan Embassy. Thus they are not in violation of the law. With respect to the burden of proof of offences under the Immigrants and Emigrants Act, the general definitions of the Sri Lankan Criminal Code are applied i.e. the Criminal Procedure Code, and the Evidence Ordinance. According to these general definitions, the burden of proof of a violation of a criminal law rests on the public prosecutor, thus not on the suspect." [14c]

6.56 According to the joint Danish/Canadian Fact-Finding Mission Report of October 2001 "The Magistrate of Negombo, whose area of jurisdiction includes Bandaranaike International Airport, stated that in 99 percent of cases related to returnees, their cases are discharged without charges being laid. The Magistrate, like the CID Director explained that for a returnee to be released on bail when brought before him, the procedure for release requires that the returnee has a person who stands

surety to sign a bond. After release, the Magistrate gives a new date for the CID to forward a report on the investigation, normally within a month. If there is evidence to continue the investigation after one month, a new date is given for a court appearance. Most cases are concluded without charges within a period ranging from two weeks to three months. Between January 2001 and October 2001, only one person was deemed a terrorist, the Magistrate added." [11] (p49-50)

[Return to Contents](#)

6.B HUMAN RIGHTS - SPECIFIC GROUPS

Ethnic Groups

Tamils and General Human Rights Issues

Introduction

6.57 As stated in the United Nations Report of the Special Rapporteur dated 12 March 1998 "Since independence in 1948, the primary conflict has been between the Sinhalese and Tamils. Following independence a progressive rejection of at least parts of the Island's colonial inheritance and domestic rivalries served to accentuate ethnic and religious divisions within the country. Because of their overwhelming majority, the position of the Sinhalese became more dominant while the Tamils became increasingly marginalised...What began as a struggle for cultural affirmation, political representation, economic advancement and linguistic parity between Sinhalese and Tamils ended in violence and armed conflict. The overriding political issue in Sri Lanka therefore became the demand by some Tamil groups for an independent Tamil State called ("Eelam") comprising the Northern and Eastern provinces of the country". [6d] (p4-5)

6.58 As stated in the Dutch Ministry of Foreign Affairs Report 1997 "Tamils from the north or east coming to Colombo usually seek accommodation there with acquaintances or relatives or in boarding houses ("lodges"). There are estimated to be 150,000 Tamils from the north-east (mainly Jaffna Tamils) living in Colombo, in addition to the 250,000 Tamils who have long been resident there (since before 1983). [14a] (p13) Places where there are heavier concentrations of Tamils living include greater Colombo, the Puttalam district (near Negombo) and the central highlands, particularly around Nuwara Eliya and Matale. In the last case they are "estate Tamils" ("Indian Tamils"), but the area is also home to Tamils from the north-east of Sri Lanka." [14a] (p35)

[Return to Contents](#)

Arrests of Tamils

6.59 Amnesty International in its August 1996 Report "Wavering commitment to human rights", commenting at the time on arbitrary arrests and detentions, stated that "Since the resumption of the armed conflict, thousands of Tamil people have been arrested in particular in Colombo and in the east, for suspected contact with the LTTE. A large majority were released within 24 hours, or at least within two or three days, but a significant number have been held without charge or trial for weeks or months. In Colombo, the number of arrests were particularly high in the aftermath of attacks

attributed to the LTTE in the capital...Among those at risk of arrest were young Tamil men and women, particularly those who had recently travelled to Colombo from the north and east." [3a] (p21) Information from the Canadian Directorate, Immigration and Refugee Board (DIRB) was that in 1997 cordon-and-search operations were often carried out in areas with high concentrations of Tamils, such as neighbourhoods with Tamil lodges, and generally lasted two or three hours. Cordon-and-search operations were irregular and were intended to catch people missed by normal security measures, which also explains why "spotters", or masked informants, were often used. [5] (p4-5)

6.60 The U.S. Department of State Report 2003 reported that "There were some large-scale arrests of Tamils in June [2003]; however, the vast majority of those arrested were released shortly thereafter." [2b] (p7) The Daily News confirmed these arrests in a report dated 30 June 2003 "Police, the Special Task Force and the Armed Forces have launched a combined security operation in Colombo City and Western Province in the wake of the recent spate of killings and other crimes, including the slaying of intelligence operatives. This is part of an initiative by the Ministry of Defence and the Interior Ministry to launch a comprehensive security operation with the deployment of military and intelligence services to render the city safe from criminals and hit squads. In a 24-hour combined effort, Police have taken 130 persons into custody from a total of 556 security checks and special operations conducted in the Colombo Police Division and the Western Province South Division from Saturday morning (June 28) to Sunday morning...Security personnel manned 277 road barriers and conducted 279 foot patrols and mobile patrols in the 24-hour period, Police said." [16c]

6.61 Information supplied to the Canadian Directorate, Immigration and Refugee Board (DIRB) in 1997 was that there were numerous checkpoints throughout Colombo. A combination of fixed and moveable checkpoints were used, the precise number, type and location dependent on the level of "tension" in the city. [5] (p4) A news report of 28 December 2001 posted with Reuters stated that "For the first time in seven years, the residents in Colombo are free to move anywhere unimpeded. All barriers, barricades and checkpoints in the capital have been removed in an unexpected move amid the new Sri Lankan government's peace efforts with the Tamil Tigers (LTTE)." [4ag]

6.62 On 21 March 2002, a Home Office delegation was told in a meeting in Sri Lanka with the Director of the CID that "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." [35b]

6.63 In a letter dated 4 January 2000 UNHCR stated that "Although not all Sri Lankan Tamils with scars have a well-founded fear of persecution on return, Tamil asylum seekers with scars, should they be returned to Sri Lanka, may be more prone to adverse identification by the security forces and taken for rigorous questioning and potential ill-treatment." [6a] As stated in the U.K. Home Office Fact-Finding Mission Report 2001 "Scarring is an issue frequently raised in the asylum claims of Sri Lankan nationals in the United Kingdom. However, in discussions in Sri Lanka, respondents including local NGOs rarely mentioned scarring, and then generally only when the subject was brought up by members of the fact-finding mission team. The views of many of the NGOs, and indeed the police, was that scarring was not likely to be an

overriding reason for arresting or suspecting someone, but if a person had been stopped or arrested for some other reason, the presence of certain types of scars could be a reason for holding or questioning them further. Most respondents felt that scarring was only one of many factors which could play a part in the authorities' decision to detain someone. The issue was also discussed at the EU CIREA [Centre for Information, Reflection and Exchange on Asylum] informal experts meeting in Brussels on 25-26 June 2001, and it was discovered that scarring was particularly prevalent in asylum claims in the United Kingdom. Whilst scarring had been raised in asylum applications made to EU partner states, it was rarely an overriding factor, and certainly not to the extent that it appeared to be in the United Kingdom." [35a] (p23-24)

6.64 On a more recent visit to Sri Lanka between 14 and 23 March 2002 a Home Office delegation discussed the issue of scarring with the Director of the CID. The Director stated 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 only on this basis." [35b] **SEE ALSO IMMIGRANTS AND EMIGRANTS ACT, PARAGRAPHS 6.52 – 6.56**

6.65 The U.S. Department of State Report 2003 states that "A U.N. Working Group on Enforced or Involuntary Disappearances report, released in 1999, cited the PTA and ER as important factors contributing to disappearances and recommended their abolition or modification to bring them into conformity with internationally accepted human rights standards. The ER was repealed in 2001, and there were no arrests under the PTA in 2002 or in the current year [2003]; however, some arrests were being made without full necessary documentation, such as detention orders, and the Government had not released by year's end [2003] all persons previously detained under the PTA. The reviewing process for some cases continued during the year [2003]. [2b] (p4) The Government claimed that all persons held under the PTA were suspected members of the LTTE and therefore were legitimate security threats. Insufficient information existed to verify this claim and to determine whether these detainees were political prisoners. In many cases, human rights monitors questioned the legitimacy of the criminal charges brought against these persons. In 2002, The A.G. dismissed more than 750 PTA cases. During the year, 65 Tamils charged under the PTA remained in detention. The Government claimed that the remaining cases were of individuals directly linked only to suicide bombings or other terrorist and criminal acts." [2b] (p8)

[Return to Contents](#)

Disappearances

6.66 According to the United Nations 1999 Report of the Working Group on Enforced or Involuntary Disappearances "Since the establishment of the Working group in 1980, 12,258 cases of disappearance alleged to have occurred in Sri Lanka have been reported to the Working Group...The cases reported to have occurred between 1987

and 1990 (145 cases in 1987; 182 cases in 1988; 5,027 cases in 1989 and 4,777 in 1990) took place mostly in the Southern and Central Provinces of the country, during a period in which both the security forces and the JVP resorted to the use of extreme violence in the contest for State power...The cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Eelam (LTTE), have taken place primarily in the Eastern and North-Eastern Provinces of the country. In the north-east, the persons most often reported detained and missing were young Tamil men accused or suspected of belonging to, collaborating with, aiding or sympathizing with the LTTE." [61] (p2)

6.67 A BBC News article of 19 February 2003 stated that "The International Red Cross (ICRC) has restarted investigations into the disappearance of 11,000 people during Sri Lanka's civil war...The ICRC says it has received 20,000 complaints of disappearance during the course of Sri Lanka's ethnic conflict. Of those, 9,000 cases have been resolved - many of the missing people being traced to prisons and detention centres. But 11,000 cases remain on their books and investigators have been working their way through these, checking for fresh information, now that there is no fighting and it is easier to move about. So far, the ICRC has confirmed that more than 2,000 people remain unaccounted for, but by the time they finish this operation, the figure is likely to be far higher...If the Sri Lankan military or the Tamil Tiger rebel group is unwilling to admit responsibility for involuntary disappearances there is no way for the ICRC to force them to co-operate. Even commissions of enquiry which have legal powers to call witnesses to testify have failed in the past to provide any redress to the families of the disappeared." [949]

6.68 According to the U.S. Department of State Report 2003 "There were no reports of politically motivated disappearances at the hands of the security forces during the year [2003]... Although there have been few prosecutions of security force personnel to date, during the year [2003], there were indictments and investigations." [25] (p4)

6.69 As noted in the U.S. Department of State Report 2003 "Tamil militias aligned with the former PA government also were responsible for disappearances in past years; however, there were no such reports during the year [2003]. The HRC had no mandate or authority to investigate abuses by militia groups. It was impossible to determine the exact number of victims because of the secrecy with which these groups operated. The Government largely disarmed these militias in 2002." [25] (p4)

[Return to Contents](#)

Extra-judicial Executions

6.70 According to the U.S. Department of State Report 2003 "In previous years, some cases of extrajudicial killings were reprisals against civilians for LTTE attacks in which members of the security forces or civilians were killed or injured. In most cases, the security forces claimed that the victims were members of the LTTE, but human rights monitors believed otherwise. For example, hearings continued during the year [2003] against eight police officers indicted in the 1998 deaths of eight Tamil civilians in Thampalakamam, near Trincomalee. Police and home guards allegedly killed the civilians in reprisal for the LTTE bombing of the Temple of the Tooth a week earlier." [25] (p3)

Torture

6.71 As stated in the U.S. Department of State Report 2003 "The Convention Against Torture Act (CATA) of 1994 makes torture a punishable offense. In practice, members of the security forces continued to torture and mistreat detainees and other prisoners, particularly during interrogation. Under the CATA, torture is defined as a specific crime with a 7-year minimum sentence for those convicted. The High Court has jurisdiction over violations. The CATA does not implement several provisions of the U.N. Convention Against Torture, although the Government maintained that CATA is in "substantial conformity" with the U.N. Convention. According to human rights groups, the result was that torture is prohibited under specific circumstances but allowed under others, and torture continued with relative impunity. In addition, the PTA makes confessions obtained under any circumstance, including by torture, sufficient to hold a person until the individual is brought to court. In some cases, the detention may extend for years." [2b] (p4-5)

6.72 The U.S. Department of State Report 2003 states that "In the past, Tamil militants aligned with the former PA government engaged in torture; however, there were no such reports during the year [2003]. The LTTE used torture on a routine basis." [2b] (p6)

6.73 According to the U.S. Department of State 2003 "Methods of torture included using electric shock, beatings, suspending individuals by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near-drowning. In other cases, victims were forced to remain in unnatural positions for extended periods or had bags laced with insecticide, chili powder, or gasoline placed over their heads. Detainees reported broken bones and other serious injuries as a result of their mistreatment, and deaths in custody have occurred. Medical examination of persons arrested since 2000 continued to reveal multiple cases of torture." [2b] (p5)

6.74 The Medical Foundation for the Care of Victims of Torture issued a report in June 2000 entitled "Caught in the Middle: a study of Tamil torture survivors coming to the UK from Sri Lanka". The report sets out medical case studies of 49 Tamils (47 male, 2 female) who had been detained for varying lengths of time in Sri Lanka from January 1997 onwards. Medical evidence of torture was found in all of them. Most were in the age group 21-35 and had a range of occupations. The subjects of the case studies were detained either by the police in Colombo, by the army in the north, or by the [former] Tamil militant groups Eelam People's Revolutionary Liberation Front (EPRLF), Eelam People's Democratic Party (EPDP), People's Liberation Organisation of Tamil Eelam (PLOTE) and Tamil Eelam Liberation Organisation (TELO). [The detainees described methods of torture similar to those set out above in paragraph 6.73.] [13]

6.75 Out of the 49 clients in the Medical Foundation case study, 9 claimed that the presence of scars led the authorities to conclude that the person detained had been fighting with the LTTE against Government forces. Some of the case studies described how they were made to put on masks and identify newly arrested young men as being Tamil Tigers. They pointed out several at random believing they may otherwise be

assaulted although they did not recognise the people brought before them. The Medical Foundation considered this to be a self-perpetuating cycle of abuse. [13]

6.76 In their 2000 report, the Medical Foundation pointed out the degree of involvement with the LTTE of their sample of 49 Tamils. 31% of the sample were forced to do occasional work for the LTTE, 16% worked voluntarily, 8% were forced to fight for the LTTE, and 4% were working full time for the LTTE. A further 4% were involved with other militant Tamil groups. This leaves 37% of the sample who had no personal involvement with the LTTE, but these may have been arrested because of family links to the LTTE. [13]

6.77 A BBC News report dated 2 October 2002 stated that "A leading Asian human rights group has accused Sri Lanka's police force of torture, saying it has become so widespread it threatens the rule of law. In a report, the Hong Kong based Asian Human Rights Commission called for a fundamental change in practices at all levels of policing in Sri Lanka. The report was put together after the commission conducted its studies on alleged cases of torture over the past two years." [20k]

[Return to Contents](#)

Government Action

6.78 Sri Lanka is a party to a number of United Nations international human rights treaties. These are: the International Covenant on Economic, Social and Cultural Rights (CESCR), date of accession 11 June 1980; the International Covenant on Civil and Political Rights (CCPR), date of accession 11 June 1980; the Optional Protocol to the International Covenant on Civil and Political Rights (CCPR-OP1), date of accession 3 October 1997; the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), date of accession 18 February 1982; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), date of ratification 5 October 1981; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP), date of accession 15 October 2002; the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), date of accession 3 January 1994; the Convention on the Rights of the Child (CRC), date of ratification 12 July 1991; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC), date of ratification 8 September 2000; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), date of accession 11 March 1996. [5a]

6.79 A United Nations Committee Against Torture report dated 26 May 1998 noted "The unequivocal position taken by the Supreme Court as well as other courts on the question of torture and the awards of compensation to victims of torture under the fundamental rights jurisdiction of the Supreme Court." [61] (p2) The U.S. Department of State Report 2003 confirms that "Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the high courts or Supreme Court. Courts have granted awards ranging from approximately \$150 (14,200 rupees) to \$1,940 (182,500 rupees)." [2b] (p5)

6.80 A BBC News report of 11 June 2001 stated that "The commander of Sri Lanka's

armed forces, General Lionel Balagalle, has appealed for help in teaching soldiers Tamil to facilitate communications with civilians in the conflict areas. He was speaking at the launch of a 10-day training course for senior army officers on human rights and humanitarian law. The commander admitted that the majority of Tamil and Sinhala youth have no common language - but said the army was trying to rectify this by giving soldiers 23 days of spoken Tamil language training. He appealed to the authorities and non-governmental organisations for help to enhance the training - citing language misunderstandings as one of the reasons for arbitrary arrest." [90]

6.81 A report posted with the Press Trust of India on 21 July 2001 stated that "Sri Lankan President Chandrika Kumaratunga has appointed a "Truth Commission" to probe the July 1983 riots that left hundreds of Tamils killed in Colombo and other areas of the country. The three-member panel, headed by former Chief Justice S Sharvananda, will also investigate the nature, causes and extent of violations of human rights and destruction of property in the course of the ethnic violence from 1981 to 1984, with special reference to July 1983...It remains to be seen how effective the Commission could be given the fact that tens of thousands of Tamils fled the island and are still living in Europe, North America and India. They will have to depose as witnesses if the Commission's work is to be meaningful." [4ab]

6.82 According to the U.S. Department of State Report "In 2001, the Army created the Directorate of Human Rights and Humanitarian Law. The directorate was charged with coordinating, with the assistance of ICRC training, all human rights activities for the Army and with overseeing the human rights cells that are assigned throughout the military. The Army also stated that all of its personnel had completed the appropriate training and pledged to adhere to the rules of international humanitarian law. Early in 2002, the Air Force and Navy instituted similar programs. The armed forces operated under written rules of engagement that severely restricted the shelling, bombardment, or use of excessive firepower against civilian-occupied areas. During the year [2003], the Army instituted further mandatory human rights training programs for officers and enlisted personnel." [2b] (p#)

6.83 A report in the Daily News of 18 October 2002 stated that "Police officers of several key grades will be provided extensive training and education in crime management and prevention of violation of human rights under a special programme to be carried out with Danish assistance. The programme initiated by Interior Minister John Amaratunga is to be carried out during 10 months commencing November 2002 through the Center for the Study of Human Rights of the University of Colombo...A total of 570 police officers are to be trained on human rights and crime management. Senior police officers, Criminal Investigations Department personnel, officers in charge of police stations, women police officers and officers serving in the North and East are among the officers to be trained it said". [16a]

6.84 As recounted in the U.K. Home Office Report of their 2001 Fact-Finding Mission "The third main part of the work of IHR [Institute of Human Rights] is that of human rights education. A diploma course is run. The programme of study, which lasts three and a half months, deals with a variety of topics concerning human rights. "Para" legal workshops are conducted island-wide in both Sinhala and Tamil, so as to spread knowledge of human rights together with a basic legal understanding throughout a wide

cross-section of society. Fundamental rights, arrest and detention, bail, torture, Muslim law, child rights, labour law, women's rights, criminal law, international covenants and the Consumer Protection Act are a few of the topics covered in these workshops. The human rights awareness programme has been successful in achieving its objective of bringing awareness to the general public of human rights issues. The programme is conducted in Tamil or Sinhala depending on the area in which it is held. Among those benefiting from the human rights education provided by IHR are school-leavers, employers, police officers and the armed forces." [35a] (p34)

6.85 The U.S. Department of State Report 2003 notes that "In December 2002, the Government established the National Police Commission (NPC) in accordance with the 17th Amendment of the Constitution. The NPC, composed entirely of civilians, is authorized to appoint, promote, transfer, discipline, and dismiss all police officers other than the Inspector General of Police and has the power to establish procedures to investigate public complaints against the police." [2b] (p6-7)

6.86 According to a Daily News article of 5 September 2003 "Inspector General of Police T.E. Anandarajah yesterday issued a warning to all Officers-in-Charge of police stations that they would be held responsible if any suspect dies while in police custody...If any suspect dies in police custody, the Senior SP, SP or ASP of the area should also share responsibility for the incident. The IGP issued the circular following complaints by the public that deaths in Police cells had increased in recent times. Meanwhile the Human Rights Commission met with T.E. Anandarajah, IGP, and his delegation yesterday to discuss recent events regarding torture and deaths in police custody. The following measures were agreed to as a means of combating torture in custody. The Human Rights Commission will work with the Police Commission to formulate guidelines on the interdiction of police officers who are named in successful fundamental rights applications before the Supreme Court. The IGP to give clear directives to the OICs of Police Stations; OICs and higher officers will have command responsibility for torture in police stations. OICs to allow family, friends and lawyers of the suspects to see the suspect after arrest and while in detention. The IGP to provide the Human Rights Commission, within a month, of a copy of a comprehensive training programme for police officers at all levels that includes a human rights component and training in new investigative methods in combating crime. The Human Rights Commission and the IGP to work together to raise funding for DNA testing procedures for the Government Analyst and The Police Academy. Posters in all three national languages on the rights of suspects, produced by the Human Rights Commission, to be displayed prominently in all police stations." [16w]

6.87 A Daily News report of 12 November 2003 noted that "Jaffna police last week commenced bi-weekly Tamil lessons aiming to improve understanding between the police and the local community in the northern peninsula. Funded by UNHCR, the United Nations' refugee agency, the Tamil classes are initially being piloted in two divisions, Kopay and Jaffna, with plans to expand to all 18 divisions next year [2004]. Around 20 officers are participating in each of the two classes under the pilot programme. Priority is given to those officers who have most contact with the local community, who work on the women and children desk, who are posted in the district for more than one year or who are most interested in learning Tamil. UNHCR is supporting a similar programme for police officers in Puttalam, as part of the activities

conducted through the Reconciliation Centre that opened in Puttalam town recently." [16y]

6.88 As stated in the U.S. Department of State Report 2003 "The A.G.'s [Attorney General's] Office and the Criminal Investigation Unit established units to focus on torture complaints. During the year, the units forwarded 50 cases for indictments, of which 20 resulted in indictments, but there were no convictions. The Interparliamentary Permanent Standing Committee and its Interministerial Working Group on Human Rights Issues also continued to track criminal investigations of torture." [2b] (p6)

[Return to Contents](#)

The Human Rights Commission

6.89 As stated in a United Nations Economic and Social Council Report dated 12 March 1998 "The Human Rights Commission of Sri Lanka (HRCSL) was established by Act No. 21 of 1996 and is vested with monitoring, investigative and advisory powers in relation to human rights. It has been set up as a permanent national institution to investigate any infringement of a fundamental right declared and recognized by the Constitution and to grant appropriate relief. The powers of the Commission are said to be wider than those of the Supreme Court and will complement the existing national framework for the protection of human rights. There are no time limits for filing a complaint before the HRCSL, unlike under the 1978 Constitution." [6d] (p24)

6.90 As stated in a United Nations Economic and Social Council Report dated 12 March 1998 "According to section 15 (3) of the Act, where an investigation conducted by the Commission discloses the infringement of a fundamental right, the Commission may recommend to the appropriate authorities that prosecution or other proceedings be instituted against the person or persons infringing such fundamental right. Alternatively it may refer the matter to any court having jurisdiction to hear and determine such matters. The Commission may also make such recommendations as it may think fit, to the appropriate authority or person or persons concerned, with a view to preventing or remedying such infringement or the continuation of such infringement. The Commission also has the power to order costs where necessary. The HRCSL is also vested with the power to monitor the welfare of detained persons by regular inspection of their places of detention. In order to facilitate this function, all arrests and detentions under the Emergency Regulations, and the Prevention of Terrorism Act must be reported to the Commission within 48 hours of arrest. Wilful failure to report an arrest or detention will attract penal sanctions under the HRCSL Act. Members of the Commission have free access at all times to all prisons of the country, but the Special Rapporteur does not know whether visits could be undertaken without notice." [6d] (p25)

6.91 The U.S. Department of State Report 2003 notes that "The HRC adopted a tribunal-like approach to investigations, declining to undertake preliminary inquiries in the manner of a criminal investigator, and often told victims to find their own evidence. The HRC did not issue an annual report about human rights abuses. Nevertheless, the HRC conducted 690 visits to police stations and 96 visits to detention facilities. The HRC had 2,500 cases of alleged human rights abuse pending. Activists expressed some satisfaction with the HRC leadership's prompt investigation into the 2000 Bindunuwewa massacre." [2b] (p6)

6.92 According to a Daily News report of 17 December 2003, the HRC had decided to carry out independent inquiries into any torture incidents of suspects inside police cells within 24 hours. In case of a death of a suspect inside a cell, the Officer in Charge of the respective police station would be summoned by the Commission for questioning. The two decisions taken by the HRC were informed to the Acting Inspector General of Police (IGP), Indra De Silva yesterday. The IGP who had agreed with the two decisions had promised the HRC to give his fullest support to minimise the human rights violations of suspects inside police cells. The IGP had also outlined the steps that have been taken by the police in order to bring down human rights violations by police officers. The police had already initiated training programmes for officers to improve their investigative skills without violating the rights of suspects in custody. [16a]

6.93 The Daily News reported on 20 December 2003 that Australia had provided 3 million rupees to the Sri Lankan Human Rights Commission to implement a project to prevent and monitor torture. The project aimed to reduce the incidence of torture and cruel, inhuman or degrading treatment, with emphasis on incidents in police custody. It would consist of two components. The first was a programme of training for Human Rights Commission investigating offices and regional co-ordinators, including international standards, domestic law, investigative techniques and procedures for handling complaints. The second was a pilot project to establish a system of regional committees to monitor unlawful detention and torture in local police stations. Monitoring committees would be set up in Hambantota, Anuradhapura and Kalutara, which are the districts from which the Human Rights Commission received the largest number of complaints. [16a]

Committee to Inquire into Undue Arrest and Harassment

6.94 As stated in the U.S. Department of State Report 2003 "The Committee to Inquire into Undue Arrest and Harassment (CIUAH), which includes senior opposition party and Tamil representatives, examines complaints of arrest and harassment by security forces and takes remedial action as needed. Opinions on the effectiveness of the CIUAH were mixed. Some human rights observers believed that the work of the committee deterred random arrests and alleviated problems encountered by detainees and their families. Others felt that, although the CIUAH continued to meet throughout the year [2003], it took no significant action." [2b] (p7)

[Return to Contents](#)

Prosecution of Security Force Personnel

6.95 A report issued by the Geneva based Centre for the Independence of Judges and Lawyers in September 1998, stated that steps to punish those responsible for unlawful killings had been "manifestly inadequate" and that a culture of impunity had developed. At the date of the jurists' mission to Sri Lanka (1997) no member of the security forces had been convicted of murder. [4k]

6.96 Amnesty International, in their June 1999 report "Torture in custody" stated that "Despite the long-term existence of legislation to punish torture and the enactment of the Torture Act in 1994, this violation continues to be committed with impunity. In recent

months, some members of the security forces have been sentenced to long-term imprisonment for their involvement in disappearances and extrajudicial executions. However, while a handful of cases are reportedly pending in the courts, so far no one has been convicted in relation to the crime of torture in Sri Lanka." [3e] (p4-5)

6.97 A Reuters news report of 3 July 1998 stated that "Five Sri Lankan soldiers and a policeman were sentenced to death by a Colombo court on Friday for murdering a teenage schoolgirl and three other Tamils two years ago. Eight soldiers and the policeman were accused of abducting, raping and murdering Krishanthi Kumaraswamy and later killing her brother, her mother and a neighbour who went looking for her after she disappeared on the northern Jaffna peninsula in September 1996. Two of the soldiers were acquitted, while another died after an illness while being held in prison during the course of the trial. One of the soldiers who was sentenced to death had escaped and was still at large. The court said the order should be carried out when he was arrested...The accused were arrested after the government set up a special commission to investigate the incident. The case was heard by a special court comprising three High Court judges but no jury. The date of the death sentence was to be decided later...Kumaraswamy was raped and murdered after she was detained at an army checkpoint in Jaffna, one of the many that had been set up to prevent infiltration by the Liberation Tigers of Tamil Eelam (LTTE) rebels." [4g]

6.98 According to a Reuters news report of 10 February 1999 "A retired school principal and six Sri Lankan soldiers were jailed on Wednesday for up to 10 years imprisonment for abducting 25 students during a late 1980s leftwing revolt when thousands of people disappeared...The students, most of them from Embilipitiya Central College in southern Sri Lanka disappeared between August 1989 and January 1990 after the school principal gave the army a list of those he thought were members of the People's Liberation Front." [4i]

6.99 A Reuters news report of 26 May 1999 stated that "Sri Lanka has indicted some 400 police and soldiers for alleged involvement in the disappearances of more than 1,800 people during a left-wing youth insurgency in the late 1980s, government officials said on Wednesday...The attorney-general's department had recommended disciplinary action be taken by relevant authorities in cases with insufficient material to initiate criminal proceedings, the officials said." [4j]

6.100 A CNN news report of 19 July 2000 confirmed that "A retired general has been charged in the deaths and disappearances of thousands of leftists, the first high-ranking military officer to face trial in the more than decade-old murders. The trial against retired Maj.Gen. Ananda Weerasekera and two of his subordinates will begin July 31 [2000], according to an order issued Monday by judge Sumudhu Premachandran in the central city of Anuradhapura. The men are charged with murder, abduction and unlawful detention in connection with the disappearances of members of the People's Freedom Front". [25e]

6.101 According to the United Nations Report of the Working Group on Enforced or Involuntary Disappearances published in December 1999 "Officers of the armed forces that commit offences against civilians can be tried either by military or civil courts. In the case of a summary trial before a military court, the punishment is of a disciplinary

nature, such as reduction in rank, withholding of promotions or delay in promotions. In the case of a court martial, the punishment can be imprisonment or discharge from service. If a prima facie case is established before a civil court, the officer has to be suspended from service." [6h] (p7-8)

6.102 As outlined in the U.S. Department of State Report 2003 "On election day in December 2001, 12 supporters of the Sri Lankan Muslim Congress were killed, allegedly by hired thugs of a PA candidate. Former PA Member of Parliament Anuruddha Ratwatte and his two sons were indicted for conspiring in the killings. In addition, 15 others, including security force personnel, were indicted for their alleged involvement in the murders. In June [2003], Ratwatte and 14 others were granted bail by a 5-judge bench of the Supreme Court, setting aside the majority order of the High-Court-Trial-at-Bar." [2b] (p14)

6.103 A BBC News report of 7 February 2002 stated that "A court in Sri Lanka has sent two air force officers to prison for an attack on a journalist four years ago [1998], during which a gun was held to his head. The High Court in Colombo sentenced each man to nine years in jail for the attack on Iqbal Athas, in which a group of armed men entered his home and threatened him and his seven-year-old daughter. Mr Athas, the defence correspondent for Sri Lanka's Sunday Times newspaper, had written about widespread corruption in the armed forces. Mr Athas described the court's decision as a triumph for justice and a defeat for evil forces. But he added that many other uninvestigated crimes against journalists must be prosecuted." [9y]

6.104 According to a Daily News article of 26 November 2002 "Colombo High Court Judge Sri Skandarajah yesterday ordered the acquittal of all 18 army personnel who were accused in the Mailenthenna massacre following a unanimous jury verdict of not guilty. In this case 18 soldiers were indicted on 83 counts including unlawful assembly, murder of 35 people and attempted murder of six others at Mailenthenna village, Punani on August 9, 1992. Three further accused are presumed dead." [10j]

6.105 A BBC News report dated 1 July 2003 confirmed that "A court in Sri Lanka has sentenced two police inspectors to death for their involvement in the killing of 27 young Tamil men held in a detention centre. Judges have severely criticised the role of the police in the incident that drew widespread international condemnation. Local residents stormed the detention centre in October 2000 where young Tamil Tiger suspects were being held. Some victims were said to have been burnt alive. Eighteen people, including police officers faced trial. The Colombo High Court handed down the death sentence to two police inspectors and three local residents of Bindunuwewa in the central district of Bandarawela in Sri Lanka where the massacre took [place] nearly three years ago... A three-judge bench found that there had been police involvement in the massacre, issued stricture on senior officers and awarded the death penalty to two inspectors. The massacre had brought international attention to Sri Lanka's tough prevention of terrorism laws which allow the detention of suspects for long periods without trial. However, the trial of the 18 men accused of instigating and carrying out the massacre was swift by Sri Lankan legal standards... The condemned men have the right to appeal. Officials say the judgement could serve as a deterrent to security personnel and is a victory for human rights campaigners who have been complaining about the lack of accountability in Sri Lanka." [9az]

6.106 As noted in a Daily News article of 9 August 2003 "The Supreme Court yesterday ordered the State and two police officers to pay Rs. 800,000 as compensation and cost to the widow of an ex-soldier and her minor child who died following torture. The court also directed the Registrar of the Supreme Court to forward the copy of the judgement to the National Police Commission to take the necessary action against the errant police officers." [16u]

6.107 According to the U.S. Department of State Report 2003 "Security force impunity remained a problem, although during the year [2003], the Government indicted security force personnel in several high profile cases. At year's end [2003], the Government continued to investigate 5 cases of rape, 50 cases of torture, and approximately 500 cases of disappearance by security force personnel." [2b] (p2-3)

[Return to Contents](#)

Up-country Tamils

6.108 As noted in the U.S. Department of State Report 2003 "There were approximately 1 million Tamils of comparatively recent Indian origin, the so-called "tea estate" Tamils or "Indian" Tamils." [2b] (p17) The Dutch Ministry of Foreign Affairs 1997 Report confirms that "The "Indian Tamils" were brought over from India (from the Tamil-inhabited southern state of Tamil Nadu) by the British colonial government in the 19th and 20th centuries (from the 1830s onwards) to work on the estates in the central highlands (up-country). They are therefore also referred to as "up-country Tamils", "estate Tamils" or "tea Tamils". The 1948 Ceylon Citizenship Act denied them Sri Lankan nationality and stripped them of all civil rights. In 1964 (the Sirimavo-Shastri Pact) and 1986 Sri Lanka and India arrived at arrangements whereby each country agreed to extend citizenship to some of the estate Tamils, of whom there were by then 975,000. Of these, 422,500 eventually received Indian nationality (and moved to India) and 469,000 obtained Sri Lankan nationality. There remained a residue of 85,000 estate Tamils who opted for Indian citizenship but in the end chose to stay in Sri Lanka." [14a] (p32-33)

6.109 According to the U.S. Department of State Report 2003 "Without national identity cards, they were vulnerable to arrest by the security forces. However, the Government stated that none of these persons would be forced to depart the country. During 1999, the Government introduced a program to begin registering these individuals, and 15,300 tea estate Tamils received identity cards in 2001, and the registration process continued during the year [2003]." [2b] (p17)

6.110 A Daily News report of 12 July 2003 stated that "The Government has decided to grant citizenship rights to some 168,141 Tamils of Indian Origin in a plan intended to end a painful saga of "stateless citizens". The Cabinet which met last Wednesday approved citizenship to the remainder of Tamils of Indian Origin who chose to repatriate to India under the Sirima-Shastri Agreement, but were unable to do so, Plantation Minister Arumugam Thondaman told the Daily News. The total number of potential citizenship recipients envisaged in the proposal includes 84,141 people who obtained Indian passports, but were unable to repatriate for various reasons and their offspring amounting some 80,000 who were born after the Sirima -Shastri

Pact in 1964." [16r] On 8 October 2003 the Daily News reported "Parliament yesterday unanimously passed the Grant of Citizenship to Persons of Indian Origin Bill. Accordingly, any person of Indian origin who has been a permanent resident of Sri Lanka since October 30, 1964 or a descendent of such a person shall be granted the status of a citizen of Sri Lanka" [16s]

6.111 The Daily News reported on 17 January 2004 that "A record 145,000 Sri Lankan citizens of Indian origin will receive National Identity Cards (NICs) within three months under a special identity cards distribution program initiated by the Department of Registration of Persons (DRP) on a directive by President Chandrika Bandaranaike Kumaratunga." [16ab]

6.112 As stated in the Dutch Ministry of Foreign Affairs 1997 Report, politically, the estate Tamils are represented by the Ceylon Workers' Congress, and by the Up-Country People's Front. [14a] (p33)

[Return to Contents](#)

Indigenous People

6.113 The U.S. Department of State Report 2003 confirms that "The country's indigenous people, known as Veddhas, numbered fewer than 1,000. Some preferred to maintain their isolated traditional way of life, and they are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. Some Veddhas complained that they were being pushed off of their land in protected forest areas." [2b] (p17)

[Return to Contents](#)

Women

6.114 The U.S. Department of State Report 2003 notes "Women have equal rights under national, civil, and criminal law. However, questions related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who followed their customary marriage practices. Different religious and ethnic practices often resulted in uneven treatment of women, including discrimination." [2b] (p15)

6.115 As outlined in the U.S. Department of State Report 2003 "Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continued to be serious and pervasive problems. Amendments to the Penal Code introduced in 1995 specifically addressed sexual abuse and exploitation, and modified rape laws to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offense in cases of spouses living under judicial separation, and laws govern sexual molestation and sexual harassment in the workplace. While the Penal Code may ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and judicial officials should be required. The Government set up the Bureau for the Protection of Children and Women within the police in 1994 to respond to calls for greater awareness and attention; however, there was no information on any action taken by the Bureau, nor on the number of crimes against women." [2b] (p15)

6.116 The United Nations, in its 2002 report on Sri Lanka on the Committee on the Elimination of Discrimination against Women states that "The Committee commends the efforts to implement the Convention despite the difficult socio-political situation. It welcomes efforts to strengthen the national machinery on women, the introduction of gender mainstreaming and the adoption of a range of policies and programmes to eliminate discrimination against women, including the Women's Charter, the establishment of the Ministry of Women's Affairs, although short-lived as a separate Ministry, the National Committee on Women and the formulation of a National Plan of Action for Women. The Committee commends the introduction of legal reforms that have been adopted since 1995, in particular the amendments to the Penal Code, which introduced new offences and more severe punishments with regard to violence against women, as well as the revision of the marriage laws, which increased the age of marriage, except in the case of Muslims, to 18 for both women and men. The Committee commends the educational achievements and improved literacy rate of women, as well as the curriculum reforms and teacher training programmes to eliminate gender role stereotypes. The Committee also commends the easy access to family planning for women and men and the well-developed maternal and child health care system, which has contributed to a decline in maternal mortality...The Committee is concerned that abortion is allowed only when the mother's life is in danger and is strictly prohibited otherwise, even in extreme circumstances, which results in women resorting to illegal abortions...The Committee expresses its concern about the high incidence of violence against women, including domestic violence. The Committee is concerned that no specific legislation has been enacted to combat domestic violence and that there is a lack of systematic data collection on violence against women, in particular domestic violence. The Committee, while appreciating the many amendments to the Penal Code, notes with concern that marital rape is recognized only in the case of judicial separation. The Committee is also concerned that the police fail to respond to complaints of violence against women in a gender sensitive and effective manner." [6c]

6.117 As stated in the Amnesty International Report "Torture in custody" dated June 1999 "Rape in a context of armed conflict is an act of torture, and clearly prohibited by the rules of war and by international human rights law. Sri Lanka's presidential directives for the welfare of detainees include special provisions to protect women, including the provision that women taken into custody should be allowed to be accompanied to the place of questioning by a person of their choice and "as far as possible" should be placed in the custody of a women's unit of the relevant arm of the security forces. Nevertheless, each year a number of cases of rape by members of the security forces are reported, particularly from the north and east of the country. Given the cultural and religious context it cannot be excluded that other cases go unreported." [3e] (p21)

6.118 According to the joint Danish/Canadian Fact-Finding Mission Report 2001 "The NHRC Commissioner stated that there are a number of female officers in the security forces, but that women who are arrested would not always be questioned only by a female officer. The Regional Coordinator of the NHRC in Vavuniya stated that female officers would deal with 50 to 60 per cent of the cases involving women. A representative of an international NGO stated that in Vavuniya the security forces are very strict about using female officers in connection with arrests of women. The Director

of the Criminal Investigation Department of the Sri Lanka Police stated that his department has a sufficient number of female officers to ensure that women who are detained can be questioned and guarded by female personnel." [11] (p32)

6.119 The December 1999 United Nations Report of the Working Group on Enforced or Involuntary Disappearances states that "Army authorities have also decided disciplinary sanctions in cases of human rights violations, independently of the judicial course of action. Soldiers accused of sexual harassment of Tamil women, for instance, have been reduced in rank, detained for up to 90 days and discharged from the Army." [61] (p8)

6.120 In an Amnesty International Report entitled "Rape in custody" issued in January 2002 they state that "During 2001, Sri Lanka saw a marked increase in allegations of rape in custody, particularly by the army, police and navy. Most incidents have occurred in the context of the armed conflict between the security forces and the Liberation Tigers of Tamil Eelam (LTTE), fighting for an autonomous state in the north and east of the country... Whilst welcoming several measures, including the introduction of tough prison sentences for those committing rape in custody and gang rape, Amnesty International is urging the authorities to take additional measures for the prevention of rape in custody and the proper investigation of alleged incidents. Not a single member of the security forces has ever been found guilty of rape in custody although one successful prosecution has been brought where the victim of rape was also murdered. [31] (summary page) Among the victims of rape by the security forces are many internally displaced women, women who admit being or having been members of the LTTE and female relatives of members or suspected male members of the LTTE. Some reports of rape in custody concern children as young as 14 (See Case No. 5, Thangiah Vijayalalitha, Appendix 1)." [31] (p3) In an Amnesty International press release issued in January 2002 it is stated that "Amnesty International welcomes the decision of the Supreme Court of Sri Lanka which on 25 January 2002 granted 150,000 Sri Lankan rupees (approximately US\$ 1,600) compensation to Velu Arshadevi, a Tamil woman who was raped in Colombo in June 2001. "This is a landmark judgement. It is the first time that the court has awarded compensation to a rape victim, confirming that rape in custody constitutes torture," Amnesty International said." [34]

6.121 According to the U.S. Department of State Report 2003 "During the year [2003], the police reported approximately 900 rape investigations in the country compared with 865 rape investigations in 2002. Despite the number of reported rapes, there were no convictions in the cases involving security force personnel." [26] (p15)

6.122 Several organisations dealing with women's issues exist in Sri Lanka. A selection of these can be found on the website of the South Asian Women's Network (SAWNET). [17]

[Return to Contents](#)

Children

6.123 As stated in the U.S. Department of State Report 2003 "The Government was committed to protecting the welfare and rights of children but was constrained by a lack of resources. Expenditures for health and education for children declined as a percent of GDP between 1998 and 2001. Nevertheless, the Government demonstrated its commitment through extensive systems of public education and medical care." [26] (p16)

6.124 According to the U.S. Department of State Report 2003 "Under the law, the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also broadens the definition of child abuse to include the involvement of children in war. The NCPA [National Child Protection Authority] included representatives from the education, medical, retired police, and legal professions; it reported directly to the President." [2b] (p16)

6.125 A Reuters report of 6 May 1998 stated that "Sri Lanka's parliament on Wednesday passed amendments to laws protecting the rights of children in a bid to combat widespread child abuse, officials said...The use of children for begging, sexual intercourse, and trafficking in drugs will now become offences punishable with a five year prison sentence...The moves also include provisions to give priority status to child abuse cases." [4c]

6.126 According to the U.S. Department of State Report 2003 "Child prostitution was a problem in certain coastal resort areas. The Government estimated that there were more than 2,000 child prostitutes in the country, but private groups claimed that the number was much higher. Citizens committed much of child sexual abuse in the form of child prostitution; however, some child prostitutes were boys who catered to foreign tourists. Some of these children were forced into prostitution. The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation, and worked with local NGOs that provided shelter. The Tourist Bureau conducted awareness-raising programs for at-risk children in resort regions prone to sex tourism. The Government pushed for greater international cooperation to bring those guilty of pedophilia to justice. The penalty for pedophilia is not less than 5 years and up to 20 years, as well as an unspecified fine. During the year [2003], 11 cases of pedophilia were brought to court; however, there were no convictions. [2b] (p16) The country's reputation as a destination for foreign pedophiles declined significantly because of improved law enforcement and increased publicity." [2b] (p20)

6.127 A report posted with the Xinhua News Agency on 30 September 2002 indicated that "The Sri Lankan police are to set up a special unit to combat child abuse and all forms of cruelty against children from October 1 [2002], the state-run Daily News reported on Monday. The unit will be located at the headquarters of the National Child Protection Authority (NCPA), which deals with all aspects of child protection including investigation and prosecutions. The new police unit would initially consist of 15 police personnel and will work closely with the NCPA on investigations, monitoring and prosecutions. Police officers will be stationed in areas frequented by tourists to facilitate prompt action against child abuse by tourists...According to NCPA Chairman Harendra de Silva, as many as 1,200 instances of child abuse were handed over for legal action last year [2001]. Interior Minister John Amaratunga said that while action has been taken in several instances of child abuse, still there are cases of sexual abuse, cruelty to children, use of child labor and use of children in drug trafficking that have gone undetected due to lack of personnel for investigation." [4c]

6.128 The U.S. Department of State Report 2003 states that "The LTTE forcibly recruited children during the year [2003]. However, during the year [2003], the LTTE

also released 141 children. In late 2002, the LTTE handed over an additional 85 children to UNICEF, stating that the children had volunteered to serve, but that the LTTE did not accept children. [26] (p.8) In 1998, the LTTE gave assurances to the Special Representative of the U.N. Secretary General for Children in Armed Combat that it would not recruit children under the age of 17. The LTTE did not honor this pledge, and, even after the ceasefire agreement, there were multiple credible reports of the LTTE forcibly recruiting children. For example, during the year [2003], UNICEF reported that there were over 700 cases of forcible child recruitment by the LTTE and that more than 1,300 children remained in LTTE custody at year's end [2003]. During the year [2003], the Government began participation in an inter-regional project aimed to prevent and reintegrate children involved in armed conflict. The project was sponsored by the International Labor Organization's International Program for the Elimination of Child Labor, which the Government began working with in 1996." [26] (p.16)

[Return to Contents](#)

Child Care Arrangements

6.129 Information from the British High Commission in Colombo in a letter dated 18 October 2002 confirms that children's homes and orphanages exist in Sri Lanka, and that most of these are Sinhalese-run. Children in children's homes are not necessarily orphans; they might come from families where one parent is dead or absent, or where there are too many children for a family to support. If there are allegations of abuse, children are often placed in homes for their protection. There are two types of homes. State-run homes come under the auspices of the Probation and Childcare Department. Homes in the voluntary-run sector are generally run by NGOs or religious organisations. The legal age limits for children's homes and orphanages are 0-18, although after the children turn 18 they often continue to live (and work) within the institution. Some homes are single-sex, while others are mixed. Conditions in children's homes are generally very poor. This can range from simple lack of resources and facilities, through neglect, to outright abuse. Homes should be overseen by the Probation Service, but it lacks the funding and skills base to do so appropriately. There is also no oversight of the Probation Service itself. [157]

6.130 A news article posted with Global Information Network on 3 October 2002 confirmed that, the Tamil Rehabilitation Organisation (TRO) based in Kilinochchi, runs 8 children's welfare homes and 300 pre-schools in the Vanni district for Tamil children. The TRO welfare homes have a total of 1,600 children who are either orphaned, from single parents, or sent to them due to poverty. [46]

[Return to Contents](#)

Homosexuals

6.131 According to the International Lesbian and Gay Association (ILGA) World Legal Survey website "Homosexual acts between men, regardless of age, are prohibited under Section 365a of the Penal Code with a penalty of up to 10 years imprisonment." [29]

[Return to Contents](#)

6.C HUMAN RIGHTS - OTHER ISSUES

Treatment of Returned Failed Asylum Seekers

6.132 UNHCR in their Background Paper on Sri Lanka published on 18 March 1999 for the European High Level Working Group on Asylum and Migration stated that "UNHCR is of the view that Sri Lankan asylum seekers, whose claims have been processed through full and fair procedures and found not to fulfil the refugee criteria may be returned safely to Sri Lanka (this does not obviate other reasons for non-return such as is contemplated under the Torture Convention). Where the individual has no valid travel documents, he/she should be assisted to obtain relevant documentation from the nearest Sri Lankan diplomatic post as such documents would greatly facilitate the person's arrival, travel and stay upon return to the country". [60] (p22)

6.133 Information from the German Federal Ministry of the Interior on 9 May 2000 was that "The Border Police Directorate in Koblenz confirmed by phone the collective deportation of 20 Sri Lankan nationals, escorted by 35 Federal Border Police officers, 1 doctor and 1 first-aid assistant, by charter flight No. HMI 7707 from Düsseldorf via Dubai to Colombo on 16 March 2000. The Border Police report on this deportation does not note any unusual occurrences. The liaison officer of the Federal Office for the Recognition of Foreign Refugees based at the German Embassy in Colombo looked into the matter and reported that the collective deportation attracted a great deal of attention on the part of the Sri Lankan media and human rights organisations as well as on the part of Tamil politicians. Neither the claim of the Tamil deputy Selvarasa nor reports published also in Germany (Südasiens, vol. 2-3/00) according to which the repatriation of the 20 Sri Lankan nationals had ended with their arrest, torture and seizure of all personal documents are correct. Instead, two out of the 20 deportees were arrested on remand for five days on the orders of a judge. Since only one of the repatriates was in possession of a normal passport for entry into Sri Lanka, the remaining 19 emergency passports issued only for the return trip of the returnees were confiscated. It was reported that the other 18 returnees were held only temporarily by the criminal police for questioning (approximately 10.30 a.m. – 08.00 p.m.). Instructed to appear for a court hearing before the magistrate in Negombo on 21 March 2000 these 18 were set free as early as on the day of their arrival. The police requested the temporary arrest of the other two for further investigation with regard to clarifying their identity and checking the criminal records. As regards the torture allegations it should be pointed out that one of the returnees reported to have been hit. On 8 March 2000 the liaison officer of the Federal Office for Recognition of Foreign Refugees visited the two returnees who had been arrested in Negombo Remand Prison. When asked, one of the returnees confirmed vis-à-vis the liaison officer that he had been hit. According to his description the punch he received amounted more or less to a slap in the face. The other deportee held temporarily in custody denied that he had been treated incorrectly. Both of them were released on bail on 21 March 2000." [12]

6.134 In a letter sent to the Home Office in August 2000, UNHCR said they had been informed on a number of occasions by airport immigration authorities in Colombo that a temporary identification document and/or a photocopy was issued to returned asylum seekers when the documentation they travelled on was retained, but they found that

this was not always the case. However, such persons were able to collect an Emergency Certificate from the Immigration Head Office in Colombo on the following morning. UNHCR believed that it was extremely risky for such persons to be in Colombo without identification, but contended that the immediate risk was at the airport itself. Officers from the CID sometimes detained Tamils leaving the airport to check their identification; some had been arrested, others had escaped by bribing officers. However, according to UNHCR, the chances of such persons being arrested in a round-up prior to obtaining an Emergency Certificate the next morning were slim and it would be considered a rare occurrence. According to UNHCR, to the best of their knowledge, no Sri Lankan national returning from Europe had been regarded adversely by the Sri Lankan authorities merely on the assumption that they may have had contact with LTTE representatives in that European country. [6e]

6.135 Information obtained on the United Kingdom Home Office fact-finding mission of 9-13 July 2001 was that "The MFA [Ministry of Foreign Affairs] stated that those returning on a temporary travel document were now allowed to retain it and the police at the airport kept a photocopy. This process had been in place for a few months and was as a direct result of representations from foreign embassies, regarding concerns about returnees being able to provide evidence of their identity prior to obtaining a NIC." [35a] (p42)

6.136 As recounted in the joint Danish/Canadian fact-finding mission Report of their visit to Sri Lanka between 1 and 12 October 2001 "The Attaché of the Embassy of Switzerland stated that the Swiss Embassy provides transport for the returned asylum seekers from the airport to a special reception centre for returned asylum seekers, which the Embassy operates in cooperation with the Red Cross. In October 2001, five persons were staying in the centre, where they may stay for a maximum of 45 days. The management of the Red Cross Centre registers the returnees at the local police station. However, only 20 to 25 per cent of the returnees use the airport shuttle bus and reception centre, as most returnees, according to the Attaché, are met upon arrival by family members and friends." [11] (p52)

6.137 According to the U.K. Home Office report of a meeting with UNHCR on 20 March 2002 "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." [35b]

6.138 The Daily News reported on 19 December 2002 that "Forty five Sri Lankans were returned by the Government of the Netherlands yesterday. These persons could not obtain legal status or had been found to be in the Netherlands unlawfully. Emergency travel documents had been issued to all returnees, a release from the Royal Netherlands Embassy said. After following the normal procedures of arrival and an identity check they were allowed into the country without further delay. The group consisted of persons of all ages, all of whom were welcomed back and received by friends and family." [16n]

6.139 The Daily News, quoting the AFP news agency, reported on 18 February 2004 "The European Court of Human Rights on Tuesday gave the Netherlands the green

light to expel two Sri Lankan Tamils, saying they would not face a real risk of torture if expelled to their homeland. The court said it "found that no substantial grounds had been established for believing that the applicants, if expelled, would be exposed to a real risk of being subjected to torture or inhuman or degrading treatment. In both cases, the court considered that, even if the applicants were apprehended on arrival at the airport in Colombo or subsequently in the course of an identity check, given the current climate in Sri Lanka, it was unlikely that they would run a real risk of being subjected to ill-treatment". The two Sri Lankans, hailing from a region under the control of the Liberation Tigers of Tamil Eelam (LTTE), told the court they arrived in the Netherlands in 1995 after fleeing their homeland in the wake of ill treatment on suspicion of belonging to the rebel Tamil group. The court said in a statement that it "could not ignore the very real progress that had been made which had led to a substantial relaxation of the previously precarious situation for Tamils arriving or staying in Colombo". [16a-c]

Treatment of Non-Governmental Organisations (NGOs)

6.140 As noted in the U.S. Department of State 2003 "A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. Several domestic human rights NGOs, including the Consortium of Humanitarian Agencies, the University Teachers for Human Rights, Jaffna, the Civil Rights Movement, and the Law and Society Trust, monitored civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGOs, although the Government officially required NGOs to include action plans and detailed descriptions of funding sources as part of its registration process. Some NGO workers viewed this as an attempt by the Government to exert greater control over the NGO sector after previous human rights groups' criticisms. Few NGOs complied with these reporting requirements." [2b] (p14)

[Return to Contents](#)

International Committee of the Red Cross (ICRC)

6.141 As confirmed in a 1997 United Nations report "In July 1990 the Government of Sri Lanka invited the ICRC to commence humanitarian functions in Sri Lanka in association with the country's relief and rehabilitation authorities to provide humanitarian assistance to people affected by violence initiated by the Liberation Tigers of Tamil Eelam (LTTE) terrorist activity. The ICRC is granted free access to all places of detention. The Government's policy objective in this regard is to ensure that internationally accepted norms are maintained for the safety and well-being of inmates by allowing the ICRC to interview detainees in confidence and in private." [6b] (p8)
According to Amnesty International's "Torture in custody " Report of June 1999 "Although Amnesty International has several testimonies of former detainees who claim they were not shown to the ICRC in the early period of their detention, it has other testimonies which confirm that an intervention by the ICRC resulted in detainees being provided medical treatment or being transferred out of the custody of the law enforcement officers responsible for torture." [3e] (p34)

6.142 According to an ICRC "Appeals document" dated 2001 "Most ICRC assistance and tracing activities are carried out in conjunction with the SLRCS [Sri Lanka Red Cross Society]. The Austrian Red Cross continues to run a delegated water and sanitation project in the Eastern Province, and the Canadian Red Cross maintains support to SLRCS medical activities in a delegated project in the Vanni. All ICRC activities are coordinated with related programmes of the many UN agencies and NGOs working in Sri Lanka." [34a]

6.143 As noted in the ICRC "Appeals document" dated 2001 "Between January and September 2000 the ICRC: facilitated negotiations to allow cross-line transport, escorted food convoys across the front lines, and protected a passenger vessel shuttling civilians between Trincomalee and Jaffna; collected allegations of abuse committed against the civilian population, submitting them in a confidential manner to the parties concerned in order to remind them of their responsibility to respect civilians and combatants who are hors combat; distributed 4,534 Red Cross messages written by people living in conflict areas, located 199 persons who had been declared missing by their families, and organized 34 family reunifications for vulnerable individuals separated from their closest relatives; facilitated the return to both parties to the conflict of the mortal remains of 322 combatants who had fallen on enemy territory; visited 2,783 detainees held under Sri Lankan authority, financing 702 family visits for them and helping released detainees return home; visited 33 persons held by the Liberation Tigers of Tamil Eelam (LTTE), organized a family visit for 15 of them and assisted in the release and return home of 5 of these detainees; distributed essential household items to over 18,000 vulnerable displaced persons in the Vanni and on the Jaffna peninsula, and distributed school clothing for over 5,000 destitute children in the Vanni; on the Jaffna peninsula improved water and sanitation facilities in 133 welfare centres housing 20,000 people, in the eastern Province repaired 33 wells serving 12,000 families, and in the Vanni repaired 147 hand pumps serving 20,000 people; in the Vanni, provided an average of over 18,000 consultations monthly through 5 mobile health teams and 26 primary health centres run with the Sri Lanka Red Cross Society (SLRCS) in a project delegated to the Canadian Red Cross, and in the Eastern Province through 2 ICRC/SLRCS mobile health teams; on the Jaffna peninsula supported SLRCS medical teams treating over 5,000 displaced people; transported 1,400 patients by boat from Jaffna to Colombo for specialized medical care; made presentations on international humanitarian law to over 5,600 military personnel; [and] gave technical and financial support for selected SLRCS activities, training more than 1,300 volunteers in basic first aid." [34a]

6.144 As stated in the U.K. Home Office Report of its fact-finding mission to Sri Lanka in 2001 "There is an officer within SLRCS (funded by the ICRC) that helps trace families within the country. This officer can help returning failed asylum seekers contact their relatives. The SLRCS can also help minors (who are failed asylum seekers and who wish to return to Sri Lanka) find their families. ICRC Head Office in Colombo is the only Red Cross office authorised to write letters on behalf of the displaced and those arrested by the army. These give the detainees or former detainees name, and when released etc." [35a] (p31)

6.145 As noted in the U.S. Department of State Report 2003 "The Government continued to give the ICRC unhindered access to approximately 160 detention centers,

police stations, and army camps recognized officially as places of detention. Due to the lapsing of the ER in 2001, the total number of persons detained in military bases has been reduced dramatically, with the military making fewer arrests and transferring detainees to police facilities more quickly than in previous years. With the ceasefire agreement, the number of arrests by the military dramatically declined." [2b] (p7)

[Return to Contents](#)

Internally Displaced Persons (IDPs)

6.146 As noted in the U.S. Department of State report 2003 "By late 2001, there were over 800,000 IDPs in Sri Lanka. With the advent of the peace process, the United Nations High Commissioner for Refugees (UNHCR) reported that 341,000 IDPs had returned to their places of origin, leaving roughly 500,000 IDPs in the country. According to the RC [Refugee Council], approximately 100,000 IDPs were unable to resettle as a result of the High Security Zones." [2b] (p13)

6.147 According to the September 2003 Refugee Council report entitled "Internally displaced persons and safe returns" "Studies indicate that displaced families live in abject poverty and it is clear that the food assistance provided by the Government does not reach all those in need. There are delays and shortages in distribution and the food supplied is often insufficient and of poor quality. Many displaced families, especially those in LTTE controlled areas do not receive any assistance. Further, when marriage takes place, the new IDP couple is sometimes refused registration by government officers as a separate family unit and forced to depend on rations issued to their parents...Around 58% of the displaced population is women. [10d] (p25) About 14% of the IDPs today are Muslims and Sinhalese. They are from the north, east or the border areas of the two provinces." [10d] (p31)

6.148 According to the U.S. Department of State Report 2003 "The Government continued to provide food relief, through the Commissioner General for Essential Services and the Multi-Purpose Cooperative Societies, to displaced and other needy citizens, including those in areas controlled by the LTTE. The Government delivered food rations to the Vanni area, a LTTE-controlled area in the north, through a checkpoint that was controlled on one side by the security forces and on the other by the LTTE. The border into the territory controlled by the LTTE remained open during the year [2003]. Unlike in previous years, NGOs could move assistance into LTTE-controlled areas without extensive Government oversight." [2b] (p9)

6.149 According to the U.S. Department of State Report 2003 "An estimated 65,000 Tamil refugees live in camps in Tamil Nadu in southern India. Approximately 100,000 refugees may have integrated into Tamil society in India over the years. According to the UNHCR, a small number may have returned from India during the year [2003]." [2b] (p13)

6.150 According to the September 2003 Refugee Council report entitled "Internally displaced persons and safe returns" "Movement of people to and within the conflict-affected areas of the north-east is expected to continue but at a much slower rate in the near future for a number of reasons. Many villages where IDPs are expected to return are contaminated with landmines. Many other villages lie within military High Security

Zones (HSZ) and are no-go areas for civilians. A large number of areas, which were formerly inhabited, are overgrown and lack even the minimum of community infrastructures. Recent physical needs assessments by various development agencies indicate that most of the physical infrastructure such as roads, hospitals and schools in the areas of returnees has been destroyed. Much of these structures have to be rebuilt to facilitate the return of displaced people. But the necessary funds are yet to be allocated for rebuilding war-torn areas. Certain populations of potential returnees (e.g., Muslim IDPs) have particularly strong concerns about the conditions of security. [104] (p15) The LTTE have also restricted the movement of civilians and returnees into areas in the north-east which they consider as their high security zones." [104] (p36)

6.151 A report in the Sunday Observer [of Sri Lanka] on 8 February 2004 stated that "An estimated 345,734 internally displaced persons (IDPs) have returned to their homes in the Northern and Eastern Provinces, as well as the Polonnaruwa and Puttalam districts, following the signing of the ceasefire agreement between the Government and the LTTE, according to the Ministry of Rehabilitation, Resettlement and Refugees and the United Nations High Commissioner for Refugees (UNHCR). However, only 19,143 families comprising 72,945 persons had returned in 2003 (up to November) as against 69,927 families consisting of 269,012 persons in 2002, indicating a marked drop in IDPs returning in the second year of the ceasefire agreement." [105]

[Return to Contents](#)

Illegal Emigration

6.152 A BBC News item dated 8 January 2002 reported that "A group of 72 Sri Lankan men were detained as illegal immigrants by Italian police after being found on a beach in Calabria in southern Italy. And two more groups totalling about 200 people have landed near Catania in Sicily since last weekend... Last year [2001], several thousand illegal immigrants from Sri Lanka arrived in southern Italy in small boats after the long sea voyage from their homeland... The gruelling 2,500-mile sea journey is made in small boats through the Indian Ocean, the Red Sea and the Suez Canal. Those who have relatives in northern Europe will try to make their way there after being processed by Italian immigration authorities." [99] The BBC reported on 11 January 2002 that "The Sri Lankan navy has detained more than 100 people after it boarded two fishing trawlers bound for Italy. Two navy gun boats intercepted the boats packed with would-be emigrants off the coast of the western town of Negombo near the island's international airport... Correspondents say young men pay thousands of dollars to travel to Europe as well as to Japan and Australia crammed into small boats. They are frequently detected mid-journey or turned back after reaching their destinations." [99]

6.153 A report in the Daily News of 20 July 2002 stated that "A senior police official has warned that Sri Lanka may soon become the main centre of human smuggling to Europe unless stern action is urgently taken to curb this racket. Senior SP (CID) D. S. Y. Samararatunge said many illegal emigrants who had set out to Europe from the Negombo and Southern Coasts had met with accidents in the deep seas and saved their lives by the skin of their teeth while some others have even died on the way. The vessels used by these illegal emigrants are mostly multi day fishing boats which are either unseaworthy or risky for such long voyages. Several millionaire businessmen engaged in this racket had fallen into the Police net in recent times. SSP Samararatunge

said the lack of a Coast Guard as in other countries is a constraint Sri Lanka is faced with in effectively checking vessels carrying illegal emigrants. It is the Navy already saddled with many responsibilities which has to undertake this task too. The laxity of monitoring vessels has enabled smugglers boats to escape the security net and venture into deep sea. SSP Samaratunga said 740 illegal emigrants have been detected and deported to Sri Lanka in recent times of them 338 were deported by Italy. Other deportations were by Australia 63, Germany 34, Malaysia 41, Singapore 30, Thailand 24, Middle East 32 and the UK 25. Most of these people had gone abroad after paying nearly Rs. 300,000 to Rs. 600,000 to the brokers assisting this racket. The racketeers involved had deceived them to part with their money saying that well paid jobs will be readily available once they step on foreign soil. But this is not so. A majority of illegal emigrants have got caught to law enforcement authorities and are languishing in foreign jails awaiting deportation." [160]

6.154 The Daily News reported on 27 July 2003 that "[Meanwhile], police have foiled attempts by over 1200 persons including Indians, Pakistanis, Bangladeshis and Sri Lankans to sail to Western countries from the Sri Lankan shores from January to July this year [2003]. Last month alone, 546 persons, mostly foreigners were arrested by the police while attempting to sail to Italy, Greece, and other Western countries illegally, CID Superintendent of Police D.S.Y. Samaratunga said." [161]

6.155 The Sunday Observer [of Sri Lanka] reported on 29 February 2004 that "Officials of the Criminal Investigation Department (CID) are awaiting further instructions from Egyptian authorities about the fate of 54 Sri Lankans who were nabbed by Egyptian Port Authorities in the territorial waters of Egypt a fortnight ago. The Lankans had made an attempt to travel to Italy without visas or any other valid documents, police said...SSP Samaratunga said human smugglers have now adopted a different strategy to smuggle people to Europe after several Sri Lankan, Indian, Pakistani, and Bangladeshi nationals were arrested last year [2003], attempting to travel to Europe without visas or passports. Since last August [2003], not a single foreigner had been caught in Sri Lanka attempting to leave for Europe. The facilitators have now adopted a different strategy by taking groups to India legally and from there to Europe by boat. "However, it is not clear from which point they sail to Europe. We have alerted the Interpol about this trend in human smuggling," he said. Last year [2003] police arrested 226 Sri Lankans, 398 Pakistanis, 318 Indians, 35 Bangladeshis, five Georgians and a Russian and a Ukrainian attempting to leave to Europe without visas or any other valid documents." [162]

[Return to Contents](#)

ANNEX A: CHRONOLOGY OF EVENTS

1948

Ceylon gains independence from the United Kingdom.

1956

Sri Lanka Freedom Party wins the general election; Solomon Bandaranaike becomes Prime Minister.

1959

Sirimavo Bandaranaike succeeds her husband as SLFP leader and Prime Minister.

1971

A JVP uprising is suppressed.

1972

The country becomes known as Sri Lanka.

1976

Formation of the Tamil United Liberation Front, calling for a separate Tamil State.

1977

General election is held, won by the UNP. Junius Jayawardene becomes Prime Minister. Civil unrest between Sinhalese and Tamils.

1978

New Constitution of the Democratic Socialist Republic of Sri Lanka comes into force. Jayawardene becomes the country's first executive President. The Tamil language is recognised in the Constitution.

1979-83

Continuing ethnic violence and the imposition of a State of Emergency.

1982

October: Jayawardene re-elected as President

1983-4

State of Emergency declared and mounting Tamil terrorist activity.

1986

Further violence in the north of Sri Lanka and bomb attacks in Colombo.

1987

April: Terrorist attacks against the civil population.

29 July: Indo-Sri Lankan peace accord signed. Indian Peace Keeping Force (IPKF) arrives.

October: IPKF attack the LTTE and regain control of Jaffna. Re-emergence of the JVP which launched an anti-accord campaign.

1988

Presidential elections won by the UNP candidate, Ranasinghe Premadasa.

1989

State of Emergency, in force since May 1983, repealed. The UNP win the February general elections. IPKF begins its withdrawal from Sri Lanka. State of Emergency re-imposed in June in response to renewed JVP violence.

1989-90

JVP effectively destroyed as a political force by Sri Lankan security forces.

1990

March: the last troops of the IPKF leave Sri Lanka. LTTE hostilities renewed and Government offensive launched against Tamil strongholds in the Jaffna peninsula.

1991

Further violence and bomb attacks. Assassination of the senior cabinet minister, Wijeratne.

LTTE proscribed in India following the assassination of Rajiv Gandhi, the former Indian Prime Minister.

1993

Assassination of the DUNF leader Athulathmudali, and of President Premadasa.

1994

16 August: General election and defeat of UNP Government. Mrs Chandrika Bandaranaike Kumaratunga appointed Prime Minister, leading the People's Alliance (PA).

9 November: Presidential election. Mrs Kumaratunga is elected, and her mother, Sirimavo Bandaranaike, is appointed Prime Minister.

1995

Peace talks held with the LTTE, but they soon break down. Major offensives launched in the Jaffna peninsula and the town of Jaffna is recaptured by the Government.

1996

Escalation in LTTE violence. 100 killed and 1,400 injured in a bomb attack on the Central Bank in Colombo. State of Emergency extended to the whole country.

1997

July: The State of Emergency in the south of the country is lifted.

1998

26 January: The Government bans the LTTE after a bomb attack on the Temple of the Tooth in Kandy.

4 August: State of Emergency imposed on the whole country, and the provincial elections are postponed.

December: End of Operation Jayasikuru and launch of Operation Rivi Bala.

1999

January: The Supreme Court rules that the President's postponement of the provincial elections in August 1998 was unconstitutional.

March: Operation Rana Gosa launched.

November: Heavy fighting between LTTE and Government forces. Hundreds killed and LTTE recaptures territory previously lost.

December: President Kumaratunga survives an assassination attempt and is re-elected President three days later.

2000

January-August: Efforts at brokering peace with the LTTE are discussed by the two main political parties.

April-May: LTTE capture the strategic Elephant Pass and close in on Jaffna.

May: Due to the precarious military situation, the authorities put the country on a war footing and assume sweeping new powers under the Public Security Act.

May-September: The Sri Lankan Army prevent the LTTE from capturing the whole of the Jaffna peninsula and go on the offensive.

10 October: General Election held. The PA retains power but falls short of a majority. The PA forms a coalition Government after support from the EPDP and NUA. Sirimavo Bandaranaike dies on polling day, shortly after casting her vote. Ratnasiri Wickremanayake is sworn in as Prime Minister for a second term, having replaced Mrs Bandaranaike in August 2000.

24 December: The LTTE announces a unilateral month-long cease-fire.

2001

28 February: The LTTE are among 21 militant groups proscribed in the United Kingdom.

23 April: The LTTE announce the end of their four-month cease-fire, blaming the Government for the failure of peace efforts.

July: The Emergency Regulations (ERs) are lapsed.

24 July: The LTTE attack Katunayake Air Force Base and the adjacent Bandaranaike International Airport. 14 LTTE cadres and 7 military personnel are killed, and military aircraft and passenger planes destroyed.

July-September: President Kumaratunga suspends Parliament after the PA coalition loses its majority.

5 December: General Election held. The UNP obtains 109 seats, thereby defeating the ruling PA who come second with 77 seats. As leader of the UNP, Ranil Wickremasinghe becomes Prime Minister with Chandrika Kumaratunga continuing as President. Mahinda Rajapakse later succeeds Ratnasiri Wickremanayake as leader of the PA.

24 December: The Sri Lankan Government announces a month-long cease-fire, reciprocating an earlier unilateral declaration by the LTTE.

December: Most barriers, barricades and checkpoints removed in Colombo.

2002

January: Restrictions eased on movement in and out of Vavuniya.

20 January: The LTTE announces an extension of the cease-fire until 24 February 2002. The Government reciprocates the following day.

13 February: The Government lifts all restrictions on the movement of medicines and medical equipment to the north, although stocks would be monitored at checkpoints for security reasons.

22 February: An announcement is made that the Sri Lankan Government and LTTE had signed a cease-fire agreement.

March: The UNP win an unprecedented landslide victory in local polls, taking 217 councils out of the 222 that held elections.

2 April: Nordic observers begin monitoring the cease-fire.

April: The LTTE opens a political office in a government-held area in the north.

April: The strategic A9 highway is opened for the first time in 12 years, linking the Jaffna peninsula with the rest of the country.

10 April: LTTE leader Velupillai Prabhakaran gives his first press conference for 12 years.

June: Violence between Muslims and Tamils near Trincomalee leads to six deaths before peace is restored.

July: Another vital road opens, the A5 connecting Kandy with Batticaloa, which had been closed since 1995.

4 September: The Government lifts the ban on the LTTE, which had stood since 1998.

16-18 September: The first formal peace talks for 7 years between the Sri Lankan Government and the LTTE take place in Thailand. Whilst agreeing to continue the existing cease-fire agreement, the two sides talked about landmine clearance, the return of refugees to government-designated high-security zones, and agreed to form a joint task force for urgent humanitarian and reconstruction activities in the north and east.

3 November: The second round of peace talks end with the announcement that joint committees were to be set up to examine rehabilitation needs in war-hit areas, to push for military de-escalation and to look at political questions at the heart of the 19-year civil war.

November: Velupillai Prabhakaran states that the LTTE were ready to drop their long-standing demand for independence, and would settle for provincial autonomy and self-rule in Tamil-dominated areas in the east and north.

However he warned that the Tamils would resume their struggle for a separate State if a political solution could not be reached in the ongoing peace process.

December: At the end of the third round of peace talks it is announced that the two sides had agreed to share power in a federal system. They had agreed on "internal self-determination based on a federal model within a united Sri Lanka". Under the deal, which would have to be approved by Parliament, Tamils would have autonomy in the north and east of the country.

2003

March: The sixth round of peace talks are overshadowed by the sinking of an LTTE vessel in which 11 Tamil Tigers were killed.

April: Clashes between Tamil and Muslim communities in the north east leave five people dead.

21 April: The LTTE suspend participation in the peace talks expressing serious grievances about their "marginalisation" from negotiations and the perceived unequal dividends of peace.

23 April: The LTTE confirm that they have no intention of breaking the cease-fire, but want the Government to implement decisions agreed at earlier meetings.

June: An international donors conference (boycotted by the LTTE) pledges a total of \$4.5 billion in aid towards rebuilding Sri Lanka. Most of the money is conditional on progress in the peace process.

July: Two police inspectors and three local residents are sentenced to death for their involvement in the Bandarawela Bindunuwewa killings of October 2000. However, the condemned men have a right to appeal.

July: Unidentified gunmen kill a Tamil politician and member of PLOTE, the fourth such killing in the previous two weeks.

November: The LTTE released their proposals for an Interim Self-Governing Authority (ISGA).

4 November: President Kumaratunga suspends Parliament and dismissed the ministers of defence, interior and mass communications and assumed those portfolios herself because of what the President termed a "deterioration of the security situation" during the course of the peace process. Parliament reconvened on 19 November 2003.

2004

January: President Kumaratunga told the nation that a secret swearing-in ceremony had extended her term by a year, until 2006.

January: The PA form an alliance with the JVP.

February: President Kumaratunga dissolves Parliament paving the way for snap elections. The ballot was to be held on 2 April 2004, four years ahead of schedule.

[Return to Contents](#)

ANNEX B: POLITICAL ORGANISATIONS

All Ceylon Tamil Congress (ACTC)

Founded in 1944 and aims to secure Tamil self-determination. Won one seat in the general election of October 2000.

Bahajuna Nidahas Peramuna

Formed in 1990 and is a splinter group of the Sri Lanka Mahajana Party.

Ceylon Workers' Congress (CWC)

The CWC is both a trade union (with its main strength being among Tamil workers of Indian origin on tea plantations), and a political party seen as representing the community of Indian descent. It has held the rural development portfolio in the Government since 1978 through changes of administration. [8]

Communist Party of Sri Lanka (CPSL)

Founded in 1943 and advocates the establishment of a socialist society. It supports the national unity of Sri Lanka.

Democratic People's Liberation Front (DPLF)

Has operated as a national political party since 1988 and is the political wing of the People's Liberation Organisation of Tamil Eelam (PLOTE). [8] Won 1 seat in the 2001 general election.

Democratic United National Front (DUNF)

Formed in 1992 by a dissident group of UNP politicians. Supports the People's Alliance coalition. [8]

Democratic United National Lalith Front (DUNLF)

Split from the DUNF in 1994.

Democratic Workers' Congress (DWC)

Formed in 1939 as a trade union and in 1978 as a political party. Aims to eliminate discrimination against the Tamil-speaking Sri Lankans of recent Indian origin.

Deshapriya Janatha Viyaparaya (DJV)

(Patriotic People's Movement) Militant Sinhalese group associated with the JVP. Now defunct.

Desha Vimukthi Janatha Party (DVJP)

(National Liberation People's Party) Has operated as a national political party since 1988. A constituent part of the People's Alliance.

Eelam National Democratic Liberation Front (ENDLF)

A Tamil group which was operating during the IPKF period, and thereafter became defunct.

Eelam People's Democratic Party (EPDP)

A Tamil group formed in 1986. Supports the People's Alliance and won 9 of the 10 Parliamentary seats in Jaffna in the 1994 general election. Won 4 seats in the general election of October 2000, and agreed to help the PA form a coalition Government, along with the NUA. Representation dropped to 2 MPs at the 2001 general election.

Eelam People's Revolutionary Liberation Front (EPRLF)

Founded in 1981, this is a left of centre Tamil rights group. The EPRLF now functions as two groups - the Perumal faction and the Suresh faction.

Eelavar Democratic Front (EDF) previously known as the Eelam Revolutionary Organisation of Students (EROS)

A Tamil separatist group formed in 1975. Contested the 1989 and 1994 general elections. The EDF is also described as the political wing of EROS.

Eksath Lanka Jathika Peramuna (ELJP)

Founded by former members of the UNP in 1985. Now defunct.

Janatha Vimukthi Peramuna (JVP)

(People's Liberation Front) Formed in 1964 and banned following a coup attempt in 1971. Regained legal status in 1977, but banned again in August 1983. Regained legal status in May 1988. A Marxist, Sinhalese group which was effectively eradicated as a result of military action in 1989-90, the JVP won the third highest number of seats (16) at the December 2001 general election. In January 2004, the JVP entered into an alliance with President Kumaratunga's People's Alliance (PA).

Lanka Sama Samaja Party (LSSP)

(Lanka Equal Society Party) The LSSP originated in the 1930s and has been a rare example worldwide of a Trotskyist party with a significant political influence, participating in left-wing Governments from 1964. Supports the People's Alliance coalition. [a]

Liberation Tigers of Tamil Eelam (LTTE)

The main Tamil separatist organisation, commonly known as the "Tamil Tigers". Founded in 1974 and currently led by Velupillai Prabakharan. The LTTE controls a large part of Sri Lanka's north and east, and runs a parallel administration to that of the elected Government. Currently engaged in a cease-fire with the UNP Government, and has since made statements renouncing separatism and calling for provincial autonomy and self-rule in Tamil-dominated areas.

LTTE front organisations include: -

- World Tamil Association (WTA)
- World Tamil Movement (WTM)
- Federation of Associations of Canadian Tamils (FACT)
- The Ellalan Force
- The Sangillyan Force

Mahajana Eksath Peramuna (MEP)

(People's United Front) Founded in 1956. A left-wing party with Buddhist and Sinhalese support.

Muslim United Liberation Front (MULF)

Operated as a national political party since 1988 and was set up to secure Muslim and Tamil rights under the Indo-Sri Lankan Peace Accord of July 1987.

National Unity Alliance (NUA)

A mainly Muslim party that won four seats at the October 2000 general election. Agreed to help the PA form a coalition Government along with the EPDP.

Nava Sama Samaja Party (NSSP)

(New Equal Society Party) A Trotskyist party founded in 1977.

People's Alliance (PA)

Formed in 1993 as a left wing alliance which includes the LSSP, the SLFP and the SLMP. This was the ruling party in Sri Lanka from August 1994 until December 2001.

People's Front of the Liberation Tigers (PFLT)

Founded in 1989. Political wing of the LTTE.

People's Liberation Organisation of Tamil Eelam (PLOTE)

Formed in 1980 as a breakaway group from the LTTE. A Tamil militant party which advocated a separate socialist Tamil State, but supported the UNP and PA Government's military operations against the LTTE. Its political wing is the Democratic People's Liberation Front (see above).

Podujana Eksath Peramuna (PEP)

This is the Sinhalese term for the PA, and both represent one and the same party.

Singhalaye Maha Sammatha Bhumiputra Paksaye

(Sinhalese Sons of the Soil Party) Formed by a former naval rating who attempted to assassinate the former Indian Prime Minister, Rajiv Gandhi, during a navy honour guard in Colombo in 1987.

Singhalaye Nithahas Peramuna

(Sinhalese Freedom Front) A nationalist, Buddhist party formed in 1994.

Sri Lanka Freedom Party (SLFP)

Founded in 1951, the SLFP campaigned for the attainment of republican status for Sri Lanka prior to adoption of the 1972 constitution. With a democratic socialist orientation, the party advocated a non-aligned foreign policy, industrial development in both the State and private sectors, and safeguards for national minorities. One family has led the party throughout its history. S.W.R.D. Bandaranaike (originally a leading figure in the United National Party) was the party's founder and first Prime Minister from 1956 until his assassination in September 1959. His widow, Sirimavo Bandaranaike, in 1960 became the world's first woman Prime Minister, holding this post until 1965 and again from 1970-1977. Following the party's return to power after 17 years in the August 1994 elections, she was again Prime Minister (the post by now being largely ceremonial)

from November 1994 until her death in October 2000. Chandrika Bandaranaike Kumaratunga, the daughter of S.W.R.D. and Sirimavo, was Prime Minister from August - November 1994, becoming the elected President in November 1994, and is the leader of the SLFP. The SLFP returned to power in August 1994, heading the People's Alliance (PA) coalition. The PA secured another victory in general elections in October 2000, [8] but lost power in the December 2001 general elections.

Sri Lanka Mahajana (People's) Party

Founded by former members of the SLFP in 1984.

Sri Lanka Muslim Congress (SLMC)

The SLMC was formed to represent the Tamil-speaking Muslim population of the Eastern province and was organised as an all-island party in 1986. Won 5 seats in the 2001 general election. Led by Rauf Hakeem. [9]

Tamil Eelam Liberation Front (TELF)

No record of any recent activity by this Tamil separatist group.

Tamil Eelam Liberation Organisation (TELO)

Formed in 1972. Has operated as a national political party since 1988. It has assisted the Sri Lankan security forces in their fight against the LTTE. Won 3 seats in the October 2000 general election.

Tamil National Army (TNA)

Created by the Indian Peace Keeping Force in 1990. TNA cadres were drawn from the EPRLF, the ENDLF and the TELO. The TNA hunted down LTTE cadres, but after the withdrawal of the IPKF, the tables were turned and the LTTE began a hunt for members of the TNA. As far as is known, the TNA has not functioned since 1990.

Tamil United Liberation Front (TULF)

Founded in 1976 following the merger of the All Ceylon Tamil Congress and Federal Party, it has the declared aim of the peaceful creation of an independent Tamil State. It was the main Tamil political organisation and was the main opposition party in Sri Lanka after the 1977 elections. Its support has waned, but it won 5 seats in the 1994 elections and increased that to 15 seats at the 2001 elections.

Tamil United National Front (TUNF)

This was a combination of several parties including TELO, EROS and PLOTE. The groups contested the 1994 elections under their separate titles. Now defunct.

Tri-Star (or Three Stars)

Formed shortly after the 1987 Indo-Sri Lankan Peace Accord. It comprised PLOTE, TELO and the EPRLF. It supported the IPKF in return for a scheme of substantial devolution for the northern and eastern provinces. Now defunct.

United National Party (UNP)

The conservative UNP was founded in 1947 and claims to have 1.4 million members. It advocates the development of the country through free markets and inter-communal co-operation. The UNP formed the Government from 1947-1956 and again from 1965-

1970. In 1977 it secured a landslide victory under J.R. Jayawardene, holding office for the following 17 years. The party lost power in 1994, [a] but regained power in the December 2001 elections. Led by current Prime Minister, Ranil Wickremasinghe.

Up-Country People's Front

Represents the interests of workers, mainly of Indian Tamil origin, on tea plantations.

[Return to Contents](#)

ANNEX C: PROMINENT PEOPLE

BANDARANAIKE Sirimavo

Widow of Solomon Bandaranaike, the founder of the Sri Lanka Freedom Party and former Prime Minister who was assassinated in 1959. Assumed the leadership of the SLFP after her husband's assassination and became Prime Minister. She was defeated in 1965, but was Prime Minister again between 1970 and 1977, and for a third term between 1994 and 2000. She resigned in August 2000, at the age of 84, citing ill health as one of her reasons. She died on 10 October 2000 shortly after casting her vote in the country's general election.

JAYAWARDENE Junius

Appointed Prime Minister when the UNP won the 1977 general election. In 1978 he became the country's first executive President following a Constitutional amendment. In 1987 he signed the Indo-Sri Lankan peace accord with Rajiv Gandhi, the Indian Prime Minister. He remained President until January 1989.

KUMARATUNGA Chandrika Bandaranaike

President of Sri Lanka. Daughter of Solomon and Sirimavo Bandaranaike. Appointed Prime Minister in August 1994 at the head of the People's Alliance Government. She contested the November 1994 presidential elections, which she won. She survived a suicide bomb attack in December 1999 and was re-elected President a few days later.

PRABHAKARAN Velupillai

Leader of the Liberation Tigers of Tamil Eelam. In 1992 he was charged in absentia in Madras in connection with the assassination of the Indian Prime Minister, Rajiv Gandhi. In 1997 he was charged with other militants with more than 700 criminal acts of terrorism by the Sri Lankan Government. In a speech broadcast in November 2002, Velupillai Prabhakaran for the first time stated that his movement was ready to drop its long-standing demand for independence, and declared that he would settle for provincial autonomy and self-rule in Tamil-dominated areas in the east and north.

PREMADASA Ranasinghe

UNP Prime Minister of Sri Lanka under President Jayawardene. He was elected President in December 1988 and sworn in the following month. He was assassinated by a bomb explosion in Colombo on 1 May 1993.

WICKREMASINGHE Ranil

Minister of Industries, Science and Technology under President Premadasa, he was appointed Prime Minister following the latter's assassination in 1993. As leader of the UNP, he again became Prime Minister in December 2001 after his party's victory in the general election.

[Return to Contents](#)

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[Return to Contents](#)