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COUNTRY OF ORIGIN INFORMATION REPORT

SRI LANKA

11 NOVEMBER 2010

UK Border Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

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PREFACE

i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by 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. The main body of the report includes information available up to 20 September 2010. The 'Latest News' section contains further brief information on events and reports accessed from 21 September to 3 November 2010. The report was issued on 11 November 2010.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

Country of Origin Information Service
UK Border Agency
7th floor
St Anne House
20-26 Wellesley Road
Croydon CR9 9XB
United Kingdom
Email: cois@homeoffice.gsi.gov.uk
Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://icinspector.independent.gov.uk/country-information-reviews/

The main text of this COI Report contains the most up-to-date publicly available information as at 20 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 3 November 2010.

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Independent Advisory Group on Country Information contact details:
Office of the Chief Inspector of the UK Border Agency
4th floor, 8-10 Great George Street,
London, SW1P 3AE
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Website: http://icinspector.independent.gov.uk/country-information-reviews/

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Latest News

EVENTS IN SRI LANKA FROM 21 SEPTEMBER TO 3 NOVEMBER 2010

28 October — A military spokesman said that in the light of the improved security situation in Colombo the government had decided to remove all check points in the city. The existing ten permanent check points within the Colombo metropolitan area would be gradually removed and replaced with an advanced surveillance system.

The Official Website of the Government of Sri Lanka, Security check points removed, 27 October 2010
http://www.priu.gov.lk/news_update/Current_Affairs/ca201010/20101027security_check_points_removed.htm
Date accessed 28 October 2010

Daily Mirror (Sri Lanka), Checkpoints phased out, 28 October 2010
http://www.dailymirror.lk/print/index.php/news/front-page-news/25545.html
Date accessed 28 October 2010

See also Section 28: Freedom of Movement

25 October — The Ministry of Resettlement stated that by end of the previous week the total number of IDPs in the Vavuniya 'relief villages' and in Jaffna had dropped to 18,799.

The Official Government News Portal of Sri Lanka, IDPs now down to 18,799, 25 October 2010
http://www.news.lk/index.php?option=com_content&task=view&id=16515&Itemid=44
Date accessed 28 October 2010

See also Section 27: Humanitarian issues and Section 29: Internally Displaced People (IDPs)

23 October — UNHCR figures show an increase in the number "refugees" returning to Sri Lanka from camps in Tamil Nadu. In the period between January and 30 September 2010, 1,280 refugees returned voluntarily to Sri Lanka from India with the help of the UNHCR compared to 843 in 2009. In 2010, over 1,000 refugees reported to the UNHCR in Sri Lanka that they had returned.

Hindustan Times, More Lankan refugees returning home from India, 23 October 2010
http://www.hindustantimes.com/rssfeed/srilanka/More-Lankan-refugees-returning-home-from-India/Article1-616930.aspx
Date accessed 26 October 2010

See also Section 27: Humanitarian issues and Section 29: Internally Displaced People (IDPs)

20 October — Parliament extended for another month the state of emergency (SOE). The SOE has being extended by a month in every month since August 2005.

TamilNet, SL Parliament extends state of Emergency, 20 October 2010
http://www.tamilnet.com/art.html?catid=13&artid=32833

The main text of this COI Report contains the most up-to-date publicly available information as at 20 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 3 November 2010.

Date accessed 26 October 2010

See also Section 12: Arrest and detention

18 October The Commissioner General of Rehabilitation said "over 4600 ex-combatants have been rehabilitated and reintegrated into society" since May 2009. The latest batch of almost 500, more than a half women, were released in the Northern town of Vavuniya on 15 October.

The Official Website of the Government of Sri Lanka, Over 4600 ex-LTTE cadres rehabilitated, 18 October 2010
http://www.priu.gov.lk/news_update/Current_Affairs/ca201010/20101018over_4600_ex_ltte_cadres_rehabilitated.htm
Date accessed 26 October 2010

BBC Sinhala, 500 Ex-LTTE cadres set free, 15 October 2010
http://www.bbc.co.uk/sinhala/news/story/2010/10/101015_release.shtml
Date accessed 18 October 2010

See also Section 4: Recent developments

The International Federation of Journalists (IFJ) called on the government to take immediate action against the police officers accused of assaulting a group of journalists covering a student protest. "They were assaulted despite having identified themselves as journalists to police after reporting that a group of 25 officers were attacking a single protester."

International Federation of Journalists (IFJ), Attack On Journalists Sparks Outcry In Sri Lanka, 18 October 2010
http://asiapacific.ifj.org/en/articles/attack-on-journalists-sparks-outcry-in-sri-lanka
Date accessed 18 October 2010

See also Section 16 on Journalists

14 October Human Rights Watch, the International Crisis Group and Amnesty International said in a joint letter to the Lessons Learnt and Reconciliation Commission that they would not accept an invitation to testify before the commission because the government-sponsored panel lacks mandate, credibility, independence and "fails to meet basic international standards for independent and impartial inquiries."

Human Rights Watch, Groups Decline to Testify Before Flawed Commission, 14 October 2010
http://www.hrw.org/en/news/2010/10/13/sri-lanka-groups-decline-testify-flawed-commission
Date accessed 14 October 2010

10 October The wives of the two prominent Tamil Tiger leaders - spokesman Rasiah Ilantherian and head of the intelligence wing in Batticaloa, Prabha - told the Lessons Learnt and Reconciliation Commission their husbands have not been seen since being detained in May 2009.

BBC News, Sri Lanka Tamil Tiger spokesman 'missing after arrest', 10 October 2010
http://www.bbc.co.uk/news/world-south-asia-11510315
Date accessed 10 October 2010

7 October

Former general Sarath Fonseka, who was jailed after being recently found guilty of misappropriating funds, had his parliamentary seat revoked. Mr Fonseka's Democratic National Alliance (DNA) argues the military court is not a proper court established under the constitution and said it would take legal action against the decision.

Reuters Alertnet, Sri Lanka's jailed ex-army boss loses parliament seat, 7 October 2010
http://www.alertnet.org/thenews/newsdesk/SGE6960IG.htm
Date accessed 7 October 2010

BBC News, Sri Lanka ex-army chief Fonseka loses seat as MP, 7 October 2010
http://www.bbc.co.uk/news/world-south-asia-11493932
Date accessed 7 October 2010

See also Section 15 on Opposition groups and political activists

1 October

A group of 397 former LTTE cadres (242 men and 155 women) were released from a rehabilitation camp in Vavuniya after being there for over 16 months and having receiving vocational training. During the last 16 months 4,000 former LTTE cadres were reported to have been rehabilitated and handed over to their parents.

Daily News (Sri Lanka), 397 former LTTErs released, 1 October 2010
http://www.dailymirror.lk/print/index.php/news/front-page-news/23064-397-former-ltters-released-.html
Date accessed 7 October 2010

30 September

The government announced that the president had upheld a court-martial sentence of 30 months of rigorous imprisonment for former army chief Sarath Fonseka. The spokesman for Mr Fonseka's Democratic National Alliance party said: "The president is taking revenge personally…This is political revenge just for challenging him at the presidential election."

Reuters Alertnet, Sri Lanka's ex-army boss jailed, to lose seat, 30 September 2010
http://www.alertnet.org/thenews/newsdesk/SGE68T05F.htm
Date accessed 30 September 2010

The Official Government News Portal of Sri Lanka, 30 month imprisonment on Sarath Fonseka confirmed, 30 September 2010
http://www.news.lk/index.php?option=com_content&task=view&id=16383&Itemid=44
Date accessed 30 September 2010

See also Section 15 on Opposition groups and political activists

Ministry of Child Development and Women's Affairs stated that around 89,000 females (49,000 in the East and 40,000 in the North) had been widowed due to the war and had no means of support for themselves and their families. Meanwhile the National Child Protection Authority said that about 800 calls were received a day to their Hotline about children who had been abused or ill-treated, especially from Batticaloa and Vavuniya.

Daily News (Sri Lanka), Conflict leaves 89,000 widows, 30 September 2010
http://www.dailymirror.lk/print/index.php/news/front-page-news/22915.html
Date accessed 30 September 2010

See also Section 23: Women and Section 24: Children

27 September The International Commission of Jurists (ICJ) stated that the government – "currently holding approximately eight thousand individuals under administrative detention without charge or trial" - has failed "to adhere to international law and standards" in detaining suspected Tamil Tigers. The ICJ noted that "the mass detention has the character of collective punishment, which is prohibited in any circumstances under international law."

ICJ Briefing Note, Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects, September 2010
http://www.icj.org/dwn/database/BeyondLawfulConstraints-SLreport-Sept2010.pdf
Date accessed 30 September 2010

BBC News, Rights groups chastises Sri Lanka over rebel detentions, 30 September 2010
http://www.bbc.co.uk/news/world-south-asia-11417570
Date accessed 30 September 2010

See also Section 4: Recent developments

24 September The 18th Amendment to the Constitution Bill - seeking approval for the removal of the term limits of the Presidency and appointment of Commissions - became law with effect from 23 September after being ceritfied by the speaker. The bill was passed in parliament with a two-thirds majority on 8 September .

Daily News (Sri Lanka), Now 18th Amendment is law, 24 September 2010
http://www.dailynews.lk/2010/09/24/pol02.asp
Date accessed 24 September 2010

See also Section 5: Constitution

Four suspects arrested on charges of conspiring to overthrow the government were released by a court. They were among the supporters of former army chief Sarath Fonseka, who was arrested after his unsuccessful bid for the presidency in January 2010. The court was informed that the attorney general had decided not to file charges against the suspects who included a senior serving military officer who had been involved in the assassination of Sunday Leader editor Lasantha Wickramathunga in January 2009.

BBC News, Sri Lanka co-accused in Fonseka 'conspiracy' case freed, 24 September 2010
http://www.bbc.co.uk/news/world-south-asia-11405746
Date accessed 24 September 2010

See also Section 4: Recent developments; Section 15 on Opposition groups and political activists and Section 16 on Journalists

USEFUL SOURCES FOR FURTHER INFORMATION

A list of some selected key sources of information on Sri Lanka is provided below, together with weblinks. These sources may be useful if additional up to date

information is urgently required to supplement the material in this COI Report. For the full list of sources contained in this COI Report, please refer to Annex F – References to source material.

AlertNet (Thomson Reuters) http://www.alertnet.org/db/cp/srilanka.htm

Amnesty International http://www.amnesty.org/en/region/asia-and-pacific/south-asia/sri-lanka

Asian Human Rights Commission
http://www.srilankahr.net/index.php

BBC News http://newssearch.bbc.co.uk/cgi-bin/search/results.pl?scope=newsukfs&tab=news&q=sri+lanka&go.x=32&go.y=8

BBC Sinhala http://www.bbc.co.uk/sinhala/

Daily Mirror (Sri Lanka) http://www.dailymirror.lk/

European Country of Origin Information Network
http://www.ecoi.net/index.php?countrychooser_country=190162%3A%3ASri%20Lanka&step=1&command=showcountryhome

Foreign & Commonwealth Office (FCO)
http://www.fco.gov.uk/en/travelling-and-living-overseas/travel-advice-by-country/asia-oceania/sri-lanka

Human Rights Watch http://www.hrw.org/en/asia/sri-lanka

Immigration and Refugee Board of Canada (IRB)
http://www2.irb-cisr.gc.ca/en/research/ndp/index_e.htm?id=878

IRIN News Sri Lanka http://www.irinnews.org/Asia-Country.aspx?Country=LK

The Guardian http://www.guardian.co.uk/world/srilanka

The Official Government News Portal of Sri Lanka
http://www.news.lk/

The Official Website of the Democratic Socialist Republic of Sri Lanka
http://www.priu.gov.lk/

Relief Web
http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lka

South Asia Terrorism Portal
http://satp.org/satporgtp/countries/shrilanka/timeline/index.html
http://www.satp.org/satporgtp/countries/shrilanka/database/index.html

The Lanka Academic http://www.theacademic.org/

UN OCHA Humanitarian Portal - Sri Lanka

http://www.humanitarianinfo.org/sriLanka%5Fhpsl/

http://www.humanitarianinfo.org/srilanka_hpsl/Catalogues.aspx?catID=74

UNHCR Refworld http://www.unhcr.org/refworld/country/LKA.html

UNICEF Sri Lanka http://www.unicef.org/srilanka/

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Danish Immigration Service
Human Rights and Security Issues concerning Tamils in Sri Lanka. Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka 19 June to 3 July 2010, October 2010
http://www.nyidanmark.dk/NR/rdonlyres/899724D8-BEEB-4D9E-B3B2-F2B28A505CCD/0/fact_finding_report_sri_lanka_2010.pdf
Date accessed 26 October 2010

Asian Human Rights Commission (AHRC)
Sri Lanka: Death sentences carried out by the police in Sri Lanka, 22 October 2010
http://www.ahrchk.net/statements/mainfile.php/2010statements/2892
Date accessed 25 October 2010

See also Section 8 on Extra-judicial killings

Reporters sans Frontières (RSF)
Press Freedom Index 2010, 20 October 2010
http://en.rsf.org/press-freedom-index-2010,1034.html
Date accessed 22 October 2010

See also Section 16: Freedom of speech and media

International Organization for Migration (IOM)
Migration Health: Report of Activities 2008-2009, 15 October 2010
http://www.reliefweb.int/rw/rwb.nsf/db900sid/SKEA-8ACH3G/$File/full_report.pdf
Date accessed 21 October 2010

World Economic Forum
The Global Gender Gap Report 2010, released October 2010
http://www.weforum.org/pdf/gendergap/report2010.pdf
Date accessed 12 October 2010

Seee also Section 23: Women

Freedom House
Freedom of the Press 2010 - Sri Lanka, 8 October 2010
http://www.unhcr.org/refworld/country,,,,LKA,,4caf1c19c,0.html
Date accessed 12 October 2010

See also Section 16: Freedom of speech and media

UN Convention on the Rights of the Child
Consideration of reports submitted by states parties under article 44 of the convention, 1 October 2010
http://www2.ohchr.org/tbru/crc/CRC-C-LKA-CO-3-4.pdf
Date accessed 11 October 2010

Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 1 October 2010
http://www2.ohchr.org/tbru/crc/CRC-C-OPAC-LKA-CO-1.pdf
Date accessed 11 October 2010

See also Section 24: Children

Centre for Policy Alternatives (CPA)
Commentary on Returns, Resettlement and Land Issues in the North of Sri Lanka, 30 September 2010
http://www.box.net/shared/static/zytln3i7zd.pdf
Date accessed 5 October 2010

See also Section 4 on Security situation in the Northern and Eastern provinces

United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
Joint Humanitarian Update North & East, Sri Lanka Report # 28, September 2010, 30 September 2010
http://www.reliefweb.int/rw/rwb.nsf/db900SID/VVOS-8AEK8K?OpenDocument&rc=3&cc=lka
Date accessed 21 October 2010

See See also Section 27: Humanitarian issues and Section 29: Internally Displaced People (IDPs)

International Commission of Jurists (ICJ)
Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects, September 2010
http://www.icj.org/dwn/database/BeyondLawfulConstraints-SLreport-Sept2010.pdf
Date accessed 30 September 2010

See also Section 4: Recent developments

World Organisation Against Torture (OMCT)
Steadfast in Protest; Annual Report 2010; Sri Lanka, 13 September 2010
http://www.ecoi.net/file_upload/1939_1285159220_sri-lanka.pdf
Date accessed 30 September 2010
See also Section 7: Human rights and Section 8 on Torture

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Background Information

1. GEOGRAPHY

1.01 "The Central Intelligence Agency (CIA) World Factbook, Sri Lanka (updated on 19 August 2010), reported that the Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, is an island in the Indian Ocean, south of India. The country covers an area of 65,610 square kilometres. The capital is Colombo, Sri Jayewardenepura Kotte is the legislative capital. The country was estimated in July 2010 to have a population of 21,324,791. There are 9 provinces; Central, Eastern, North Central, Northern, North Western, Sabaragamuwa, Southern, Uva, Western. **[30]** The principal towns are Colombo, Dehiwala-Mount Lavinia, Moratuwa, Sri Jaywardene Kotte, Negombo, Kandy, and Galle. (The Sri Lanka Department for Census and Statistics, Statistical Abstract 2009, table 2.4, Population of principal towns by sex, census, years, website accessed on 20 September 2010) **[58a]**

1.02 "The CIA World Factbook, (updated on 19 August 2010), recorded that the population could be divided into the majority Sinhalese (73.8 per cent), Sri Lankan Moors (Muslims) 7.2 per cent, Indian Tamil 4.6 per cent, Sri Lankan Tamil 3.9 per cent, other 0.5 per cent and 10 per cent whose ethnicity was unspecified (2001 census provisional data) **[30]** However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2009, Chapter II, tables 2.10 - 2.11, undated, website accessed on 20 September 2010), based on a total population of 18,797,257 recorded in the 2001 census the population comprised: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor (7.9 per cent), Burgher (descendants of European colonists) (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts, in which the 2001 census enumeration was not completed, were not included. **[58a]** The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) estimated that Tamils were 16 percent of the overall population. **[2b] (Introduction)**

1.03 The US State Department Report for 2008 on Religious Freedom in Sri Lanka published on 26 October 2009, noted that "Approximately 70 percent of the population is Buddhist, 15 percent Hindu, 8 percent Christian, and 7 percent Muslim. Christians tend to be concentrated in the west, Muslims populate the east, and the north is almost exclusively Hindu." **[2a] (Section I)**

1.04 There are three main languages spoken: Sinhala (official and national language) 74 per cent of the population, Tamil (national language) 18 per cent, and English (commonly used in Government and spoken competently by about 10 per cent of the population). (CIA World Factbook, Sri Lanka, updated on 19 August 2010) **[30]**

1.05 As recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2009, Chapter II, table 2.10, accessed on 20 September 2010) the highest concentration of Sinhalese population is in the districts of Gampaha, Colombo, Kurunegala, Kandy and Galle. The districts of Colombo, Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya have a high concentration of Tamils (figures from the 2001 census). However, data from

Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts, in which the 2001 census enumeration was not completed, were not included. **[58a]**

See also Section 19 on Freedom of religion and Section 20 on Ethnic groups

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MAP

1.06

http://www.un.org/Depts/Cartographic/map/profile/srilanka.pdf **[6a]**

For additional maps:

United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) Sri Lanka:
http://ochaonline.un.org/srilanka/MapCentre/tabid/2591/language/ja-JP/Default.aspx

United Nation High Commission for Refugees (UNHCR):
http://www.unhcr.org/publ/PUBL/3dee2ccd0.pdf

European Country of Origin Information Network (ecoinet)
http://www.ecoi.net/sri-lanka/maps

Media Centre for National Security (MCNS)/Defence News (LTTE-contolled areas November 2005 – May 2009)
http://www.nationalsecurity.lk/maps.php

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PUBLIC HOLIDAYS

1.07 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, January 2010, listed the following public holidays for 2010:

"January 14th (Tamil Thai Pongal Day); February 4th (National Day); February 13th (Maha Sivaratri Day); February 27th (Holy Prophet's Birthday); February 28th (Navam Full Moon Poya Day); April 2nd (Good Friday); April 13th-14th (Sinhala and Tamil New Year); April 28th (Bak Full Moon Poya Day); May 1st (May Day); May 27th-28th (Vesak); June 25th (Poson Full Moon Poya Day); July25th (Esala Full Moon Poya Day); August 24th (Nikini Full Moon Poya Day);September 10th (Eid al-Fitr, End of Ramadan); September 22nd (Binara Full Moon Poya Day); October 22nd (Vap Full Moon Poya Day); November 5th (Deepavali); November 21st (Il Full Moon Poya Day); November 28th (Eid al-Adha, Hadji Festival Day); December 20th (Unduvap Full Moon Poya Day); December 25th (Christmas Day)" **[75d] (p22)**

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2. ECONOMY

2.01 The CIA World Factbook, Sri Lanka (updated on 19 August 2010) recorded:

"In 1977, Colombo abandoned statist- and import substitution-policies for more market- and export-oriented policies, including encouragement of foreign investment. Sri Lanka suffered through a brutal civil war from 1983 to 2009. Despite the war, Sri Lanka saw GDP growth average nearly 5% in the last 10 years. Government spending on development and fighting the LTTE drove GDP growth to around 6-7% per year in 2006-08. Growth was 3.5% in 2009, still high despite the world recession. Sri Lanka's most dynamic sectors are now food processing, textiles and apparel, food and beverages, port construction, telecommunications, and insurance and banking. About 1.5 million Sri Lankans work abroad, 90% of them in the Middle East. They send

home more than $3 billion a year. President RAJAPAKSA's reelection in 2010 means that the Government of Sri Lanka will likely continue its more statist economic approach, that seeks to reduce poverty by steering investment to disadvantaged areas, developing small and medium enterprises, promoting agriculture, and expanding the already enormous civil service. The end of the 26-year conflict with the LTTE has opened the door for reconstruction and development projects in the north and east. Funding these projects will be difficult, as the government already is faced with high debt interest payments, a bloated civil service, and high budget deficits. The 2008-09 global financial crisis and recession exposed Sri Lanka's economic vulnerabilities and nearly caused a balance of payments crisis, which was alleviated by a $2.6 billion IMF standby agreement in July 2009. But the end of the civil war and the IMF loan restored investors' confidence. The Sri Lankan stock market gained over 100% in 2009, one of the best performing markets in the world. Official foreign reserves improved to more than $5 billion by November 2009, providing over 6 months of imports cover." **[30]**

2.02 The Human Development Index (HDI) for Sri Lanka was 0.759 for 2007, giving Sri Lanka an HDI ranking of 102 out of 182 countries. The GDP per capita was US$ 4,243 for the same year. "The HDI provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and enrolment at the primary, secondary and tertiary level) and having a decent standard of living (measured by purchasing power parity, PPP, income)." (UNDP, Human Development Report 2009, Country Fact Sheet, Sri Lanka) **[60a]** The CIA Factbook, (updated on 19 August 2010), noted that in 2009 GDP per capita was estimated to be US$4,500 and the unemployment rate estimated at 5.9 per cent. The same source stated that the percentage of the population below poverty line in 2008 was estimated to be 23 per cent. **[30]**

2.03 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, August 2010, recorded that the average consumer price inflation was 22.6 per cent in 2008; 3.4 per cent for 2009 and was forecast at 5.3 per cent for 2010. **[75a] (p9)** The EIU also gave the actual unemployment rate at 5.2 per cent for 2008 while their estimated figure was 5.5 per cent for 2009 (with a forecast of 5.3 per cent for 2010). **[75a] (p9)**

2.04 The Sri Lanka Department of Census and Statistics recorded in their Statistical Abstract 2009, Socio Economic Indicators (undated, website accessed on 20 September 2010) that in 2008 the total labour force was 7,568,715 with an unemployment rate of 5.2 per cent. **[58c]**

2.05 The approximate rate of exchange from xe.com Universal Currency Converter on 26 August 2010 was £1 = 175 Sri Lankan rupees. **[33]**

2.06 The Sri Lanka Department of Census and Statistics recorded in their Poverty Indicators, Household Income and Expenditure Information 2006/07: undated (website accessed on 20 September 2010) that "The median household income per month for Sri Lanka is Rs.16,735 [approximately £96 based on 26 August 2010 exchange rate]. (50% of the households has [sic] received less than Rs. 16,735) The highest median household income is reported from Colombo district (Rs.24, 711 [around £141]) and the lowest median household income is reported from Nuwara Eliya district (Rs.11,914 [around £68])." **[58f] (p6)**

2.07 The Department of Census & Statistics. 'Sri Lanka Official Poverty line' (defined as 'Minimum Expenditure per person per month to fulfil the basic needs') at national level for August 2010 was Rs. 3,111 (Rs. 3,466 for Colombo). (Updated District official poverty lines, accessed on 20 September 2010) **[58g]**

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3. HISTORY

KEY POLITICAL EVENTS (1948 TO JANUARY 2010)

The following section gives a brief overview of Sri Lanka's recent history since independence, with a focus on events since 2005.

3.01 The Foreign & Commonwealth Office (FCO) country profile of Sri Lanka (last reviewed on 6 May 2010) recorded:

"Following independence from Britain in February 1948, the political scene has been dominated by two parties: the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), which is now part of the People's Alliance (PA)…A republican constitution was adopted in 1972 and the ruling coalition, led by Sirimavo Banadaranaike, gave itself an extra two years in power. The UNP returned to power in 1978 and adopted a new constitution based on an executive presidency. It introduced for the first time elections based on proportional representation." **[15j] (History and Recent Political History)**

3.02 The FCO Sri Lanka country profile stated that by 1993 "…the SLFP had become part of the People's Alliance (PA) coalition headed by Chandrika Kumaratunga daughter of SWRD and Sirimavo Bandaranaike. Mrs Kumaratunga went on to win a landslide victory in elections in November 1994 and 1999 and served as President until November 2005." **[15j] (Recent Political History)**

3.03 FCO Sri Lanka country profile also noted that: "The elections in April 2004 produced a new political order with the victory of the UPFA (SLFP and JVP alliance). Support for the traditional parties dropped, and smaller parties – JVP [Janatha Vimukthi Peramumna], TNA [Tamil National Alliance] and JHU [Jathika Hela Urumaya] gained significant numbers of seats. The UPFA formed a minority government." **[15j] (Recent Political History)**

3.04 Europa World Online, accessed on 13 January 2010, recorded:

"At the general election, which took place on 2 April 2004, the UPFA won 105 of the 225 seats, having taken 45.6% of the votes cast; Wickremasinghe's UNP retained 82 seats (with 37.8% of the votes), while the TNA won 22 seats (with 7%). In an unexpected development, the Buddhist Jathika Hela Urumaya (JHU—National Heritage Party) won nine seats. The LTTE [Liberation Tigers of Tamil Eelam] had openly supported the TNA during the election campaign and described the large number of seats won by the alliance as an endorsement and recognition of the LTTE as 'the sole representative' of the Tamil population. Participation at the election was reported to have reached

75% of eligible voters. The poll concluded peacefully. However, there were claims of voter intimidation and electoral malpractice, particularly in the north and east of the country. The UPFA, which had not secured an outright majority of seats in Parliament, undertook negotiations with a view to forming a coalition administration. Meanwhile, Mahinda Rajapakse, a senior member of the UPFA and former fisheries minister, was sworn in as Prime Minister on 6 April." **[1a] (Recent History)**

3.05 The FCO Sri Lanka country profile recorded that "Sri Lanka was severely affected by the tsunami on 26 December 2004, which killed some 40,000 people and displaced 400 – 500 thousand people along two thirds of the north-east, south and south-west coastline. Half the fishing fleet was destroyed, and a quarter of hotels in the affected areas sustained serious damage." **[15j] (Geography)**

3.06 The FCO profile also noted that:

"In November 2005, Mahinda Rajapakse (SLFP) was elected President with 50.3% of the vote. The LTTE enforced a boycott of the poll in Tamil areas under their control or which they strongly influence. This resulted in extremely low voter participation in the north and east of the country. Ranil Wickremesinghe, UNP Presidential candidate and Leader of the Opposition took 48.4%. In January 2007, a number of UNP members joined the government team giving it a parliamentary majority. A cabinet reshuffle followed. Throughout 2008 and 2009 the UPFA have won a series of victories in Provincial Council elections." **[15j] (Latest Political Developments)**

3.07 The FCO profile added:

"Early Presidential elections took place in January 2010. President Rajapakse's main challenger was the former Sri Lankan Army General Sarath Fonseka, who was supported by a number of opposition parties including the UNP, JVP, TNA. Both candidates' campaigns focussed on their respective roles in the military defeat of the LTTE in May 2009. On 27 January 2010, the Sri Lankan Election Commissioner announced that President Rajapakse had won the presidential election with 58% of the vote. Independent election monitors expressed broad satisfaction with the conduct of the poll on election day, which attracted a 70% turnout, but highlighted a number of concerns about campaign conduct including the high incidence of pre-election violence. General Fonseka announced that he planned to contest the result in court. Fonseka was later detained, and faces two courts martial in relation to the charges of engaging in politics whilst in uniform and irregularities in army procurement." **[15j] (Latest Political Developments)**

3.08 Information on how such elections were conducted is available from the website of PAFFREL (People's Action For Free & Fair Elections), Presidential Election 2010 **[78d]**

See also Section 3 on Presidential election – 26 January 2010

3.09 The current list of Government ministers can be accessed from the official website of the Government of Sri Lanka, (last accessed on 16 August 2010) **[44a]**

3.10 The final official results are available from the website of the Sri Lanka Department of Elections. **[39c] (Past Provincial Council Election Results)**

3.11 Referring to the situation in the Eastern Province, the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 16 August 2010) observed:

"An estimated 199 people were killed in 2008 in more than 190 incidents of violence since the Provincial Government was installed. There were ethnic clashes between Muslims and Tamils, many of them in response to the appointment of Sivanesathurai Chandrakanthan, alias Pillayan, the leader of the Tamileela Makkal Viduthalai Puligal (TMVP), as Chief Minister following provincial elections on 10 May - the first since 1988. With a level of democracy returning to the province expectations had been high that the security situation and economic prospects would improve. However, the return of Karuna to Colombo on 3 July led to significant intra-party rivalry between the Karuna and Pillayan factions." **[51d]**

3.12 The EIU, Country Report Sri Lanka, March 2009 reported that "The ruling United People's Freedom Alliance (UPFA) recorded convincing victories in local elections held in Central and North-western provinces held on February 15th [2009]…The UPFA's victories have been seen as a strong public endorsement of the government's military campaign against Tamil separatists." **[75l] (p11)**

3.13 The EIU, Country Report Sri Lanka, April 2009 recorded that:

"In early March [2009] Vinayagamoorthy Muralitharan, a former leader of the Tamil Makkal Viduthalai Pulikal (TMVP, a group that broke from the LTTE in 2004), who is also known as Karuna Amman, joined the ruling Sri Lanka Freedom Party (SLFP) along with many of his followers. Karuna received a non-cabinet post in the government, as national integration and reconciliation minister. However, animosity between the former TMVP [Tamileela Makkal Viduthalai Pulikal] leader and his then deputy, Sivanesathurai Chandrakanthan (also known as Piliyan), who is now chief minister for Eastern province, has continued to grow. The risk of even greater tension between supporters of these two Tamil political heavyweights, which has occasionally led to violence, remains a major threat to the rebuilding process in Eastern province." **[75k] (p10)**

See also Section 10: Abuses by Non-Government Armed Forces; Annex C and Annex D

3.14 On 27 April 2009 the *Daily News* (Sri Lanka) reported that "The UPFA scored an unprecedented landslide election victory in Colombo, Gampaha and Kalutara districts in Saturday's Western Provincial Council election winning two thirds - 68 out of 102 seats - in the Western Provincial Council with clear majorities." **[16a]**

The final official results are available from the website of the Sri Lanka Department of Elections. **[39c](Past Provincial Council Election Results)**

3.15 The Economist Intelligence Unit (EIU) Country Report, Sri Lanka, September 2009 noted:

"The ruling United People's Freedom Alliance (UPFA) recorded a comfortable victory at the Uva provincial council elections in early August [2009], securing 80% of the votes in Moneragala district and 60% in Badulla district traditionally a stronghold of the main opposition United National Party (UNP)…The UPFA also won 13 seats out of 23 in the Jaffna municipal council elections, garnering 51% of the votes…At the Vavuniya urban council election the TNA emerged victorious, securing five of the 11 seats…Although the UPFA did well in Jaffna, following a campaign marred by accusations of intimidation, the turnout was only 20.8%, according to the Department of Elections (the voter registry appears to have been inflated, contributing to the low turnout figure). In Vavuniya, where voter turnout was higher, at 49.9%, the UPFA's poor performance surprised many observers. The Vavuniya result suggests that the UPFA may not be as popular in some Tamil dominated parts of the north as it appears to be in most of the island." **[75q] (p10)**

3.16 The full official results of the August 2009 Provincial Council Elections for the Uva Provincial Council; the Jaffna Municipal Council and the Vavuniya Urban Council are available from the website of the Sri Lanka Department of Elections **[39c] (Past Provincial Council Election Results)**

3.17 Information on how such elections were conducted is available from the PAFFREL (People's Action For Free & Fair Elections) Election Day report on the Provincial Council Elections for Uva Province and Local Government Elections for Jaffna Municipal Council and Vavuniya Urban Council. **[78a]**

3.18 The Economist Intelligence Unit (EIU) Country Report, Sri Lanka, November 2009 recorded:

"As expected, the ruling United People's Freedom Alliance (UPFA) recorded a convincing win at the Southern provincial council election that was held on October 10th. The UPFA secured a healthy 68% of the vote, and 38 of the 55 seats in the council…The districts going to the polls included Galle, Matara and Hambantota, and a total of 1.7m people were eligible to vote. Hambantota is the hometown of the president, Mahinda Rajapakse, so the government had been expected to do well, but the result confirms the UPFA's overwhelming strength since the defeat in May of the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) in Sri Lanka's civil war." **[75o] (p10)**

3.19 The full official results of the October 2009 Provincial Council Elections for the Southern Provincial Council are available from the website of the Sri Lanka Department of Elections **[39c] (Past Provincial Council Election Results)**

3.20 Information on how such elections were conducted is available from the PAFFREL Election Day Report - Elections for the Southern Provincial Council **[78b]**

PRESIDENTIAL ELECTIONS – 26 JANUARY 2010

3.21 The Economist Intelligence Unit (EIU) Country Report, Sri Lanka, January 2010, noted that:

"By the deadline of December 17th [2009] a record 22 candidates had submitted their nominations. Of these, 17 were from recognised political parties and five were independent candidates, but only two are thought to have any chance of winning. They are the president, Mahinda Rajapakse of the Sri Lanka Freedom Party (SLFP), and General Sarath Fonseka, who is backed by a coalition of opposition parties. The exchanges between these two candidates have grown increasingly heated as the campaign has proceeded...The two rivals have traded various charges of misconduct, corruption, fraud, favouritism and nepotism (without producing much evidence to back these accusations up).

"Both Mr Rajapakse and General Fonseka enjoy high levels of public support, owing to their status as national heroes for defeating the LTTE in May 2009 and so ending the island's long civil war. Backed by the main opposition United National Party (UNP), General Fonseka receives support from the more liberal sections of society and from business people, while Mr Rajapakse's core support comes from the more conservative sections of the electorate." **[75d] (p10)**

3.22 The EIU January 2010 report further observed:

"A report by the Sri Lanka office of Transparency International, a German-based corruption watchdog, has accused the president of misusing public funds and assets for election campaign purposes, in breach of guidelines. Mr Rajapakse's campaign is said to have used government vehicles, helicopters and office buildings. The elections commissioner has also scolded the president's campaign for using state media to bolster support for Mr Rajapakse, but it has been relatively ineffectual in its attempts to end such practices." **[75d] (p11)**

3.23 On 27 January 2010 Thomson Reuters Alertnet reported:

"President Mahinda Rajapaksa won Sri Lanka's first post-war national election on Wednesday, but his rival alleged vote-rigging from inside an hotel surrounded by soldiers which he said were sent to arrest him. General Sarath Fonseka, a former army commander who led the military campaign to crush the Tamil Tiger insurgency, finally emerged from the hotel after the troops dispersed...Official results showed Rajapaksa winning 57.8 percent of 10.4 million votes cast against 40.2 percent for Fonseka, Elections Commissioner Dayananda Dissanayake said… Shortly before Rajapaksa was declared the winner, two people were killed and four wounded in a grenade attack on a Buddhist temple in the central town of Gampola, military spokesman Brigadier Udaya Nanayakkara said." **[4e]**

3.24 The full official results of the January 2010 Presidential Election are available from the website of the Sri Lanka Department of Elections **[39d](Presidential Election – 2010, Official Results, All Island Final Result)**

3.25 Information on how such elections were conducted is available from the PAFFREL Election Day Report **[78c]**; the CaFFE Election Day Monitoring Report **[41a]** and the subsequent 'Final Report on the Presidential Elections 2010', 3 February 2010 **[41b]** as well as the CMEV Statement on Election Day

[81a] and the subsequent 'Final report on election related violence and malpractices: Presidential Election 2010' **[81b]**

3.26 The PAFFREL (People's Action for Free and Fair Elections) Election Day Report, 26 January 2010 observed inter alia that:

"The Presidential Election took place in an essentially peaceful and calm environment.

"The overall voter turnout was about 70 percent. However, voter turnout in the North was low at less than 20 percent. There was a series of grenade explosions in Jaffna in the early morning hours prior to the polls commencing. This together with a severe shortage of public transportation in other parts of the North, especially where displaced persons (IDPs) were located would have contributed to this low voter turnout.

"Although Election Day itself was peaceful and free from serious violations of election law, PAFFREL has in its previous reports pointed out that this was not the case in the pre-election period. PAFFREL received over 757 complaints of which 578 were confirmed and about 300 serious. There was large scale misuse of state resources and violations of election laws relating to fair and balanced coverage of all candidates by the state media." **[78c]**

3.27 The CaFFE (Campaign for Free and Fair Election) *Election Day Monitoring report*, issued on the same day, concurred and noted that:

"Compare [sic] to the Pre- Election violence, the overall performance of the Presidential Election was peaceful, except for few incidents in the North.

"An Election will not become a 'Free and Fair' election; just because of there is [sic] less violent incidents. Most of the voters in the North in particular, were denied their right to vote as there were no transport facilities provided in time for them to go to the polling centers. The bomb blasts took place in Vavuniya and Jaffna too has made most of the voters scared, thus prevent them of voting." **[81a]**

3.28 The CMEV (Centre for Monitoring Election Violence) *Statement on Election Day*, issued on 27 January 2010 was along the same lines and noted that in addition to the incidence of violence on Election Day they wished to highlight three issues: "The first relates to the demonstrably unsatisfactory transport arrangements for IDP voting, which resulted in the effective disenfranchisement of a number of IDPs … The second issue relates to the series of explosions in Jaffna that occurred before polling commenced and immediately thereafter. CMEV believes that these acts of violence were perpetrated to reduce the voter turnout in the peninsula … The final issue … is especially critical and relates to the concerns raised by party agents and members of the public about the integrity of the count." **[81a]**

3.29 The Economist Intelligence Unit (EIU) Country Report, Sri Lanka, February 2010, observed that:

"The low turnout clearly affected the scale of Mr Rajapakse's overall victory, as the five electoral districts of Jaffna, Wanni, Trincomalee, Batticaloa and Amparai (Digamadulla) in Northern and Eastern provinces voted in favour of

General Fonseka. The results highlighted the ethnic polarisation of the voting process. In Northern province Sri Lankan Tamils comprise more than 95% of the population and in Eastern province Muslims comprise more than 75%. The hill country, Nuwara-Eliya district, which has a large population of Tamils of Indian origin, also voted for General Fonseka, as did several electoral divisions in the highlands and the capital, Colombo, which have substantial concentrations of Tamils and Muslims. However, the Sinhalese majority voted overwhelmingly for Mr Rajapakse, ensuring General Fonseka's loss." **[75g] (p10)**

3.30 The EIU February 2010 report went on to note that:

"The run-up to the presidential election was marked by problems. The Police Elections Desk reported complaints of over 1,000 incidents of violence, and at least four deaths were said to have been related to the election. In addition, orders from Mr Dissanayake for the police to ensure their neutrality and for the president to cease using state-owned television and radio networks for his advantage appear to have been disregarded—even state-run buses were used to carry Mr Rajapakse's message. Nevertheless, observers from the Association of Asian Election Authorities (AAEA) declared that the election had been largely free and fair, and that voters had cast their votes without threats of intimidation. The Supreme Court also confirmed that Mr Rajapakse's second term would begin on November 19th 2010 and would continue until 2016." **[75g] (p10-11)**

3.31 The same report further observed:

"Mr Rajapakse appears concerned that the loyalty that many in the army still feel towards General Fonseka, who was formerly the head of the island's armed forces, might prompt an attempt at a coup. Although General Fonseka has only ever publicly suggested non-military challenges to the presidential election result, on January 27th, as the counting of votes commenced, army troops surrounded the hotel where he was staying. The government insisted that the move was aimed at providing security for General Fonseka, but this theory was rejected by the opposition. Extra soldiers were also deployed to arrest army deserters who were said to be residing in the same hotel.

"On January 29th the Criminal Investigation Department and the army also conducted a search operation on General Fonseka's office, purportedly looking for deserters and illegal weapons, none of which were found. Fears of a coup or assassination attempt were further highlighted when the government ordered the retirement of 12 army officers, including three major generals, on the grounds that they interfered in politics during the election. The tension was heightened by the government's decision to shut down an opposition newspaper, the weekly Lanka, and the disappearance of a political cartoonist and journalist, Prageeth Eknaligoda, in the days before the vote. This process culminated in the arrest of General Fonseka on February 8th. A military spokesman declared that the opposition candidate had "committed certain military offences" and would be charged under the Army Act." **[75g] (p10-11)**

See also Section 15 on Opposition groups and political activists

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THE INTERNAL CONFLICT (1984 TO MAY 2009)

3.32 The FCO country profile of Sri Lanka, updated 6 May 2010, observed that:

> "The ethnic conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) lasted over 25 years and appears to have come to an end with the military defeat of the LTTE in May 2009. Over 70,000 people are estimated to have been killed and some one million displaced. The roots of the conflict lie in the deterioration of relations between the Tamil and Sinhalese communities from the 1950s. By the late 1970s a number of armed groups were operating in the north and east of the island. In 1983 there were serious anti-Tamil riots in Colombo resulting in the lynching and killing of some 2000 Tamils. Some Ministers in the Government of Sri Lanka were implicated in the event. Many Tamils returned to traditional Tamil areas in the North and many others began to seek asylum abroad…In mid 1987 when a Government of Sri Lanka embargo of Jaffna began to result in severe hardship, the Government of India, pushed by public opinion in Tamil Nadu, forced the Sri Lankan Government to sign the Indo-Sri Lankan Accord This provided for an Indian peacekeeping Force (IPKF) in the North and East. However relations between the IPKF and the LTTE broke down and there was heavy fighting and reports of human rights violations on both sides. President Premadasa negotiated the IPKF's withdrawal, which was completed in March 1990. During 1988, in part against the India intervention, unrest among the Sinhalese community grew into a violent insurgency by the Janatha Vimukthi Peramuna (JVP) and a counter-terrorist campaign. The rebellion ended in 1989 after JVP leaders were murdered. The Sri Lankan army undertook a ruthless counter-insurgency campaign and tens of thousands were killed. There followed a period of relative peace before the situation in the North and East deteriorated in June 1990. After 18 months, negotiations fell apart and the LTTE again resorted to violence. They extended their control until they held the Tamil heartland: the Jaffna Peninsula and large areas of the North and East. The security forces succeeded in winning back most of the East, but the North remained outside their control." **[15j] (The Internal Conflict)**

3.33 The FCO Sri Lanka country profile added:

> "In July 1995, the Sri Lankan army launched a military operation, culminating in the fall of Jaffna in December 1995 to Government forces. At the end of January 1996 the LTTE began a bombing campaign in Colombo...During 1996, the Sri Lankan army secured enough of the Jaffna Peninsula to allow the civilian population to return to Jaffna town. The LTTE reasserted themselves in the Eastern province and infiltrated back into the Jaffna Peninsula. LTTE inspired terrorist attacks continued in the south, including on the Temple of the Tooth in Kandy, the most sacred Buddhist site in Sri Lanka…Fighting in the North intensified in late 1999 and the Vanni (jungle areas in the North [which comprises parts of the districts of Kilinochchi, Mullaitivu east, Mannar west, and Vavuniya south]) fell to the LTTE after some of the fiercest fighting since the conflict began. In April 2000 the LTTE carried out a major assault which led to the withdrawal of Sri Lankan troops from Elephant Pass (which links the Jaffna peninsula to the rest of Sri Lanka). With control of Elephant Pass, the LTTE continued further attacks into the Jaffna Peninsula. Fighting continued until December 2001 when the announcement of a new ceasefire by the LTTE was reciprocated by the newly elected UNF

[United National Front] government. A Ceasefire Agreement was signed in February 2002 by the government and LTTE." **[15j] (The conflict since 1995)**

3.34 The FCO Country Profile on Sri Lanka further reported that:

"In April 2004, the LTTE's eastern commander, Karuna [V Muralitharan] and a group broke away from the LTTE. He complained that the LTTE leadership did not sufficiently look after the interests of those in the east of the country. The Karuna group aligned themselves to the Government and fought against the LTTE in the East.

"After President Rajapakse came to power in November 2005, there was an initial period of violence and short lived talks between the LTTE and the Government in December 2005 and January 2006. Large-scale violence resumed in April 2006. Talks were eventually held in Geneva in October 2006, but were inconclusive. In January 2008 the Government of Sri Lanka abrogated the Ceasefire Agreement." **[15j] (The Internal Conflict)**

3.35 The House of Commons Library research paper *War and peace in Sri Lanka*, dated 5 June 2009 recorded:

"...in August 2005, the Minister of Foreign Affairs, Lakshman Kadirgamar, was assassinated in Colombo. The LTTE denied responsibility, but many were unconvinced. The authorities promptly re-introduced emergency regulations, under which people could be detained for three months at a time, and up to 18 months if suspected of being connected to any unlawful activity. These have remained in force ever since." **[80]**

See also Section 12: Arrest and detention – legal rights, Emergency Regulations

3.36 The IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 16 August 2010) recorded:

"The 30-year conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE or the Tamil Tigers) saw an unparalleled escalation in violence in 2008. The year began with the Sri Lankan government withdrawing from the 2002 Norwegian-brokered ceasefire agreement. Attacks and counter-attacks, which had steadily increased over the previous two years, immediately became more targeted. LTTE strikes were met with the Sri Lanka Army (SLA)'s full force, and towards the end of the year there were daily reports of government troops taking control of LTTE strongholds in the north." **[51d]**

3.37 The House of Commons Library research paper *War and peace in Sri Lanka*, dated 5 June 2009 recorded that "In April [2008] the Sri Lankan armed forces launched another major offensive in the north. By now the asymmetry in terms of the number of soldiers was stark, with an estimated 160,000 troops ranged against about 10,000 LTTE fighters. Fighting was fierce but the offensive further weakened the LTTE." **[80] (p18)**

3.38 The IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 16 August 2010) stated:

"The conflict escalated into full-scale war, with multi-pronged attacks on LTTE forces and daily air-raids followed by troop assaults. On 30 June [2008], the LTTE was described as having lost the capability to fight as a conventional army...The Tigers lost Paranthan, Elephant Pass and Jaffna over the preceding two and a half months - losses which culminated in the fall of Pooneryn on 15 November. The security forces also ended LTTE resistance in Vavuniya and Mannar districts. SLA commander General Sarath Fonseka claimed that, during 2008, the LTTE had lost 95% of the land it had once held, as well as some 8,000 fighters. The SLA deployed more than 50,000 soldiers in frontline attacks, and to maintain control of recovered areas. At the same time, the Sri Lankan Navy (SLN) neutralised the Sea Tigers, often referred to as the most lethal wing of the organisation, in more than 20 major clashes at sea."

"Despite government successes the LTTE was still perceived as a serious threat. In July 2008, Foreign Secretary Palitha Kohona warned that group was still capable of fighting a protracted low-intensity campaign." **[51d]**

3.39 Europa World Online, accessed on 13 January 2010, stated:

"In the latter half of 2008 the Sri Lankan army made considerable advances against the LTTE, which, nevertheless, put up fierce resistance and increasingly resorted to terrorist attacks across the country. Both sides suffered heavy casualties, although, owing to stringent restrictions placed on the media by the Government, exact numbers were impossible to confirm. There was also growing international concern over the mounting casualties among (mainly) Tamil civilians as a result of the army's offensive against the LTTE. In response, the Government claimed that the retreating LTTE was using the civilian population as a human shield." **[1a] (Recent History)**

3.40 The EIU December 2008 report mentioned that:

"Fighting on the ground [in the Kilinochchi district] has remained intense, with both sides making unverifiable claims of losses inflicted on the other… A blow was dealt to the LTTE after the armed forces reported the capture of the strategic town of Pooneryn and the main coastal A32 highway route on November 15th. The army now in effect controls the entire western coast, and has thereby cut off the LTTE's most direct supply lines across the narrow Palk Strait to southern India…On November 30th defence sources also announced that the army had taken Kokavil, an area roughly 20 miles to the south of Kilinochchi." **[75i] (p9)**

3.41 For additional details on the above mentioned events and information on developments in Sri Lanka in 2008, please see the South Asia Terrorism Portal, Sri Lanka Timeline - Year 2008

3.42 On 7 January 2009, BBC News reported that:

"Sri Lanka's government has re-imposed a formal ban on the Tamil Tiger rebel movement which it lifted as part of a 2002 truce. The largely symbolic move means the rebels are once again designated a terrorist organisation in Sri Lanka…A government minister said the cabinet took the decision because the Tigers were not letting civilians leave the combat area they still control in the north." **[9n]**

3.43 As announced on 8 January 2009, on the official website of the Government of Sri Lanka:

"The Government yesterday proscribed the Liberation Tigers of Tamil Eelam (LTTE) effective [sic] midnight for using civilians as human shields in uncleared areas and endangering their lives, despite requests by the government to release them. The unanimous decision was taken by the Cabinet in accordance with a memorandum submitted by President Mahinda Rajapaksa. President Rajapaksa on December 22 called on the LTTE that to release all innocent Tamils it is holding hostage, in bondage and using them as human shields, with the dawn of 2009, [sic] and allow them to come to the safe areas provided for them by the Government and the Security Forces…The LTTE was first banned in Sri Lanka in 1998, after it bombed the Dalada Maligawa. The ban was lifted in September, 2002, ahead of the peace talks following the Ceasefire Agreement." **[44b]**

3.44 The proclamation issued by the President of Sri Lanka on the same day concluded, inter alia that:

"…it has become necessary to proscribe the said organization known as the Liberation Tigers of Tamil Eelam and to provide for the proscribing of other organizations that are connected with or which are representing or acting on behalf of the organization known as the Liberation Tigers of Tamil Eelam and which have therefore become prejudicial to the interests of public security, the preservation of public order and the maintenance of supplies and services essential to the life of the community, His Excellency the President intends promulgating regulations in terms of the Public Security Ordinance (Chapter 40)." **[10e]**

3.45 The International Crisis Group (ICG) *War Crimes in Sri Lanka, Asia Report N°191*, dated 17 May 2010, observed:

"By January 2009, the Sri Lankan government had effectively defeated the LTTE. The Tamil fighters were cornered in a small portion of the Northern Province known as the Vanni [The Vanni consists of all or part of five administrative districts designated by the government – Kilinochchi and Mullaitivu Districts in whole, and Vavuniya, Mannar and Jaffna Districts in part] and were surrounded by more numerous and better armed Sri Lankan government forces. Also in the area were over 300,000 civilians, most of whom had been repeatedly displaced from previously LTTE-held areas. The LTTE by this stage were running short of arms and supplies. Many of their cadres believed the situation was hopeless, and the Tamil civilian population was increasingly resentful of such policies as forced recruitment and the near-complete ban on leaving the Vanni." **[76d] (p3)**

3.46 The House of Commons Library research paper '*War and peace in Sri Lanka'*, dated 5 June 2009 recorded:

"In January 2009 the Sri Lankan armed forces achieved a decisive breakthrough in the north. The Tamil Tigers lost the key town of Kilinochchi and Elephant Pass, the strategic causeway between the Jaffna peninsula and the main body of the island of Sri Lanka. The army then laid siege to Mullaitivu, the last remaining town controlled by the LTTE, and quickly

captured it too. The Sri Lankan Government declared that total military victory was imminent. By early February it was estimated that the LTTE had only around 1,000 remaining armed personnel remaining, concentrated along a 30 square kilometre area of coastline in the northern Vanni region. There were reportedly around 250,000 civilians in the area, with dozens allegedly being killed every day. The Sri Lankan Government unilaterally designated this area a 'safe zone' and called upon civilians to make their way there in order to avoid being caught up in the fighting. Over the following three months the Sri Lankan military gradually reclaimed the last remaining territory. The authorities largely ignored growing international condemnation of its failure to protect the civilians caught up in the fighting. The LTTE was accused of using civilians as 'human shields', Both parties to the conflict were accused of committing war crimes. The end finally came on 18 May, when the last piece of territory was claimed. Most, if not all, of the LTTE's leadership, including its commander in chief, Vellupillai Prabhakaran, were killed." **[80] (p3)**

3.47 The FCO Sri Lanka country profile, updated on 6 May 2010 observed:

"Towards the end of the fighting high numbers of civilians are believed to have been killed and injured as a result of being caught in the middle of heavy fighting. There was no independent access to the conflict zone and international concern has been raised about the conduct of hostilities by both sides in the final months of the conflict. Hundreds of thousands of civilians were displaced as a result of the recent fighting and remain in IDP camps in northern Sri Lanka." **[15j] (Recent developments)**

3.48 The Human Rights Watch (HRW) World Report 2010 (covering events of 2009), released on 20 January 2010 noted:

"During the last months of the war, both sides committed serious violations of international humanitarian law, in what a senior United Nations official described as a 'bloodbath', while the overall human rights situation in the country continued to deteriorate as the government adopted increasingly repressive policies. During the final months of the conflict that ended in May [2009], the LTTE continued to forcibly recruit civilians, including children, into its forces, used civilians as human shields, and physically prevented and at times shot at Tamil civilians under their control trying to flee the fighting. Government forces indiscriminately shelled densely populated areas, including hospitals. Both parties prevented vital humanitarian assistance from reaching the civilian population.

"Since March 2008 the government has confined displaced Tamils fleeing the fighting. The population of the detention camps skyrocketed to over a quarter million people after the LTTE's defeat in May. Security forces also detained, in many cases in violation of domestic and international law, more than 10,000 people suspected of LTTE involvement or sympathies." **[21b] (Introduction)**

See also Section 10 on Forced conscription by the LTTE (until May 2009); Section 24 on Child soldiers and Section 29: Internally Displaced People (IDPs)

3.49 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) recorded that:

"Government security forces, progovernment paramilitary groups, and the LTTE used excessive force and committed abuses against civilians. During the SLA offensive against the LTTE, several hundred thousand ethnic Tamil civilians were trapped in LTTE-held land. As the conflict reached its final months, the government declared two no-fire zones, areas into which it would not fire weapons. As the conflict progressed, the LTTE and civilians under its control were confined to an increasingly small area.

"The government and the LTTE did not allow any independent observers, media, or international staff of humanitarian organizations to work in the conflict zone. Eyewitness accounts of the end of the conflict were difficult to obtain because most of the involved civilians remained confined in large IDP camps with little access to independent observers." **[2b] (Section 1g)**

3.50 The USSD report 2009 continued:

"Artillery shelling, mortar fire, and aerial bombing reportedly killed many civilians during the final five months of conflict. While only the Sri Lankan Air Force used aerial bombs, it was difficult to attribute artillery and mortar fire to one side or the other. There were frequent reports of the LTTE positioning artillery and mortar positions close to and among civilian encampments, hospitals, and churches, drawing return fire from the government. Some reports estimated that fighting in the last week of the conflict may have killed 1,000 civilians per day.

"Government and other observers reported numerous occasions when the LTTE fired on civilians who attempted to flee, reportedly killing and wounding many individuals. Trapped Tamil civilians reported being afraid to cross over to the government side for fear of being subjected to killings, disappearances, and abuse by the SLA.

"Progovernment paramilitary groups allegedly were used to identify, abduct, and kill suspected LTTE sympathizers or operatives immediately after the conflict and in the IDP camps." **[2b] (Section 1g)**

3.51 And added that:

"The government consistently underestimated the number of civilians trapped behind LTTE lines, leading to a severe shortage of food and medicine shipped into the no-fire zones over the final months of fighting. Many international observers disputed the government's population estimates at the time, and some accused the government of deliberately lowering their estimates in an effort to starve the civilians out from behind LTTE lines to cause more difficulties for the LTTE soldiers. The government often prevented medicine, including all anesthetics, from being delivered to trapped civilians by ICRC, stating that it would instead be used by LTTE forces to treat wounded soldiers. It was not possible to determine how many civilians may have died as a result of this shortage of food and medicine." **[2b] (Section 1g)**

3.52 The Amnesty International Report 2010, Sri Lanka (covering events from January – December 2009), released on 28 May 2010, observed that:

"Both the Sri Lankan government and the LTTE violated international humanitarian law. The government used heavy weaponry indiscriminately in areas densely populated with civilians. The LTTE forcibly recruited adults and children as combatants, used civilians as human shields against the approaching government forces, and attacked civilians who tried to escape. Independent accounts from the conflict areas were limited as access by the media, the UN and humanitarian agencies was restricted. According to UN estimates, thousands of civilians died in the fighting. Displaced people reported enforced disappearances of young men separated from their families by the military as civilians crossed into government territory and underwent military screening to identify LTTE combatants." **[3c]**

3.53 The ICG report of May 2010 noted:

"The Sri Lankan security forces and the Liberation Tigers of Tamil Eelam (LTTE) repeatedly violated international humanitarian law during the last five months of their 30-year civil war. Although both sides committed atrocities throughout the many years of conflict, the scale and nature of violations particularly worsened from January 2009 to the government's declaration of victory in May. Evidence gathered by the International Crisis Group suggests that these months saw tens of thousands of Tamil civilian men, women, children and the elderly killed, countless more wounded, and hundreds of thousands deprived of adequate food and medical care, resulting in more deaths. This evidence also provides reasonable grounds to believe the Sri Lankan security forces committed war crimes with top government and military leaders potentially responsible. There is evidence of war crimes committed by the LTTE and its leaders as well, but most of them were killed and will never face justice." **[76d] (Executive summary and recommendations)**

3.54 The ICG report of May 2010 added:

"Crisis Group possesses credible evidence that is sufficient to warrant an independent international investigation of the following allegations:

- The intentional shelling of civilians. Starting in late January, the government and security forces encouraged hundreds of thousands of civilians to move into ever smaller government-declared No Fire Zones (NFZs) and then subjected them to repeated and increasingly intense artillery and mortar barrages and other fire…
- The intentional shelling of hospitals. The security forces shelled hospitals and makeshift medical centres – many overflowing with the wounded and sick – on multiple occasions even though they knew of their precise locations and functions…
- The intentional shelling of humanitarian operations. Despite knowing the exact location of humanitarian operations and food distribution points, the security forces repeatedly shelled these areas, which were crowded with humanitarian workers, vehicles and supplies, and civilians." **[76d] (Executive summary and recommendations)**

3.55 The same report further noted that:

"There is also strong evidence that the LTTE engaged in:

- The intentional shooting of civilians. The LTTE fired on and killed or wounded many civilians in the conflict zone who were attempting to flee the shelling and cross into government-controlled areas.
- The intentional infliction of suffering on civilians. The LTTE refused to allow civilians to leave the conflict zone, despite grave danger from shelling and lack of humanitarian supplies, even when the civilians were injured and dying. The LTTE also forcibly recruited many civilians to fight or serve as labourers and beat some family members who protested the recruitment." **[76d] (Executive summary and recommendations)**

3.56 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka'*, 5 July 2010, reported that:

"Acts reportedly committed by the parties to the armed conflict in Sri Lanka include, inter alia, abductions and disappearances, indiscriminate attacks on civilians, use of human shields, restrictions on freedom of movement, forced displacement, torture and other cruel, inhuman and degrading treatment, including rape, execution of prisoners of war, extrajudicial executions and forced recruitment for military service and/or labour, including recruitment of children." **[6h] (p11-12)**

See also Section 27: Humanitarian issues and Section 29: Internally Displaced People (IDPs)

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The deafeat of the LTTE – May 2009

3.57 The International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2009 (undated, website accessed on 5 January 2010) recorded:

"[16 May 2009] For the first time in decades, Sri Lankan government forces take control of the country's entire coastline, confining the LTTE militants to a 1.2-square-mile strip between a lagoon and the sea... Later that day, Sri Lanka's president Mahinda Rajapakse declares that the militants were "finally defeated" and that the 25-year-old civil war was ended.

"[17 May 2009] Surrounded by at least 25,000 army soldiers and deserted by the Tamil civilians they had forcibly holding as hostages, LTTE militants declare their defeat, military sources report. The Tamil Tigers acknowledge that their struggle for a homeland had "reached its bitter end" and declare to lay down their arms.

"[18 May 2009] The Sri Lankan army captures the last sliver of rebel territory strewn with the bodies of at least 200 dead militants... The military confirms that LTTE leader Prabhakaran, intelligence unit chief Pottu Amman and Sea Tigers´ head Soosai were killed when trying to flee in an ambulance and another van on 18 May.

"[20 May 2009] The Sri Lankan military ceremonially ends the war with the LTTE rebels with the commanders of all units present in the Mullaitivu beach area, defence sources report." **[51b]**

The SATP list of LTTE leaders killed during encounters with security forces in Sri Lanka, 2001-2009 **[37e]** provides comprehensive information on the LTTE leaders killed during the last weeks of the war. The Sri Lankan government's, Media Centre for National Security (MCNS)/Defence News has a series of maps that chart the gradual contraction of the area controlled by the LTTE between November 2005 and the rebels' defeat in May 2009: weblink.

3.58 The International Institute for Strategic Studies (IISS) Armed Conflict Database, Political Trends (undated, website accessed on 16 August 2010) noted:

"On 19 May [2009], President Mahinda Rajapaksa formally announced the defeat of the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers), drawing a line under 26 years of civil war in Sri Lanka. Tamil Tiger chief Velupillai Prabhakaran lay dead, alongside most of the group's leadership. But while the government's military victory was decisive, it was mired in controversy over the treatment of civilians during the conflict – and concerns about how this would affect long-term relations between the majority Sinhalese population and Tamil minority. Of 10,300 fatalities reported by the New-Delhi based Institute for Conflict Management, 8,250 were civilians. The institute also estimated 1,682 Tamil Tigers and 368 security-force personnel killed. Because of a lack of independent observers, however, there were no definitive figures." **[51d]**

The conflict's impact: casualties and displaced persons

3.59 On 22 May 2009 Reuters reported:

"The United Nations this week said the conflict had killed between 80,000-100,000 people since it erupted into full-scale civil war in 1983 -- including unofficial and unverified tallies showing 7,000 civilian deaths since January [2009]. The government does not give a civilian casualty figure, but says it did not use heavy weapons in the final months and blamed the Tigers for civilian deaths. It says the United Nations numbers were inflated by the LTTE to secure pressure for a truce. In the waning days of the war, Western governments and the United Nations human called for probes into potential war crimes and violations by both sides." **[4j]**

3.60 On 27 May 2009 *The Guardian* reported:

"More than 200,000 refugees are corralled inside Menik Farm [in Vavuniya], a sweltering 1,400 acres of scrubland sealed off by barbed wire. Some are still hoping to find relatives amid the rows of tents that provide a temporary home. But others say relatives were separated out by the military, suspected of being Tamil Tigers. The Sri Lankan government says it has so far identified more than 9,000 members of the Liberation Tigers of Tamil Eelam (LTTE), and is sending them to 'rehabilitation centres', where they will be held for a year. The government claims that it needs to keep the civilians in camps it is building in the north of the country until it can be sure that they are not members of the LTTE. The camps sprawl out over a vast area, mile after mile of tents where the unfortunate civilians displaced by the recent fighting have been told they could spend up to two years before they are allowed to go home." **[20b]**

3.61 *The Guardian* report of 27 May 2009 further observed that:

"The tactics of herding civilians into internment camps indefinitely has been widely criticised, and yesterday [26 May] the authorities offered up contradictory explanations. Officials and military officers at the camps variously claimed that the civilians were there for their own safety, for the safety of the rest of the population and because most 'have been involved in some sort of activity for the LTTE'. Some officials said that screening of the civilians was taking place inside the camps, others that it was not. Despite acknowledging that they had a list of known LTTE members, they maintained that they needed more time to identify former fighters. One military officer privately confided that they were seeking information from other detainees in the hope of identifying the group's members." **[20b]**

3.62 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka'*, 5 July 2010 reported that:

"In August 2009, the Sri Lankan Government began to organize the return or release from IDP camps of some 280,000 persons, who were forced to flee their homes during the final phase of the conflict. Many of the initial restrictions on the freedom of movement of IDPs have been lifted, and by mid-June 2010, approximately 246,000 persons had left the displacement camps to return to their places of origin or live with host families, relatives and friends." **[6h] (p1)**

3.63 The HRW document '*Legal Limbo, The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*', released on 29 January 2010, observed:

"At several checkpoints, security forces screened and registered the displaced before transporting them to detention camps in the north, which the government euphemistically called 'welfare centers.' The largest detention camp was the multi-camp Menik Farm in Vavuniya district. The government denied the displaced in the camps their rights to liberty and freedom of movement. Individuals in the camps could not leave to work or live with family members or others elsewhere. The government started releasing significant numbers from the camps only in November 2009. By that time, the majority of the displaced had been confined to the camps for more than six months. Those who were displaced first, in March 2008, had spent more than 18 months in confinement.

"Both at checkpoints and in the camps, the authorities separated certain individuals from their families—presumably because of alleged ties with the LTTE—and sent them to 'rehabilitation centers'." **[21a] (Summary)**

3.64 A BBC News report of 26 May 2009 quoted the army spokesman Brig Udaya Nanayakkara as saying that the process of "weeding out and rehabilitating" suspected Tamil Tiger guerrillas was already under way and that each one had been brought before judges.

"He said that said anyone who had been trained by the Tamil Tigers to carry arms was considered a combatant. 'Since the start of fighting in different locations, 9,100 Tamil Tiger cadres have self-confessed,' he said. 'We have sent 7,000 of them to welfare camps for rehabilitation after legal proceedings, while others are facing court proceedings.' The military says that it killed 22,000 rebel fighters during its 34-month offensive to end the 25-year civil war and lost 6,200 of its own soldiers." **[9w]**

See also Section 4 on Government treatment of (suspected) members of the LTTE ; Section 27 on Humanitarian issues and Section 29 on Internally Displaced People (IDPs)

3.65 On 29 May 2009 *The Times* reported:

"More than 20,000 Tamil civilians were killed in the final throes of the Sri Lankan civil war, most as a result of government shelling, an investigation by The Times has revealed. The number of casualties is three times the official figure. The Sri Lankan authorities have insisted that their forces stopped using heavy weapons on April 27 [2009] and observed the no-fire zone where 100,000 Tamil men, women and children were sheltering. They have blamed all civilian casualties on Tamil Tiger rebels concealed among the civilians. Aerial photographs, official documents, witness accounts and expert testimony tell a different story. With the world's media and aid organisations kept well away from the fighting, the army launched a fierce barrage that began at the end of April and lasted about three weeks. The offensive ended Sri Lanka's 26-year civil war with the Tamil Tigers, but innocent civilians paid the price.

"Independent defence experts who analysed dozens of aerial photographs taken by The Times said that the arrangement of the army and rebel firing positions and the narrowness of the no-fire zone made it unlikely that Tiger mortar fire or artillery caused a significant number of deaths. 'It looks more likely that the firing position has been located by the Sri Lankan Army and it has then been targeted with air-burst and ground-impact mortars,' said Charles Heyman, editor of the magazine Armed Forces of the UK." **[50a]**

3.66 On the same day Reuters reported:

"The world will probably never find out how many innocent civilians died during the bloody final phase of Sri Lanka's war against Tamil Tigers rebels, the U.N. humanitarian chief said on Friday [29 May 2009]… U.N. under-secretary-general John Holmes, who oversees the United Nations' many humanitarian operations, told Reuters in an interview that it was unclear how many died in the months before Sri Lanka declared victory over the LTTE on May 18.

"He also disputed a death toll reported in The Times of London that cited a 'U.N. source' to support an estimate that at least 20,000 people were killed during the months-long final siege. 'That figure has no status as far as we're concerned,' Holmes said. 'It may be right, it may be wrong, it may be far too high, it may even be too low. But we honestly don't know. We've always said an investigation would be a good idea.'…He said it was based on an unofficial and unverified U.N. estimate of around 7,000 civilian deaths through the end of April [2009] and added on roughly 1,000 more per day after that. Holmes said the initial figure of 7,000 deaths had been deemed far too questionable for official publication." **[4b]**

3.67 The Reuters report of 29 May 2009 continued:

"The U.N. Human Rights Council decided this week not to investigate the civilian deaths in the war, a decision that human rights groups have described as disappointing.

"British media reports also said that aerial photographs taken when a U.N. delegation flew over the former conflict zone last week showed evidence of mass graves. Photos of those locations taken by a Reuters reporter traveling with the delegation showed no clear signs of mass graves, though some individual gravesites might be visible. Holmes said the appearance of makeshift cemeteries was no surprise. 'A lot of people were killed, several thousand, so you would expect to see a lot of graves there,' he said." **[4b]**

3.68 On 1 June 2009 the UN News Service reported: "Secretary-General Ban Ki-moon today reiterated his strong concerns over 'unacceptably high' civilian casualties in the conflict between the Sri Lankan Government and Tamil rebels, while rejecting in the strongest terms any figure attributed to the United Nations." **[6b]**

3.69 On the issue of the death toll, the ICG report of May 2010 observed:

"While determining a conflict death toll is always a task to be approached with caution, there are multiple reasons to believe that an estimate of tens of thousands of civilians killed is reasonable…

"…Crisis Group has evidence from various individuals who were in the NFZs [No fire Zones] until the very end of the fighting to suggest that the scale of death was much higher than reported at the time, and certainly high enough to triple the UN's internal figure of 7,000. Crisis Group also believes that all but a small portion of these deaths were due to government fire." **[76d] (p5, footnote 23)**

3.70 For further information regarding the conflict during 2009 see the South Asia Terrorism Portal, Sri Lanka Timelines - Year 2009

The Sri Lankan government's Media Centre for National Security (MCNS)/Defence News has a series of maps that chart the gradual contraction of the area controlled by the LTTE between November 2005 and the rebels' defeat in May 2009: weblink.

3.71 The ICG report '*Sri Lanka: A Bitter Peace'*, 11 January 2010 observed:

"Since the decisive military victory over the Liberation Tigers of Tamil Eelam (LTTE), Sri Lanka has made little progress in reconstructing its battered democratic institutions or establishing conditions for a stable peace. Eight months later, the post-war policies of President Mahinda Rajapaksa have deepened rather than resolved the grievances that generated and sustained LTTE militancy."

"The government's internment of more than a quarter [sic] million Tamils displaced from the Northern Province – some for more than six months – was further humiliation for a population brutalised by months of ferocious fighting.

"...the resettlement process has failed to meet international standards for safe and dignified returns. There has been little or no consultation with the displaced and no independent monitoring; many returns have been to areas not cleared of mines and unexploded ordnance; inadequate financial resources have been provided for those returning home; and the military continues to control people's movements. These and other concerns also

apply to the estimated 80,000 Muslims forcibly expelled from the north by the LTTE in 1990, some of whom have begun to return to their homes." **[76b]**

See also Section 4 on Government treatment of (suspected) members of the LTTE

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4. RECENT DEVELOPMENTS

KEY RECENT DEVELOPMENTS (FEBRUARY - SEPTEMBER 2010)

4.01 The Economist Intelligence Unit (EIU), Country Report, Sri Lanka, March 2010 noted:

"The arrest of General Fonseka in early February, on charges of plotting a coup, triggered protests across the island. On February 10th thousands of opposition supporters demonstrated in the capital, Colombo, against his detention. The protest was interrupted by attacks from pro-government groups, prompting the police to fire tear gas and use water cannon to disperse the crowds. Demonstrations also occurred in the towns of Gampaha, Galle and Ratnapura. Many voices have been raised against the detention, including those of the leaders of the island's influential Buddhist clergy, who noted the general's key role in defeating the rebel Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers). Foreign governments, including the US and India, have urged Sri Lanka to adhere to legal process in investigating allegations against General Fonseka. In recent weeks the Supreme Court has dismissed calls to suspend the general's detention, although it did allow him visitors and grant him permission to stand in the April elections. Another court has ordered the release of 14 supporters of the general after no proof was found of their involvement in the alleged offences." **[75f] (p10-11)**

See also Section 15 on Opposition groups and political activists

4.02 The FCO Sri Lanka country profile, last reviewed on 6 May 2010, noted that:

"Parliamentary elections took place in April 2010. Overall voter turn out was 61%, although much lower in some areas, including the north. Following the re-polling in two districts due to electoral irregularities, the final result confirmed victory for President Rajapakse's United People's Freedom Alliance (UPFA), which won 144 of the 225 seats and leaving it just six seats short of the two-thirds majority needed to amend the constitution. Shortly after the announcement of the final result, DM Jayaratne of the SLFP was named Prime Minister. A Cabinet reshuffle followed, reducing it from 52 to 37 members. Key roles were given to Basil Rajapakse heading a new ministry of Economic Development, which will have oversight of all major areas of economy such as ports, tourism and foreign investment. Former Trade Minister GL Peiris was appointed Foreign Minister, replacing Rohita Bogollagama, who lost his parliamentary seat in the elections." **[15j] (Latest political developments)**

4.03 The final official results were published on the official website of the Department of Elections, accessed on 2 June 2010:

United People Freedom Alliance (UPFA)	144
United National Party (UNP)	60
Ilankai Tamil Arasu Kadchi (Tamil National Alliance TNA)	14
Democratic National Alliance	7

[39a]

4.04 The EIU, Country Report Sri Lanka, May 2010 stated that:

"The Marxist Janatha Vimukthi Perumena (JVP), which contested under the banner of the Democratic National Alliance (DNA), led by the defeated presidential candidate, General Sarath Fonseka, won just five geographic seats. However, General Fonseka was elected to parliament from a constituency in the capital, Colombo. The Tamil National Alliance (TNA), which ran under the name of the Ilankai Tamil Arasu Kadchi, gained 12 constituency seats. Sri Lanka's system of proportional representation means that parties receive 'national list' seats in addition to geographic ones. Taking these into account, the UPFA won 144 seats in total, but fell just short of the two-thirds majority that it had targeted in the 225-seat legislature." **[75e] (p10)**

4.05 The same EIU report observed:

"The low turnout was a worry for observers; it generally stood at just over 50%, and was considerably lower in Northern province. This was below par compared with past elections. According to a non-governmental electoral watchdog, the People!s Action for Free and Fair Elections, turnout may have reflected election fatigue, as several provincial council elections and the presidential election had preceded the parliamentary poll. The start of the festive season (Sinhalese and Tamil new year celebrations occur in April) and lack of faith in the electoral system may also have played a part. The most crucial element, however, may have been the widespread perception that the election's result was not in any doubt, which probably discouraged supporters of both camps from voting. According to election monitors, the conduct of the parliamentary election was generally free from violence. The local Centre for Monitoring Election Violence received complaints about 84 major and 202 minor incidents of election related violence, a relatively low total by the standards of previous elections." **[75e] (p10)**

4.06 Information on how such elections were conducted is available from the following weblinks: Campaign for Free and Fair Elections (CaFFE) 'Final report on Parliamentary Election 2010' **[41c]** and the Centre for Monitoring Election Violence (CMEV) 'Monitoring election violence in Sri Lanka Parliamentary Election April 2010: Media Communique 11' **[81c]**

4.07 The International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2009 (undated, website accessed on 20 September 2010) recorded that "[1 June 2010] The Media Minister, Keheliya Rambukwella says there is no need for an international probe into the Human Rights violations during the Sri Lankan war last year because the government has taken action to begin its own probe into the allegations." **[51c]**

4.08 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka'*, 5 July 2010 reported that:

"In response to calls for an independent international investigation into allegations of human rights and international humanitarian law violations by the parties to the conflict, the Government of Sri Lanka has recently announced the establishment of a truth and reconciliation commission mandated to examine the 'lessons to be learnt from events' between February 2002 and May 2009. On 22 June 2010, the UN Secretary-General also appointed a Panel of Experts mandated to advise on the issue of accountability with regard to any alleged violations of international human rights and humanitarian law during the final stages of the conflict in Sri Lanka.

"The end of the armed conflict and the significantly improved security conditions throughout the country have resulted in a reduction in the number of Sri Lankans seeking international protection in industrialized countries." **[6h] (p2-3)**

4.09 The EIU, Country Report, Sri Lanka, July 2010 reported:

"The EU has warned that Sri Lanka faces losing trade advantages under the Generalised System of Preferences-Plus (GSP-Plus) scheme from August 15th, unless the government commits itself in writing to improving its human rights record. The EU has put forward 15 conditions that it says the government needs to promise to meet within the next six months. These include: ensuring that the17th amendment to the constitution, which requires that appointments to public positions be impartial and reflect the country's ethnic and religious mix, is enforced; repealing parts of the Prevention of Terrorism Act that are incompatible with Sri Lanka's covenants on political and human rights; reforming the criminal code to allow suspects immediate access to a lawyer on arrest; and allowing journalists to carry out their professional duties without harassment. However, the government has rebuffed the EU, stressing that the issues that it has raised are internal political matters that should not be linked to trade.

"The EU is not the only international body currently putting pressure on the government. Sri Lanka has also rejected the UN's appointment of a threemember panel to examine possible human rights violations during the island's civil war. The Sri Lankan authorities have warned that they will not provide visas for panel members to enter the country." **[75b] (p10-11)**

4.10 The EIU report of July 2010 continued:

"An explosion occurred in a commercial district of the capital, Colombo, on June 24th [2010]; it was the first such blast since the end of the civil war in May 2009. The incident is not thought to be linked to Tamil separatists–security forces have blamed a personal vendetta. Media reports noted that the area, Pettah, has a reputation for business clashes and gang activity, although this has not usually resulted in such indiscriminate violence. Nine people were injured in the attack." **[75b] (p10-11)**

4.11 The EIU, Country Report, Sri Lanka, August 2010 noted that:

"The decision by the UN secretary-general, Ban Ki-moon [on 22 June 2010], to appoint a panel to examine accountability issues stemming from the final stages of the island's civil war, which ended in May 2009, has prompted a strong reaction in Sri Lanka. The housing minister, Wimal Weerawansa, who

is also the head of the National Freedom Front (a constituent party within the UPFA), launched a protest outside the UN office in the capital, Colombo, in July. The office was surrounded by pro-government protestors, prompting the UN to recall its resident co-ordinator, Neil Buhne, and to shut the Colombo office of the UN Development Programme. Other UN operations in the country have been maintained. Mr Weerawansa's inflammatory actions, which included initiating a fast, prompted criticism from the UN and a number of foreign governments." **[75a] (p10)**

4.12 On 17 September 2010 the UN News Service reported that "Secretary-General Ban Ki-moon has held his first meeting with the panel of experts set up to advise him on accountability issues relating to alleged violations of international humanitarian and human rights law during the final stages last year of the conflict in Sri Lanka." The source also noted that the role of the experts was to examine "the modalities, applicable international standards and comparative experience with regard to accountability processes, taking into account the nature and scope of any alleged violations in Sri Lanka." **[6i]**

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GOVERNMENT TREATMENT OF (SUSPECTED) MEMBERS OF THE LTTE

4.13 The Economist Intelligence Unit (EIU) Country Reports, Sri Lanka, September 2009, recorded:

"Efforts to reunite the vestiges of the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) received a blow in August [2009], with the arrest of the group's arms procurement master, Kumaran Padmanadan (also known as K P) in Malaysia and his subsequent deportation to Sri Lanka. Soon after the death in May [2009] of the LTTE's leader, Velupillai Prabhakaran, Mr Padmanadan had attempted to take over leadership of the group, and his arrest will be seen as a setback by those who hope to revive the Tigers. In August the Sri Lankan government called on foreign countries to hand over other Tamil Tiger rebels, as well as their assets, which reportedly amount to millions of dollars." **[75q] (p10)**

See also Annex D – Prominent people

4.14 The Amnesty International (AI) briefing paper '*Sri Lanka: Unlock the Camps in Sri Lanka: Safety and dignity for the displaced now'*, released on 10 August 2009 reported:

"Arrests have been reported from the camps and Sri Lankan human rights defenders have alleged that enforced disappearances have also occurred. Since March 2009, Sri Lankan human rights organizations have reported that former LTTE members and members of other armed political factions aligned with the government were present in IDP camps. These unconfirmed reports indicate that they may have been used by the government to identify suspected LTTE members, who were then arrested or abducted and disappeared. Their presence is also reported in specialized detention facilities where former LTTE members are detained. Some arrests of persons with alleged connections to the LTTE have been acknowledged by Sri Lankan authorities and carried in the press. The whereabouts of others is unknown.

Without independent access to the displaced people, including the ability to speak confidentially to those detained in the camps and to conduct private, one-on-one interviews, it is impossible for humanitarian organizations to fulfil their protection duties or for independent human rights organizations to determine the scale of this violation." **[3a] (p23-24)**

4.15 The SATP Sri Lanka 2009 Timeline (undated, website accessed on 5 January 2010) recorded:

"[16 August 2009] The Commissioner General of Rehabilitation, Major General Daya Ratnayake, has said measures have been taken to rehabilitate over 10,000 ex-LTTE cadres in the North by the Government. In an interview with Sunday Observer, he said, 'The process to classify the ex-cadres into different groups considering their age, gender and involvement in the outfit has already been completed and the ground work to move them into new rehabilitation centres is nearing completion.'...The children between the ages of 12 to 18 years have already been separated from the group. There are over 455 children, the majority of whom the LTTE had forcefully recruited at its last stage of the battle. Former female LTTE cadres numbering 1,700 have also been separated and housed separately. The authorities have taken steps to separate male ex-LTTE cadres over 45 years of age and they will be given training according to their professions, skills, and their liking to undergo a vocational training."

"[28 August 2009] The Supreme Court in Sri Lanka has ordered authorities to file charges or release the LTTE suspects in custody." **[37b]**

4.16 On 11 September 2009 AI reported:

"The government has also said that it has detained about 10,000 people suspected of ties to the Tamil Tigers – the real numbers could be higher. These detainees are held without charge or trial, in what are described by the government as 'rehabilitation camps'. Their whereabouts and conditions of detention in many cases are unknown.

"The International Red Cross (ICRC) said Friday [11 September 2009] that it is being denied access to these detainees. Incommunicado detention has been shown to greatly increase the risk of torture and extrajudicial killing. There is a long history of both in Sri Lanka." **[3h]**

4.17 On the same day [11 September 2009] BBC News reported:

"A court in Sri Lanka has granted bail to two former Tamil Tiger civilian officials who have been in government custody for more than four months. The former rebel spokesman, Daya Master, and an interpreter for the group's political wing, George Master, surrendered to troops in April [2009]…The pair were released by a court in Colombo on a bail of $22,000 (£13,200) each and were told to report to the police every month. 'The court has said that they cannot leave the country until the investigations are over,' Sri Lankan military spokesperson Brig Udaya Nanayakkara told the BBC. The two have not been formally charged, but have been held under the Prevention of Terrorism Act. Both men played prominent roles presenting rebel views to the international media and visiting foreign diplomats during the failed peace process." **[9f]**

4.18 On 19 September 2009 the website TamilNet reported:

"Colombo Chief Magistrate Nishantha Hapuarachchi Friday [18 September 2009] directed the Criminal Investigation Department (CID) to expedite the investigation into the cases against twenty-seven Tamil civilians arrested in connection with alleged terrorist activities and to report to the court on the progress made so far, on September 29. The order was made following Defence Counsel claiming that the Terrorist Investigation Division (TID) was acting unfairly in its investigations. Senior Defence Counsel Mr. K. V. Thavarasa told court that the TID had moved to release Daya Master and George Master within four months of arrest, claiming that they had not been involved in any terrorist activities. He further said other suspects, who were also arrested under Emergency Regulations, were unnecessarily kept in remand without a proper trial for more than a year…The counsel questioned why the TID who were able to release Daya Master and George within four months, could not finish investigations and charge these suspects or grant them bail." **[38r]**

4.19 With regards to Velayutham Dayanidhi (aka Daya Master) and Selvarasa Pathmanathan (aka George Master), on 15 September 2010 BBC Sinhala reported:

"The BBC has now spoken to Daya Master on the telephone to the northern city of Jaffna, his hometown. He said he was working as the local head of operations for a privately-owned Tamil television channel, Dan-TV, and was living peacefully there, as was his wife who is working as a teacher."

"When he was released on bail a year ago the police said there was no evidence to charge him under the Prevention of Terrorism Act, but said possible criminal activity was being looked into. Daya Master told the BBC he had no relationship with the Sri Lankan government, and also that he had not met his former senior LTTE colleague, Selvarasa Pathmanathan, who was captured in August 2009 but has been working with government officials to engage with visiting members of the Tamil diaspora." **[9l]**

4.20 A statement issued by HRW on 22 September 2009 noted:

"Human Rights Watch said it was concerned about a lack of protection mechanisms in the camps and the secret, incommunicado detention – and possible enforced disappearance – of suspected combatants…

"The government has announced that it has detained more than 10,000 displaced persons on suspicion of having been involved with the LTTE. The government has separated them from their families and transferred them to separate camps and regular prisons. Human Rights Watch documented several cases in which individuals were taken into custody without regard to the protections provided under Sri Lankan law. In many cases, the authorities have not informed family members about the whereabouts of the detained, leaving them in secret, incommunicado detention or possible enforced disappearance, and, as a result, especially vulnerable to abuse." **[21d]**

4.21 On 24 September 2009 AI reported that a detainee had been seriously injured and had to be hospitalised as a clash broke out between the Sri Lankan Army (SLA) and detainees being held at Poonthotham Teachers Training College,

which – AI noted – serves as an unofficial detention centre in north-eastern Sri Lanka. AI further reported that:

"The danger of serious human rights violations, including torture, enforced disappearances and extrajudicial killings increases substantially when detainees are held in locations that are not officially acknowledged places of detention and lack proper legal procedures and safeguards', said Sam Zarifi, Amnesty International's Asia Director. Detention centres such as the Poonthotham Teachers Training College are irregular places of detention. Since May 2009, an estimated 10,000 to 12,000 individuals suspected of ties to the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers) have been detained in irregular detention facilities operated by the Sri Lankan security forces and affiliated paramilitary groups.

"Several such groups are active in Vavuniya and have been implicated in human rights violations, including People's Liberation Organisation of Tamil Eelam (PLOTE), Tamil Eelam Liberation Organization (TELO), Eelam People's Democratic Party (EPDP) and both factions of the Tamil Makkal Viduthalai Pulikal (TMVP)." **[3i]**

4.22 AI further reported that the organisation "has confirmed the location of at least 10 such facilities in school buildings and hostels originally designated as displacement camps in the north. There have also been frequent reports of other unofficial places of detention elsewhere in the country." **[3i]**

4.23 The International Crisis Group (ICG) report *Sri Lanka: A Bitter Peace*, 11 January 2010, also referred to "extra-legal detention centres" maintained by the military and observed:

"These detained have had no access to lawyers, their families, ICRC or any other protection agency, and it is unclear what is happening inside the centres. In addition, 'the grounds on which the ex-combatants have been identified and the legal basis on which they are detained are totally unclear and arbitrary'. Given the well-established practice of torture, enforced disappearance and extra-judicial killing of LTTE suspects under the current and previous Sri Lankan governments, there are grounds for grave concerns about the fate of the detained. The government has announced that of those alleged ex-combatants currently detained, only 200 will be put on the trial; most will detained for a further period of 'rehabilitation' and then released." **[76b] (p8)**

4.24 The ICG added that "…another 1500-2000 suspects continue to be held under emergency detention orders or other anti-terrorism legislation, some for years without charges." **[76b] (p18)**

4.25 Referring to the "at least 11,000 people" detained "in so-called 'rehabilitation centers" because of their alleged association with the LTTE, the HRW document *Legal Limbo, The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*, released on 29 January 2010, observed:

"The government has routinely violated the detainees' fundamental human rights, including the right to be informed of specific reasons for arrest, the right to challenge the lawfulness of the detention before an independent judicial authority, and the right of access to legal counsel and family members. The authorities' consistent failure to inform families of the basis for the detainees'

arrest and their whereabouts raises serious concerns that some detainees may have been victims of torture and ill-treatment, which are more likely to take place where due process of law is lacking and which have long been serious problems in Sri Lanka. Given the lack of information about some detainees, there is also a risk that some may have been 'disappeared'." **[21a] (Summary)**

4.26 The HRW report of January 2010 went on to state that:

"It is unclear whether any of the 11,000 detainees have been formally charged with any crimes and what acts these individuals have committed that led to their detention. In December, 2009, one government minister said that only 200 of the 11,000 detainees will be charged with a crime and that the vast majority of the detainees were forced to fight by the LTTE. In January, 2010, another government minister said the government will not release the 14,000 [sic] LTTE suspects anytime soon, 'because some of them are suspected to be connected to very serious incidents.'" **[21a] (Summary)**

4.27 The US State Department (USSD), *Country Reports on Human Rights Practices 2009*, Sri Lanka, issued on 11 March 2010 (USSD 2009) stated that:

"Human rights groups estimated that approximately 2,400 LTTE suspects were in regular detention centers. An unknown additional number of unidentified detainees were thought to be held in police stations, the CID , the TID, army or paramilitary camps, or other informal detention facilities, with some organizations estimating this group to number as high as 1,200. Approximately 11,700 former LTTE combatants also were held by the government since the end of the conflict in detention centers near Vavuniya. Because of limited access to these detainees, few details were available about their treatment and whether such treatment met international standards. There were concerns that LTTE detainees could be abused in a manner similar to suspected LTTE sympathizers." **[2b] (Section 1c)**

4.28 The USSD 2009 report added that "There was no procedure in place to address the legal status of the approximately 11,700 former LTTE combatants held in detention centers after the end of the war." **[2b] (Section 1e)**

4.29 The Foreign and Commonwealth Office *Human Rights Annual Report 2009 - Countries of Concern: Sri Lank*a, March 2010 commented that "While there are some positive signs that the government is tackling the culture of impunity, no action has been taken in cases alleging police malpractice in relation to suspected LTTE members." **[15r] (Introduction)**

4.30 The International Crisis Group (ICG) *War Crimes in Sri Lanka, Asia Report N°191*, dated 17 May 2010, observed:

"The government also has detained more than 10,000 individuals allegedly involved with the LTTE in separate camps with no outside access. These detentions are unlawful and pose particularly grave risks given the government's history of alleged enforced disappearances and torture." **[76d] (p6)**

"The government has released conflicting figures for the numbers of those who surrendered or were detained from among the population of IDPs on

suspicion of working with the LTTE. Most recently, Prime Minister D.M. Jayaratne stated that 11,700 LTTE members had surrendered or been arrested, of which 1,350 are due to be prosecuted and another 2,400 had already been 'rehabilitated' and released…Earlier, another official stated that some 12,700 had been detained for their possible links to the LTTE." **[76d] (p6, footnote 27)**

4.31 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka'*, 5 July 2010 reported that "In the wake of the conflict, almost 11,000 persons suspected of LTTE links were arrested and detained in high-security camps" adding that "According to a Government survey, as of 1 March 2010, 10,781 LTTE cadres were being held at 17 centres. Among the detainees were 8,791 males and 1,990 females." and noted that "Some of the adult detainees have…been released after completing rehabilitation programmes or because they were no longer deemed to present a risk, including some persons with physical disabilities." **[6h] (p3-4)**

4.32 On 22 June 2010 the official website of the Government of Sri Lanka reported that "The Sri Lankan government established 15 rehabilitation centers for nearly 12,000 ex-combatants who surrendered to the security forces. According to the authorities the government had so far released nearly half of them following rehabilitation, enabling the government to close seven of the 15 centers." **[44d]**

4.33 On 28 June 2010 BBC Sinhala reported on the situation of Kumaran Pathmanathan, also known as KP:

"The detained leader of the Tamil Tigers is playing a 'leading role' in helping the government in 'reconciliation process' after the end of the war, representatives of Tamil diaspora say.

"A group of nine representatives from the diaspora worldwide has visited Sri Lanka from 14 to 20 June.

The team has first had a meeting with KP, who was arrested in Malaysia while having a meeting in August last year and brought to Colombo.
He is detained in a secret location in Sri Lanka since then. The opposition parties have accused the government of offering him luxury accommodation while ill-treating former military commander Gen Fonseka and other suspected LTTE combatants." [9r]

4.34 A BBC News report of 15 July 2010 noted:

"Former Tamil Tiger rebels detained in Sri Lanka say they have been ill-treated in government camps with no basic facilities. In letters and phone calls to BBC Tamil, ex-militants say they have been 'tortured and beaten' in the centres.They accuse camp guards of being corrupt and demanding bribes before releasing detainees.The government says all those being held in custody following the end of the war are being well cared for. It has consistently refused to allow any kind of independent investigation into allegations of human rights abuses in the final weeks leading up to the end of the war in May 2009.

"Some of the camps are located in military bases, others in schools and colleges. The government refuses to allow journalists, aid agencies and the UN to visit these camps - but in most cases, relatives are allowed to see their loved ones. **[9t]**

For information about human rights violations committed by the security forces see Security forces. Further information about displaced persons can be found in the section on Internally Displaced Persons (IDPs) below.

4.35 On 17 August 2010 BBC Sinhala reported that:

"A court in the Sri Lankan capital, Colombo, has ordered the authorities to release seven Tamil suspects who have been in detention for over two years. The suspects were arrested in 2008 in a search operation after a claymore bomb was found in a suburb of Colombo.

The seven suspects, who were residing in a temporary residence nearby, have been detained under Prevention of Terrorism Act (PTA) and the emergency regulations.

But the police in a report informed the court that Attorney General has decided that not enough evidence has been found to charge the suspects." **[9q]**

4.36 A letter from the British High Commission (BHC) in Colombo dated 1 September 2010 reported:

"The British High Commission in Colombo regularly monitors the treatment of ex-LTTE cadres in Sri Lanka and rehabilitation/reintegration programmes.

"On 4th September 2009 the British High Commissioner and the Head of the International Organization for Migration (IOM) signed an agreement for approximately 17 million Sri Lankan Rupees (£94,000) of UK support towards the rehabilitation and reintegration of ex-combatants, in the presence of the Sri Lankan Minister of Justice. A press release by the High Commission stated, 'The UK fully supports efforts to ensure sustainable rehabilitation of former combatants. This will be critical to reconciliation efforts following the end of the war and will underpin a transition to sustainable peace'.

"In 2009 the Ministry of Disaster Management & Human Rights had already been in the process of compiling a document entitled the National Framework Proposal for Reintegration of Ex-Combatants into Civilian Life in Sri Lanka: (http://natlex.ilo.ch/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-colombo/documents/publication/wcms_117302.pdf This document targeted the following categories:

"•Ex-combatants of the LTTE who were captured and/or arrested
• LTTE activists who surrendered prior to the conclusion of hostilities
• Members of non-LTTE paramilitary groups who have already demobilised

• Affected/host communities

"This initiative was welcomed and the Ministry consulted with working groups comprising of government officials, UN agencies, other stakeholders and local

community leaders. It did not however involve vital ministries such as the Ministry of Defence or the Ministry of Justice. As a result they did not recognise the document and the Human Rights Ministry did not receive approval to take it forward." **[15u]**

4.37 The BHC letter of 1 September 2010 continued:

"The civil conflict officially ended in Sri Lanka on 18th May 2009. The government of Sri Lanka approached IOM to look at an operational programme for rehabilitation and reintegration of ex-combatants in the north of the country.

"The Sri Lankan Ministry of Defence was given direct responsibility for Disarmament, Demobilisation and Reintegration (DDR). There were concerns about the legalities that needed to be addressed, and that other aspects of the programme would be split between several government departments/ministries. Discussions took place involving the Ministry of Justice, the Defence Secretary and other partners to seek a way forward. It had been claimed that paramilitary loyalists had been used to identify LTTE cadres, although there is no information to support this or confirm their role within the camps. The detained cadres were split into three specific groups:

"•Active LTTE members who have been served with detention orders under the Emergency Regulations and are to be charged with offences. These are believed to currently number around 1,400, although that figure may include others held previously under the emergency powers.
• Former LTTE cadres who may be held in Protective Accommodation and Rehabilitation Centres (PARC) and who may remain there for an indeterminate period of between six months and one year. It was believed that initially, many of these were children.
• Those with low level LTTE involvement and were believed to number between 3,000- 4,000. These would be released and receive community reintegration." **[15u]**

4.38 The same source went on to add that:

"Government figures recently released to IOM show that there are currently around 8,000 ex-LTTE cadres still being held in government rehabilitation camps. Around 3,000 have been released during the past six months. Persons in the 3rd category above have been released in small numbers. For example, on 9th January 2010, 496 cadres were released, these included some so-called 'child soldiers,' on 31st January 2010 another 56 cadres were released directly to their parents and on 1st February 2010 a further 13 were released...The release of these persons has so far appeared poorly planned and no assistance has yet been provided for their reintegration. All were released to their families, which was a condition of their release, although some were released to their families in IDP camps. Those released did not received proper identity documents, just a letter stating that they had been released from a rehabilitation centre. However, mobile units from the Department of the Registration of Persons have been visiting towns around the country enabling such persons to apply for a replacement National Identity Card." **[15u]**

4.39 With regards to Protective Accommodation and Rehabilitation Centres (PARC), the BHC letter of 1 September 2010 reported that:

"There are now 10 camps gazetted into law as being Protective Accommodation and Rehabilitation Centres (PARC) and two more are to be gazetted. Figures released recently showed that as at 31 July 2010 there were 6,766 males and 1,160 females detained in the 12 different centres. The Sri Lankan military operates the camps with involvement from various ministries. For many months here had been no access to these camps, or to the screening process, for local or international agencies. On 28 July 2010, IOM was allowed access to three PARCs in the Welikanda area. They noted:

"•Ex-combatants were receiving vocational training in a variety of trades and many were confident that they would be able to apply the skills learnt for future activity.
• Ex-combatants were able to practice and play activities such as cricket, football and volleyball twice a day, although there was a shortage of equipment.
• All said that the living and sleeping accommodation was adequate and they were satisfied with the meals they were receiving three times a day.
• Mobile health and medical services were provided every month and emergency or specialist cases were taken to Polonnaruwa Hospital for treatment.
• Religious buildings had been constructed to enable ex-combatants to practice their religion twice a day.
• Every weekend, ex-combatants' relatives are allowed to visit from 7.30am until 4.30pm. The military have organised a bus service from Welikanda town to the PARC. ICRC are providing the transport costs to get to Welikanda and all families are eligible for this assistance, although it is often not enough to cover their costs and some families are unaware.
• Most of those detained were the bread winners for their families who were now struggling to earn sufficient income for their needs. Some were also responsible for elderly parents.
• No evidence of mistreatment was offered by any of the ex-combatants encountered in the PARCs.
• All were willing to return home as soon as possible and their primary issue is their release date.
• Although involved in various activities, many were still traumatised and required psychosocial support.
• Boredom and isolation from family/friends/partners were significant factors. Wider use of telephone facilities and placing them in camps closer to their homes would ease this." **[15u]**

4.40 The BHC letter of 1 September 2010 added:

"On 8 August 2010 IOM visited two garment factories in Ratmalana and Homagama to meet female ex-combatants who were 'housed' there. There were a total of 261 females on the premises, aged between 18 and 44 years old. They noted:

"•All basic amenities are provided by the factory. The ex-combatant's living quarters were separate from non ex-combatant workers, but they worked together.

• Most women responded positively when asked about their general well-being, although it was felt that in a more private setting, a wider range of opinions might have been heard.
• All women were paid a basic salary of between $80-100 a month for a 6-day week. This is transferred to individual bank accounts but the women are unable to access these funds until they are released.
• All women were generally positive of their situation but were anxious to know their release dates. A government representative present said that they would be released by the end of September 2010.
• Most were positively disposed to starting home-based tailoring businesses, either alone or in groups, once they returned to their home villages, as a result of the work/training they were now undertaking.
• The women had been informed that they would be given National Identity Cards once they had provided their birth certificates.
• Sunday was a visiting day for family members.
• The ex-combatants commented that they had expected to have received visits from international humanitarian groups much earlier during their time in rehabilitation." **[15u]**

4.41 The same source also noted that:

"It remains the view of humanitarian and aid agencies that the Sri Lankan government could have managed the situation regarding ex-LTTE cadres considerably better. Their initial reluctance to release details of those detained or allow access to the detention camps did not enhance their position with the international community. The head of one international agency told me that the government could have done a lot to improve the way they are perceived. They should for example have publicised the fact that many of those detained had already received visitors. His organisation had been trying to encourage them to be more transparent, to publish lists of those persons detained and advertise initiatives that they had already taken. The international community however saw the reluctance of the Sri Lankan government to allow the ICRC access to the camps as a major hurdle in moving forward." **[15u]**

4.42 On 4 September 2010 BBC Sinhala reported that:

"A total of five hundred and eight LTTE suspects, selected from various detention centres, were released after rehabilitation in various detention camps… They have been trained in various vocations such as masonry, carpentry work and even computer technology and are able to start their own business or engage in potential employment', said Rehabilitation Commissioner, Brigadier Sudantha Ranasinghe." **[9p]**

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COMMISSION ON LESSONS LEARNT & RECONCILIATION (LLRC)

Background to the commission can be found on its website is at:
http://www.priu.gov.lk/news_update/LLRC%20news/llrc_home.htm

4.43 The US Department of State (USSD) *Report To Congress on Measures Taken by the Government of Sri Lanka and International Bodies To Investigate*

Incidents During the Recent Conflict in Sri Lanka, and Evaluating the Effectiveness of Such Efforts, released on 11 August 2010 reported:

"On May 15 [2010], President Rajapaksa issued a warrant to establish an eight-member commission under the Special Presidential Commissions of Inquiry Law of 1978.[8] The warrant did not explicitly direct the commission to identify violations of internationally accepted norms in conflict situations or to identify those responsible. Instead, the Lessons Learnt and Reconciliation Commission was charged to "inquire and report on the following matters that may have taken place during the period between 21st February 2002 and 19th May 2009, namely:

"i. the facts and circumstances which led to the failure of the ceasefire agreement operationalized on 21st February 2002 and the sequence of events that followed thereafter up to the 19th May 2009;
ii. whether any person, group, or institution directly or indirectly bear responsibility in this regard;
iii. the lessons we would learn from those events and their attendant concerns, in order to ensure that there will be no recurrence;
iv. the methodology whereby restitution to any person affected by those events or their dependents or to heirs, can be effected;
v. the institutional administrative and legislative measures which need to be taken in order to prevent any recurrence of such concerns in the future, and to promote further national unity and reconciliation among all communities, and to make any such other recommendations with reference to any of the matters that have been inquired into under the terms of this Warrant." **[2d] (Section IV. Measures Taken by the GSL)**

4.44 The same USSD report also noted that "The LLRC is less than halfway through its six month term... Initial actions taken by the Government of Sri Lanka, including aspects of the naming of commissioners and publication of terms of reference detailed in this report, have raised concerns regarding the LLRC's mandate and its independence." **[2d] (Executive Summary)**

4.45 On 11 August 2010 *The Guardian* reported that:

"A government-appointed commission examining Sri Lanka's civil war began public hearings today amid international scepticism about its credibility. The commission has no mandate to investigate allegations that thousands of civilians died in the final months of the conflict." and added that Human rights groups say the commission is aimed at deflecting calls for an international inquiry into alleged war crimes including the government shelling of civilians." **[12a]**

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SECURITY SITUATION IN THE NORTHERN AND EASTERN PROVINCES

4.46 A letter from the British High Commission (BHC), Colombo, dated 12 January 2010, reported on the security and development of Jaffna district and the Eastern province. A further BHC letter dated 13 August reported on the findings of a team from the Commission that visited the districts of Jaffna, Kilinochchi, Vavuniya and Mullaitivu from 28 June until 1 July 2010. **[15o]**

Jaffna district

4.47 With regards to the Jaffna district the BHC letter of 12 January 2010 noted:

"Both government and non-government organisations agree that since 5th August 2009 there has been a lighter presence at checkpoints and a reduction in some areas.

"There is also a consensus that there have been no cordon and search operations since the end of the conflict in May 2009.

"According to the Jaffna branch of the Sri Lankan Human Rights Commission, extrajudicial killings were down from 30 in 2008 to 4 in 2009. The Jaffna Bishop, a prominent human rights advocate, confirmed that the number of human rights violations had decreased dramatically and that the military appeared to have the paramilitaries under control." **[15p]**

4.48 The BHC letter of 12 January 2010 also reported that:

"A police spokesman said that there had been no cordon and search operations, no reported abductions or disappearances, and no extra judicial killings at all in recent months. He expected security to be relaxed further in the coming months… Both government and non-government organisations said that there had not been any reported abduction or disappearances recently and no reported extra judicial killings.

"On 29th December 2009 the government announced a complete lifting of the night time curfew that had been imposed on Jaffna peninsula on 8th August 2006. Earlier relaxations on 5th August 2009 had coincided with a resumption in a 24-hour electricity supply and were a welcome return to normality after years of disrupted supply, especially throughout the curfew hours...
"The police, government and non-government organisations agree that since the relaxation/lifting of the curfew, crime has shown a significant increase. These are mainly house robberies and theft, but also there have been cases of rape and murder linked to robberies. Recently a young couple was murdered in their home having disturbed burglars. The perpetrators were subsequently caught and have been charged. Everyone agrees that the police have responded to this well, have apprehended many suspects and are now showing an increased presence on the streets of Jaffna town. It is seen that police officers in Jaffna are now carrying out police work themselves, rather than relying on the army to do it for them as they had done previously.

"Since the re-opening of the A9 there has been a substantial increase in traffic resulting in the introduction of traffic police to the streets." **[15p]**

4.49 The BHC letter of 12 January 2010 also noted:

"Recent press reports indicate that the re-opening of the A9 Kandy-Jaffna highway has heralded the arrival of tourists from the south to Jaffna…Sources also said that a large number of former Jaffna residents living in other parts of the country and abroad were visiting their families now with the restoration of peace in the north, reopening of roads and the restoration of transport facilities.

"National companies from Colombo are already assessing the potential of improved communication and transport links with Jaffna and investing heavily." **[15p]**

4.50 The BHC letter of 13 August 2010 reported:

"A Senior Military Official from the Sri Lankan Army based in Jaffna stated that the security situation was returning to normal. No LTTE activity had been recorded and as far as he was aware, there were no active remnants of the LTTE. Occasionally the Sri Lankan Army discovered caches of arms. There had been no recent incidents of terrorism although there were some social problems. With the military moving out of the towns the police required educating in order to go back to normal policing. There had been several instances of petty crime, domestic disputes and unsocial behaviour (drunken youths riding around on motorcycles). Some military personnel have therefore gone back onto the streets in an attempt to clamp down on this, but they will move out when the situation improves." **[15o]**

4.51 The BHC letter of 13 August 2010 added that:

"A Human Rights spokesman based in Jaffna told us that pre and post elections there had been a spate of 5 or 6 abductions. They opined that this was done to justify a military presence in the area, and all but two were resolved with either the payment of a ransom or the person just turned-up. There is no longer a curfew in Jaffna and with the relaxation of the Emergency Powers the military and police are no longer entering houses. However, the military are ever present on the streets. Petty crime is still taking place and crimes are reported to the police, but the trust between the public and the police is not there. They added that there has been no evidence of the new Tamil police recruits yet. Most police stations now have Tamil speakers, but they are rarely seen on the streets." **[15o]**

4.52 The same BHC letter also reported that "A Senior Government Official in Jaffna said that security was no longer a problem and that the community was able to move freely. Last year there had been a rise in the incidence of crime, which he blamed on anti-social behaviour post-conflict, but this had been addressed. The police were now more proactive." **[15o]**

4.53 And added that "A group of MPs from the Tamil National Alliance (TNA) said that the only threat is from the Sri Lankan Army...A particular case was mentioned of a gang rape of a local woman by four soldiers. All four have been arrested and await trial. They added that whilst the army had said that they were going to deal with crime, they were content to allow abductions, kidnappings, extra judicial killings to frighten the diasporas."

"They expressed concern that military camps were growing up all over the province with houses provided by the Chinese government, providing homes for the Sinhalese military and all of their families." (BHC Commission letter, dated 13 August 2010) **[15o]**

4.54 The BHC letter of 13 August 2010 went on to report that:

"The Human Rights spokesman based in Jaffna added that locals were also suspicious of 'Sinhalisation', which had not taken place yet but the signs were clear. Buddhist temples were being built, garment factories were planned for the area but would bring their own employees from the south and military personnel were accompanied by their families who were opening businesses. Contracts for 21 hotels in the district had all been awarded to Sinhalese businesses from the south."

"A group of humanitarian aid workers said that there was a definite fear of Sinhalisation in the Northern Province. Military camps contained Sinhalese soldiers and their families, new factories were providing employment for Sinhalese workers from the south, floods of Sinhalese tourists were in the area and Buddhist temples were being built." **[15o]**

4.55 The same BHC letter also stated:

"A Senior Military Official in Jaffna stated that many tourists were visiting the peninsula, mostly from the south of the island. He added that some 'southerners' did not respect Tamil culture…A Senior Government Official in Jaffna said that the district was welcoming many tourists, up to 20 buses a day. They were flocking to the area from the south to visit Hindu and Buddhist temples and other points of interest. This was putting a strain on the community as there were insufficient facilities to accommodate them. Cultural differences had arisen which caused concern…

"A group of TNA MPs said that Jaffna was receiving up to 15,000 tourists per week. They complained that there were sanitary problems caused by such an influx and no hotels to accommodate these numbers, adding that some of the main hotels were still occupied by the army.

"A Human Rights spokesman based in Jaffna said that tourists from the south were flocking to Jaffna but language and cultural differences were causing friction between them and the local Tamil community." **[15o]**

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Kilinochchi district

4.56 The BHC letter of 13 August 2010 reported that

"A Senior Military Official based in Kilinochchi opined that the military and local community were getting on well with each other. He told us that the military had to observe the local community in case there were still LTTE in the area, however, he stressed that hardship meant that the local community were diverted to restoring their properties and livelihoods. There had been no sabotage or retribution. The crime rate was low, mostly petty crime, theft etc. The army assisted the local police with policing the district as there were low numbers of police officers. He said that the local police were quick to find fault with the army, referring to an incident where soldiers were recently arrested by the police. We were told that many of his soldiers spoke Tamil following a programme of language training by the army. Arms caches were still being found, many from information received from locals, mostly after they had stumbled across them whilst repairing property or farming land." **[15o]**

4.57 The same BHC letter added that "A Senior Government Official in Kilinochchi told us that there were no security issues in the district. There were small incidents of crime, such as robbery, which were evident in any community. She added that the crime rate was much lower there than in the south." (British High Commission, Colombo, letter dated 13 August 2010). **[15o]**

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Eastern Province

4.58 With regard to the Eastern Province the BHC letter of 12 January 2010 reported that:

"Security restrictions in Trincomalee district have markedly relaxed during 2009…The security situation in Batticaloa has also improved, although the town is not yet as calm as Trincomalee and there is still a high military presence.

"The police presence is comparable to Colombo but encouragingly, some do not carry weapons despite being on duty.

"The Senior Superintendent of Police (SSP) for Batticaloa was proud of the fact that there had been a marked improvement in the security situation in the district which allowed his officers to not have to carry weapons. He was not aware of any remaining LTTE cadres in the area and considered that most of the cached weapons had now been seized or could no longer be found as the land had now grown over. Reported abductions and low level crime were minimal.

"Church Elders in the Diocese of Trincomalee and Batticaloa have provided grass roots assessment. They opined that there was no longer a LTTE presence in the Batticaloa district. During the latter stages of the conflict, the few remaining LTTE cadres, mainly youths, had thrown away their weapons and returned to their families. The community knew who they were but had no concerns about them re-arming. Community level engagement both with the police and SLA over the last 9 months had improved considerably. There were now regular meetings between the various community leaders and the Deputy Inspector General (DIG) Police and SLA commanders which allowed them to voice any concerns they had about the paramilitaries, abductions, harassment by the security forces. As a result, the paramilitaries were no longer carrying weapons, abductions were low (and once reported to the community leaders, they were able to raise it immediately with the DIG) and security check points were no longer a problem." **[15p]**

4.59 The BHC letter of 12 January 2010 further observed:

"It is apparent that recent security improvements in the Eastern Province are starting to make tangible improvements to the people living there.

"The Divisional Secretary (DS) spoke of the extent of development taking place in the Province with new roads, electricity and telephone lines, much of which being already visible. There is now a low police and military presence, and no LTTE." **[15p]**

See also Section 10: Abuses by Non-Government Armed Forces and Section 28: Freedom of Movement

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5. CONSTITUTION

5.01 Europa World Online, Sri Lanka: Government and politics, The Constitution, accessed 13 January 2010, stated: "The Constitution of the Democratic Socialist Republic of Sri Lanka was approved by the National State Assembly (renamed Parliament) on 17 August 1978, and promulgated on 7 September 1978 ...The Constitution guarantees the fundamental rights and freedoms of all citizens, including freedom of thought, conscience and worship and equal entitlement before the law." **[1a]**

5.02 Europa World Online, Sri Lanka: Government and politics, The Constitution, accessed 13 January 2010, further noted:

"Amendments to the Constitution require endorsement by a two-thirds' majority in Parliament. In February 1979 the Constitution was amended by allowing members of Parliament who resigned or were expelled from their party to retain their seats, in certain circumstances. In January 1981 Parliament amended the Constitution to increase its membership from 168 to 169. An amendment enabling the President to seek re-election after four years was approved in August 1982. In February 1983 an amendment providing for by-elections to fill vacant seats in Parliament was approved. An amendment banning parties that advocate separatism was approved by Parliament in August 1983. In November 1987 Parliament adopted an amendment providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit). In December 1988 Parliament adopted an amendment affording Tamil the same status as Sinhala, as one of the country's two official languages." **[1a]**

5.03 The Seventeenth Amendment to the Constitution was published as a Supplement to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of 5 October 2000. It introduced the Constitutional Council; the Public Service Commission; the Election Commission; the Judicial Service Commission and the National Police Commission. (The official website of the Government of Sri Lanka, The Constitution) **[44i]**

5.04 The US State Department (USSD), *Country Reports on Human Rights Practices 2009*, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that: "The executive failed [during 2009] to appoint the Constitutional Council, which is required under the Constitution, thus obstructing the appointment of independent representatives to important institutions such as the Human Rights Commission, Bribery Commission, Police Commission, and Judicial Service Commission." **[2b] (Introduction)**

5.05 The Freedom House report, '*Freedom in the World 2010, Sri Lanka'*, released on 1 June 2010, noted:

"The 17th amendment to the constitution was designed to depoliticize key institutions by creating a constitutional council responsible for appointing independent commissions to oversee the police, the judiciary, human rights, and civil servants. Owing to a parliamentary impasse, Rajapaksa failed to reconstitute the council in 2006 after the terms of its previous members expired, and instead made unilateral appointments to several commissions in 2007. Some local groups allege that these actions have threatened the independence of the institutions and created a class of appointees who owe their positions to the president. Rajapaksa has expressed his opposition to the 17th amendment, and the constitutional council remained dormant in 2009.." **[46c] (Political Rights and Civil Liberties)**

For the full text of the Constitution and of the Seventeenth Amendment: http://www.priu.gov.lk/Cons/1978Constitution/Introduction.htm **[44i]**

See also Section 8 on Avenues of complaint

THE 18TH AMENDMENT

5.06 On 8 September 2010 *The Guardian* reported:

"Sri Lanka's parliament voted today to allow the president, Mahinda Rajapaksa, to seek an unlimited number of terms in office and to tighten his hold on power by giving him total control over the judiciary, police and the civil service. The main opposition group, the United National party, boycotted the vote and burned an effigy of Rajapaksa in the capital. But the constitutional amendment passed with 161 votes in the 225-member parliament.

"The constitution used to limit the president to two six-year terms, so Rajapaksa's new term, due to start in November, would have been his last.

"The amendment also scrapped a provision requiring the president to receive the approval of independent commissions in appointing officials to the judiciary, police, public service and the elections office." **[12b]**

5.07 On 17 September 2010, the Official Website of the Government of Sri Lanka noted that:

"Under the 18th Amendment which was endorsed by Parliament with a record majority recently, the Police Commission, the Elections Commission, the Bribery Commission, the Public Services Commission, Human Rights Commission, the Financial Commission and the Delimitation Commission would be set up. Under the Amendments a five-member Parliamentary Council would come into force replacing the now defunct Constitutional Council.

"This would include the Prime Minister, Speaker of Parliament, Opposition Leader and a nominee each of the Prime Minister and the Opposition Leader." **[44e]**

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6. POLITICAL SYSTEM

6.01 Europa World Online, Sri Lanka, accessed on 13 January 2010 stated:

> "A presidential form of government was adopted in October 1977 and confirmed in the Constitution of September 1978. The Constitution provides for a unicameral Parliament as the supreme legislative body, its members being elected by a system of modified proportional representation. Executive powers are vested in the President, who is Head of State. The President is directly elected for a term of six years and is not accountable to Parliament. The President has the power to appoint or dismiss the Prime Minister and members of the Cabinet; may assume any portfolio; and is empowered to dismiss Parliament. Sri Lanka comprises nine provinces and 25 administrative districts, each with an appointed Governor and elected Development Council." **[1a]**

6.02 The Freedom House report '*Countries at the Crossroads 2010,* Country report*, Sri Lanka'*, 6 April 2010 observed that "Sri Lanka's semipresidential system, like the French system on which it is modeled, does not clearly separate powers between the three branches of government, nor between the president and prime minister. Still, President Rajapaksa has assumed more power than his predecessors, primarily because of his refusal to obey several Supreme Court rulings." **[46d] (Accountability and Public Voice)**

6.03 The same Freedom House report observed that "Government job appointments and placement of development projects are based on patronage and support for government politicians. Sinhalese Buddhists dominate the political system and usually direct jobs and projects to members of their ethnic community." **[46d] (Civil Liberties)**

6.04 The Economist Intelligence Unit, Country Report, Sri Lanka, April 2009, observed that:

> "Sri Lanka is rated as a 'flawed democracy' in the Economist Intelligence Unit's 2008 democracy index, ranked 57th out of 167 countries. Democracy is firmly established locally, and there have been regular changes of the party in government. The [t]endency for the major parties to have to rely on support from smaller parties in order to gain governing majorities in parliament further bolsters the tradition of political pluralism. The courts have successfully dealt with challenges posed by politicians to the established electoral system, such as the attempt by the then president, Chandrika Kumaratunga, to extend her term in office in 2005. Moreover, the island has a relatively vibrant (if often partisan) media." **[75k] (p11)**

6.05 The EIU report further noted:

> "Nevertheless, there are major problems. Government functioning as a whole receives a very low score, reflecting low levels of bureaucratic efficiency and the rising evidence of corruption in recent years. The powerful presidency has in the past clashed with the parliamentary leadership, and party politics remains generally crude, corrupt and extremely volatile. Political participation rates particularly poorly, partly reflecting low rates of participation in the north and east of the country, which are worst affected by the long-running conflict between the government and the LTTE." **[75k] (p11)**

The main text of this COI Report contains the most up-to-date publicly available information as at 20 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 3 November 2010.

6.06 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that "The government is dominated by the president's family; two of his brothers hold key executive branch posts…" **[2b] (Introduction)**

6.07 The Freedom House report, *Freedom in the World 2010*, Sri Lanka, covering events in 2009, released on 1 June 2010 reported that:

"The Centre for Policy Alternatives (CPA) and others have noted the concentration of power in the hands of the Rajapaksa family. Several of the president's brothers hold important posts—Gotabaya serves as Defense Secretary—and therefore control a significant proportion of the national budget and take a lead role in policy formulation. Other trusted party stalwarts serve as implementers and advisers." **[46c]**

See also Section 15: Political Affiliation for information about political rights in practice; and Section 18: Corruption and Section 5: Constitution for further information about strengthening of presidential powers via the constitutional amendment.

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Human Rights

7. INTRODUCTION

7.01 The U.S. State Department (USSD), *Country Reports on Human Rights Practices 2009*, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that:

"The government's respect for human rights declined as armed conflict reached its conclusion. Outside of the conflict zone, the overwhelming majority of victims of human rights violations, such as extrajudicial killings and disappearances, were young male Tamils, while Tamils were estimated to be only 16 percent of the overall population. Credible reports cited unlawful killings by paramilitaries and others believed to be working with the awareness and assistance of the government, assassinations by unknown perpetrators, politically motivated killings, and disappearances. The government was credibly accused of arbitrary arrests and detentions, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of freedom of movement, harassment of journalists and lawyers critical of the government, and discrimination against minorities. Human rights observers alleged that progovernment paramilitary groups and security forces participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity. During the year there were no indications or public reports that civilian or military courts convicted any military, police, or paramilitary members for human rights abuses. In some cases the military turned over military members to the civilian judicial system for processing." **[2b] (Introduction)**

7.02 The Foreign and Commonwealth Office '*Human Rights Annual Report 2009 - Countries of Concern: Sri Lanka'*, March 2010 noted:

"In May [2009], the Sri Lankan government achieved a decisive military victory in its long-standing conflict against the Liberation Tigers of Tamil Eelam (LTTE). Over the course of the 26-year conflict, law and order had been eroded and a culture of impunity developed, both in government and LTTEcontrolled parts of the country. Following the end of the war the human rights situation has improved but remains a serious concern. Media freedom continues to be under threat and abductions of civilians, although reduced in number, continue.

The poor human rights situation is exacerbated by weak policing and judicial systems." **[15r] (Introduction)**

"Throughout the conflict with the LTTE successive Sri Lankan governments have failed to take robust measures to address human rights violations." **[15r] (Impunity)**

7.03 The Amnesty International Report 2010, Sri Lanka (covering events from January – December 2009), released on 28 May 2010, summarised the key human rights issues for 2009:

"Some 300,000 Tamil civilians were displaced by armed conflict, and subsequently detained in government camps. Those suspected of ties with the

Liberation Tigers of Tamil Eelam (LTTE) – more than 12,000 – were detained separately. Many were held incommunicado and sometimes in facilities not designed to hold prisoners or in secret places of detention. Civilians were trapped for months prior to the conflict's end in May without adequate food, shelter, sanitation and medical care, or access to humanitarian aid. The LTTE used civilians as human shields and used threats and violence to prevent them from fleeing the conflict zone. Government artillery killed and wounded civilians, including patients in hospitals and medical workers. The government failed to address impunity for past human rights violations, and continued to carry out enforced disappearances and torture. Hundreds of Tamils continued to be detained in the south for lengthy periods without charge under special security legislation. Human rights defenders and journalists were killed, assaulted, threatened and jailed. Police killings of criminal suspects intensified." **[3c]**

7.04 The FCO Sri Lanka country profile, last reviewed on 6 May 2010, stated that:

"The Sri Lankan government has taken steps to improve its very poor human rights record of the 1980's and 1990's. Significant improvements have been made, but problems do remain. There are continuing reports of serious human rights abuses including assassinations of political opponents, abductions, torture in custody, extortion, the recruitment and/or use of child soldiers in violation of applicable international law. There have also been incidents of attacks on religious minorities. The perpetrators of the most serious human rights abuses are rarely identified or prosecuted, creating a culture of impunity." **[15j] (Human Rights)**

7.05 The Freedom House report, *Freedom in the World 2010, Sri Lanka*, covering events in 2009, released on 1 June 2010 reported that:

"Heightened political and military conflict beginning in 2006 led to a sharp rise in human rights abuses by security forces, including arbitrary arrest, extrajudicial execution, forced disappearance, torture, custodial rape, and prolonged detention without trial, all of which predominantly affect Tamils. Torture occurred in the context of the insurgency but also takes place during routine interrogations. Such practices are facilitated by the 2005 emergency regulations, which allow detention for up to a year without trial." **[46c]**

7.06 The Freedom House report *Countries at the Crossroads 2010, Country report, Sri Lanka*, 6 April 2010 observed:

"Over the last four years, the human rights and governance situation in Sri Lanka has deteriorated sharply. Much of the decline can be attributed to the government's extensive use of force against the Liberation Tigers of Tamil Eelam (LTTE) rebel group. Most international observers consider the military campaign to be rife with human rights abuses against both the LTTE and civilians. However, the country has also suffered from the current administration's increasingly hostile attitude toward critical or dissenting views among journalists, politicians, and civil society." **[46d]**

7.07 The HRW World Report 2010 (covering events of 2009), released on 20 January 2010, noted that during the last months of the civil war, both the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) committed serious violations of international humanitarian law:

"while the overall human rights situation in the country continued to deteriorate as the government adopted increasingly repressive policies. Threats, physical attacks, and arbitrary arrests against journalists, human rights defenders, and humanitarian workers continued unabated, causing significant numbers to leave the country. As in the past, rights violators enjoyed near-complete impunity." **[21b] (Introduction)**

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8. SECURITY FORCES

8.01 The security forces comprise the 80,000-member Sri Lanka Police Service (SLPS); the 5,850-strong paramilitary Special Task Force (USSD 2009) **[2b] (Section 1d)**; the 150,900-strong armed forces (including reservists and comprise: army 117,900, navy 15,000, air force 18,000), and paramilitary forces of around 88,600 (including 13,000 Home Guard, an estimated 15,000 National Guard and a 3,000-strong anti-guerrilla unit). (Europa World Online, Defence, accessed on 13 January 2010) **[1a]**

8.02 The Freedom House report *Countries at the Crossroads 2010*, Country report, Sri Lanka, 6 April 2010 observed that:

"The security forces have traditionally been uninhibited by civilian interference, except for budgetary and judicial oversight. Under Rajapaksa, the government has exercised more control over all branches of the security forces. This has included the selection of commanders based on political factors… The security forces are actively involved in political affairs, and the problem has been extremely serious during local and provincial government elections, with officers who fail to obey ruling party politicians facing transfer or dismissal… "The security forces have also been implicated in political actions against members of the opposition and other critics of the government. " **[46d] (Rule of Law)**

8.03 A letter from the British High Commission (BHC), Colombo, dated 13 August 2010, reported a senior military official in Jaffna as saying that "With regard to language training, the Sri Lankan Army had conducted an extensive programme and 40% of their personnel now spoke Tamil." **[15o]**

POLICE

8.04 The US State Department (USSD), *Country Reports on Human Rights Practices 2009*, Sri Lanka, issued on 11 March 2010 (USSD 2009) stated that:

"The inspector general of police (IGP) is responsible for the 80,000-member Sri Lanka Police Service (SLPS). The SLPS conducted civilian police functions such as enforcing criminal and traffic laws, enhancing public safety, and maintaining order. The IGP reported to the minister of defense, public security and law and order (in a separate chain of command from that of the armed forces and other military units). The 5,850-member paramilitary Special Task Force (STF) is within the structure of the SLPS, although joint operations with military units in the recent defeat of the LTTE led to questions among

observers over who actually was directing the STF. There was no independent authority to investigate complaints. Senior officials in the police force handled complaints against the police. Of the police officers serving in Tamil majority areas, few were Tamil and most did not speak Tamil or English. There were 791 ethnic Tamils on the police force and 971 Muslim Tamil speakers. The government hired 50 new Tamil-speaking police in Jaffna including two women, however, there was concern by some observers that many of these were members of Tamil paramilitary groups." **[2b] (Section 1d)**

8.05 As noted on the website of the Sri Lanka Police Service (accessed on 20 September 2010):

"The Special Task Force is the Para-Military arm of the Sri Lanka Police, deployed essentially for Counter Terrorist and counter insurgency operations within the country. They are also deployed in the close protection Units, providing security for VIP's and key installations…The nucleus for the Special Task Force (STF) was formed in 1983, drawing on Policemen already in service and having them trained by the Army in the handling of infantry weapons and given basic training in 'jungle warfare technique'. The first few platoons formed were deployed mainly to provide support for Police Stations in the North of Sri Lanka. As the STF grew in number, they took on the added responsibilities of providing protection to key installations in the Colombo District and providing personnel for the protection of the President, Prime Minister, several Ministers of the Cabinet and other VIPP." **[7] (Special Task Force)**

8.06 The same source added:

"Personnel to the STF are recruited from within the Police Service as well as direct into the STF from outside. They are required to serve a minimum of 8 years in the organization after training. On completion of their tour of duty with the STF, they are afforded the privilege of reverting to normal Police duties.

"Within the STF, in view of the nature of the arduous duties they perform, all personnel are provided with special incentives with regard to promotion, Salaries and allowances." **[7] (Special Task Force)**

8.07 On 27 May 2010 the *Daily Mirror* (Sri Lanka) reported that

"The Special Task Force (STF) of the police which is under the direct purview of the Inspector General of Police, has been taken over by the Defence Ministry, informed sources said."

"In 1996, the STF was taken over by the IGP. Subsequently in July 2006, the unit was taken over by the Defence Ministry. Again in 2007, the STF was taken over by the IGP until May 12, this year." **[11f]**

8.08 In addition to the Special Task Force, police divisions include: Mounted Police; Traffic Police; Human Rights Division; Women & Child Bureau; Narcotics Bureau; Kennels; Information Technology; Sports and Welfare. (Website of the Sri Lanka Police Service, accessed on 20 September 2010) **[7] (Home)**

8.09 Jane's *Sentinel Country Risk Assessments*, Country Report Sri Lanka, section on Security and foreign forces, updated 28 April 2010, stated that:

"The Sri Lankan Police Service functions under the aegis of the Ministry of Home Affairs but is currently in effect directly controlled by the president…

Policemen are poorly paid and susceptible to corruption at lower levels while at higher levels senior police officials are often subject to political pressures. Human rights organisations have been highly critical of the Sri Lankan police, the rapid expansion and poor training of which have contributed to lack of professionalism. The senior officer of the Sri Lanka police is the inspector general (IG), who is assisted by a varying number of deputies.…

"Policing is conducted through over 300 police stations located throughout the country. Police stations are graded into six categories and are under the charge of officers in the rank of chief inspectors, inspectors and sub-inspectors, depending on the grade of the station. Police stations are further grouped into 132 territorial districts, each under the charge of a superintendent/assistant superintendent of police. These districts are in turn grouped into 35 police divisions. Each division is under the charge of a senior superintendent of police/superintendent of police." **[5a]**

8.10 The same source noted:

"The Sri Lankan police recruits personnel directly at three levels: probationary assistant superintendent of police, probationary sub-inspector of police and police constable. There is little if any chance of promotion from constable to senior rank. A six-month training programme is intended to impart traditional police skills as well as provide instruction in the role of the police in the community and the criminal justice system. Induction training includes: origin and nature of police work; general police responsibilities; elements of organisation and administration; ethics; operations and patrol systems (techniques, tactics and patrol); and the handling of public disorder." **[5a] (Security and foreign forces, 28 April 2010)**

8.11 The International Crisis Group (ICG) report '*Sri Lanka: A Bitter Peace'*, 11 January 2010, observed:

"With the police coming under the jurisdiction of the ministry of defence, headed by Gotabhaya Rajapaksa, and with senior appointments to the police made the president – not the National Police Commission as required by the constitution – 'the police is under the direct control of the President and his brother … and in direct violation of the constitution. It's a directly politicised police.'" **[76b] (p19)**

8.12 A letter from the British High Commission, Colombo, dated 12 January 2010, reported that:

"A Sri Lanka Police spokesman confirmed reports in the press that over 500 police officers had been recruited from the Jaffna District, particularly from Tamil and Muslim communities. Allegedly over 6000 applicants had been called for interviews and these included around 1000 young women. The interviews were for recruitment for the positions of police constables and drivers and were conducted by senior police officers. The government has taken action to open police stations in areas that were earlier under the control of the LTTE. A recruitment leaflet had been widely distributed giving terms and

conditions of police officers and showing the basic starting salary as 14,280 Rupees (£75) per month plus allowances. He recognised that there was often a language problem between the police and the local population but informed us there was now active language training for police officers through their headquarters." **[15p]**

8.13 A BHC letter dated 13 August 2010, reported that:

"A Senior Military Official in Jaffna told us that the Sri Lankan government had been encouraging the Tamil population to join the security forces. He added that whilst the Sri Lankan Army had received no applicants, the police had recruited 450 Tamil officers who were currently undertaking training. With regard to language training, the Sri Lankan Army had conducted an extensive programme and 40% of their personnel now spoke Tamil." **[15o]**

8.14 However, with regards to the latter issue, on 28 June 2010 Irin News reported that:

"...less than 15 percent of the area's 15,000-strong police force can speak… [Tamil] said Nimal Lewke, senior deputy police inspector-general of the Northern Province. In the region where Tamil Tigers waged war for an independent Tamil homeland, matters of language are intricately linked with identity. Although the region is at peace, language remains a strong dividing barrier. 'Winning hearts and minds is a popular slogan today after the war, but we have to be very practical. We have to understand each other to gain the trust of each other. Language proficiency in the police force is thus critical,' Lewke said."

"Some describe the shortage of Tamil-speaking police in the Northern Province - an 8,884sqkm region home to 1.3 million people - as one of the most pressing humanitarian concerns."

"In 2009, the police department started offering monthly bonuses to officers who could speak Tamil, while books teaching Tamil were introduced at police stations. The government, meanwhile, now works with the Asian Development Bank to provide Tamil language courses for police officers."**[55b]**

See also Section 8: Avenues of complaint

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Arbitrary arrest and detention

Please note that the information below refers not only to the police but also to the security forces in general.

8.15 The USSD report 2009 noted:

"The law prohibits arbitrary arrest and detention; in practice such incidents occurred. Under the arrest and detention standards imposed by the emergency regulations, the law does not clearly define what constitutes an arbitrary arrest. Data concerning arrests made during the year under the emergency regulations were fragmentary and unreliable. In addition to several hundred thousand IDPs who were unable to leave the IDP camps, an

unknown number of individuals were detained at least temporarily by the government. Observers said although many were released within two days if no official detention order was produced, others were known to be detained for much longer. Some arrests appeared arbitrary. In June [2009] police detained Chandrasiri Bandara, an astrologer, for one week without charges for negative forecasts concerning the president." **[2b] (Section 1d)**

8.16 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed that "The emergency and anti-terrorism legislation has been used to arrest and detain – in some cases without charge - critical journalists, newspaper operators and political opponents of the government." **[24a] (55)**

8.17 On 5 July 2009 the website TamilNet reported:

"Thirty-three Tamil political prisoners detained under the Prevention of Terrorism Act (PTA) in Welikada magazine prison [in Colombo] for the last thirteen years without any inquiry or charges against them in the courts of law have appealed to human rights organizations to take up their cases with authority concerned and obtain their early release. All of them, including some women, are residents of North, East and upcountry areas...Meanwhile, another seven Tamils serving jail sentences after being found guilty in court of law charged under the PTA also have requested their release on government pardon. They have also appealed to the HR organizations to take up their cases with the authority concerned on humanitarian basis, sources said." **[38z]**

8.18 On 20 September 2009, the same source reported that:

"135 Tamil political prisoners out of a total of 600 Tamil political prisoners in maximum security Central Jail in Welikada, Colombo, continued their fast unto death campaign demanding the state to expedite their cases, release the prisoners who have no charges filed against them, and to allow others charged with less serious offenses to undergo rehabilitation…Most of the Tamil political prisoners have been detained under the Prevention of Terrorism Act (PTA) and Emergency Regulations (ER) for prolonged periods without charges being filed against them, and without due process of law." **[38j]**

8.19 On 2 March 2010 TamilNet reported that, according to information given to Human Rights Commission (HRC) Colombo, the Sri Lankan Terrorist Investigation Department (TID) had arrested 100 Tamil youths detained in Ne'lukku'lam Technical College detention camp in Vavuniyaa "for further interrogation" and had later taken them to Boosa prison in the south. It added that: "Recently two groups of young Tamil women from some detention centres in Vavuniyaa had been arrested on two separate occasions and taken to Boosa prison, sources in Vavuniyaa said." **[38e]**

See also Section 10: Abuses by non-government armed forces – Paramiltary groups; Sections 12: Arrest and detention – legal rights; Section 16: Freedom of speech and media; 28: Freedom of movement and 31 Citizenship and Nationality

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Cordon and search operations - May to the end of 2009

Note: cordon and search operations took take place pre-May 2009 - details are documented in the June 2009 edition of the Sri Lanka Country Report.

8.20 On 8 May 2009 TamilNet reported that 75 Tamil youths (residents of Jaffna, Batticaloa, Trincomalee and upcountry areas) had been arrested in cordon and search operations conducted in several areas of Colombo during the previous three days and that nearly 100 Tamils were being detained in police stations in Colombo and the Crime Prevention Unit for further questioning. **[38q]**

8.21 The website TamilNet reported the following incidents of arrests and detention of Tamils in Colombo during the months of July 2009:

"[On 1 July 2009] Sri Lanka Terrorist Intelligence Division (TID) in Colombo took into custody...three Tamil civilians staying in a lodge located in Kotahena... The arrested civilians are suspected to be escaped detainees from one of the Sri Lanka Army (SLA) internment camps in Vavuniyaa... Police said they are investigating to find out how these three IDPs escaped from Vavuniyaa camp without informing the authorities' there.They further said they suspect that these Tamils were supporters of LTTE. The arrestees are said to be making arrangements to leave the country, the sources added." **[38aa]**

"[On 20 July 2009] Two Tamil youths who were waiting to take a flight to Cairo, capital of Egypt Thursday morning and another Tamil youth who arrived in [sic] Friday morning from Dubai were taken into custody at [Colombo] Katunayake International Airport by the Katunayake police. Police said they are being detained and are suspected to be LTTE cadres, sources in Colombo said. Two Tamil youths arrested on Thursday morning were said to be staying in a lodge in Wellawatte and Kotahena for the last two months, according to inquires [sic] conducted by the police. Another person said to be the manager of a travel agency who helped these two Tamil youths to obtain visa and other travel documents go abroad was also arrested and is being subjected to interrogation by the Police Intelligence Unit...Katunayake police added, steps are being taken to hand over these three Tamils to the Criminal Investigation Department of the Police for further inquiry once the preliminary investigation is completed." **[38w]**

"[On 28 July 2009] Sri Lanka police took into custody eight Tamil youths Tuesday morning in a search conducted in Ettiyawathe in Colombo. The arrested youths are from Jaffna, their relatives said. The youths are detained in Kotahena police station. The police have been conducting search operations in Ettiyawathe area for the last two days." **[38v]**

8.22 Similar incidents were reported by the website TamilNet in August 2009.

"[On 8 August 2009] Sri Lanka police took two Tamil civilians from a house located along Arethusa lane in Wellawatte [Colombo] Thursday, and claimed that they seized two suicide jackets, a micro pistol, and five hand grenades during the search of the house. Police spokesman Ranjit Gunasekara said the Tamil civilians, residents of Jaffna were under interrogation by the Terrorism Unit of Police. Western Province Police Intelligence Unit and Wellawatte

Police Intelligence Unit conducted a joint operation to uncover the safe house, Mr Gunasekara said." **[38n]**

"[On 31 August 2009] Sri Lanka police took two Tamil civilians into custody in Colombo Thursday night in two separate incidents. One was arrested in Katunayake International Airport (KIA) area and the other along D. R. Wijewardene Mawatte in Colombo town, media spokesman Ranjit Gunasekara told media. He claimed both were suspected to be LTTE active members and were being subjected to interrogation by the Terrorist Intelligence Unit." **[38t]**

"[On 31 August 2009] Four Tamil civilians arrested by the police while staying with their relatives and friends in Katunayake, a High Security Zone (HSZ) in Colombo district Saturday night are still being detained in the Katunayake police station and interrogated by the Terrorism Intelligence Department (TID). All the four are natives of north and east, sources said. The arrestees had not registered themselves with the police in the area about their stay in the location and failed to prove their identity. They were taken into custody on receipt of information from the public that some strangers were seen in the area, police sources added." **[38o]**

8.23 Comprehensive information on the cordon and search operations between June and August 2009 is available from the *Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009*, published on 22 October 2009 (FCO October 2009 report). The report observed:

"Most sources said that the frequency of cordon and search operations had not reduced significantly in recent months, though there were fewer large-scale operations than in previous years. No information was available on numbers of arrests. In general, young male Tamils originating from the north and east of the country were most at risk of being detained following cordon and search operations, with the above factors again increasing that risk. Those without employment or 'legitimate' purpose for being in Colombo were also likely to be seen as suspicious." **[15m] (Executive Summary, Cordon and search operations since June 2009)**

8.24 The same source reported the reply of a Sri Lankan senior intelligence official to the question on the number of arrests during cordon and search operations in Colombo/ Gampaha since the beginning of June 2009:

"… he did not have figures for such arrests, adding that the police carried out cordon and search operations, but SIS supported them by checking their records. SIS provided information to the Inspector General of Police. Sometimes, if there was specific information and an operational need, they could be directly involved." (FCO October 2009 report) **[15m] (paragraph 2.1)**

"The representative of the Swiss Embassy in Colombo had not seen specific statistics on cordon and search operations but stated that all kinds of arrests and detentions were taking place, including cordon and search operations at lodges and in Tamil areas, as well as more targeted operations based on specific information. The Swiss representative added that the cordon and search operations had reduced since the end of the war." **[15m] (paragraph 2.4)**

"The representative from Centre for Policy Alternatives (CPA) had not heard of any arrests. However, they were aware that in some areas of low-income Tamil residence, such as Wellawatte and Kotahena, there were operations once or twice a week. In other areas, such operations were less frequent; but every day, somewhere in Colombo was raided. In general, cordon and search operations were 'easing off' but still happened." **[15m] (paragraph 2.8)**

"The former Chief Justice, Sarath Silva, said that cordon and search operations had been around for a very long time. Compared to previous years, such operations were less frequent than before. Until six months ago, when he was still Chief Justice, there were approximately 1,200 people in detention under the Emergency Regulations and the PTA, including those detained in Boosa detention centre. [Boosa detention centre is located in the southern district of Galle. Hundreds arrested under the Emergency Regulations (ERs) throughout the county are reported to be held there, frequently without being charged.] Former Chief Justice Silva said that most detainees were kept in Colombo, where Welikada prison had a separate section to accommodate them." **[15m] (paragraphs 2.9-2.10)**

"Professor Wijesinha [Secretary Ministry of Disaster Management & Human Rights - the government department with responsibility for protecting human rights in Sri Lanka] said that recently there had been no complaints about cordon and search operations, but there were some in the past. He was not aware of the total number of people arrested/detained in such operations. In the past, the evidence suggested that a lot of people were questioned during such operations, but released on the day itself or shortly thereafter. He said they used to keep track of such incidents in the past when there had been some large-scale operations (e.g. 2007) and had to look into complaints related to those. Such large-scale operations had not been seen in recent years." (FCO October 2009 report) **[15m] (paragraph 2.8)**

8.25 In reply to the question on how many of those arrested during cordon and search operations were Tamils "Mano Ganesan MP said that there were 360 Tamil prisoners detained around the country under the Emergency Regulations (ERs) and Prevention of Terrorism Act (PTA)." (FCO October 2009 report) **[15m] (paragraph 2.24)**

8.26 The FCO October 2009 report also stated:

"Maj. Gen. Silva said that since the end of the conflict, the number of persons remanded under the ERs/PTA had reduced. Currently, there were in total around 600 people detained nationwide under the ERs and the PTA. The number of those convicted was minimal. They were almost exclusively held in remand prisons, mostly within the Colombo district. People could be kept on remand depending on the accusations. There were a few people who had been kept on remand for over two years...Magistrates decided where people should be sent." (FCO October 2009 report) **[15m] (paragraph 2.52)**

See also Section 13: Prison conditions

8.27 With regards to the issue of charges against those detained during cordon and search operations:

"The representative of the Swiss Embassy in Colombo said that suspects were charged on 'suspicion of terrorist activities' and held under detention orders (DO) of either one of the various emergency regulations or under the Prevention of Terrorism Act." (FCO October 2009 report) **[15m] (paragraph 2.33)**

"The representative from CPA said that it was mixed. With some you see documentation from the police or Courts, others not. Some people were detained for 3 months without receiving any documentation and even their lawyers did not know why they were detained. Actual charges could be 'on suspicion' or 'aiding and abetting', but often they did not specify 'of what', or 'who'. Just 'being suspicious' was covered by a special section under the Emergency Regulations (ERs)." (FCO October 2009 report) **[15m] (paragraph 2.34)**

"The former Chief Justice, Sarath Silva, stated that most were arrested and detained 'on suspicion' (which is a specific category mentioned in the Emergency Regulations). Very few of them would have been charged." (FCO October 2009 report) **[15m] (paragraph 2.35)**

"Staff of a non-governmental organisation said that people were usually remanded and held without charge. Professor Wijesinha stated that a lot of them were not charged... Mano Ganesan MP said that some people were just detained at police stations and were never charged. Some were sent to detention camps managed by paramilitary groups." (FCO October 2009 report) **[15m] (2.36-2.38)**

8.28 The FCO October 2009 report also dealt with the issue of how long those detained during cordon and search operations were held and noted:

"The senior intelligence official stated that people were held a maximum of 72 hours; then they were produced to court. If there was a detention order issued by the MOD they could normally be detained for 3 months. It could go to court but this depended on the grounds of the case." **[15m] (paragraph 2.39)**

"The Human Rights Activist said that he had no recent (since June 2009) examples, but that in the past some people were kept for 2-3 hours or overnight, some for up to three months. There had been people detained in the past, still held after more than ten years, without any charges...Cases of quick release were normally based on personal connections, bribes or more regular methods such as clearance from the police in the area of origin. Sometimes such a clearance could be obtained with a bribe." **[15m] (paragraph 2.40)**

"The representative of the Swiss Embassy in Colombo said that people were usually held for between 24 hours and three days by the police, then either released or sent to TID, CID, Boosa and other prisons." **[15m] (paragraph 2.41)**

"CPA said that it depended on the type of case. If a detainee obtained legal representation as soon as possible, they were more likely to be released. Others remain detained, were moved around and remained in custody longer." **[15m] (paragraph 2.42)**

"Mano Ganesan MP said that persons were detained for long periods of time without their cases being heard. There were over 1,500 held at Boosa

detention centre who were not entitled to bail, rehabilitation or amnesty. Some had been held for over seven years." **[15m] (paragraph 2.45)**

See also Section 28: Freedom of Movement

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Disappearances/Abductions

Please note that the information below refers not only to the police but also to the security forces in general

8.29 The US State Department (USSD), *Country Reports on Human Rights Practices 2009*, Sri Lanka, issued on 11 March 2010 (USSD 2009) noted that:

"Disappearances continued to be a significant problem, but declined from previous years, in particular after the end of the war. Reliable statistics on the number of disappearances were difficult to obtain, but estimates from some sources ranged from 300 to 400, with the majority occurring in the north and east. Government reports on disappearances often claimed that most cases actually involved persons who had left the country for foreign employment and had not informed family members; however, civil society organizations disputed this interpretation.

"During the year [2009] the government did not publish any investigations into past disappearances aside from releasing some statistics, nor did it indict or convict anyone of involvement in disappearance-related cases. There were several high profile disappearances during the year. On May 7 [2009], four persons in a white van and wearing SLA uniforms abducted Stephen Suntharaj, project manager at the Center for Human Rights and Development. Suntharaj had been held by police with no charges since February and had just been released by the courts, which had ruled that there was no evidence upon which to charge him with a crime. Suntharaj's wife received ransom demands in the weeks after his abduction, but she was not able to win his release and received no further word about her husband." **[2b] (Section 1b)**

8.30 The Foreign and Commonwealth Office *Human Rights Annual Report 2009 - Countries of Concern: Sri Lanka*, March 2010 reported that:

"Reports of abductions and disappearances of civilians continued throughout 2009. In the vast majority of cases the reported victims are Tamil civilians. There have been persistent allegations of Sri Lankan security-force involvement. Mr Vidyatharan, editor of a Tamil newspaper, was arrested in February [2009] at a family funeral in a manner that led his family initially to report the incident as an abduction. A Tamil human rights defender was abducted at gunpoint within hours of the courts releasing him from police custody in May. A Sinhalese student was abducted, tortured and subsequently released in August following a dispute with the son of a senior police officer. Although fewer in number, reports of abductions have continued throughout the latter stages of the year." **[15r] (Disappearances and Abductions)**

8.31 The Amnesty International *Annual Report 2010*, Sri Lanka (covering events from January – December 2009), released on 28 May 2010 observed that "The government continued to carry out enforced disappearances as part of its counter-insurgency strategy. Enforced disappearances were reported in many parts of the country, particularly in northern and eastern Sri Lanka and in Colombo." **[3c]**

8.32 The International Crisis Group (ICG) report '*Sri Lanka: A Bitter Peace*', 11 January 2010, observed that "Disappearances and abductions – whether for ransom or to target those suspected of working with the LTTE – are much less frequent than in 2006-2008, though there have been reports of such cases since the war's end, primarily from the Northern and Eastern Provinces." **[76b] (p18)**

8.33 The European Commission '*Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka*' (the EU report of October 2009), 19 October 2009, observed:

"Sri Lanka has among the highest number of disappearances in the world since 2006. The numbers provided for disappearances vary between different organisations but all reports agree that the number of disappearances is substantial. The UN High Commissioner for Human Rights has stated that some 1500 persons disappeared between December 2005 and December 2007. Human Rights Watch has reported 1000 cases of disappearances were reported to the NHRC in 2006 and over 300 in the first four months of 2007. In June 2008, the UN Working Group on Enforced and Involuntary Disappearances noted that it had sent 22 urgent actions to the Sri Lankan Government in the previous two months alone and that both women and humanitarian aid workers were being targeted. The former Sri Lankan Minister of Foreign Affairs Mangala Samaraweera in January 2007 was quoted in several news agencies stating that a person was abducted in Sri Lanka every five hours. The figures made available in November 2008 by Judge Tillekeratne, Chairman of the Presidential Commission on Disappearances, showed that 886 persons disappeared in less than 12 months." **[24a] (62)**

"Reports indicate that in a significant number of cases individuals who initially disappeared were subsequently discovered in state detention. This strongly suggests that the state was implicated in their original disappearance. The UN Working Group on Enforced and Involuntary Disappearances has found that the Sri Lankan army, the police and the TVMP/Karuna group were responsible for many of the disappearances between November 2006 and November 2007. The report noted a growing culture of impunity enjoyed by members of the security forces and pro-government armed groups who perpetrated enforced disappearances as the government took no steps to combat the problem. Disappearances appear to be part of the Government's counter-insurgency strategy." **[24a] (63)**

8.34 Detailed information on abductions and disappearances between June and August 2009 is also available from the *Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009*, dated 22 October 2009 (FCO October 2009 report). The report observed:

"Most sources agreed that there had been few if any abductions / disappearances since June 2009. None were able to provide much

information about the profile of Tamils targeted for abduction, though cases of journalists were mentioned.

"Sources agreed that abductions were carried out both for ransom and for political reasons. There was wide agreement among non-government sources that the security forces had some involvement in most cases, and that the police did not carry out meaningful investigations." **[15m] (Executive Summary, Abductions and disappearances since June 2009)**

8.35 The FCO October 2009 report stated in particular that:

"The Human Rights Activist said his impression was that abductions for ransom were usually carried out by individuals who had connections with the security forces, not with their full involvement, but complicity in letting them happen or pass through checkpoints. Politically motivated disappearances happened with the full complicity of the authorities." **[15m] (paragraph 3.24)**

"The UNHCR Protection Officer said that in the past there were reports of 'white van' disappearances in Colombo, but not in recent months." **[15m] paragraph (3.26)**

"The former Chief Justice, Sarath Silva, said that the perpetrators were in general somehow related to the security forces and the police. There was impunity and a lack of accountability." **[15m] (paragraph 3.27)**

"Staff of a non-governmental organisation said that they thought that the perpetrators were part of the state apparatus and acted under the pretext of counter terrorism." **[15m] (paragraph 3.28)**

"Mano Ganesan MP said that many people who had disappeared turned up in police stations." "Professor Wijesinha [Secretary of the Ministry of Disaster Management & Human Rights] said that it had occurred in just a couple of cases." **[15m] (paragraphs 3.37-3.38)**

"The former Chief Justice, Sarath Silva, said that the police did not investigate such incidents and there had been no prosecutions." **[15m] (paragraph 3.44)**

"Mano Ganesan MP opined that the police did not investigate because they knew that the perpetrators may be part of their own units." **[15m] (paragraph 3.47)**

See also Section 8 on Police abuses: investigations and prosecutions

8.36 On 31 July 2010 TamilNet reported that:

"Sri Lanka police have received 101 complaints of abductions since January to the end of July in various parts of Sri Lanka and 93 of them are related to ransom demands, SL police spokesman Preshantha Jayakody told media in Colombo. The highest number of complaints was in Colombo Central and South and 60 abducted persons related to 63 complaints had been traced so far, he said." **[38f]**

8.37 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2009 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2004 – 2008, (undated, website accessed on 20 September 2010) recorded that in

2008 there were in total 1,239 cases of abduction/kidnapping . The figures for 2005; 2006 and 2007 were respectively: 953; 1,190 and 1,229. **[58d]**

See also Section 8 on Avenues of complaint and on Police abuses: investigations and prosecutions and Section 10: Abuses by non-government armed forces – Paramiltary groups

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Torture

Please note that the information below refers not only to the police but also to the security forces in general

8.38 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka*' (the EU report of October 2009), 19 October 2009, observed:

"Sri Lanka's Constitution proscribes 'torture or … cruel, inhuman or degrading treatment or punishment' (Art. 11). Sri Lanka also has various domestic laws to prevent and criminalize torture. In relation to the implementation of the CAT, Sri Lanka has adopted the 1994 Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment Act ('CAT Act') whose objective is to transpose the CAT into domestic law. Although in general the Constitution and the CAT Act incorporate the CAT in domestic legislation, several weaknesses have been identified. In particular, the Code of Criminal Procedure lacks several safeguards against torture, such as the right of a person arrested and held in custody to inform a family member of the arrest and the right of access to a lawyer and/or a doctor of his choice. The Code of Criminal Procedure also does not specify the interrogation conditions. The absence of an effective ex officio investigation mechanism in accordance with article 12 of the CAT is another weakness. Furthermore, under the emergency regulations, many of the safeguards against torture contained in the Code of Criminal Procedure do not apply, which has led to a situation in which torture becomes a routine practice in the context of counterterrorism operations. The non-applicability of important legal safeguards in the context of counter-terrorism measures, as well as excessively prolonged police detention, opens up the doors for abuse. While a significant number of indictments for torture have been brought under the CAT Act, the majority of prosecutions have been inconclusive." **[24a] (26)**

See also Section 10: Abuses by non-government armed forces – Paramiltary groups; Section 12: Arrest and detention – legal rights, Emergency Regulations

8.39 The EU report of October 2009 further noted that:

"International reports indicate continual and well-documented allegations of widespread torture and ill-treatment committed by State forces (police and military) particularly in situations of detention. The UN Special Rapporteur on Torture has expressed shock at the severity of the torture employed by the army, which includes burning with soldering irons and suspension of detainees by their thumbs. The UN Special Rapporteur on Extra-Judicial Killings has

noted that the majority of deaths as a result of torture at the hands of the police are not caused by 'rogue' police officers but by ordinary officers taking part in an established routine. There are particularly widespread allegations of torture and CIDT [cruel inhuman degrading treatment] in and near recent conflict zones. The allegations include claims of sexual assault and rape in IDP camps. Government officials have recognized that torture by police and security forces is widespread, although the GOSL denies that torture is widespread but 'is only occasionally resorted to by over-zealous investigative personnel…'" **[24a] (paragraphs 44-45)**

"There are consistent reports that allegations of torture or CIDT are not promptly or impartially investigated. Detainees and other victims are reluctant to report incidents of torture or CIDT to the authorities due to intimidation by police officers and threats of further violence. Medical examination of persons who complain of torture is wholly inadequate." **[24a] (paragraph 46)**

"Many of the protections against torture contained in domestic laws do not apply in cases of detention under the emergency legislation. The emergency legislation authorizes detention in a much wider range of circumstances than the law normally applicable. The emergency legislation allows security forces to hold suspects for up to one year under 'preventive detention' orders issued by the Secretary of the Ministry of Defence without complying with the procedural safeguards for detainees provided in the Criminal Procedure Code. Although involuntary confessions are not admissible in evidence, the onus of proving that the confession was involuntary rests on the person alleging torture." **[24a] (paragraph 47)**

See also Section 12: Arrest and detention – legal rights, Emergency Regulations

8.40 The ICG report *Sri Lanka's Judiciary: Politicised courts, compromised rights*, 30 June 2009 observed:

"Police are responsible for arrests and prosecutions of minor criminal offences. Most torture occurs in police custody immediately after the initial arrest. Police engage in torture, in part, because they lack the basic tools necessary to investigate effectively. For unskilled but ambitious officers, torture leading to confessions is perceived as the easiest road to promotion. Torture also disproportionately affects the poor. Given its pervasiveness in police custody, when and how a prisoner can secure bail is especially important." **[76c] (p17)**

See also Section 12 on Bail/Reporting conditions

8.41 The USSD report 2009 noted:

"The law makes torture a punishable offense and mandates a sentence of not less than seven years' imprisonment. Human rights groups alleged that some security forces believed torture to be allowed under specific circumstances. Following a 2007 visit, UN Special Rapporteur (UNSR) on Torture Manfred Nowak concluded that "torture is widely practiced in Sri Lanka." No accurate, publicly released statistics on reported torture cases were available." **[2b] (Section 1c)**

8.42 The USSD report 2009 continued:

"Civil society groups and former prisoners reported on several torture cases. For example, former detainees of the Terrorist Investigation Division (TID) at Boosa Prison in Galle confirmed earlier reports of torture methods used there. These included beatings, often with cricket bats, iron bars, or rubber hoses filled with sand; electric shock; suspending individuals by the wrists or feet in contorted positions, abrading knees across rough cement; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper mixed with gasoline; and near-drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment.

"In the east and conflict-affected north, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions reportedly were followed by interrogations that frequently included torture. There were cases reported of detainees being released with a warning not to reveal information about their arrests and threatened with rearrest or death if they divulged information about their detention. There were also reports of secret government facilities where suspected LTTE sympathizers were taken, tortured, and often killed." **[2b] (Section 1d)**

8.43 On 19 September 2010 TamilNet reported that:

"The Terrorism Investigation Division (TID) of Sri Lanka government continues to torture hundreds of Tamil youths arrested and detained under the Prevention of Terrorism Act (PTA) without trial, a journalist who had met the detainees said, under conditions of anonymity.

"The TID men attack the detainees blindly using iron rods, cricket bat and batons besides squeezing their testicles. Videos of detainees being killed and tortured are shown by the TID men to terrorize the detained youths." **[38g]**

8.44 On 9 April 2009, the Medical Foundation (MF) for the Care of Victims of Torture reported on people who had fled torture in Sri Lanka and referred to cases of ill-treatment carried out by the government's security forces and the LTTE.

"People fleeing the violent conflict in Sri Lanka are presenting with increasingly pronounced scars as a result of torture, with a significant number having been persecuted in ways not previously seen by doctors at the Medical Foundation for the Care of Victims of Torture… Dr John Joyce, who has worked with clients at the MF for ten years, said: 'While we have historically seen a number of Sri Lankan torture victims each year, it is worrying that the severity of the torture methods now being used is increasing, with highly visible scars now becoming a common pattern.' Evidence based on the cases of torture survivors referred to the MF in recent months suggests that torture and persecution remains a constant threat…In other notable cases, people were burned on the legs, on the back and on the wrists. A number reported being beaten unconscious, with one presenting with symptoms of epilepsy. Many of

the clients were scarred on various parts of their bodies as a result of being burnt with cigarettes. Sexual abuse and rape was also common.

"The patterns emerging from the Sri Lankan clients examined in the past year echo a persistent trend in the number of survivors seeking help with the MF and in the symptoms they are presenting with. In 2008, the MF received 187 referrals of Sri Lankan men and women, which represents a marked increased compared with 137 referrals in 2007 and 80 in 2006." **[40b]**

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Extra-judicial killings

Please note that the information below refers not only to the police but also to the security forces in general

8.45 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed:

"Unlawful killings perpetrated by soldiers, police and paramilitary groups with ties to the Government, have been a persistent problem in Sri Lanka. According to reports, many killings and disappearances of civilians have been carried out against persons suspected of being informants for, or collaborators with, the LTTE. The army assisted by pro-government Tamil paramilitaries, reportedly engaged in a deliberate policy of extra-judicial killings against those they considered to be supportive of the LTTE... Reports from a wide range of sources indicate that the overall number of extrajudicial killings increased dramatically between 2006 and 2008...Reports also indicate that the police have engaged in summary executions. Several persons have been shot in police custody, while others have died as a result of torture" **[24a] (paragraphs 34-35)**

8.46 The USSD 2009 report noted that:

"There were numerous reports that the government or its agents committed arbitrary or unlawful killings, but reliable statistics on such killings by the government, its paramilitary allies, and the LTTE were difficult to obtain because past complainants were killed and families feared reprisals if they filed complaints...

"Police or other security forces killed several detained suspects. For example, on August 13 [2009], police arrested M.B. Dinesh Tharanga Fernando and Dhanushka Udayanga Aponsu in Angulana. No formal charges were filed and the men's relatives were not allowed to see them. Their bodies were found the following morning with fatal gunshot wounds. The Mount Lavinia district magistrate ordered an investigation by the Criminal Investigation Division, and the government took nine members of the Angulana police force into custody as suspects.

"According to official accounts, other deaths occurred when security forces took the suspects to the scenes of their alleged crimes, and shot and killed them while they allegedly were trying to escape. On March 13 [2009], six persons were arrested in connection with the killing of a schoolgirl in the

Trincomalee area. Police reported that two of the six were killed in the jungle near Kanniya by LTTE forces; the police shot and killed one person who tried to escape as he was being transferred to court; and a fourth suspect died in police custody.." **[2b] (Section 1a)**

8.47 The Amnesty International *Annual Report 2010*, Sri Lanka (covering events from January – December 2009), released on 28 May 2010 (AI 2010 report), observed that "Police killings of criminal suspects escalated after President Mahinda Rajapaksa ordered a crackdown on underworld activity in July. At least five alleged gang leaders were abducted and killed in July [2009] alone." **[3c]**

8.48 The International Crisis Group (ICG) report '*Sri Lanka: A Bitter Peace*', 11 January 2010, recorded:

"The murder of two young Sinhala men in police custody in the southern town of Angulana in July 2009 led to public outrage. So too did a video of a mentally ill Tamil man being beaten to death by police in Colombo in October 2009. There has been a string of extrajudicial killings of 'underworld' leaders alleged to have links to politicians. The government admitted in parliament that 32 people died while in police custody in the first nine months of 2009" **[76b] (p19)**

See also Section 4: Recent Developments; Section 8 on Avenues of complaint ; Section 8 on Police abuses: investigations and prosecutions and Section 10 on Abuses by non-government armed forces

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ARMED FORCES

8.49 In November 2007 "the armed forces totalled 150,900 (including recalled reservists): army 117,900, navy 15,000, air force 18,000. There were also paramilitary forces of around 88,600 (including 13,000 Home Guard, an estimated 15,000 National Guard and a 3,000-strong anti-guerrilla unit". (Europa World Online, Defence accessed on 13 January 2010) **[1a]**

8.50 As noted in Jane's *Sentinel Country Risk Assessments*, Country Report, Sri Lanka, Army, updated 22 July 2009, with regard to the army):

"Several factors have adversely affected motivation, commitment and professionalism in the army. Foremost among these is that the overwhelming majority of personnel in the lower ranks are from the lowest income strata of society whose enlistment is due largely to their inability to find other employment. There has never been an indoctrination of an ideological fervour comparable in intensity and effect to the ethno-nationalist indoctrination of its cadres by the Tamil Tiger leadership. There is certainly no impulse for the soldiers to die as martyrs, emulating the suicide bombers among the Tigers. There has hardly ever been a risk of punishment for deserters. Instead, some of them prosper by engaging in crime, often under the patronage and protection of politicians. There is a sense of frustration and cynicism generated by the waywardness of military policy and the corruption that is believed to prevail both at the higher levels of the army hierarchy as well as

among the politicians and other civilians who control policy matters. Factionalism in the officer corps is also not without ill-effects on morale.

"Recruiting is conducted solely from the Sinhalese community. Given the economic circumstances of the country, much affected by the insurgency, there appears little shortage of recruits, although standards are low. Retention, however, is a problem, and absence without leave/desertion rates are high." **[5a])**

Arbitrary arrest and detention

8.51 See Section 8 on Police, Arbitrary arrest and detention since many reports refer to 'security forces' in general

Torture

8.52 See Section 8 on Police, Torture since many reports refer to 'security forces' in general

Extra-judicial killings

8.53 See Section 8 on Police, Extra-judicial killings since many reports refer to 'security forces' in general

AVENUES OF COMPLAINT

8.54 The USSD report 2009 observed that:

"There was no independent authority to investigate complaints. Senior officials in the police force handled complaints against the police…Impunity, particularly for cases of alleged police torture and the disappearances of civilians within High Security Zones (HSZs), was a serious problem, as was corruption. A 2007 Asian Human Rights Commission assessment cited the government's tolerance of pervasive corruption as a major reason for the police force's incapacity to investigate and prosecute cases effectively." **[2b] (Section 1d)**

8.55 The same report added that:

"Citizens were allowed to file fundamental rights cases to seek redress of human rights violations. The judiciary exhibited some independence and impartiality in adjudicating these types of cases, and plaintiffs were awarded damages in a number of instances. Observers cited bureaucratic inefficiencies in this system, leading to delays in the resolution of many cases, and cases filed by persons suspected of having ties to the LTTE appeared to be subject to delays much more frequently. Where damages were awarded, there were relatively few problems in enforcing the court orders." **[2b] (Section 1d)**

8.56 The Amnesty International 2010 report noted that "Investigations into human rights violations by the military and police stalled. Court cases did not proceed as witnesses refused to come forward for fear of reprisals. People suspected of committing human rights violations continued to hold responsible positions in government." **[3c]**

8.57 The HRW World Report 2010 (covering events of 2009), released on 20 January 2010 noted that "As in the past, rights violators enjoyed near-complete impunity." **[21b] (Introduction)**

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Police abuses: investigations and prosecutions

8.58 The Amnesty International report *'Twenty years of make-believe - Sri Lanka's commissions of inquiry'*, released on 11 June 2009 observed:

"Impunity has long been the rule in this country where violations of international human rights law and international humanitarian law are concerned, because successive governments wanted it that way... State agents have intervened directly in some cases to eliminate witnesses through bribes, threats, harassment, intimidation and violence, including murder, to discourage police investigations, and to mislead the public. Officials and other influential people have taken full advantage of significant flaws and inefficiencies in Sri Lanka's justice system to prevent prosecutions. Lack of consistent recognition by the courts of the principle of 'command responsibility' ...has greatly exacerbated the problem by allowing those with the most influence and seniority to misuse their powers and take advantage of flaws in the existing system." **[3f] (p1-2)**

8.59 The Freedom House *Freedom in the World 2010,* Country report, Sri Lanka, released on 1 June 2010, noted that "Most past human rights abuses are not aggressively prosecuted, while victims and witnesses are inadequately protected, contributing to a climate of almost complete impunity." **[46c] (Political Rights and Civil Liberties)**

8.60 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed:

"The Attorney General is the principal official responsible for authorising prosecutions concerning serious offences and enjoys wide prosecutorial discretion. The independence and impartiality of the Attorney General are particularly important in Sri Lanka given his extensive powers, obligations and duties in criminal proceedings, including investigations into allegations of serious human rights violations committed by the State. The manner in which the current Attorney General was appointed in disregard of the 17th Amendment raises questions about his independence and impartiality. Reports indicate that the Attorney General's Department does not vigorously prosecute cases involving serious human rights violations." **[24a] (paragraph 30)**

8.61 The USSD 2009 report observed that "During the year there were no indications or public reports that civilian or military courts convicted any military, police, or paramilitary members for human rights abuses. In some cases the military turned over military members to the civilian judicial system for processing." **[2b] (Introduction)**.

8.62 The USSD 2009 report also observed:

"In cases when security force personnel were alleged to have committed human rights abuses, the government generally did not seek to identify those

responsible or bring them to justice. Case law generally failed to uphold the doctrine of command responsibility for human rights abuses. Human rights organizations noted that some judges appeared hesitant to convict on cases of torture because of a seven-year minimum mandatory sentence with no room for issues of severity or duress." **[2b] (Section 1d)**

8.63 On 15 August 2009, TamilNet reported that Mount Lavinia Chief Magistrate had "ordered remand for five police officers including the Officer–in-Charge (OIC) of the Angulana Police Post until the 26th of August over the death of two youths from Angulana who were in police custody." **[38af]**. On 17 August 2009, the same source reported that the Kaduwala Magistrate had ordered remand until 31 August for eleven police personnel who had been allegedly involved in assaulting a student. It noted, however, that the main suspect, (the son of a Senior Superintendent of Police) had not been produced in court along with other eleven suspects including three inspectors, one police sergeant and seven constables. **[38ag]**

8.64 On 1 November 2009 the *Sunday Observer* reported that CCD (Colombo Crime Division) had arrested the suspect policeman seen in a video beating a mentally ill person and letting him drown on 29 October 2009. The policeman would be produced in court following an inquiry and the police was reported "considering disciplinary action against the Chief Inspector, an Inspector and a Sub Inspector who were present at the scene for failing to prevent the enraged Constable from beating the victim, who died as a result of drowning." **[16c]**

8.65 On 26 May 2010 the *Daily Mirror* (Sri Lanka) reported that:

"Three police officers have been interdicted over the suspicious death of a youth under police custody on Monday, Police Spokesperson S.P. Preshantha Jayakody told Daily Mirror online. The youth had died while in custody of the Kottawa Police.

"S.P. Jayakody said that a police sub inspector and two constables had been interdicted and a special police team had been appointed to investigate the death of the youth despite the Kottawa Police maintaining that he had died after suffering a heart attack." **[11h]**

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Human Rights Commission of Sri Lanka (HRCSL)

The website of the HRCSL provides background: http://www.hrcsl.lk/

8.66 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed:

"The National Human Rights Commission (NHRC) of Sri Lanka is an independent commission, which was set up to promote and protect human rights in the country. Its main duties are to inquire into, and to investigate, complaints regarding procedures, to ensure compliance with the provisions relating to fundamental rights as guaranteed under the Constitution and to promote respect for, and observance of, fundamental rights. The NHRC also is mandated to inquire into and investigate complaints regarding infringements

of fundamental rights and to provide for resolution thereof by conciliation and mediation in accordance with the provisions of the NHRC Act. The NHRC lacks the capacity to conduct detailed criminal investigations and is not adequately funded and resourced. Both the Bar and academics are unanimous that the NHRC does not have the will or power to address the more serious human rights issues. The Government has announced its intention to increase the powers of the NHRC. In October 2007, the Sub-Committee on accreditation of the International Co-ordinating Committee (ICC) of National Human Rights Institutions took the decision to downgrade the NHRC from 'A' to observer 'B' status (not fully compliant with Paris Principles) due to two primary concerns: (1) it was not clear that the appointment of Commissioners was in compliance with the Paris Principles; and (2) in practice, it was not clear that the NHRC remained balanced, objective and apolitical, particularly with regards to the discontinuation of follow-up to 2,000 cases of disappearances in July 2006. This decision confirmed the inadequacy of the NHRC in fulfilling its important mandate." **[24a] (paragraph 33)**

8.67 The USSD 2009 report noted that:

"By statute the Sri Lanka Human Rights Commission (SLHRC) had wide powers and resources and could not be called as a witness in any court of law or be sued for matters relating to its official duties. However, in practice the SLHRC rarely used its powers. The SLHRC did not have enough staff or resources to process its caseload of pending complaints, and it did not enjoy the full cooperation of the government. From January to September [2009], 116 cases were reported to the SLHRC Jaffna Branch. While all the cases underwent an initial investigation, by October only 11 cases were resolved, and the remaining 105 were pending. The SLHRC had a tribunal-like approach to investigations and declined to undertake preliminary inquires in the manner of a criminal investigator. In 2007 the International Coordinating Committee of National Human Rights Institutions downgraded the SLHRC to observer status, citing government interference in the work of the SLHRC." **[2b] (Section 5)**

8.68 The Foreign and Commonwealth Office 'Human Rights Annual Report 2009 - Countries of Concern: Sri Lanka', March 2010 commented that "The Sri Lankan Human Rights Commission – the state-run body tasked with monitoring and reporting on human rights violations is not politically or financially independent. As a result, the UN has reduced its official assessment of its effectiveness." **[15r] (Introduction)**

8.69 On 27 August 2010 the *Daily Mirror* (Sri Lanka) reported that:

"More than 5,500 cases are pending before the Sri Lanka Human Rights Commission (SLHRC) in Colombo and regional offices islandwide due to the non-appointment of the Commissioners since April 2009. Human Rights Commission Secretary Chandra Ellawala told the Daily Mirror yesterday that they had received nearly 7500 complaints from January 2010. The Daily Mirror learns after a period of 14 months not a single commissioner was appointed… Meanwhile, the office of the Chairman of the Sri Lanka Human Rights Commission is also vacant." **[11k]**

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Ad hoc commissions of inquiry

8.70 The EU report of October 2009 observed that "The use in Sri Lanka of Commissions of Inquiry (CoI) has been widely criticized because it represents an ad hoc response to a series of particularly shocking incidents which has tended to shift attention away from the deficiencies in the normal institutions devoted to the protection of human rights." **[24a] (34)**

8.71 The Amnesty International report *'Twenty years of make-believe - Sri Lanka's commissions of inquiry',* released on 11 June 2009 noted:

"The failure of the formal justice system to check grave violations of human rights has been a focus of domestic and international pressure on the Sri Lankan government for decades. That pressure has sometimes led the government to appoint ad hoc commissions of inquiry to look into particularly high profile cases. These have proved equally ineffective in combating impunity... Commissions of Inquiry have not worked as mechanisms of justice in Sri Lanka. Presidential Commissions have proved to be little more than tools to launch partisan attacks against opponents or to deflect criticism when the state has been faced with overwhelming evidence of its complicity in human rights violations." **[3f] (p2-3)**

See also Section 4 on Commission on Lessons Learnt & Reconciliation (LLRC)

Presidential Commission of Inquiry to investigate and inquire into serious violations of human rights

8.72 The Foreign & Commonwealth Office (FCO) country profile of Sri Lanka (last reviewed on 6 May 2010) recorded:

"In Autumn 2006 President Rajapakse announced the establishment of a special Commission of Inquiry (CoI) into the most egregious allegations of human rights abuses in Sri Lanka over the preceding 12 months. The President mandated that a parallel group, the Independent International Group of Eminent Persons (IIGEP), should also be created with a remit to oversee the work of the CoI and ensure compliance with international norms. The IIGEP withdrew from Sri Lanka in 2008, citing a lack of co-operation from the Government. The CoI has now submitted its final report to the President, which set out the results of its investigations into just over half of the cases assigned to it. There has not yet been any follow up." **[15j] (Human Rights)**

8.73 The FCO county profile continued:

"In October 2008, the European Commission launched an investigation into Sri Lanka's implementation of three UN conventions. GSP+ is an EU incentive scheme for vulnerable countries that adhere to human rights conventions, labour rights, environment and good governance. The European Commission released its report in October 2009, which highlighted failings in Sri Lanka's implementation of the International Covenant on Civil and Political Rights, the Convention against torture and other cruel, inhuman or degrading treatment or punishment and the Convention on the Rights of the Child. On 15 December 2009, the European Commission released its formal proposal recommending

the withdrawal of GSP+ benefits from Sri Lanka. On 15 February 2010, the EU voted to temporarily suspend Sri Lanka from the GSP+ scheme, which will take effect in August 2010.

"On 27 October 2009, the EU expressed its concern about reports of severe harassment of journalists, restrictions on freedom of the press and freedom of expression in Sri Lanka." **[15j] (Human Rights)**

8.74 A press release issued by Amnesty International on 17 June 2009 stated:

"The Presidential Commission of Inquiry, established to look into serious violations of human rights committed since 2006, was disbanded on Sunday [14 June 2009]. The Commission of Inquiry was unable to complete its mandate as no extensions were granted. Of the 16 cases referred, only seven were investigated with reports on five finalized. Not a single one resulted in any justice.

"On 16 June, a former High Court Judge Mahanama Thilakaratne, expressed his concern about the lack of independent police investigations into some cases investigated by the Commission of Inquiry." **[3j]**

See also Section 8 on Police, Disappearances/Abductions, Section 8 on Extra-judicial killings and Section 17: Human Rights institutions, organisations and activists

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Witness protection

8.75 The Amnesty International report *'Twenty years of make-believe - Sri Lanka's commissions of inquiry'*, released on 11 June 2009 noted:

"Sri Lanka has no witness protection programme. The lack of effective protection for witnesses against intimidation has been a very serious obstacle to prosecution of human rights cases, and obstructs the work of the Commission of Inquiry by inhibiting witnesses and potential whistleblowers...A bill to establish a rudimentary witness protection system in Sri Lanka has been stalled since June 2006...repeated delays in the legislative process suggest a lack of political will in effectively addressing witness protection." **[3f] (p29-30)**

8.76 The USSD 2009 report recorded that "At year's [2009] end, there was no functioning witness protection program." **[2b] (Section 1d)** while the Foreign and Commonwealth Office *Human Rights Annual Report 2009 - Countries of Concern: Sri Lanka*, March 2010 observed that "Witness and victim protection is rudimentary and there are credible reports that witnesses to crimes allegedly committed by the security forces have been killed or threatened to prevent them giving evidence." **[15r] (Introduction)**

See also Section Section 8 on Police, Ad hoc commissions of inquiry

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9. MILITARY SERVICE

9.01 The Coalition to Stop the Use of Child Soldiers Child Soldiers Global Report 2008, Sri Lanka released on 20 May 2008 stated that:

"Enlistment of soldiers to the armed forces was voluntary, and governed by the Soldiers Enlistment Regulations of 1955. Enlistments were conducted as either 'recruits' or 'directly enlisted soldiers', at a minimum age of 18. All those who qualified for enlistment had to produce an authentic birth certificate… According to the 1985 Mobilization and Supplementary Forces Act, the National Cadet Corps was open to those over 16. It provided pre-military and civil training to students, but cadets could not be called to active service and were not members of the armed forces." **[61a] (Government)**

DESERTION

9.02 On 11 January 2009, the website TamilNet reported that:

"About two thousand deserted soldiers of the Sri Lanka Army (SLA) are currently serving jail sentence from three months to one year rigorous imprisonment in several prisons in the south of Sri Lanka, sentenced by Military Tribunal after trial. A further four thousand deserted soldiers are in custody, and soon they would be facing inquiry before military tribunal, media reports said quoting Commissioner General of Prisons Major General Vajira Gunawardene. Gunawadena added that prison authorities are now facing a major problem to find accommodation in prisons for the convicted deserters and future convicts." **[38b]**

9.03 On 15 September 2009 the *Daily Mirror* (Sri Lanka) reported that:

"More than 18,400 army and navy personnel who had deserted ranks before May 31 this year, have applied to receive an honourable discharge from service, the military said. Military Spokesman Brigadier Udaya Nanayakkara said that some 15,400 soldiers had deserted their ranks during the amnesty period. 'These deserters who came forward voluntarily during the amnesty period given by the army had been given an official discharge,' he said. He further stated that the amnesty period, that will end on September 24, had been extended until the September 30 to give more time for these deserters to come forward. Meanwhile, Navy yesterday said that more than 3000 navy deserters had also come forward during the amnesty period given by the navy, which ended on September 10…Currently; Air Force too [is] carrying out a programme to discharge its deserters… Statistics show that there are around 60,000 deserters from the three services in the country. The three forces repeatedly called those deserters to surrender to their respective forces during the war period, but the response was very poor." **[11b]**

9.04 On 4 November 2009 the *Daily News* reported that:

"The 136 officers and 4,855 other ranks of the Sri Lanka Army who were in Prison after deserting their posts prior to May 19, 2009 have been released under a special pardon, Parliament was told yesterday. Chief Government Whip and Urban Development and Sacred Area Development Minister Dinesh Gunawardena said that no person from the Navy and Air Force had been imprisoned due to deserting their posts." **[16b]**

9.05 The US State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) reported that: "The president granted amnesty to a number of military deserters on several occasions throughout the year, including more than 500 in June and more than 1,900 in July [2009]." **[2b] (Section 1d)**

See also Section 8: Armed Forces. For information about forced conscription by the LTTE see Section 10: Abuses by Non-Government Armed Forces; Forced conscription

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10. ABUSES BY NON-GOVERNMENT ARMED FORCES

10.01 The UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*, 5 July 2010, reported that:

"Acts reportedly committed by the parties to the armed conflict in Sri Lanka include, inter alia, abductions and disappearances, indiscriminate attacks on civilians, use of human shields, restrictions on freedom of movement, forced displacement, torture and other cruel, inhuman and degrading treatment, including rape, execution of prisoners of war, extrajudicial executions and forced recruitment for military service and/or labour, including recruitment of children.

"The LTTE and TMVP, as well as other armed groups in Sri Lanka were also reportedly engaged in various criminal activities, such as extortion, illegal taxation, prostitution, and smuggling of humans, arms and other contraband." **[6h] (p11-12)**

LIBERATION TIGERS OF TAMIL EELAM (LTTE/TAMIL TIGERS)

The LTTE ceased to be an effective military force in May 2009, see History: The defeat of the LTTE – May 2009.

10.02 The Freedom House report, *Freedom in the World 2010, Sri Lanka*, covering events in 2009, released on 1 June 2010 reported that:

"For many years, the LTTE effectively controlled 10 to 15 percent of Sri Lankan territory and operated a parallel administration that included schools, hospitals, courts, and law enforcement. It raised money through extortion, kidnapping, theft, and the seizure of property. The LTTE also imposed mandatory military and civil-defense training on civilians, and regularly engaged in summary executions, assassinations, disappearances, arbitrary detentions, torture, and the forcible conscription of children. The Tigers' leadership and territorial control were essentially eliminated by the end of the war in May 2009, though the possibility of terrorist attacks by any surviving fighters remained a concern." **[46c] (Political Rights and Civil Liberties)**

10.03 The Human Rights Watch (HRW) report '*Trapped and mistreated - LTTE abuses against civilians in the Vanni,'* published on 15 December 2008, noted:

"The LTTE, which has been fighting for an independent Tamil state—Tamil Eelam—has a deplorable human rights record. During the past 25 years it has committed innumerable murders of Sinhalese, Muslim, and Tamil civilians, political assassinations in Sri Lanka and abroad, and suicide bombings with high loss of life. The LTTE has frequently targeted civilians with bombs and remote-controlled landmines, killed perceived political opponents including many Tamil politicians, journalists, and members of rival organizations, and has forcibly recruited Tamils into its forces, many of them children. In the areas under its control, the LTTE has ruled through fear, denying basic freedoms of expression, association, assembly, and movement. During the current fighting, abuses have again mounted. In research conducted by Human Rights Watch in Sri Lanka from October through December 2008—including 5 interviews with eyewitnesses and humanitarian aid workers working in the north—we found extensive evidence of ongoing LTTE forced recruitment of civilians, widespread use of abusive forced labor, and improper and unjustified restrictions on civilians' freedom of movement." **[21e] (p3)**

10.04 The HRW document *Legal Limbo, The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*, released on 29 January 2010, observed that "As the LTTE retreated from government military advances, it forced civilians to retreat with it, effectively using them as human shields. The LTTE on numerous occasions fired on and killed civilians attempting to flee. The LTTE also continued its practice of forcibly recruiting civilians, including children under 18, into its forces or using them for dangerous military labor on the front lines." **[21a] (Summary)**

10.05 The US State Department (USSD), *Country Reports on Human Rights Practices 2009*, Sri Lanka, issued on 11 March 2010 (USSD 2009) added:

"In May [2009] the Sri Lankan Army (SLA) defeated the LTTE when the SLA captured all remaining LTTE-controlled territory and killed its leader, Velupillai Prabhakaran. During the final months of the war, the LTTE engaged in torture, arbitrary arrest, and detention; denied fair public trials; arbitrarily interfered with privacy; and denied freedoms of speech, press, assembly, and association. The LTTE prevented civilians under its control from crossing over to government-held territory by shooting and killing those attempting to escape. As the conflict intensified, the LTTE forcibly recruited both adults and children for combat and reportedly located mortars and other heavy weapons near or in civilian encampments, drawing government military fire in the process. Until its defeat in May, the LTTE continued to organize bomb attacks in areas that it did not control, particularly in the south, targeting military, political, and civilian persons and property" **[2b] 9Section 1g)**

10.06 The International Crisis Group (ICG) *War Crimes in Sri Lanka, Asia Report N°191*, dated 17 May 2010, observed:

"The evidence Crisis Group has collected also provides a strong basis for allegations of war crimes by the LTTE and its leadership. These alleged crimes are largely an extension of the rebels' long history of imposing controls on the Tamil civilian population in the areas they held, forcibly recruiting adults and children, and brutally repressing dissent. As the security forces continued to advance into the Vanni and demand that the LTTE allow civilians to cross into government-controlled areas, the Tigers tightened their hold on the population. Even when their military defeat was clear at the beginning of 2009,

they failed to take actions that could have protected civilians, such as agreeing to open a humanitarian corridor or attempting to negotiate a surrender." **[76d] (p24)**

10.07 The US State Department Country Reports on Terrorism 2009, released on 5 August 2010 stated that

"On a number of occasions after May [2009], the government announced the capture of suspected LTTE forces, often stating that those captured were intending to carry out violent attacks. Military and Sri Lankan Police Service personnel discovered large caches of weapons, ammunition, and military grade explosives that had been abandoned and left uncontrolled throughout the country. These items have been uncovered by government military forces, usually in the northern region most recently under LTTE control. The Sri Lankan Army remained deployed across the country once the war was over. Special Task Force (STF) police were deployed in the east, north, and in strategic locations in the west.

"In 2009, there were over 40 attacks attributed to the LTTE, including:

- "On January 2 [2009], a suicide bomber killed two people and injured 32 in an attack at the Air Force Admin Base less than two miles from the US Embassy in Colombo.
- On February 9, a female suicide bomber killed 30 people and injured 64 in an attack at a Mullaithivu IDP Rescue Center.
- On March 10, a suicide bomber killed 14 and injured 46 people after he blew himself up in a mosque in Matara during a religious procession.
- On April 20, a suicide bomber killed 17 people who were among thousands of Tamils fleeing the LTTE and who were seeking refuge with Sri Lankan military forces in Mullaithivu." **[2e] (Chapter 2, Country Reports: South and Central Asia Overview, Sri Lanka)**

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PARAMILITARY GROUPS

10.08 The USSD report 2009 observed that "While civilian authorities generally maintained effective control of the security forces, observers linked the government closely to paramilitary groups believed responsible for serious human rights violations." **[2b] (Introduction)** and added:

"During the year [2009] unknown actors suspected of association with paramilitary groups reportedly assisting government military forces committed numerous killings and assaults of civilians. These included the Tamil Makkal Viduthalai Pulikal (TMVP), led by breakaway-LTTE eastern commanders Vinayagamurthi Muralitharan, alias 'Karuna,' and Sivanesathurai Chandrakanthan, alias 'Pillaiyan,' in the east as well as the Eelam People's Democratic Party (EPDP), led by Minister of Social Services and Social Welfare Douglas Devananda, in Jaffna. Other progovernment paramilitaries increasingly were active in Mannar and Vavuniya. The TMVP increasingly

became a political organization but with armed and allegedly criminal elements." **[2b] (Section 1a)**

10.09 The Foreign and Commonwealth Office '*Human Rights Annual Report 2009 - Countries of Concern: Sri Lanka*', March 2010 reported that:

"There has been little LTTE activity in Sri Lanka following the end of the fighting in May but a number of other armed groups continue to operate. The Tamil Makkal Viduthalai Pulikal (TMVP) and cadres loyal to Muralitharan (aka Karuna), a Tamil government minister and former senior LTTE member, are reported to continue to carry arms in the east. The People's Liberation Organisation of Tamil Eelam and other Tamil paramilitary groups are alleged to have been active in IDP camps in Vavuniya. And in Jaffna in the far north, Eelam People's Democratic Party, a government-aligned Tamil political party, is reported to be continuing to engage in paramilitary activity and to threaten political opponents. There have been claims that some of these groups disarmed in the latter stages of 2009 but there has been no verifiable disarmament process. Reported instances of paramilitary activity have decreased in the last few months of 2009 but allegations persist that these groups are perpetrating human rights abuses and pursuing criminal activity." **[15r] (Paramilitary activities)**

10.10 A letter from the British High Commission (BHC) in Colombo, dated 1 September 2010 referred to a programme in the east related to:

"...the rehabilitation and reintegration of many cadres loyal to the TMVP (Tamil Makkal Viduthalai Pulikal or Karuna Group). This programme was conducted through the Ministry of Defence who provided lists of former TMVP cadres to the IOM office in Batticaloa. Technical support for the project was provided by the UK and IOM conducted a community perception survey to assess the impact these cadres would have within the local community." **[15u]**

10.11 The Amnesty International *Annual Report 2010*, Sri Lanka (covering events from January – December 2009), released on 28 May 2010 (AI 2010 report), noted that:

"Armed groups allied with the government were used for counter-insurgency, including the Eelam People's Democratic Party, the People's Liberation Organization of Tamil Eelam, and the Tamil People's Liberation Front (TMVP). Members carried out enforced disappearances and hostage-taking for ransom, unlawful killings, and recruitment of child soldiers, including from camps housing internally displaced people. TMVP members and cadres loyal to the former TMVP leader, V. Muralitharan (known as Karuna), were accused by local parents of child recruitment in Batticaloa district. Internecine violence between supporters of the two factions resulted in civilian deaths." **[3c]**

10.12 The Freedom House report *Countries at the Crossroads 2010*, country report, Sri Lanka, 6 April 2010 observed that:

"The progovernment militia groups, some of which have been given the power to detain Tamils, often work with the regular security forces to arrest and torture suspects before releasing them, killing them, or turning them over to the police for further action…

"Several progovernment groups, particularly the EPDP and the TMVP, have been accused of carrying out murders and kidnappings of Tamils and political opponents at an increasing rate in the last five years." **[46d] (Civil Liberties)**

10.13 A letter from the British High Commission, Colombo, dated 12 January 2010, reported:

"A police spokesman said there were no paramilitary groups operating within the Jaffna District. The Government Agent stated that there was not a serious problem with paramilitary groups now because they all now wanted to join the mainstream. In the past people knew who they were, and were aware of them trying to collect ransoms. The police had reported that investigations were carried out but there was no apparent action taken. Some government and non-government sources refused to name any specific groups, but some humanitarian groups said that the most visible, intimidating and powerful were the Eelam People's Democratic Party (EPDP). This paramilitary party, aligned with the government, operated with impunity and often with the military, openly carrying weapons. They were known to stand in the roads forcing people to buy their newsletters. In the absence of alternative political parties, some traders have decided to support the EPDP. Although government puppets, EPDP can at least deliver some tangible benefits to their community, such as road construction and assistance in dealing with criminals." **[15p]**

10.14 The BHC letter of 12 January 2010 added:

"A major source of instability in the East has previously been the presence of armed paramilitary groups. The two main groups are Tamil Makkal Viduthalaip Puligal (TMVP) cadres loyal to the Eastern Province Chief Minister Sivanesathurai Chandrakanthan (aka Pillaiyan) and a group of former TMVP cadres loyal to Government Minister Vinayagamoorthy Muralitharan (aka Karuna). This improving picture has been confirmed by aid agencies, the Bishop of Batticaloa and others in the region. There is currently no visible evidence of paramilitary groups carrying arms in either Trincomalee or Batticaloa. The SSP Batticaloa confirmed that the various paramilitary groups that were until recently openly carrying weapons had now been disarmed.

"At the political level, tensions have been visible between politicians who remain loyal to Chandrakanthan and those who have switched their allegiance to Muralitharan. A senior local politician in Batticaloa recently left the TMVP to follow Muralitharan to the ruling Sri Lanka Freedom Party (SLFP) party. Their personal security has increased as a result. A number of former TMVP camps have been converted into SLFP party offices and there are billboards showing Muralitharan and the President shaking hands, a clear indication of the scale of the switch in allegiance.

"Humanitarian agencies and local wardens agreed that the situation was now much better than a year ago. There was no LTTE in the area and although the paramilitaries were no longer openly carrying weapons, it was well known that they still carried pistols hidden under their shirts." **[15p]**

10.15 A BHC letter dated 13 August 2010 reported that "Regarding military groups operating in the [Jaffna] area [a senior military official from the Sri Lankan Army based in Jaffna] stated that the Eelam People's Democratic Party (EPDP) were now under control. Prior to the parliamentary elections there had

been a few incidents but no arms were raised. He said that he was sure that did not carry firearms any more." A senior government official in Jaffna said that:
"… the EPDP had 'some stray people who had returned', adding that it was difficult to find out who had weapons and who did not."

"A group of MPs from the Tamil National Alliance (TNA) said that in Jaffna "paramilitary groups such as the EPDP were diminishing" and a human rights spokesman "said that the EPDP were powerless now. Their members were still seen with weapons within their compound, and occasionally in villages, but their leadership had told them not to carry weapons. There had been a rumour that the Eelam people's Revolutionary Liberation Front (EPRLF) were regrouping."

"With regards to the Kilinochchi district, a senior military official based in Kilinochchi said that "EPDP had an office in Kilinochchi but none of their operatives carried weapons. He stated that no other groups operated within the district." **[15o]**

10.16 With regards to the Batticaloa district, the ICG (International Crisis Group) document *Development assistance and conflict In Sri Lanka: Lessons from the Eastern Province, Asia Report N°165*, 16 April 2009, referred to "a marked deterioration in the security situation since mid-2008" and to "Political killings, enforced disappearances, attacks on police and army outposts, robberies, extortion and other criminal violence" and observed:

"While it is difficult to determine responsibility for individual attacks, a general picture of the sources of violence can be drawn. Much of the violence is a product of increasingly bitter conflict between members of the Tamil Makkal Viduthalai Puligal (TMVP), now led by Eastern Province Chief Minister S. Chandrakanthan, better known as Pillayan, and supporters of TMVP founder and now government minister V.
Muralitheran, alias Karuna." **[76a] (p3)**

10.17 The ICG report of 16 April 2009 continued:

"Karuna's decision in March 2009 to leave the TMVP and join President Mahinda Rajapaksa's Sri Lanka Freedom Party (SLFP) has transformed but not ended the conflict. TMVP cadres from both the Pillayan and Karuna factions are also widely accused of criminal activities, including extortion, abductions and killings. The second half of 2008 and early 2009 have also seen a growing number of LTTE attacks in the east, both against the TMVP, including some apparently successful attempts to infiltrate TMVP offices, and against the police, army and civil defence personnel. Finally, there is credible evidence to suggest that many of those killed are targeted by the TMVP and government security forces as LTTE members or supporters, either as part of the government's general counter-insurgency strategy or in response to specific LTTE attacks on, or infiltration of, the TMVP." **[76a] (p4)**

10.18 The same report also noted that reports of extortion and theft are widespread in the Eastern province, particularly in Batticaloa, the traditional stronghold of Karuna and the TMVP. According to one human rights lawyer, 'All but the smallest businesses are forced to give a percentage to the TMVP, both factions'." **[76a] (p15)**

See also Section 4 on Security and development of Jaffna district and Eastern province; Annex B: Timelines; Annex C: Political organisations and Annex D: Prominent people

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ARBITRARY ARREST AND DETENTION

10.19 The USSD report 2009 stated that during the final months of the war (up to May 2009) the LTTE engaged in arbitrary arrest and detention. **[2b] (Introduction)**

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DISAPPEARANCES/ABDUCTIONS

10.20 The USSD report 2009 observed that:

"In the east credible sources linked the TMVP to the October 29 [2009] abduction of Sankarapillai Shantha Kumar, a member of the nongovernment organization (NGO) consortium in Akkaraipattu, Ampara District. Although family members filed a complaint with police, at year's end he remained missing and there was no progress on the investigation…

"Witnesses and victims who were released after their abductions often identified the perpetrators as Tamil-speaking armed men using white vans without license plates. The government generally failed to investigate these incidents." **[2b] (Section 1b)**

10.21 And added:

"There were reports that persons among the IDP population had disappeared on their way to an initial military checkpoint at Omanthai.

"NGOs and international sources reported that paramilitaries abducted civilians from the IDP camps. Verification of such incidents was complicated by reports that large numbers of persons paid bribes to officials and others to escape the camps. Estimates on the number of persons who escaped the camps in this manner varied widely, but most observers suggested it was at least 10,000. There was no practical way to verify how many had left the camps this way, and no way to determine whether some of these numbers were not disappearance cases." **[2b] (Section 1b)**

10.22 The AI 2010 report noted that the members of armed groups allied with the government invluding the EPDP; PLOTE and the TMVP "carried out enforced disappearances and hostage-taking for ransom." **[3c]**

10.23 The BHC letter of 12 January 2010 reported, with regards to the Eastern Province, that "The number of abductions in the area had dropped considerably over the last 6 months although a UNHCR representative mentioned three recent abductions of IDPs who had only recently been returned to Trincomalee." **[15p]**

10.24 On 22 June 2010, TamilNet reported that "One hundred [and] thirty Tamil civilians are reported disappeared during the last three years in the Batticaloa district since 2007, relatives of the disappeared told Batticaloa district Tamil National Alliance (TNA) parliamentarians… Most of the disappeared were between the ages 20 and 35, they said." **[38k]** On 20 August 2010 the same source quoted a TNA parliamentarian as saying that 95 persons had disappeared without trace in Batticaloa district since Sri Lanka Army (SLA) occupation of the district in 2007. "The youths who had left the Liberation Tigers and married leading a normal life and persons who had been supporters of the LTTE had been arrested or abducted by SLA Intelligence Wing with the assistance of Tamil paramilitary group of Pillayan and Karuna. These persons are among those gone missing." **[38h]**

See also Section 8: Security forces, Disappearances/Abductions

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TORTURE

10.25 The USSD report 2009, in its introductory section, noted that the LTTE engaged in torture during the final months of the war. **[2b] (Introduction)**

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EXTRA-JUDICIAL KILLINGS

10.26 The USSD report 2008 recorded that:

"Prior to its defeat in May [2009], human rights groups implicated the LTTE in a number of attacks on political opponents and civilians. For example, on February 9 [2009], an LTTE female suicide bomber killed 28 persons and injured 64 others at an internally displaced persons (IDP) rescue center. Civilians accounted for 25 of those killed and 40 of those injured. On February 20, two LTTE airplanes launched a suicide attack on Colombo. One of the planes struck the Inland Revenue building, exploding on impact and killing two civilians. On March 10, a LTTE suicide bomber attacked a local mosque's parade in Akuress, Matara District, killing 15 persons and injured dozens of others, including several government ministers and local officials." **[2b] (Section 1a)**

10.27 The AI 2010 report highlighted the involvement of both the EPDP and the TMVP in unlawful killings. **[3c]** and the IGC report of 16 April 2009 observed that "TMVP cadres from both the Pillayan and Karuna factions" were also widely accused of killings. **[76a] p4)**

See also Annex B

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FORCED CONSCRIPTION BY THE LTTE (UNTIL MAY 2009)

10.28 The Coalition to Stop the Use of Child Soldiers 'Child *Soldiers Global Report 2008, Sri Lanka*', released on 20 May 2008, reported that:

"There were…concerns that new village-based military training, in which all civilians aged between 15 and 50 were compelled to participate, was being conducted in LTTE-controlled areas. In addition, there were reports of a new type of six-month residential military training being run by the LTTE, after which people were allowed to continue their civilian lives, but had to remain available for military duties." **[61a] (Liberation Tigers of Tamil Eelam LTTE)**

10.29 On 24 August 2008, *The Sunday Times* (Sri Lanka) reported:

"As the armed forces closed in on LTTE strongholds in the north, the rebels are reported to have called in their 'reserve' forces, including retired guerrillas and civilians who had been doing odd jobs for them, a government officials [sic] claimed. He said the civilians being enlisted to the LTTE's war effort included farmers and labourers in Tiger-controlled areas. More than 5,000 former Tiger guerrillas and civilians have been enlisted following an urgent appeal by the group's political wing, the official said…Those who enrolled have been advised to report on a regular basis to the LTTE for training and were told that their main task would be to prevent the military from entering the LTTE' stronghold in Kilinochchi. One of the tasks entrusted to them has been to monitor the movement of security forces and alert the LTTE…Defence sources say the LTTE has begun coercing civilians and moving them to the Welioya area while civilians are being told to construct bunkers and other defences in the area. They are also being prevented from moving into cleared areas, as the outfit is running out of manpower, they say." **[11l]**

10.30 The HRW document '*Trapped and Mistreated - LTTE Abuses Against Civilians in the Vanni*' of December 2008 reported that:

"The LTTE continues to systematically compel young men and women, including children, to join their forces, and have dramatically increased their forced recruitment practices. The LTTE has recently gone beyond its long-standing "one person per family" forced recruitment policy in LTTE-controlled territory and now sometimes requires two or more family members to join the ranks, depending on the size of the family…The LTTE continues to force civilians to engage in dangerous forced labor, including the digging of trenches for its fighters and the construction of military bunkers on the frontlines. It also uses forced labor as punishment, often forcing family members of civilians who flee to perform dangerous labor near the frontlines." **[21e] (p3-4)**

10.31 The HRW report of December 2008 also observed that:

"By shutting down its pass system for travel, the LTTE has banned nearly all civilians from leaving areas under LTTE control (with the exception of urgent medical cases), effectively trapping several hundred thousand civilians in an increasingly hazardous conflict zone, with extremely limited humanitarian relief. The trapped civilians provide a ready pool of civilians for future forced labor and recruitment of fighters. In doing so, the LTTE is unlawfully seeking to use the presence of the large civilian population in areas under its control for military advantage." **[21e] (p4)**

10.32 The HRW report 'War on the displaced - Sri Lankan Army and LTTE Abuses against civilians in the Vanni', of February 2009, observed that "Since September 2008, the LTTE has increasingly forced people with no prior

military experience to fight or perform supportive functions on the front lines, a practice which has led to many casualties." **[21k] (p9)**

See also Section 24 on Child soldiers

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11. JUDICIARY

11.01 The Jane's *Sentinel Country Risk Assessment* country report for Sri Lanka, Internal Affairs, updated 29 April 2010, observed that:

"Sri Lanka's legal system is based upon a combination of English criminal law and Roman-Dutch civil law. Civil law relating to inheritance, marriage and divorce in certain parts of the country and among certain communities also bear the strong imprint of indigenous legal traditions. The Supreme Court, headed by the chief justice, constitutes the apex of the court hierarchy. In addition to being the highest appellate court in the country, the Supreme Court has exclusive jurisdiction in litigation on fundamental rights." **[5a]**

ORGANISATION

11.02 Europa World Online, accessed on 13 January 2010, recorded:

"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 and 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 Labour Tribunals to decide labour disputes. 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 six and not more than 10 other judges. The Court of Appeal consists of the President and not fewer than six and not more than 11 other judges." **[1a] (Government and Politics, Judicial System)**

11.03 The US State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that "The president appoints judges to the Supreme Court, the High Court, and the Courts of Appeal. A judicial service commission, composed of the chief justice and two Supreme Court judges, appoints and transfers lower court judges." **[2b] (Section 1e)**

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INDEPENDENCE

11.04 The USSD report 2009 stated that:

"The law provides for an independent judiciary, but in practice the judiciary at lower levels remained reliant on the executive…The Supreme Court

demonstrated significant independence from the government in several decisions with regard to detentions and various actions of the executive that it found to be arbitrary. However, since 2005 the government has failed to appoint the Constitutional Council, whose function was to ensure the independence of constitutional bodies such as the Judicial Service Commission. As a result a series of important checks on executive power were absent. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament." **[2b] (Section 1e)**

11.05 The Freedom House report *Countries at the Crossroads 2010,* Country report, Sri Lanka, 6 April 2010 observed that "Prosecutors are theoretically independent of political pressure, but in reality the prosecution process is highly politicized and the criminal justice system has been used increasingly to punish politicians when they are out of power." **[46d] (Rule of Law)**

11.06 The Freedom House report, *Freedom in the World 2010, Sri Lank*a, covering events in 2009, released on 1 June 2010 noted that "Successive governments have respected judicial independence, and judges can generally make decisions without overt political intimidation." The report also mentioned that "concerns about politicization of the judiciary have grown in recent years…" **[46c] (Political Rights and Civil Liberties)**

11.07 Extensive information "on status of the rule of law, the independence of the judiciary and the ability of the legal profession to exercise its professional duties freely" is available from the International Bar Association Human Rights Institute (IBAHRI) Report *Justice in retreat: A report on the independence of the legal profession and the rule of law in Sri Lanka*, dated May 2009. **[47a]**

11.08 In the Summary of its conclusions the IBAHRI report noted that:

"Many of the problems identified in the 2001 IBAHRI Report continue to affect the independence of the legal profession and the rule of law in Sri Lanka and in some respects the situation has deteriorated significantly. Judicial independence, the increase in threats and attacks against lawyers filing fundamental rights applications, representing terrorist suspects and taking anti-corruption cases, and the situation of journalists are areas of particular concern." **[47a]**

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FAIR TRIAL

11.09 The USSD report 2009 noted that:

"In criminal cases juries try defendants in public. Defendants are informed of the charges and evidence against them, and they 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 not in cases before lower courts. Private legal aid organizations assisted some defendants. Juries were not used in cases brought under the PTA, but defendants in such cases had the right to appeal.

"Defendants are presumed innocent. Confessions obtained by coercive means, including torture, are inadmissible in criminal courts, except in PTA cases. Defendants bear the burden of proof, however, to show that their confessions were obtained by coercion. Defendants have the right to question prosecution witnesses during their trials, and are allowed access to the prosecution's evidence. Subject to judicial review, in certain cases defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions usually were made relatively quickly." **[2b] (Section 1e)**

11.10 The USSD report 2009 continued:

"The law requires court proceedings and other legislation to be available in English, Sinhala, and Tamil. In practice most courts outside of Jaffna and the northern parts of the country conducted business in English or Sinhala. A shortage of court-appointed interpreters restricted the ability of Tamil-speaking defendants to receive a fair hearing in many locations, but trials and hearings in the north were in Tamil and English. Few legal textbooks existed in Tamil." **[2b] (Section 1e)**

11.11 The Freedom House report, *Freedom in the World 2010*, Sri Lanka, covering events in 2009, released on 1 June 2010 noted that "Corruption remains fairly common in the lower courts, and those willing to pay bribes have better access to the legal system." **[46c] (Political Rights and Civil Liberties)**

For further information on corruption generally see Section 18: Corruption

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12. ARREST AND DETENTION – LEGAL RIGHTS

12.01 The European Commission '*Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed:

"In Sri Lanka constitutional safeguards relating to arrest and detention include Article 13 of the Constitution which foresees a number of fundamental safeguards, such as freedom from arbitrary arrest and the right to be informed of the reasons for the arrest. Every person held in custody, detained or deprived of personal liberty shall be brought before a judge and shall not be further held in custody, detained or otherwise be deprived of personal liberty except upon and in terms of the order of the judge. The Code of Criminal Procedure includes safeguards regarding the integrity of detained persons. However, many of the protections in the Code do not apply in cases of detention under the emergency legislation [see below]. The emergency legislation allows security forces to arrest persons on broadly defined grounds and to hold suspects for up to one year under "preventive detention" orders issued by the Secretary of the Ministry of Defence without complying with the procedural safeguards for detainees provided in the Criminal Procedure Code." **[24a] (50)**

12.02 The US State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009)) observed that:

"Under the law [however this is not the case under the Emergency Regulations, see below] authorities are required to inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice it often took several days and sometimes weeks or months before detained persons appeared before a magistrate. A magistrate could authorize bail or continued pretrial detention for up to three months or longer. Police do not need an arrest warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, the magistrate is required to remand the suspect, and only the High Court could grant bail. In all cases suspects have the right to legal representation. Counsel is provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases.

"A number of observers complained about the slow pace of the judicial process. One observer stated that approximately 55 percent of all persons in prison were either undergoing pretrial or trial detention." **[2b] (Section 1d)**

See also Section 4: Recent Developments; and Section 8: Security Forces

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EMERGENCY REGULATIONS (ERS) AND PREVENTION OF TERRORISM ACT (PTA)

12.03 The ICG report *'Sri Lanka's Judiciary: Politicised courts, compromised rights'*, 30 June 2009 observed:

"With weak constitutional constraints on derogation from fundamental rights, little prevents the frequent and unfettered invocation of Sri Lanka's two sets of emergency powers: emergency regulations issued under the Public Security Ordinance (PSO), No. 25 of 1947, and the 1979 Prevention of Terrorism Act (Temporary Provisions) (PTA). Both the PSO and PTA exploit the constitution's provisions for derogation and weaken the protection of rights significantly. Purportedly deployed against the Liberation Tigers of Tamil Eelam (LTTE) only, both the PSO and the PTA are routinely used against Tamils in matters unrelated to terrorism." **[76c] (p6)**

12.04 The ICG report of June 2009 went on to note that:

"Parliament enacted the PTA in 1979 as a temporary response to growing unrest in the Northern Province. It was made permanent in 1982. Its provisions apply regardless of whether there is a declared emergency. Section 9 allows the justice minister to order a person detained without judicial review for renewable periods of three months, up to a total of eighteen months, if the minister 'has reason to believe or suspect that any person is connected with or concerned in any unlawful activity'. The person is to be presented to a magistrate, however, within 72 hours of their initial detention under Section 7 of the ordinance. The PTA differs from emergency regulations in that it requires ministerial involvement in detention decisions. Like emergency regulations, however, the PTA deprives judges of any authority to release

prisoners on bail. Section 6 allows police to arrest persons and detain them for three days without judicial supervision, and to search their home without a warrant. Section 16 deviates from the standard criminal procedure code by making confessions to judges admissible. No provision of the PTA requires the detaining authorities to inform a prisoner of the reasons for the detention. The PTA also restricts free speech by criminalising certain forms of political expression and requiring prior approval for certain publications." **[76c] (p6)**

12.05 The ICG report of June 2009 went on to observe that:

"Emergency regulations are promulgated under Section II of the PSO. It vests the executive with open-ended authority to promulgate 'emergency regulations' that override otherwise applicable laws (except the provisions of the constitution) and cannot be challenged in court. Since the adoption of the Thirteenth Amendment in 1987, the proclamation of a state of emergency has been made immune from judicial challenge… More frequently than not, Sri Lanka has been in a state of emergency". **[76c] (p6)**

"The Rajapaksa administration has supplemented these wide-ranging powers since emergency rule was reimposed nationwide in 2005 by the preceding administration of President Kumaratunga. Of greatest significance are the Emergency (Miscellaneous Provisions and Powers) Regulations No. 1 of 2005 and the Emergency (Prevention and Prohibition of Specified Terrorist Activities) Regulations No. 7 of 2006. The 2005 regulations allow the secretary of the defence ministry to order the military or police to detain a person for up to a year to prevent acts "prejudicial to the national security or the maintenance of public order". The regulation contains no clarification of this vague standard. A new August 2008 regulation expands the government's power by allowing it to detain a person for a further six months. In addition, the 2005 regulations vest police with broad search and seizure powers and allow the use of confessions made to police, in contrast with normal criminal law and with no effective safeguards against abuse. It is left to the defendant to prove a confession was coerced." **[76c] (p7)**

12.06 The EU report of October 2009 noted that:

"The emergency regulations pose a number of grave problems. The principle of legality requires criminal offences to be clearly defined in unambiguous language. However, there is evidence that many of the provisions in the emergency regulations, such as the offence of engaging in terrorism, 'acts of terrorism', transactions and communications with persons or groups committing terrorist offences, have been given an extensive interpretation.

"Further, the emergency regulations delegate sweeping powers to military personnel to perform functions normally carried out by law enforcement officials, including powers of investigation, search, arrest and detention. Administrative detention is not adequately controlled by the provisions governing detention while under arrest or awaiting trial in line with the standards set out by the UN Human Rights Committee as the emergency regulations restrict court control of administrative detention. The emergency regulations also undermine the right against self-incrimination by creating a 'duty' for persons to answer police questions and weaken the principle of the presumption of innocence by reversing the burden of proof. Lastly, the emergency regulations severely limit the accountability of civilian and military

authorities for their actions in the performance of their duties by providing that no action or suit shall lie against any public servant specifically authorized by the GOSL to take action in terms of regulations, provided that such person has acted in good faith and in the discharge of his official duties." **[24a](paragraphs 25-26)**

12.07 The EU report of October 2009 further stated that:

"Under the 2005 Emergency Regulations (Regulation 19), persons suspected of 'acting in any manner prejudicial to the national security or the maintenance of public order, or to the maintenance of essential services' may be arrested and held in detention for up to 18 months, without access to independent judicial review. Persons may be similarly detained under the Section 9 of the Prevention of Terrorism (Temporary Provisions) Act ('PTA'). There is also provision (Regulation 22) for automatic detention of a 'surrendee' up to two years for the purposes of 'rehabilitation', including persons seeking the protection of the state because of 'fear of terrorist activities'." **[24a] (paragraph 51)**

"A person held in administrative detention, under Regulation 19(1), is to be physically produced before a magistrate 'within a reasonable time, having regard to the circumstances of each case, and in any event not later than thirty days from the date of such detention' and not within 24 hours of arrest as generally provided for under the Criminal Procedure Code. Court scrutiny and discretion to overturn an order made under Regulation 19(1) is in fact expressly excluded and where the Secretary to the Ministry of Defence has ordered detention under Regulation 19 or 21, the court 'shall order' continued detention." **[24a] (paragraph 52)**

"The Emergency Regulations authorise the creation of counter-terrorism detention camps which are not subject to inspection by the NHRC [National Human Rights Commission]. Provisions under the 2005 Emergency Regulations and the PTA allow for persons to be detained in places of detention other than a regular police station, detention centre, penal institution or prison, and the publication of a list of such authorised places of detention is not required. The risk of human rights violations, such as incommunicado detention or enforced disappearance, is significantly increased when detainees are held in locations that are not recognised places of detention, without the normal procedures and safeguards to protect detainees." **[24a] (paragraph 53)**

"So far as obtaining redress for unlawful detention is concerned, emergency regulations, such as Section 19 of the Emergency Regulations 2006 or Section 26 of the PTA, bar legal proceedings against any officer for acts done in good faith. These provisions thus render it impossible to use normal avenues of redress and compensation for unlawful arrest and detention. Although it remains possible to apply for habeas corpus in the High Court and the Court of Appeal, such applications have been rarely successful in gaining release. Relief against arbitrary arrest and detention can also be found by filing a fundamental rights application in the Supreme Court, but distance, difficulty of travel and of access to a Supreme Court lawyer create very significant barriers for most litigants." **[24a] (paragraph 60)**

12.08 The website TamilNet reported on 9 September 2008 that the: "The State of Emergency was declared on 12 August 2005. Since then it is being extended every month with the approval of the Sri Lankan parliament." **[38ac]**

See Latest news for more recent information on the state of emergency

12.09 The USSD report 2009 noted that:

"Under the emergency regulations, the armed forces have the legal authority to arrest persons, but they are required to turn suspects over to the police within 24 hours. Police could detain a person for a period of not more than one year under detention orders issued by a deputy inspector general of police or by the secretary of defense. The defense secretary extended some detentions beyond one year under the Prevention of Terrorism Act (PTA). Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers and did not turn them over to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow legal safeguards." **[2b] (Section 1d)**

12.10 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*', 5 July 2010 observed that:

"…the broad powers of arrest and detention under the Prevention of Terrorism Act (PTA) and the Emergency Regulations, have reportedly generated considerable controversy around issues such as the arrest and detention of persons suspected of LTTE links, in a number of cases allegedly on limited evidence and often for extended periods. Human rights observers have also expressed concerns regarding the broadly defined offences under the Emergency Regulations, which allow, inter alia, detention without charge for up to 18 months, and use of informal places of detention. In May 2010, the Government, however, relaxed the Emergency Regulations by withdrawing several provisions, including those dealing with the imposition of curfews, propaganda activities, printing of documents and distributing them in support of terrorism, as well as those restricting processions and meetings considered detrimental to national security." **[6h] (p4)**

12.11 The Economist Intelligence Unit, Country Report, Sri Lanka, June 2010 added:

"Emergency regulations that provided the authorities with special wartime powers were relaxed in May [2010]. These included powers relating to the government's ability to impose curfews and the right of security forces to enter and search properties. Certain other activities previously covered under the emergency rules, such as the publication and distribution of materials promoting terrorism, and processions and assemblies detrimental to national security, will now be dealt with solely by normal legislation…

"Parliament also reduced the period for which a suspect may be held in custody before being brought before a magistrate from 18 months to three months." **[75c] (p10-11)**

12.12 The text of the revised Emergency Regulations is available from this weblink to the The Gazette of the Democratic Socialist Republic of Sri Lanka 'No. 1651/24 - Sunday, May 02, 2010' **[83a]**

12.13 The ICG report of June 2009 observed:

"Military or police detention can be challenged in three ways in the lower courts. First, when a person is detained under either the criminal procedure code or under emergency laws (the PSO or PTA), that person must at some point be presented to a magistrate. Second, a person subject to prolonged illegal detention can file a 'writ of habeas corpus', which is a procedure for challenging a detention's legal basis. Third, a fundamental rights petition can be filed in the Supreme Court. None of these options provides an effective check on detaining authorities. Nor can victims of torture easily obtain damages after the fact." **[76c] (p16)**

12.14 The same report added:

"The emergency regulations impose no requirement on police to publish a list of detention facilities where people are held. Detainees are often held in parts of police or military facilities that are inaccessible to lawyers. They are often moved from the place of their arrest. Those from Tamil-majority Vavuniya and Trincomalee are routinely brought to Sinhala-majority Anuradhapura. Detainees from Mannar, Anuradha- pura and Vavuniya are shifted to Kandy. Because detainees are kept incommunicado or moved from the place of arrest to other prisons, sometimes without notification to family or counsel, it is hard to make an accurate tally." **[76c] (p18-19)**

12.15 The *Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009*, dated 22 October 2009 (FCO October 2009 report) noted:

"Former Chief Justice Silva said that there were remedies against the Emergency Regulations (ERs) and the Prevention of Terrorism Act, but it was doubtful how effective they could be. Often, people did not know how to access legal help and there was the problem of resources and costs. Another big problem was the length of time taken for investigations when someone was suspected. The Attorney General's department played a significant role. If the police could not charge suspects within 2-3 months they should be released on bail, but this did not necessarily happen. Courts did not always have specific reasons for not releasing people; some people had just been forgotten in detention. In general, people did spend a lot of time in detention." **[15m] (paragraph 2.11)**

12.15 Extensive information on the ERs is available from the *International Commission of Jurists (ICJ) 'Briefing Paper: Sri Lanka's Emergency Laws'* dated March 2009 (accessed on 16 December 2009) **[79a]**

See also Section 8 on Cordon and search operations

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BAIL/REPORTING CONDITIONS

12.16 A letter from the British High Commission in Colombo dated 14 September 2010 observed:

"In Sri Lanka it is common practice to be released on bail without being charged. There are however certain offences considered unbailable, and the Bail Act (No 30 of 1997) stipulates a person suspected or accused of being concerned in committing or having committed, an offence punishable with death or with life imprisonment, shall not he released on bail except by a Judge of the High Court. Reporting conditions are usually issued when bail is granted. Anyone flouting reporting conditions is liable to be served with a warrant for arrest." **[15k]**

12.17 A further BHC letter dated 24 January 2009 reported:

"On December 30, 2008, Tamilnet reported that persons who had been arrested during a cordon and search exercise three months earlier, had been released on bail. Their attorney-at-law had submitted a petition to the Court arguing that persons held by Detention Orders, could not be held in detention for more than 90 days and that they must be released on bail. The Jaffna Magistrate allowed bail on the personal sureties of two government servants and 30,000 Rupees cash (£188) for each of the detainees, as the police had not filed any charges against them within their 90 days detention. The police claimed that they had been awaiting instructions from the Attorney General in Colombo." **[15a]**

12.18 The ICG report of June 2009 noted that "As magistrate judge explained, 'under the emergency regulations, we simply can't give bail' and so no effective action is possible. Bail applications under the regulations are instead channelled to the attorney general, who often does not reply for months to a release request… In detention cases involving the emergency laws, moreover, representation is harder to find than in criminal cases." **[76c] (p18)**

See also Section 33 on Exit and Entry procedures

ARREST WARRANTS

12.19 The above mentioned BHC letter of 14 September 2010 reported that:

"Formally it is difficult for the accused to 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. However, in practice forged documents are easily obtainable throughout Sri Lanka. Additionally given ongoing and well documented concerns over corruption in the police it would probably not prove difficult to obtain a copy of an arrest warrant, although it would probably require prior contacts within the police service." **[15k]**

See also Section 8: Security forces; Section 28: Freedom of movement and Section 32: Forged and fraudulently obtained documents

CRIMINAL RECORDS

12.20 A letter from the British High Commission (BHC) in Colombo dated 9 April 2009 described a visit to the Sri Lankan Police, Criminal Records Division

(CRD) and the meeting held with the director of the CRD, carried out on 7 April 2009:

"I was told that CRD is the sole storage facility for criminal records for the whole of Sri Lanka. It holds paper records of over 500,000 persons and includes photographs and fingerprints of both convicted criminals and suspects. There are over 400 personnel employed at CRD which sends officers/fingerprint experts on 2-week attachments to different parts of the country to obtain fingerprint evidence from scenes of crimes and collect fingerprint records taken by local police from suspects.

"SSP [Senior Superintendent of Police] Wijegunawardena [the CRD director] explained that there were no central computerised record system and there was no automated facility to check or store fingerprint records. I accompanied him on a tour of the fingerprint department and witnessed eight 'checkers', sitting at wooden benches and comparing fingerprints taken from scenes of crime with paper records with the use of magnifiers. There was no computer equipment evident within the section and paper records were stored in shelving around the room." **[15f]**

See also Section 31: Citizenship and Nationality and Section 33: Entry and Exit Procedures, Treatment of failed asylum seekers

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13. PRISON CONDITIONS

13.01 The U.S. State Department (USSD), *Country Reports on Human Rights Practices 2009*, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that:

"Prison conditions did not meet international standards due to acute overcrowding and lack of sanitary facilities. According to prison official and civil society sources, prisons designed for approximately 10,000 inmates held an estimated 26,000 prisoners. Approximately 1,400 of these were women. Some 12,000 of these total prisoners were convicted, while the remaining 14,000 were in detention, either awaiting or undergoing trial. In some cases juveniles were not held separately from adults. Pretrial detainees were often not held separately from those convicted. In many cases prisoners were reported to be sleeping on concrete floors and often without natural light and sufficient ventilation. Female prisoners were held separately from male prisoners and in generally better conditions, but some human rights groups alleged that isolated incidents of degrading treatment, including corporal punishment, overcrowding, maltreatment, or abuse of female prisoners occurred. According to the assessment by UNSR Nowak, 'the combination of severe overcrowding and antiquated infrastructure of certain prison facilities places unbearable strains on services and resources, which for detainees in certain prisons, such as the Colombo Remand Prison, amounts to degrading treatment.' Nowak also noted the absence of an independent institution responsible for monitoring conditions in detention facilities, holding private interviews, and conducting medical evaluations of detainees." **[2b] (Section 1c)**

13.02 The same source continued:

"The government permitted visits to regular and remand prisons by independent human rights observers and the International Committee of the Red Cross (ICRC). The government ended ICRC access to detention camps near Vavuniya for former LTTE combatants in July [2009] and withdrew permission for the ICRC to work in the Eastern Province. The government requested the ICRC to negotiate a new, postwar mandate covering their operations throughout the country before continuing such work. The government did not provide access to any detention facilities operated by military intelligence, stating that none existed. The ICRC was not allowed to visit suspected illegal detention facilities operated by paramilitaries." **[2b] (Section 1c)**

13.03 The USSD report 2009 added that "The SLA held approximately 11,700 alleged former LTTE combatants mainly in detention centers near Vavuniya. There were several detention centers, with one set aside for women. Before the government halted access to the detainees in July [2009], while ICRC renegotiated its operating mandate with the government, the ICRC had registered 9,500 of these detainees." **[2b] (Section 1g)**

13.04 The International Committee of the Red Cross Annual Report 2009, released on 19 May 2010, noted that:

"Security detainees, including thousands of former LTTE fighters in government custody after surrendering or being arrested, received visits from ICRC delegates, who checked on their treatment and living conditions.Visits to people held by the LTTE also took place until their release at the end of active hostilities.

"Alleged former LTTE members were held in large rehabilitation centres throughout the country, but mainly in the Vavuniya region, where they received visits from ICRC delegates according to the organization's standard working procedures until access was withdrawn in July [2009]. Outside the rehabilitation centres, other people arrested in relation to the conflict, including those in police stations, received regular visits all year. Members of the armed forces held by the LTTE were visited until the end of active hostilities, when they were released. Following all visits, ICRC delegates made confidential reports to the relevant detaining authorities containing their findings and any recommendations with regard to detainees' treatment and living conditions." **[344] (p227-228)**

13.05 The ICRC 2009 report further noted that "Detainees were given recreational items, clothing and hygiene items, when necessary, and were able to maintain contact with their relatives through RCMs and family visits. Some 40,500 people in rehabilitation centres set up in old ill-equipped buildings benefited from tents, latrines and water storage facilities." The ICRC recorded that 34,423 Government-held detainees were visited, "of whom 13,490 monitored individually (2,214 women; 470 minors)." **[34a] (p229)**

13.06 With regards to LTTE-held detainees the ICRC 2009 report stated that seven detainees were visited and monitored individually, during four visits to three places of detention. **[34a] (p229)**

13.07 The ICRC operational update of 27 may 2010 reported that "With the agreement of the authorities, the ICRC visited places of detention, including police stations, countrywide. It helped detainees and their families keep in touch through the exchange of Red Cross messages and the family-visit assistance programme." and noted that during the previous three months ICRC delegates and staff had carried out 56 visits to 53 places of detention and met privately with over 2,000 detainees and provided detainees in temporary places of detention with toiletries, clothes and games." **[34c]**

13.08 The Prison Brief for Sri Lanka produced by the International Centre for Prison Studies, last modified on 17 June 2010 recorded a total prison population of 30,933 at mid-2009 (including pre-trial detainees/remand prisoners amounting to 48.7 per cent of total) against an official capacity of the prison system of 10,692 (in 2004). The prison population rate (per 100,000 of national population) was 153 (based on an estimated national population of 20.4 million at mid-2009). In 2007 the total prison population was 25,537 (with a prison population rate of 121) while for 2004 the figures were respectively 20,661 and 108. " **[65]**

13.09 The *Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009*, dated 22 October 2009 (FCO October 2009 report) stated:

"Maj. Gen. V.R. Silva, Commissioner General of Prisons explained that there were the following prisons in Sri Lanka:
- 3 closed prisons (Welikada; Matara; Galle)
- 19 remand prisons (for those awaiting trial). Out of those, 3 are in Colombo (Colombo, New Magazine and Negombo)
- 8 work camp (for short-term convicted prisoners)
- 2 open prisons
- 2 correctional centres for young offenders
- 25 lock-ups

"Maj. Gen. Silva said that first-time offenders were usually sent to Welikada; for a second offence, people were sent to other closed prisons. Magistrates could remand people close to their area of jurisdiction. Those arrested under the Emergency Regulations (ERs) and the Prevention of Terrorism Act (PTA) were sent to Welikada if they were first-time offenders; if not convicted, they were sent to remand prisons. Once in custody, they would be produced to court. Magistrates decided whether they should be sent to remand prisons… **(paragraphs** All prisoners were kept together (Tamils, Sinhalese, Muslims) but the magistrate could ask for some persons to be held separately for security reasons. He said that women were kept separately, with female prison guards. Mothers with infants/young children were kept together." **[15m] (paragraph 2.52)**

"Maj. Gen. Silva provided current figures for the prison population:
Convicted prisoners: 14,000 males and 350 females.
Unconvicted prisoners: 13,500 males and 975 females." **[15m] (paragraph 2.53)**

"He said that overcrowding was an issue, since the prison system was designed to accommodate comfortably up to 12,000 prisoners. With regard to conditions in detention, all prisons were regularly visited by the Board of Prison Visitors, appointed by the Ministry of Justice and Law reform. They could visit any prison, at any time, unannounced. They would meet to discuss

various issues and make recommendations to the ministry in a report." **[15m] (paragraph 2.54)**

"Asked about Boosa, Maj. Gen. Silva said that it was a prison complex that served partly as a general remand prison and partly as a facility used and administered by the Terrorism Investigation Department (TID). TID was authorised to use Boosa as a remand prison for those under their investigations. Asked specifically about conditions in remand prisons, Maj. Gen. Silva said that most of them were old buildings built by the British. They had basic facilities, with some problems of overcrowding." **[15m] (paragraph 2.54)**

13.10 The FCO October 2009 report further noted:

"[The Human Rights Activist said that] Police cells can experience problems of overcrowding (with cases of up to 14 people being held in a small cell) but it all depended on individual police stations. Conditions were usually very basic (no mattresses, with detainees sleeping on newspapers, and a pit in the floor of the same cell as a lavatory). He was not aware of Tamil detainees being kept separated from other detainees at police stations. Those of interest to the authorities were usually held by the Terrorism Investigation Department (TID) and only sent to Boosa detention camp after a few months." **[15m] (paragraph 2.47)**

"The representative of the Swiss Embassy in Colombo stated that some police stations such as Kotahena and Matara [in Colombo] were notorious for torture. People were likely to be beaten up, in some cases suspended upside-down or nearly suffocated with a plastic bag with petrol. Women were usually not beaten-up, but were sometimes slapped. There had been very few cases of people being raped or sexually abused. There has been an improvement in the prisons and at the police stations in that very severe torture seems applied to a lesser extent (also confirmed by ICRC). Furthermore, according to information provided by asylum applicants [Switzerland accepts in-country asylum applications in Sri Lanka], torture is mostly applied during interrogation and in the beginning of arrest, and rather rarely during detention or remand." **[15m] (paragraph 2.49)**

See also Section 8 on torture

"CPA said that accommodation was 'not five star', but it depended on the police station. Those in predominantly Tamil areas were of greater concern and did not reach very high standards. Prisoners were fed, but often could not sleep, as they were too scared. Those who created a relationship with the officers often got longer visiting times. If diplomats or lawyers visited them, they were more likely to get separate meeting rooms. Family visitors had to meet in an open room. The basic facilities were there, but there was often overcrowding, depending on the police station and the time of day. Some police stations were notorious for people being taken away, simply disappearing." **[15m] (paragraph 2.56)**

"Mano Ganesan MP stated that prisons were overcrowded and not satisfactory. The government did not look after the basic facilities and prisoners regularly made non-violent protests." **[15m] (paragraph 2.57)**

13.11 The Department of Census and Statistics Sri Lanka in its Statistical Abstract 2009 – Chapter XIII - Social Conditions, table 13.9, Convicted persons by ethnic group and sex, 2002 - 2008 **[58b]** and table 13.10, Unconvicted persons by ethnic group and sex, 2002 - 2008 **[58e]** website accessed on 30 September 2010, recorded that in 2008 the number of unconvicted prisoners totalled 102,245 (95,170 males; 7,075 females and 72,343 Sinhalese; 18,323 Tamils). In the same year the total figure for convicted prisoners was 33,566 (32,558 males; 1,008 females and 23,567 Sinhalese; 4,898 Tamils).

13.12 On 5 January 2010 TamilNet reported that:

> "More than 360 Tamil political prisoners being detained in Colombo Remand Prison and in the Magazine prison in Colombo are on a wide scale hunger strike demanding the authorities to expedite their cases or release them on bail...Reliable sources told TamilNet Tuesday [5 January 2010] that Tamil political prisoners who were protesting demanding release were attacked last Sunday by prison guards. When the news of the attack on Tamil detainees in the Magazine prison leaked out, the authorities began claiming that there was a clash between two groups of the prisoners. Sources close to the protesting prisoners denied the claim and said they were attacked by the jailers. Many of the Tamil political 'prisoners' are under detention for several years without facing any inquiry or cases in courts." **[38x]**

13.13 The same source had reported hunger strikes in Welikada jail in July, September and November 2009. On 31 July: "The fast unto death by Tamil political prisoners in Welikada prison that began Tuesday [28 July] continues for the fourth day. About two hundred Tamil political prisoners arrested under the Prevention of Terrorism Act (PTA) and being held under detention on Defence Ministry orders without being produced in court or without any indictment against them are participating the fast..." **[38ad]** On 18 September 2009, when "At least 36 Tamil political prisoners who were part of a fast unto death hunger strike at the central jail in Welikada Colombo are alleged to have been severely assaulted by guards and jailers..." adding that "A few weeks ago, in August 2009, two Tamil political prisoners have died under 'questionable circumstances' inside the Sri Lankan Central Prison at Welikada." **[38y]** On 20 September 2009 when "135 Tamil political prisoners out of a total of 600 Tamil political prisoners in maximum security Central Jail in Welikada, Colombo, continued their fast unto death campaign..." and on 15 November 2009 when "Eighty-seven Tamil political prisoners began a hunger strike protest from Saturday morning [14 November] demanding guarantee for their lives and to strengthen the security for them following the attack on fellow Tamil prisoners Friday by Sinhalese prisoners in the presence of prison officials...". **[38ab]**

See also Section 4 on Government treatment of (suspected) members of the LTTE

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DEATHS IN CUSTODY

13.14 The Freedom House report *Countries at the Crossroads 2010,* Country report, Sri Lanka, 6 April 2010 observed that "A significant number of detainees, both

LTTE suspects and ordinary criminal suspects, have died in custody, including 26 in the first six months of 2009." **[46d] (Civil Liberties)**

13.15 On 9 September 2009 BBC Sinhala reported that "During the past eight months alone 32 people have died in custody said the chief whip of the government " and added that "The number of people killed in custody in 2202 [sic, 2002] was two while it has increased to 26 by 2008." **[9u]**

See also Section 8 on Cordon and search operations and Torture

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14. DEATH PENALTY

14.01 The Amnesty International Annual Report 2010, Sri Lanka released on 28 May 2010 considered Sri Lanka "abolitionist in practice". **[3c]** Hands off Cain in its *Country status on death penalty*, updated on 30 June 2010 also considered Sri Lanka a "de facto abolitionist" country and reported 1976 as the year of the last known execution. **[25a]**

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15. POLITICAL AFFILIATION

This section should be read in conjunction with sections on Freedom of speech and media, and Human rights institutions, organisations and activists

FREEDOM OF POLITICAL EXPRESSION

15.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009)) observed that:

"The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage…The EU Election Observation Mission described the 2005 presidential election as generally satisfactory. The LTTE enforced a boycott of the polls and conducted seven grenade attacks in the north and east. As a result, less than 1 percent of voters in the north were able to exercise their right to vote. Persistent allegations of a preelection agreement and bribe between the Rajpaksa campaign and the LTTE to suppress Tamil votes remained. A parliamentary investigation of these allegations was opened in 2007, but Soori Yarachchi, the member of parliament who was placed in charge of the investigation, was killed in a car accident in 2008, and the investigation did not advance any further.

"On August 8 [2009], the government held municipal council elections in Jaffna. While there were few reports of election-related violence or overt fraud, ethnic Tamil-based parties not aligned with the government faced severe restrictions on traveling to Jaffna to campaign prior to the election. EPDP candidates ran under the governing coalition's party symbol and enjoyed frequent campaign visits from top government officials, who announced major

infrastructure projects and the reduction of security restrictions while speaking at campaign events.

"During provincial council elections held in Uwa Province on August 8 [2009], and the Southern Province on October 10, there were widespread allegations that government officials used state resources, including vehicles, offices, and state employees in their personal and party campaigns. For a number of months, several opposition parties were prevented by security forces from visiting the large Manik Farm IDP camps, while figures from government allied parties were under no such restrictions." **[2b] (Section 3)**

15.02 The Economist Intelligence Unit (EIU), Country Report Sri Lanka, April 2009 Sri Lanka described the country as a "flawed democracy" in its 2008 democracy index, ranking 57th out of 167 countries. Democracy was firmly established but there were serious problems. **[75k] (p)**

15.03 The International Crisis Group (ICG) report '*Sri Lanka: A Bitter Peace*', 11 January 2010, observed that "The brutal nature of the conflict, especially in its closing months, has undermined Sri Lanka's democratic institutions and governance." **[76b] (Overview)**

See also Latest news for information following the recent presidential elections and Section 5 on the Political system

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FREEDOM OF ASSOCIATION AND ASSEMBLY

15.04 As noted in the USSD report 2009:

"The law provides for freedom of assembly, and the government generally respected this right in practice; however, some restrictions existed. For example, the 2005 emergency regulations give the president the power to restrict meetings, assemblies, and processions. The law states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled, but the government generally granted permits for demonstrations, including those by opposition parties and minority groups." **[2b] (Section 2b)**

15.05 The same report noted:

"The law provides for freedom of association, and the government generally respected this right in practice; however, some restrictions existed, such as those under the emergency regulations. The government often used informants to target individuals for arrests and interrogation based on their association. Before the end of the conflict, the LTTE did not allow freedom of association in the areas it controlled." **[2b] (Section 2b)**

15.06 The Freedom House *Freedom in the World 2010*, Country report, Sri Lanka', released on 1 June 2010, noted that "Freedom of assembly is typically upheld. Although the 2005 emergency regulations give the president the power to restrict rallies and gatherings, permission for demonstrations is usually granted. Police occasionally use excessive force to disperse protesters." **[46c] (Political Rights and Civil Liberties)**

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.07 The European Commission '*Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka*' (the EU report of October 2009), 19 October 2009, observed that the emergency and anti-terrorism legislation has been used to arrest and detain political opponents of the government. **[24a] (paragraph 55)**

15.08 The ICG January 2010 report noted that Sri Lanka continued to suffer from violent attacks on political opponents of the government.

"The home of UNP parliamentarian Ranga Bandara was burned to the ground after he had helped lead a public campaign against the alleged construction of houses on state land by a Rajapaksa family member. There have been frequent attacks on JVP offices and campaigners, both during the southern provincial election campaign in July and August 2009 and since the presidential campaign began in November." **[76b] (p18)**

15.09 On 22 January 2010 BBC News reported that "The home of an opposition activist has been attacked with a petrol bomb in Sri Lanka's capital, Colombo, days ahead of a presidential election, police say. The bomb destroyed the car and damaged the home of Tiran Alles, an ally of Sarath Fonseka, the main election rival to President Mahinda Rajapaksa. Mr Alles, a businessman, escaped unhurt with his family." **[9k]**

15.10 On 1 February 2010 Amnesty International called on the Sri Lankan government "to end its crackdown on journalists, political activists and human rights defenders following last week's presidential election. Opposition supporters and journalists have been arrested, several prominent newspaper editors have received death threats and trade unionists and opposition supporters have been harassed since the poll." **[3e]**

15.11 The International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 16 August 2010) observed:

"Former Army Chief and defeated presidential candidate, General Sarath Fonseka was arrested on 8 February [2010] and charged with unspecified offences. Sources said he was charged for plotting a military coup and assassination of the President… 37 supporters of the General had also been arrested earlier in the month [February 2010] under the Sri Lankan Emergency Regulations Act, of which eight were released with no charges. The Supreme Court later made a ruling that all detainees including General Fonseka had the right to access lawyers and any legal counsel of their choice, but the court refused the petition for interim relief for release of the General. At the end of the month, it was decided that General Fonseka would be tried in a Civil Court under the Penal Code and Exchange Control Act.

"The arrest came as a surprise to most, since it was executed so close to the approach of the Parliamentary elections due in April [2010], in which the General was to contest. General Fonseka led the Sri Lankan Army against the LTTE during the war last year, but developed differences with President

Rajapakse and resigned from the Army after the war to compete against him in the Presidential elections held in January. After losing the Presidential elections, Fonseka decided to stand for the Parliamentary elections." **[51d]**

15.12 The IISS added that:

"Despite protests by hundreds of Democratic National Alliance (DNA) members in Colombo demanding the release of former Army Chief, General Sarath Fonseka from military custody and the cancellation of court martial charges against him, the court martial proceedings against the General began in mid-March [2010]…

"As the proceedings began Rajapakse called the former Army chief and ex-Presidential candidate a 'fool who was unprepared for politics'. He also ruled out the possibility of an early pardon for the General who had planned to contest in the country's parliamentary elections. In fact, he was not even allowed to cast a vote in the parliamentary elections as his name did not appear on the voters list." **[51d]**

15.13 On 31 August 2010 the *Daily Mirror* (Sri Lanka) reported that:

"Democratic National Alliance (DNA) MPs Vijitha Herath, Arjuna Ranatunga, Ajith Kumara and eight others who were arrested following a protest march in Galle were granted bail by the Galle Magistrate yesterday. The DNA Parliamentarians and others were arrested sequel to a incident following a protest held in Galle urging the government on several demands including to reduce the cost of living and the release of its leader, former Army Commander Sarath Fonseka who is under detention, pending Court Martial." **[11r]**

15.14 On 17 September 2010 BBC News reported:

"A military court has convicted Sri Lanka's former army chief of corruption, his lawyer says. Sarath Fonseka was found guilty of breaching arms procurement guidelines. Last month, the MP was stripped of his rank and pension after being convicted of engaging in politics while in uniform. He denied all the charges.

"Mr Fonseka also faces charges in the civilian courts of employing army deserters and revealing state secrets. The former four-star general and his supporters say the cases against him are politically motivated. If Mr Fonseka is jailed for any longer than three months, he will lose his parliamentary seat.

He was arrested two weeks after his defeat in January's presidential elections and has remained in military custody since. He has been allowed to leave jail under military escort to attend parliament since April, when he was elected an MP for the opposition Democratic National Alliance (DNA)." **[9z]**

See also Latest News Section; Section 4 on Recent developments; Section 12: Arrest and detention – legal rights, Emergency Regulations, Section 16: Freedom of speech and media and Annex C: Political organisations

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16. FREEDOM OF SPEECH AND MEDIA

This section should be read in conjunction with sections on Political affiliation and Human rights institutions, organisations and activists

16.01 The European Commission *'Report on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka'* (the EU report of October 2009), 19 October 2009, observed:

"The Constitution of Sri Lanka guarantees freedom of the press and freedom of expression. However, the emergency legislation enables the Government to restrict freedom of expression in a disproportionate way. Several emergency laws create broad criminal offences aimed at limiting the communication and possession of information or material 'prejudicial to national security'. These broadly defined offences leave so much room for interpretation to the point that it is difficult for a person to know whether or not he is committing an offence." **[24a] (74)**

16.02 The Freedom House *Freedom of the Press 20*09, Country Reports, Sri Lanka, 1 May 2009 noted that:

"Media freedom continued on a downward trajectory in 2008, as outlets faced increased restrictions on covering the intensifying conflict between the government and the Tamil Tiger rebels, and journalists encountered heightened attacks and intimidation, particularly in the war-torn north. Although freedom of expression is provided for in the constitution, a number of laws and regulations restrict this right. The 1973 Press Council Law prohibits disclosure of certain cabinet decisions as well as fiscal, defense, and security information, while the decades-old Official Secrets Act bans reporting on information designated 'secret'." **[46a]**

16.03 The Reporters sans Frontières (RSF) Sri Lanka - Annual report 2009 issued on 1 May 2009 noted that Sri Lanka ranked 165 out of 173 in their latest worldwide index and observed:

"The Colombo government's crushing military victory over the Tamil separatists was coupled with a brutal campaign against the press and dissident voices. Sri Lanka is of all the countries with an elected democratic government the least respectful of media freedom…The army and Sinhalese ultra-nationalists have carried on a campaign of permanent harassment of the privately-owned media and particularly specialists in military affairs. Media, which have been forced into exile or gagged, no longer dare to criticise or investigate military strategy while the press on the island was previously known for the high quality of its investigations." **[27a]**

16.04 Sri Lanka – categorised as 'not free' - ranked 158 out of 196 countries in the Freedom of the Press 2010 *Table of Global Press Freedom Rankings*, released on 29 April 2010. **[46e]** In 2009 Freedom House also considered the press in Sri Lanka as 'not free' but ranked the country 155 out of 195 countries. (Freedom of the Press 2009, Table of Global Press Freedom Rankings) **[46b]**

16.05 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) stated that:

"The law provides for freedom of speech and of the press but in practice this was not always supported. The government owned the country's largest newspaper chain, two major television stations, and a radio station. However, private owners operated a variety of independent newspapers, journals, and radio and television stations. The government imposed no political restrictions on the establishment of new media enterprises. While foreign media outlets operated in the country, some foreign journalists had their visas revoked or were asked to leave the country when they reported on sensitive issues in a manner that the government disliked.

"Media freedom deteriorated in the Colombo area, as well as in the conflict-affected north and east. Most journalists practiced self-censorship. National and international media freedom organizations and journalists' associations expressed concern over media freedom and were sharply critical of the Defense Ministry's role in harassing and intimidating journalists and their lawyers.

"Senior government officials repeatedly accused critical journalists of treason and often pressured editors and publishers to run stories that portrayed the government in a positive light. Lawyers who defended journalists were also threatened and pressured by defense and government officials." **[2b] (Section 2a)**

16.06 The same source also reported that:

"On July 9 [2009], the government officially reactivated the Press Council Act of 1973. This act, which includes power to fine and/or impose punitive measures including lengthy prison terms, proscribed the publishing of articles that discussed internal communications of the government and decisions of the cabinet, matters relating to the military that could affect national security, and details of economic policy that could lead to artificial shortages or speculative price increases. Several demonstrations by journalists took place throughout the latter part of the year against the resurrection of this council." **[2b] (Section 2a)**

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JOURNALISTS AND EDITORS

16.07 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*', 5 July 2010, observed that:

"Despite a reduction in the number of high-profile attacks on media professionals since June 2009, concerns continue to be voiced in relation to journalists, publishers and other media personnel, who report critically on sensitive matters [such as corruption, human rights abuses, particularly in relation to the conduct of the former armed conflict, or in relation to official policies]. A variety of reports indicate that such journalists could be subject to intimidation, harassment, physical attacks, arbitrary detention and disappearances." **[6h] (p5)**

16.08 The Amnesty International Report 2010, Sri Lanka (covering events from January – December 2009), released on 28 May 2010, observed that "Journalists were killed, physically assaulted, abducted, intimidated and harassed by both government personnel and members of armed groups. Little effort was made to investigate attacks or bring perpetrators to justice." **[3c]**

16.09 The Committee to Protect Journalists (CPJ) report *In Sri Lanka, no peace dividend for press*, issued on 19 May 2010, noted:

"The end of Sri Lanka's war with Tamil rebels has not eased repression of independent media. Journalists still face violence, harassment, and detention."

"Journalists described working in a climate of fear and intimidation. Many said they hold back from publishing stories that could embarrass Rajapaksa or members of his family who also hold public office. They assume their phones and e-mail are tapped."

"The backdrop to this fear is impunity. In April 2010, CPJ ranked Sri Lanka as the fourth worst nation worldwide on its Impunity Index, a list of countries where journalists are regularly murdered and governments fail to solve the crimes." **[57b]**

16.10 The same CPJ report also commented that:

"As a result of recurring violence and harassment, self-censorship is rampant among the island's highly partisan press, which publishes in three languages, Sinhala, Tamil, and English. In the pro-establishment media, many editors acknowledge self-censorship while devoting their front pages and news-hour lead stories to extensive, positive coverage of the government. Among the pro-opposition media, there is a pervasive atmosphere of concern, if not outright fear, about the future of the country's media and their personal safety. Independent editors say they are reluctant to run stories supportive of Fonseka, or that question the armed forces, military procurement, or the political and business dealings of senior administration officials." **[57b]**

16.11 The AI report *Sri Lanka: Silencing dissent: Media workers under attack in Sri Lanka*, issued on 3 May 2010 observed:

"In Sri Lanka, reporting the truth can be fatal. Journalists have been killed, physically assaulted, abducted, and harassed by both government personnel and members of armed groups. At least 15 journalists have been killed since 2006 and more than 20 have fled the country. The perpetrators of such human rights violations have never been brought to justice.

"These attacks take place against a backdrop of official government statements accusing dissenting journalists or human rights activists of treason or supporting the armed group, Liberation Tigers of Tamil Eelam (LTTE). The government's frequent vitriolic responses to any criticism only serve to erode its legitimacy in the international arena. But in Sri Lanka, such rhetoric serves to implicitly support, if not actually encourage, physical attacks on government critics." **[3k] (p2)**

16.12 The same AI report also highlighted that:

"Since the presidential election concluded on 26 January 2010, the government has exerted a powerful stranglehold over its critics, especially opposition supporters and journalists. The clampdown on dissent is acute and has included arrests, death threats against several prominent newspaper editors, harassment of trade unionists and state employees who supported the opposition, along with intimidation of independent web-based media." **[3k] (p3)**

16.13 The USSD 2009 report noted that "In addition to high-profile killings, such as the death of the newspaper editor Lasantha Wickrematunga, media personnel were often subject to threats and harassment during the year. Statements by government and military officials contributed to an environment in which journalists who published articles critical of the government felt under threat." **[2b] (Section 2a)**

16.14 The EU report of October 2009 observed:

"Implementation of the right to freedom of expression remains a serious problem. Sri Lanka has been ranked as one of the most dangerous countries in the world for journalists. It is reported that senior Government officials have repeatedly accused critical journalists of treason and often put pressure on editors and publishers to run stories that portrayed the Government in a positive light. Journalists who criticise the government have reportedly been subject to verbal and physical attacks, harassment, restrictions on access and vilification. A considerable number of Sri Lankan journalists have been driven into exile; in some cases, their families remaining in Sri Lanka have continued to receive threats. Government representatives have often attempted to discredit critical voices, notably journalists, as supporters of the LTTE and traitors to Sri Lanka. The Ministry of Defence website has accused journalists of acting as mouthpieces for the LTTE" **[24a] (paragraph 75)**

16.15 The Freedom House '*Freedom of the Press 2009*', Country Reports, Sri Lanka, 1 May 2009 observed:

"Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, faced regular intimidation and pressure from both high- and low-ranking government officials…As a result, levels of self-censorship have risen considerably…The level of threats and harassment against journalists and media outlets continued to rise during the year. In addition to verbal and physical attacks from official sources, journalists and press advocacy groups perceived as supportive of Tamil interests have drawn the ire of Sinhalese nationalist vigilante groups…A number of journalists fled the country as a result of threats. Previous cases of attacks and killings of journalists have not been adequately investigated or prosecuted, leading to a climate of impunity." **[46a]**

16.16 Freedom of the Press 2009 added:

"Several privately owned newspapers and broadcasters continue to scrutinize government policies and provide diverse views. However, media outlets have become more polarized, shrinking the space for balanced coverage. In recent years ownership has also become more consolidated, with many private outlets now owned by figures who are closely associated with the government or who hold official positions. The Colombo-based Free Media Movement has noted that state-run media—including Sri Lanka's largest newspaper chain,

two major television stations, and a radio station—are heavily influenced by the government, citing cases of pressure on editors, several unwarranted dismissals of high-level staff, and biased coverage." **[46a]**

16.17 The Reporters Sans Frontières (RSF) Sri Lanka - Annual report 2009 noted that "Murders, physical assaults, kidnappings, threats and censorship are the lot of Sri Lanka's journalists…Violence against the press that was for a long time restricted to the Tamil media, now affects journalists working in Sinhalese and English."

"The foreign press has found it harder than ever to work in the island. The brother of the president, Gotabhaya Rajapaksa, threatened reprisals against the BBC and al Jazeera, after the two media did reports in the country. Photojournalists working for the international press were forced to flee the country after being threatened by army supporters. Several dozen journalists and free expression activists have also been driven into exile." **[27a]**

16.18 The CPJ report of 19 May 2010 noted:

"In February 2009, CPJ investigated what one Sri Lankan journalist called a 'spasm of violence' against the media in the preceding month. The attacks, which included the murder of columnist Lasantha Wickramatunga, were aimed at silencing critics on the home front during the final assault on the rebel Liberation Tigers of Tamil Eelam (LTTE). In its 2009 special report, 'Failure to Investigate,' CPJ found a pattern of unpunished violence against the media throughout Rajapaksa's tenure.

The January 2009 cases remain unresolved, illustrating the government's continued inability or unwillingness to pursue justice in anti-press attacks." **[57a]**

16.19 The same CPJ report added:

"Adding to the journalists' sense of vulnerability is the case of J.S. Tissainayagam, who was honored with CPJ's International Press Freedom Award last year. In August 2008, he was sentenced to 20 years in prison under Sri Lanka's Prevention of Terrorism Act in connection with two articles written nearly three years earlier in a now-defunct magazine, North Eastern Monthly. His crime was documenting human rights abuses by the military and the difficult conditions faced by those displaced in the war.

After a vigorous international campaign, Tissainayagam was released on bail in January 2010 pending his appeal. Fearing for his safety, living in self-imposed seclusion, and prohibited from leaving the country, Tissainayagam served as an example to other journalists of what could happen to them should they run afoul of the government. The country's recently appointed external affairs minister, G.L. Peiris, announced at a press conference on May 3, World Press Freedom Day, that Tissainayagam had been given a presidential pardon." **[57b]**

16.20 The Reporters sans Frontières (RSF) '*Countries under surveillance*', issued on 12 March 2010 reported that:

"Political analyst and cartoonist Prageeth Eknaligoda, a journalist for the news site Lankaenews, has been reported missing since the night of January 24. He had told a close friend that he thought he had been followed for several days. When contacted by Reporters Without Borders, one of his colleagues confirmed that he was being threatened because of his political analyses. Just before the elections, he had indicated his preference for the opposition candidate, General Fonseka." **[27d]**

16.21 On 12 August 2010 RSF noted:

"Two hundred days have passed since Sri Lankan journalist Prageeth Ekneligoda disappeared... Since Prageeth's disappearance his wife, along with media rights and human rights groups, has continuously urged the government of Sri Lanka to reveal his whereabouts...

"While the police and other authorities have failed in providing any information that leads to finding Prageeth, they haven't taken any steps to counter or investigate freely circulated disinformation that he is in hiding. Whatever took place on the night of 24th January 2010, it is the duty of Sri Lanka's government, led by President Mahinda Rajapaksa, to find where Prageeth is and inform his wife Sandya and the world. The inability to do so inevitably affirms Sandya's repeated assertion that she holds the government of Sri Lanka responsible for the disappearance of her husband." **[27e]**

16.22 The EIU, Country Report Sri Lanka, August 2010 recorded that:

"In July [2010] a group of thugs broke into the offices of a privately owned television and radio station, Siyatha (part of the Voice of Asia Network), attacking staff and burning the premises down. Although the station was not overtly antigovernment, its owner, Roshantha Kariyapperuma, is said to have backed the opposition candidate, General Sarath Fonseka, in the presidential election, and there are widespread suspicions that the motive for the attack was political. The police have made no arrests in relation to a similar attack on another television station linked to opposition supporters in 2009. The culture of impunity enjoyed by those who attack and intimidate the media has been one of the main concerns of those who accuse the UPFA government of tolerating a decline in local human rights standards." **[75a] (p10-11)**

16.23 On 3 August 2010 RFF expressed its outreage at:

"an attack by about 12 armed men on the premises of media that are part of the Voice of Asia group – including Siyatha TV, Siyatha FM, Real Radio and Vettri FM – in Colombo in the early hours of 30 July. Two employees were injured and firebombs caused extensive damage."

"The raid on the Voice of Asia media was carried out at about 1:30 a.m. on 30 July by around 12 masked men although the building is supposed to be under permanent protection. The assailants forced employees to kneel, and hit two of them, before throwing Molotov cocktails that started a fire.

"A pro-government newspaper recently accused the Voice of Asia media of secretly defending the cause of Gen. Sarath Fonseka, the leading opposition candidate in last January's presidential election. The newspaper produced no evidence to support the claim." **[27b]**

16.24 Additional information on the situation of journalists and on recent attacks against them is available from the following weblinks: Committee to Protect Journalists (CPJ), Sri Lanka 2010; Committee to Protect Journalists (CPJ) Attacks on the Press in 2009: Sri Lanka, **[57a]** and International Federation of Journalists (IFJ) Incidents of Press Freedom Violations by Country, May 2008-April 2009 **[18b]**

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INTERNET FREEDOM

16.25 The USSD report 2009 reported that:

"There appeared to be some limited government restrictions on access to the Internet, including suspicions that the government was behind the blocking of Internet access to several Tamil news Web sites, including the pro-LTTE TamilNet.

"High-speed Internet was available in major cities and towns, with more widespread use among younger populations. Cell phone use, including text-messaging, was high across a broad spectrum of society. The government did not restrict short message service (SMS) or cell phone usage.

"According to International Telecommunication Union statistics for 2008, approximately 5.8 percent of the country's inhabitants used the Internet." **[2b] (Section 2a)**

16.26 The Reporters sans Frontières (RSF) '*Countries under surveillance*', issued on 12 March 2010 noted that:

"In the wake of the military victory over the Tamil Tigers and presidential elections held in an environment of propaganda and intimidations, Sri Lanka is re-emerging with a government visibly determined to intensify its control of Internet-based information.

"Independent news websites blocked a few hours before presidential election results were announced

"Even though the blocking had so far been mainly limited to sites sympathetic to the Tamil Tigers, the Lankaenews, Lankanewsweb, Infolanka and Sri Lanka Guardian independent websites were rendered inaccessible on the island by the primary Internet service provider, Sri Lanka Telecom (SLT) on February 26, 2010.

"The Lankaenews offices were surrounded by police and its director received a death threat at the end of January. The newspaper's website had already been temporarily blocked in July 2009 after covering incidents that occurred in the displaced civilians' camps during the military offensives." **[27d]**

16.27 On 9 July 2010 RSF reported that Sri Lanka Telecom, the country's main Internet service provider, had been blocking access to the online newspaper Lanka News Web since 11 July 2009 and observed that "The government has been trying to assert control over online media since its military victory over

the Tamil Tiger rebels and the ensuing presidential election, which was accompanied by propaganda and intimidation of the news media." **[27c]**

16.28 The Freedom House '*Freedom of the Press 2009'*, Country Reports, Sri Lanka, 1 May 2009 observed:

"Access to the internet and to foreign broadcasts is generally not restricted, but foreign outlets came under pressure during the year [2008], with reports that the British Broadcasting Corporation was being jammed intermittently by the state-owned Sri Lanka Broadcasting Cooperation (SLBC)…In May [2008], the editor of an online news website, Lanka Dissent, alleged that the site had been disrupted by cyberattacks." **[46a]**

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

This section should be read in conjunction with sections on Political affiliation and Freedom of speech and media

17.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that:

"A number of domestic and international human rights groups continued to investigate and publish their findings on human rights cases despite increasing government restrictions and physical threats to their work. The government often criticized local NGOs critical of government actions, failed to respond to requests for assistance, and put pressure on those who sought such assistance. For example, the government failed to investigate a death threat in August against one prominent civil society leader and instead opened an investigation of those who signed a public petition calling for an investigation.

"During the conflict the government and the LTTE allowed only limited operations by NGOs within the conflict zone, mainly to bring food and medical shipments to civilians and to evacuate the wounded and sick to safety. During the last few weeks of the conflict, neither side ceased hostilities long enough to allow the assistance to enter or the wounded to leave the conflict zone." **[2b] (Section 5)**

17.02 The USSD report 2009 continued:

"After the conflict the government sought to limit the role of the ICRC and requested it to withdraw from the Eastern Province. At year's [2009] end the ICRC continued in discussions with the government over its mandate.

"The government continued to refuse the request by the UNHCR for an expanded mission and an independent presence in the country. The Ministry of Defense, other government officials, and diplomatic missions abroad regularly accused human rights NGOs and UN bodies of bias against the government.

"International personnel of NGOs often had trouble getting visa renewals to continue working in the country. The government canceled the visas of two employees of UN agencies after they made public remarks perceived to be critical of the government." **[2b] (Section 5)**

17.03 The same report also noted that:

"Lawyers who defended human rights cases sometimes were under physical and verbal threats. On January 28 [2009], police officers made death threats againt Amitha Ariyaratne, a lawyer in past prominent human rights cases, and on January 30, his house was burned.

"In July the Defence Ministry's official Web site called five lawyers, who were appearing for editors of The Sunday Leader in a case against the secretary of defense, 'traitors.' The Bar Association of Sri Lanka protested this as an infringement of lawyers' right and duty to provide representation. Lawyers defending journalist J.S. Tissainayagam reported receiving anonymous threats…. **[2b] (Section 1e)** Prior to the end of the war, the LTTE and the TMVP continued to interfere with the work of international NGOs. The LTTE prevented refugees from leaving areas under its control in the north and sought to influence aid organizations in areas under its control." **[2b] (Section 1g)**

17.04 The Amnesty International Report 2010, Sri Lanka (covering events from January – December 2009), released on 28 May 2010, observed that "Human rights defenders continued to be subjected to arbitrary arrests, enforced disappearances, attacks and threats." **[3c]**

17.05 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka'*, 5 July 2010, observed that:

"Concerns have been raised about incidents of harassment, death threats, physical attacks and abductions directed against certain members of civil society, including human rights activists. For example, lawyers involved in corruption cases or representing alleged victims of human rights abuses, as well as witnesses appearing in these cases, may be subject to harassment, attacks, death threats and other forms of intimidation. On 2 March 2010, a Sri Lankan news website, LankaNewsWeb published a list allegedly compiled by a Sri Lankan State intelligence unit containing the names of 35 human rights activists and journalists, each reportedly ranked in accordance with their importance to the intelligence service. Human rights observers expressed concerns about the alleged surveillance list." **[6h] (p6-7)**

17.06 The Freedom House report, *Freedom in the World 2010, Sri Lanka*, covering events in 2009, released on 1 June 2010 reported that:

"Over the past few years, human rights and pro-peace nongovernmental organizations (NGOs), particularly those considered 'unpatriotic' or unwilling to support the official line, have faced greater threats and harassment from authorities across the country, including assaults on their gatherings and proposed parliamentary investigations into their activities. In August 2009, Paikiasothy Saravanamuttu, head of the CPA, received death threats and was then detained for questioning upon his return from a trip to the United States.

"Several dozen NGO and humanitarian workers have been killed in recent years, while others have been subject to forced disappearance, as was the case with Stephen Suntharaj in May 2009. Several foreign staffers of UN agencies and NGOs were deported during the year after making critical remarks about official policies." **[46h]**

17.07 The International Committee of the Red Cross Annual Report 2009, released on 19 May 2010 stated:

"In 2009, despite difficulties of access to conflict victims owing to the volatile security situation and a government request in July [2009] to scale down operations, the ICRC adapted its approach and its planned activities to help meet the most pressing humanitarian needs at the height of the conflict and during its immediate aftermath…

"As the fighting escalated, the ICRC became the last international humanitarian actor working in the conflict zone. Following the closure of the land crossing points between front lines, the ICRC, in its role as a neutral intermediary and with the agreement of both parties, evacuated over 13,000 people from the conflict zone by ship…

"In July [2009], the government requested the ICRC to close its offices in the east of the country and curtailed its access to the camps in the Vavuniya and Mannar regions,where the vast majority of IDPs and former LTTE fighters were housed. This led to a severe reduction in ICRC activities…

"Discussions with the authorities on redefining the ICRC's role in the new context were ongoing at the end of the year." **[34a] (p227-228)**

17.08 The ICRC operational update of 27 May 2010 stated that at any time there were "38 expatriates and over 300 national staff based in the main ICRC delegation in Colombo, the two sub-delegations in Jaffna and Vavuniya, and the office in Mannar." **[34c]**

See also Section 8 on Avenues of complaint, Section 16: Freedom of speech and media, Section 27: Humanitarian Issues and Section 29: Internally Displaced People

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18. CORRUPTION

18.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that:

"The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials in all three branches of the government frequently engaged in corrupt practices with impunity.

"The tendering and procurement process for government contracts was not transparent, leading to allegations of corruption by the losing bidders. Senior officials served as corporate officers of several quasi-public corporations,

including Lanka Logistics and Technologies, which the government established in 2007 and designated as the sole procurement agency for all military equipment. Critics alleged that large kickbacks were paid during the awarding of certain defense contracts…

"In 2008 the Supreme Court found then treasury secretary P.B. Jayasundera, guilty of a violation of procedure in the awarding of a large contract for the expansion of the Port of Colombo. The court barred him from holding the treasury position. In June after President Rajapaksa named a new Supreme Court chief justice, the Supreme Court allowed Jayasundera to proceed with a fundamental rights case protesting the original decision. The Supreme Court then overturned the previous decision and allowed Jayasundera to be reinstated as secretary of the treasury.

"The Commission to Investigate Allegations of Bribery or Corruption received 3,224 complaints, of which 1,035 were under investigation at year's end.

"There was no law providing for public access to government information." **[2b] (Section 4)**

18.02 The Freedom House report *Countries at the Crossroads 2010*, Country report, Sri Lanka, 6 April 2010 observed that "Three significant types of corruption prevail in the Sri Lankan political system: bribes paid in an effort to circumvent bureaucratic red tape, bribe solicitation by government officials, and nepotism or cronyism. Under the Rajapaksa administration, very few steps have been taken to control corruption." **[46d] (Anticorruption and Transparency)**

18.03 The Freedom House report, *Freedom in the World 2010, Sri Lanka*, covering events in 2009, released on 1 June 2010 noted that:

"Official corruption is a continuing concern. The current legal and administrative framework is inadequate for promoting integrity and punishing corrupt behavior, and weak enforcement of existing safeguards has been a problem…Although hundreds of cases are being investigated or prosecuted by the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), no current or former politician has been sentenced. Corruption watchdogs have found that government interference and the Treasury's ability to withhold funding compromise the CIABOC's independence and render it ineffective. Corruption cases can only be initiated by members of the public, who have been reluctant to do so because of a lack of whistleblower protections. Sri Lanka was ranked 97 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index." **[46c] (Political Rights and Civil Liberties)**

18.04 Sri Lanka was ranked 97 (out of 180 countries) with a score of 3.1 in Transparency International's 2009 Corruption Perceptions Index (CPI), released on 17 November 2009. The CPI score indicates the perceived level of public-sector corruption in a country from 0 (highly corrupt) to 10 (low levels of corruption). **[63b]**

18.05 Additional information is available from this weblink to the website of Transparency International Sri Lanka (TISL) **[63]**

See also Section 6: Political System; Section 8: Security forces, Police, Section 11: Judiciary, Section 15: Political Affiliation and Section 32: Forged and fraudulently obtained documents

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19. FREEDOM OF RELIGION

OVERVIEW

19.01 The US State Department (USSD) *International Religious Freedom Report 2009*, Sri Lanka, covering events between July 2008 and June 2009, published on 26 October 2009, stated that "Approximately 70 percent of the population is Buddhist, 15 percent Hindu, 8 percent Christian, and 7 percent Muslim." **[2a] (Section I)** and that "Discrimination based on religious differences was much less common than discrimination based on ethnicity." **[2a] (Section III)**

19.02 The same report further observed that:

"The Constitution accords Buddhism the 'foremost place' and commits the Government to protecting it but does not recognize it as the state religion. The Constitution also provides for the right of members of other religious groups to practice freely their religious beliefs. There was no change in the status of respect for religious freedom by the Government during the reporting period. Although the Government publicly endorses religious freedom, in practice there were problems in some areas. There continued to be sporadic attacks on Christian churches by Buddhist extremists and some societal tension due to ongoing allegations of forced conversions. There were also attacks on Muslims in the Eastern Province by pro-government Tamil militias; these appeared to be due to ethnic and political tensions rather than to the Muslim community's religious beliefs." **[2a] (Introduction)**

19.03 The USSD Religious Freedom Report 2009 also noted:

"The Ministry of Religious Affairs has four departments that deal specifically with Buddhist, Hindu, Muslim, and Christian affairs. According to the legislation defining their mandates, each department should formulate and implement programs that inculcate religious values and promote a virtuous society. Parliament again took no action on 'anti-conversion' legislation first introduced in 2004...Matters related to family law, including divorce, child custody, and inheritance, are adjudicated according to the customary law of the concerned ethnic or religious group...Despite the constitutional preference for Buddhism, the Government observes a number of major religious festivals of other religious groups as national holidays. These include the Hindu Thai Pongal, New Year, and Deepawali festivals; the Islamic Hadji and Ramzan festivals and the Prophet Muhammad's birthday; and Christian Good Friday and Christmas. Religion is a mandatory subject in the public school curriculum. Parents and children may choose to study Buddhism, Islam, Hinduism, or Christianity. Students who belong to other religious groups can pursue religious instruction outside the public school system." **[2a] (Section II)**

19.04 The same report also observed that "During the reporting period, security forces committed human rights abuses against individuals at places of worship in the north and east. While these incidents had an impact on religious

freedom, they were not religiously motivated; instead, they were a product of the conflict." **[2a] (Section II)**

19.05 The Christian Solidarity Worldwide (CSW) report *Sri Lanka: Religious freedom in the post-conflict situation*, dated 1 January 2010 observed that:

"The main driver of religious antagonism, manifested in violence, discrimination and disinformation usually carried out against Christians…is this ideology of Sinhalese Buddhist nationalism, which locates mainstream Sri Lankan identity in the nexus of Sinhalese ethnicity and Theravada Buddhist culture. There have been signs of a revival of Sinhala Buddhist nationalism in public discourse which, if it should become more entrenched, could pose a growing danger to ethnic and religious groups outside the Sinhala Buddhist national mainstream, including not only Tamils, but also Muslims and Christians (whether Sinhalese or Tamil by ethnicity)." **[84a]**

19.06 The US Committee on International Religious Freedom Annual Report 2010 Covering 1 April 2009 – 31 March 2010), released on 29 April 2010, (USCRIF Report 2010) observed:

"In recent years, USCIRF has been concerned about religious freedom in Sri Lanka because of attacks targeting religious minorities and proposed legislation on religious conversion that, if enacted, would violate international norms regarding freedom of thought, conscience, and religion or belief.
"In the context of the civil war, violence against civilians based on ethnicity and/or religion occurred throughout the country. Both sides in the conflict failed to take steps to prevent or stop incidents of communal violence involving Buddhist Sinhalese, Hindu Tamils, Muslims, and Christians. Both government and LTTE forces targeted places of worship of various faith communities, and attacks took place during religious holidays and festivals." **[77] (p330)**

HINDUS

19.07 The USSD Religious Freedom Report 2009 noted that 15 percent of the population is Hindu and that "Most Tamils, who make up the largest ethnic minority, are Hindu." It also stated that "the north [is] almost exclusively [populated] by Hindus." **[2a] (Section I)**

19.08 The same report noted that "Since 1983, the Government had battled the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization fighting for a separate state for the country's Tamil, and mainly Hindu, minority. The conflict formally ended in May 2009." However, "Adherence to a specific set of religious beliefs did not play a significant role in the conflict, which was rooted in linguistic, ethnic, and political differences. The conflict affected Buddhists, Hindus, Muslims, and Christians." **[2a] (Section I)**

MUSLIMS

19.09 The USSD Religious Freedom Report 2009 stated "Almost all Muslims are Sunnis; there is also a small minority of Shi'a, including members of the Bohra community." "Muslims populate the east..." **[2a] (Section I)**

19.10 The same report also recorded that:

"In 1990 the LTTE expelled approximately 46,000 Muslim inhabitants, virtually the entire Muslim population in the area, from the northern part of the country. Most of these persons remained displaced and lived in or near welfare centers. Although some Muslims returned to the northern city of Jaffna in 1997, they did not remain there due to the continuing threat the LTTE posed. There were credible reports that the LTTE warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict was over. It appears that the LTTE's actions against Muslims were not due to Muslims' religious beliefs but rather that these actions were part of an overall strategy to clear the north and east of persons unsympathetic to the LTTE. The LTTE made some conciliatory statements to the Muslim community, but many Muslims viewed the statements with scepticism. The LTTE later encouraged Muslim internally displaced persons (IDPs) in some areas to return home, asserting they would not be harmed. Although some Muslim IDPs returned home, the majority did not and waited for a government guarantee of safety in LTTE-controlled areas. Since the 2002 Ceasefire Agreement, the LTTE also carried out a number of attacks in the east in which Muslims were killed. No arrests had been made in these cases by the end of the reporting period. Although the Government defeated the LTTE militarily in May 2009, it remained unclear whether these Muslim citizens would soon be able to return to their former homes. **[2a] (Section II)**

See also Section 20: Ethnic Groups; Section 23: Women and Section 29: Internally Displaced People

CHRISTIANS

19.11 The USSD Religious Freedom Report 2009 stated that eight per cent of the population is Christian which tend to be concentrated in the west of the country:

"Almost 80 percent of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in cities. Seventh-day Adventists, Jehovah's Witnesses, Methodists, Baptists, Dutch Reformed, Anglicans, Pentecostals, and members of the Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership is small." **[2a] (Section I)**

19.12 The same report also stated that:

"...allegations by Buddhist extremists of Christian involvement in 'unethical' or forced conversions continued to be a source of tension between the two communities... During the reporting period, Christians of all groups sometimes encountered harassment and physical attacks on property and places of worship by some local Buddhists who were opposed to conversion and believed the Christian groups threatened them. Some Christian groups occasionally complained that the Government tacitly condoned harassment and violence aimed at them. Police generally provided protection for these groups at their request. In some cases police response was inadequate, and local police officials reportedly were reluctant to take legal action against individuals involved in the attacks. The National Christian Evangelical Alliance of Sri Lanka reported numerous attacks on Christian churches, organizations, religious leaders, or congregants, many of which were reported to the police. Credible sources confirmed some of these attacks. A general increase in the

number of attacks on churches, particularly in the south, occurred in April and May of 2008. The most severe attack was in Talangama, Colombo District, when Buddhist monks led mobs attacking the Calvary Church, destroying the building and severely injuring the pastor. No arrests were made following these attacks." **[2a] (Section III)**

19.13 The USCRIF Report 2010 observed:

"While not directly connected to the civil conflict, violent attacks on churches, clergy, and individual Christians have taken place during the past few years, reportedly carried out by members of, or persons affiliated with, extremist groups espousing Buddhist nationalism. Attacks on Christians have ranged from harassment and threats to vandalizing properties and arson. Cases were rarely investigated and perpetrators rarely brought to justice, resulting in a culture of impunity. This problem is compounded by wider, more chronic deficiencies in the judicial system in Sri Lanka, including corruption, an absence of police training, and inadequate infrastructure.
There are continuing reports that in the rural areas, churches have been attacked and Christians (who comprise approximately 7 percent of the country's population) have been physically assaulted by individuals or groups, particularly for alleged attempts to convert Buddhists to Christianity." **[77] (p332)**

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20. ETHNIC GROUPS

OVERVIEW

20.01 The CIA World Factbook, Sri Lanka (updated on 19 August 2010), recorded that the population is comprised of Sinhalese (73.8 per cent), Sri Lankan Moors (Muslims) (7.2 per cent), Indian Tamil (4.6 per cent), Sri Lankan Tamil (3.9 per cent), other groups (0.5 per cent) and a further 10 per cent were of unspecified ethnicity (2001 census provisional data). **[30]** The Sri Lankan Department of Census and Statistics (Statistical Abstract 2009, Chapter II, tables 2.10 - 2.11, accessed on 20 September 2010), based on a total population of 18,797,257, stated that the population comprises: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor/Muslim (7.9 per cent), Burgher (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent) (figures from the 2001 census). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included **[58a]** [areas in northern and eastern Sri Lanka where Tamils are concentrated – see paragraph 20.07 below]. The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) reported that Tamils were 16 percent of the overall population. **[2b] (Introduction)**

20.02 The Minority Rights Group International, Sri Lanka Overview, undated, accessed on 1 June 2009, elaborated on the ethnic mix:

"Sri Lanka has a plural society. The majority group, the Sinhalese, speak a distinctive language (Sinhala) related to the Indo-Aryan tongues of north India, and are mainly Buddhist.

"There are two groups of Tamils: 'Sri Lankan Tamils' (also known as 'Ceylon' or 'Jaffna' Tamils) are the descendants of Tamil-speaking groups who migrated from south India many centuries ago; and 'Up Country Tamils' (also known as 'Indian' or 'estate' Tamils), who are descendants of comparatively recent immigrants. Both Tamil groups are predominantly Hindu with a small percentage of Christians. They also speak their own distinct language called Tamil.

"More than one-third of Muslims (includes Sri Lankan Moors, Malays and other smaller religious sects like Bhoras and Khojas) live in the north and east. The majority of these live in the east, where they constitute about a third of the population. The remaining Muslim community is dispersed throughout the urban centres of Sri Lanka. Muslims are also divided between mainly agriculturists living in the east, and traders who are dispersed across the island. Muslims speak both Tamil and Sinhalese depending on the area they live in.

"Veddhas or Waaniy-a-Laato (forest-dwellers) comprises a very small community of indigenous peoples. The entire community is in danger of extinction. Sri Lanka also has other, smaller communities, such as the Burghers who are of Dutch and Portuguese origin." **[62a]**

20.03 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 20009) observed that:

"There were 34 Tamils and 25 Muslims in the parliament. There was no provision for or allocation of a set number or percentage of political party positions for women or minorities." **(Section 3)** The law provides for equal rights for all citizens, and the government generally respected these rights in practice; however, there were instances where gender and ethnic-based discrimination occurred." **[2b] (Section 5)**

20.04 As recorded in Jane's Sentinel Country Risk Assessments, 'Country Report, Sri Lanka' (accessed on 23 August 2010)

"…the tension in relations between the Sinhalese and Sri Lankan Tamils has been the most prominent political trend in Sri Lanka since independence (1948)…In contrast to the confrontational strategies of Sri Lankan Tamils, the Muslims and Indian Tamils adopted political stances of 'qualified collaboration' with one or the other of the main Sinhalese-dominated political parties… **(Internal Affairs, 29 April 2010, Post-Independence ethnic tension)**

"Language and religion are the main ingredients of ethnic identity in Sri Lanka. The mother tongue of the Sinhalese is Sinhala. Approximately 93 per cent of Sinhalese are Buddhists. The overwhelming majority of Tamils speak Tamil and are Hindus. Most Muslims are Tamil-speaking but they resisted being co-opted into the Tamil nationalist project during the civil war. The overwhelming majority are Sunni of the Shafii school of jurisprudence. The Christian segment of the population - about seven per cent of the total - consists of both Sinhalese as well as Tamils in roughly equal proportions." **[5a] (Demography, 19 May 2010)**

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SINHALESE

20.05 Estimated to be between 74 per cent (CIA World Factbook, Sri Lanka , updated on 19 August 2010) **[30]** and 82 per cent (Sri Lankan Department of Census and Statistics, Statistical Abstract 2009, Chapter II, tables 2.10 - 2.11, accessed on 20 September 2010) **[58a]** of the total population, the Sihalese are the main ethic group in the country. They speak Sihala and are overwhelmingly Buddhist (Jane's Sentinel Country Risk Assessments, 'Country Report, Sri Lanka' (accessed on 23 August 2010) **[5a] (Demography, 19 May 2010)**

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TAMILS

20.06 The Freedom House report *Countries at the Crossroads 2010,* Country report, Sri Lanka, 6 April 2010 recorded that "The Sri Lanka Tamils, about 12.7 percent of the population, are descendants of early settlers on the island, speak Tamil, and are mostly Hindus. They represent a majority in most of the northern and eastern parts of the island, with other pockets in large cities." **[46d] (Introduction)**

20.07 Approximately 8 to 9 per cent of the population (the USSD 2009 reported 16 per cent) are ethnic Tamils (the combined total of Indian and Sri Lankan Tamils) – see paragraph 20.01 above. Jane's Sentinel Country Risk Assessments, Sri Lanka (accessed on 23 August 2010), observed that:

"Tamils comprise approximately 90 per cent of the population in the Northern Province and approximately 40 per cent of the population in the Eastern Province. Prior to the end of the civil war and the destruction of the Liberation Tigers of Tamil Eelam (LTTE) in May 2009, these two provinces were considered by the Sri Lankan Tamils as constituting the traditional Tamil homeland in Sri Lanka. However, just under 50 per cent of Tamils live outside the Northern and Eastern provinces (although excluding the Indian Tamils, only 33 per cent live outside the two provinces." **[5a] (Demography, 19 May 2010)**

20.08 In Colombo district there were 247,739 Sri Lanka Tamils and 24,821 Indian Tamils out of a total population of 2,251,274 (figures from the 2001 census). The districts of Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya also had a high concentration of Tamils. However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included. (Sri Lankan Department of Census and Statistics (Statistical Abstract 2009, Chapter II, tables 2.10 - 2.11, accessed on 20 September 2010) **[58a]**

28.09 A BHC letter dated 10 September 2009 reported:

"During a recent conversation, the former Chief Justice told me that there were 400,000 Tamils living in Colombo. Similarly, Mano Ganesan MP informed me that Colombo District has close to 300,000 Tamils living here as permanent residents and another 50,000 as temporary residents. Most of the Tamils live within Colombo City limits but other sizeable numbers live south of the city in the suburbs of Dehiwala and Mount Lavinia. He added that another 100,000 Tamils reside in Wattala and a further 50,000 reside further south in Kalutara.

This would estimate up to 500,000 living in Colombo and its immediate environs. Clearly these figures would be with regard to Colombo District, and based on the 2008 estimated figure above, would indicate that between 16 – 20% of the total population of the Colombo district are Tamil." **[15q]**

See also Section 28: Freedom of movement

20.10 The USSD report 2009 noted that:

"Both local and Indian origin Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the government. According to the SLHRC, Tamils also experienced discrimination in housing. Landlords were required to register any Tamil tenants and report their presence to the police. Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-aged Tamil men by security forces and paramilitary groups." **[2b] (Section 6)**

20.11 The FCO Sri Lanka Country Profile, updated 6 May 2010 noted: "The ethnic conflict [between Sinhalese and Tamils] in Sri Lanka has been going on for over 20 years as the Liberation Tigers of Tamil Eelam (LTTE) fight for an independent homeland." (**[15j] (The Internal Conflict)**

20.12 Jane's *Sentinel Country Risk Assessments*, Country Report, Sri Lanka, Internal Affairs, updated 29 April 2010 stated:

"Until the early 1980s this process [the tension in relations between the Sinhalese and Sri Lankan Tamils] was primarily political and was defined by sustained agitation by parties and groups representing the interests of the Sri Lankan Tamils against successive Sinhalese-dominated governments, interspersed with periodic outbursts of communal violence in areas of mixed ethnicity at which Tamils suffered at the hands of rampaging Sinhalese mobs…Tamil grievances at this stage were focused mainly on the theme of economic deprivation and political alienation and focused upon campaigning for a due share of political power, access to resources and economic opportunities, and entitlement to the benefits of development. Over time, there emerged within the Tamil community the idea that it constitutes a distinct 'national group', primarily in response to state alienation and exclusion, and that the Tamil community had been arbitrarily unified with the 'Sinhalese nation' in the creation of 'British Ceylon'. This notion formed the ideological and political basis of a secessionist movement committed to the objective of establishing an independent Tamil state ('Eelam') encompassing the northern and eastern parts of the island of Sri Lanka.

"Several factors contributed to the supremacy acquired by the LTTE over other Tamil groups. The most basic among these has been their success in mobilising disgruntled Tamil youth and their capacity to command absolute obedience from among the ranks. The ferocity with which the LTTE has dealt with renegades, its rivals or any other force that stood in its way was another factor that contributed to its meteoric rise." **[5a]**

See also Section 3: History; Section 4: Recent Developments; Section 7: Human Rights, Introduction; Section 8: Security Forces; and Annex C

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Up-Country Tamils

20.13 The Freedom House *Countries at the Crossroads 2010*, Sri Lanka, released in April 2010, noted that "…Indian Tamils, who live primarily in the hill country of central Sri Lanka speak Tamil and most are Hindus. Comprising 5.5 percent of the population, they arrived on the island later than the Sri Lanka Tamils and consider themselves culturally distinct." **[46d] (Introduction)**

20.14 On 9 January 2009, The Official Government News Portal of Sri Lanka announced:

"Parliament passed legislation granting Sri Lankan citizenship to over 28,500 stateless Tamils of Indian origin yesterday [8 January 2009]. The two Bills granting citizenship to persons of Indian origin and stateless persons, amended without vote in the House as all the parties agreed on the right to citizenship of such stateless persons. Tamils of Indian origin who fled to Tamil Nadu after the 1983 anti-Tamil riots amounting approximately to 28,500, would be granted citizenship with this new scheme. Tamils of Indian origin had to remain in the country for 30 years continuously to be eligible for citizenship, According to the Granting of Citizenship to Stateless Persons Act of 1964." **[10g]** The Grant of citizenship to stateless persons (Special Provisions Amendment) Act, No. 5 2009 is accessible from this weblink.

See also Section 31: Citizenship and Nationality

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MUSLIMS

20.15 The Freedom House *Countries at the Crossroads 2010* recorded that Tamil-speaking Muslims comprise 7.1 percent of the population and live in strong concentrations along the eastern coast and in parts of the Sinhalese areas." **[46d] (Introduction)**

20.16 The International Crisis Group (ICG) document 'Development assistance and conflict In Sri Lanka: Lessons From The Eastern Province, Asia Report N°165', 16 April 2009, recorded that Muslims represent 41 per cent of the total population in the eastern districts of Trincomalee and Ampara and 26 per cent in the Batticaloa district. **[76a] (Appendix B)** and noted:

"Many Muslims continue to feel vulnerable to attacks and extortion from the TMVP [Tamil Makkal Viduthalai Pulikal] and, to a lesser extent, from government security forces. Tensions between Tamils and Muslims, aggravated by the actions of the Pillayan and Karuna factions, remain high. Many remain bitter over the nomination of Pillayan, rather than the Muslim candidate Hisbullah, as provincial chief minister and complain that Tamils continue to control the provincial administration and council." **[76a] (p5)**

"Violent disputes between Tamils and Muslims have been kept to a minimum since the provincial council elections, but deep tensions remain. The central

government has done little to foster dialogue and reconciliation between the two communities." **[76a] (p6)**

20.17 A letter from the British High Commission, Colombo, dated 13 August 2010, reported:

"The High Commission delegation met with the congregation of the Mohameedeen Jumma Mosque in Jaffna. Their spokesman told us that in 1990 the entire Muslim community in Jaffna was expelled from the peninsula by the LTTE, at gunpoint with 2 hours notice. They had lost all of their property and belongings. For two decades they had managed to survive, and whilst 125 families had returned to Jaffna, many others who wanted to return were waiting for something to be done to assist them. We were told that there were camps in Puttalam full of Muslims who wanted to return to Jaffna. Whilst people sympathised with their plight, nothing was ever done about it. There used to be 16 mosques in Jaffna, now there were only 6. Muslims used to own 5,000 homes in Jaffna, now only 10 families had their own homes. Many of their former homes were badly damaged or occupied by others. The Muslim community had always been held in high esteem as businessmen, but now the government were giving all of the licences to the Sinhalese, and the Tamil community were receiving assistance from both the Sri Lankan and Indian governments. They complained that the Muslim community had no voice. They had no political leaders and because they were only a 5% minority, they had no MPs. Furthermore they said that they were not recognised internationally and were not accepted as refugees by foreign governments." **[15o]**

See also Section 10: Abuses by Non-Government Armed Forces and Section 19: Freedom of Religion, Muslims

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INDIGENOUS PEOPLE - VEDDAS

20.18 The USSD report 2009 recorded that:

"The country's indigenous people, known as Veddas, by some estimates numbered fewer than 1,000. Some preferred to maintain their traditional way of life and are nominally protected by the law. There were no legal restrictions on their participation in political or economic life. However, lack of legal documents was a problem for many. Vedda communities complained that they were pushed off their lands by the creation of protected forest areas, which deprived them of traditional livelihoods." **[2b] (Section 6)**

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS (LGBT)

LEGAL RIGHTS

21.01 The International Lesbian and Gay Association (ILGA) report, *State-sponsored homophobia*, dated May 2010, (ILGA Report 2010, stated that same-sex relations are illegal for men and women. **[29]** Amnesty International's 'Sexual

Minorities and the Law: A World Survey', updated in July 2006, accessed on 27 January 2010, observed that same-sex relations between women were not mentioned in law. The report also observed for transgender persons that there was "No data or the legal situation was unclear". **[3d]** The U.S. State Department (USSD), *Country Reports on Human Rights Practices 2009*, Sri Lanka, issued on 11 March 2010 (USSD 2009), stated that although the law criminalises "homosexual activity" it was not enforced but added that "There were no legal safeguards to prevent discrimination based on sexual orientation or gender identity." **[2b] (Section 6)** The website, Utopia-Asia.com, Country Listings, Sri Lanka, undated, accessed on 27 January 2010 concurred that the law prohibiting same-sex relationships is not enforced **[72a]**

21.02 The NGO, Women's Support Group state in an undated entry on its website (accessed on 27 January 2010):

"The Sri Lankan legal system makes it extremely difficult for our [LGBT] community to live openly. The Penal Code based on 19th century British law, states that homosexual sexual activity is a crime. Up till 1995, the subject of this law was only men. However, the 1995 amendment to the Penal Code made it 'gender-neutral' and now the Penal Code criminalizes both male and female homosexual sexual activity." **[74a]**

21.03 The ILGA Report 2010 quoted part of the Sri Lanka Penal Code relevant to same-sex relationships:

"Article 365 – 'Volontarily [sic] carnal intercourse with man, woman or animal against the order of nature - imprisonment for a term which may extend ten years.' [sic]

"Article 365A (as introduced by the 'Penal Code (Amendment) Act, No. 22 of 1995') 'Any person who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of any act of gross indecency with another person, shall be guilty of an offence and shall be punished with imprisonment of either description for a term which may extend to two years or with a fine, or with both and where the offence is committed by a person over eighteen (18) years of age in respect of any person under sixteen (16) years of age shall be punished worth [sic] rigorous imprisonment for a term not less than 10 years and not exceeding 20 years and with a fine and shall also be ordered to pay compensation of amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such a person.' **[29]**

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

21.04 The USSD report 2009 noted:

"Some NGOs working on lesbian, gay, bisexual, and transgender (LGBT) issues did not register with the government. In recent years human rights organizations reported that while not actively arresting and prosecuting LGBT activity, police harassed, extorted money, or sexual favors from, and assaulted gays and lesbians in Colombo and other areas. This led to many incidents of crimes against members of the LGBT community going unreported. There were LGBT organizations, and several events were held throughout the year. In addition to pressure, harassment, and assaults by police, there remained

significant societal pressure against members and organizations of the LGBT community." **[2b] (Section 6)**

21.05 As recorded on the website Utopia-Asia.com, Country Listings (accessed on 27 January 2010), Sri Lanka, "While the law is not being currently enforced, its existence has allowed for official discrimination and societal stigma towards homosexuals. Local gay activists are working to bring the law into the 21st century." **[72a]**

21.06 On 25 June 2010 the *Daily Mirror* (Sri Lanka) reported that:

"The Sri Lankan government says it is open for dialogue with Sri Lanka's gay community, who had this week urged equal rights, but will not take any decision which could hurt the culture of the country.

"Prime Minister D.M Jayaratna, when contacted by Daily Mirror online, over the demands made by the Sri Lankan gay community at a public function this week, said the government must first identify what sort of 'equal rights' the gay community in Sri Lanka want.

"He noted that while matters concerning gay people including gay marriage is [sic] acceptable in some western countries the gay community in Sri Lanka will have to define the rights they seek in order for it to be even given consideration.

'It is not wrong for them to seek rights. But we must know what exactly they want. They should communicate that to us and then we will see if it hurts our culture and take a decision accordingly,' the Premier told Daily Mirror online." **[11e]**

SOCIETAL TREATMENT AND ATTITUDES

21.07 *The Gay Times* Gay Guide, Sri Lanka, (undated, website accessed on 27 January 2010) noted:

"There is a sizeable gay population in Sri Lanka but many gays and lesbians cannot come to terms with themselves due to family pressures and behavioral expectations imposed by Sri Lankan culture…There is no gay scene in the western sense in Sri Lanka but there are several gay groups who lobby for reform and provide support and counselling to gays and lesbians. Many of these groups also organise occasional gay events such as parties and outings… The law [making homosexual activity illegal] is not enforced and there have been no prosecutions for 50 years but in a largely Buddhist country homosexuality is seen as a sin. Local gay groups complain that the mere existence of the law is enough for the police and anti-gay groups to brand gays and lesbians as 'perverts' and lawbreakers. They argue it is discriminatory and stigmatises gays and lesbians leading to abuse of gay people in their community. In 1996 The Sri Lankan gay group 'Companions on a Journey' was established. During it's [sic] 6 year existence [sic] has suffered harassment including assaults on its founders, death threats and the stoning of its offices. There is still rampant homophobia in Sri Lanka for example the Sri Lankan Press Council ruled in favour of a paper that published a letter saying convicted rapists should be let loose amongst a lesbian conference to give them 'a taste of the real thing'." **[19a]**

21.08 As reported on the website of the Sri Lankan gay organisation Women's Support Group, undated (website accessed on accessed on 27 January 2010):

"The Women's Support Group has worked since 1999 for the rights of lesbians, bisexual women and transgendered persons (LBT). Our work has been diverse and at times very difficult. The stigma and discrimination that the gay, lesbian, bisexual, and transgendered (LGBT) community faces is validated by section 365 of the Penal Code of Sri Lanka... This law and a homophobic social environment create a smothering atmosphere for the LGBT people. They are subject to discrimination on many fronts. They face blackmail by others, they face threats to their family, career, and their life. Some have been thrown out of their homes and others have lost their jobs. The legal system and the stigma associated with being homosexual, bisexual or transgendered in our society makes it difficult for members of the LGBT community to live their lives fully and openly. Around you there are many people who hide their sexual and gender identity from those around them due to the fear of what may happen to them if their identity is known." **[74a]**

21.09 The website of the Sri Lankan organisation Equal Ground "a non profit organization seeking human and political rights for the Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) community of Sri Lanka" provides up to date information on their activities. **[73]**

In considering the position of lesbian and bisexual women see Section 23: Women, for more information about the status of women in Sri Lanka society.

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22. DISABILITY

22.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that:

"The law forbids discrimination against any person on the grounds of disability; however, in practice discrimination occurred in employment, education, and provision of state services. 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 provided financial support to NGOs that assisted persons with disabilities including 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 reportedly discontinued a program that had allowed job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs, due to a lack of funding. This program had assisted 147 disabled persons in finding jobs in 2008. Persons with disabilities faced difficulties due to negative attitudes and societal discrimination.

"On October 14 [2009], the Supreme Court directed that steps be taken to provide easy access for persons with disabilities to public buildings. There were regulations on accessibility, but in practice accommodation for access to

buildings for persons with disabilities was rare. The Department of Social Services provided housing grants, self-employment grants, and medical assistance to persons with disabilities. During the year the department provided a monthly allowance grant of approximately 3,200 rupees ($30) to approximately 2,100 families of disabled persons."
[2b] (Section 6)

22.02 As noted on the website of Disability Information Resources (DINF) of the Japanese Society for Rehabilitation of Persons with Disabilities (JSRPD) (website accessed on 27 January 2010):

"The government has introduced a policy… [that] 3% of the employees must be people with disabilities. Although all major companies have been made aware of this the policy is not enforced and as a result it is largely ignored…The building of separate schools for children with special needs was stopped over 20 years ago. The Ministry of Education hopes to build special units into all schools so children with special needs can be integrated into mainstream education with the help of specially trained teachers (also underway)…The Government of Sri Lanka has no formal policy on accessibility to buildings for those who have mobility problems…In Sri Lanka the Ministry of Social Services has used the data obtained from ongoing programmes and estimates that between 4 and 5% of the population as a whole have some kind of disability. The government has no official policy on disability and rehabilitation but sectional policies attempt to keep up with international developments…The causes of the disabilities in Sri Lanka are varied but conflict related disabilities seem disproportionately high. These come from landmines, attacks on border villages, fighting or being caught in the crossfire during fighting and, in areas such as Colombo, injuries from the explosions detonated by suicide bombers. Further causes include problems at birth or prior to birth, especially among older women or those suffering from poor health or malnutrition combined with an overstreched [sic] Health Service. Poor health and malnutrition in children can cause disabilities as they get older. Another factor is Polio although the government has now taken steps to eliminate the problem leading to a negligible number of (occurrence) Polio victims." **[70]**

22.03 The UN Economic and Social Commission for Asia and The Pacific (ESCAP) estimated that in Sri Lanka the "Population of persons with disabilities" was 1,407,000 with a "Proportion of persons with disabilities tototal population" of 7 per cent. It also recorded that Sri Lanka was a Signatory to the Proclamation of the Decade; have ratified the ILO Convention 159 No (ILO and was a signatory of the Convention on the Rights of Persons with Disabilities, and its Optional Protocol. (ESCAP, Disability at a Glance 2009: a Profile of 36 Countries and Areas in Asia and the Pacific, undated, accessed on 20 September 2010) **[88] (p62- 63)**

22.04 Additional information is available from weblinks to The Hill Country Disabled Group **[85]**; MENCAFEP **[86]** and ECSAT Lanka **[87]**

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23. WOMEN

OVERVIEW

For information on the situation of girls see Section 24: Children

23.01 Sri Lanka signed the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 17 July 1980. (UN Office of the High Commissioner for Human Rights, updated 15 February 2008) **[22a] (Status of ratifications)**

23.02 The UNIFEM, '*Gender Profile of the Conflict in Sri Lanka*', 1 February 2008 (accessed on 27 January 2010) reported that:

"Large numbers of women have participated as combatants in the conflict, and many civilian women are now household heads…**(Introduction)** Relative to the rest of South Asia, Sri Lankan women have traditionally enjoyed good levels of literacy, life expectancy, and access to economic opportunities…Female adult literacy levels are at 83.8% compared to male adult literacy at 90%. The female youth literacy rate is 96.6%...Unemployment among women is high and it is double that of men, even though the constitution guarantees equal opportunity employment." **[66a] (Economic security and rights)**

23.03 The Social Institutions and Gender Index (SIGI) '*Gender Equality and Social Institutions in Sri Lanka*', undated (website accessed on 20 September 2010) observed that:

"Despite being influenced by patriarchal values and social norms, Sri Lanka has achieved a greater degree of gender equality than many other developing countries. In the 1940s, the country established equal and free access to health and education services, an important factor in achieving gender equality in primary and secondary education"

"Customs and traditions vary across Sri Lanka's various regions and religions, affecting women in different ways." **[89]**

23.04 The Freedom House report '*Countries at the Crossroads 2010, Country report, Sri Lanka*', 6 April 2010 observed that "Gender rights are considered strong relative to neighboring countries, and the government provides legal equality to women, though in some cases it has failed to uphold the principle in practice." **[46d]**

23.05 The Freedom House report, '*Freedom in the World 2010, Sri Lanka*', released on 1 June 2010, observed:

"Women are underrepresented in politics and the civil service. Female employees in the private sector face some sexual harassment as well as discrimination in salary and promotion opportunities. Rape and domestic violence remain serious problems, with hundreds of complaints reported annually; existing laws are weakly enforced. Violence against women, including rapes, increased along with the general fighting in conflict areas and has also affected female prisoners and IDP internees. Although women have equal rights under civil and criminal law, matters related to the family—including marriage, divorce, child custody, and inheritance—are adjudicated under the customary law of each ethnic or religious group, and the application

of these laws sometimes results in discrimination against women." **[46c] (Political Rights and Civil Liberties)**

23.06 The UNICEF 'State of the World's Children 2009', released on 15 January 2009 noted that "The key to Sri Lanka's outstanding improvements in maternal health was the expansion of a synergistic package of health and social services to reach the poor…The resulting improvements in women's health are supported and strengthened by measures to empower women socially and politically through education, employment and social engagement." **[53f] (p21)**

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LEGAL RIGHTS

23.07 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) noted that "Women had equal rights under national, civil, and criminal law. However, adjudication according to the customary law of each ethnic or religious group of questions related to family law, including divorce, child custody, and inheritance, resulted in de facto discrimination." **[2b] (Section 6)**

23.08 The SIGI 'Gender Equality and Social Institutions in Sri Lanka', undated (website accessed on 20 September 2010) noted that:

"Women have a moderate degree of financial independence in Sri Lanka. They have access to land in general, but face some discrimination in rural areas.

"Sri Lankan women have access to property other than land.

"Women also have equal access to bank loans, mortgages and other forms of credit from a variety of sources including the State, private financial institutions and donor-assisted or local credit delivery programmes.

"Parental authority is not equally shared in Sri Lanka. Fathers are regarded as the natural guardians of children while mothers are viewed as custodians and are usually responsible for the daily activities related to child-rearing. Recent judicial developments have reduced discrimination against women in the event of divorce. In the past, men enjoyed preferential custody rights. New legislation emphasises the well-being of children, who may be placed with either parent.

"Sri Lanka's Constitution provides for equal inheritance rights for men and women, but is again sometimes superseded by other legal systems. Islamic law discriminates against women in the area of property in that Muslim women are typically granted smaller inheritance shares than male heirs." **[89]**

See also Section 19 on Freedom of Religion and Section 31 on Citizenship

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Marriage/divorce laws

23.09 The Centre for Reproductive Rights report, '*Women of the World: South Asia*', Sri Lanka chapter, undated, website accessed on 27 January 2010, noted:

"The body of law relating to marriage consists of the general law, customary law and personal law. Tamils are governed by the general law in most marriage-related matters, whereas Kandyan Sinhalese can choose to be governed by the general law or their customary laws. Muslims are governed by Muslim personal law… The Marriage Registration Ordinance and the Civil Procedure Code constitute the general law on divorce. The provisions of the ordinance firmly establish divorce as faultbased [sic] and case law has reaffirmed this concept. Grounds for divorce under the ordinance are the following:

- adultery;
- malicious desertion; and
- incurable impotence at the time of marriage.

"Cruelty is not a ground for divorce, although it may be a factor in determining malicious desertion. Physical illtreatment [sic] per se is also not a ground for divorce under the general law, but it is a cause for legal separation… The Civil Procedure Code constitutes the general law on judicial separation. The code provides that either party may petition for separation 'on any ground on which by the law applicable to Sri Lanka such separation may be granted.'…The 1999 Maintenance Act is the general law on maintenance during marriage… The act requires any spouse with sufficient means to maintain the other spouse, if such individual is unable to maintain him or herself…The principles of custody are thus governed by the residuary Roman-Dutch law. The predominant feature of the common law is the preferential custodial right given to the father, which may be denied only in instances of danger to the 'life, health and morals' of the children. A mother who seeks custody therefore has the onus of displacing the father's right." On most of these matters there are also more specific laws governing in particular, Muslims, Tamils and Kandyan Sinhalese.**[32] (p220-225)**

23.10 The same source noted that:

"Roman-Dutch law forms the bedrock of the general law on property in Sri Lanka. The 1923 Married Women's Property Ordinance constitutes the general law on matrimonial property rights. Under the ordinance, a married woman is capable of holding, acquiring and disposing of any movable or immovable property or of contracting as if she were a femme sole, without the consent or intervention of her husband. This applies to all property belonging to her at the time of marriage and property acquired or devolved to her after marriage. She also has the same remedies and redress by way of criminal proceedings for the protection and security of her separate property. The 1876 Matrimonial Rights and Inheritance Ordinance constitutes the general law on inheritance rights. The ordinance provides for equal rights to inheritance for male and female spouses: upon the death of either spouse, the surviving spouse inherits half of the deceased spouse's property. The extent of the general law's application has been limited by legislation, judicial decisions and the system of customary laws that are operative in the island. The matrimonial property and inheritance rights of Kandyan Sinhalese and Tamils are governed by their own systems. Muslims are governed by Muslim personal law." **[32] (p225)**

23.11 The UNICEF document '*Child marriage and the Law*' dated January 2008, accessed on 27 January 2010, recorded that the minimum age for marriage under secular/civil law is 18 years. However:

"Muslim marriage laws remained unchanged and no minimum age was established…Marriages of non- Muslims below the age if 18 are void. [There is] No statutory minimum age for Muslims to marry.

"In Sri Lanka the Kandyan Marriage and Divorce Act of 1952 allowed female children to be married with consent of their parents at the age of 12. Under the Muslim Marriage and Divorce Act, the approval of the Quazi is deemed sufficient to allow a girl under 12 years to get married. Thus, although in 1995, Sri Lanka raised the minimum age of marriage from 12 to 18, there is a loophole for those of the Islamic State."**[53b] (p30-31)**

23.12 The SIGI '*Gender Equality and Social Institutions in Sri Lanka*', undated (website accessed on 20 September 2010) recorded that:

"Sri Lanka's legal age of marriage is 18 years for both men and women. Early marriage is less common than in other South Asian countries, but does occur in some communities that follow certain religious beliefs and cultural practices. For example, Islamic law argues against the concept of minimum age of marriage.

"Polygamy is illegal in Sri Lanka. However, Islamic law allows Muslim men to take up to four wives. In reality, only a very few Muslim men have multiple wives, and those that wish to enter a second marriage must give prior notice to their first wives." **[89]**

23.13 On 24 August 2010 the *Daily News* reported that 'premature marriages' in Sri Lanka were showing a diminishing trend.

"This positive growth was achieved due to the high literacy rate and development of the thinking pattern among children, Peradeniya University social analyst and researcher Dr M D H Senevirathna said."

"Urban girls in Sri Lanka marry later than their rural counterparts. Nearly 60 percent of the urban girls between 18 to 24 years are married. Marriage at an early age is still a common practice in most rural areas, he said." **[16d]**

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POLITICAL RIGHTS

23.14 UNIFEM noted in its '*Gender Profile of the Conflict in Sri Lanka*', 1 February 2008 (accessed on 27 January 2010), that "In 1931 Sri Lanka became one of the first countries in Asia, Africa, and Latin America to permit women to vote. In 1960, Sirimavo Bandaranaike became the first female Prime Minister of a modern nation. Chandrika Kumaratunga was elected Sri Lanka's first female president in 1994, and won a second term in office in elections in December 1999. Sri Lanka has a vibrant women's movement." **[66a] (Introduction)**

23.15 The same source also noted that "Women are severely under represented at the political and decision-making levels in Sri Lanka. According to the UN Development Assistance Framework, this makes mainstreaming gender at the policy level difficult." (UNIFEM, Gender Profile of the Conflict in Sri Lanka **[66a] (The Impact of the conflict on women in Sri Lanka)**

23.16 The USSD report 2009 recorded that "[In 2009] There were 13 women in the 225-member parliament, five female ministers, and two women out of 11 justices on the Supreme Court.…There was no provision for or allocation of a set number or percentage of political party positions for women or minorities… **[2b] (Section 3)** Women's participation in politics was approximately 5 per cent in the parliament and the provincial councils." **[2b] (Section 6)**

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SOCIAL AND ECONOMIC RIGHTS

Employment

23.17 The USSD report 2009 recorded that:

"The law provided for equal employment opportunity in the public sector. In practice women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work and experienced difficulty in rising to supervisory positions. Although women constituted approximately half of the formal workforce, according to the Asian Development Bank, the quality of employment available to women was less than that available to men. The demand for female labor was mainly for casual and low-paid, low-skill jobs." **[2b] (Section 6)**

Family planning/abortion

23.18 The Centre for Reproductive Rights, '*Women of the World: South Asia*', Sri Lanka chapter website, undated, accessed on 27 January 2010 observed that:

"There are no laws or policies that require individuals to accept family planning measures…The National Health Policy calls for the government to ensure the right of men and women to be informed about and have access to their choice of safe, effective, affordable, and acceptable methods of family planning…The Women's Charter issues several directives to the state with regard to women's right to family planning. It enjoins the state to ensure:

- women's right to control their reproduction and their equal access to information, education, counselling, and services in family planning, including the provision of safe family planning devices and the introduction and enforcement of regulations relating to their safety; and
- family planning policies are equally focused on men and women.

"There are currently some 14,000–15,000 women who undergo sterilization per year…The government does not regulate sterilization through any laws…Abortion, which is illegal in Sri Lanka, is the single most important reproductive health problem in the country…Abortion is a criminal offense under the penal code, except to save the woman's life…Legal abortions are

usually performed in the government sector…Abortions are carried out in the informal and private sector by private physicians or by clandestine abortion providers." ([32] (p 212-213 & 216-217)

23.19 The United Nations Population Division (UNDP), Department of Economic and Social Affairs, World Abortion Policies 2007, (undated, website accessed on 27 January 2010) recorded that in Sri Lanka abortion is permitted only to save the woman's life. **[6f] (Wall chart)** The UNDP's Global Review, Country profiles: Sri Lanka, undated (last modified 23 November 2005, accessed on 27 January 2010) provided additional details on the issue of abortion:

"Abortion is generally illegal in Sri Lanka under the Penal Code of 1883, which is based on the Indian Penal Code. Section 303 of the Penal Code provides that anyone voluntarily causing a woman with child to miscarry is subject to up to three years' imprisonment and/or payment of a fine, unless the miscarriage was caused in good faith in order to save the life of the mother. The penalty is imprisonment for up to seven years and payment of a fine if the woman is 'quick with child', a term which, while not defined in the Code, refers to an advanced stage of pregnancy when there is perception of foetal movement, as opposed to 'woman with child', which simply refers to 'being pregnant'. A woman who induces her own miscarriage is subject to the same penalties. If the miscarriage is caused without the consent of the woman, whether or not she is quick with child, the person causing it is subject to up to 20 years' imprisonment and payment of a fine (Section 304). The same penalty is imposed if the woman's death results from any act carried out with intent to bring about a miscarriage, whether or not the offender knew that the act was likely to cause death (Section 305)." **[6d]**

23.20 The same source further noted that:

"Despite rigid statutory provisions, Sri Lankan women from higher income households who desire to terminate their pregnancies find little or no difficulty in doing so. They often consult a psychiatrist for severe mental depression combined with suicidal tendencies. The psychiatrist may advise an abortion in order to save the life of the mother, and the pregnancy may then be terminated in a private or government hospital by a qualified medical practitioner. Women from middle-income and lower income households, however, must often resort to abortions performed by 'back-door abortionists' under primitive and unhygienic conditions, resulting in high maternal mortality and chronic ill health. Although any abortion wilfully induced without the specific intent to save the life of the mother constitutes illegal abortion in Sri Lanka, in practice, indictments for criminal abortion rarely occur and convictions are even rarer. The incidence of abortion is believed to be considerably higher than is commonly acknowledged. A rural survey suggests that 54 abortions per 1,000 population are performed each year." (UNPD ESA, Abortion Policies) **[6d]**

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Single mothers/widows

23.21 The British High Commission (BHC) letter of 23 March 2009, noted that:

"The treatment of persons in mixed marriages, single mothers and illegitimate children, depends entirely on the area of the country, plus the family and religious background of each individual case.

"Major Senevirathne manages The Haven & Sunshine Home in Colombo that is a Salvation Army establishment run specifically for single mothers. She explained that the only other organisation in Sri Lanka that offers similar support are Mother Teresa's Homes based in Moratuwa and Wattala on the outskirts of Colombo, which are linked to the Catholic church. She told me that she is seeing an increase in the number of unmarried mothers being referred to her, and that they are presently increasing the number of beds from 10 to 14 in her hostel to meet demand. The main reason that women come to her is because they do not want to go home to face their families.

"She told me that the women fall into two clear categories, ones that have worked in the Middle-East and been abused by their employers, and the others who work in the factory areas around Colombo and have affairs with married men…Major Senevirathne told me that once the child has been born she normally gives the mother one to two weeks to decide what they want to do. If they decide to keep the child, the first step is for The Salvation Army to contact the mother's family. If they decide to have the child adopted, the Salvation Army will contact the Childcare Probation Department to arrange adoption and actually deal with all of the legalities, including attending Court. In her experience, only two out of ten mothers decide to have their babies adopted." **[15b]**

23.22 The same BHC letter further observed that:

"There has been some academic research carried out on those persons seeking abortions in Sri Lanka…which suggests that pregnancy outside marriage is still relatively rare.

"Rural Tamil communities are deeply conservative and acknowledged birth out of wedlock is unusual in these communities. Unmarried mothers often face a stigma whatever race or religion or area of the country they live in, but this depends entirely on family circumstances and the local community. Major Senevirathne said that in her opinion the religion or ethnic background of an unmarried mother did not make any difference in the way that they were perceived. She added that a majority of the women who come to seek assistance from her organisation are Tamil." **[15b]**

23.23 The UNIFEM, *'Gender Profile of the Conflict in Sri Lanka'*, 1 February 2008 (accessed on 27 January 2010) recorded that:

"There are an estimated 40,000 war widows in Sri Lanka. The loss of male breadwinners has created a new group of women vulnerable to economic hardship. There are approximately 30,000 female-headed families in the north and east of Sri Lanka… **(The Impact of the conflict on women in Sri Lanka)** According to a Consultation organized by International Alert in June 2003, widows are considered bad luck in much of Sri Lanka. As a result, war widows or wives of the missing face discrimination vis a vis housing, employment and other rights." **[66a] (Economic security and rights)**

23.24 On 9 September 2010 Irin reported that:

"Fifteen months after the end of fighting between Sri Lankan government forces and the Tamil Tigers, women in the north are taking up a new and challenging role as breadwinners - with more and more becoming day labourers to support their families.

"A survey conducted by the Jaffna-based Center for Women and Development, a non-profit group, revealed that the northern region had approximately 40,000 female-headed households - including more than 20,000 in Jaffna District.

'"Three factors have reduced the male-headed households in number: the war, disappearances or being in military custody,' said Saroja Sivachandran, the centre's director."

"Although up-to-date statistics are hard to come by because many people remain displaced, Sivachandran and government officials say the northern and eastern regions combined are home to some 89,000 war widows.

'This has drastically altered their livelihood options. Over 50 percent of them [women who head households] are single parents under 30 years of age supporting their own and extended families,' said Visaka Dharmadasa, executive director of the Association for War-Affected Women (AWAW)." **[55c]**

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Mixed marriages

23.25 The BHC letter of 23 March 2009 reported that "Marriages between Sinhalese and Tamils are not as rare as they used to be, nor is it frowned upon as much by the community. Indeed in Colombo it is not uncommon for mixed marriages to take place. However, some families still have firm views on the issue and I am aware of mixed couples who keep their relationship a secret for fear of upsetting certain family members." **[15b]**

See Ethnic groups for information about the treatment of Tamils generally

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VIOLENCE AGAINST WOMEN

Legal rights

23.26 The website of the Ministry of Justice and Law reforms of Sri Lanka (accessed on 1 June 2009) recorded:

"Violence against women and particularly violence within the domestic environment has become a serious social issue. The… [Prevention of Domestic Violence] Act provides for the issue of Protection Orders by court. The objective of the Act is not to create new offences but to provide for the issue of Protection Orders by a Magistrate's Court to prevent an aggressor from inflicting harm to persons within the home environment. The Act makes provision for the issue of Protection Orders against acts of physical violence which constitute offences already recognized in Chapter XVI of the Penal

Code, of Extortion and Intimidation and of Emotional Abuse having the effect of causing severe traumatic emotional pain. Protection Orders can be sought against persons in specified degrees of relationships. A Protection Order may prohibit the aggressor from committing acts of domestic violence and entering the victim's residence and may impose other prohibitions. In imposing prohibitions the court is required to take into account the accommodation needs of the victim and of the children and any hardship that may be caused to the aggressor thereby. The Act provides a civil remedy. The issue of a Protection Order will have no bearing on the normal criminal law jurisdiction. Thus where an offence has been committed, the normal criminal justice process of investigation, prosecution and punishment will follow." **[43b] (Legislation passed by Parliament in 2005, Prevention of Domestic Violence Act, No. 34 of 2005)**

23.27 As noted in the Centre for Reproductive Rights, '*Women of the World: South Asia*', Sri Lanka chapter, accessed on 27 January 2010:

"Under the penal code, provisions relating to murder, miscarriage, hurt, wrongful confinement, assault, sexual harassment, rape or grave sexual abuse, and criminal intimidation may be invoked to prosecute acts of domestic violence…The penal code criminalizes sexual harassment, defined as assault or the use of criminal force, words or actions to cause 'sexual annoyance or harassment' to another person. The offense is punishable with imprisonment and a fine, and a defendant may additionally be ordered to pay compensation to the victim. The burden of proof rests on the prosecution, which must prove its case beyond a reasonable doubt…The practice of female circumcision on newborns is fairly widespread among the Muslim community in Sri Lanka; the practice is not prohibited or regulated by law." **[32] (p230 - 231)**

23.28 The SIGI '*Gender Equality and Social Institutions in Sri Lanka*', undated (website accessed on 20 September 2010) recorded that "Female genital mutilation is not a general practice in Sri Lanka, although it is known to occur among some segments of the Muslim population. At present, there is no legislation against FGM." **[89]**

See also Section 24: Children

23.29 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*', 5 July 2010, observed that "Existing legal provisions prohibiting rape, domestic violence and other forms of violence against women are reportedly not effectively enforced, in part due to lack of awareness and widespread underreporting, but also as a result of the low priority given to these cases by the police and judiciary." **[6h] (p7)**

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Rape/domestic violence

23.30 The USSD 2009 report outlined that:

"The law prohibits rape and domestic violence but it was not effectively enforced. Sexual assault, rape, and spousal abuse were pervasive societal problems. The law specifically addresses sexual abuse and exploitation, and it contains provisions in rape cases for an equitable burden of proof and

stringent punishments. Marital rape is considered an offense only in cases of spouses living under judicial separation. While the law could ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary. The Bureau for the Protection of Children and Women (BPCW) within the police conducted awareness programs in schools and at the grassroots level, prompting women to file complaints. The BPWC received 714 complaints of grave violent crimes and 2,391 minor crimes against women during the year [2009].

"There were reports that individual cases of gender-based violence perpetrated by members of the security forces occurred more frequently during the conflict, but others stated that military officials were responsive to reports of such incidents and showed a willingness to prosecute the offenders. However, the government did not release any details about prosecutions or punishments for offenses during the conflict. Statistics on numbers of such cases were unavailable because few victims reported such incidents. Human rights groups in northern districts alleged that the wives of men who had been killed as a result of the conflict often fell victim to prostitution because of their economic vulnerability.

"According to the BPWC, 175 reported incidents of rape occurred through August [2009], but reported incidences of rape were unreliable indicators of the degree of this problem, as most victims were unwilling to file reports. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally scarce due to a lack of funding.

"Prostitution, although illegal, was prevalent. Trafficking in women for prostitution and forced labor also occurred.

"Sexual harassment was a criminal offense carrying a maximum sentence of five years in prison; enforcement of this law, however, was not widespread." **[2b] (Section 6)**

23.31 A letter from the British High Commission, Colombo, dated 12 January 2010, reported:

"Both government and non-government sources agree that domestic violence is an issue in Jaffna. The Government Agent said it was particularly high amongst the IDP community, caused by unemployment, poverty and alcohol. All sources referred to 'toddy tapping' (an alcoholic fermented juice from palm trees) as a major cause of domestic violence as it provides cheap/free alcohol for men in particular. There was one women's safe house in Jaffna, run by a local NGO with places for around 15 women. However, many sources highlighted the culture of the community did not support such action. Women and children were taught to suffer in silence and that issues must be dealt with within the family. Although the police and the Courts had taken action against some perpetrators, many actions go unpunished. The police have a Women and Children's Bureau based in Jaffna." **[15p]**

23.32 The SIGI '*Gender Equality and Social Institutions in Sri Lanka*', undated (website accessed on 20 September 2010) noted that "Legislation protecting the physical integrity of women in Sri Lanka is quite strong." but added that

"Domestic violence, including spousal rape, is an... area of concern. Incidents are rarely reported and legal protection has been insufficient." **[89]**

23.33 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2008 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2004 – 2008 (undated, website accessed on 30 September 2010) recorded that in 2008 there were 1,582 cases of rape/incest. The figures for 2005; 2006 and 2007 were respectively: 1,540; 1,463 and 1,397. **[58d]**

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Gender-based violence during and after the internal conflict

23.34 The UNHCR Eligibility Guidelines of July 2010, reported that:

"The intensification of hostilities during the last months of the conflict was accompanied in the north and east of the country by an increase in the level of violence against women. Despite the end of hostilities, there are still reportedly incidents of sexual and gender based violence against women and girls in former conflict areas. Incidents of rape, including at the hands of the military, have been reported in the north, where a large number of female-headed households are among families being resettled. A significant number of women in IDP camps, as well as former LTTE female cadres in detention centres, have allegedly been raped and sexually assaulted, including by security personnel. With the partial breakdown of social structures caused by the protracted conflict, incidents of domestic violence affecting both women and children are reportedly particularly high in former conflict areas, including in IDP camps." **[6h] (p7)**

23.35 The 'report of the UN Secretary-General '*Children and armed conflict*', dated 13 April 2010 recorded:

"Interviews with internally displaced persons also indicated that during the months leading to the end of the conflict, there were reports of rape during flight and of sexual harassment, especially towards former female LTTE cadres, including girls."

"Within the internally displaced person sites, exploitation of women and girls appeared to be perpetrated by various actors through promises of favours, money or marriage and through threats." **[6e] (Paragraph 151)**

23.36 The International Crisis Group (ICG) report '*Sri Lanka: A Bitter Peace*', 11 January 2010, observed:

"Women have suffered in distinctive ways both in the camps and since resettlement. In late September 2009, scores of pregnant women were abruptly released from the camps and told to make their own way home without assistance. There have been numerous credible reports of prostitution networks in the camps which function with the knowledge and involvement of Sri Lankan security forces. Many women, with no other means of financial support, have found themselves forced into selling sex for money and supplies. The large number of female-headed households among those families being resettled raises additional protection concerns given that many

are returning to isolated areas patrolled by large numbers of Sri Lankan police and military." **[76b] (p5)**

23.37 The ICG report of January 2010 continued:

"There have also been regular reports from a variety of credible sources that significant numbers of women held in the camps have been raped or sexually assaulted. According to some, women have been removed from the camps with police and military assistance and then assaulted. According to others, former LTTE female fighters have been raped while held in detention centres. The women involved are reportedly too afraid to report the crimes. With levels of fear so high and with no independent monitors allowed access to the camps, it has not been possible to confirm or disprove these accusations." **[76b] (p5)**

23.38 The SIGI '*Gender Equality and Social Institutions in Sri Lanka*', undated (website accessed on 20 September 2010) observed that "Throughout this conflict, women have experienced harassment at checkpoints, detainment, rape and other violations of their personal security." **[89]**

23.39 The UNIFEM '*Gender Profile of Sri Lanka*', 1 February 2008 (accessed on 27 January 2010), noted "Sri Lankan women have experienced rape, detainment, harassment at checkpoints and other violations of their personal security in the two decades of civil war…. **[66a] (The Impact of the conflict on women in Sri Lanka)** The former Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, reported that rape was used in Sri Lanka's conflict, and that violent crimes increased against the backdrop of ongoing conflict." **[66a] (Human Rights Violations, including violence against women)**

See Section 8: Security forces for more information generally on abuses by government forces, impunity and prosecution. Also see Section 29: Internally Displaced Persons for the more detail on the situation of displaced persons.

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Assistance available to women

23.40 The website of the Sri Lankan NGO Home for Human Rights (HHR) (undated, website last accessed on 4 January 2010) stated:

"HHR's Women's Desk provides several critical community based services geared towards women. These include social services and counseling for survivors of sexual and domestic violence, visiting hospitalized victims/survivors of assault, rape, or domestic violence, and helping to integrating [sic] these women back to their communities [sic]. HHR has also organized self-help groups for single mothers where women gather monthly to discuss their unique problems and share ideas on how to address them. The Women's Desk also helps displaced women and children return home or adapt to their new surroundings." **[26a] (Social and Community Services)**

23.41 According to an undated list on the website of the online forum South Asian Women's Network (SAWNET) (accessed on 27 January 2010) several organisations dealing with problems faced by women exist in Sri Lanka. **[17]** An undated list of local NGOs is also available from the website Peace

Women - Women's International League for Peace and Freedom, accessed on 27 January 2010. **[23a]**

23.42 The BHC letter dated 23 March 2009, noted that:

"Government assistance for the victims of rape is weak, although there have been some signs of improvement. The country has acknowledged it has a problem and the Sri Lanka Police Service Children & Women Bureau has 36 'desks' around the country to deal with complaints. They have received training in how to record a complaint sympathetically and how to refer a victim to a suitably equipped hospital. There does not appear to be long-term assistance given to rape victims although there are several NGOs that provide pastoral care but mainly to victims of domestic abuse." **[15b]**

See also Sections 24: Children; Section 25: Trafficking; and Section 29: Internally Displaced People

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24. CHILDREN

OVERVIEW

24.01 Sri Lanka ratified the UN Convention on the Rights of the Child (UNCRC) on 12 July 1991. It subsequently ratified the optional protocols to the UNCRC on the involvement of children in armed conflict (8 September 2000) and on the sale of children, child prostitution and child pornography (22 September 2006). (UNHCR Treaty Body Database, Ratifications and Reservations, Status by Country, undated, website accessed on 20 September 2010)

24.02 The UNICEF report, '*UNICEF Humanitarian Action Plan 2008*', undated, observed that:

"The resurgence of conflict in Sri Lanka since April 2006 has severely impacted the well-being and livelihood of children and women, particularly in the North and East of the country…Severe acute malnutrition (SAM) among under-five children in parts of conflict-affected Batticaloa and Jaffna districts is 6 per cent and 6.7 per cent respectively (2007), while the country prevalence is 2.5 per cent (Demographic and Health Survey 2000). Access to potable water and to safe sanitation stands at 79 per cent and 76 per cent respectively, for the entire population. However, in some conflict-affected districts, sanitation coverage is as low as 30 per cent (2007). More than a quarter of a million primary school-aged children are partially and/or completely out of the education system. The resumption of open fighting has increased the risk of underage recruitment by armed groups and other child rights' violations related to conflict. Displacement and pervasive indiscriminate violence, including claymore attacks, landmines/unexploded ordnance and aerial bombings have resulted in a climate of fear and significant disparity in vulnerable areas." **[53d]**

See also Section 4: Latest developments; Section 10 on Forced conscription by the LTTE; Section 27: Humanitarian issues and Section 29: Internally Displaced Persons

24.03 Key demographic data about children in Sri Lanka can be obtained from the website of UNICEF, Sri Lanka (undated, website accessed on 27 January 2010). In 2008 the total population under 18 was around 5.8 million. **[53c]** In addition basic statistical information covering nutrition, health, HIV/AIDS, education, demographic indicators, economic indicators, women, child protection, under five mortality rates and rates of progress at reducing child mortality can be found in annexes to the UNICEF report, The State of the World's Children – Special Edition, dated 20 November 2009. **[53g]**

Basic legal information

24.04 The age of criminal responsibility is 8 "with the courts having discretion to extend [this] to 12 yrs depending on the subjective assessment of level of maturity" (UNICEF's comments to the UN's Universal Periodic Review of Sri Lanka, undated, accessed 20 September 2010. **[53e]** The voting age is 18 (CIA World Factbook, Sri Lanka, updated on 19 August 2010) **[30]** The minimum age for voluntary enlistment into the armed forces is 18 years old (see Section 9: Military service).

24.05 The age of consent is 16. (Avert, Worldwide age of consent, undated, website accessed on 27 January 2010) **[64a]** The minimum age of marriage is 18, though there is a provision in the law on marriage that permits "parents to consent to a marriage involving a minor. If a parent unreasonably withholds consent, a court may authorize the marriage. Courts have held, however, that a parent's refusal to give consent will only be overruled if the court is satisfied that the refusal is without cause and contrary to the interest of the minor." (Helplinelaw.com, undated, website accessed on 20 September 2010) **[36a]** However amongst Muslims, "who continued to follow their customary religious practices", girls attained a marriageable age "with the onset of puberty and men when they are financially capable of supporting a family." (US State Department Report for 2009 on Religious Freedom in Sri Lanka, 26 October 2009) **[2a] (Section II)**

24.06 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009), recorded that "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." **[2b] (Section 7d)**

See also Section 23: Women

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LEGAL RIGHTS

24.07 On laws protecting children the USSD report 2009 noted:

"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 defines child abuse to include the involvement of children in war."

"The government advocated greater international cooperation to bring those guilty of sexual exploitation of children to justice. Although the government did not keep records of particular types of violations, the law prohibits sexual violations against children, defined as persons less than 18 years of age, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from two to five years of imprisonment. The penalties for sexual assault of children range from five to 20 years' imprisonment and an unspecified fine." **[2b] (Section 6)**

24.08 The same report noted that:

"The National Child Protection Authority was the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the police were responsible for the enforcement of child labor laws. Approximately 220 complaints of child employment were received from January through November [2009] by the police Children's and Women's Desk, compared to 257 complaints the previous year. Information on litigation during the year was not available. Penalties for employing minors were 10,000 rupees ($89) or 12 months' imprisonment." **[2b] (Section 7d)**

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VIOLENCE AGAINST CHILDREN

24.09 The US Department of State's *Trafficking in Persons Report* released on 14 June 2010 noted that:

"The National Child Protection Authority (NCPA) estimated that approximately 1,000 children are subjected to commercial sexual exploitation within Sri Lanka although some NGOs believe the actual number is between 10,000 and 15,000. Children are also subjected to bonded labor in dry-zone farming areas and on plantations, where they were forced to work in fields or in homes to help pay off loans taken by their parents. Reports indicated some cases in which children below the age of 12 were kidnapped, generally by a relative, to work in the fireworks and fish-drying industries…

"The government continued to provide limited counseling and day care for children – including trafficking victims – through the operations of six resource centers…

"The Sri Lankan government made progress in its efforts to prevent trafficking during the last year. The National Child Protective Authority conducted awareness campaigns to educate the general public about the dangers of trafficking." **[2c] (Sri Lanka Section)**

24.10 The USSD report 2009, considering the situation of children not directly affected by the conflict between the Government and the LTTE, observed that:

"NGOs attributed the problem of exploitation of children to the lack of enforcement, rather than to inadequate legislation. The conflict with the LTTE both before and after the end of the war had priority in the allocation of law enforcement resources. However, the police's BPCW [Bureau for the

Protection of Children and Women] conducted investigations into crimes against children and women. The National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the president. During the year the BPWC received 1,974 complaints of grave violent crimes and 986 of minor crimes against children." **[2b] (Section 6)**

24.11 The website of the Child Rights Network (CRIN), accessed on 25 January 2010, reported comments by NGO stakeholders with regard to children made as part of the UN's Universal Periodic Review. These included:

"The Joint Civil Society Report (JCSR) noted many instances of children subjected to severe physical and sexual abuse by family members, teachers, and members of the clergy. The Global Initiative to End All Corporal Punishment of Children (GIECP) noted that, at a meeting of the South Asia Forum in July 2006, following on from the regional consultation in 2005 of the UN Secretary General's Study on Violence against Children, the Government made a commitment to prohibit corporal punishment in all settings, including the home.

"The Sri Lankan Civil Society Working Group on Child Recruitment (SLCSWG) noted that the forced recruitment of children and the use of child combatants have been long associated with Sri Lanka's violent ethnic conflict. SLDF was dismayed that in spite of assurances given to the UN and international scrutiny, the LTTE and the Karuna Group have not ceased to recruit children nor kept their commitments to release all children in their ranks. SLDF further noted that though the LTTE and Tamil Makkal Viduthalai Pulighal (TMVP), also known as the Karuna group, are primarily responsible for recruitment, given the visible and close association between the TMVP and the Government, the Government cannot absolve itself from taking responsibility for TMVP actions. HRW called on the Government to immediately end all cooperation with the Karuna group in the recruitment of children; and to fulfil its pledge to investigate the role of the security forces in child recruitment and other abductions by the Karuna group, and hold all those responsible accountable.

"WMC reported that … Regarding detention centres for girls, there is no separation between girls who have come into conflict with the criminal law and girls in need of care and protection. Sexually abused girls are held in custody until cases against perpetrators have been completed." **[14a]**

24.12 The USSD report 2009 stated that "By the end of the year [2009] the government opened 1,575 files, of which 497 resulted in indictments for sexual assault and exploitation of children, including kidnapping, cruelty to children, rape and statutory rape; 299 cases were dismissed, and 303 cases were referred to the police for further investigation. The remaining were pending at year's end." **[2b] (Section 6)**

24.13 The USSD report 2009 also noted that:

"Commercial sexual exploitation of children remained a problem in coastal resort areas. Private groups estimated that approximately 6,000 children were exploited for commercial sex in the country, and that local citizens were responsible for much of the exploitation. Other groups believed foreign tourists

were more frequently the exploiters of thousands of children, especially boys, for commercial sex, most of whom were reportedly forced into prostitution by traffickers. There was little solid data to elucidate these reports. 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 halted programs to raise awareness for at-risk children in resort regions prone to sex tourism due to a lack in funding." **[2b] (Section 6)**

24.14 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2009 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2004 – 2008, undated, website accessed on 20 September 2010) recorded that in 2008 there were 340 cases of cruelty to children and sexual exploitation of children. The figures for 2005; 2006 and 2007 were respectively: 451; 362; 366. **[58d]**

24.15 On the treatment of children who worked, the USSD report 2009 noted:

"There were no reports of children employed in the EPZs [Export Processing Zones], the garment industry, or any other export industry. Children sometimes were employed in the plantation sectors and in nonplantation agriculture during harvest periods. Sources indicated that many thousands of children (between 14 years and 18 years of age) were employed in domestic service in urban households, although this situation was not regulated or documented. Some child domestics reportedly were subjected to physical, sexual, and emotional abuse. Employment of children commonly occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. There were cases of underage children recruited to serve as domestics abroad, primarily in the Middle East. "**[2b] (Section 7d)**

See also Section 23 on Violence against women

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'Illegitimate'children

24.16 A letter from the British High Commission in Colombo, dated 23 March 2009, noted that:

"With regard to the children, I asked Major Senevirathne [from the Salvation Army] if she was aware if they were discriminated against solely because of their illegitimacy. She said she was not. I further asked if she was aware of any particular problems regarding illegitimate children born from mixed relationships, including those born to women who had been abused by their Middle Eastern employers and were of mixed Sri Lankan – Arab appearance. Again she had no knowledge of any discrimination against them…The legitimacy of a child does not have any bearing on educational or healthcare facilities available. Healthcare is free in Sri Lanka and as long as a child can produce a birth certificate, they will receive free education in government schools." **[15b]**

See also Section 23: Women, single mothers/widows

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Unaccompanied and orphaned children in the North

24.17 The 'report of the UN Secretary-General '*Children and armed conflict*', dated 13 April 2010 recorded:

"As of the end of November [2009], 1,221 separated, unaccompanied and orphaned children have been identified in the north of the country. Of those, 517 have been reunified with their families or relatives and 704 have been placed in residential homes. In addition, 162 parents have reported to probation officers that their children are missing and families continue to file requests for tracing their children at the Family Tracing and Reunification Unit established in Vavuniya in December 2009." **[6e] (Paragraph 156)**

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Child soldiers

24.18 The report of the UN Secretary-General '*Children and armed conflict*', dated 13 April 2010 recorded:

"Following the end of the conflict in Sri Lanka, as of November 2009, a total of 560 'surrendee' children, including 199 girls, were identified through the process of screening for former Liberation Tigers of Tamil Eelam (LTTE) combatants. Of the 560 children, 6 were formerly associated with the Tamil Makkal Viduthalai Pulikal (TMVP). Children have been separated from the adult surrendees and transferred to rehabilitation centres dedicated for children, in line with Emergency Regulation No. 1580/5 concerning the reintegration of children leaving armed groups. In the Poonthottam Cooperative Training Centre in Vavuniya, established as a child rehabilitation centre in July 2009, children undergo vocational training courses, while at the Ratmalana Hindu College, established in October 2009, children have resumed formal education. The process of screening is ongoing and small groups of children continue to be identified." **[6e] (Paragraph 22)**

"A 'surrendee' under the Sri Lankan Emergency Regulation No. 1580/5 of 15 December 2008, is a child leaving an armed group that has been identified and registered by the Government of Sri Lanka and verified by UNICEF." **[6e] (Footnote 4)**

24.19 The same report added that:

"In the districts of Killinochchi and Mullaitivu (northern Sri Lanka), a total of 199 cases of children killed and 146 cases of children maimed were reported from 1 January 2009 to 19 May 2009, although the actual number of casualties is likely to be higher. The most affected age groups were the oldest and the youngest children — the majority of children killed were those up to 5 years of age (71 children killed and 28 maimed), while the older children, 13 to 15 years of age, and 16 to 18 years of age, suffered proportionally more by incidents of maiming (40 children in the first category and 37 in the second). The vast majority of children (97 per cent) were injured or killed in Mullaitivu district, followed by 3 per cent in Killinochchi district." **[6e] (Paragraph 22)**

The main text of this COI Report contains the most up-to-date publicly available information as at 20 September 2010. Further brief information on recent events and reports has been provided in the Latest News section to 3 November 2010.

24.20 The Coalition to Stop the Use of Child Soldiers 'Sri Lanka - Report to the Committee on the Rights of the Child on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict' (The Coalition to Stop the Use of Child Soldiers 'Sri Lanka April 2010 report) observed that "Although child recruitment was criminalized under national legislation in 2006, there are not known to have been any investigations or prosecutions for recruitment or use of under-18s under relevant provisions of the Penal Code." **[61b] (p1)**

LTTE

24.21 The USSD report 2009 recorded that:

"From January to May [2009] the LTTE dramatically increased its forced recruitment of child soldiers. Reports from the conflict zone during these months stated that both boys and girls as young as 12 were forced to join the fighting. The numbers of children killed in fighting were unknown, but the government reported 527 former LTTE child soldiers in its custody several months after the end of the war. These children were being held in government-run detention centers but were undergoing rehabilitation in accordance with international standards at year's end." **[2b] (Section 1g)**

24.22 The UN '*Children and armed conflict'*, of April 2010 recorded:

"Reports of recruitment by LTTE continued to be received until the end of the conflict in May 2009. UNICEF verified and documented 397 cases of child recruitment, including 147 girls, by LTTE that occurred from 1 January to 19 May 2009. As of the end of November 2009, UNICEF recorded at least 34 children as well as 1,345 persons who were recruited as children but are now above 18 years of age, whose whereabouts remain unknown. LTTE appears to have ceased to exist as a military organization in Sri Lanka. **[6e] (Paragraph 148)**

24.23 The Coalition to Stop the Use of Child Soldiers Sri Lanka April 2010 report noted:

"The opposition group, Liberation Tigers of Tamil Eelam (LTTE) systematically recruited and used child soldiers throughout the 25-year armed conflict with Sri Lankan government forces which began in the early 1980s and ended in May 2009. Boys and girls were forcibly recruited and deployed into armed combat as well as being subjected to harsh conditions and military discipline. Children also "voluntarily" enlisted into the LTTE ranks. Despite a protracted peace process, ceasefire agreements and commitments to ending the use of child soldiers, LTTE child recruitment continued until the conflict ended in May 2009. Thousands of child soldiers were believed to have been recruited and used by the LTTE during the last intense phase of the conflict." **[61b] (p1)**

24.24 The Amnesty International Report 2010, Sri Lanka (covering events from January – December 2009), released on 28 May 2010, observed that "[In 2009] The LTTE recruited children as fighters and punished people who resisted forced recruitment." **[3c]**

24.25 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*', 5 July 2010 reported that "By the

end of May 2010, all former LTTE-associated child soldiers had reportedly been released from rehabilitation centres." **[6h] (p4)**

24.26 A letter from the British High Commission (BHC) in Colombo dated 1 September 2010 reported that:

"UNICEF has had a comprehensive community based rehabilitation programme for child ex-combatants which included a significant component on catch-up education and vocational training. This was provided by the UN Development Programme, World University Service of Canada and Save the Children. A relatively small number of these ex-combatants had subsequently gone abroad for employment in Korea and Malaysia, although this programme has now discontinued." **[15u]**

24.27 On 31 May 2009 *The Observer* reported that "Tamil children as young as 11 were forced at gunpoint to fight for the Tigers in Sri Lanka's civil war." and that:

"Children…who were forced to fight on the front line in the final stages of the war in Sri Lanka, gave the Observer compelling evidence of war crimes committed by the Liberation Tigers of Tamil Eelam (LTTE)."

"The accounts of these boys and girls who surrendered to the Sri Lankan army were shocking. They say they were dragged screaming from their families and sent into action with only a few days of basic training. The older members of the LTTE warned them to keep firing and advancing, or they would be shot by their own side from behind. Those who did try to escape said they were fired on by their own side. Children who were recaptured had their hair shaved off to mark them as deserters and boys were beaten." **[20c]**

The LTTE ceased to be an effective military force following its defeat in May 2009. See Section 3: History, The LTTE are defeated – May 2009, also Section 4: Latest developments and Section 10 on Forced conscription by the LTTE

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Karuna group/TMVP

24.28 The report of the UN Secretary-General '*Children and armed conflict*', dated 13 April 2010 recorded:

"There has been no evidence of significant recruitment by the Tamil Makkal Viduthalai Pulighal (TMVP) 15 in 2009…

"From December 2008 to November 2009, 21 cases of child recruitment were reported, 78 children were released and only 5 children remain associated with the group. TMVP declared that those children were not in their ranks and police investigations are ongoing in each of those cases. In addition, 60 persons who were recruited as children and are currently over 18 years of age remain associated with the group." **[6e] (Paragraph 147)**

"During the mission to Sri Lanka by the Special Envoy of my Special

Representative for Children and Armed Conflict, a number of reports were received on recruitment of children and threats of re-recruitment by Iniya Barrathi (who was part of the TMVP breakaway faction, under Karuna's leadership, and is referred to as "commander") in Ampara district in the Eastern province." **[6e] (Paragraph 148)**

24.29 The Coalition to Stop the Use of Child Soldiers Sri Lanka April 2010 report noted that:

"From 2004, hundreds of child soldiers were also forcibly recruited and used by the Karuna group and its political wing the Tamil Peoples Liberation Tigers (Tamil Makkal Viduthalai Pulikal –TMVP)."

"By December 2009 the TMVP had released almost all the children believed to be in its ranks."

"Investigations into the complicity of security forces in forced recruitment of children by the Karuna group have not progressed satisfactorily and several leaders of the group now hold senior government positions." **[61b] (p1)**

24.30 The same source added that "Although the illegal recruitment of under-18s by the Karuna group and later by the TMVP was well documented from 2006 onwards, no effective action was taken by the authorities to halt the practice or to release children from their ranks for several years. Concerns about the complicity of elements of the security forces in such practices have yet to be adequately responded to." **[61b] (p6)**

24.31 The USSD report 2009 observed that:

"The government made significant progress towards its goal of eliminating the child soldier problem among the TMVP. By December 31 [2009], the UN Children's Fund reported that the number of child soldiers still involved in the TMVP was down to five. TMVP officials claimed they did not know where these five individuals were located, and the government was actively working to find them." **[2b] (Section 1g)**

24.32 The AI report 2010 recorded that "TMVP members and cadres loyal to the former TMVP leader, V. Muralitharan (known as Karuna), were accused by local parents of child recruitment in Batticaloa district." **[3c]**

24.33 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*', 5 July 2010, reported that:

"As a positive development, all but two children out of 596 child soldiers associated with Tamil Makkal Viduthalai Pulikal (TMVP) and documented by UNICEF since 2006 have been released by the TMVP following the signing of an Action Plan in December 2008. Recruitment and rerecruitment of children is, however, reported in Ampara district in the Eastern Province by 'commander' Iniya Barrathi who was part of the TMVP breakaway faction under Karuna's leadership."

"TMVP members and cadres loyal to Karuna have also been accused of child recruitment in Batticaloa district. "

"To date, no investigations or prosecution of cases of recruitment of children, an offence under the Penal Code, have been undertaken." **[6h] (p8)**

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Other groups

24.34 The Coalition to Stop the Use of Child Soldiers Sri Lanka April 2010 report noted that "Several other armed political groups with links to the security groups which have operated in Sri Lanka since the 1990s, have recruited and used children although to a much lesser extent…Sporadic cases of child recruitment by armed groups with links to the security forces continued to be reported as of February 2010." **[61b] (p1)**

24.35 The same source added that

"There were reports in the past of the Eelam People's Revolutionary Liberation Front (EPRLF), the People's Liberation Organisation of Tamil Eelam (PLOTE), Tamil Eelam Liberation Organisation (TELO) and the Eelam People's Democratic Party (EPDP) recruiting and using children, although not in large numbers…Current information indicates that EPDP and PLOTE are continuing to recruit and use children for task-specific purposes. For example, in the lead up to the presidential election in January 2010, children were reportedly recruited to assist these groups with tasks including guarding their offices and distributing campaign material." **[61b] (p8)**

24.36 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*', 5 July 2010 observed that it had been reported that "the Eelam People's Democratic Party (EPDP) and the People's Liberation Organization of Tamil Eelam (PLOTE) are continuing to recruit and use children for task-specific purposes, such as guarding offices." **[6h] (p8)**

See also Section 9: Military Service; Section 19: Freedom of Religion (Introduction); Section 13: Prison Conditions; Section 23: Women; and Section 25: Trafficking. For information about violence as a result of the security situation, which affected children directly and indirectly, and abuses committed by the security forces and non-government groups see Section 8: Security forces and Section 10 on Abuses by non-government armed forces. The internal conflict also displaced large numbers people and created humanitarian problems in the north and east of the country, both affecting children. See also Section 27: Humanitarian issues and Section 29: Internally Displaced People (IDPs)

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CHILDCARE AND PROTECTION

24.37 In UNICEF's comments to the UN's Universal Periodic Review of Sri Lanka which was taking place during 2008, though the document itself is undated, (accessed 20 September 2010), it was reported that:

"The protection of children is a concern. Children in contact with the law are often re-victimised, this includes both child victims of abuse and neglect and also child offenders. This takes the form of ill treatment, at times extending to torture of child offenders, delays, separation from families, incarceration,

disruption of education and lack of attention to their therapeutic needs. Trainings carried out so far have addressed the attitudes and skills of individual service providers but failed to develop standards and procedures which would enable a uniform protective environment to all children in contact with the law. Legal reforms have generally been top down and they have not taken into account the views and experiences of children and service providers. The strengthening of practice must be supplemented with a continuous review of law and policy, institutionalized training and the provision of necessary infrastructural support. Key issue is that the age of criminal responsibility is 8yrs with the courts having discretion to extend to 12 yrs depending on the subjective assessment of level of maturity." **[53e]**

24.38 On the subject of protection the USSD report 2009 noted that "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." **[2b] (Section 6)**

24.39 On 16 August 2010 the *Daily Mirror* (Sri Lanka) reported that the Probation and Child Care Services (DPCCS) Department had stated that "More than 500 cases of child abuse have been reported in the past six months from some 420 government and privately maintained children's homes in the country…" **[16p]**

Government and NGO childcare

24.40 The UNICEF comments to the UN in its Universal Periodic Review of Sri Lanka, undated, accessed 20 September 2010, observed that:

"Institutional care is at present the most common solution for children deprived of parental care in Sri Lanka. At the end of 2006 more than 19,000 children were living in these institutions, separated from their families; girls outnumber boys by 8 percent (i.e. they represent 54%).

"Fostering is possible through the issuing of a Fit Person Order, but such an order is utilized only in cases where children can be entrusted to a relative. Furthermore, the recourse to institutional care is frequently practiced also to solve family problems not related to parental care: children are sent to institutions either through an intervention of the officers of the Department of Probation and Child Care Service (DPCCS) - which is the agency providing social services to children - or directly by parents." **[53e]**

24.41 A comprehensive list of NGOs for children operating in Sri Lanka is available from the website of CRIN (Child Rights Information Network) **[14]**

See also Section 23: Women

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EDUCATION

24.42 The USSD report 2009 recorded that "The law required children between the ages of five and 14 to attend school. The government provided extensive systems of public education and medical care. Education was free through the university level. Health care, including immunization, was also free and

available equally to boys and girls." **[2b] (Section 6)** The youth (15-24 years) literacy rate, 2000-2007, was 97 per cent for males and 98 per cent for females. (UNICEF Sri Lanka, Statistics, Education, undated) **[53c]**

24.43 The UNICEF '*Humanitarian Action Report 2010*', dated February 2010 recorded that "An estimated 120,000 children have had their education disrupted by the prolonged period of conflict. Teachers have been displaced and schools occupied by displaced persons, problems which are heightened in areas of return, where the existing infrastructure is in very poor condition and education services are stretched to near breaking point." **[53a] (p118)**

24.44 The same report added that:

"The combined efforts of UNICEF, Save the Children and partners in the Education Cluster, gave displaced children, as well as host community children, new opportunities to resume their schooling and educational development. Over 200 UNICEF-funded temporary learning spaces of varying size, equipped with learning materials and kits, were constructed in cooperation with local authorities and partners, providing safe learning environments in settlement areas." **[53a] (p118)**

24.45 A letter from the British High Commission (BHC), Colombo, dated 13 August 2010, reported that:

"A Senior Government Official in Mullaitivu stated that 62 out of 84 schools were now open in the district.

A group of returned IDPs in Pooneryn, Kilinochchi told us that whilst some of the schools were open, teachers were having to travel from Jaffna and as a result were only present from 11am to 1.30pm. They also commented that some school buildings in Kilinochchi were occupied by the military.

A Senior Government Agent in Vavuniya stated that in her district there was a real shortage of teachers, particularly English and science teachers." **[15o]**

24.46 The Sri Lanka Department of Census and Statistics recorded in their Statistical Abstract 2009, Socio Economic Indicators (undated, website accessed on 20 September 2010) that in 2008 there were 9,662 Government schools; 94 private schools and 691 Pirivenas [Buddhist monastic colleges] with a total number of pupils of 4,100,495 in 2008. In Government schools the Pupil Teacher Ratio was 18. **[58c]**

See also Section 23: Women and subsection above on Violence against children.

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25. TRAFFICKING

25.01 The US Department of State's *Trafficking in Persons Report*, released on 14 June 2010 noted that:

"Sri Lanka is primarily a source and, to a much lesser extent, a destination for men and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Sri Lankan men and women migrate consensually to Kuwait, Jordan, Saudi Arabia, Qatar, Lebanon, the United Arab Emirates (UAE), Oman, Bahrain, and Singapore to work as construction workers, domestic servants, or garment factory workers. Some of these workers, however, subsequently find themselves in conditions of forced labor through practices such as restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of their detention and deportation for immigration violations…

"Within the country, women and children are trafficked into brothels, especially in the Anuradhapura area, which was a major transit point for members of the Sri Lankan Armed Forces heading north. Boys are more likely than girls to be forced into prostitution – this is generally in coastal areas for domestic child sex tourism. A small number of women from Thailand, China, and countries in South Asia, Eastern Europe, and the former Soviet Union may be subjected to forced prostitution in Sri Lanka…

"Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government enacted a law that facilitates the prosecution of recruitment agencies engaged in fraudulent recruitment. While the government made little progress in identifying trafficking victims, it did provide some training on identification. Despite these overall efforts, including rehabilitating child soldiers and reintegrating them into their communities and families the government has not shown evidence of progress in convicting and punishing trafficking offenders and identifying and protecting trafficking offenders." **[2c] (Sri Lanka Section)**

25.02 The same USSD report added:

"The Sri Lankan government made some law-enforcement efforts in addressing human trafficking cases over the reporting period. Sri Lanka prohibits all forms of trafficking through an April 2006 amendment to its penal code, which prescribes punishments of up to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape… The government made limited progress in ensuring that victims of trafficking received access to necessary services during the year…"Government personnel did not employ formal procedures for proactively identifying victims, but various agencies on an ad hoc basis identified approximately 75 victims in 2009." **[2c] (Sri Lanka Section)**

See also Section 23: Women; Section 24: Children; and Section 29: Internally Displaced People

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT

26.01 The WHO (World Health Organisation) Country Health System Profile Sri Lanka (undated, website accessed on 25 January 2010) provides useful general information on the health resources in Sri Lanka:

"A wide disparity in the regional distribution of health personnel is evident. The Colombo district has a high concentration of most categories of health personnel except public health staff. In 2001, 35 percent of the specialists were concentrated in the Colombo district…. **(Section 4.1)** The government health sector takes care of healthcare needs of the vast majority of the population. The private sector in health had been small in terms of service provisions and financing. It is only recently that the private sector has been growing mostly in urban areas. The private sector contribution has been mainly in urban areas…. **(Section 4.2)** Adequate emphasis is given in the past in building physical infrastructure, including facilities and equipment, as a means of developing national healthcare system. This has lead to a countrywide, comprehensive network of health centres, hospitals and other medical institutions." **[68c] (Section 4.2)**

26.02 The WHO Mini profile 2007 (accessed on 25 January 2010), Sri Lanka recorded that:

"The public sector provides health care for nearly 60% of the population and caters to 95% of inpatient care. The private sector provides mainly curative care, which is estimated to be nearly 50% of outpatient care. This is largely concentrated in urban and suburban areas...The public sector provides care under allopathy and ayurvedic systems. But there are private practioners [sic] of Unani, Siddha and Homeopathy systems as well. Nearly 60% of the rural population relies on traditional and natural medicine for their primary health care." **[68b] (p14)**

26.03 A detailed list of government hospitals is available from the website of the Sri Lankan Ministry of Healthcare and Nutrition (accessed on 25 January 2010). **[67b]** The following government hospitals exist in the Colombo district:

"Teaching Hospital
NH-Colombo General (Line Ministry Inst.)
TH-Castle (Line Ministry Inst.)
TH-Eye (Line Ministry Inst.)
TH-L.R.H (Line Ministry Inst.)
TH-Soysa (Line Ministry Inst.)
TH-Kalubowila (Line Ministry Inst.)
TH-Angoda Mental Hospital (Line Mini I.)
TH-Cancer Institute (Line Ministry Inst)
TH-Dental Institute (Line Ministry Inst)
TH-Sri Jayawardenepura (Line Mini Inst)

Base Hospital Type A
BHA-Avissawella
BHA-Homagama
BH-Fever Hos. Angoda IDH

District Hospital
DH-Moratuwa
DH- Premadasa Memorial-Maligawatta

DH-Wetara" **[67d]**

The list also provides details of Government hospitals in other districts. **[67b]]**

26.04 A different section of the same website recorded that in total in Sri Lanka there are 612 hospitals with a total of 66,835 hospital beds (Medical Institutions and Bed Strength in Sri Lanka by hospital type – Year 2008, undated, website accessed on 25 January 2010) **[67c]**

26.05 The WHO Core Health Indicators, World health statistics 2008, undated (website accessed on 27 January 2010) recorded that in 2004 (latest available figures) in Sri Lanka there were 10,479 physicians (between generalists and specialists) while the number of nursery and midwifery personnel was 33,233 and that of the pharmaceutical personnel was 990. **[68d]**

26.06 Additional information is available from the Ministry of Health 'Health Manpower', updated on 31 December 2008 (website accessed on 19 January 2010) **[67a]**

26.07 A letter from the British High Commission, Colombo, dated 12 January 2010, reported:

"The Director of Regional Health in Jaffna told us that there are 38 government hospitals in the Jaffna District providing 950 beds. However, he said that there are acute staff shortages that need to be addressed. There should be 19 specialist consultants in the district but there are none at present, although he pointed to a 'house team' at Point Pedro Hospital which had 3 of their own specialists. There should be 110 doctors but currently there were only 14, and with regard to Registered Medical Officers (paramedics) there were currently only 20 when there should be 58 working within the district.

"With regard to the equipment in the hospital facilities, the Director said that there were two problems, one was obtaining the equipment, and the second was having persons to operate the equipment. The equipment in many hospitals was basic.

"The Director stated that major surgery could be carried out at Point Pedro Hospital and at the Jaffna Teaching Hospital. However, a lack of specialists such as neurosurgeons meant that some patients were transferred to Colombo for surgery, and there were no facilities for heart surgery or some forms of cancer treatment in the district. Many patients requiring specialist treatment would travel to an appropriate hospital in Colombo. ICRC provided flights twice a week to transfer patients to Colombo, and emergency cases were flown down by the Sri Lankan Air Force. The district also had an emergency ambulance service that guaranteed a 10-minute response time." **[15p]**

26.08 A letter from the British High Commission (BHC) in Colombo, dated 13 August 2010, reported that:

"Medical staff at Kilinochchi General Hospital explained that the hospital was shelled during the final weeks of the war and had to be abandoned. It was undergoing a complete refurbishment and had re-opened in May 2010. A

surgical team showed us around and explained that they have the capacity at the moment to undertake routine surgery. Patients requiring more complicated surgery were normally transferred to Vavuniya. We also visited the maternity ward where there were currently around 160 births a month. The staff explained that many IDP mothers had been deprived of quality food during their pregnancies and this had been reflected in the babies born. Currently 20% of babies born were under-nourished, but staff did indicate that this was dropping month by month.

"A Senior Government Agent in Mullaitivu said that the hospital in Mullaitivu was operating again from within a military area. She added that the problem was staffing the hospital as doctors were not keen to come to the area." **[15o]**

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Availability and affordability of drugs

26.09 A letter from the British High Commission in Colombo, dated 1 October 2008, reported that:

"We have contacted the State Pharmaceutical Co-operation (SPC) chairman Mr Ranjith Maligaspe. We were told that medical care is affordable for the average person in Sri Lanka. Most conventional medicines are available and government hospitals provide drugs free of charge, unless prescribed outside. Drugs are cheaper at SPC than in the private sector. SPC deal with 3000 drugs and surgical items, while the private sector supplies about 700 items. He added that in comparison most drugs would be cheaper than in the United Kingdom for prescription and dispensing charges. The Healthcare and Nutrition Ministry banned the prescription of drugs by their trade names, instead insisting on the use of their generic names as of 1st January 2008. This law applies to doctors in government service as well as in the private sector. The objective of this change was to support the National Drugs Policy of late Professor Senaka Bibile, and to 'ease the burden on the public' and give them 'a quality healthcare service'. 'The State Pharmaceutical Corporation (SPC) markets drugs under the Generic name and is most of the time very cheaper [sic] than the branded versions. Thus drugs sold under generic name are usually cheaper than those sold under the brand name…For an example drugs that are prescribed by doctors for high blood pressure range from Rs.7 to Rs.100 each but under the present regulations, a drug which has the same effect and quality can be purchased at Rs.7 each.'" **[15c]**

See also Section 26 on Mental health

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

26.10 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that "There was no official discrimination against those who provided HIV prevention services or against high risk groups likely to spread HIV/AIDS, although there was societal discrimination against these groups." The report further noted that "Women appeared to be equally diagnosed and treated for sexually transmitted infections, including HIV. The UN and World Health

Organization estimated approximately 4,000 persons were infected with HIV in 2007." **[2b] (Section 6)**

26.11 On 5 August 2010 Irin reported:

"Sri Lanka has remained relatively unscathed by the global AIDS pandemic, but for the tiny minority of people living with HIV, life is extremely hard. 'If you have AIDS, you become an immoral person overnight,' said Chamara Sumanapala, a social commentator at the University of Colombo in the capital, Colombo. 'People are simply not comfortable living with people who have HIV.'

"Those living with HIV face daily discrimination.

"Dr Chamil Jinadasa, an independent health worker in Colombo, said social stigma was one of the main barriers to the country's efforts to combat HIV/AIDS. 'People are really worried that they will be socially stigmatized among their families and friends," he told IRIN/PlusNews. "This is a major concern; [it] increases the risk of further infections.'" **[55d]**

26.12 A letter from the British High Commission in Colombo dated 14 September 2010 mentioned that they had contacted a consultant at the National STD/AIDS Control Programme to discuss availability of HIV/AIDS drugs.

"He said that all of the drugs recommended by the World Health Organisation (WHO) are available. The government provides first grade treatment for HIV patients meeting WHO standards. Drugs for countering opportunistic infections are widely available in pharmacies and generally prices in pharmacies are lower than in the UK. Persons seeking treatment in any of the Government medical institutions, receive treatment free of charge. The World Bank continues to fund a National STD/AIDS Control Programme." **[15k]**

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CANCER TREATMENT

26.13 A letter from the British High Commission (BHC) in Colombo dated 23 April 2009 reported on a visit to the Maharagama Cancer Institute in Western Province and the meeting held with Dr Yasantha Ariyaratne, the senior Consultant Clinical Oncologist:

"He explained that the Cancer Institute is the main public hospital for the treatment of cancer in Sri Lanka and the only establishment solely dedicated to this purpose. He explained that the hospital has 665 beds, caters for 815 patients and has more than 1000 day-care patients. I was told that the medical team included 11 radiotherapy oncologists, 3 paediatrician oncologists, 2 surgical oncologists, 2 gynaecological oncologists, 1 haematological oncologist, 1 general physician, 2 anaesthetists and more than 100 medical officers. The institute provides chemotherapy, radiotherapy and surgical treatment for cancer patients and possesses a linear accelerator. I was informed that all of the senior consultants had been trained and worked in the UK, USA or Australia at some stage and that many were well versed in the British NHS system. Dr Ariyaratne stated that there were cancer units within

public sector hospitals in Kandy and Galle (both teaching hospitals), and in Jaffna, Anuradhapura, Badulla and Kurunegala.

"Within the private sector, Dr Ariyaratne said that there was chemotherapy, radiotherapy and surgical therapy available at hospitals in Colombo and Kandy". **[15h]**

26.14 The BHC letter of 23 April 2009 further reported:

"With regard to the availability of drugs for cancer treatment, I was told that for many years the government of Sri Lanka purchased these drugs from Switzerland. However, the government now purchases them from Indian manufactures, and although they were not as pure as the Swiss made ones, they were getting better and were now reaching a similar standard. Unfortunately these drugs do not have a long shelf life so the government are unable to buy in bulk and stockpile, particularly when the demand for specific drugs for specific cancers is not great. As a result, for patients undergoing long-term treatment, the supply of these drugs can be erratic." **[15h]**

26.15 The Ministry of Health 'National Census of Health Manpower', updated on 30 June 2007 (website accessed on 1 June 2009), recorded that in Sri Lanka there were six oncology surgeons and 16 Radiotherapists/Oncologists. **[67a]**

See also Section on Overview of availability of medical treatment and drugs

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KIDNEY DIALYSIS

26.16 A letter from the British High Commission (BHC) in Colombo dated 7 May 2009 reported that:

"There are around 100 dialysis machines and only 15 nephrologists in the whole of Sri Lanka. No reliable statistics on the number of persons suffering from kidney failure on the island are available, but it is estimated that every year a further 3000 people are diagnosed…The availability of dialysis treatment is extremely limited due mainly to the extreme demand for limited machines, but also the cost of the treatment and the fact that poor water pressure over virtually the entire island means that hospitals offering such treatment are limited to being in Colombo and Kandy." **[15i]**

26.17 The BHC letter of 7 May 2009 continued:

"Costs for dialysis treatment vary from Rs 6,000 – 8,000 per session (£35-£46), so for a person requiring 3 sessions a week, costs could be as high as Rs 24,000 (£138) per week. Dialysis treatment is available in the public sector free of charge, but because of the high demand patients have to take their turn in the queue. [The Head of the Kidney Patients' Welfare Society (KPWS)] Mrs Gunesekera added that there are people who can afford treatment in the private sector, but who are unable to access it because of the high demand and again end up in a queue… With regard to public sector hospitals providing dialysis treatment, I was told that the main hospitals were the National Hospital in Colombo, the Teaching Hospital Colombo South, Sri Jayawardenepura General Hospital and Kandy General Hospital…In the

private sector the following Colombo hospitals were specifically mentioned by Mrs Gunesekera: Navaloka Hospitals, Durdans Hospitals, Asiri Hospitals, Apollo Hospital and Asha Central Hospital.

"Mrs Gunesekera explained that many of the hospitals mentioned above, in both public and private sector, are able to carry out kidney transplant operations. She added however that the biggest problem was finding donors. There has never been a national campaign to encourage organ donation, and there is not a national register of organ donors in Sri Lanka. Locating a suitable organ was down to the individuals requiring a transplant to advertise in the newspapers to seek out donors." **[15i]**

See also Section on Overview of availability of medical treatment and drugs

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MENTAL HEALTH

26.18 The World Health Organisation (WHO) report, *'The New Mental Health Policy for Sri Lanka*', undated, accessed on 25 January 2010, noted that "It has been estimated that nearly 400,000 Sri Lankans suffer from serious mental illness. In addition, about 10% are thought to suffer from other more common mental health problems. The estimated prevance [sic] of depression amongst the general public varies from 9% to 25%." **[68a]**

26.19 On 23 June 2010 the *Daily News* reported that:

"Sri Lanka's progress in the mental health sector is commendable and Sri Lanka has achieved a significant improvement in human resources development and expansion of resources and facilities. Sri Lanka is on the right track when it comes to improving mental health care, said WHO Representative Dr. Firdosi Rustom Mehta… Sri Lanka is doing much better in the field of mental health when comparing with the world's status." **[16f]**

Mental health hospitals and clinics

26.20 The British High Commission (BHC) Colombo contacted a consultant psychiatrist at the National Institute of Mental Health for information about mental health facilities and care in Sri Lanka. In a letter dated 19 August 2008 the BHC reported:

"The main public facility is the National Institute of Mental Health; a government run establishment in Angoda, Colombo, which can hold up to 1400 patients. There is a Long Stay Unit at Hendala where 200 male patients can remain indefinitely, and a similar establishment in Mulleriyawa that caters for up to 850 female patients. There are 9 other hospitals or units in the following locations that each have places for between 20-30 patients: Ragama Teaching Hospital, Colombo South Teaching Hospital, Batticaloa Teaching Hospital, Peradeniya, Kandy, Kurunegala, Galle, Badulla, and Kalutara. There is only one private hospital providing psychiatric treatment, the Park Hospital, Park Road, Colombo 5 (www.parkhospitals.com), although private consultations with psychiatrists working at public facilities are available, which is known as 'channel consultation'." **[15t]**

26.21 The BHC letter of 19 August 2008 also reported that a number of NGOs also provided some mental healthcare.

"Sahanaya – The National Council for Mental Health – [has] two centres in Borella and Gorakana providing walk-in clinics and day care centres – http://www.sahanaya.org/index.php Sanasuma Counselling Service – based in Colombo and providing therapeutic counselling - www.sanasuma.com Sri Lanka Sumithrayo – based in Colombo but with 13 branches across the country providing counsellors and trained volunteers - www.srilankasumithrayo.org" **[15t]**

Psychiatrists and psychologists

26.22 The Ministry of Health 'National Census of Health Manpower', updated on 30 June 2007 (website accessed on 1 June 2009), stated that there were 24 psychiatrists in the country but there is no mention of psychologists. **[67a]**

26.23 However, the BHC letter of 19 August 2008 reported that "There are no psychologists working within the public sector although there are 1 or 2 teaching at the University of Colombo and Peradeniya University. There are no numbers available for psychologists working within the private sector. There are approximately 20 psychiatrists attached to the Ministry of Health and a further 20 attached to universities." **[15t]**

Post Traumatic Stress Disorder (PTSD)

26.24 The consultant psychiatrist at the National Institute of Mental Health consulted by the BHC Colombo stated that "PTSD is considered a 'western phenomenon' and does not prevail very much in Sri Lanka. Individual psychiatrists will treat patients in both government and private hospitals." (BHC letter of 19 August 2008) **[15t]**

Availability and affordability of anti-depressant and therapeutic drugs

26.25 The BHC letter of 19 August 2008 noted that "The Sri Lankan government provides free drugs and care to patients with mental health problems. Drugs such as Carbamazepine, Ethosuximide, Phenobarbital, Phenytoinsodium, SodiumValproate, Amitriptyline, Chlorpromazine, Diazepam, Carbidopa and Levodopa, as well as generic drugs of a similar kind are all available. We were advised that if any drugs were not freely available locally they could be obtained from India." **[15t]** The website of the State Pharmaceutical Corporation (SPC) of Sri Lanka recorded that Carbamazepine; Chlorpromazine, Diazepam; Phenobarbital and Sodium Valproate are available in Sri Lanka. **[13a]**

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27. HUMANITARIAN ISSUES

27.01 The HRW report entitled '*Besieged, Displaced, and Detained -The Plight of Civilians in Sri Lanka's Vanni Region*' issued on 23 December 2008 observed that several hundred thousand ethnic Tamil civilians were:

"… trapped in intensifying fighting between the Sri Lankan armed forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) in the LTTE's northern stronghold, known as the Vanni [sometimes also spelled 'Wanni.' The Vanni comprises parts of the districts of Kilinochchi (to the north), Mullaitivu (east), Mannar (west), and Vavuniya (south).]. As the LTTE has lost ground to advancing government forces, civilians have been squeezed into a shrinking conflict zone. The encroaching fighting has left many homeless, hungry, and sick, and placed their lives increasingly in danger…With humanitarian and civilian movement in and out of the Vanni greatly restricted by both the Sri Lankan authorities and the LTTE, affected communities find it increasingly difficult to obtain desperately needed humanitarian assistance." **[21h] (Summary)**

27.02 The DFID (Department for International Development) document '*Sri Lanka: one year on from conflict*', dated 19 May 2010 noted:

"Between September 2008 and April 2009, hundreds of thousands of civilians became caught in the fighting and were forced to leave their homes. Many of these Internally Displaced Persons (IDPs) had to repeatedly move as the battle lines changed. Many people were killed and thousands were injured in the final stages of the conflict.

"A large-scale humanitarian crisis began to unfold as the IDPs fled the conflict zone, and the UK was at the forefront of efforts to respond. By late May 2009, some 300,000 people were detained in a large camp complex called Menik Farm, near the northern town of Vavuniya in the heart of Sri Lanka's 'rice bowl' region. Access to the camp for aid agencies was limited, although this has now improved.

"Since November 2009 increasing numbers of displaced people have been allowed to return home from the camps."

"UKaid from the Department for International Development has provided £13.5 million of humanitarian assistance in Sri Lanka since September 2008, to support the ongoing efforts of the United Nations, the International Committee of the Red Cross (ICRC) and other humanitarian agencies.

"Villages are being surveyed and cleared of landmines and unexploded ordnance left over from the conflict. Fertile rice-producing land is being cleared and re-sown. Shelter, water and sanitation facilities are being restored." **[49a]**

27.03 On 11 June 2010 Irin reported that:

"Thousands of internally displaced people (IDPs) returning home from camps in northern Sri Lanka are concerned about access to potable water and slow progress in clearing landmines."

"Chamil Jinadasa, an independent health worker in Colombo, told IRIN that while the situation had improved since the war, basic sanitation and water facilities were below par…Diarrhoea and other diseases are prevalent,

although the work of government and NGO health professionals had prevented the situation from deteriorating, he added." **[55e]**

27.04 Detailed information on the humanitarian situation in Sri Lanka is available from the website of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Humanitarian Portal - Sri Lanka **[52]**

See also Latest News Section; Section 4: Recent developments; Section 17: Human rights institutions, organisations and activists; Section 24: Children Sections 28: Freedom of Movement; and Section 29: Internally Displaced People

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28. FREEDOM OF MOVEMENT

28.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that:

"The law grants every citizen 'freedom of movement and of choosing his residence' and 'freedom to return to the country.' In practice, however, the government severely restricted this right on multiple occasions. The additional checks on travelers from the north and the east and on movement to and in Colombo remained in effect [during 2009]. Colombo police refused to register Tamils from the north and the east, as required by Emergency Regulation 23, sometimes forcing them to return to their homes in areas affected by the conflict.

"The government required Tamils who wished to move within the country, especially those Tamils living in Jaffna, to obtain special passes issued by security forces…For most of the year [2009], citizens of Jaffna were required to obtain permission from the army's civil affairs unit, or in some cases from the EPDP, to leave Jaffna, but the requirement was lifted in December. Curfews imposed by the army also restricted the movement of Jaffna's citizens, although this curfew was reduced after the end of the war." **[2b] (Section 2d)**

28.02 And continued:

"Limited access continued near military bases and the HSZ [High Security Zone] where civilians could not enter. The HSZs extended in an approximately 2.5-mile radius from the fences of most military camps. Some observers claimed the HSZs were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. There were allegations after the war ended that the government was allowing non-Tamil businesses to locate inside HSZs, taking over valuable land before local citizens were allowed to return." **[2b] (Section 2d)**

28.03 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*', 5 July 2010 reported that:

"Restrictions on the freedom of movement have also been eased as a consequence of the improvement in the security situation. However, other

security measures, including military/police checkpoints along the main roads and a highly visible military presence, continue to be maintained throughout the country, reportedly to prevent the re-establishment of the LTTE by cadres still at large." **[6h] (p2)**

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COLOMBO

28.04 In a letter dated 29 April 2009, the BHC in Colombo observed that:

"Residing in Colombo or indeed all of Western Province can be difficult for Tamils, especially if they are originally from the north or east of Sri Lanka.

"Many essential services are only available in Colombo so people travel from the north and the east to access medical facilities, higher education, employment, passport and identity card issuing facilities and to make plans for overseas travel. Under the law, anyone can stay in Colombo without giving any prior notice to the police or security forces. However, persons from 'out of town' will be stopped like everyone else at the frequent checkpoints [see sub-section below] and this can prove a particular problem for Tamils who do not have adequate Sinhala language skills." **[15e]**

28.05 The *Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009*, dated 22 October 2009 (FCO October 2009 report) contained specific information on the issue of the feasibility of residency in Colombo between June and August 2009. The report observed:

"Some sources referred to the common perception that there are more Tamils in Colombo than Sinhalese. Tamils are in the majority in certain areas of Colombo, but estimates suggest that they number 300,000 – 500,000, up to 20% of the population of Colombo District. Around 50,000 Tamils are temporary residents in Colombo and approximately 37,000 migrated from the Northern Province to Colombo between 2003 and 2008." **[15m] (Executive Summary, Feasibility of residency in Colombo after June 2009)**

28.06 A BHC letter dated 10 September 2009 reported:

"The last census of Sri Lanka was carried out in 2001. At the time, the ongoing conflict made the results unreliable, as data was not collected from some districts. Furthermore, there has been significant internal migration within the country and from the country since then. With regard to Colombo District the total population according to the Census of 2001 Information Unit was 2,230,612…Colombo District comprises of 13 Divisional Secretariat Divisions (DSD), one of which is Colombo DSD. Colombo DSD includes the areas of Fort, Pettah, Slave Island, Dematagoda, Maradana, Hultsdorf, Kotahena, Grandpass and Mutwal. According to the Census of 2001 Information Unit the total population of Colombo DSD was 376,770…The Department of Census and Statistics – Sri Lanka produces estimated mid-year population figures, the latest being for 2008. These figures show that the estimated population of Sri Lanka as 20,217,000. The estimated population of Colombo District is given as 2,488,000.

"There is additional confusion between Colombo District and Colombo DSD, and to further confuse matters a widely produced map of the City of Colombo, shows the city boundary includes the DSDs of Colombo and Thimbirigasyaya.

"Thimbirigasyaya DSD to the south of Colombo DSD includes of the areas of Thimbirigasyaya, Kollupitiya (Colpetty), Cinnamon Gardens, Borella, Bambalapitiya, Narahenpita, Havelock Town, Wellawatte and Kirillapone. According to the Census of 2001 Information Unit the total population of Thimbirigasyaya DSD was 263,550…" **[15q]**

See also Section 20: Ethnic groups

28.07 The FCO October 2009 report further recorded:

"Sources agreed that people who wished to live in Colombo but did not originate from there must register with the local police station. Registration usually required a National Identification Card or full passport, sometimes a letter from a Grama Seveka (a local official from the person's area of origin) and details of planned length and purpose of stay.

"In theory, anyone was entitled to register to stay in Colombo, but some sources suggested that young Tamil men originally from the north or east of the country could encounter difficulties and face closer scrutiny...In general, registration would be easier if people indicated that their stay in Colombo was temporary." **[15m] (Executive Summary, Feasibility of residency in Colombo after June 2009)**

28.08 The same source added:

"The UNHCR Protection Officer noted that it was very difficult for Tamils not from Colombo to obtain residence there. Tamils from the north and east must have a valid reason to find accommodation in Colombo; landlords must be very careful when renting places to Tamils who are not from Colombo. It can be very difficult to register if you are from the north and you do not have a letter from the local administration, the Grama Seveka [local official], in your place of origin, in addition to your police registration certificate." **[15m] (5.12)**
"...she believed it was difficult for Tamils to stay even on a temporary basis. Tamils faced problems also because people were scared and reluctant to take them as lodgers or tenants." **[15m] (paragraph 5.30)**

"CPA [Centre for Policy Alternatives] stated that they were not aware of Tamils being told to leave Colombo, but they may be harassed and told it was not safe to stay here. There was established case law saying that persons could not be instructed to leave, but they could still be harassed." **[15m] (paragraph 5.38)**

"Mano Ganesan MP said people could stay as long as they complied with police registration, but that the police always directly or indirectly intimidated Tamils, often in order to get money from them. He was of the opinion that it was not advisable for Tamils who did not originate from Colombo to stay there." **[15m] (paragraph 5.42)**

See also Police registration and Lodges in Colombo below.

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POLICE REGISTRATION

28.09 A letter from the British High Commission (BHC) in Colombo dated 25 August 2010 reported that:

"Throughout the civil conflict, the Sri Lankan authorities, acting under Section 23 of the Emergency Regulations Act, required households to register all residents, the emphasis being on Tamils who took temporary lodgings. These lists were then used in cordon and search operations to identify people from whom the police required further explanation as to why they were residing or travelling in a location. Persons identified as having not registered, were normally detained by the police for further questioning.

"There was often no uniformity in the implementation of the police registration. After the new government came to power in November 2005, police visited properties and issued forms to be completed by the head of the household, asking them to take full responsibility for the information provided and the persons on the list. The form sought information as to the purchase date and price of the property, from whom the property had been purchased, how the purchase had been financed and who had assisted in the finance etc. This form was issued to almost all houses in the Tamil concentrations in Colombo and suburbs. Generally the police did not say that they were targeting only Tamil households, but collection of completed forms / booklets were only strictly enforced when it came to Tamil concentrations. The main purpose of these booklets was to assist the Police, when they launched cordon and search operations, to identify visitors or undeclared persons in the area. In the latter part of 2008 there was a programme of police registration, specifically targeting persons who had temporarily migrated to Colombo and Western Province from the North and the East of the country." **[15s]**

28.10 The BHC letter of 25 August 2010 continued:

"In May 2010 the newly elected Sri Lankan government announced that whilst extending the emergency regulations, as is required monthly, certain regulations would be repealed. These included the restrictions on public marches and meetings, curfews, police entry into private property without a search warrant, restrictions on terrorist propaganda, and 'the compulsory police registration of household members'.

"In July 2010 several Tamil media networks carried the story that police in the Wellawatte Police Division of Colombo had recommenced the practice of registering Tamils. The Democratic People's Front leader Mano Ganesan was quoted as saying that 'This is being conducted only in the city divisions where Tamils live in sizeable numbers' and requested that the President 'intervene to stop this discriminatory act which is flatly against the spirit of reconciliation'.

"On 22nd July 2010 in response to these allegations, the Police Spokesman Prishantha Jayakody gave a press release from their headquarters in Colombo. He stated that 'the police were acting in accordance with the relevant provisions in the Police Ordinance, under which officers in charge of police stations are empowered to carry out such registration of persons wherever deemed necessary to ensure maximum possible social security,

accountability and safety to all citizenry, regardless of any ethnic consideration'. In a subsequent statement made to local media on the 25th July 2010, he was reported as saying that, 'Contrary to certain media reports, the registration programme is being carried out not only in Wellawatte, but also in Kirillapona and Kotahena at the moment', and added that 'registrations were a normal regular occurrence'. Wellawatte, Kirillapona and Kotahena are all areas with a large Tamil population." **[15s]**

See also Section 8 on Cordon and search operations

28.11 *The Sunday Times* (Sri Lanka) reported on 11 January 2009 that the Government had asked all Sri Lanka citizens to register online with the Ministry of Defence.

"The request is part of a government effort to further screen all persons residing in the country, said Lakshman Hulugalle, director general of the Media Centre for National Security. A website – www.citizens.lk – has been set up for the purpose. Sri Lanka residents are required provide personal details, including name, ethnicity, home address, type of house (apartment/flat, annexe, shop) occupied, and the nearest police station. Details of temporary residents should also be declared….Those with no access to the internet can register at any government institution that has a special counter for registration purposes. **[11m]**

28.12 On 17 April 2009 the website TamilNet reported:

"All householders in Colombo have been instructed by Sri Lanka Defence Ministry to register their particulars at the nearest police station and that failure to do so may result in punitive measures, according to announcement made over loud speaker in Sinhalese and Tamil from a long white bus bearing the Sri Lanka government insignia...Letting a person live in the house without informing the police is a punishable offence, it was announced." **[38a]**

28.13 The *Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009*, dated 22 October 2009 (FCO October 2009 report) recorded:

"The senior intelligence official said they [Tamils who had not previously resided in Colombo who wished to stay in the city] had to go to the local police station to notify the police of their arrival. They had to provide their details, their place and duration of stay. Anyone arriving in Colombo had to register, and also inform the police of any change of residence...The Colombo police could check with the local police from the area the person originated from. A registration list was kept at the Colombo police stations." **[15m] (5.7)** "A temporary address like a lodge could be used to register with the police." **[15m] (paragraph 5.18)**

"The senior intelligence official said that to register, people must provide their National Identity Card (NIC) and complete a form. If they did not have a NIC they could provide a letter from the Grama Seveka [local official]. Passports and emergency passports were also acceptable." **[15m] (paragraph 5.18)**

28.14 On 29 December 2009 TamilNet reported that:

"Tamils coming from other countries or from North and East, should register themselves with the Sri Lankan Police in Colombo if they are staying in the city for more than 30 days, Sri Lankan Police Department said in a note to media ... Nimal Mediwaka, senior Deputy Inspector General of Police said the previous 'rule' that applied to all Tamils, whether they are from abroad or from the north and east visiting Colombo, was that they should all register themselves with the respective police station as soon as they arrived in Colombo and called the latest announcement a 'relaxation measure' of that rule." **[38ae]**

28.15 A British High Commission letter dated 12 January 2010 reported:

"The Government Agent has said that there is no restriction on anyone taking up residency in Jaffna. Once they have found somewhere to reside they must present themselves to the local police and produce their NIC. Persons are free to reside anywhere in the Jaffna District apart from the HSZ. A police spokesman also said there was no restriction and that anyone can come to Jaffna to live. Once a person had found a place to reside, they must register with the local police. A humanitarian group told us that new arrivals into Jaffna District received a token and once they had found a place of residence they had to report to the local police, they thought within 28 days. They added that they knew of no-one who had come back to Jaffna to stay, however, IOM informed us that they have many voluntary returnees from the UK who have resettled in the district." **[15p]**

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Lodges in Colombo

28.16 In a letter dated 29 April 2009, the BHC in Colombo observed that "…in June 2007 there was the well-publicised operation to evict Tamils from lodges/boarding houses in Colombo and Gampaha. A total of 374 Tamils were evicted but subsequently allowed to return following a decisive intervention by the Supreme Court." **[15e]**

28.17 The *Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009*, dated 22 October 2009 (FCO October 2009 report) recorded that

"[The senior intelligence official said that] Lodges were regularly checked and the lodge owners automatically informed the police of new arrivals…**(paragraph 5.7)** The Human Rights Activist said that people could stay as long as they liked but were effectively discouraged from staying for too long. Lodges in Tamil areas such as Pettah and Kotahena were regularly checked by the police and people there were questioned. However, he was not aware of any examples of people being asked to leave, even after a long period of time. Nevertheless, people needed to provide good reasons for staying in Colombo (such as employment, education, going abroad, medical visits, administrative practices). **(paragraph 5.27)**

"The IOM representative said that those staying temporarily in lodges could actually stay a long time, as long as they registered at the police station. Lodge owners had to register them at the police station and give a

recommendation…**(paragraph 5.28)** The former Chief Justice Sarath Silva said that lodges were monitored by the police but everybody could stay, even for several months, as long as they registered with the police." **[15m] (paragraph 5.32)**

CHECK-POINTS

28.18 Detailed information on checkpoints/road blocks in Colombo/Gampaha is available from the *Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009*, dated 22 October 2009 (FCO October 2009 report). The report observed:

"Most sources agreed that there had not been any significant reduction in the number of checkpoints [in Colombo/Gampaha district]. Government sources said the purpose of checkpoints was to detect and prevent terrorist activity. Non-government sources suggested that checkpoints were also intended to identify suspicious individuals, to deter Tamils from settling in Colombo and to maintain the appearance that Sri Lanka was still on an emergency footing.

"In general, those most likely to be questioned were young Tamils from the north and east; those without ID; those not resident or employed in Colombo; and those recently returned from the West. However, most sources said that arrests at checkpoints were very rare and none had been reported since June 2009." **[15m] (Executive Summary, Checkpoints/road blocks in Colombo/Gampaha**

28.19 With regards to the procedures carried out at checkpoints:

"The UNHCR Protection Officer said procedures were mainly about verification of identity documents and checking on personal belongings and cars. They also believed people were asked about their place of origin and place of residence. Tamils were more targeted for checking. Tamils from the north and east were asked for their police registration certificate in addition to the National Identity Card." (FCO October 2009 report) **[15m] (paragraph 4.22)**

"The former Chief Justice, Sarath Silva, said the main problem was that checkpoints were manned by Sinhala speakers unable to read ID cards in Tamil. There was always the risk of abuse. There should always be at least one Tamil speaking officer but this was usually not the case. Tamils faced harassment and extensive questioning at such checkpoints." (FCO October 2009 report) **[15m] (paragraph 4.24)**

28.20 On the issue of the profile of Tamils targeted at checkpoints the FCO October 2009 report recorded:

"The representative of the Swiss Embassy in Colombo said that people, who could not identify themselves, lacked an ID card or had ID cards from Jaffna or northern districts, were likely to be detained briefly and then released after checks on their identity had been carried out." **[15m] (paragraph 4.39)**

"The UNHCR Protection Officer was not sure if there was a specific profile. The officer mentioned that after people are stopped, their language and accent plays a big role. If people are unable to speak Sinhala this is a

problem. The less they can speak Sinhala, the less confident they are, the more suspicious they look." **[15m] (4.40)**

"[Staff of a non-governmental organisation stated that] An ability to communicate with police made a difference. Some Tamils from Colombo were tri-lingual (Tamil, Sinhala and English) and speaking fluent Sinhalese helped. Tamils from the north were vulnerable at checkpoints, especially those seeking employment and/or staying in Colombo on a temporary basis." **[15m] (paragraph 4.42)**

28.21 The USSD report 2009 recorded that "Security forces at army checkpoints in Colombo frequently harassed Tamils. After the government assumed effective control of the east, both the government and the TMVP operated checkpoints that impeded the free movement of residents, especially Tamils." **[2b] (Section 2d)**

28.22 With regards to checkpoints in the Jaffna district, a letter from the British High Commission, Colombo, dated 12 January 2010, reported:

"The consensus is that although they are still highly visible, the officers manning them are less vigorous and in many cases just watch people pass them. In recent weeks some groups claim that almost 50% of checkpoints have been removed. This varies however and approaching checkpoints entering causeways or near to High Security Zones (HSZ) still requires persons to get out of a vehicle and present their identification or residence documents. One humanitarian group has told us that they considered the purpose of the checkpoints was just to harass the public and thought that officers profiled unmarried males between the ages of 18-30 years old. A police spokesman has stated that there are no permanent roadblocks and that police checkpoints change location every week, although some in Jaffna town are permanent. Civilians are visibly more comfortable in their relationship with security forces." **[15p]**

28.23 With regards to the Eastern Province the same source noted that "The number of checkpoints on the main road to Trincomalee from the adjoining North Central Province has been reduced from twelve to two and there are fewer military and police personnel stationed along the road and in Trincomalee town, both during the day and at night." **[15p]**

28.24 A BHC letter dated 13 August 2010 reported that:

"A Senior Military Official in Jaffna said that within Jaffna District all of the checkpoints had been removed and the Navy had removed all checkpoints to the islands.

"A Human Rights spokesman based in Jaffna told us that checkpoints still exist, although they are not in fixed positions. The army just tend to stop vehicles and check driving licences. After 30 years of fearing the LTTE they have nothing to fear now. Many officers have nothing to do but harass the locals, making sexual innuendos to women and throwing stones at passers-by.

"The team from the High Commission noted during their visit that there were no checkpoints in Jaffna town. The drive along the A9 from Jaffna to Vavuniya

revealed only three checkpoints; the first at Elephant Pass, the second just south of Kilinochchi, and the third at Omanthai. At the first two, barriers were raised to allow vehicles through without stopping. The Omanthai checkpoint was the only checkpoint where vehicles were made to stop and occupants to produce documentation. NGO and humanitarian agencies told us that this was mainly to check whether the foreign employees of these organisations had the required MoD clearance to enter/remain in the Vanni. Locals were allowed to pass freely." **[15o]**

28.25 The UNHCR '*Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*', 5 July 2010 reported that "... security measures, including military/police checkpoints along the main roads and a highly visible military presence, continue to be maintained throughout the country, reportedly to prevent the re-establishment of the LTTE by cadres still at large." **[6h] (p2)**

See also Section 8 on Cordon and search operations and Section 32 on Exit – Entry procedures

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A9 HIGHWAY (KANDY/COLOMBO TO JAFFNA)

28.26 The Economist Intelligence Unit (EIU) Country Reports, Sri Lanka, August 2009 noted:

"After a lapse of several years, the A9 Jaffna-Kandy highway was reopened to general traffic on July 22nd [2009]. The A9 is the only land route that connects Sri Lanka's capital, Colombo, and the northernmost part of the country in the Jaffna peninsula. The highway, which is almost 200 miles long, was closed in August 2006 after an army camp in Jaffna came under attack from the LTTE. The road was open in 2003-06 in the wake of a ceasefire in 2001 between the government and the Tigers, but it was under the control of the rebels, who imposed heavy taxes on those who used it. The liberation of Kilinochchi and the Elephant Pass brought the entire highway under state control in early 2009. Following operations to ensure security, the government reopened it for military traffic in March [2009] and for commercial traffic in July [2009]." **[75r] (p11)**

28.27 On 21 December 2009 Reuters reported that the government had officially relaxed tight security on transport to and from its former northern war zone and noted:

"Except during a 2002-2004 truce that ultimately collapsed, the north-south A-9 road had been closed since 1990 as Liberation Tigers of Tamil Eelam (LTTE), who fought for a separate state for the ethnic minority Tamils, controlled parts of it. During the truce, the Tigers drew on the road as a revenue source, taxing vehicles using it. After that the northern Jaffna district was effectively cut off from road links with most of Sri Lanka until January this year. The Tigers' control over much of northern Sri Lanka meant the military-controlled Jaffna peninsula and its namesake city were virtual islands, with goods coming only by boat or air. Since the defeat of the LTTE in May [2009 after a 25-year war, the government had been relaxing various tight security

measures it adapted to curb rebel activities, but some had remained in place." **[4c]**

28.28 The USSD 2009 report recorded that:

"The government maintained a partial closure of the A-9 highway leading to Jaffna for most of the year [2009], requiring special authorization from security forces for any vehicles traveling the road north of Vavuniya. These restrictions were largely lifted in December, although there were still restrictions in place at the end of the year on private vehicles traveling on the A-9 at night. The government continued security checks on movements in all directions north of a key junction near Medawachiya, although they were less stringent by the end of the year than existed during and immediately following the war." **[2b] (Section 2d)**

28.29 A letter from the British High Commission, Colombo, dated 12 January 2010 observed:

"With the re-opening of the main A9 road into Jaffna, government run bus services have re-commenced after several decades from Jaffna to Kandy, Colombo and Batticaloa. These services can now link with buses to virtually anywhere else in the country. Export Credit Guarantee Department (ECGD) funding is underwriting the construction of a second land bridge to link Jaffna to the mainland. The re-opening of the A9 has also enabled other forms of transport to come into the district. More motorbikes, three-wheelers and mini-buses are now available and are seen in increasing in numbers. Local traders confirm that this has improved business significantly, reporting few shortages and significant decreases in consumer prices. It also increased traders' ability to get their goods to market. The private mini-buses are a cheaper alternative to the government buses. Government sources complained that many of these newly introduced private buses were aware of the government timetables, and arrive at the bus stops just prior to the government buses and pinch passengers. A complaint aimed at the government buses was that they were not well maintained and there was a shortage of parts. There was quite a good bus network within the district; although one humanitarian group had pointed out that the timetables had not caught up with the lifting of the curfew resulting in persons being stranded." **[15p]**

See also following section on Access to the Northern Province, Jaffna District: entry and exit

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ACCESS TO THE NORTHERN PROVINCE

28.30 A letter from the British High Commission, Colombo, dated 13 August 2010, reported that "A Senior Military Official in Jaffna confirmed that foreign nationals still required written permission from the Ministry of Defence before entering the Northern Province, but once they had received this they could travel freely." **[15o]**

Jaffna district: entry and exit

28.31 A letter from the British High Commission, Colombo, dated 12 January 2010, reported:

"Following announcements by the Sri Lankan Government in December 2009, Sri Lankans in possession of a National Identity Card (NIC) can travel freely to and from Jaffna. They do not need any security clearance to enter or leave. Jaffna's islands are also open to free movement. Persons travelling by air between the military air bases at Rathmalana, Colombo (which is the only airport from where you can fly to Jaffna) and Palaly, Jaffna face lengthy security checks and searches. Foreign nationals must apply to the Ministry of Defence for written authority to travel to Jaffna and there are also restrictions on where they can travel within Jaffna District. Only a few months ago, humanitarian agencies and groups had described the Jaffna peninsula as an open prison and Jaffna as a garrison town. The relaxation of the entry/exit procedures are therefore seen as a much welcome improvement.

"There were regular air services, four a day, between Colombo Rathmalana and Jaffna Palaly military airports. These are operated by the Sri Lankan Air Force, Deccan and Expo Air. Humanitarian groups commented that they were concerned over the safety standards of some of the aircraft." **[15p]**

UNEXPLODED ORDNANCE (UXO)

28.32 The SATP 2010 timeline, undated, accessed on 20 September 2010, mentioned the demining work carried out by the Sri Lanka Army's de-mining Field Engineer troops and NGOs in the northern and eastern Districts of Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, Batticaloa and Trincomalee and recorded that "At present, troops are continuing their de-mining work in Vedithalattivu (Mannar), Mankulam (Kilinochchi) and Thunukkai-Amathipuram (Mullaitivu) areas. Initial surveys have confirmed that about 600 square kilometres area still remains to be cleared of mines and UXOs." (4 January 2010) **[37d]**

28.33 On 18 December 2009 IRIN reported that "Progress is being made in clearing landmines to allow internally displaced persons (IDPs) in Sri Lanka's north to return home, but clearance will ultimately be a long-term process with no fixed deadline, agencies say." **[55a]**

28.34 A letter from the British High Commission (BHC), Colombo, dated 13 August 2010, reported that

"A Senior Military Official from the Sri Lankan Army based in Jaffna told us that de-mining was continuing in the district and in his opinion it would be two years before all mines were cleared. The Sri Lankan Army were working with a number of mine clearance organisations and met regularly. He added that the army are conducting a programme of mine education with the local population. Unfortunately there had been two recent incidents of IDP injuries following explosions of mines/mortars."

"A Senior Military Official said that there was a lot of demining being carried out in Kilinochchi district by the military and NGOs, which was being monitored by the Presidential Taskforce. He stressed that this was a very slow business as there were 3 or 4 bund lines which were believed to be heavily mined."

"A Senior Government Official in Kilinochchi stated that demining was still being carried out in the district. There were several bunds which were proving particularly difficult so the whole process would take time. She said that fortunately there had been no recent casualties from exploding mines, but added that all returning IDPs are educated at transit points about identifying minefields and the different types of unexploded ordinance."

"A senior government official for Mullaitivu told the BHC team that "The division of Puthukkudiyiruppu (PTK) was where demining had not yet commenced. She said that she was working with the Sri Lankan Army, the demining NGOs and UNHCR on the resettlement programme."**[15o]**

The latest updates on mine action are available from this weblink to a specific section of the Reliefweb website. **[31b]** Additional information is available from this weblink to the website of MAG (Mine Advisory Group). **[82]**

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29. INTERNALLY DISPLACED PEOPLE (IDPS)

29.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that:

"The country had a significant population of IDPs which was caused both by past and recent conflicts. Almost all IDPs were ethnically Tamil although approximately 80,000 were Tamil-speaking Muslims who had been displaced from Jaffna by the LTTE. Large-scale returns of IDPs began in the final three months of the year, in particular of the approximately 280,000 more recently displaced persons who had been held in IDP camps since the end of the war in May. Of that group, approximately 155,000 had been returned to their home districts by the end of the year [2009]. Many of these were not able to return to their actual homes due to significant damage from the war or uncleared land mines. An additional 108,000 remained mostly in the government-run Manik Farm IDP camps near Vavuniya by year's end. The Manik Farm camps had originally held approximately 250,000 IDPs, without freedom of movement, from the end of the war in May until late October [2009]. IDPs remaining in Manik Farm were not given freedom of movement until December, when a system of temporary exit passes was implemented for those who had not yet been returned to their districts of origin and remained in Manik Farm. Some observers said this exit pass system still did not qualify as freedom of movement.

"In addition to this group of newer IDPs, there were an estimated 200,000 previously displaced Tamils. Most of these IDPs were displaced prior to the last big offensive in 2008, and were living either with relatives or friends. It was unclear at the end of the year how or when they might be returned to their places of origin, or if any would prefer to stay where they currently were after being displaced for many years." **[2b] (Section 2d)**

29.02 The USSD report 2009 continued:

"The government-run Manik Farm IDP camp provided basic assistance for IDPs, along with a number of other much smaller camps scattered throughout the north and east of the country. The government did not allow open access to Manik Farm, although access for UN agencies and some NGOs improved as the year progressed. During the months of detention at Manik Farm and other smaller camps, international observers and local legal experts questioned the legality of this long-term detaining of IDPs under the law, including the emergency regulations and the PTA. These laws require that any detainee be specifically named and detained pending further investigations, and informed of the reason for the detention.

"The government accepted assistance from NGOs and international actors for the IDP camps but management of the camps and control of assistance was under the military rather than civilian authorities. Food, water, and medical care were all insufficient in the first several weeks after the end of the war, but by July [2009] the situation had stabilized and observers reported that basic needs were being met.

"In June [2009] the military withdrew from inside the camps but continued to provide security around the barbed wire-enclosed perimeter. There were allegations of crimes and sexual assaults inside the camps, both by outside persons and by other IDPs, but access was not allowed to independent observers to evaluate these reports or to determine if there was significant variance in the number of such crimes over the level expected for a non-refugee population of similar size." **[2b] (Section 2d)**

29.03 The same report went on to note that:

"The government released IDPs arbitrarily and did not effectively coordinate with local or international aid agencies who were asked to provide assistance on short notice. The government failed to coordinate with military personnel in the IDPs' home locations. In September [2009] several small groups of IDPs were released from Manik Farm but were detained for several weeks in closed 'transit' camps until the local military officials had rescreened them.

"Among the long-term displaced were tens of thousands of Muslims evicted from Jaffna in 1990 by the LTTE, many of whom remained in camps in Puttalam. During the year the government announced these Muslims would be allowed to return to Jaffna. A small number had reportedly moved back by the end of the year, but many others were either unaware yet of the change in policy, or had younger family members who felt more at home in Puttalam. The government had not permitted other IDPs, primarily Tamils, to return home because their places of origins were declared HSZs, despite announcements during the year that these HSZs would soon be reduced or eliminated.

"The government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs, however, it ended access for ICRC's protection work in IDP camps in July, requesting that a new, postwar operating mandate be negotiated before such work could be resumed. By year's end this negotiation was not yet complete, leaving the ICRC unable to provide protection support in the IDP camps." **[2b] (Section 2d)**

29.04 The UNHCR 'Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka', 5 July 2010 reported that:

"A number of those who left the [IDP] camps remain…in a situation of displacement due to the total or partial destruction of their homes and the ongoing de-mining operations. Furthermore, IDP return has in some cases been hindered by land disputes arising from a number of issues, such as secondary occupation; the occupation of land by the military and LTTE during the conflict, including the arbitrary seizure of land belonging to Muslims by the LTTE in the north and east; the establishment of High Security Zones (HSZ) and Special Economic Zones (SEZ); and the loss of documentation." **[6h] (p1-2)**

29.05 A letter from the British High Commission (BHC), Colombo, dated 13 August 2010, reported that:

"A Senior Military Official in Jaffna said that the SLA had been involved in humanitarian projects, assisting in the building of 680 houses for IDPs. He added that 78,000 IDPs had returned to the Jaffna District, only 50 had been previously resident outside of the district. He said that there were no tensions between the IDPs and the resident community. With regard to transit camps, he told us that there was only one in Jaffna district which currently held around 2,900 IDPs. He added that they would require shelters when released."

"A Senior Government Official in Jaffna stated that 70,000 IDPs had arrived in Jaffna from the Vanni, Mullaitivu and Trincomalee before Christmas 2009 and been settled with the help of the Sri Lankan Army. They had been given grants of Rs 5,000 (£29) on arrival and a subsequent Rs 20,000 (£116) through UNHCR. There remained camps containing 200 families, and approximately 7,000 were in tents and temporary shelters waiting to return home. In total he said that there were 52,000 war damaged houses that needed re-building."

"A Human Rights spokesman based in Jaffna said that 78,000 IDPs had returned to Jaffna. In many cases they had just been returned and there had been no resettlement. Some of them had received a settlement award of Rs 50,000 (£290). Many of them are still with host families. They told us that there were no closed camps within Jaffna district for IDPs although they thought that there was a closed camp in Palaly for ex-combatants.

A group of humanitarian aid workers told us that many IDPs, having returned to the district six months ago were now struggling as they had no money. In many cases the host families were not a [sic] welcoming as they had originally been. There were also complaints that many families were unable to return to their homes because they were occupied by the military." **[15o]**

29.06 The BHC letter of 13 August 2010 also reported:

"A Senior Military Official based in Jaffna said that the HSZ [High Security Zone] in Jaffna District (Valikamam North) originally covered 37 sq. km. This had been reduced 27 sq. km. and would within the next month be reduced to 24 sq. km. He added that the buffer zone around the HSZ had now gone.

"A Senior Government Official in Jaffna told us that 21,000 families were waiting to be resettled in the HSZ, but added that many people, around 2,700

families, were now in the former buffer zone (a 600m band of land around the HSZ)." **[15o]**

29.07 And added:

"When asked, the Senior Government Official for Jaffna told us that the local population were happy to receive IDPs back into the community. In many cases they were welcoming back relatives. He added that Muslims were also returning in small numbers. He said that in his view there were many Tamils from Jaffna residing in the south who were waiting to see how things turned out, to see if it was 'better than Colombo'. He confirmed that there had been the inevitable land disputes between people who had abandoned their homes decades ago returning to find them occupied by others.

"A Human Rights spokesman based in Jaffna said that locals were suspicious of the IDPs returning. There were often questions asked as to whether they were working for military intelligence and if people associated with them would the military become suspicious. Land rights were now a big issue. At the beginning of the conflict people left their homes and went to Colombo, allowing other people to move in and look after their properties. Many of the owners were returning which was causing more displacement for the occupiers who now found themselves homeless." **[15o]**

29.08 As far as the situation in the Kilinochchi district was concerned, the same BHC letter recorded that:

"The Senior Kilinochchi Sri Lankan Army official told us that nearly all of the IDPs originating from Kilinochchi district had returned, although many were with host families. Temporary shelters were being provided as the LTTE had removed all of the roofs and windows from properties when they withdrew from the area. The Sri Lankan Army was assisting with the construction of homes but there was a shortage of tin sheeting for roofs, which were being provided by the Indian government.

"The Senior Government Official for Kilinochchi told us that between 10,000 and 12,000 IDPs had been returned to the district from Menik Farm IDP camp. This brought the total number of persons returning to the district to 82,000 and meant that 2 out of the 4 regions were now completely resettled. Many of these had returned voluntarily having waited for the schools to open for their children. She stated that nearly all of the houses in Kilinochchi did not have roofs, explaining that during the conflict, the LTTE instructed the population to take their roofing and wood with them for shelters when they withdrew from the advancing Sri Lankan Army. UNHCR were providing tarpaulins and sheeting and some houses were being constructed of mud.

"The government had provided cash grants of Rs 5,000 whilst they were in transit and a further Rs 20,000 through UNHCR once they had returned. The World Bank was also giving Rs 20,000 to those who repaired and rebuilt their own properties. The Senior Government Official for Kilinochchi said that the government wanted to encourage people to start working again. Most wanted tools for farming and relied on an agriculture based income. NGOs working with the Presidential Taskforce had helped farmers cultivate 1,000 acres of paddy fields, with the government providing the seed. Some rice had already been harvested as a result of this. They were also encouraged to grow

vegetable crops. We were told that 10% of families had female heads of the household. She said that she had seen women working in construction work, mixing cement, something that would never have been seen previously. In some cases the children had to look after their families." **[15o]**

29.09 The BHC letter of 13 August 2010 added that:

"A Senior Government Official for Mullaitivu told us that out of the five administrative divisions under her control, two had almost completed their resettlement programme, two were ongoing and one had yet to commence. She produced detailed up to date statistics showing that 42,248 persons had been resettled in Mullaitivu District. Those persons awaiting resettlement numbered 69,808… We were told that all IDPs returning to the district had to register at her office in Mullaitivu." **[15o]**

29.10 The BHC letter of 13 August 2010 specifically reported on the Menik Farm IDP camp:

"The High Commission team visited Menik Farm in Vavuniya District. This had been the largest IDP camp in the country and at the height of the humanitarian crisis had been home to over 300,000 people within 5 separate zones. We met with the team of military and civilian staff who were managing the camp. They explained the huge logistical challenge to process each person in the camp in order to identify where their homes were and if it was safe for them to return. We were told that there were currently 45,900 persons in the camp, but this number was reducing every day. We were taken around the camp and allowed to speak to some of the families. Some of them had been in Menik Farm for 16 months. The tents they were living in were becoming tatty and UNHCR had to strengthen and waterproof them by providing more tarpaulin sheets. Most of the families we spoke to just wanted to know when they would be allowed to return home. Many told us that they were from Puthukkudiyiruppu (PTK) in Mullaitivu District. The army commander told them that PTK was still to be de-mined, but the plan was for them to be moved from their tents to another zone with semi-permanent housing until they were allowed to return." **[15o]**

29.11 The BHC letter of 13 August 2010 added that:

"UNHCR explained that a lot of people in the camp were allowed to travel by bus into Vavuniya. Businesses had grown up within the camp and one family told me that apart from growing their own vegetables next their tent they had a sewing machine and made money by making school uniforms. When the families were told that were being released, they were allowed to pack up all of their belongings, including the tents and sheeting, and take them with them. Supervised by the International Organisation for Migration (IOM), lorries would take them from the gates of the camp to their homes. We were told that some people were placed in transit camps if the Government Agent of the district thought they were likely to be returned to their homes within a short period of time." **[15o]**

29.12 On 16 August 2010 UNHCR reported that:

"The number of refugees returning home to Sri Lanka from India with UNHCR's help in the first half of 2010 has surpassed the total number for all 2009. This trend is expected to continue.

"According to Indian government figures some 73,000 Sri Lankan refugees are living in 112 camps in the southern Indian state of Tamil Nadu with a further 34,000 outside the camps.

"UNHCR statistics show that in the first six months of this year, 852 refugees returned from India with UNHCR's help compared to a total of 823 for all of 2009. A further 1,005 refugees returned on their own accord – what UNHCR calls 'spontaneous' returns – and approached UNHCR offices in Sri Lanka for assistance. However, in the same period at least 386 refugees from Sri Lanka newly arrived in India." **[6c]**

29.13 The Internal Displacement Monitoring Centre (IDMC) Country page, Sri Lanka, Country Statistics, (accessed on 20 September 2010) recorded:

- As of 26 August 2010, 35,000 IDPs from the Vanni remained in previously closed camps, with limited freedom of movement (pass system) since 1 December [2009]. The majority (almost 33,000) were staying in Menik Farm
- More than 216,000 IDPs had returned to their places of origin in the north and east by late August 2010. Another 71,000 were staying with host families in their districts of origin, and more than 3,000 were staying in transit camps there
- By mid-2009, in addition to the 285,000 IDPs from the Vanni at that time, there was a caseload of almost 200,000 IDPs from the period before 2006, including over 60,000 Muslim IDPs now living in Puttalam who were expelled from the North by the LTTE in 1990 and around 6,000 persons displaced from the east who were unable to return due to the Trincomalee High Security Zone" **[54a] (Still 310,000 IDPs in Sri Lanka (August 2010)**

Additional information and updates on the situation of IDPs and the humanitarian situation is available from the website of OCHA Humanitarian Portal Sri Lanka **[52]** and the IDMC website, Country page, Sri Lanka. **[54]**

See also Latest News; Section 10: Abuses by Non-Government Armed Forces, Forced conscription Section 17: Human Rights Institutions, Organisations and Activists; Section 27: Humanitarian Issues and Section 28: Freedom of Movement

DOCUMENTATION FOR IDPS

29.14 On 14 May 2009 the Official Government News Portal of Sri Lanka announced that:

"The Government has taken steps to issue birth, death and marriage certificates to the internally displaced persons (IDPs) currently housed in welfare centres in Vavuniya, Mannar and Jaffna, the Department of Registration of Persons said. According to these sources, the District Secretaries of Vavuniya, Mannar, Mullaitivu and Kilinochchi have been informed of the steps to issue birth, marriage and death certificates to IDPs

who are in need of such documents. The majority of them have misplaced these important documents while escaping from the LTTE." **[10l]**

29.15 On 1 June 2009 the same source reported that the Government had taken steps to issue Identity Cards to IDPs who arrived from conflict areas. "The new ID cards will be issued with inbuilt security measures to prevent forgery and even finger prints would be included in the card…Steps have been taken by ministry, together with the police and the Presidential Secretariat to provide identity cards to the displaced…" **[10b]**

29.16 On 18 September 2009, the Official Website of the Government of Sri Lanka announced:

"The United Nations Development Program (UNDP) has initiated a program to provide important legal documents the displaced people lost due to the ethnic conflict or the tsunami. The program, as a part of UNDP's Equal Access to Justice Project, conducts mobile clinics where the displaced can come and obtain all their lost documents such as identification cards, birth certificates, and land deeds etc. from one place within a day. The lack of identification cards and other legal documents severely hampers the resettlement of Internally Displaced Persons (IDPs) in original homes and family reunification. Mobile clinic offers a one-stop shop to get all the documents in one day and the displaced are spared a costly trip to city offices." **[44c]**

29.17 The BHC letter of 13 August 2010 also reported that "The High Commission team witnessed a large crowd of people in Kilinochchi attending the mobile unit of the Registration of Persons Department. The unit was issuing birth and marriage certificates, and national identity cards for those persons who had lost all of their identifying documents when fleeing the conflict." **[15o]**

See also Section 31: Citizenship and nationality for information on identity documents

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30. FOREIGN REFUGEES

30.01 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) observed that:) stated:

"The country is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 protocol, the laws do not provide for the granting of asylum or refugee status, and the government had not established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion." **[2b] (Section 2d)**

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31. CITIZENSHIP AND NATIONALITY

31.01 The Centre for Reproductive Rights, *Women of the World: South Asia,* Sri Lanka chapter, undated, website accessed on 27 January 2010, recorded that:

> "The 1948 Citizenship Act is the primary central legislation on citizenship. The act was amended in 2003 to allow both parents to confer citizenship upon their children. Prior to the amendment, only a father could pass Sri Lankan citizenship to his children…Changes to regulations under the act have also been recently approved by the Cabinet of Ministers; these changes permit foreign spouses of Sri Lankan women to obtain citizenship on the same basis as foreign spouses of Sri Lankan men." **[32] (p220)**

31.02 As specified on the website of the Department for Immigration and Emigration (accessed on 20 September 2010), ethnic Sri Lankans holding citizenship of another country or Sri Lankans qualified for a grant of citizenship of a foreign country, who have contributed to the socio–economic development of Sri Lanka are eligible for citizenship. "Provisions were introduced to the Citizenship Act No: 18 of 1948 by the Citizenship (Amendment) Act No: 45 of 1987 for the resumption/retention of Dual Citizenship of Sri Lanka by ex-Sri Lankans/Sri Lankans qualified for grant of foreign Citizenship." **[71a]**

31.03 The U.S. State Department (USSD), Country Reports on Human Rights Practices 2009, Sri Lanka, issued on 11 March 2010 (USSD 2009) recorded that Citizenship was obtained by birth within the territory of the country and from a child's parents if born to citizen parents overseas." **[2b] (Section 6)**

31.04 The USSD report 2009 added that:

> "The 2003 Grant of Citizenship to Persons of Indian Origin Act recognized the Sri Lankan nationality of previously stateless persons, particularly Hill Tamils. The government made limited progress towards naturalizing and providing citizenship documentation to stateless persons. By December approximately 30,000 Hill Tamils, versus 70,000 at the beginning of 2008, lacked identity cards and citizenship documents. Those lacking identity cards remained at higher risk for arbitrary arrest and detention. Reliable sources estimated that approximately 70 such persons were arrested under Emergency Regulations by October. It was not known how many of those persons remained detained at year's [2009] end." **[2b] (Section 2d)**

31.05 On 9 January 2009 The Official Government News Portal of Sri Lanka announced that on the previous day the Parliament had passed legislation granting Sri Lankan citizenship to over 28,500 stateless Tamils of Indian origin. **[10g]** The Grant of citizenship to stateless persons (Special Provisions Amendment) Act, No. 5 2009 is accessible from this weblink.

See also Section 20 on Up-country Tamils

IDENTITY CARDS

31.06 The latest requirements for applications for new identity cards (IDs); Applications for corrected IDs (CI) and applications for duplicates for lost IDs

(LI) are available from this weblink to the relevant section of the Registration of Persons Department (accessed on 20 September 2010), which recorded:

"A person who wants to apply for a new, correction or a duplicate ID will have to obtain an application form from the GN [Grama Niladharis, i.e local government officials] of the area, and complete it with the required stamps and photographs and hand it back to the GN who will certify them and forward to the Department through the Divisional Secretary (DS). In the case of school students the applications are to be forwarded through the respective school principals and in the case of estate employees applications are to be forwarded through respective estate superintendants.

"Once the application is received in the Department if it is in order, the applicant will be registered, the ID prepared and will be sent to the DS to be delivered to the applicant through the GN.

"The Department also conducts a one day service for issue of ID cards whereby an applicant can personally handover the perfected application certified by GN and the DS, to the one day counter in the Department and obtain the ID card on the same day. For this the Department charges a service fee of Rs.500/- per ID card.

"The Department also conducts district mobile offices at Divisional Secretariat level as a service for those who live in remote areas of the country to enable them to handover their perfected applications direct to the officers of the Department and also to attend to their problems with regard to obtaining ID cards.

"Institutional mobile services are also conducted by the Department when requests are received from different agencies to do so to facilitate the employees of such institutions to submit their applications for new, corrected or duplicate IDs.

"The Department also issues clearance certificates to authenticate the information provided in the NICs [New National Identity Cards], when requested by security forces, diplomatic missions, Immigration and Emigration Department and various other public sector agencies.

"The Department implements accelerated NIC issuing programmes to cater to the needs of school students who sit GCE (O/L) and A/L Examinations, since it has been made compulsory for them to present the NIC when sitting the examinations." **[48a]**

31.07 More specific information related to the the three types of applications for IDs and the documents required to support such applications is available from this weblink to a different section of the RPD (accessed on 20 September 2010). **[48b]**

31.08 Additional information on the National Identity Card (NIC) including security features and a description of front and back of the card is available from the Immigration and Refugee Board (IRB) of Canada National Documentation Package Sri Lanka, dated 13 August 2010, *Identification Documents and Citizenship*, *LKA102742.E.* accessible from this weblink . **[42a]**

31.09 A letter from the British High Commission (BHC), Colombo, dated 18 August 2008, observed that:

"The Government of Sri Lanka is very aware of the problems they have in the country regarding identity documents. As they state on the RPD [Registration of Persons Department] website, the national identity card is 'the sole document that establishes the identity of persons in order to assist in maintenance of law and order in the country to meet the challenges of the 21st century'. It remains the base document for the issue of a national passport. Both the Registration of Persons Department and the Registrar General's Department have introduced mobile services to travel around the country in order to issue identity cards and birth/marriage/death certificates to those persons who have previously failed to register or apply for such documents, or require replacements.

"The Government of Sri Lanka is also working very closely with the International Organisation for Migration in introducing integrated computerised databases. Previous paper databases relating to Registrar's records, Grama Seveka [local official] records, identity card and passport applications and the Department of Immigration & Emigration records are being inputted onto computer in order to simplify process and ease verification. They have also announced the introduction of a new biometric identity card. They have invited tenders from companies looking to produce this document and we await the results of this, but it is envisaged that the new card will hold both photographic and fingerprint data." **[15g]**

31.10 The BHC letter of August 2008 also confirmed, having contacted the UNHCR on 7 April 2008, that the UNHCR were not issuing ID cards to Sri Lankan nationals who did not have one and "… it was not within their mandate to do so." **[15g]**

31.11 The Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, dated 22 October 2009 (FCO October 2009 report) recorded that "[The Human Rights Activist stated that] All ID cards carried a large number on the front that identified the province. Furthermore, ID cards for Tamils (unlike those for Sinhalese) were written in Tamil and Sinhala." **[15m] (4.38)**

31.12 This is also reported by the U.S. State Department (USSD), *Country Reports on Human Rights Practices 2009*, Sri Lanka, issued on 11 March 2010 (USSD 2009) which observed that "Ethnic Tamils' national identification cards were the only cards printed in both Sinhala and Tamil." **[2b] (Section 2d)**

See also Section 29: Internally Displaced People, Section 31: Forged and fraudulently obtained documents and Section 32: Entry-Exit Procedures, subsection Treatment of failed asylum seekers

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TRAVEL DOCUMENTS

31.13 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 20 September 2010), in Sri Lanka there are five types of travel documents: Diplomatic Passports; Official Passports and Ordinary Passports (valid for all countries and valid for specified countries); Emergency Certificates (valid for India and Nepal and for Saudi Arabia for Haj and Umrah pilgrimage only); Identity Certificates valid for All Countries issued to a person living in Sri Lanka, whose nationality is not established and Non Machine Readable Passports issued by Sri Lanka Missions abroad under special circumstances. "If Travel Document [sic] is lost a complaint should be made at the nearest Police Station and with a certified copy of the entry the matter has to be informed to the issuing authority. This document is required when applying for a new Travel Document in place of a lost one." **[71b]**

31.14 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 20 September 2010):

"Following are punishable offences. If found guilty upon prosecution imprisonment from 6 months to 5 years and a fine of Rs. 50,000 to Rs. 200,000 can be imposed. Submission of falsified or forged document/s to obtain a Travel Document. Applying for a Travel Document while in possession of such a document and / or possession of more than one valid Travel Document at a time. Despatch of a Sri Lanka Travel Document through the post, courier or another person from / to Sri Lanka without the prior approval of the Controller. For approval written request [in duplicate], Courier letter [in duplicate] and the Passport should be forwarded to the 3rd floor #41 Ananda Rajakaruna Mw Colombo 10 Sri Lanka." **[71b]**

See also Section 18: Corruption; Section 29: Internally Displaced People; and Section 32: Forged and Fraudolently obtained documents

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32. FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

32.01 A British High Commission letter of 14 September 2010 reported:

"The base document for many services in Sri Lanka is the birth certificate, and in particular, access to state education requires the production of this document. The document also supports applications for national identity cards and passports. The British High Commission is aware that forged birth certificates are readily available through agents, at a reported cost of around 2,500 LKA rupees (approximately £12.50). These forged documents often pass the scrutiny of the relevant authorities and successfully support the fraudulent issue of ID cards and passports. There are numerous agents throughout the country who advertise employment or studies abroad, and will provide an entire package of forged documents to support applications for passports and/or visas. Apart from birth certificates, these can include forged passports, identity cards, educational certificates, work references, bank statements, sponsorship letters etc." **[15k]**

32.02 The BHC letter of 14 September 2010 added that:

"The high level of corruption in Sri Lanka and the unscrupulous actions of government officials at all levels, somewhat undermines the issuing process

for many official documents. It is common knowledge that persons can obtain an ID card or passport in any identity they want to with the right contacts. The Visa Section at this mission regularly see forged education certificates, bank statements, employment references etc, yet they rarely see forged Sri Lankan passports or ID cards. The reason for this is that the genuine documents are so easy to obtain fraudulently, there is no need to forge them. It is suspected that there are many more ID cards in circulation than the actual total population of Sri Lanka." **[15k]**

See also Section 19: Corruption, Section 31: Citizenship and nationality, subsection Identity cards and Section 33: Treatment of returned failed asylum seekers

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33. EXIT AND RETURN

EXIT PROCEDURES

33.01 A letter from the British High Commission (BHC), Colombo, dated 30 August 2010, reported:

"For departing passengers, staff and visitors to the airport there is a permanent checkpoint manned by the Sri Lankan Air Force, positioned on the airport road leading to the terminal buildings…Officers manning the checkpoint approach each vehicle and ascertain if the occupants are passengers, staff or visitors. Pedestrians are also checked. Departing passengers often have to produce confirmation of ticketing and/or a passport. Staff must produce their airport ID card. Sri Lankan visitors to the airport, including drivers, often have to produce their national ID card. The registration numbers of all vehicles are written manually into a register. During heightened security situations e.g. conferences, state visits etc., the number of checkpoints may increase along roads leading to the airport, especially along the main A3 from Colombo. The police or the military can man these." **[15n]**

33.02 The BHC letter of 30 August 2010 continued:

"The airport is split into two main terminal buildings, departure and arrivals. The departure area is restricted to departing passengers, staff, and visitors holding a 'day pass' issued from an adjacent ticket booth. Persons obtaining a 'day pass' have to produce a copy of their ID card or passport or driving licence, plus present the original document. Their details are recorded manually in a register. Before entering the departure terminal a security guard requires evidence of airline ticketing (and sometimes passports), staff ID cards or a day pass. Persons not holding these documents are not allowed into to the departure terminal. Immediately behind the security guard there are security checks where all bags and belongings are passed through scanners. All persons then pass through a metal detector. Regardless of whether or not the detector alarm is activated, persons are then frisked by a security guard. Having passed through these security checks, persons are allowed to walk through a long corridor and into the main departure area.

"From the departure area there are three security entrances to the check-in area. The gate to the right caters for passengers departing on Sri Lankan Airlines; the gate to the left is for passengers on all other airlines and the gate in between is for staff only. The security guards ask passengers for evidence of ticketing and will only allow persons to pass who have produced this. Persons holding a 'day pass' are not allowed into the check-in area. Immediately behind these security checks, a sign indicates 'Customs'. A customs officer is often seen in the vicinity, but it is not a permanent presence." **[15n]**

33.03 The same source added:

"At the check-in desks, passengers have to produce their passports to airline staff and go through check-in procedures. Airline check-in staff routinely check the identity of the person against the passport details, the validity of the passport, and if the passenger has the appropriate visa for their country of destination or transit. Having checked-in, passengers then proceed to a security gate, where they produce their passport and boarding card in order to enter the Department of Immigration & Emigration area. All passengers must complete a departure card and then queue at an immigration officer's desk. Passengers must present their passport, departure card and boarding pass to the immigration officer. The immigration officer will swipe the passport on the DIE Border Control System database. Non Sri Lankans will be checked against any existing database records and officers will check arrival endorsements in the passport. All passports are endorsed with an immigration officer's embarkation stamp. Once through the immigration control, passengers proceed to the main departure lounge.

"There are further security checks conducted when passengers arrive at the boarding gate. Hand baggage and belongings, including mobile phones and shoes, are passed through a scanner. Passengers proceed through a metal detector and are frisked depending on whether the alarm is activated. There is then a further boarding card check conducted by airline staff prior to entering the holding lounge. On many flights with European destinations, plus some with onward connections to Europe, North America and Australia, Airline Liaison Officers from several overseas missions and/or trained airline document checkers make further checks on passenger's passports to check their admissibility in their transit and /or destination countries." **[15n]**

33.04 A BHC letter dated 14 September 2010 noted:

"The Department of Immigration & Emigration (DIE) are notified only when a Court decides to impound the suspect's passport or an arrest warrant is issued. The details of such persons would be placed on their alert or wanted list within their database. There is no other mechanism to ensure that the Immigration Officers are aware of such instances. Apart from these Court powers, Immigration Officers have no power in law to prevent persons embarking. The other method, which is rare and case specific, is that the State Intelligence Service (SIS) can inform Immigration Officers of individuals suspected of terrorist activity and those on a wanted list. Again the details of suspects would be put on the DIE database. Without Court sanction, Immigration officers are powerless to put an individual in detention if they are otherwise satisfied that they have a right to enter or live in Sri Lanka." **[15k]**

33.05 Additional information is available from the Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009, dated 22 October 2009 (FCO October 2009 report). **[15m]**

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ENTRY PROCEDURES

33.06 The BHC letter of 30 August 2010 reported:

> "Arriving passengers should be provided with a Department of Immigration & Emigration arrival card by the carrying airline. Depending on which stand the aircraft has arrived at, arriving passengers will either walk from the gate or be deposited by bus, into the immigration arrivals hall. Those passengers transferring to an onward flight will approach the transfer desk. Current figures indicate that between 45-50% of all passengers using Colombo Airport are transit passengers. They generally remain in the transit/departure areas until their onward flight departs, although those requiring overnight accommodation would have to seek entry to Sri Lanka at the immigration control." **[15n]**

33.07 The same BHC letter also noted that:

> "Passengers seeking entry to Sri Lanka must present themselves to an immigration officer and are required to hand over their passport and arrival card. The immigration officer will swipe the passport, which will enable basic details from the document to be displayed on a screen on the officer's desk. These include name, date of birth, nationality, passport number. Each immigration officer's desk has a terminal connected to the Department of Immigration & Emigration (DIE) Border Control System. This system contains border control, visa, citizenship and passport records and is networked to the DIE office in Colombo. It is not linked to any police or military database; however, there is an alert list containing information relating to court orders, warrants of arrest, jumping bail, escaping from detention, as well as information from Interpol and the State Intelligence Service (SIS) computer system. The immigration officer will check for any data matches, check that the document is genuine and unaltered, and look through the passport for visas and/or endorsements. Dependent on the circumstances of the individual passenger, the immigration officer may ask questions to ascertain the purpose of the visit. Once satisfied that the passenger qualifies for entry, the immigration officer will endorse the passport with an arrival stamp and hand back to the passenger. They will also endorse the arrival card which they retain.
>
> "The State Intelligence Service has an office in the immigration arrivals hall and an officer from SIS usually patrols the arrivals area during each arriving flight. Invariably, if they notice a person being held up by DIE they approach them and take details in order to ascertain if the person may be of interest to them. Their office contains three computer terminals, two linked to SIS records and one belonging to the airport containing flight information." **[15n]**

See also Section 33: Treatment of returned failed asylum seekers

33.08 On 1 August 2009 the website TamilNet reported:

"A 22 year-old Tamil youth was arrested by the National Intelligence Bureau (NIB) of the Sri Lanka Police on his arrival from South Africa at the [Colombo] Katunayake International Airport (KIA) on Wednesday. Currently he is being detained in the Fourth Floor of the Criminal Investigation Department for further inquiry, relatives in their complaints to human rights organizations said...A foreign employment agency sent the youth to a European country via South Africa. But he got stranded in South Africa. There he was arrested by South African authorities and detained for the last two years. Last week he was deported to Sri Lanka...NIB officials at the site immediately took the Tamil youth into custody." **[38u]**

33.09 On 16 September 2009 the *Daily Mirror* (Sri Lanka) reported that four suspects alleged to have links with the LTTE had been further remanded by the Colombo Chief Magistrate.

"Producing the suspects before court the CID said that the suspects had immigrated to the Fiji Islands for employment and the Fiji Islands authority had banished them. CID had apprehended them at the Katunayake airport allegedly for connections with the LTTE. CID further submitted that a letter regarding these suspects is to be received from the Fiji Islands authority and a move to not to grant bail to the suspects as investigations were proceeding.They were detained for ninety days following the Defence Secretary's detention order." **[11g]**

33.10 On 21 September 2009 the website TamilNet reported that the Sri Lanka's State Intelligence Service (SIS) had arrested a Tamil engineer – identified as a resident of Point Pedro in Jaffna district – who arrived in Katunayake International Airport (KIA) from Singapore.

"He told the police during preliminary investigation that he had come to visit one of his relatives in Colombo. However, the SIS sources told media said it had arrested the engineer on information that he had been a close associate of Kumaran Pathmanathan alias KP and been working in a private ship owned by KP who is now in military custody. The engineer is detained by Sri Lanka Army for the further questioning." **[38s]**

See also Section 31: Citizenship and Nationality, Identity cards and Travel documents

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TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

33.11 Extensive information on the treatment of Tamils at Colombo airport is available from the *Report of the FCO information gathering visit to Colombo, Sri Lanka 23-29 August 2009*, dated 22 October 2009 (FCO October 2009 report). The report stated:

"The sources interviewed commented on the procedures followed by the Department of Immigration and Emigration (DIE) officials, who operate border control at the airport [Bandaranaike International Airport (BIA), located in Katunayake in the Gampaha district]; and the circumstances in which the State Intelligence Service (SIS), Criminal Investigations Department (CID) and

Terrorist Investigation Department (TID) would become involved." **[15m] (paragraph 1.1)**

33.12 The FCO October 2009 report observed:

"Sources agreed that all enforced returns (of whatever ethnicity) were referred to the Criminal Investigations Department (CID) at the airport for nationality and criminal record checks, which could take more than 24 hours. All enforced returns were wet-fingerprinted. Depending on the case, the individual could also be referred to the State Intelligence Service (SIS) and / or Terrorist Investigation Department (TID) for questioning.

"Anyone who was wanted for an offence would be arrested. Those with a criminal record or LTTE connections would face additional questioning and may be detained. In general, non-government and international sources agreed that Tamils from the north and east of the country were likely to receive greater scrutiny than others, and that the presence of the factors below would increase the risk that an individual could encounter difficulties with the authorities, including possible detention:

- "outstanding arrest warrant
- criminal record
- connection with LTTE
- illegal departure from Sri Lanka
- involvement with media or NGOs
- lack of an ID card or other documentation." **[15m] (Executive Summary, Treatment of Tamils at Colombo airport)**

33.13 In particular, in reply to the question on what procedures were in place to identify failed asylum seekers at the airport and those who are wanted by the authorities:

"The DIE spokesman said that DIE recorded the details of all returnees in a register (logbook). Returnees were then referred to the Criminal Investigations Dept (CID), or sometimes the State Intelligence Service (SIS), without any harassment. If there was a passport, DIE could check the person's details on their database, but this was not possible with an Emergency Travel Document (ETD). If there was an ID card number, checks could be done referring to the original passport. It was possible to establish whether a person had left the country illegally by looking at the passport as it would lack the embarkation stamp, but this would not be possible with an ETD. ETDs were considered full official documents issued by the Sri Lankan authorities. They were a proof of identity and were valid to go through any checkpoints. ETDs were stamped and returned to the returnee. The role of DIE ended when they passed returnees to CID." (FCO October 2009 report) **[15m] (paragraph 1.4)**

"DIE had access to an alert list. This list contained information relating to court orders, warrants of arrest, jumping bail, escaping from detention as well as information from Interpol and the SIS computer system. The DIE computer system had its own alert system related to the alert list but this did not indicate the exact reason for the alert. Following an alert, DIE would refer these people to CID or SIS to establish the position." **[15m] (paragraph 1.5)**

"SIS records dated back 60 years and were being put onto computer. SIS computer records were available at the airport to both SIS and (on request) CID officers. On the other hand, police records were held for five years only; occasionally on computer, but normally on paper only." **[15m] (paragraph 1.6)**

"An official from the Australian High Commission [in Colombo] thought there were no procedures in place to identify failed asylum seekers...The DIE computer had a 'black-list' of persons of concern, but unless the exact spelling of the name, the date of birth and passport number matched that of the returnee/deportee, the person was not stopped. Consequently it was possible for the authorities to miss suspects and persons with criminal records." **[15m] (paragraph 1.10)**

"A representative of the Swiss Embassy in Colombo was of the view that officials of the DIE and CID did not communicate significantly. The representative added that there were mobile squads from TID checking passengers off specific flights, e.g. to and from India, from Malaysia and Singapore." **[15m] (paragraph 1.10)**

"Mano Ganesan MP, Leader of the Democratic People's Front, (an opposition party) said that there were no formal procedures at the airport. He said the Terrorist Investigation Department (TID) operated in plain clothes within the immigration and customs areas. They used their own discretion, did not identify themselves and just took people away." **[15m] (paragraph 1.13)**

33.14 With regards to the issue of what checks are undertaken on returnees, the FCO October 2009 report recorded:

"The Superintendent Police Criminal Investigations Department (CID) at Bandaranaike International Airport stated that on the 5th August 2009 they had introduced a new set of procedures for dealing with deportees after there were cases of persons who had arrest warrants outstanding being allowed back into the country. Checks were made for offences outstanding in Sri Lanka and with the local police station from where the deportee originated." **[15m] (paragraph 1.24)**

"The Superintendent said that CID now photographed and wet fingerprinted all deportees. The photographs were stored on a standalone computer in their office at the airport. The fingerprints remained amongst paper records also in the office at the airport. He added that returnees were held while checks were being conducted in the person's area of origin...CID could not release an individual until all checks were completed and clearance had been obtained from the local police. If there was evidence of any crime, they would be detained." **[15m] (paragraph 1.25-1.26)**

33.15 In reply to the question of what profile of Tamil was detained and/or interrogated on arrival at Colombo Airport:

"The representative of the Swiss Embassy in Colombo said that some returnees had been arrested; some only for a few hours, some for longer. They added that last year there were nine cases of forced returns from Switzerland to Sri Lanka. They were travelling with a 'laissez-passer'. Some of them were questioned but many were not." (FCO October 2009 report) **[15m] (paragraph 1.36)**

"Deputy Solicitor General, Kapila Waidyaratne, stated that someone found to have criminal records or connections with the LTTE would be investigated by CID and TID. However, in his opinion they would not necessarily be arrested. Someone with a warrant of arrest or who had jumped bail or escaped from detention would be arrested." (FCO October 2009 report) **[15m] (paragraph 1.36)**

"Professor Rajiv Wijesinha, Secretary Ministry of Disaster Management & Human Rights (the government department with responsibility for protecting human rights in Sri Lanka), said that he was not aware of any detentions at the airport, but that he would only be aware of such detentions if they were brought to his notice...There was no evidence that those returning, even from well-known LTTE fund-raising hubs, were singled out for particular attention or were being mistreated." (FCO October 2009 report) **[15m] (paragraph 1.37)**

"The official from the Australian High Commission [in Colombo] said that in their experience, Sri Lankan immigration officers did not have much expertise in profiling passengers and unless the person came up on an alert list they were not stopped at the border." (FCO October 2009 report) **[15m] (paragraph 1.37)**

33.16 The FCO October 2009 report also reported on whether specific factors would affect the way an individual is treated at the airport. In particular the report recorded:

"The Superintendent Police, Criminal Investigations Department (CID) at Bandaranaike International Airport said that if a person was suspected of being associated with LTTE, SIS would hand them over to the Terrorist Investigation Department (TID). Sometimes they were referred to Colombo Detection Bureau headquarters, or sometimes CID. In such cases a detention order for 90 days could be issued." **[15m] (paragraph 1.48)**

"The senior intelligence official said that if a person had an arrest warrant outstanding they would be arrested. If they had a previous criminal record, it would depend on what they said at interview. SIS would probably check with the local police where they came from: if they were wanted, they would be detained; if not, they would be released." **[15m] (paragraph 1.54)**

"The Superintendent Police, Criminal Investigations Department (CID) said that checks would be conducted as to whether they were wanted. If they were, they would be arrested and produced before the Magistrates Court in Negombo.The representative from Centre for Policy Alternatives (CPA) said that such an individual would definitely be stopped." **[15m] (paragraph 1.55-1.56)**

If an individual has jumped bail/escaped from custody. "The senior intelligence official said that the person would be produced at Court.The Superintendent Police, Criminal Investigations Department (CID) agreed. The representative from Centre for Policy Alternatives (CPA) said that the individual would definitely be stopped." **[15m] (paragraph 1.57-1.59)**

"The IOM representative said that people encountered problems travelling inland if they did not have an ID card. They faced security checks, as the National Identity Card (NIC) was the only document that could prove identity. The Emergency Travel Document could be used, but only for a maximum of

three months and they must then apply for an NIC. This could cause problems, as they could not apply for the NIC in Colombo if they originated from Jaffna, Kilinochchi, Mannar, Mullaitivu and Vavuniya, as they must receive Grama Seveka [local official] authority." **[15m] (paragraph 1.57-1.59)**

33.17 A letter from the BHC, Colombo, dated 30 August 2010, observed:

"The British High Commission regularly monitors the arrival of returnees to Colombo Bandaranaike Airport from the UK, and other countries.

"UK returnees mainly arrive in Colombo on Sri Lankan Airlines scheduled flights, which provide the only direct flights between the UK and Sri Lanka. More recently, returnees have been arriving on Qatar Airlines flights via Doha. Those returnees who are being escorted will be presented to the Chief Immigration Officer in the Immigration Arrivals Hall by the escorting officers. Those who are not escorted will be presented to the same Chief Immigration Officer by an airline official. All returnees must complete an Arrival Card for the Department of Immigration & Emigration which they should have been given on the plane. Once identified, returnees go through a process of being interviewed by the Department of Immigration & Emigration (DIE), then the State Intelligence Service (SIS) and then the Criminal Investigations Department (CID)." **[15n]**

33.18 The BHC letter of 30 August 2010 continued:

"The Department of Immigration & Emigration (DIE) remain as they were at the time of the Fact Finding Mission in August 2009, in that their procedures are adopted with regard to all deported and returned Sri Lankan passengers. Under our bilateral readmission agreement, returnees should be in possession of an Emergency Passport issued by the Sri Lankan High Commission in London, although some will have their original passports. DIE will interview all returnees to confirm their Sri Lankan nationality. If DIE is satisfied that a person is Sri Lankan, they will allow the person to proceed. If they were not satisfied, the person would be sent back to the UK. DIE record the details of all returnees in a register (logbook). Returnees are usually referred to the State Intelligence Service (SIS) and the Criminal Investigations Dept (CID). Emergency passports are stamped and handed back to the returnee. Emergency passports are considered full official documents issued by the Sri Lankan authorities. They are a proof of identity and are valid to go through any checkpoints. The role of DIE ends when they pass returnees to CID." **[15n]**

33.19 The same source added that:

"The State Intelligence Service (SIS) is often notified by the Sri Lankan High Commission in London about planned enforced returns from the UK. SIS interviews every deportee and ascertains the grounds for their deportation/removal, how they left Sri Lanka and their background. SIS keeps paper and computerised records. SIS records date back 60 years and are being put onto computer. SIS computer records are available at the airport to both SIS and (on request) CID officers.

"The Fact Finding Mission had reported that on the 5th August 2009, CID had introduced a new set of procedures for dealing with deportees/returnees. Checks were made for offences outstanding in Sri Lanka and with the local

police station from where the returnee originated. CID could not at that time release an individual until all checks were completed and clearance had been obtained in writing from the local police. This had resulted in some persons, especially from remote areas of the country, being delayed for over 24 hours." **[15n]**

33.20 The BHC letter of 30 August 2010 went on to observe that:

"At the beginning of 2010, partly due to the large numbers of Sri Lankans being returned from around the world and causing logistical problems, CID procedures were relaxed in that they no longer had to detain returnees until written confirmation was received from the local police. All returnees are still interviewed, photographed and wet fingerprinted. The main objective of these interviews is to establish if the returnee has a criminal record, or if they are wanted or suspected of committing any criminal offences by the police. The photographs are stored on a standalone computer in the CID office at the airport. The fingerprints remain amongst paper records also in the CID office at the airport. Checks are initiated with local police, but returnees are released to a friend or relative, whom CID refers to as a surety. This surety must provide evidence of who they are, and must sign for the returnee. They are not required to lodge any money with CID.

"The main CID offices at Colombo Airport, which are housed on the ground floor adjacent to the DIE embarkation control, are currently undergoing a complete refurbishment funded by the Australian government. The one completed office suite has three purpose built interview rooms, and facilities where returnees can relax and eat meals." **[15n]**

33.21 And added:

"In general, the situation regarding all returnees regardless of race or creed appears to be more relaxed than was reported following the Fact Finding Mission. There is though still inconsistency in the way individuals are dealt with. On 30th March 2010 a UK returnee was presented to the duty Chief Immigration Officer by an airline official. He held an Emergency Passport issued by the Sri Lankan High Commission in London. He remained with DIE for about 3 hours, during which time they asked his family to produce evidence of his National Identity Card (NIC). The family duly provided DIE with the number of his NIC, and once this was verified, he was allowed to proceed. He was not referred to SIS or CID. It is also evident that returnees who arrive unescorted and using their original Sri Lankan passport are unlikely to be identified by DIE as returnees, and unlikely to go through the above procedures.

"On 24th July 2010 a UK returnee was identified as being in possession of a Sri Lankan passport containing falsified details and a counterfeit Sri Lankan embarkation endorsement. He was arrested by CID, charged with two offences and appeared before Negombo Magistrates. He was initially detained, but has subsequently been remanded on bail pending his trial date. Apart from this case, no UK returnees have been held for more than 6-7 hours on arrival, none have been arrested and detained, and none have complained about their treatment on arrival by the authorities." **[15n]**

See also Section 12 on Bail/Reporting conditions and Section 31 on Identity cards and travel documents and Section 32 on Forged and fraudulently obtained documents

Physical examinations/scarring

33.22 A British High Commission letter of 14 September 2010 reported:

"There is strong anecdotal evidence that scarring has been used in the past to identify suspects. Previous conversations with the police and in the media, the authorities have openly referred to physical examinations being used to identify whether suspects have undergone military style training. More recent claims from contacts in government ministries suggest that this practice has either ceased or is used less frequently. At the very least it appears that the security forces only conduct these when there is another reason to suspect an individual, and are not looking for particular scars as such, but anything that may indicate the suspect has been involved in fighting and/or military training. There is no recent evidence to suggest that these examinations are routinely carried out on immigration returnees." **[15k]**

33.23 On this issue, the FCO October 2009 recorded that:

"The senior intelligence official said that [if an individual has visible scarring] SIS would obviously question them, ask for an explanation and assess the merits of each case. SIS may carry out background enquiries via their local police. Scarring more directly related to military training would trigger specific questions and there would be a need to carry out specific enquiries, depending on where the person was from." **[15m] (paragraph 1.66)**

"The Superintendent Police, Criminal Investigations Department (CID), said he was not sure. If they suspected an LTTE link, a scar may trigger questions, but strip searches were not conducted at all." **[15m] paragraph (1.67)**

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34. EMPLOYMENT RIGHTS

34.01 The US State Department (USSD), *Country Reports on Human Rights Practices 2009*, Sri Lanka, 11 March 2010 (USSD 2009) observed that:

"The law allowed workers to form and join unions of their choice without previous authorization with the exception of members of the armed forces and police officers, who are not entitled to unionize. Seven workers could form a union, adopt a charter, elect leaders, and publicize their views. To compel an employer to recognize a union required forty percent of the staff. In practice such rights were resisted by the management of individual factories and administrative delays by the government in registering unions. Approximately 20 percent of the seven million-person workforce nationwide and more than 70 percent of the plantation workforce was unionized. In total there were more than one million union members. Approximately 11 percent of the nonagricultural workforce 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. Public sector employees were unionized at very high rates." **[2b] (Section 7a)**

34.02 The same report added that "Most large unions were affiliated with political parties and played a prominent role in the political process, although some major unions in the public sector were politically independent. The Ministry of Labor Relations and Manpower was authorized by law to cancel the registration of any union that did not submit an annual report, the only grounds for the cancellation of registration." **[2b] (Section 7a)**

34.03 And continued:

"By law all workers, other than police, armed forces, prison service, and those in essential services, had the right to strike, but the government did not enforce this law uniformly. Workers may lodge complaints with the commissioner of labor, a labor tribunal, or the Supreme Court to protect their rights. Strikes were forbidden in areas that were determined by the president to be "any service which is of public utility or is essential for national security or for the preservation of public order or to the life of the community and includes any Department of the Government or branch thereof." On November 15, in the face of threatened strikes, the petroleum corporation, the water board, the Ceylon Electricity Board and the port facilities were all declared to be essential services.

"The law prohibited retribution against strikers in nonessential sectors; in practice, however, employees were sometimes fired for striking. Those employees affected under the November 15 essential services ruling returned to work without any major incidents.

"During the year [2009] the Supreme Court did not intervene to stop public sector trade unions from striking. The law allows unions to conduct their activities without interference, but the government enforced the law unevenly. By law public sector unions are not allowed to form federations, but the law was not generally enforced. In prior years the International Trade Union Confederation (ITUC) reported that union officials and organizers were harassed and intimidated with impunity, including arrests, libel, and death threats, but no report was obtained for the current year. Employees of the Ceylon Petroleum Corporation were harassed and assaulted by unidentified assailants." **[2b] (Section 7a)**

34.04 The USSD report 2009 added that:

"The law provides for the right to collective bargaining; however, the government did not enforce it…Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities but could transfer them to different locations. Antiunion discrimination was a punishable offense liable for a fine of 20,000 rupees ($177)." **[2b] (Section 7a)**

"While there was no national minimum wage, 43 wage boards established by the Ministry of Labor Relations and Manpower set minimum wages and working conditions by sector and industry in consultation with unions and employers. The minimum wage in sectors covered by wage boards was increased to 5,750 rupees ($51) in 2008. In addition to the minimum wage, employees covered by the wage boards received an allowance of 1,000

rupees per month ($9) in 2005 that effectively brought the total minimum wage to 6,750 rupees per month ($60). The minimum wages set by some wage boards was higher than the government stipulated minimum wage. These minimum wages, however, did not always provide a decent standard of living for a worker and family. The minimum wage in the public sector was higher than that governed by the wage boards. Workers in sectors not covered by wage boards, including informal sector workers, were not covered by any minimum wage.

"The law prohibited most full-time workers from regularly working more than 45 hours per week (a five-and-a-half-day workweek). In addition the law stipulates a rest period of one hour per day. Regulations limit the maximum overtime hours to 15 per week... Several laws protect the safety and health of industrial workers, but the Ministry of Labor Relations and Manpower's efforts were 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 to such rights and feared they would lose their jobs if they removed themselves from the work situation." **[2b] (Section 7e)**

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Annexes

ANNEX A: CHRONOLOGY OF MAJOR EVENTS

Unless stated otherwise, the information below is based on the BBC Timeline for Sri Lanka, accessed on 20 September 2010 **[9i]**

See also Annex B: Timelines

1948 Ceylon gains independence from the United Kingdom.

1956 Sri Lanka Freedom Party wins the general election; Solomon Bandaranaike becomes Prime Minister.

1959 Bandaranaike is assassinated. His widow Sirimavo Bandaranaike succeeds him as SLFP leader and Prime Minister.

1972 The country becomes known as Sri Lanka.

1976 The Liberation Tigers of Tamil Eelam (LTTE) are formed

1978 New Constitution of the Democratic Socialist Republic of Sri Lanka comes into force. **[1a]**

Jayawardene becomes the country's fist executive President. The Tamil language is recognised in the Constitution.

1983 13 soldiers killed in LTTE ambush. Subsequent anti-Tamil riots leave an estimated several hundred Tamils. Start of 'First Eelam War'.

1985 First attempt of peace talks between the Government and the LTTE fails

1987 Indo-Sri Lankan peace accord signed. Indian Peace Keeping Force (IPKF) deployed to Sri Lanka

1990 The IPKF leave Sri Lanka. Hostilities between the Government and the LTTE hostilities escalate

1991 LTTE implicated in the assassination of Indian premier Rajiv Gandhi

1993 Assassination of President Premadasa killed in LTTE bomb attack.

1994 Chandrika Bandaranaike Kumaratunga comes to power

1995-2001

War rages across north and east. Tigers bomb Sri Lanka's holiest Buddhist site. President Kumaratunga is wounded in a bomb attack. Suicide attack on the international airport destroys half the Sri Lankan Airlines fleet.

2002 Sri Lankan Government and LTTE sign a cease-fire agreement with the mediation of Norway. De-commissioning of weapons begins; the A9 road linking the Jaffna peninsula with the rest of Sri Lanka reopens after 12 years;

passenger flights to Jaffna resume. Government lifts ban on Tamil Tigers. Rebels drop demand for separate state.

2003 The LTTE suspend participation in the peace talks but the ceasefire holds

2004 **March:** Renegade Tamil Tiger commander, known as Colonel Karuna, leads split in rebel movement and goes underground with his supporters. The LTTE regain control of the east with a short offensive.
July: Suicide bomb blast in Colombo, the first such incident since 2001
December: More than 30,000 people killed in the tsunami

2005 **June:** row over the deal reached with the Tamil Tiger rebels to share nearly $3bn in tsunami aid among Sinhalas, Tamils and Muslims
August: State of Emergency is declared after foreign minister Lakshman Kadirgamar is assassinated.
November: Mahinda Rajapakse, at the time prime minister, wins presidential elections.

2006 **February:** Government and Tamil Tiger rebels declare their respect for the 2002 ceasefire.
April: Explosions and rioting in Trincomalee. The main military compound in Colombo is attacked by a suicide bomber (at least eight people are killed). The army launches air strikes on Tamil Tiger targets.
June: 64 people are killed in a mine attack on a bus in Anuradhapura district. A few days later, more than 30 people are killed in a battle between Government forces and Tamil Tiger rebels in the Mannar district.
August: Clashes between Tamil Tiger rebels and Government forces in the north-east, considered the worst fighting since the 2002 ceasefire. Hundreds of people are killed and the UN says tens of thousands have fled.
September: The Government says it has pushed Tamil Tiger rebels from the mouth of strategic Trincomalee harbour. This is seen as the first major capture of enemy territory by either side since a 2002 ceasefire.
October: A suicide bomber attacks a military convoy, killing more than 90 sailors.
December: the Government announces revised though emergency regulations. **[76c]**

2007 **January:** After weeks of heavy fighting the military announces the capture of the Tamil Tiger stronghold of Vakarai, in the east. Tens of thousands of civilians flee the area. President Rajapakse's Government secures a parliamentary majority after 25 opposition MPs defect to its ranks.
March: Government troops claim continuing success against the Tamil Tigers rebels in coastal areas in the east. Thousands of civilians flee the fighting. Tamil Tigers launch their first air raid, hitting a military base next to the Katunayake Colombo international airport.
June: Police evict hundreds of Tamils from lodges in Colombo, citing security concerns, but the Supreme Court orders an end to the expulsions.
July: Government declares it has gained control of Thoppigala – the LTTE's last jungle stronghold in the east.
October: Eight aircraft destroyed, 30 people killed in Tamil Tiger attack on Anuradhapura air force base
2 November: The leader of the Tamil Tiger rebel political wing S.P Thamilselvan is killed in a raid by the Sri Lanka Air Force.

2008 **January:** Government pulls out of 2002 ceasefire agreement.

Government minister DM Dassanayake dies after a roadside bomb attack on his convoy in Colombo.
March: International panel, invited by the government to monitor investigations into alleged human rights abuses, announces that it is leaving the country.
April: Highways Minister J. Fernandopulle is killed in an explosion near Colombo blamed on Tamil Tiger rebels.
Dozens of soldiers reported killed in clashes with Tamil Tigers in far north.
July: Sri Lankan military says it has captured the important Tamil Tiger naval base of Vidattaltivu in the north of the island.
Clashes between Government troops and the LTTE reported in the districts of Jaffna, Mannar, Trincomalee and Vavunyia. **[51a]**
August: in addition to Trincomalee, the fighting spreads to the Kilinochchi and Mullaittivu districts causing large population displacement. **[51a]**
November: Fighting intensifies in Kilnochichi district. **[51a]**

2009 **January:** Government troops capture the northern town of Kilinochchi, held since 1998 by the Tamil Tigers as their administrative headquarters.
The ban on the LTTE is re-enforced. **[44b]**
Government troops regain control of the A-9 highway; capture the entire Jaffna peninsula and at a later stage Mullaitivu Town, the LTTE's stronghold in the Eastern coast. **[37b]**

February: Calls for a temporary cease-fire prompted by international concern over the humanitarian situation of thousands of civilians trapped in the battle zone are rejected by the government.
Tamil Tiger planes conduct suicide raids against Colombo.

March: Former rebel leader Karuna is sworn in as minister of national integration and reconciliation.

May: Government declares victory over the Tamil Tigers. Military says rebel leader Velupillai Prabhakaran was killed in the fighting. Tamil Tiger statement says the group will lay down its arms.

August: New Tamil Tiger leader Selvarasa Pathmanathan detained by Sri Lankan authorities.
First post-war local elections held in the north.

October: Government announces early presidential and parliamentary elections.

November: Opposition parties form alliance to fight elections. The new alliance includes Muslim and Tamil parties.

2010 **January:** President Mahinda Rajapasksa is re-elected **[4e]**

February: Gen Fonseka is arrested. President Rajapaksa dissolves parliament, clearing way for elections in April.

April: President Rajapaksa's ruling coalition wins landslide victory in parliamentary elections.

May: Emergency regulations (ERs) are relaxed. **[75c] (p10-11)**

August: Military court finds former army chief Sarath Fonseka guilty of involvement in politics while in uniform and sentences him to a dishonourable discharge.

September: Parliament approves a constitutional change allowing President Rajapaksa to seek unlimited number of terms.

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ANNEX B: TIMELINES

SATP (SOUTH ASIA TERRORISM PORTAL) SRI LANKA TIMELINE FOR THE PERIOD 2 AUGUST – 17 SEPTEMBER 2010)

The section of the South Asia Terrorism Portal (SATP) Sri Lanka timeline reproduced below covers the period 2 August – 17 September 2010 **[37d]** For incidents and events prior to 2 August 2010 go to the SATP website, Timelines. **[37i]**

"August 2	The TNA [Tamil National Alliance] accused the Government of militarising some of the areas in the Northern Province earlier occupied by the LTTE. The Minister in charge of Resettlement, Milroy Fernando, told BBC Sandeshaya that the Government needs to establish military camps in the area 'for national security'. "Can the navy be stationed away from the sea?" queried the minister when asked about the navy acquiring hundreds of acres in Mannar. Those affected will be only a 'small number of people,' he added. Guy Platton, Charge d'affaires of the Delegation of the European Union (EU) said the EU never felt that it was a criminal act on the part of the Sri Lankan Government to wage war on the LTTE, though the EU always wanted to end the fighting to pave the way for a negotiated settlement to avoid massive loss of life in contravention of the Geneva Conventions. Platton was responding to a query by The Island, in the wake of recent revelation of excesses by foreign forces including US, British and Polish troops.
August 3	Sri Lanka Security Forces announced that a key high security zone (HSZ) in the island's Tamil dominated Jaffna peninsula has been removed. This high security zone was in effect for around 15 years since the Army liberated the Jaffna peninsula from the Tamil rebels in 1995. The zone centered on Ceynor Jetty in Gurunagar, a major fisher community area in Jaffna. Government sources said that the high security zone was removed to facilitate the resettlement process. Prime Minister D.M. Jayaratne 3 [sic] stated that the Government is in the process of confiscating the assets including houses, plots of land

and business establishments that were run by the LTTE in Colombo and the suburbs. The Prime Minister moving the Motion to extend the Emergency Regulations by another one month, in Parliament further stated that information about the assets of the LTTE in Colombo and the suburbs are being divulged by LTTE cadres who have been arrested. The Prime Minister also stated it is obvious that the pro-LTTE International Organizations are attempting to reinvigorate the LTTE.

August 4 U.S. Homeland Security is monitoring the Sri Lankan Tamil migrant ship heading to Canada. According to reports of Sri Lankan media there are many cadres of LTTE aboard the Thai ship MV Sun Sea. Meanwhile Canadian authorities said on August 1 that they are preparing to handle any situation that may be arising from the arrival of the migrant ship carrying Sri Lankan Tamil refugees in Vancouver Island some time in the second week of August.

August 8 De-mining in the Jaffna peninsula of Northern Sri Lanka has been accelerated and the peninsula will be a mine-free zone within September 2010.

TNA parliamentarian Suresh Premachandran said that IDPs from the Santhapuram area in the Kilinochchi District were not allowed to resettle in their original homes after they were asked to return home.

August 9 Canada expressed concern that a Thai ship MV Sun Sea heading to British Columbia with migrants on board may be carrying cadres of LTTE. Canada's Public Safety Minister Vic Toews said that Ottawa is concerned over the possibility that there may be Tamil Tigers on board the Thai cargo ship and the authorities are closely monitoring the situation but did not elaborate on the steps the Government would take.

August 11 A Government-appointed panel tasked with investigating the final years of Sri Lanka's civil war opened in Colombo.

Bernard Goonetilleke, the former head of Sri Lanka's now defunct Peace Secretariat on August 10, said that pro- LTTE elements were involved in collecting funds from the Tamil Diaspora even after the war.

Canadian authorities said that they would intercept a ship of Tamil asylum-seekers from Sri Lanka before it reached the coast because the passengers may include members of the LTTE. The ship was reported to be within 322 km of Canada's Pacific coast province of British Columbia, said Chris McCluskey, a spokesman for Public Safety Minister Vic Toews. The Thai cargo ship MV Sun Sea was expected to reach the Strait of Juan de Fuca off Vancouver island late August 11 or early August 12. Between 400 and 500 people are believed to be on board.

August 12 Sri Lankan Foreign Minister G.L. Peiris said that China has pledged its support to Sri Lanka against any international pressure for a United Nations-led probe into alleged war crimes.

The Sri Lankan Foreign Minister dismissed Indian concerns that the Chinese-built deep-sea port at Hambantota was part of Beijing's policy to expand its strategic footprint in the Indian Ocean, describing it as a purely commercial venture.

Sri Lankan Government has issued a response to a report submitted by the United States Department of State to the Congress.

August 13 A Sri Lankan court martial, probing charges that General (retd.) Sarath Fonseka dabbled in politics while in uniform, found him guilty and recommended him for a 'dishonourable discharge from rank.'

Hundreds of Tamils seeking asylum from Sri Lanka sailed into Canada under escort of authorities, who vowed to screen out LTTE cadres.

August 17 The Canadian Government said that authorities would screen each individual Sri Lankan Tamil migrant who embarked on Canadian shores on August 13 from the Thai cargo ship MV Sun Sea. Canadian Prime Minister Stephen Harper said that the Federal Government will not hesitate to strengthen Canada's human smuggling laws. According to the Canada Border Services all 380 men and 63 women are detained while the 49 children on board MV Sun Sea are either with their families or in the care of local social services. Public Safety Minister Victor Toews said that each migrant had paid 40,000 to 50,000 Canadian dollars to the ship operators to bring them to Canada from Thailand. He has described the voyage as a human smuggling operation run by the overseas cadres of LTTE. Meanwhile, the UNHCR has commended Canada for its reception given to the 492 Sri Lankan Tamil refugees arrived in British Columbia's Vancouver Island aboard the Thai cargo ship MV Sun Sea.

August 19 Sri Lanka Army reports that Defence Secretary Gotabhaya Rajapaksa told the Lessons Learnt Commission that the Liberation Tigers of Tamil Elam (LTTE) had used the Jaffna University Medical Faculty to train some its cadres to treat the war wounded. He said that he had got the opportunity to meet three 'LTTE doctors' now undergoing rehabilitation at Senapura rehabilitation centre. According to him, as Sinhala and Muslim medical students had not been willing to join the Jaffna medical faculty due to terrorism, the LTTE had made use of some of those slots to have its cadres trained.

August 26 Defence Secretary of India Pradeep Kumar will soon visit Colombo to get an idea normalising the defence relationship between India and Sri Lanka with the end of the ethnic conflict in Sri Lanka. The issue is to be taken up at the first annual defence dialogue between the two countries

August 30 An investigative report by Canadian newspaper Globe and Mail revealed that an alleged LTTE human-smuggling ring is preparing to smuggle another shipload of Tamils who have left Sri Lanka to be

sent to Canada. The report says the Tamils arrive in Bangkok from Sri Lanka on two-week tourist visas and stay in rented apartments pretending to be tourists until the next ship is ready to sail to Canada. The report citing the Thai Police said some of the refugees left on MV Sun Sea, the cargo ship that reached Vancouver earlier this month with 492 Tamil asylum seekers on board, were recent arrivals, who entered the country on tourist visas shortly before the ship departed in April.

September 6 Sri Lanka's former Army Commander and Democratic National Alliance (DNA) Parliamentarian Sarath Fonseka said that 200 kilograms of gold belonging to the LTTE was unearthed from the Vellamullivaikkal area in the Mullaitivu District during his tenure as Army Chief. Fonseka told the Parliament during the debate to extend the emergency regulations that while larger stocks of gold had been recovered after his tenure as Commander no one knew what happened to the gold.

September 13 Tamil National Alliance (TNA) decided to testify before the Presidential Commission on Lessons Learnt and Reconciliation when they would meet in Kilinochchi on September 16, 17 and 18. The TNA accepted the invitation and said that it would testify before the Commission, as they felt the problems of the Tamil people had not been recorded even though they had been presented in previous occasions.

September 14 The Sri Lankan Lessons Learnt and Reconciliation Commission suggested President Mahinda Rajapakse some interim measures to better the lot of resettled Internally Displaced Persons (IDPs) and people living in former conflict areas. Other measures suggested by the eight-member Commission include enabling people to use their own language in official dealings, especially while making statements to the police.

September 16 Around 25,000 Internally Displaced Persons (IDP) remaining in welfare centers will be resettled by the Sri Lankan Government as soon as the demining is completed in the areas where they are to be resettled. The Government producing resettlement figures said on September 16 that the total number of IDPs remaining in welfare centers in Vavuniya, Mannar and Trincomalee has come down to 25, 260 from over 280,000 IDPs who escaped from the LTTE in last phases of the war in 2009.

September 17 A court martial in Sri Lanka held the former Army Chief, Sarath Fonseka, guilty on all four counts in a case related to procurement of arms in violation of the tender procedures and recommended that he be jailed for three years. Director-General of the Media Centre for National Security Lakshman Hulugalle said at a news conference that the punishment would be subject to approval of President Mahinda Rajapaksa in his capacity as the supreme commander of the Armed Forces.

The Sri Lankan cabinet recently decided to award the contract to build a new deep-water container terminal in Colombo port to a

consortium consisting of China Merchant Holdings International and Aitken Spence. According to reports, the terminal will be built by the same company that built the Hambantota port complex - China Harbour Engineering Company (CHEC) and Sino Hydro Corporation." **[37d]**

All the SATP timelines for the years 2000-2010 and (less in detail) the period 1931-1999 can be accessed from the following link: http://www.satp.org/satporgtp/countries/shrilanka/timeline/index.html **[37i]**

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ANNEX C: POLITICAL ORGANISATIONS

The full list of recognised political parties with the name, approved symbol, and name of the secretary is available from this weblink to the website of the Sri Lanka, Department of Elections, Political parties. For the composition of Parliament further to the April 2010 general election please see this weblink to a different section of the same webite.

The CIA World Factbook, Sri Lanka, updated on 19 August 2010) recorded the following political parties and leaders:

"All Ceylon Tamil Congress or ACTC [G.PONNAMBALAM]; Ceylon Workers Congress or CWC [Arumugam THONDAMAN]; Communist Party or CP [D. GUNASEKERA]; Democratic People's Front [Mano GANESAN]; Eelam People's Democratic Party or EPDP [Douglas DEVANANDA]; Eelam People's Revolutionary Liberation Front or EPRLF [Suresh PREMACHANDRAN]; Janatha Vimukthi Peramuna or JVP [Somawansa AMARASINGHE]; Lanka Sama Samaja Party or LSSP [Tissa VITHARANA]; Mahajana Eksath Peramuna (People's United Front) or MEP [D. GUNAWARDENE]; National Freedom Front [Wimal WEERAWANSA]; National Heritage Party or JHU [Ellawala METHANANDA]; National Unity Alliance or NUA [Ferial ASHRAFF]; People's Liberation Organization of Tamil Eelam or PLOTE [D. SIDHARTHAN]; Sri Lanka Freedom Party or SLFP [Mahinda RAJAPAKSA]; Sri Lanka Muslim Congress or SLMC [Rauff HAKEEM]; Tamil Eelam Liberation Organization or TELO [Selvam ADAIKALANATHAN]); Tamil Makkal Viduthalai Pulikal or TMVP [Chandrakanthan SIVANESATHURAI, aka 'PILLAIYAN'] (paramilitary breakaway from LTTE operating as a political party); Tamil National Alliance or TNA [R. SAMPANTHAN]; Tamil United Liberation Front or TULF [V. ANANDASANGAREE]; United National Party or UNP [Ranil WICKREMASINGHE]; Up-country People's Front or UPF." **[30]**

Akhila Illankai Tamil United Front (AITUK)
Founded in 2006; Tamil; advocates federal solution to ethnic conflict. **[1a]**

All Ceylon Tamil Congress (ACTC)
Founded in 1944, it contested the December 2001 and the April 2004 elections as part of TNA. **[8] (p563)** (See also TNA)

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. **[8] (p437)**

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. The party contested the April 2004 election as part of the winning coalition UPFA (United People's Freedom Alliance) winning only one seat. **[8] (p560)**

Democratic National Alliance (DNA) / Democratic People's Alliance
It obtained 7 seats in the 2010 general election. (Official website of the Department of Elections, Parliamentary General Election – 2010, Composition of Parliament, accessed on 2 June 2010) **[39a]**

On 30 June 2010 the *Daily Mirror* (Sri Lanka) reported that "General Sarath Fonseka has submitted an application to Elections Commissioner Dayananda Dissanayaka seeking to form his own party under the name 'Democratic People's Alliance with Tiran Alles as the General Secretary.The new party will be part of the Democratic National Alliance (DNA) headed by General Fonseka which also includes the JVP. Currently Fonseka does not have his own political party although he heads the Alliance. **[11q]**

See also Section 15 on Opposition groups and political activists

Democratic People's Front (previously Western People's Front)
Leader: Mano Ganesan. On 26 November 2008 the Western People's Front (WPF) changed its name into Democratic People's Front (DPF). **[45a]** Democratic People's Front was a constituent party of the UNP led United National Front alliance but its leader failed to win a seat at the April 8 general elections. **[45b]**

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. **[1a]**

Deshapriya Janatha Viyaparaya (DJV)
(Patriotic People's Movement) Militant Sinhalese group associated with the JVP. **[1a]**

Eelam People's Democratic Party (EPDP)
http://www.epdpnews.com/index.php?lng=eng **[59]**
"Led by Douglas Devananda, the Eelam People's Democratic Party (EPDP) broke away from the Eelam People's Revolutionary Liberation Front (EPRLF) in approximately 1988. Since 1990 it has fought alongside the Sri Lankan Army against the Liberation Tigers of Tamil Eelam (LTTE). Since 1994, the EPDP has been the most significant force in electoral politics in Jaffna, although voter turnout has been exceptionally low. The EPDP has generally been supportive of People's Alliance/UPFA government policy on the war and peace process. Although EPDP armed cadres may only be a few hundred strong, they retain a reputation for human rights abuses. Devananda has a cabinet portfolio...Previously his public profile was limited by the fact he was extremely high on the list of LTTE targets for assassination." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka (accessed 23 August 2010) **[5a] (Internal Affairs, 29 April 2010)**

Eelam People's Revolutionary Liberation Front (EPRLF)

The EPRLF now functions as two groups – the Suresh wing (on the TNA list) and the Varatharaja wing (on the EPDP list. **[8]** (See also TNA)

Eelam Revolutionary Organisation (EROS)
Founded in 1990 by a minority of the original EROS, led by Shankar Raji. **[56]**
"EROS remains the most radically nationalist of the constitutional Tamil groups, but is not militarily active." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (accessed 23 August 2010) **[5a] (Internal Affairs, 29 April 2010)**

Illankai Tamil Arasu Kachchi (ITAK) See TNA

Jathika Hela Urumaya (JHU) [National Heritage Party]
"The JHU is a Buddhist-Sinhalese political party led by Buddhist monks, formed in February 2004 with the specific intention to compete in that year's parliamentary elections. Although initially founded by the secular Sinhalese nationalist party Sihala Urumaya, all of the JHU's members of parliament are Buddhist monks.

The JHU's creation and the unprecedented entry of saffron-clad monks into parliament has caused debate over whether monks should be entering politics at all both within and outside the party. However, the party's strong representation in the 2004 elections has encouraged the party to continue campaigning for Buddhist and Sinhalese issues in Sri Lanka…

"The JHU's swift creation led to a factious initial period as the party lacked unity. In October 2004, one of the founders and a member of parliament, Kolonnawe Sumangala, resigned from the party. In the same month, the JHU's general secretary Uduwe Dhammakola, failed to attend a central committee meeting and was replaced by another JHU monk. Dhammakola eventually left the party in January 2005 to remain an independent parliamentarian, before supporting the UNP's Wickremasinghe in the November 2005 presidential election, in direct contradiction to the JHU's support of Rajapakse. Since these defections, the JHU has been able to maintain a more united party line." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, (accessed 23 August 2010) **[5a] (Internal Affairs, 29 April 2010)**

Janatha Vimukthi Peramuna (JVP)
http://jvpsrilanka.com/index.php?option=com_content&view=frontpage&Itemid=1
(People's Liberation Front)
Founded in 1964; banned following a coup attempt in 1971, regained legal status in 1977, banned again in 1983, but regained legal status in 1994; Marxist; Sinhalese support. **[1a]** "The JVP was the second largest party within the UPFA, and follows a hybrid Marxist-Sinhalese nationalist platform." The party secured 16 seats in the 2001 parliamentary elections. "This political revival was emphatically demonstrated by the success of 36 (of 39) candidates whom the JVP fielded through the UPFA at the elections of April 2004. In all but one district won by the UPFA, a JVP contestant outranked all others in the number of individual 'preference votes' polled. As such, the JVP held a powerful position in the ruling coalition…Agreement with Rajapakse over the future course of the peace process during his campaign prior to the November 2005 presidential election ensured that the JVP remained in opposition following Rajapakse's victory, but with conditional support for the government.

"Since his election in November 2005, Rajapakse has had an uneasy relationship with the JVP, and has worked steadily to reduce his political dependence on them in parliament. By early 2007, he had largely succeeded in this project by splitting the opposition UNP and winning over a sizeable UNP contingent to defect to the

government benches. The JVP has since broken ranks with Rajapakse, but is strongly in support of his military policy towards the ethnic conflict with the LTTE." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (accessed on 23 August 2010) **[5a] (Internal Affairs, 29 April 2010)** The JVP is currently part of Democratic National Alliance (DNA). (Daily Mirror, 30 June 2010) **[11q]**

Liberation Tigers of Tamil Eelam (LTTE)
Formed on 5 May 5 1976, under the leadership of Velupillai Prabhakaran, it began its armed campaign in Sri Lanka for a separate Tamil homeland in 1983. **[37a]**

"The Tigers became a formidable force numbering upwards of 10,000 soldiers, including women and children…At the height of its powers at the end of the 1990s and the early years of this decade, the LTTE controlled nearly one-third of Sri Lanka." (BBC News, 18 May 2009) **[9v]** [Maps providing details of areas under LTTE control prior to November 2005 and the progressive erosion of such areas are available from this weblink - See also Section 3 and Section 4 on Recent developments] Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (accessed on 23 August 2010), recorded that "The group's strength was estimated [in 2007] between 8,000 and 10,000." **[5a] (Non-State Armed Groups, 14 November 2007)**

"Under the leadership of Velupillai Prabhakaran, who has been killed aged 54 during fighting with the Sri Lankan army, the Liberation Tigers of Tamil Eelam (LTTE) were moulded, and refined, into one of the world's deadliest insurgent groups, and rigid discipline was instilled through his personal example. The LTTE of Sri Lanka, the 'Tamil Tigers', would become the progenitors of modern suicide bombing. They also developed their own navy and air force as they masterminded the art of weapons procurement in a globalised, post-cold-war world.

For Prabhakaran, no sacrifice was too great for the objective of 'Eelam' (precious land), a Tamil state in an island of mainly Sinhalese Buddhists. This has been particularly evident during the last four months, before Sri Lanka's President Mahinda Rajapaksa formally declared victory on Sunday [17 May 2009]. During this time, according to UN estimates, more than 6,000 civilians have been killed as the LTTE have been pushed from their northern territories into a 'no fire zone', consisting of a few kilometres of north-east coastline. The government has accused the LTTE leadership of using tens of thousands of civilians trapped there as human shields.

"The first LTTE suicide bombing came in the northern town of Nelliady in July 1987. Prabhakaran had formed the "Black Tigers", a group of male and female suicide bombers whose explosives-laden belts would later be copied by Palestinian, Chechen and Iraqi groups. The missions were preceded by months of intelligence gathering and Prabhakaran held secret audiences with the bombers before they departed for their targets.

"Between 1990 and 1995, the Tigers ran the northern Jaffna peninsula as a mini-state with Prabhakaran as its absolute ruler… In late 1995, Sri Lankan forces launched a massive campaign to retake the rebel-held north. The LTTE were expelled from Jaffna but 60,000 government troops found themselves hemmed in over the next few years as the Tigers captured large areas of the Vanni and the eastern province. The south was also hit by a spate of savage Black Tiger strikes… [In 2006] after nearly four years of brittle peace, fighting again erupted between the government and the LTTE. In the years since the Indian intervention [1990], Prabhakaran had very successfully transformed the Tigers from an archetypal guerrilla outfit into a conventional army. But this may ultimately have proved to be his downfall. When fighting again erupted in mid

2006, the Tigers were now compelled to fight the Sri Lankan forces on their own terms…By the summer of 2007, the government had recaptured all of the LTTE's eastern territory, forcing them back into their Vanni heartland. On 2 January 2008, Sri Lanka formally withdrew from the Norwegian-brokered ceasefire and exactly one year later, the de facto Tiger 'capital' of Killinochchi was recaptured by the government. In the intervening months, the LTTE carried out numerous bomb attacks across the island. This still prompts fears that even if they are, as it now appears, defeated as a conventional force, they will continue an underground war." (*The Guardian*, Obituary - Velupillai Prabhakaran: 18 May 2009) **[20a]**

An undated section of the South Asia Terrorism Portal (SATP) (website accessed on 27 May 2009) provided additional information on the LTTE:

"Under the Prevention of Terrorism Act, 2002 (POTA) in India, the LTTE is a proscribed organisation. On October 4, 2003, the United States re-designated the LTTE as a Foreign Terrorist Organisation (FTO) pursuant to Section 219 of the US Immigration and Nationality Act. The LTTE has been proscribed, designated or banned as a terrorist group by a number of governments – India, Malaysia, USA, Canada, UK, Australia – countries where the LTTE has significant terrorist infrastructure for disseminating propaganda, raising funds, procuring and shipping supplies to support their terrorist campaign in Sri Lanka…

The LTTE leadership is organized along a two-tier structure: a military wing and a subordinate political wing. Overseeing both is a central governing committee, headed by the LTTE chief, Velupillai Prabhakaran…This body has the responsibility for directing and controlling several specific subdivisions, including, an amphibious group (the Sea Tigers headed by Soosai), an airborne group, (known as the Air Tigers), an elite fighting wing (known as the Charles Anthony Regiment, named after Anthony, a close associate of Prabhakaran and is headed by Balraj), a suicide commando unit (the Black Tigers headed by Pottu Amman), a highly secretive intelligence group and a political office headed by Thamilselvam and Anton Balasingham, widely regarded to be the political advisor and ideologue of the LTTE. [Thamilselvan was killed in November 2007 and Balasingham died in London in December 2006] The central governing committee also has an International Secretariat, which is in charge of the outfit's global network…

All LTTE fighters undergo a programme of rigorous training. A typical training schedule is spread over four months, during which they receive training in handling weapons, battle and field craft, communications, explosives and intelligence gathering, as well as an exhausting physical regimen and rigorous indoctrination.

The LTTE has also set up a parallel civil administration within its territory by establishing structures such as a police force, law courts, postal services, banks, administrative offices, television and radio broadcasting station, etc." **[37a] (LTTE)**
[Please note this information is only provided as background and should be read in conjunction with the rest of the report]

The SATP website also provides a list of LTTE leaders killed during encounters with security forces in Sri Lanka, 2008-2009 accessible from this weblink as well as a comprehensive list of Incidents involving Liberation Tigers of Tamil Eelam (LTTE)

In the UK the LTTE is one of the proscribed organisations under the Terrorism Act 2000. The (undated) list of 'Proscribed terrorist groups' is available from the Home Office website (accessed on 13 January 2010). **[35a]**

In January 2009 the Government of Sri Lanka re-proscribed the Liberation Tigers of Tamil Eelam (LTTE). "The unanimous decision was taken by the Cabinet in accordance with a memorandum submitted by President Mahinda Rajapaksa…The LTTE was first banned in 1998…The ban was lifted in September, 2002, ahead of the peace talks following the Ceasefire Agreement." (Official website of the Government of Sri Lanka, 8 January 2009) **[44b]** The proclamation issued by the President of Sri Lanka on the same day is available from this weblink. **[10e]**

See also Latest News; Section 4 on Recent developments; Section 10 on Abuses by Non-Government Armed Forces: Forced conscription by the LTTE (until May 2009) and Section 24 on Child soldiers

For the Karuna faction, see under TMVP.

See also Annex B

Mahajana Eksath Peramuna (MEP)
Founded 1956; Sinhalese and Buddhist support; left-wing; advocates economic self-reliance. **[1a]**

People's Alliance (PA) aka Podujana Eksath Peramuna (PEP)
Formed in 1993 as a left-wing alliance which includes the LSSP, the SLFP (President Kumaratunga's party) and the SLMP. **[8] (p438)** This was the ruling party in Sri Lanka from August 1994 until December 2001. (See also UPFA)

People's Liberation Organisation of Tamil Eelam (PLOTE)
Formed in 1979 as a split from the LTTE. **[56] (Introduction)** Its political wing is the Democratic People's Liberation Front (see above). **[8] (p560)**
As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, (accessed on 23 August 2010), "The PLOTE originated as an LTTE splinter group, but it was never well armed and its military activities remained low key. In time, internal feuds and a souring of relations with its Indian sponsors fuelled the PLOTE's slow demise and the group was largely wiped out by the LTTE in 1986. After the [1987] Indo-Lanka Accord, the PLOTE renounced its armed rebellion against the Sri Lankan government, but maintains armed cadres to this day." **[5a] (Internal Affairs, 29 April 2010, Non-parliamentary Tamil parties)**

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, but lost power in the December 2001 general elections." **[8] (p561-562)**

"In April 2004, a new electoral alliance between the SLFP and the Marxist Janatha Vimukthi Peramuna (JVP) became the basis of a winning UPFA electoral coalition, which ending the UNF's 28 months in power. The SLFP prime minister Mahinda Rajapakse became the UPFA's presidential candidate in the November 2005 elections, with the strong backing of the JVP and the hard-line Sinhala Buddhist party, the Jathika Hela Urumaya (JHU). Rajapakse is a seasoned SLFP leader, and comes from a very well known political family in the Hambantota district of southern Sri Lanka - his father was one of the founding members of the SLFP in 1951. However, Rajapakse's rise to power represents a historic break in the SLFP from the virtually uninterrupted leadership of the Bandaranaike-Kumaratunga clan. Rajapakse is a popular and strong personality within the party, and has positioned two of his brothers into commanding positions of power." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 23 August 2010) **[5a] (Internal Affairs, 29 April 2010)**

Sri Lanka Muslim Congress (SLMC) http://www.slmc.org.uk/
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. Led by Rauf Hakeem. **[8] (p562)**

Tamil Eelam Liberation Organisation (TELO) http://www.telo.org/ **[69]**
Formed in 1974, it is on the TNA list. **[56]** It has operated as a national political party since 1988. **[1a]** "The TELO currently has three members of parliament and is the second largest party in the LTTE-backed Tamil National Alliance." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 27 August 2010) **[5a] (Internal Affairs, 29 April 2010)** (See also TNA)

Tamil National Alliance (TNA)
"The Tamil National Alliance (TNA) or Sri Lanka Tamil Government Party (Illankai Tamil Arasu Kachchi) is a political alliance of several Tamil parties formed in 2001 just before the 2001 elections. The alliance was formed by the All Ceylon Tamil Congress, Eelam People's Revolutionary Liberation Front (Suresh), Tamil Eelam Liberation Organisation and Tamil United Liberation Front (formerly the Federal Party). Since its formation, the TNA has acted in close co-operation with the rebel LTTE, and has frequently behaved as its advocate and political wing in parliament. In the April 2004 election, in which the SLFP and JVP alliance led by President Kumaratunga came to power, the TNA led by R Sampanthan won 6.9 per cent of the popular vote and 22 out of 225 seats in the Sri Lankan parliament." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 27 August 2010) **[5a] (Internal Affairs, 29 April 2010)**

ITAK obtained 14 seats in the 2010 general election. (Official website of the Department of Elections, Parliamentary General Election – 2010, Composition of Parliament, accessed on 2 June 2010) **[39a]**

On 30 June 2010 the website TamilNet reported that the Tamil National Alliance "applied to the Elections Commissioner to register as a new political party with R. Sampanthan as the leader and Mavai Senathirajah as the General Secretary. Earlier TNA it was not registered. Hence TNA contested on the ticket of Ilankai Thamil Arasu Katchchi (ITAK)." **[38d]**

Tamileela Makkal Viduthalai Pulikal (Tamil People's Liberation Party) (TMVP)/Karuna faction

"Tamil Eela Makkal Viduthalai Pulikal (TVMP: Tamil Eelam Peoples Liberation Tigers) is the political wing of the paramilitary group formerly known as the 'Karuna group'. It was formed by breakaway LTTE leader V. Muralitharan (alias 'Colonel Karuna'), who led a split in the LTTE in 2004, leading to the secession of a large part of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province.

"Human rights reports in 2007 have alleged that the Karuna group recruits underage youths as fighters, and furthermore, that these recruits are forcibly abducted and coerced into joining. The Karuna group is also alleged to be behind the spate of kidnappings of wealthy Tamils in Colombo since mid-2006. In mid-2007, press reports suggested that there was a split within the Karuna group between Karuna himself and one of his key lieutenants. In October 2007, news emerged that Karuna had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences.

"While Karuna spent time in detention in the UK on immigration offences, the paramilitary TMVP was registered as a political party, and the government installed Tamil paramilitary leader Pillaiyan as the chief minister of the Eastern Province following elections there in May 2008.

"Karuna subsequently returned to Sri Lanka in mid-2008 and coexisted uneasily with Pillaiyan under a nominally united TMVP, although in reality both leaders commanded separate militias (the TMVP comprised two separate factions that controlled different parts of the east). In what was likely an effort by Rajapakse to separate the two rival Tamil paramilitary leaders, Colonel Karuna joined the ruling Sri Lanka Freedom Party (SLFP) in March 2009 and was sworn in as minister of national integration, a non-cabinet ministerial portfolio. In April of that year, Karuna became the vice-president of the SLFP." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 23 August 2010) **[5a] (Internal Affairs, 29 April 2010)**

See also Section 10 on Abuses by non-government armed forces and Annex D: Prominent people

Tamil United Liberation Front (TULF)
Founded in 1976 following the merger of the All Ceylon Tamil Congress and Federal Party. **[1a]**

United National Party (UNP) http://www.unp.lk/portal/ **[28]**
The conservative UNP was founded in 1947. 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, but regained power in the December 2001 elections. It came second (with 82 seats) in the April 2004 general election. **[8] (p563)** The party obtained 60 seats in the 2010 general election, coming again second. (Official website of the Department of Elections, Parliamentary General Election – 2010, Composition of Parliament, accessed on 2 June 2010) **[39a]**

United People's Freedom Alliance (UPFA)/People's Alliance
http://www.sandanaya.lk/
Founded in 2003, it is an alliance of Sri Lanka Freedom Party (SLFP), JVP, LSSP, CPSL, SLMP, DVJP, MEP and National Unity Alliance (NUA). **[56]** It reverted to original founding name of People's Alliance in April 2007. Leader Mahinda Rajapakse. **[1a] (Political organisations)**
"The UPFA is the coalition holding the single largest share of seats within the Sri Lankan parliament… However, the composition of the government benches of parliament has undergone significant changes in the three years since the elections. The two most important movements have been the departure of the second largest constituent, the Janatha Vimukthi Peramuna (JVP) by early 2007, and the arrival of new members who had defected from the opposition UNP." Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 23 August 2010)
[5a] (Internal Affairs, 29 April 2010) It won the general election of April 2010 with 144 seats. (Official website of the Department of Elections, Parliamentary General Election – 2010, Composition of Parliament, accessed on 2 June 2010) **[39a]**

Up-Country People's Front
Represents the interests of workers, mainly of Indian Tamil origin, on tea plantations. **[1a]**

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ANNEX D: PROMINENT PEOPLE

FONSEKA Sarath
Former army commander who led the military campaign against the LTTE. Main opposition candidate in the January 2010 Presidential election. **[4e] [75d]**

"Over a career of four decades, Gen Sarath Fonseka has been Sri Lanka's most high-profile and arguably its most tactically successful army officer. The retired general went into the January 2010 elections hoping to capitalise on his status as a war hero among Sri Lanka's majority Sinhalese community after leading troops to victory over Tamil Tiger rebels in 2009. Official results, however, showed President Mahinda Rajapaksa beat him soundly to win a second term, despite claims by Gen Fonseka that the vote was unfair. Gen Fonseka was arrested shortly after the elections and in August 2010 he was found guilty of engaging in politics while on active service. A court martial sentenced him to be stripped of his rank and medals. He also faces a jail term after being found guilty of corruption in arms procurement deals in a second court martial in September. The general and his supporters maintain that the charges were politically motivated. In April's parliamentary elections, he won a seat for the opposition Democratic National Alliance (DNA) while still in jail. (BBC News, Profile: Gen Sarath Fonseka, 17 September 2010) **[9b]**
See also Latest News; Section 4 on January 2010 Presidential election; Section 15 on Opposition groups and political activists and Annex C

Jayaratne D. M.
Prime Minister **[44 a]**
"Dissanayake Mudiyanselage Jayaratne became Sri Lanka's new Prime Minister on 22 April [2010] after the incumbent government's party, the United People's Freedom Alliance (UPFA), won the parliamentary elections on 8 April." (IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 16 August 2010) **[51d]**

KARUNA Colonel (nom de guerre of Vinayagamoorthi Muralitharan, aka Karuna Amman)
Former leader of Tamil Makkal Viduthalai Pulikal (TMVP). From October 2008 Member of Parliament of the United People's Freedom Alliance and from March 2009 national integration and reconciliation minister.

The Official Government News Portal of Sri Lanka recorded on 7 October 2008 that "Vinayagamoorthi Muralitharan was born in Kiran, in the Batticaloa district in 1966. He joined the LTTE in 1983 and became a top commander. He participated in several rounds of peace talks as a member of the LTTE delegation after the Ceasefire Agreement was signed in 2002." **[10i]**

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (accessed on 23 August 2010), V. Muralitharan (alias 'Colonel Karuna'):

"led a split in the LTTE in 2004, leading to the secession of a large chunk of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province. In mid-2007, press reports suggested that there was a split within the Karuna group between Karuna himself and one of his key lieutenants. In October 2007, news emerged that Karuna had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences." **[5a] (Internal Affairs, 29 April 2010)**

"[On 25 January 2008] Renegade LTTE leader Vinayagamoorthy Muralitharan alias 'Colonel' Karuna was sentenced to nine-month imprisonment by a UK Court for identity fraud. He was arrested in London on November 2, 2007, for carrying an apparently genuine Sri Lankan diplomatic passport issued under a false name. Karuna told the Isleworth Crown Court in West London that he had received the false diplomatic passport from the Sri Lankan Government. He said Defence Secretary Gotabaya Rajapakse, who is also the brother of President Mahinda Rajapakse, had arranged the documents for him. Karuna, who founded the Tamil Makkal Vidhuthalai Pullikal (TMVP), was sentenced to nine months in jail under the Identity Cards Act after he pleaded guilty." (SATP Timeline, Year 2008) **[37c]**

As noted in comments dated 9 May 2008 and posted on 12 May 2008 on the website of the British High Commission, Colombo:

"A British High Commission spokesperson said 'Vinayagmoorthy Muralitharan (aka Karuna Amman) was released yesterday [8 May 2008] following his imprisonment [in the UK] for possessing false documents, contrary to Section 25 of the Control of Identification Documents (Offences) Act 2005. He now remains under immigration detention custody. We have made clear our concerns at the circumstances by which Karuna travelled to the UK. We are deeply concerned that Karuna and his faction have allegedly been responsible for murder and abductions and are still believed to be involved in intimidation and child recruitment. The Crown Prosecution Service has advised the Metropolitan Police Service that there is insufficient evidence to provide a realistic prospect of conviction for any criminal offences in the UK.'" **[15l]**

On 7 October 2008 the Official Government News Portal of Sri Lanka announced that "Leader of the Tamil Makkal Viduthalai Pulikal (TMVP), Vinayagamoorthi Muralidaran, was sworn in as a Member of Parliament of the United People's Freedom Alliance… Muralidaran is the first member of the TMVP to enter parliament." **[10i]**

In early March 2009 Vinayagamoorthy Muralitharan joined the ruling Sri Lanka Freedom Party (SLFP) along with many of his followers and was given a non-cabinet post in the government, as national integration and reconciliation minister. (EIU, Country Report Sri Lanka, April 2009 **[75k] (p10)**

See also Section 3: History; and Annex C (TMVP)

Pathmanathan Kumaran (alias KP)

"After the decimation of the Tamil Tiger leadership, Selvarasa 'Kumaran' Pathmanathan (known as KP) was the most senior rebel left alive. In June[2009] he announced a provisional transitional government for Tamil-majority areas in Sri Lanka. His declaration demonstrated the difficulties facing the LTTE. Lacking international legitimacy, the Tigers were unable to announce a more traditional government-in-exile, which would have required a permanent location and therefore tacit state support. The LTTE had been proscribed by India (in 1991), the US (in 1997), Canada and the EU (both in 2006). Although this left more than 160 countries in which the LTTE could have theoretically announced a government-in-exile, the combined diplomatic weight of many of the world's developed countries limited the legitimacy available to the group. The inherent weakness of the transitional government was further weakened when KP was arrested in August 2009 in Kuala Lumpur and returned to Sri Lanka via Thailand." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, accessed on 23 August 2010) **[5a] (Security, Post-conflict situation, 29 April 2010)**

In June 2010 he was reported to be playing a 'leading role' in helping the government in 'reconciliation process' **[9r]** to have set up a new non –governmental organization known as the North – East Rehabilitation and Development Organization (NERDO). **[11s]**

PILLAYAN [PILLEYAN] (Sivanesathurai Chandrakanthan)
TMVP leader (IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 16 August 2010) **[51d]**
On 16 May 2008 Pilleyan, was sworn in as the Chief Minister of the Eastern Provincial Council after obtaining the highest number of votes for Batticaloa District in the Provincial Council elections. (The Official Website of the Government of Sri Lanka, 16 May 2008) **[10a]**
See also Annex C

PRABHAKARAN (PIRAPAHARAN) Velupillai (26 November 1954 – 18 May 2009)
Leader of the Liberation Tigers of Tamil Eelam (LTTE). His death was announced on 18 May 2009.

"To his followers, Vellupillai Prabhakaran was a freedom fighter struggling for Tamil emancipation. To his adversaries he was a secretive megalomaniac with a complete disregard for human life. Under his leadership, the Tamil Tigers became one of the world's most highly disciplined and highly motivated guerrilla forces. But in recent months they fought a desperate rearguard action as the Sri Lankan military inflicted defeat after defeat on them, ending their dream of a separate homeland in the north and east.

"It is believed that Prabhakaran founded the Tamil New Tigers in 1973 or 1974, although the exact date is unknown. It was just another in a series of pressure groups and organisations protesting against what they saw as the marginalisation of the Tamil people in the post-colonial Sri Lanka. In 1975 he was accused of the murder of the mayor of Jaffna, who was shot at point blank range while he was about to enter a Hindu temple… A year later Prabhakaran's group was renamed the Liberation Tigers of Tamil Eelam (LTTE), commonly known as the Tamil Tigers. The Tigers became a formidable force numbering upwards of 10,000 soldiers, including women and children…He encouraged a cult of martyrdom among his followers which led to the first use of suicide bombings as a common form of attack, often against civilian targets.

"Under his leadership the LTTE was branded a terrorist organisation by many countries and he was wanted by Interpol, the global police network for murder, terrorism, organised crime and conspiracy. He was a shadowy figure, constantly under threat of arrest or assassination…Vellupillai Prabhakaran remained a secretive figure throughout his life, his movements between his various jungle hideouts carefully planned to avoid capture or assassination." **[9v]**
See also Annex C

RAJAPAKSE Basil
Minister of Economic Development. **[44a]** Previously he was a Senior Advisor to President Mahinda Rajapakse (who is his brother) and Chairman of the Presidential Task Force for Resettlement Development and Security in the Northern Province." **[37b] (p15) [53b]**

RAJAPAKSE Gothabaya
Defense Secretary and brother of the President Mahinda Rajapakse (EIU, Country Report Sri Lanka, May 2009) **[75n] (p12)**

RAJAPAKSE Mahinda
President. He was re-elected in the Presidential election held on 26 January 2010 winning 57.8 percent against 40.2 percent for Fonseka. **[4e]**

See also Section 4 on January 2010 Presidential election

On the previous Presidential election held on 17 November 2005 14, "Mahinda Rajapakse secured a narrow victory over his closest rival, Ranil Wickremasinghe, winning 50.29% of the vote, compared with 48.43% for Wickremasinghe." (Europa World Online) **[1a] (Recent History)**

Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, (accessed on 23 August 2010) recorded:

"Mahendra Percy 'Mahinda' Rajapakse was born on 18 November 1945 in the Hambantota district of southern Sri Lanka…He is a lawyer by training and has been a political activist for most of his adult life.Rajapakse hails from a well-known and influential family in southern Sri Lanka, of which several members have figured prominently in politics. His father was a founder member of the Sri Lanka Freedom Party (SLFP) and a close associate of late, former prime minister Sirimavo Bandaranaike. Rajapakse first entered parliament in 1970 at the age of 25, as the representative of the parliamentary constituency of Hambantota District which his father had represented from 1947 to 1960."

"After the elections of April 2004, Rajapakse mustered a broader spectrum of support to assume the position of prime minister. His appointment strengthened his position within the party as successor to Kumaratunga for the presidential elections of 2005. By August 2005 it was apparent that Rajapakse had gained the backing of his party, despite Kumaratunga's clear hostility towards him. Rajapakse was elected president in November 2005 by a slim margin over rival candidate Ranil Wickremasinghe. Rajapakse's victory owed much to an election boycott of the Tamil vote enforced by the Liberation Tigers of Tamil Eelam (LTTE). As the overwhelming majority of Tamils were hostile to Rajapakse's Sinhala nationalist campaign allies, the LTTE boycott effectively robbed Wickremasinghe of the votes that would have clinched him a winning margin.

"Rajapakse's tenuous parliamentary majority remained constantly subject to stress, the risk of defection, and the threat of premature elections. The government only narrowly survived the threat of defection during the budget vote in December 2007.

"Rajapakse's government has faced widespread criticism from domestic opposition and international human rights groups for the treatment of the Sri Lankan press since he came to power. Long subject to censorship, the press has faced extreme intimidation, including violence and threats, since the resumption of the civil war in mid-2006.

"The army declared a military victory against the LTTE and the death of rebel leader Prabhkaran in May 2009. Riding on the back of this victory, Rajapakse decisively won a second presidential term (with close to 60 per cent of the votes) in the January 2010 election, and his ruling UPFA won a clear mandate in the April 2010 parliamentary poll." **[5a] (Political Leadership, 29 April 2010, President Mahinda Rajapakse)**

WICKREMASINGHE Ranil
Leader of the main opposition party, United National Party (UNP) and former PM

"[He] returned to power as prime minister for a second time, following his victory in the parliamentary elections of December 2001. After this, Wickremasinghe consolidated his position as leader of his party, demonstrating his commitment to the continuing peace efforts with the LTTE, despite the assertion by his detractors that he was being outmanoeuvred. However, Wickremasinghe survived just over two years of his five-year term as his government was dismissed and fresh elections ordered in April 2004, which he subsequently lost. Despite this electoral defeat, Wickremasinghe remained the most obvious UNP candidate for the Sri Lankan presidency following the end of Kumaratunga's reign. He narrowly lost the 2005 presidential contest, but remains leader of the UNP as virtually all of his strong internal rivals defected to the government in late 2006 and early 2007. He did not contest the January 2010 presidential poll. In the parliamentary election, four months later, the opposition United National Front, which included the UNP, was trounced by the UPFA, securing a mere 60 parliamentary seats." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, (accessed on 27 January 2010) **[5a] (Political Leadership, 29 April 2010, Opposition leader Ranil Wickremasinghe)**

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ANNEX E: LIST OF ABBREVIATIONS

AHRC	Asian Human Rights Commission
AI	Amnesty International
BHC	British High Commission
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CID	Criminal Investigations Department
CPA	Centre for Policy Alternatives
CPJ	Committee to Protect Journalists
ERs	Emergency Regulations
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
GOSL	Government of Sri Lanka
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRC	Human Rights Commission
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IMF	International Monetary Fund
IOM	International Organisation for Migration
LTTE	**Liberation Tigers of Tamil Eelam**
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
NHRC	**National Human Rights Commission**
NPC	National Police Commission
NCPA	National Child Protection Authority
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PTA	Prevention of Terrorism Act
RSF/RWB	Reporters sans Frontières (Reporters without Borders)
SCOPP	Sri Lankan Government's Secretariat for Co-ordinating the Peace Process
SLA	Sri Lanka Army
SLAF	Sri Lanka Air Force
SLMM	Sri Lanka Monitoring Mission
STC	Save The Children
STD	Sexually Transmitted Disease
STF	Special Task Force
TI	Transparency International
TID	Terrorist Investigation Department
TMVP	**Tamileela Makkal Viduthalai Pulikal**
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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