

March 2016 (COI up to 19 February 2016)

## Sri Lanka COI Query Response- UPDATE

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### Issues for research

1. Information on Tamils who have returned (voluntarily or forced) to Sri Lanka since August 2014 and who were subjected to detention and/or torture and/or ill-treatment

(a) Information on their personal circumstances (e.g. gender, age, returned from where, when, length of stay abroad, status when returned [failed asylum-seeker, voluntary return, student, etc.]

(b) Information on the treatment upon return of these persons (e.g. detention – length, conditions; ill-treatment/torture, release – did individual stay in Sri Lanka or leave again after release)

(c) Information on the profile of (each of) these persons, in particular with regards to (i) their past links with the LTTE while in Sri Lanka, and on (ii) any activities while abroad supporting the LTTE or the cause of a separate Tamil State

(4) Any information on recent arrest/detention/ ill-treatment/ torture of Tamils within Sri Lanka, and on what grounds since August 2014

Ill- treatment of Tamils (not overtly based on a perceived association with LTTE)

Ill-treatment of persons with a perceived association to the LTTE

Treatment of “rehabilitees” and former LTTE combatants

## **Explanatory Note**

This report provides an update to Questions 1 and 4 of ARC's previous [Sri Lanka COI Query Response](#), thereby presenting country of origin information (COI) on events in Sri Lanka from 19 August 2014<sup>1</sup>, up to 19 February 2016 on specific research issues identified to be of relevance in refugee status determination for Sri Lankan nationals. The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments.

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. However, this document should not be submitted in full or in isolation as evidence to refugee decision making authorities. Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

## **List of sources and databases consulted**

### Search engines

[Ecoi.net](#)

[Google](#)

[Reliefweb](#)

[UNHCR RefWorld](#)

### NGOs/Think Tanks/Research centres

[Amnesty International](#) (Sri Lanka country page)

[Asian Centre for Human Rights](#) (Sri Lanka country page)

[Asian Human Rights Commission](#) (Sri Lanka country page)

[Asian Legal Resource Centre](#)

[Centre for Policy Alternatives](#)

[CHR. Michelsen Institute \(CMI\)](#)

[Foreign Affairs \(published by Council on Foreign Relations\)](#)

[Freedom from Torture](#)

[Freedom House \(Sri Lanka country page\)](#)

[Groundviews.org](#)

[Human Rights Commission of Sri Lanka](#)

[Human Rights Watch](#) (Sri Lanka country page)

[Institute of Peace and Conflict Studies](#) (Sri Lanka country page)

[International Bar Association's Human Rights Institute](#) (Sri Lanka country page)

[International Commission of Jurists](#)

[International Crisis Group](#) (Sri Lanka country page)

[International Truth & Justice Project Sri Lanka](#)

[Journalists for Democracy in Sri Lanka](#)

[Minority Rights Group International](#)

[Norwegian Country of Origin Information Centre \(Landinfo\)](#)

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<sup>1</sup> Apart from one 2014 Freedom from Torture report which was already included in the previous Sri Lanka COI Query Response due to its relevance to the issues addressed: Freedom from Torture, [Freedom from Torture up-dated submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014](#), 2014

[South Asia Terrorism Portal](#)  
[Sri Lanka Campaign for Peace and Justice](#)  
[Swiss Refugee Council](#)  
[Tamil Youth Organisation](#)  
[Tamils Against Genocide](#)  
[Transparency International](#)

Newspapers/ news sites (searched particularly in relation to question 1)

[Channel 4 News](#) (UK)  
[Colombo Telegraph](#)  
[Daily Mirror](#) (Sri Lanka)  
[Daily news Sri Lanka](#)  
[Inter Press Service](#)  
[IRIN](#) (Sri Lanka country page)  
[Tamil Guardian](#)  
[TamilNet](#)

Government departments

[Danish Immigration Service](#)  
[Immigration and Refugee Board of Canada](#)  
[Sri Lanka Ministry of Defense and Urban Development](#)  
[Swiss Federal Office for Migration](#)  
[U.S. Department of State](#) (Human Rights Reports)  
[UK Foreign & Commonwealth Office](#)

UN agencies

[UN Committee Against Torture](#)  
[UN High Commissioner for Refugees](#) (Sri Lanka country page)  
[UN Human Rights Council](#)  
[UN News Centre](#)  
[UN Office of the High Commissioner for Human Rights](#)  
[UN Secretary General](#)

## Issues for research

### 1. Information on Tamils who have returned (voluntarily or forced) to Sri Lanka since August 2014 and who were subjected to detention and/or torture and/or ill-treatment

(a) Information on their personal circumstances (e.g. male/female, age, returned from where, when, length of stay abroad, status when returned [failed asylum-seeker, voluntary return, student, etc.]

(b) Information on the treatment upon return of these persons (e.g. detention – length, conditions; ill-treatment/torture, release – did individual stay in Sri Lanka or leave again after release)

(c) Information on the profile of (each of) these persons, in particular with regards to (i) their past links with the LTTE while in Sri Lanka, and on (ii) any activities while abroad supporting the LTTE or the cause of a separate Tamil State

In December 2014 Amnesty International, the Human Rights Law Centre, and Human Rights Watch argued that “The Australian government should cease forced returns of Sri Lankan asylum seekers until they are provided fair, thorough, and transparent processing of their protection claims. [...] On November 29, 2014, Australian authorities turned over to Sri Lankan authorities a boat carrying 37 asylum seekers. Human Rights Watch has previously documented the Sri Lankan authorities’ use of torture and rape against ethnic Tamils in detention, including those returned as failed asylum seekers from countries such as Australia”.<sup>2</sup>

In its annual report covering events in 2014 Human Rights Watch stated that “The government’s treatment of Tamils forcibly returned to Sri Lanka after being denied asylum overseas continues to be a significant concern. [...] Human Rights Watch and others have documented the authorities’ use of torture against people suspected of links to the LTTE, including those returned as failed asylum seekers from the United Kingdom and other countries”.<sup>3</sup>

A February 2015 Research Memo issued by the Immigration and Refugee Board of Canada noted with regards to Government Screening to Identify Individuals with Alleged Links to the LTTE that “Sources report that individuals returning from abroad are particularly subject to screening (Assistant Professor 20 Jan. 2015; Council of NGOs 14 Jan. 2015). According to some sources, authorities have used former LTTE cadres and informants to identify individuals with links to the LTTE (Anthropologist 8 Jan. 2015; Adjunct Professor 12 Jan. 2015), although this has “lessened” or has at least become “not as obvious” as in the past (ibid.)”.<sup>4</sup>

In April 2015 Tamil National Alliance MP P Ariyanenthiran stated that “it was not yet safe for Tamils who had fled and were resettled abroad to return again, including those who were deported

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<sup>2</sup> Human Rights Watch, [Australia: Stop Forced Returns Without Proper Screening](#), 10 December 2014

<sup>3</sup> Human Rights Watch, [World Report 2015 - Sri Lanka](#), 29 January 2015

<sup>4</sup> Immigration and Refugee Board of Canada, [Sri Lanka: Treatment of suspected members or supporters of the Liberation Tigers of Tamil Eelam \(LTTE\), including information about how many are in detention; whether the government continues to screen Tamils in an attempt to identify LTTE suspects \(2011-January 2015\) \[LKA105041.E\]](#), 11 February 2015

following failed asylum claims and former LTTE cadres”.<sup>5</sup> He further reported that “At the end of the new government’s 100 day program, 15 Tamils who returned from foreign countries have been arrested at Katunayake airport. This includes those returnees, who returned having had their asylum claims rejected, following seeking political asylum in foreign countries. Many who have returned from a number of countries including Kuwait, Oman, Saudi Arabia, Italy, Australia and France have been arrested by the Terrorist Investigation Department at the airport”.<sup>6</sup>

The English summary of a July 2015 Norwegian LandInfo report stated that “Since the end of the military conflict in 2009, reports have been published about Tamils in the UK who have allegedly been tortured upon return to Sri Lanka. Media have also reported arrests of returnees at the airport in Colombo. Landinfo has not received any information that Tamils returning to Sri Lanka from Norway have been exposed to particular security arrangements or experienced physical violence”.<sup>7</sup>

In a July 2015 report on Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015 the International Truth & Justice Project (ITJP) Sri Lanka stated that “In addition we have taken statements from other witnesses who sought asylum after the war ended in Norway, Holland, Australia, France, Finland, Tanzania, another unknown African country, the UK and several in Switzerland who were rejected and then, when they returned to Sri Lanka, detained, tortured and/or sexually abused, and had to pay a ransom to escape abroad a second time”.<sup>8</sup> The same report further noted:

Many witnesses who lived abroad returned home because of family funerals or family weddings, or because they were told that President Rajapaksa had declared it safe for Tamils to return home. Some who had participated in Heroes Day celebrations honouring those LTTE killed in combat, or who had participated in lawful protests abroad, came to the attention of the security forces and were apprehended on their return to Sri Lanka, and severely tortured and sexually abused.

A security force insider testified since the presidential election in 2015 that military intelligence officials from Joseph Camp were actively looking for any Tamils returning home from abroad in order to interrogate them. The witness stated that the intention was to abduct, detain and torture them. We have obtained multiple photographs of informers and from showing these to witnesses who have recently arrived in the UK we know several informers are still active in the Vanni. This makes this period of apparent openness and reconciliation generated by the change of government one of great risk, especially when there is no demilitarisation or reduction in surveillance.<sup>9</sup>

With regards to monitoring abroad, the same report noted that “In several cases witnesses mentioned that they or their family members had been questioned about their participation in anti-government protests or war commemoration events abroad. Some reported the Sri Lankan security forces had showed them, or their families, photographs of themselves at these protests. This indicates the Sri Lankan security forces are monitoring these gatherings outside the country. In the UK at least, some Tamil diaspora organisations have responded by banning cameras at annual Heroes’ Day commemorations for the safety of the participants”.<sup>10</sup>

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<sup>5</sup> Tamil Guardian, [Not safe for Tamil diaspora to return to Sri Lanka says TNA MP](#), 28 April 2015

<sup>6</sup> Tamil Guardian, [Not safe for Tamil diaspora to return to Sri Lanka says TNA MP](#), 28 April 2015

<sup>7</sup> LandInfo Norwegian Country of Origin Information Centre, [Sri Lanka: Sikkerhetssituasjonen, LTTE og retur til hjemlandet \(Report on the security situation, the Liberation Tigers of Tamil Elam \(LTTE\) and the situation of returnees\)](#), 3 July 2015

<sup>8</sup> International Truth & Justice Project Sri Lanka, [A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015](#), July 2015, IV. Findings p.46

<sup>9</sup> International Truth & Justice Project Sri Lanka, [A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015](#), July 2015, The Extensive Use of Informers p.103

<sup>10</sup> International Truth & Justice Project Sri Lanka, [A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015](#), July 2015, C. Reprisals and Persecution p.91

In an August 2015 report the International Crisis Group noted that “Tamils returning from abroad continue to be arrested under the PTA [Prevention of Terrorism Act] on suspicion of old LTTE involvement. According to some reports, after police detention, many are sent to the military-run rehabilitation program. Tamil politicians and activists allege that secret detention centres established by the old government continue, though officials deny this”.<sup>11</sup>

The September 2015 Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka stated with regards to Human rights and related developments since the January 2015 presidential election:

Torture and sexual violence remain a critical concern, both in relation to the conflict and in the regular criminal justice system. A non-governmental organization that provides victims with medical services has highlighted six cases since the change of Government in 2015. A total of 37 per cent of the cases documented in its report concerned individuals who had returned to Sri Lanka after the conflict, a few of them rejected asylum seekers.<sup>12</sup>

The NGO this report refers to is the UK NGO Freedom from Torture. In August 2015 Freedom from Torture issued a report on Torture in Sri Lanka since May 2009.<sup>13</sup> It explained that the forensic evidence presented in the report covers torture committed in Sri Lanka from May 2009 to September 2013. Thus detailed evidence from the report has not been included here given that it predates the cut off point for this COI query. However, it should be noted that the key findings of the report are (emphasis added):

- The Sri Lankan military, police and intelligence services have continued to practise torture – including rape and other forms of sexual torture and extensive burning – in the years of ‘peace’ since the end of the armed conflict;
- There is a network of torture facilities across Sri Lanka including unofficial detention centres;
- Those at particular ongoing risk of torture include Tamils with a real or perceived association with the Liberation Tigers of Tamil Eelam (LTTE) at any level and whether current or historic;
- **The Sri Lankan authorities take a strong interest in the activities of the Tamil diaspora in the UK and many returning to Sri Lanka with a real or perceived past connection to the LTTE, at whatever level and whether directly and/or through a family member or acquaintance, have been tortured and interrogated about their activities and contacts in the UK;**
- Perpetrators appear to commit torture without fear of consequences as suggested by the lack of due process reported and heavy scarring left on the bodies of victims; and
- Torture has had a devastating impact on the survivors whose cases feature in this study: evidence of significant psychological impact was found in all 148 cases, including a high proportion of survivors suffering ongoing symptoms of PTSD (post-traumatic stress disorder) and depression.<sup>14</sup>

It should also be noted that the report indicates that “cases of more recent torture, including from 2014 and even 2015, have since been referred to Freedom from Torture. In 2014, for the third year in a row, Sri Lanka was the top country of origin for those referred to Freedom from Torture for clinical services”.<sup>15</sup> Freedom from Torture also considered that “Eradicating torture in Sri Lanka will require a radical transformation which has not been possible in the country yet despite political developments, including the change of President in January 2015”.<sup>16</sup> It further reported that:

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<sup>11</sup> International Crisis Group, [Sri Lanka Between Elections](#), 12 August 2015 IV. *Initial Steps on Reconciliation* p.17

<sup>12</sup> UN Human Rights Council, [Report of the Office of the United Nations High Commissioner for Human Rights on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka](#), 28 September 2015, paragraph 21

<sup>13</sup> Freedom from Torture, [Tainted Peace: Torture in Sri Lanka since May 2009](#), August 2015

<sup>14</sup> Freedom from Torture, [Tainted Peace: Torture in Sri Lanka since May 2009](#), August 2015 Summary p. 9

<sup>15</sup> Freedom from Torture, [Tainted Peace: Torture in Sri Lanka since May 2009](#), August 2015, Summary p. 9

<sup>16</sup> Freedom from Torture, [Tainted Peace: Torture in Sri Lanka since May 2009](#), August 2015, Summary p. 9

Moreover, there is evidence of ongoing torture since Maithripala Sirisena became President in January 2015. Two Sri Lankans tortured after this power transfer have already been referred to Freedom from Torture for clinical services. Case materials for a further four cases have been shared with us by independent lawyers following consent from the individuals concerned.<sup>17</sup>

In a September 2015 submission to the UN Human Rights Council the Society for Threatened Peoples claimed that “Returning Tamils from abroad continue being arrested at the airport”.<sup>18</sup>

In a January 2016 report on survivors of torture and sexual violence in 2015, the International Truth & Justice Project (ITJP) Sri Lanka asserts that “The change of government in January 2015 led many young Tamils with tentative past links to the LTTE and low level cadres to think it was safe to return to Sri Lanka or to come out of hiding and return to their home villages. Some were abroad; others spent the last six years lying low in towns like Vavuniya or Jaffna.”<sup>19</sup> It cited the following witness on this point, although does not specify whether they had returned from abroad:

*“Assuming that I would not have any further trouble at the hands of the Sri Lankan authorities under the new government, I decided to move back to my home village and live with my family. I went home in mid 2015. My decision to return home was a happy one to make. I was joyful to live with my family again. As it turned out, it was the worst decision of my life - one that will impact me forever.” (Witness 159)”*

This witness was quickly identified by the security forces, abducted in a “white van” and repeatedly tortured and raped.<sup>20</sup>

The report documented the experiences of 20 Sri Lankan Tamils “all but one of them victims of a “white van” abduction resulting in unauthorised detention, repeated torture and sexual violence”, who are now in three different countries.<sup>21</sup> Five of the abductions took place after the August 2015 parliamentary elections; fifteen were after the January 2015 presidential elections.<sup>22</sup> It stated that “Some had spent periods in hiding in southern India and it was clear their interrogators regarded this with great suspicion when they returned home”.<sup>23</sup> The ITJP report further noted that “a person was arrested on arrival in Sri Lanka and questioned about media interviews abroad”.<sup>24</sup>

The same report also documented surveillance of the Tamil diaspora abroad:

[...] there is evidence that the intelligence services have continued in 2015 to show detainees who have returned to Sri Lanka photographs of themselves attending Heroes’ Day events and other

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<sup>17</sup> Freedom from Torture, [Tainted Peace: Torture in Sri Lanka since May 2009](#), August 2015, Introduction p. 15

<sup>18</sup> Society for Threatened Peoples, Written statement\* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status to the UN Human rights council, [Ongoing oppression of minorities in Sri Lanka](#), 4 September 2015, 1. Executive Summary

<sup>19</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, Introduction p.10

<sup>20</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, Introduction p.10

<sup>21</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, 1. The Victims p.13

<sup>22</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, 1. The Victims p.13

<sup>23</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, 1. The Victims p.13

<sup>24</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, III. Reprisals during 2015 p. 30

commemorations abroad. This suggests there is continuing interest in surveillance of diaspora events.<sup>25</sup>

The ITJP report warns that “Be aware that Tamils who return to Sri Lanka from abroad are under surveillance and there is still an extensive network of Tamil informers watching for people returning home, especially in the Vanni. The intelligence services will likely watch someone for a few days on return to the country before picking them up, so clearing the airport is no guarantee of future safety”.<sup>26</sup>

The following are non-exhaustive, illustrative examples, presented in reverse chronological order (from 19 August 2014 to 19 February 2015):

- A. (a) The Tamil Guardian noted that on 25 January 2016 a 25 year old Tamil from Kilinochchi “who was deported from Oman has been arrested on arrival in Sri Lanka at the Katunayake International Airport in Colombo”.<sup>27</sup>  
(b) Reportedly he “was detained by Sri Lanka’s Criminal Investigations Department (CID) and is being held for further questioning”.<sup>28</sup>  
(c) No further information on his profile was provided.
  
- B. (a) Journalists for Democracy in Sri Lanka reported that on 20 January 2016 Tamil journalist “Punniyamoorthi Sasikaran who positively responded to an open invitation of the government by returning to the island was arrested by Sri Lankan authorities. [...] A journalist and a rights activist from eastern Batticaloa, Sasikaran was forced to flee to Australia in 2012 due to threats to his life”.<sup>29</sup>  
(b) The same source further notes that he was later released on bail and “has been banned from travelling abroad for five years while being ordered to report to the notorious Fourth Floor of the Criminal Investigation Department (CID) in Colombo every month, located over 300 km away from his eastern home town. [...] He has been called to appear in courts on 20 July to face charges on illegal immigration to Australia”.<sup>30</sup>  
(c) Sasikaran is described as “a journalist and a rights activist from eastern Batticaloa [...] before fleeing the country he worked as a provincial correspondent for Ran FM and Sudar Oli Tamil journal. He was also an activist involved with the campaigns of Sri Lanka National Fisheries Solidarity Movement (NAFSO) and Campaign for Free and Fair Elections (CaFFE)”.<sup>31</sup>
  
- C. (a) On 22 December 2015 a 22-year-old Tamil youth from Batticaloa, who returned from Qatar was reported missing after he arrived at Colombo Katunayake Airport on 12 December 2015.<sup>32</sup> According to Tamilnet reporting on the incident “The SL military intelligence has detained many Tamil returnees from the Middle East earlier”.<sup>33</sup>

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<sup>25</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, III. Reprisals during 2015 p. 30

<sup>26</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, Important Information for Tamils Abroad Considering Returning Home p.43

<sup>27</sup> Tamil Guardian, [Tamil youth detained at Colombo airport](#), 25 January 2016

<sup>28</sup> Tamil Guardian, [Tamil youth detained at Colombo airport](#), 25 January 2016

<sup>29</sup> Journalists for Democracy in Sri Lanka, [Returning Tamil journalist shocked of 'betrayal' by fellow Sinhalese](#), 8 February 2016

<sup>30</sup> Journalists for Democracy in Sri Lanka, [Returning Tamil journalist shocked of 'betrayal' by fellow Sinhalese](#), 8 February 2016

<sup>31</sup> Journalists for Democracy in Sri Lanka, [Returning Tamil journalist shocked of 'betrayal' by fellow Sinhalese](#), 8 February 2016

<sup>32</sup> Tamilnet, [Tamil youth from Batticaloa reported missing at Colombo airport](#), 22 December 2015

<sup>33</sup> Tamilnet, [Tamil youth from Batticaloa reported missing at Colombo airport](#), 22 December 2015



- (b) No further details of his treatment on return were provided.
- (c) No further information on his profile was provided.
- D. (a) On 16 August 2015 according to Journalists for Democracy in Sri Lanka two Tamil men were “arrested after they were deported from Europe. [...] 26 year old Kurunathan Nirushan from Kopay of northern Jaffna and Frederick Lawrence from the western town of Ragama have been arrested following their deportation from Turkey on 16 August”.<sup>34</sup>
- (b) The same source further noted that “Charged with possessing false travel documents, both have been detained until 28 August [...] held in the high security prison in Negombo”.<sup>35</sup>
- (c) No further information was provided on the profile of these persons.
- E. In August 2015 the International Truth & Justice Project Sri Lanka reported that “According to former Batticaloa District parliamentarian P Ariyanenthiran, since January 2015, at least 19 Tamils have been arrested at the Colombo airport by the officers attached to the CID and Terrorist Investigation Division (TID)”.<sup>36</sup> However, it should be noted that some of those were arrested attempting to leave the airport, not on return.<sup>37</sup>
- F. (a) The Sri Lanka Mirror reported that on 27 June 2015 thirty-year-old Konesapillai Kugadasan was arrested having returned from Bahrain, although previously he had returned safely twice from Qatar and Saudi Arabia.<sup>38</sup>
- (b) He was being detained at the fourth floor of the CID.<sup>39</sup>
- (c) The same source further noted “A brother who visited him was told by police that the ex-LTTE member from Pangulaweli was being detained for rehabilitation. [...] Kugadasan joined the LTTE in 2000 and surrendered to the Sittandi military camp in 2006, and went for employment in the Middle East upon being released by the military”.<sup>40</sup>
- G. (a) In May 2015 Tamilnet reported that “The Sri Lankan ‘Terrorist’ investigation division has arrested at least 16 Tamil men from Batticaloa district at Katunayake International Airport within the past 100 days of the so-called good governance of the new SL regime in Colombo, Tamil rights activists in Batticaloa said. [...] The arrests take place when they return after working abroad at Middle Eastern countries, the sources said”.<sup>41</sup>
- (b) Furthermore, “The arrested Tamil men are being detained at Boosa, Magazine and Welikade detention camps, the activists said”.<sup>42</sup>
- (c) Reportedly, “Almost all the victims were ex-LTTE members who had undergone SL military ‘rehabilitation’ and released earlier”.<sup>43</sup>

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<sup>34</sup> Journalists for Democracy in Sri Lanka, [Four Tamils arrested at Colombo airport in midst of election fever](#), 20 August 2015

<sup>35</sup> Journalists for Democracy in Sri Lanka, [Four Tamils arrested at Colombo airport in midst of election fever](#), 20 August 2015

<sup>36</sup> International Truth & Justice Project Sri Lanka, [Four Tamils arrested at Colombo airport in midst of election fever](#), 20 August 2015

<sup>37</sup> For example, see: Journalists for Democracy in Sri Lanka, [Another Tamil woman arrested at Colombo airport](#), 20 August 2015

<sup>38</sup> Sri Lanka Mirror, [Another Tamil returnee arrested](#), 1 July 2015

<sup>39</sup> Sri Lanka Mirror, [Another Tamil returnee arrested](#), 1 July 2015

<sup>40</sup> Sri Lanka Mirror, [Another Tamil returnee arrested](#), 1 July 2015

<sup>41</sup> Tamilnet, [16 Batticaloa Tamils arrested within last 100 days at Colombo airport](#), 3 May 2015

<sup>42</sup> Tamilnet, [16 Batticaloa Tamils arrested within last 100 days at Colombo airport](#), 3 May 2015

<sup>43</sup> Tamilnet, [16 Batticaloa Tamils arrested within last 100 days at Colombo airport](#), 3 May 2015

- H. (a) On 30 May 2015 according to Tamilnet “A 39-year-old father of a child, who returned to Ampaa'rai after being employed in Dubai, has been detained at Katunayaka International Airport. [...] Last time he had left the island was in August 2014 for employment in Dubai”.<sup>44</sup>  
 (b) No further information on his detention was provided.  
 (c) Reportedly, “The detained person, who hails from 12 Division in Kaarai-theevu, had left the LTTE in 2004 and undergone investigations earlier. But, he has been continuously harassed by the military intelligence of the occupying Sri Lanka Army while he was in Ampaa'rai, news sources in Ampaa'rai told TamilNet”.<sup>45</sup>
- I. (a) On 22 April 2015 the Tamil Guardian reported that Ragupathy Kanagasooriyam from Kokkaddicholai who was working in Saudi Arabia was arrested having returned to the country from holiday.<sup>46</sup> According to his family, Mr Kanagasooriyam had returned to Sri Lanka previously on holiday and gone back to Saudi Arabia “without any hindrance”.<sup>47</sup>  
 (b) He was arrested by the Terrorist Investigation Department at Katunayake airport.<sup>48</sup>  
 (c) No further information on his profile was provided.
- J. (a) In March 2015 Groundviews reported that JeyaGanesh Pakeerathy, “a former female LTTE cadre resident in France and married to a French citizen (also Tamil), who had returned with her daughter (also a French citizen), was arrested and detained by the TID at the airport”.<sup>49</sup> She left for France in 2005, returned to Sri Lanka on 3 February 2015 and on 12 February 2015 was interviewed by the TID about her connections with the LTTE and about her husband.<sup>50</sup> She was prevented from checking in to her return flight to France on 3 March 2015.<sup>51</sup>  
 (b) Groundviews further reported that “She was detained for about two weeks and then released on conditional bail. She is not permitted to return to France as her case is still ongoing, and she’s currently residing with relations in the North. Her next hearing date will be on the 2nd of September, 2015”.<sup>52</sup>  
 (c) Ms. JeyaGanesh Pakeerathy “was a member of the Liberation Tigers of Tamil Eelam (LTTE) Sea Tigers unit for around four years (exact years unknown). She was heavily injured and was discontinued in 2000”.<sup>53</sup> Reportedly she was detained because “firstly she was in the Sea Tigers, and secondly she was trying to regroup the LTTE in France”.<sup>54</sup>
- K. (a) On 6 February 2015 the Tamil Guardian reported that “Sri Lanka's Criminal Investigation Department (CID) arrested two Tamil men at Colombo airport this week, as they returned from the Middle East to visit their families on holiday. Kandasamy Karunananidhi, a 36 year old man from Kaluthavalai, Batticaloa and Thamodaram Baskaran, a 29 year old from Kokkaddicholai, Batticaloa were both arrested on arrival in Sri Lanka on the 2nd and 3rd of February respectively”.<sup>55</sup>

<sup>44</sup> Tamilnet, [SL military continues to arrest Tamils from East returning from Middle-East](#), 31 May 2015

<sup>45</sup> Tamilnet, [SL military continues to arrest Tamils from East returning from Middle-East](#), 31 May 2015

<sup>46</sup> Tamil Guardian, [Not safe for Tamil diaspora to return to Sri Lanka says TNA MP](#), 28 April 2015

<sup>47</sup> Tamil Guardian, [Not safe for Tamil diaspora to return to Sri Lanka says TNA MP](#), 28 April 2015

<sup>48</sup> Tamil Guardian, [Not safe for Tamil diaspora to return to Sri Lanka says TNA MP](#), 28 April 2015

<sup>49</sup> Groundviews, [PTA detainees – Ignored under “Yahapalanaya?”](#), 9 May 2015

<sup>50</sup> Groundviews, [TID arrests a Tamil woman and 8 year old French daughter](#), 3 March 2015

<sup>51</sup> Groundviews, [TID arrests a Tamil woman and 8 year old French daughter](#), 3 March 2015

<sup>52</sup> Groundviews, [PTA detainees – Ignored under “Yahapalanaya?”](#), 9 May 2015

<sup>53</sup> Groundviews, [TID arrests a Tamil woman and 8 year old French daughter](#), 3 March 2015

<sup>54</sup> Groundviews, [TID arrests a Tamil woman and 8 year old French daughter](#), 3 March 2015

<sup>55</sup> Tamil Guardian, [Two Tamils arrested on return to Sri Lanka](#), 6 February 2015

(b) It further noted that they were being detained in the “notorious fourth floor of the CID headquarters in Colombo” and that “The parents of the men were summoned to the CID office in Colombo and told their sons would be released after questioning”.<sup>56</sup>

(c) Reportedly “According to the parents, these two boys had briefly been in the LTTE, but they left the outfit long ago and were working in Dubai and Qatar,” Tamil National Alliance MP Mr Ariyanenthiran told the Tamil Guardian.<sup>57</sup>

L. (a) In February 2015 the Tamil Guardian reported that “At least seven people, hailing from the North-East were arrested at the Bandaranaike Airport near Colombo over the last two weeks, according to Thinakkural”.<sup>58</sup>

(b) Reportedly, “A group of six people, who were exiled in Italy, were assaulted by the Terrorism Investigation Department (TID) at the airport, with one 31 year old man from Puttur, Northern Province hospitalised. The others were arrested and had charges filed against them by a court in Negombo and are being held on remand”.<sup>59</sup>

(c) No further information was provided on the profile of these persons.

M. (a) The South Asia Terrorism Portal documented that on 2 November 2014 “Sri Lanka Police's ITD arrested a suspected member of the LTTE, identified as Somasundaram Wasantha Kumar who returned from Qatar. [...] Wasantha Kumar has migrated to Qatar and worked there for a long time after the end of civil war in Sri Lanka”.<sup>60</sup>

(b) No further details on his arrest were provided.

(c) Reportedly, “Police media spokesman SSP Ajith Rohana said that the arrested Sri Lankan expatriate was an ethnic Tamil and the suspect tiger cadre has not been rehabilitated after the end of war. [...] Reports also said that the suspect was noted in the immigration records as a wanted person. Ajith Rohana added that the suspect had closely associated with three LTTE terrorists, identified as Gobi, Appan and Thevian who were killed April, 2014 in Weli Oya, Mullaithivu District in Northern Province as they were trying to revive the now defunct terrorist organization”.<sup>61</sup>

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<sup>56</sup> Tamil Guardian, [Two Tamils arrested on return to Sri Lanka](#), 6 February 2015

<sup>57</sup> Tamil Guardian, [Two Tamils arrested on return to Sri Lanka](#), 6 February 2015

<sup>58</sup> Tamil Guardian, [More arrests at Bandaranaike Airport](#), 21 February 2015

<sup>59</sup> Tamil Guardian, [More arrests at Bandaranaike Airport](#), 21 February 2015

<sup>60</sup> South Asia Terrorism Portal, [Sri Lanka Timeline 2014](#), 2014

<sup>61</sup> South Asia Terrorism Portal, [Sri Lanka Timeline 2014](#), 2014

**(4) Any information on recent arrest/detention/ ill-treatment/ torture of Tamils within Sri Lanka, and on what grounds since August 2014**

The information included in this section specifically addresses the ill-treatment of Tamils, especially those with a perceived association with the LTTE. It does not address the situation for Tamils with other profiles which were previously identified to be at risk by UNHCR in its 2012 Eligibility Guidelines; i.e. **it does not address the situation for Tamil journalists or media professionals, Tamil opposition politicians or political activists, or Tamil witnesses of human rights violations or Tamil victims of human rights violations seeking justice.**<sup>62</sup> This section presents information on:

[III- treatment of Tamils \(not overtly based on a perceived association with LTTE\)](#)

[III-treatment of persons with a perceived association to the LTTE](#)

[Treatment of “rehabilitees” and former LTTE combatants](#)

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<sup>62</sup> UNHCR, [UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka](#), 21 December 2012, III. Eligibility for International Protection, A. Risk profiles

### III- treatment of Tamils (not overtly based on a perceived association with LTTE)

The annual U.S. Department of State report covering events in 2014 summarises that inter alia, “serious human rights problems included unlawful killings by security forces and government-allied paramilitary groups, often in predominantly Tamil areas; [...] Discrimination [...] against the ethnic Tamil minority continued, and a disproportionate number of the victims of human rights abuses were Tamils”.<sup>63</sup> The same report noted that “Enforced and involuntary disappearances continued to be a problem. [...] Among the individuals allegedly abducted were businessmen, political party activists, and one entire family. The victims of the alleged abductions were disproportionately Tamils”.<sup>64</sup> Furthermore, “The law provides for the right to privacy, but the government infringed on this right, particularly when conducting cordon and search operations in Tamil neighborhoods”.<sup>65</sup> The report stated with regards to the treatment of national/racial/ethnic minorities:

Both local and Indian-origin Tamils maintained they suffered longstanding, systematic discrimination in university education, government employment, and other matters controlled by the government. Tamils stated the government was undertaking efforts to alter the demographic realities of the north and east to diminish Tamil-speaking peoples’ claim to majority status in any single geographical region in the country. Throughout the year evidence of state-sponsored settlements of Sinhalese communities in the north continued to mount, especially in Vavuniya District. Government officials stated that the Vavuniya settlements consisted of resettled Sinhalese families who fled the area during the war, but such claims were impossible to verify. Tamils throughout the country, but especially in the north and east, reported that security forces and paramilitary groups frequently harassed young and middle-aged Tamil men.<sup>66</sup>

In its annual report covering events in 2014 Human Rights Watch stated that “While various development, resettlement, and reconstruction projects have been undertaken in former war zones in the north and east, government pledges to address the rights concerns of the ethnic Tamil population remain largely unfulfilled. The government has blocked simple gestures, such as allowing Tamil communities to hold commemorative services for their dead or sing the national anthem in Tamil”.<sup>67</sup> In a November 2014 submission to the UN Human Rights Council Amnesty International considered that “Discrimination against ethnic, linguistic and religious minorities, including members of Tamil, Muslim and Christian communities remains a serious problem in Sri Lanka. Minorities have been singled out for restrictions on freedom of expression and association. Police have failed to protect minorities when they have been threatened with violence by communal forces, and have not arrested perpetrators, even when there was photographic evidence to identify them”.<sup>68</sup>

In February 2015 the Pasumai Thaayagam Foundation submitted to the UN Human Rights Council that “Tamil women were given involuntary contraceptive implants. Witnesses trying to prevent this were harassed by security forces and health officials. In some cases weapons and administrative powers were used as a form of intimidation. [...] A Tamil woman whose husband is living in abroad

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<sup>63</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sri Lanka](#), 25 June 2015, *Executive Summary*

<sup>64</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sri Lanka](#), 25 June 2015, 1.b. *Disappearances*

<sup>65</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sri Lanka](#), 25 June 2015, 1.f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence*

<sup>66</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sri Lanka](#), 25 June 2015, *Section 6. Discrimination, Societal Abuses, and Trafficking in Persons*

<sup>67</sup> Human Rights Watch, [World Report 2015 - Sri Lanka](#), 29 January 2015

<sup>68</sup> Amnesty International, [UN Human Rights Council Forum on Minority Issues Seventh Session 25 – 26 November 2014](#), 26 November 2014

was forced to take the contraception implant Jadelle, which was inserted under the skin of her upper arm”.<sup>69</sup>

A February 2015 Research Memo issued by the Immigration and Refugee Board of Canada noted with regards to Government Surveillance of the Tamil Population that “Sources stated there is “widespread” apprehension within the Tamil population about surveillance by authorities (Anthropologist 8 Jan. 2015; NPC 10 Jan. 2015), such as concerns and suspicions regarding the monitoring of phone calls and e-mails (ibid.)”.<sup>70</sup> It further cited an anthropologist (affiliated with the American Institute of Sri Lankan Studies who has researched issues pertaining to ethnic minorities in Sri Lanka and their political situation during and after the civil war) as stating that:

[o]ne of the government's most widely used practices is using Tamil informants, many of whom are former LTTE combatants who now work with the government. ... There is, in essence, a network of spies who help the government in monitoring Tamils in the North and East. Some are Tamil, others not. (8 Jan. 2015)<sup>71</sup>

A further February 2015 Research Memo issued by the Immigration and Refugee Board of Canada cited the Executive Director of the National Peace Council of Sri Lanka (an NGO which aims to mobilize Sri Lankans “towards peace and conflict transformation,” through advocacy, research, training, and dialogue (National Peace Council 25 Nov. 2008)) as stating with regards to Surveillance of Tamil Citizens that:

[i]ntelligence personnel in military uniform and civilian attire question participants at civil society events, such as exchange visits, seminars and even at social functions such as weddings. Prior notice of such events is routinely required in the North and East. With regard to individuals, there is widespread apprehension, even outside the North and East, of surveillance of phone calls and emails. (Executive Director 12 Jan. 2015).<sup>72</sup>

A March 2015 Sri Lanka Campaign report considered that “Even under Sri Lanka’s new government, those living in conflict-affected regions continue to face intimidation and surveillance by Sri Lankan security and intelligence structures. To date, there is no evidence that state apparatuses in the north and east of Sri Lanka are undergoing a transformation of attitude towards civil society, as appears to be starting to take place in the south. Moreover, the climate of fear that persists among these groups, and which has been built up over decades, would require both a complete change in political climate and a significant passage of time to subside”.<sup>73</sup>

In an August 2015 report the International Crisis Group reported with regards to Policing and surveillance by the military that “the repressive security apparatus remains in place”; the police and military retain their extensive informer network – relying heavily on ex LTTE (Tamil Tiger)

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<sup>69</sup> Pasumai Thaayagam Foundation, Written statement\* submitted to the UN Human Rights Council by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status, [Sexual and Reproductive Rights violations of Tamil Women in the Island of Sri Lanka](#), 3 February 2015

<sup>70</sup> Immigration and Refugee Board of Canada, [Sri Lanka: Treatment of suspected members or supporters of the Liberation Tigers of Tamil Eelam \(LTTE\), including information about how many are in detention; whether the government continues to screen Tamils in an attempt to identify LTTE suspects \(2011-January 2015\) \[LKA105041.E\]](#), 11 February 2015

<sup>71</sup> Immigration and Refugee Board of Canada, [Sri Lanka: Treatment of suspected members or supporters of the Liberation Tigers of Tamil Eelam \(LTTE\), including information about how many are in detention; whether the government continues to screen Tamils in an attempt to identify LTTE suspects \(2011-January 2015\) \[LKA105041.E\]](#), 11 February 2015

<sup>72</sup> Immigration and Refugee Board of Canada, [Sri Lanka: Surveillance, arrest and detention of Tamil citizens; recourse available to Tamil citizens \(August 2011-January 2015\)](#), 4 February 2015

<sup>73</sup> Sri Lanka Campaign, [How Can We Have Peace](#), March 2015, *Methodology* p.3

combatants – and regular questioning that political activists in the north and east find intimidating”.<sup>74</sup> Reporting on militarisation the Oakland Institute noted in a May 2015 report that “Sri Lanka’s army still occupies “high security zones” in the North and East of the country. In 2014, at least 160,000 soldiers, almost entirely Sinhalese, were estimated to be stationed in the North. With the Northern Province’s population estimated at just over one million in 2012, this yields a ratio of one army member for every six civilians, despite the official end of hostilities six years ago”.<sup>75</sup> The same source explained with regards to Tamil land grabs that:

Between December 2014–January 2015, the Oakland Institute carried out research and fieldwork in order to document the state of land conflicts and displacement amidst accusations of land grabs experienced by the Tamils and other minorities at the hands of the Sri Lankan army and the government. While investigating the land grabs, the research team witnessed continued discrimination, harassment by the police, and the horrors of the civil war that continue to torment minority groups, especially the Tamils.<sup>76</sup>

In an August 2015 white paper on Tamil Women in Post-War Sri Lanka, based on over 50 interviews with women in the former conflict zone and activists and advocates working on their behalf, Nimmi Gowrinathan and Kate Cronin-Furman of the City University of New York Colin Powell School found that:

Tamil women in Northern Sri Lanka still face the risk of rape and harassment by the security forces present throughout the region, but their lives are even more negatively impacted by the climate of fear and by a worrying uptick in violence against women within the Tamil community. The ever-present threat of violence by the military has led women to lead tightly circumscribed lives, limiting their daily activities in order to minimize their risk of sexual assault. Their reduced participation in public life keeps them in the home, where they are increasingly vulnerable to violence at the hands of the men in their lives, many of whom are also struggling with the after-effects of wartime trauma. And the measures taken by the community, by the state, and by international actors to address their needs have only made the situation worse. Hasty marriage for protection, wellbeing schemes that entail isolation and exposure to state agents, and disempowering livelihoods programs have further undermined their economic and political position.<sup>77</sup>

Further reporting on the situation for Tamil women in 2015 the white paper noted:

The most overt forms of violence against women, (rape, sexual assault, and sexual harassment) remain a concern amongst Tamil women, particularly survivors of rape by the military who have reported their cases, with no follow up or prosecution. [...]

While some sub-groups of Tamil women are ‘particularly vulnerable’ to rape (those living near large army camps, the disabled), most Tamil women live with a disturbing spectrum of aggressive sexual behaviors from military personnel. [...]

Sexual harassment by the military remains a daily reality for Tamil women, particularly young women, who must engage with state forces for basic activities ranging from purchasing vegetables to school registration. In areas with little electricity, many women’s only opportunity to charge their cell phones is to visit the nearest military camp. Some, one rights activist notes, “are asked for sexual favors in exchange for the use of their electricity.” [...]

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<sup>74</sup> International Crisis Group, [Sri Lanka Between Elections](#), 12 August 2015, *IV. Initial Steps on Reconciliation* p.16

<sup>75</sup> Oakland Institute, [The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka](#), May 2015, *Executive Summary* p.3

<sup>76</sup> Oakland Institute, [The Long Shadow of War: The Struggle for Justice in Postwar Sri Lanka](#), May 2015, *Introduction* p.5

<sup>77</sup> Nimmi Gowrinathan and Kate Cronin-Furman, City University of New York Colin Powell School, [Tamil Women in Post-War Sri Lanka The forever victims?](#) 28 August 2015, *Abstract* p.2

With limited income-generation opportunities available to them, Tamil women are often left to fill positions such as cleaning toilets in military camps where “they are often subjected to sexual harassment and abuse”. [...]

The absence of the disciplinarian leadership of the LTTE alongside heavy militarization has fostered the growth of exploitative sexual relationships. Both a local activist and a laborer point to the Jaffna Bus Stand as site where young Tamil women are vulnerable. “Here, you will see a young Sinhalese man who will stop a Tamil girl on her way to tuitions to show her a music video, or something interesting on his phone.” Abandoned houses across Jaffna facilitate pop-up prostitution by amateur pimps, capitalizing on space and the insecure position of Tamil women.<sup>78</sup>

In a September 2015 submission to the UN Human Rights Council, the Society for Threatened Peoples claimed that “The new Sri Lankan government elected in January 2015 has made some positive achievements regarding human rights. But the oppression of the Tamil minority is still going on. The situation of Tamils in Sri Lanka did not really improve. Also the culture of impunity did not stop. Tamils are still being abducted, tortured and sexually abused by the security Forces”.<sup>79</sup> The report further noted:

Independent reports revealed that even under the new government abductions, torture and sexual abuse by the security forces continue. Government officials have confirmed the past existence of “white van” abductions by the security forces. They claim that they have put an end to “the white van culture”. However, at least eight cases of torture since the presidential election in January 2015 have been reported. Human rights organisations assume that the real number is much higher. The documented cases occurred in the North as well as in the capital. The tortured witnesses described a familiar pattern of abduction in “white vans” as during the time of the former regime. The escaped victims state that their families have been questioned and harassed after they left the country. The GoSL did not put an end to the culture of impunity so far.<sup>80</sup>

Speaking to The Sunday Leader, Global Tamil Forum spokesman Suren Surendiran noted in an October 2015 article that:

[...] large swathes of private land are still illegally occupied by the military, disproportionate number of military personnel still remain in the North and East, intimidation and arbitrary arrests still continue, military remains engaged in day to day life of Tamils in North and East, sexual violence continue against the tens of thousands of war widows and others, Tamil men and women still live in fear even more so in the Northern and Eastern provinces, several hundreds of political prisoners still remain in custody without being charged, the Prevention of Terrorism Act still not repealed, above all the Tamil National Question remains unresolved.<sup>81</sup>

In September 2015 the Human Rights Council discussed the High Commissioner’s report on Sri Lanka. The following were amongst the points made during the interactive dialogue with regards to the situation for Tamils:

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<sup>78</sup> Nimmi Gowrinathan and Kate Cronin-Furman, City University of New York Colin Powell School, [Tamil Women in Post-War Sri Lanka The forever victims?](#) 28 August 2015, *Section 2. The situation for Tamil Women in 2015 p. 8*

<sup>79</sup> Society for Threatened Peoples, Written statement\* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status to the UN Human rights council, [Ongoing oppression of minorities in Sri Lanka](#), 4 September 2015, *1. Executive Summary*

<sup>80</sup> Society for Threatened Peoples, Written statement\* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status to the UN Human rights council, [Ongoing oppression of minorities in Sri Lanka](#), 4 September 2015, *III. Ongoing Abductions, Torture and Sexual Abuse in 2015*

<sup>81</sup> Sunday Leader, [Mending Broken Hearts](#), 18 October 2015



United Nations Watch expressed disappointment at the Sri Lankan Government's refusal to meet or cooperate with the investigation by the Office of the High Commissioner for Human Rights, and the fact that Government officials sought to undermine the investigation. It was alarmed by the documented violations of the laws of armed conflict by both Government forces and the LTTE, and the oppression of the Tamils and other minority groups.

Minority Rights Group noted that years after the formal end of the conflict, impunity persisted; the situation remained grave for minority women. Many faced chronic insecurity, protracted displacement, land grabbing and the threat of sexual violence. [...]

Pasumai Thaayagam Foundation said that even the new Government had not allowed the investigative team to visit the country, and Tamil people in Sri Lanka still lived in fear. The Foundation urged the Office of the High Commissioner for Human Rights to establish a presence in the north and east of Sri Lanka to ensure effective witness protection.<sup>82</sup>

In a January 2016 report on survivors of torture and sexual violence in 2015, the International Truth & Justice Project (ITJP) Sri Lanka stated that "Human rights violations by the security forces continue with impunity and a predatory climate against Tamils prevail".<sup>83</sup> The same source further noted that:

[...] one year after the change of government in Sri Lanka the security forces continue to detain, torture and sexually violate Tamils in a network of sites across the island. ITJP's experienced war crime investigators have taken sworn statements from post-election survivors of torture and sexual violence that continues to occur in a network of known army camps and police stations as well as in secret sites not only in the north but also across the island. Some torture sites appear to be inside or adjacent to army camps. In other cases the perpetrators go to considerable lengths to hide the locations from the victims and their families, all the while not being concerned that their own identities are revealed to the victims or their families.<sup>84</sup>

The report documented the experiences of 20 Sri Lankan Tamils "all but one of them victims of a "white van" abduction resulting in unauthorised detention, repeated torture and sexual violence" who are now in three different countries.<sup>85</sup> Five of the abductions took place after the August 2015 parliamentary elections; fifteen were after the January 2015 presidential elections.<sup>86</sup> Of the 20, it stated that 4 were not LTTE members.<sup>87</sup>

The report asserts that "The 2015 victims appear to be targeted for some or all of the following reasons, among others":

1. They are identified as LTTE child soldiers who failed to surrender when crossing the government lines in 2009.
2. To deter them and other Tamils from exercising their legitimate, democratic political rights by campaigning in elections or distributing political information or protesting regarding the disappearance of a relative in state custody.
3. To maintain control over the Tamils through an atmosphere of oppression and tyranny and deter them from testifying against the government in upcoming justice initiatives.

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<sup>82</sup> OHCHR news, [Human Rights Council discusses High Commissioner's report on Sri Lanka](#), 30 September 2015

<sup>83</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016

<sup>84</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, *Introduction* p.9

<sup>85</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, *1. The Victims* p.13

<sup>86</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, *1. The Victims* p.13

<sup>87</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, *Introduction* p. 2

4. As a form of post-war ethnic cleansing in order to make their life so fearful and unbearable, with a deep feeling of shame in their village, that they flee the country.
5. Racism.
6. Persecution.
7. To obtain a ransom.<sup>88</sup>

The same report also documented the treatment of family members of the victims “In all 20 cases, the remaining family members in Sri Lanka had been repeatedly visited and threatened after the victim had fled abroad in 2015. In at least two cases a parent had been detained and in other cases a parent was forced to report to the security forces on a routine basis. Victims remain frightened to phone home lest they put their families in danger. There are also reprisals if they give interviews to the media. This does not bode well for witnesses being able to testify to a Truth Commission”.<sup>89</sup>

On 9 February 2016, High Commissioner for Human Rights Zeid Ra'ad Al Hussein noted in a statement to the press “After nearly 30 years of conflict and acrimony that not only cost tens of thousands of lives but also eroded vital components of the State, Sri Lanka is still in the early stages of renewal, the United Nations human rights chief said today, ending a mission to the country”.<sup>90</sup> He further noted that:

“Virtually everyone agrees there has been progress, although opinions differ markedly about the extent of that progress,” [...]

Noting that Sri Lanka has come a long way in the past year with the media now having greater freedom, Mr. Zeid said the element of fear has considerably diminished, at least in Colombo and the South, but in the North and the East, “it has mutated but, sadly, still exists.”

On the positive side, he highlighted several recent “highly symbolic steps” taken that have had a positive impact on inter-communal relations, including the decision to sing the national anthem in both Sinhala and Tamil on Independence Day, for the first time since the early 1950s. He also indicated that one of the most important long-term achievements over the past year has been the restoration of the legitimacy and independence of Sri Lanka's Human Rights Commission.

But despite these advances, he said Sri Lanka is still in the early stages of renewal.<sup>91</sup>

The following are non-exhaustive, illustrative examples of ill-treatment of Tamils (not overtly based on a perceived association with LTTE), presented in reverse chronological order (from 19 August 2014 to 19 February 2016):

- 18 February 2016: Tamilnet reported “The occupying SL military soldiers, who have been earlier captured by the villagers while attempting to sexually abuse Tamil women, have this week gone amok on the ladies hostel of Muzhangkaavil MV School in Ki’linochchi district. [...] The villagers rushed to help the teachers at the ladies hostel as they shouted for help when Sinhala soldiers were trying to break the door of the building Monday night. Despite repeated complaints, the SL military has not been withdrawn from the residential areas of Tamil villages in the district”.<sup>92</sup>

<sup>88</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, 1. *The Victims* p.14

<sup>89</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, III. *Reprisals during 2015* p. 30

<sup>90</sup> UN News Centre, [After 30 years of conflict, Sri Lanka still in 'early stages of renewal' – UN rights chief](#), 9 February 2016

<sup>91</sup> UN News Centre, [After 30 years of conflict, Sri Lanka still in 'early stages of renewal' – UN rights chief](#), 9 February 2016

<sup>92</sup> TamilNet, [Genocidal military rapists harass Tamil female teachers at Muzhangkaavil](#), 18 February 2016

- 13 February 2016: Tamilnet reported “The occupying navy of genocidal Sri Lanka on Saturday severely assaulted two Tamil fishermen who were engaged in sea cucumber fishing near Ira'nai-theevu islet, located west of Naachchik-kudaa, where the SL military has been expanding its military positions targeting Tamil Nadu and India in recent years. One of the four fishermen who are from Pa'lli-munai in Mannaar has sustained serious injuries and was rushed to Jaffna Teaching Hospital. The fate of two young fishermen is not known while the third one is admitted at Mannaar hospital with cut injuries to his hands. The attacking navy men were armed with automatic rifles. They were aggressive and were using abusive terms in Sinhala while assaulting the two Tamil fishermen with knives, the wounded fishermen told TamilNet”.<sup>93</sup>
- 11 February 2016: According to Tamilnet, “Jaffna University Student Union representatives told TamilNet on Thursday that the Sinhala Police of the occupying Colombo was attempting to create confrontations between Tamil and Sinhala students at the university with the motive of using the opportunity to target and suppress the politicised sections of Tamil students at the University of Jaffna. A group of Sinhala students from South intervened in an on-going clash involving two groups of BCom Tamil students. They were backing one of the groups. Using the episode, Sinhala policemen entered the campus and ‘advised’ three Sinhala students to get admitted to Jaffna hospital. The SL police was now trying to twist it as a Tamil - Sinhala ethnic clash and to target Tamil activists using among the students, the representatives of the JUSU told TamilNet”.<sup>94</sup>
- December 2015: Tamilnet reported that “Sri Lankan military intelligence is operating white-van abductions through diaspora and homeland based intermediaries, a well-informed right activists in Jaffna told TamilNet on Wednesday. There have been at least three cases in the recent weeks where abductions were carried out in the Northern Province. The affected parties were given death threats if they chose to go public through other channels than the intermediaries through whom they were released after abductions. The targeted people were Tamil journalists, family members of diaspora activists and traders”.<sup>95</sup>
- December 2015: According to Tamilnet, “Former Karuna group paramilitary spokesperson Asad Moulana has been deployed to seize lands from resettled Tamil villagers at Koappaave’li village”.<sup>96</sup>
- December 2015: Tamilnet claimed that “The occupying Sinhala military of genocidal Sri Lanka is silently deploying targeted search operations to arrest conscripted Tamils, who are absconding from their military enlistment in the Northern province. [...] They were deceived with the promise of non-military civil work and good salaries, but after they signed up, they were given a basic form of ‘disciplinary’ training and showcased in parades with military uniforms against their wish. Later, they were deployed as slaves in the military-run farms inside the so-called High Security Zones (HSZ). Now, the absconding victims have become subjects for search and arrest operations by the SL military. The victims are now seeking protection”.<sup>97</sup>
- October 2015: According to Tamilnet, “The intelligence operatives of the Sri Lankan military and the prison officers are threatening the Tamil political prisoners against their attempts to file Fundamental Rights (FR) petitions challenging their continued imprisonment, the

<sup>93</sup> TamilNet, [SL Navy brutally assaults Tamil fishermen from Mannaar near Ira'nai-theevu islet](#), 13 February 2016

<sup>94</sup> TamilNet, [SL Police entices Sinhala students to confront Tamil students at University of Jaffna](#), 11 February 2016

<sup>95</sup> TamilNet, [White-van abductions continue in North with ‘UNP sophistication’](#), 30 December 2015

<sup>96</sup> TamilNet, [Ex-paramilitary operative harasses Koappaave’li villagers in Batticaloa](#), 26 December 2015

<sup>97</sup> TamilNet, [Occupying Colombo seeks 450 Tamil deserters enlisted by SL military in North](#), 21 December 2015

families visiting the prisoners from Batticaloa told TamilNet this week. [...] The SL prison authorities are also deploying Sinhala inmates to harass the Tamil political prisoners”.<sup>98</sup>

- In November 2014 Tamilnet reported that “47 Eezham Tamil women from Mullaitheevu, recently conscripted to the occupying SL military and put under the Civil Security Department (CSD), were taken to Mihintale on 22 Saturday when SL President Mahinda Rajapaksa was on a trip to the ‘sacred city’. After the president of genocidal Sri Lanka requested the Tamil women to engage in campaign supporting him, the SL soldiers were having a party. Some of the 47 Tamil women were raped by the Sinhala soldiers and the others were subjected to sexual harassment, one of the victims told TamilNet on Monday”.<sup>99</sup>
- October 2014: According to Tamilnet, “A Sinhala assistant jailor and Sinhala inmates in the Sri Lankan prison of Anuradhapura have brutally assaulted three Tamil political prisoners, one of them a pastor and another a 60-year-old man, causing serious injuries to them on Wednesday, said Northern Provincial Councillor Ms Ananthi Sasitharan, who described the attack as a targeted racist assault on Tamil inmates at the prison”.<sup>100</sup>

This should be read against the response to question [1. Information on Tamils who have returned \(voluntarily or forced\) to Sri Lanka since August 2014 and who were subjected to detention and/or torture and/or ill-treatment.](#)

### Ill-treatment of persons with a perceived association to the LTTE

Human Rights Watch describes the climate under the Rajapaksa government following the defeat of the LTTE as follows:

Rather than national reconciliation, former President Mahinda Rajapaksa and his government behaved as if it were not the LTTE that was defeated but the entire Tamil population. The army set up numerous checkpoints in Tamil areas and instituted intrusive surveillance. Tamils lived with the constant threat of arbitrary arrest and abuse. They spoke of the ubiquitous white vans, civilian vehicles used by security forces to abduct suspected LTTE supporters, who were then brutally tortured in custody. Memorials to fallen LTTE fighters were reduced to rubble and commemorations were banned. It was awful, a Tamil woman recalled. “They came to celebrate the bravery of their dead, while we couldn’t even mourn for our lost ones.”<sup>101</sup>

In an October 2014 report Amnesty International stated that it “remains deeply concerned about the persistent climate of impunity in Sri Lanka and the weakness of domestic mechanisms to protect human rights and deliver justice; its failure to protect minorities from violence and discrimination; and the pervasive use of torture, including sexual violence, and extrajudicial executions against former members of the LTTE, people with suspected links to the LTTE and their families and individuals reportedly detained for seeking information from the authorities about missing relatives”.<sup>102</sup> It explained that “Discriminatory restrictions on freedom of expression and association persist against Tamils, particularly those from the North. They continue to experience harassment, threats and arrests by security forces who suspect them of LTTE links or sympathy based largely on

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<sup>98</sup> Tamilnet, [Tamil political prisoners complain about increased harassment at SL prisons](#), 21 October 2015

<sup>99</sup> Tamilnet, [SL military raped conscripted Tamil women after Rajapaksa meeting](#), 25 November 2014

<sup>100</sup> Tamilnet, [Tamil prisoners subjected to racial assault in Anuradhapura prison](#), 10 October 2014

<sup>101</sup> Human Rights Watch commentary, [Sri Lanka After the Tigers](#), 19 February 2016

<sup>102</sup> Amnesty International, [Sri Lanka: Ensuring justice: Protecting human rights for Sri Lanka's future](#), 7 October 2014, Introduction p.3

their ethnicity and place of origin or residence”.<sup>103</sup> The same source further noted with regards to grave violations against former LTTE members and their family members:

The Sri Lankan intelligence services have continued to hunt down people who failed to admit their association with the LTTE and according to former detainees who have spoken to Amnesty International the treatment meted out against them by detaining authorities is very harsh.

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

Persistent surveillance, intimidation and monitoring of former LTTE members by the security forces continues to restrict their freedom of movement and association, and has, according to witnesses interviewed by Amnesty International and others, inhibited them from reintegrating into the social and economic life of their communities.

Amnesty International has received numerous accounts from male and female former LTTE members who describe repeated arrests and mistreatment including sexual harassment, rapes and other violence at the hands of security forces since the end of the conflict. Individuals arrested and detained for their suspected involvement with the LTTE, particularly Sri Lanka’s many victims of torture, also face obstacles to reintegration as a result of the physical and psychological harm inflicted on them in detention.<sup>104</sup>

The Minority Rights Group International annual report covering events in 2014 stated that “Despite the civil conflict formally ending five years ago, Sri Lanka’s minorities continue to be harassed and intimidated by state security forces for activism or suspected separatism”.<sup>105</sup> Similarly, the 2015 annual Freedom House publication ‘Freedom in the World’ considered that “Authorities reportedly monitor the personal communications and activities of individuals known to be critical of the government, particularly in the Tamil-populated north and east, and a growing climate of fear dissuades many individuals from expressing dissent on politics or other sensitive matters. Former LTTE fighters and their social circles face special scrutiny and are repeatedly questioned by authorities, infiltrated by intelligence personnel, and encouraged to inform on their associates”.<sup>106</sup> The same source further noted that:

Security forces have engaged in abusive practices, including arbitrary arrest, extrajudicial execution, forced disappearance, custodial rape, torture, and prolonged detention without trial, all of which disproportionately affect Tamils. Human Rights Watch in 2014 found the use of rape and other forms of sexual violence continuing against Tamil men and women held on suspicion of links to the LTTE. Under the Prevention of Terrorism Act, suspects can be detained for up to 18 months without trial; this act and 2006 antiterrorism regulations have been used to detain perceived enemies of the government. Impunity remains the norm, as the National Human Rights Commission is empowered to investigate abuses but is characterized by insufficient authority, independence, and resources. Hundreds remained in detention without charge at the end of 2014, according to human rights watchdogs.<sup>107</sup>

In its annual report covering events in 2014 Human Rights Watch stated that “Human Rights Watch and others have documented the authorities’ use of torture against people suspected of links to the LTTE, including those returned as failed asylum seekers from the United Kingdom and other

<sup>103</sup> Amnesty International, [Sri Lanka: Ensuring justice: Protecting human rights for Sri Lanka's future](#), 7 October 2014, *FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION (ARTS. 19, 21, 22)* p.24

<sup>104</sup> Amnesty International, [Sri Lanka: Ensuring justice: Protecting human rights for Sri Lanka's future](#), 7 October 2014, *GRAVE VIOLATIONS AGAINST FORMER LTTE MEMBERS AND THEIR FAMILIES (ARTS. 6, 7, 9, 10)* p.10 -11

<sup>105</sup> Minority Rights Group, [State of the World's Minorities Asia and Oceania and Indigenous Peoples 2015](#), 20 May 2015, *Sri Lanka* p. 182

<sup>106</sup> Freedom House, [Freedom in the World 2015 - Sri Lanka](#), 19 June 2015

<sup>107</sup> Freedom House, [Freedom in the World 2015 - Sri Lanka](#), 19 June 2015

countries”.<sup>108</sup> The annual U.S. Department of State report covering events in 2014 summarises that inter alia, “The major human rights problems reported over the year were: attacks on, and harassment of, civil society activists, journalists, and persons viewed as sympathizers of the Liberation Tigers of Tamil Eelam (LTTE) by individuals allegedly tied to the government”.<sup>109</sup> The same source further noted with regards to torture and other cruel, inhuman or degrading treatment that:

In the east and north, military intelligence and other security personnel, sometimes allegedly working with paramilitaries, were responsible for the documented and undocumented detention of civilians accused of LTTE connections. Observers reported that interrogation sometimes included mistreatment or torture following detention. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threat of re-arrest or death.

Human rights groups claimed that some security forces believed specific circumstances allowed torture. Several former LTTE combatants released from rehabilitation centers reported torture or mistreatment as well as sexual abuse by government officials while in rehabilitation centers.<sup>110</sup>

The report of the Secretary-General on Conflict-related sexual violence in 2014 stated with regards to Sri Lanka:

[...] there are indications that abduction, arbitrary detention, torture, rape and other forms of sexual violence have increased in the post-war period. Notably, Tamil women and girls have reported sexual abuse in the context of the ongoing militarization of their areas of residence. Allegations of sexual violence by the Sri Lankan security forces against members of the Tamil community in the closing months of the war and in the post-conflict period have been extensively documented, but rarely addressed. Testimony of women released from detention in 2014 indicates that acts of sexual torture were accompanied by racial insults and specifically directed against individuals perceived as having been linked to the Liberation Tigers of Tamil Eelam.<sup>111</sup>

In an October 2014 report Amnesty International stated with regards to commemorating those killed in the armed conflict:

The army and police actively suppress the rights of northern Tamils to advocate for justice publicly or commemorate or mourn those killed in the armed conflict. Each year since the end of the armed conflict, there have been two dates in particular when the authorities have sought to suppress public commemorations of war dead in northern Sri Lanka: 18 May, the anniversary of the Sri Lankan government’s declared victory over the LTTE, and 27 November, Maaveerar Naal (Heroes Day), a day of remembrance established by the LTTE. Amnesty International has received repeated complaints from victims and Sri Lankan human rights defenders of military harassment and arrests of Tamils around these dates. Commemorations and campaigns for those killed or disappeared during the armed conflict have been banned, disrupted and restricted, and the organizers and participants have been harassed, assaulted, arrested and intimidated.<sup>112</sup>

INFORM Human Rights Documentation Centre reported in November 2014 that “As in the past, Military personnel ensured a severe crackdown on Tamils in the North and the East, during and in the lead up to “Heroes day”, the day of the Liberation Tigers of Tamil Eelam (LTTE) and birthday of

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<sup>108</sup> Human Rights Watch, [World Report 2015 - Sri Lanka](#), 29 January 2015

<sup>109</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sri Lanka](#), 25 June 2015, *Executive Summary*

<sup>110</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sri Lanka](#), 25 June 2015, 1.c *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

<sup>111</sup> Report of the Secretary-General, [Conflict-related sexual violence](#), 23 March 2015, *paragraph 77*

<sup>112</sup> Amnesty International, [Sri Lanka: Ensuring justice: Protecting human rights for Sri Lanka's future](#), 7 October 2014, *FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION (ARTS. 19, 21, 22) p.24*

the of the LTTE leader Prabakaran, celebrated on the 27th and 26th of November respectively”.<sup>113</sup> It further noted that:

On the 3rd of November, hand-written posters carrying death threats against the Jaffna University Teachers’ Association (JUTA) President and four student activists were found pasted in the vicinity of the university. Two ‘surveillance centers’ were reported to have been created near the University of Jaffna, with the primary task being to block activists and students from marking Heroes Day on 27th of November. [...]

Terrorist’ Investigation Division (TID) of the Police interrogated a young Tamil activist, for alleged possession of Tamil Eelam Heroes Day posters, and he was reported as arrested by soldiers on the night of the 25th of November. [...]

On the 25th of November, Sri Lankan military intelligence chased away devotees who had gathered for a pooja at the Pi'l'laiyaar temple (Hindu) at Munnampoadi-veddai in Moothoor West in Trincomalee district, alleging that the Tamil devotees had gathered to pay tribute to Tamil (LTTE) Heroes. The soldiers smashed the pot in which the Saiva devotees were preparing ritual milk rice (Pongkal).<sup>114</sup>

Tamilnet reported that Jaffna University was also shut down on Heroes day.<sup>115</sup> In a February 2015 submission to the UN Human Rights Council the Asian Forum for Human Rights and Development stated that “Tamil communities were obstructed and prohibited from organizing and participating in events to remember those who had been killed during the war”.<sup>116</sup> The Amnesty International Report 2014/15 similarly stated that “The army and police actively suppressed the rights of northern Tamils to advocate for justice publicly or to commemorate or mourn those killed in the armed conflict”.<sup>117</sup>

The Amnesty International Report for 2014/15 stated “Tamils suspected of links to the Liberation Tigers of Tamil Eelam (LTTE) continued to be arrested and detained under the Prevention of Terrorism Act (PTA) instead of ordinary criminal law. The PTA permits extended administrative detention, and shifts the burden of proof to a detainee alleging torture or other ill-treatment. It also restricts freedoms of expression and association and has been used to detain critics”.<sup>118</sup> The same source reported with regards to discrimination and attacks on minorities:

Discrimination against ethnic, linguistic and religious minorities, including members of Tamil, Muslim and Christian communities, continued. Minorities were singled out for arbitrary restrictions on freedoms of expression and association. Tamils, particularly those from the north of the country, were harassed, threatened and arrested by security forces which suspected them of sympathy or links with the LTTE, based largely on their ethnicity and place of origin or residence.<sup>119</sup>

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<sup>113</sup> INFORM Human Rights Documentation Centre, [Repression of Dissent in Sri Lanka](#), November 2014

<sup>114</sup> INFORM Human Rights Documentation Centre, [Repression of Dissent in Sri Lanka](#), November 2014

<sup>115</sup> Tamilnet, [SL military deployed everywhere, Jaffna University shut down](#), 26 November 2014

<sup>116</sup> Asian Forum for Human Rights and Development, Written statement\* submitted to the UN Human Rights Council by the Asian Forum for Human Rights and Development, a non-governmental organization in special consultative status, [Challenges to Human Rights Defenders \(HRDs\) in Sri Lanka in 2014](#), 25 February 2015, 5. *Freedom of Assembly*

<sup>117</sup> Amnesty International, [Amnesty International Report 2014/15 - The State of the World's Human Rights - Sri Lanka](#), 25 February 2015

<sup>118</sup> Amnesty International, [Amnesty International Report 2014/15 - The State of the World's Human Rights - Sri Lanka](#), 25 February 2015

<sup>119</sup> Amnesty International, [Amnesty International Report 2014/15 - The State of the World's Human Rights - Sri Lanka](#), 25 February 2015

A February 2015 Research Memo issued by the Immigration and Refugee Board of Canada noted with regards to Government Screening to Identify Individuals with Alleged Links to the LTTE that “Sources indicate that authorities in Sri Lanka continue to screen the Tamil population in order to identify individuals with links to the LTTE (Adjunct Professor 12 Jan. 2015; NPC 10 Jan. 2015; Anthropologist 8 Jan. 2015)”.<sup>120</sup> Furthermore,

In correspondence with the Research Directorate, an anthropologist affiliated with the American Institute of Sri Lankan Studies (AISLS), who has researched issues pertaining to ethnic minorities in Sri Lanka and their political situation during and after the civil war, explained that the government continues to look for an unknown number of former LTTE fighters that “simply walked away” while many others were captured or surrendered in the final months of the Sri Lankan civil war in 2009 (8 Jan. 2015).

In a telephone interview with the Research Directorate, an adjunct professor at Temple University in Philadelphia, who has researched the politicization of ethnic differences in Sri Lanka, stated that screening of the Tamil population to identify those with links to the LTTE occurs particularly in the northern and eastern regions of the country, adding that it is “much less present” in southern cities such as Colombo (Adjunct Professor 12 Jan. 2015).

According to the same source, not all Tamils are subject to screening, only those individuals for whom the government claims there are “reasonable concerns” of having links with the LTTE are screened (ibid.). In contrast, in a 6 August 2014 article on the situation faced by failed asylum seekers forcibly returned to Sri Lanka by Australia, the British newspaper the Guardian states that, according to a Tamil asylum seeker, “every Tamil in Sri Lanka is suspected of being a sympathizer [of the LTTE]” (6 Aug. 2014).<sup>121</sup>

Tamilnet reported in May 2015 that “The SL military and police are monitoring and harassing the former LTTE members who are re-united with their families. The SL military is also monitoring the employment links of every member in their families, civil sources in Ampaa'rai told TamilNet”.<sup>122</sup>

In May 2015 Groundviews issued a report of an examination of the official list of 181 persons remanded under the Prevention of Terrorism Act (PTA) which found that “21 (or more) Arrests under PTA Jan-August 2015: Tamil families have reported to us about persons arrested under the PTA as late as July 2015 and earlier in 2015”.<sup>123</sup> The same source further noted that:

In a report released by the International Truth and Justice Project – Sri Lanka (ITJP) end July, they cite eight cases of white van abduction, unlawful detention, torture and sexual abuse in 2015. We learnt of one case this year, where a man was abducted from off the roadside in the North, detained in a secret detention facility, interrogated and brutally tortured. A few days later, the detainee had been able to escape, was in hiding and managed to flee overseas.

In early May this year, Tamil National Alliance (TNA) Parliamentarian, Pon Selvarasa claimed that at least 16 Tamil men from Batticaloa had been arrested post January 8th this year. Most of these men were allegedly former LTTE cadres, and had undergone rehabilitation, and been released by the former regime. Many of them were allegedly returning from working in the Middle East. Another arrest was reported on 31st May 2015. Former Batticaloa MP P. Ariyanendran, highlighted yet another case on the 27th of June, where a former LTTE cadre was arrested and detained from the

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<sup>120</sup> Immigration and Refugee Board of Canada, [Sri Lanka: Treatment of suspected members or supporters of the Liberation Tigers of Tamil Eelam \(LTTE\), including information about how many are in detention; whether the government continues to screen Tamils in an attempt to identify LTTE suspects \(2011-January 2015\) \[LKA105041.E\]](#), 11 February 2015

<sup>121</sup> Immigration and Refugee Board of Canada, [Sri Lanka: Treatment of suspected members or supporters of the Liberation Tigers of Tamil Eelam \(LTTE\), including information about how many are in detention; whether the government continues to screen Tamils in an attempt to identify LTTE suspects \(2011-January 2015\) \[LKA105041.E\]](#), 11 February 2015

<sup>122</sup> Tamilnet, [SL military continues to arrest Tamils from East returning from Middle-East](#), 31 May 2015

<sup>123</sup> Groundviews, [PTA detainees – Ignored under “Yahapalanaya?”](#), 9 May 2015



airport upon his return from working in the Middle East. We are aware of two others arrested from the North in July and one more arrested from the Western Province. A senior official of the TID had confirmed to a lawyer that 20 persons had been arrested under the PTA during January – August 2015.<sup>124</sup>

In a July 2015 report on Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015 the International Truth & Justice Project (ITJP) Sri Lanka found that “White van” abductions continue well into 2015 and that it had documented 115 cases of post-war torture, with evidence regarding 65 additional cases.<sup>125</sup> The report stated that “The vast majority of victims of torture and sexual abuse in Sri Lanka are Tamils” and that “These were people the security forces suspected of assisting the LTTE in the past and they have been rigorously hunted down and punished extra judicially in the post-war period. [...] Six of the 2014 cases involved former forced recruits to the LTTE – in two cases children”.<sup>126</sup> The report describes that “a substantial number of individuals accused of being connected with or supporters of the LTTE have been apprehended in “white vans” after being identified or returning to Sri Lanka from abroad, erroneously thinking it was safe to return after so many years, or else having been deported after failed asylum applications”.<sup>127</sup> It documented a witness tortured in 2015:

In May 2015 this young Tamil man was abducted in a white van and tortured in an unknown location by men who introduced themselves to him as military intelligence. The security forces had previously detained one of his siblings now abroad. In his case the pretext for abducting him was that he had briefly been a child soldier, forcibly recruited by the LTTE in the final months of the war before he had managed to desert. In total of the 8 cases of torture in 2015, half had been forced to join the LTTE while children.<sup>128</sup>

Moreover, the report concludes that “Six years after the end of the war, the widespread and systematic nature of these attacks on Tamils (and a few non-Tamils) suspected of ties to the LTTE goes well beyond punishment or revenge. These attacks speak of a government-supported effort to annihilate by any means the LTTE and subjugate the Tamil population that once supported them”.<sup>129</sup>

The annual Human Rights Watch report covering events in 2015 noted that Sri Lanka’s new government agreed to review and repeal the Prevention of Terrorism Act (PTA), although it would replace the law with new counter-terrorism legislation.<sup>130</sup> The report describes how the PTA has been used in Sri Lanka:

The PTA has long been used to hold suspected LTTE members and others without charge or trial for years. In spite of promises to make the whereabouts of all detainees known to their relatives, many family members received no information about where, or indeed if, their loved ones are detained. The PTA allows for arrests for unspecified “unlawful activities” without warrant and permits detention for up to 18 months without producing the suspect before a court. The government need not charge the person with an offense; many PTA detainees have been held for years without charge. And the act

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<sup>124</sup> Groundviews, [PTA detainees – Ignored under “Yahapalanaya?”](#), 9 May 2015

<sup>125</sup> International Truth & Justice Project Sri Lanka, [A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015](#), July 2015, IV. Findings p.28

<sup>126</sup> International Truth & Justice Project Sri Lanka, [A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015](#), July 2015, IV. Findings p.28-29

<sup>127</sup> International Truth & Justice Project Sri Lanka, [A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015](#), July 2015, IV. Findings p.48

<sup>128</sup> International Truth & Justice Project Sri Lanka, [A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015](#), July 2015, IV. Findings p. 34

<sup>129</sup> International Truth & Justice Project Sri Lanka, [A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015](#), July 2015, V. Conclusions p. 122

<sup>130</sup> Human Rights Watch, [World Report 2016 - Sri Lanka](#), 26 January 2016

provides immunity from prosecution for government officials who may commit wrongful acts, such as torture, under the legislation.

The PTA facilitated thousands of abuses over the years, including torture to obtain “confessions,” enforced disappearances, and extrajudicial executions. The law has been used since the end of the war, including under the present government, to detain and torture people suspected of links to the LTTE, including forcibly returned asylum seekers. Many instances of torture, sexual violence, and other ill-treatment occurred in the Criminal Investigation Division and Terrorist Investigation Division offices in Colombo and elsewhere, while others occurred in unofficial places of detention.

In November, the government announced a plan to deal with the Tamil detainees held under the PTA. At time of writing, authorities had released 39 detainees on bail and sent a further 99 for rehabilitation, although the exact contours of the rehabilitation program remained unclear. The government has pledged to charge and try the rest.<sup>131</sup>

In August 2015 the UK NGO Freedom from Torture issued a report on Torture in Sri Lanka since May 2009.<sup>132</sup> The forensic evidence presented in the report covers torture committed in Sri Lanka from May 2009 to September 2013, thus detailed evidence from the report has not been included here given that it predates the cut off point for this COI query. However, it should be noted that the key findings of the report are (emphasis added):

- The Sri Lankan military, police and intelligence services have continued to practise torture – including rape and other forms of sexual torture and extensive burning – in the years of ‘peace’ since the end of the armed conflict;
- There is a network of torture facilities across Sri Lanka including unofficial detention centres;
- **Those at particular ongoing risk of torture include Tamils with a real or perceived association with the Liberation Tigers of Tamil Eelam (LTTE) at any level and whether current or historic;**
- The Sri Lankan authorities take a strong interest in the activities of the Tamil diaspora in the UK and many returning to Sri Lanka with a real or perceived past connection to the LTTE, at whatever level and whether directly and/or through a family member or acquaintance, have been tortured and interrogated about their activities and contacts in the UK;
- Perpetrators appear to commit torture without fear of consequences as suggested by the lack of due process reported and heavy scarring left on the bodies of victims; and
- Torture has had a devastating impact on the survivors whose cases feature in this study: evidence of significant psychological impact was found in all 148 cases, including a high proportion of survivors suffering ongoing symptoms of PTSD (post-traumatic stress disorder) and depression.<sup>133</sup>

It should also be noted that the report indicates that “cases of more recent torture, including from 2014 and even 2015, have since been referred to Freedom from Torture. In 2014, for the third year in a row, Sri Lanka was the top country of origin for those referred to Freedom from Torture for clinical services”.<sup>134</sup> Freedom from Torture also considered that “Eradicating torture in Sri Lanka will require a radical transformation which has not been possible in the country yet despite political developments, including the change of President in January 2015”.<sup>135</sup> It further reported that:

Moreover, there is evidence of ongoing torture since Maithripala Sirisena became President in January 2015. Two Sri Lankans tortured after this power transfer have already been referred to Freedom from Torture for clinical services. Case materials for a further four cases have been shared with us by independent lawyers following consent from the individuals concerned.<sup>136</sup>

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<sup>131</sup> Human Rights Watch, [World Report 2016 - Sri Lanka](#), 26 January 2016

<sup>132</sup> Freedom from Torture, [Tainted Peace: Torture in Sri Lanka since May 2009](#), August 2015

<sup>133</sup> Freedom from Torture, [Tainted Peace: Torture in Sri Lanka since May 2009](#), August 2015, *Summary p. 9*

<sup>134</sup> Freedom from Torture, [Tainted Peace: Torture in Sri Lanka since May 2009](#), August 2015, *Summary p. 9*

<sup>135</sup> Freedom from Torture, [Tainted Peace: Torture in Sri Lanka since May 2009](#), August 2015, *Summary p. 9*

<sup>136</sup> Freedom from Torture, [Tainted Peace: Torture in Sri Lanka since May 2009](#), August 2015, *Introduction p. 15*

The September 2015 Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka explained with regards to its methodology that “the investigation team attempted to identify the patterns of violations of international human rights and humanitarian law perpetrated, not only during the final stage of the armed conflict but during the whole period covered by investigation”.<sup>137</sup> In relation to the practice of torture and sexual and gender based violence the report finds:

The investigation team documented the use of torture by the Sri Lankan security forces, particularly in the immediate aftermath of the armed conflict, when former LTTE members and civilians were detained en masse. This conduct followed similar patterns by a range of security forces in multiple facilities, including army camps, police stations and “rehabilitation camps”, as well as in secret, unidentified locations.

On the basis of the information obtained by the team, there are reasonable grounds to believe that acts of torture were committed on a widespread or systematic scale. Such acts breach the absolute prohibition of torture and the State’s international treaty and customary obligations. If established before a court of law, these acts of torture may, depending on the circumstances, amount to crimes against humanity and/or war crimes. [...]

The information gathered by the investigation team gave reasonable grounds to believe that rape and other forms of sexual violence by security forces personnel was widespread against both male and female detainees, particularly in the aftermath of the armed conflict. The patterns of sexual violence appear to have been a deliberate means of torture to extract information and to humiliate and punish persons who were presumed to have links with LTTE.<sup>138</sup>

Explaining the history of impunity in an October 2015 report on police torture and other serious human rights violations in various parts of the country against criminal suspects, Human Rights Watch stated that:

Police use of torture against criminal suspects cannot be dismissed as a wartime phenomenon. Human Rights Watch found that even after the decisive defeat of the LTTE, certain branches of the police continued to routinely engage in torture, including sexual abuse, to extract confessions or information from suspected LTTE members or supporters. In addition, police have been implicated in enforced disappearances, extrajudicial executions, and abductions of those suspected, however loosely, of ties to the LTTE.<sup>139</sup>

In a January 2016 report on survivors of torture and sexual violence in 2015, the International Truth & Justice Project (ITJP) Sri Lanka asserts that “Tamils with tenuous links to the LTTE or low-level cadres continue to be targeted, along with their families”.<sup>140</sup> The report documented the experiences of 20 Sri Lankan Tamils “all but one of them victims of a “white van” abduction resulting in unauthorised detention, repeated torture and sexual violence” who are now in three different countries.<sup>141</sup> Five of the abductions took place after the August 2015 parliamentary elections; fifteen

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<sup>137</sup> UN Human Rights Council, [Report of the Office of the United Nations High Commissioner for Human Rights on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka](#), 28 September 2015, paragraph 4

<sup>138</sup> UN Human Rights Council, [Report of the Office of the United Nations High Commissioner for Human Rights on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka](#), 28 September 2015, paragraphs 34-36

<sup>139</sup> Human Rights Watch, [“We Live in Constant Fear”: Lack of Accountability for Police Abuse in Sri Lanka](#), 23 October 2015, *Background, History of Impunity* p.17

<sup>140</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, *Introduction* p.9

<sup>141</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, 1. *The Victims* p.13

were after the January 2015 presidential elections.<sup>142</sup> Of the 20, it stated that 16 were low-level LTTE members, 6 of whom were in the LTTE for one year or less.<sup>143</sup>

The ITJP report asserts that “Tamils who worked briefly for the LTTE as low-level undercover agents in cells operating in Colombo, Vavuniya and Jaffna are being systematically hunted down. These cells have been compromised by a number of members who have been detained and turned informer. It is highly unlikely that such activity is not known to the authorities now”.<sup>144</sup> The report identifies that some of the victims appeared to be targeted because “They are identified as LTTE child soldiers who failed to surrender when crossing the government lines in 2009”.<sup>145</sup> With further regards to this profile the report stated that:

Five of the 2015 victims interviewed were former child recruits forced to join the LTTE when aged 14, 15, 16 and 17 years. [...] These children did not declare themselves to the authorities in 2009 as former LTTE cadres because they had only been with the organisation a matter of weeks under duress and had then deserted. Instead they hid with their families in the IDP camps. Six years after the war ended they are still being identified by informers, picked up and brutally and repeatedly tortured and sexually abused. The fact that they explain they were compelled as children to join the LTTE does not seem to make any difference to their interrogators.<sup>146</sup>

Although beyond the scope of this report, it should be noted that the ITJP identifies ‘political activity’ as another reason for being targeted, noting that “Before being abducted, many victims had been involved in a variety of peaceful protests or election activities demanding rights for Tamils. This ranged from attending campaign meetings during presidential and parliamentary elections in 2015 for MP’s from the Tamil National Alliance (TNA) and the Tamil National People’s Front (TNPF); handing out leaflets; campaigning for the disappeared; to attending memorial events marking the anniversary of the end of the war”.<sup>147</sup> The report further explained that victims said their torturers referenced this legitimate political activity during their detention:

*“They told me I am ...trying to turn people against the government and diminish its reputation internationally. Mainly they were asking about my involvement in organising demonstrations and in the LTTE. I was involved in the TNA’s election campaign and that was public knowledge. I posted posters and distributed leaflets. My detainers mentioned my TNA activity and said I shouldn’t do this (Witness 117)”.*<sup>148</sup>

The report also noted that “During interrogation by the Sri Lankan security forces several victims were falsely accused of working to restart the LTTE or bringing the country into disrepute by talking about what happened in the war and its aftermath”.<sup>149</sup> It provides the following example:

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<sup>142</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, 1. *The Victims* p.13

<sup>143</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, *Introduction* p. 2

<sup>144</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, *Important Information for Tamils Abroad Considering Returning Home* p.43

<sup>145</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, 1. *The Victims* p.14

<sup>146</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, 1. *The Victims* p.15

<sup>147</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, 1. *The Victims* p.15

<sup>148</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, 1. *The Victims* p.15

<sup>149</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, *Introduction* p.13

*“They wanted to know if the LTTE was starting all over again. I said I did not know of that. That day they hit me with wooden sticks on my back, backside and legs. They also punched me.”*  
(Witness 158)

In some cases the interrogators showed the victims print outs of photographs of themselves or people close to them attending recent Tamil diaspora commemorative events abroad.

Several 2015 victims had also been detained at the end of the war either in an Internally Displaced Person (IDP) camp or in the government’s so-called “rehabilitation” programme for suspected former combatants.<sup>150</sup>

In a February 2016 article Human Rights Watch describes the climate under the Sirisena government:

Now president, Sirisena has reversed a number of the most abusive practices, dismantling checkpoints, restricting the military to barracks, and otherwise calling off the spooks. According to local civil society groups, police intimidation of critics and activists has subsided. And commemorations for the Tamil dead are now permitted. The government has also taken steps to resolve some of the long-standing cases tied up in the draconian Prevention of Terrorism Act, which allows arrests for unspecified “unlawful activities” without warrant and permits detention for up to 18 months without producing the suspect before a court. The government has released some detainees who underwent rehabilitation, and in November 2015, it released previously unpublished reports by two important government commissions on “disappearances” and laws-of-war violations during the civil war. [...]

Underneath all the progress, though, there are still worrying signs. [...]

After the Rajapaksa government refused to act on two U.S.-sponsored United Nations Human Rights Council resolutions urging accountability, the UN Office of the High Commissioner for Human Rights was asked to investigate. It offered a devastating report in late 2015, which put pressure on the new government to agree to a consensus resolution at the Human Rights Council. The resolution passed on October 1, 2015, and calls for the creation of a judicial process to investigate and prosecute wartime abuses. The process is to include foreign judges and prosecutors to avoid politicization.

Since then, though, the Sirisena government has backtracked. On January 21, Sirisena told the BBC that he would “never agree to international involvement,” saying that, “We have more than enough specialists, experts, and knowledgeable people in our country to solve our internal issues.”

His statement directly contradicts the UN resolution—which Sri Lanka co-sponsored.<sup>151</sup>

The following are non-exhaustive, illustrative examples of ill-treatment of persons with a perceived association to the LTTE, presented in reverse chronological order (from 19 August 2014 to 19 February 2015):

- Tamilnet reported that in June 2015 “meetings held by Rural Development Societies (RDS), Women Rural Development Societies (WRDS), sports clubs, temple management committees are being systematically monitored. [...] Ex-LTTE members who are forced to collaborate with the occupying SL military are being sent to the meetings with the instruction of collecting details of the ‘active’ participants in the social, cultural and religious meetings. Later, the SL military intelligence officers make phone calls, during night times, harassing the activists with questions about the meeting and those attending the meetings”.<sup>152</sup>
- Also in June 2015 TamilNet noted that “Colombo's Ministry of Public Administration has interdicted six Eezham Tamil Village Officers (GS) in Karaichchi division of Ki'linochchi District

<sup>150</sup> International Truth & Justice Project Sri Lanka, [Silenced: Survivors of torture and sexual violence in 2015](#), January 2016, *Introduction* p.13

<sup>151</sup> Human Rights Watch commentary, [Sri Lanka After the Tigers](#), 19 February 2016

<sup>152</sup> Tamilnet, [Colombo reimposes military harassments against peaceful assembly in Batticaloa](#), 24 June 2015

a week ago. The reason given was that the SL Defence Ministry wanted the 4 female and 2 male GS officers to undergo 'military rehabilitation', meant for ex-LTTE members with immediate effect. The interdicted GS officers are not ex-LTTE members. But, the reason cited for the military rehabilitation was that there were ex-LTTE members, either living or dead, in their families or among their close relatives".<sup>153</sup>

- In May 2015 INFORM reported that "In mid May 2015, Police obtained court orders to prevent remembrance events for Tamils killed during the war. Police also interrogated organizers, participants and media at some events, compelled organizers to change venue, and subjected remembrance events to heavy surveillance. Bus owners had also been intimidated not to transport people to such events. Earlier in May, a Northern Provincial Council member was summoned by Police to be questioned in relation to an allegation he had lighted lamps to remember the LTTE in November 2014".<sup>154</sup>
- INFORM reported that "A number of events were organized in North and East of Sri Lanka on 18th May [2015] to remember those killed during the war. More than 10 incidents of surveillance, interrogation, court orders against the events and other forms of harassments and intimidation has been reported by eyewitnesses and media, mostly by police in uniform and intelligence agents in civil".<sup>155</sup>
- TamilNet reported that in May 2015 "The soldiers of the occupying Sri Lanka Army have been collecting details including the names of family members, their occupation at Chelvaanakar East in Aaraiyampathi, Batticaloa during the last five days. The SL soldiers are visiting the houses and huts of the families in the villages in bicycles with a printed list of names of ex-LTTE members in their hands".<sup>156</sup>
- According to the Tamil Guardian, in March 2015 "A former female LTTE fighter, who is working as a pre-school teacher under the management of Sri Lanka's Civil Security Division (CSD) at Puthukudiyiruppu, Mullaitivu was abducted by a member of the Civil Defence Force on Wednesday, before being hospitalised earlier today. [...] One of the key suspects in the abduction is a Tamil member of the Civil Defence Force, a paramilitary unit, auxilliary to the security forces, which specifically targets Tamils in the conflict zones for recruitment. [...] Ms Vinothiny, a former member of the LTTE was put through the Sri Lankan government's 'rehabilitation' programme after the end of the armed conflict, before also joining Civil Defence Force".<sup>157</sup>
- In March 2015 TamilNet reported that "Former LTTE members who met the touring Sri Lankan Prime Minister Ranil Wickramasinghe at Ki'linochchi on Sunday told the SL premier that the occupying Sinhala military was harassing them even after the so-called regime change in Colombo. SL military intelligence operatives continue to interrogate them, they complained adding that the SL soldiers were threatening the families by frequent inspections. The wives of former LTTE members were being harassed after their husbands leave for work, Mr Wickramasinghe was told".<sup>158</sup>
- In December 2014 the South Asia Terrorism Portal noted that "The TID of Sri Lanka Police arrested Sri Skandarajah alias Nidiyawan, a former cadre of the Tamil Tiger terrorist group LTTE, from his home in Sambalthivu in Trincomalee District. Nidiyawan, who claims to be a member of the LTTE intelligence wing, is suspected of leading terrorist attacks in Sambalthivu, Sampur and Nilaveli in Trincomalee District of Eastern Province, had fled the

<sup>153</sup> TamilNet, [Tamil GS officers interdicted with instruction to undergo 'military rehabilitation'](#), 30 June 2015

<sup>154</sup> INFORM Human Rights Documentation Centre, [INFORM report: Repression of Dissent in Sri Lanka](#), April 20-31 May 2015

<sup>155</sup> INFORM Human Rights Documentation Centre, [INFORM report: Repression of Dissent in Sri Lanka](#), April 20-31 May 2015

<sup>156</sup> TamilNet, [SL military collects details of family members of ex-LTTE activists in Batticaloa](#), 25 May 2015

<sup>157</sup> Tamil Guardian, [Former LTTE fighter abducted by Civil Defence Force member](#), 12 March 2015

<sup>158</sup> TamilNet, [SL military harassment continues to target ex-LTTE members in Vanni](#), 29 March 2015

country to Qatar during the last stages of the armed conflict in 2009 and believed to have returned to the country under a false name”.<sup>159</sup>

- Tamilnet reported that on 26 November 2014 “Sri Lankan ‘Terrorist’ Investigation Division (TID) is interrogating a youth Tamil activist, S. Sulaxan, from Meesaalai in Thenmaraadchi for alleged possession of Tamil Eelam Heroes Day posters, according to SL police in Thenmaraadchi”.<sup>160</sup>
- On 16 November 2014, Tamilnet reported that “Sri Lankan ‘Terrorist’ Investigation Division (TID) on Friday arrested a 38-year-old man who was in the LTTE for two years two decades ago. The father of five from Panagkaddik-koddu in Mannaar was abducted and taken away in a white-van on Friday by an unknown squad”.<sup>161</sup>
- On 12 November 2014, INFORM stated that “Unidentified gunmen shot dead a man in Vellankulam in the Mannar district on the night of the 12th of November. The victim, 34 year old Naguleswaran Krishnasuwamy, was reported to have been engaged in encouraging Tamils to submit evidence to the ongoing UN inquiry on Sri Lanka. Another reason cited by media for the killing was his refusal to meet Military intelligence officers demands to provide information about non-rehabilitated LTTE cadres of supporters in the region”.<sup>162</sup>
- In November 2014 Journalists for Democracy Sri Lanka reported that “Head of Teachers' Association of Jaffna University and four students have received a public death threat from an unknown group in Jaffna. [...] One poster in Tamil slang said "Will kill Nivas, Thamilselvan, Ainkaran, Britto and Rajakumar" while the other read "These people are reviving the LTTE. We will kill them. We will not allow Heroes' Week commemorations". The death threat ahead of the Heroes' Day has come amid heavy military build up in and around the Jaffna university complex”.<sup>163</sup>
- In November 2014 Tamilnet reported that two Tamil youths were arrested in Batticaloa at a gathering to commemorate Heroes Day.<sup>164</sup>
- INFORM reported that “A Northern Provincial Council Member T Ravikaran, was summoned by Sri Lankan police to be investigated regarding lighting lamps in his house on 27th Nov. 2014, on Maveerar Naal (Heroes day). A police notice, written out in Sinhalese was given to Mr Ravikaran by two policemen who visited his house on 4th May [2015]. The media report stated that the instruction came from Colombo and requested that the Northern Provincial Council member visited the Mullaitivu police station for investigation”.<sup>165</sup>
- According to the Tamil Guardian, in October 2014 “The wife of Selvanayagam Kajeepan, also known as 'Gopi', who was killed by Sri Lankan forces earlier this year, has been prevented from leaving Sri Lanka by officials at Colombo airport. [...] Kajeepan Sarmila intended to travel to Switzerland for a relative's wedding and is in possession of a valid Swiss visa. Officials from the Swiss embassy arrived at the airport, and requested Sri Lankan immigration officials to release her, but the officials said an investigation was ongoing in relation to her husband and she would not be allowed to leave the country. An official from the Terrorism Investigation Department took a statement from Ms Sarmila and allowed her to return home”.<sup>166</sup>

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<sup>159</sup> South Asia Terrorism Portal, [Sri Lanka Timeline 2014](#), 2014

<sup>160</sup> Tamilnet, [Tamil youth interrogated for alleged possession of Heroes Day poster](#), 26 November 2014

<sup>161</sup> Tamilnet, [TID abducts Tamil man for ‘rehabilitation’](#), 16 November 2014

<sup>162</sup> INFORM Human Rights Documentation Centre, [Repression of Dissent in Sri Lanka](#), November 2014

<sup>163</sup> Journalists for Democracy Sri Lanka, [Jaffna University teacher, students under death threat](#), 27 November 2014

<sup>164</sup> TamilNet, [SL military arrests two Tamil youths in Batticaloa for Heroes Day SMS](#), 28 November 2014

<sup>165</sup> INFORM Human Rights Documentation Centre, [INFORM report: Repression of Dissent in Sri Lanka](#), April 20-31 May 2015

<sup>166</sup> Tamil Guardian, [‘Gopi’s’ wife prevented from leaving Sri Lanka](#), 5 October 2014

- Also in October 2014, the Daily Mirror reported that “the late Suntharalingam Gajatheeban, alias Theiveegan’s mother Sundaralingam Rajithamalar, was prevented from leaving the country. She had arrived at the Bandaranaike International Airport to take a flight to Canada on a valid visa to enter that country. Sources said she might have been prevented from leaving the country because of the ongoing inquiry on Theiveegan. He and Gobi were shot dead during a clash with the Army at Padaviya early this year. They were alleged to have attempted to revive the LTTE”.<sup>167</sup>
- INFORM reported that “September [2014] was a month that saw almost daily incidents of repression of dissent. A commemoration planned for a well-known woman human rights defender and academic, Dr. Rajani Thiranagama, was obstructed when two prebooked venues were withdrawn and a protest march was banned by the Police. A prayer service for displaced Tamils in the district of Jaffna was banned, and Police in Batticaloa obtained court orders to ban commemorations for persons killed twice within two weeks”.<sup>168</sup>
- The Tamil Civil Society Forum submitted to the UN Human Rights Committee that “On the 9th of September 2014 in Batticaloa, Sri Lankan Police sought and obtained a court ban against the holding of a remembrance event commemorating 24 years of the Chatturukondan massacre wherein more than 180 people had gone missing and are suspected to have been massacred by Sri Lankan Armed Forces”.<sup>169</sup>

This should be read against the response to question [1. Information on Tamils who have returned \(voluntarily or forced\) to Sri Lanka since August 2014 and who were subjected to detention and/or torture and/or ill-treatment.](#)

#### Treatment of “rehabilitees” and former LTTE combatants

The annual U.S. Department of State report covering events in 2014 noted with regards to the treatment of rehabilitees:

The exact numbers of former combatants rehabilitated, released, or moved into the criminal justice system were difficult to track, since individual prisoners moved within the system frequently. Reintegration of former combatants and other detainees released from rehabilitation remained challenging due to intensive surveillance by the military, social stigma (some persons were afraid to associate themselves with former combatants, who regularly had to report to the army), employment difficulties, and psychological trauma. Several released former combatants reported torture or mistreatment, including sexual harassment and abuse, by government officials while in rehabilitation centers and after their so-called reintegration. [...]

In an October response to questioning regarding ICCPR implementation, the government rejected the allegation of “surveillance, intimidation, and monitoring of former combatants by security forces restricting freedom of movement,” but frequent reports of such actions continued to emerge throughout the year. For example, the mass roundups during March and April in the Northern Province targeted former combatants in particular. Former combatants consequently noted they did not feel they enjoyed the same level of freedom of movement as other citizens.<sup>170</sup>

<sup>167</sup> Daily Mirror Sri Lanka, [Theiveegan’s mother prevented from leaving SL](#), 21 October 2014

<sup>168</sup> INFORM Human Rights Documentation Centre, [Repression of Dissent in Sri Lanka](#), September 2014

<sup>169</sup> Tamil Civil Society Forum, [Further Written submission to the UN Human Rights Committee; On the Fifth Periodic Report of the Government of Sri Lanka on the International Covenant on Civil and Political Rights](#), 12 September 2014, *Freedom of Expression, Assembly & the Right to Memory (Art 19, 21 & 22) p.1*

<sup>170</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sri Lanka](#), 25 June 2015, 1 d. *Arbitrary Arrest or Detention and 2. d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*



On 19 November 2014, Tamilnet reported that “31-year-old Anthonimuthu Anton Jeyaron has been reported missing since Monday, according to a complaint by his wife in Jaffna on Tuesday. The incident comes amidst Sri Lanka Army stepping up harassment of former LTTE members before Tamil Eelam Heroes Day on 27 November. The Sri Lanka Army had earlier released Mr Jeyaron after so-called rehabilitation, his wife further said”.<sup>171</sup>

In a February 2015 submission to the UN Human Rights Council the International Bar Association reported with regards to human rights abuses in Sri Lankan rehabilitation camps (emphasis added):

Although the civil war ended in 2009, conflict-related issues continue to affect human rights protection in Sri Lanka. A key concern in this regard is the rehabilitation process aimed at “reforming” ex-LTTE cadres. In particular, **the following core human rights issues have been identified:**

(1) arbitrary detention in rehabilitation camps is used by the Sri Lankan Government as a means to suppress the Tamil population;

**(2) surveillance, intimidation and harassment continue after the release of detainees;**

(3) the rehabilitation process further entrenches divisions within Sri Lankan society and provides a continuous source of conflict. As such, the rehabilitation process poses an obstacle to sustainable peace and reconciliation in Sri Lanka. This submission is based on over 50 interviews conducted by Sri Lankan human rights defenders during the course of 2014.<sup>172</sup>

The source further noted with regards to highlighted point (2) above that:

Victim testimonies point to widespread and commonplace occurrences of surveillance and intimidation, which continue even after their release. Ex-detainees receive a ‘reintegration certificate’, which is only valid for six months at a time. They are constantly tracked and must report to the police and military, where harassment continues. For example, one witness states that “the worst thing is when I have to go to the army camp - I am not sure whether I will be coming back home”. Overall, around two thirds report subsequent arbitrary detention.

Additionally, all witnesses report that the police and armed forces make regular unannounced visits to their homes. The frequency, timing and nature of these visits seem to be intended to reinforce the Government’s presence in daily Tamil life. The following excerpts illustrate the reality of the situation: *“I have not counted - but sometimes I note this down in my diary - they would have come at least 50 times in that one year.”*

A significant proportion of witnesses state that visits regularly occur in the middle of the night. One witness explains, *“sometimes they will come when my husband is not at home. Sometimes they come in the night.”*<sup>173</sup>

A February 2015 Research Memo issued by the Immigration and Refugee Board of Canada noted with regards to treatment of Released Detainees that:

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

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<sup>171</sup> Tamilnet, [Former LTTE member reported missing in Jaffna](#), 19 November 2014

<sup>172</sup> International Bar Association, Written statement\* submitted by the International Bar Association, non-governmental organization in special consultative status to the UN Human Rights Council, [Human Rights abuses in Sri Lankan rehabilitation camps: arbitrary detention, surveillance and intimidation](#), 24 February 2015

<sup>173</sup> International Bar Association, Written statement\* submitted by the International Bar Association, non-governmental organization in special consultative status to the UN Human Rights Council, [Human Rights abuses in Sri Lankan rehabilitation camps: arbitrary detention, surveillance and intimidation](#), 24 February 2015

Sources note that former detainees continue to be monitored by authorities following their release (Assistant Professor 20 Jan. 2015; Adjunct Professor 12 Jan. 2015; Amarasingam 20 May 2014). [...] he Executive Director of the NPC [National Peace Council of Sri Lanka] stated that former detainees must "report periodically at police stations and army camps" and that "security forces also visit them in their homes, which puts them and their families under pressure" (10 Jan. 2015).<sup>174</sup>

The Tamil Guardian reported that in April 2015 "The Bishop of Jaffna Thomas Savundranayagam told the Australian High Commissioner Robyn Mudie that former members of the LTTE who had gone through the military's 'rehabilitation' are still being intimidated frequently".<sup>175</sup>

In an August 2015 white paper on Tamil Women in Post-War Sri Lanka, based on over 50 interviews with women in the former conflict zone and activists and advocates working on their behalf, Nimmi Gowrinathan and Kate Cronin-Furman of the City University of New York Colin Powell School found with regards to the Particular Situation of Ex-Combatant Women that:

For ex-combatant women, all of the dynamics described above are complicated by the social stigma around their involvement in the movement. This stigma is both cultural, a conservative backlash against the involvement of women in politics and public life, and strategic: community members fear the wrath of military forces or come under increased surveillance themselves for interacting with the ex-combatant. [...] The risks of any public presence are particularly high for ex-combatant women. Six years after the war, many are afraid to discuss their experiences, opinions, or engage in political discourse. [...]

For some, the unresolved trauma that forcibly invades their everyday lives becomes yet another marker of difference. One father explains his daughter, an ex-combatant, "has hysterical attacks when she remembers the end of the war, the detention, so we don't let people mention it around her." These women are often unable to get married, as they are labeled by the community as 'abnormal'. [...] Some ex-combatants have been given cell-phones through the rehabilitation process or to maintain "friendships" with military members established post-conflict. These cell phones, while individually desirable material commodities, become a source of vulnerability, which military men exploit to use these women as intelligence, or "spies" amongst communities of concern.<sup>176</sup>

In December 2015 Tamilnet claimed that:

The occupying Sinhala military of genocidal Sri Lanka is silently deploying targeted search operations to arrest conscripted Tamils, who are absconding from their military enlistment in the Northern province. [...]

They were deceived with the promise of non-military civil work and good salaries, but after they signed up, they were given a basic form of 'disciplinary' training and showcased in parades with military uniforms against their wish. Later, they were deployed as slaves in the military-run farms inside the so-called High Security Zones (HSZ). Now, the absconding victims have become subjects for search and arrest operations by the SL military. The victims are now seeking protection. [...]

There are also some ex-LTTE combatants, who have undergone 'military rehabilitation' among these 'soldiers'. The 'enlisted' Tamils are given good salary as their names were included in the pay list as military personnel. But, all of them are deployed as slaves in the farms run by the SL military.<sup>177</sup>

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<sup>174</sup> Immigration and Refugee Board of Canada, [Sri Lanka: Treatment of suspected members or supporters of the Liberation Tigers of Tamil Eelam \(LTTE\), including information about how many are in detention; whether the government continues to screen Tamils in an attempt to identify LTTE suspects \(2011-January 2015\) \[LKA105041.E\]](#), 11 February 2015

<sup>175</sup> Tamil Guardian, [Former LTTE cadres are being intimidated – Bishop of Jaffna](#), 8 April 2015

<sup>176</sup> Nimmi Gowrinathan and Kate Cronin-Furman, City University of New York Colin Powell School, [Tamil Women in Post-War Sri Lanka The forever victims?](#) 28 August 2015, Section 4 Particular Situation of Ex-Combatant Women p.16

<sup>177</sup> Tamilnet, [Occupying Colombo seeks 450 Tamil deserters enlisted by SL military in North](#), 21 December 2015