



COUNTRY OF ORIGIN INFORMATION REPORT

SRI LANKA

30 OCTOBER 2008

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 1 October 2008. The 'Latest News' section contains further brief information on events and reports accessed from 2 to 20 October 2008. The report was issued on 30 October 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

Country of Origin Information Service

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Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk. Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

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Latest News

EVENTS IN SRI LANKA, FROM 2 TO 20 OCTOBER 2008

- 20 October The military said it breached a key Tamil Tiger defensive line near the rebels' administrative headquarters in Kilinochchi, causing the rebels heavy losses.
BBC News, S Lanka rebel defence 'breached', 20 October 2008
http://news.bbc.co.uk/1/hi/world/south_asia/7679187.stm
Date accessed 20 October 2008
- 17 October The United Nations announced that a convoy carrying food aid to more than 230,000 refugees trapped in the war zone had begun making deliveries a day after artillery fire – for which the Sri Lankan military and the Tamil Tigers blamed each other – forced it to turn back. The convoy was only the second to enter the war zone since the government ordered most aid agencies out in September.
Reuters – Alertnet, U.N. aid convoy enters Sri Lanka war zone, 17 October 2008
<http://www.alertnet.org/thenews/newsdesk/COL246221.htm>
Date accessed 20 October 2008
- 16 October Deputy Minister of Vocational and Technical Training, P Radhakrishnan accused the police of arresting "five to 10 Tamil people" every day in Colombo and its suburbs using the registration details [see 5 October]. The minister said there were over 1,000 Tamils already in detention and that anybody carrying identity cards with addresses from rebel-held areas was immediately arrested. The minister's figures were corroborated by Chief Justice, Sarath N. Silva, who had previously told the media that nearly 1,400 Tamils are currently in custody.
Daily Mirror, "Police using registration details to arrest Tamils", 17 October 2008
http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=29433
Date accessed 17 October 2008
- 9 October An army spokesman said that a suspected woman suicide bomber from the Tamil Tigers had killed at least one person and injured five in an attack apparently targeting Agriculture Minister Maithripala Sirisena who escaped the blast unhurt in the town of Boralessgamuwa, 10km (six miles) east of Colombo.
BBC News, Sri Lanka minister survives blast, 9 October 2008
http://news.bbc.co.uk/1/hi/world/south_asia/7660829.stm
Date accessed 20 October 2008
- 7 October The extension of the Emergency Regulations for a further period of one month was passed in Parliament with a majority of 84 votes.
Daily Mirror, Emergency passed, 8 October 2008
http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=28549
Date accessed 8 October 2008
- 6 October The army announced that a suicide explosion (which they blamed on

the Tamil Tigers) in the town of Anuradhapura had killed at least 27 people, including a former senior general, and injured more than 80. Among those killed was Gen Perera, the provincial leader of the United National Party (UNP), the country's main opposition party and a critic of the Government which it had accused of ignoring repeated requests by the UNP for increased security for Gen Perera.

BBC News, Suicide blast hits Sri Lanka town, 6 October 2008

http://news.bbc.co.uk/1/hi/world/south_asia/7653945.stm

Date accessed 6 October 2008

Reuters – Alertnet, Sri Lanka suicide bomb kills 26 including politician, 6 October 2008

<http://www.alertnet.org/thenews/newsdesk/COL34062.htm>

Date accessed 6 October 2008

The Government news portal reported that Vinayagamoorthi Muralidaran, better known by his nom de guerre 'Colonel Karuna' while in the LTTE, would be sworn in as a Member of Parliament representing the United People's Freedom Alliance (UPFA). The effective swearing in was confirmed by the same source on the following day.

The Official Government News Portal of Sri Lanka, TMVP leader, V. Muralidaran to enter Parliament, 6 October 2008

http://www.news.lk/index.php?option=com_content&task=view&id=7205&Itemid=44

Date accessed 6 October 2008

The Official Government News Portal of Sri Lanka, Vinayagamoorthi Muralidaran sworn in as Member of Parliament, 7 October 2008

http://www.news.lk/index.php?option=com_content&task=view&id=7215&Itemid=44

Date accessed 8 October 2008

Reuters – Alertnet, Breakaway Tiger leader sworn into Sri Lanka parliament, 7 October 2008

<http://www.alertnet.org/thenews/newsdesk/COL306307.htm>

Date accessed 8 October 2008

5 October

Thousands of people who fled to Colombo in the past five years from the eastern districts of Batticaloa, Trincomalee and Ampara were ordered by the Government to register with the police. The police said that the majority of those who registered having fled the Eastern Province were Tamils. The Government had earlier ordered a similar census involving people who have arrived in Colombo from the north in the last five years.

BBC Sinhala, 'Majority Tamils' in east census, 5 October 2008

http://www.bbc.co.uk/sinhala/news/story/2008/10/081005_east_census.shtml

Date accessed 6 October 2008

Reuters – Alertnet, More Sri Lanka war refugees register on police order, 5 October 2008

<http://www.alertnet.org/thenews/newsdesk/COL335586.htm>

Date accessed 6 October 2008

4 October

The military said it was within 2 km of the Tamil Tigers' headquarters in Kilinochchi and had created a 10-km square no-fire area to allow thousands of civilians fleeing the fighting to go south.

Reuters – Alertnet, Sri Lanka army marches to edge of Tamil Tiger capital, 4 October 2008

<http://www.alertnet.org/thenews/newsdesk/COL91403.htm>

Date accessed 6 October 2008

2 October

The Sri Lanka air force bombed the headquarters of the Tamil Tiger rebels in Kilinochchi town while the military said its troops were within 3.5 km of the rebels' de facto capital. A UN convoy of trucks carrying food aid crossed into territory controlled by the LTTE, the convoy was due to deliver food to areas east of Kilinochchi where most 'refugees' were reported to be.

Reuters – Alertnet, UN aid enters Sri Lanka war zone, Tiger HQ hit, 2 October 2008

<http://www.alertnet.org/thenews/newsdesk/COL96804.htm>

Date accessed 2 October 2008

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International Crisis Group

Sri Lanka's Eastern Province: Land, Development, Conflict, Asia Report N°159, 15 October 2008

http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/159_sri_lanka_s_eastern_province_land_development_conflict.pdf

Date accessed 17 October 2008

International Committee of the Red Cross (ICRC)

Operational update: Sri Lanka-ICRC continues to assist Vanni displaced as conflict approaches Kilinochchi, 13 October 2008

<http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sri-lanka-update-131008!>

[OpenDocument](#)

Date accessed 17 October 2008

United Nations Office for the Coordination of Humanitarian Affairs (OCHA) Humanitarian Portal - Sri Lanka

Inter-Agency Standing Committee Country Team, Situation Report 147, 13 October 2008

<http://www.humanitarianinfo.org/srilanka%5Fhpsl/Catalogues.aspx?catID=2>

Date accessed 17 October 2008

Inter-Agency Standing Committee Country Team, Situation Report 146, 7 October 2008

<http://www.humanitarianinfo.org/srilanka%5Fhpsl/Catalogues.aspx?catID=2>

Date accessed 17 October 2008

DFID (Department for International Development)

Country Profiles: Sri Lanka, 8 October 2008

<http://www.dfid.gov.uk/countries/asia/srilanka.asp>

Date accessed 20 October 2008

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Background Information

1. GEOGRAPHY

- 1.01 As recorded in the Central Intelligence Agency (CIA) World Factbook, Sri Lanka (website accessed on 6 August 2008), the Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, lies in the Indian Ocean, south of India. The country covers an area of 65,610 square kilometres. The capital is Colombo [Note: Sri Jayewardenepura Kotte is the legislative capital] which has a population of 21,128,773 (July 2008 estimate). There are eight provinces: Central, North Central, North Eastern, North Western, Sabaragamuwa, Southern, Uva and Western. [30] As recorded by the Sri Lanka Department for Census and Statistics (Statistical Abstract 2007, Population of principal towns by sex, census, years) (Table 2.4, website accessed on 17 September 2008) the principal towns are Colombo, Dehiwala-Mount Lavinia, Moratuwa, Sri Jaywardene Kotte, Negombo, Kandy, and Galle. [58a] The same source recorded that the provisional figure for the total population in 2006 was 19,886,000. [58c] (Socio Economic Indicators)
- 1.02 The CIA World Factbook, Sri Lanka, recorded that the population can be divided into the majority Sinhalese (73.8 per cent), Sri Lankan Moors [Muslims] 7.2 per cent, Indian Tamil 4.6 per cent, Sri Lankan Tamil 3.9 per cent, other 0.5 per cent, 10 per cent were unspecified (2001 census provisional data) [30] However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2007, Chapter II, tables 2.10 - 2.11, undated, website accessed on 17 September 2008), based on a total population of 18,797,257 the population comprised: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor (7.9 per cent), Burgher [descendants of European colonists] (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent) (figures from the 2001 census). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts, in which the 2001 census enumeration was not completed, were not included. [58a]
- 1.03 The US State Department Report for 2008 on Religious Freedom in Sri Lanka published on 19 September 2008, noted that "Approximately 70 percent of the population is Buddhist, 15 percent Hindu, 8 percent Christian, and 7 percent Muslim. Christians tend to be concentrated in the west, with much of the east populated by Muslims and the north almost exclusively by Hindus." [2a] (Section I)
- 1.04 There are three languages spoken: Sinhala (official and national language) 74 per cent of the population, Tamil (national language) 18 per cent, and English (commonly used in Government and spoken competently by about 10 per cent of the population). Other languages are also spoken (8 per cent). (CIA World Factbook, Sri Lanka, accessed 6 August 2008)
- 1.05 As recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2007, Chapter II, table 2.10, accessed on 17 September 2008) the highest concentration of Sinhalese population is in the districts of Gampaha, Colombo, Kurunegala, Kandy and Galle. The districts of Colombo, Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya have a high concentration of Tamils (figures from the 2001 census). However, data from

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

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MAP
 1.06



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

For additional maps:

<http://www.unhcr.org/publ/PUBL/3dee2ccd0.pdf>

<http://www.unhcr.lk/statistics/index.html>

<http://www.unhcr.lk/offices/>

<http://ochaonline2.un.org/Default.aspx?tabid=6745>

<http://www.ecoi.net/sri-lanka/maps>

<http://202.124.172.166/maps.php> (LTTE-controlled areas)

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2. ECONOMY

- 2.01 As recorded in the CIA World Factbook, Sri Lanka (website accessed on 6 August 2008):

“In 1977, Colombo abandoned statist economic policies and its import substitution trade policy for more market-oriented policies, export-oriented trade, and encouragement of foreign investment. Recent changes in government, however, have brought some policy reversals. Currently, the ruling Sri Lanka Freedom Party has a more statist economic approach, which seeks to reduce poverty by steering investment to disadvantaged areas, developing small and medium enterprises, promoting agriculture, and expanding the already enormous civil service. The government has halted most privatizations. Although suffering a brutal civil war that began in 1983, Sri Lanka saw GDP growth average 4.5% in the last 10 years with the exception of a recession in 2001. In late December 2004, a major tsunami took about 31,000 lives, left more than 6,300 missing and 443,000 displaced, and destroyed an estimated \$1.5 billion worth of property...About 800,000 Sri Lankans work abroad, 90% in the Middle East. They send home more than \$1 billion a year. The struggle by the Tamil Tigers of the north and east for an independent homeland continues to cast a shadow over the economy.”
 “GDP per capita: \$4,100 (2007 est.); Unemployment rate: 5.7% (2007 est.); Population below poverty line: 22% (2002 est.)” [30]

- 2.02 The Human Development Index (HDI) for Sri Lanka was 0.743 for 2005, giving Sri Lanka an HDI ranking of 99 out of 177 countries. The GDP per capita was US\$ 4,380 for the same year. “The HDI provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and enrolment at the primary, secondary and tertiary level) and having a decent standard of living (measured by purchasing power parity, PPP, income).” (UNDP, Human Development Report 2007/2008, Country Fact Sheet, Sri Lanka) [60a]
- 2.03 As noted in the Economist Intelligence Unit (EIU), Country Report Sri Lanka, July 2008, “Average consumer price inflation reached 15.8% in 2007 and is expected to climb even higher, to 21.8%, in 2008.” [75a] (p7) “In the first quarter of 2008 real GDP was 6.2% higher than in the first quarter of 2007.” [75a] (p11) The EIU also gave the actual unemployment rate at 6 per cent for 2007 while their forecast was 5.8 per cent for 2008. [75a] (p8)
- 2.04 The Sri Lanka Department of Census and Statistics recorded in their Statistical Abstract 2007, Socio Economic Indicators (undated, website accessed on 24 September 2008) that in 2006 the total labour force was 7,598,762 with an unemployment rate of 6.5 per cent. [58c]
- 2.05 The approximate rate of exchange from xe.com Universal Currency Converter on 16 September 2008 was £1 = 192 Sri Lankan rupees. [33]
- 2.06 The ‘Household Income and Expenditure Survey 2006/07, Summary Findings’ issued by the Department of Census & Statistics Sri Lanka in February 2008 recorded that “The survey results reveal that the median household income per month for Sri Lanka is Rs. 16,735 [corresponding to approximately £78 in May 2008], which means 50 percent of the total households receive less than

- Rs. 16,735 per month. Among the districts the highest median household income is reported from Colombo district (Rs. 24,711) and the lowest median household income is reported from Nuwara Eliya district [in the central highlands] (Rs. 11,914)." [58f] (p1)
- 2.07 As noted in the Economist Intelligence Unit (EIU), Country Profile 2008 Sri Lanka, (published in July 2008) Economic activity is concentrated in the western province, and in particular in the capital, Colombo. Although average GDP per head topped US\$1,000 in 2004, poverty is widespread, especially in rural areas." [75b] (p3)
- 2.08 The Department of Census & Statistics. 'Sri Lanka Official Poverty line' (defined as 'Minimum Expenditure per person per month to fulfil the basic needs') at national level for March 2008 was Rs. 2,886 (Rs. 3,117 for Colombo). (Updated District official poverty lines, 3 April 2008) [58g]

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3. HISTORY

- 3.01 As recorded in the Foreign & Commonwealth Office (FCO) country profile of Sri Lanka (last reviewed on 30 March 2007, accessed on 1 October 2008):

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

- 3.02 “The SLFP became part of the People’s Alliance (PA) coalition which, headed by Mrs Chandrika Kumaratunga (the daughter of S W R D and Sirimavo Bandaranaike), won general elections in August 1994. Mrs Kumaratunga then went on to win a landslide victory in elections in November 1994 and 1999 and served as President until November 2005.” (FCO Sri Lanka country profile) [15] (Recent Political History)

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

- 3.04 “At the general election, which took place on 2 April 2004, the UPFA won 105 of the 225 seats, having taken 45.6% of the votes cast; Wickremasinghe’s UNP retained 82 seats (with 37.8% of the votes), while the TNA won 22 seats (with 7%). In an unexpected development, the Buddhist Jathika Hela Urumaya (JHU—National Heritage Party) won nine seats. The LTTE had openly supported the TNA during the election campaign and described the large number of seats won by the alliance as an endorsement and recognition of the LTTE as ‘the sole representative’ of the Tamil population. Participation at the election was reported to have reached 75% of eligible voters. The poll concluded peacefully. However, there were claims of voter intimidation and electoral malpractice, particularly in the north and east of the country. The UPFA, which had not secured an outright majority of seats in Parliament, undertook negotiations with a view to forming a coalition administration. Meanwhile, Mahinda Rajapakse, a senior member of the UPFA and former fisheries minister, was sworn in as Prime Minister on 6 April.” (Europa World Online) [1a] (Recent History)

- 3.05 The final official results were published in the official website of the Department of Elections:

United People Freedom Alliance (UPFA)	105
United National Party (UNP)	82
Tamil National Alliance TNA	22
Jathika Hela Urumaya (JHU)	9
Sri Lanka Muslim Congress (SLMC)	5
Eelam People’s Democratic Party (EPDP)	1

Up-Country People's Front (UCPF)
[39a]

1

3.06 Europa World Online, accessed 15 August 2007, stated

“Sri Lanka was one of the countries most seriously affected by the devastating tsunami caused by a massive earthquake in the Indian Ocean on 26 December 2004. More than 31,000 Sri Lankans were killed in the disaster, which also left thousands homeless and without livelihoods...It was initially hoped that the scale of the disaster would serve to ease tensions between the Government and the LTTE, particularly as the Tamil areas of the island were amongst those worst hit. However, conflicts soon surfaced over the distribution of aid; the LTTE claimed that the Government was restricting the flow of international aid into Tamil-controlled areas and demanded that it be delivered directly to them.” [1a] (Recent History)

3.07 “On 17 November 2005 14 candidates contested the presidential election. Mahinda Rajapakse secured a narrow victory over his closest rival, Ranil Wickremasinghe, winning 50.29% of the vote, compared with 48.43% for Wickremasinghe. The election was notable for the low turn-out amongst the country's Tamil population, particularly in the LTTE-controlled northern and eastern areas; this was thought to have played a significant part in Wickremasinghe's defeat, as he had stressed his commitment to the ongoing cease-fire agreement during the electoral campaign. While the LTTE had stated that they would not prevent people from voting, there was widespread evidence that they had done so. Rajapakse subsequently nominated Minister of Agriculture, Public Security, Law and Order and of Buddha Sasana, Ratnasiri Wickremanayake, as Prime Minister. (Europa World Online) [1a] (Recent History)

3.08 “In January 2007 more than 20 dissident politicians from the opposition parties joined the Government, thus giving it a parliamentary majority. This, in turn, precipitated a cabinet reshuffle in which UNP defectors and SLMC members were allocated several portfolios.” (Europa World Online) [1a] (Recent History) A further cabinet reshuffle took place in August 2007. (Keesing's Record of World Events, Sri Lanka, August 2007) [23c] The current list of Government ministers can be accessed from the official website of the Government of Sri Lanka. (<http://www.priu.gov.lk>, last updated on 10 July 2008) [44a]

3.09 The International Crisis Group (ICG) document ‘Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus’, Asia Report N°141, 7 November 2007 noted that:

“The government is not a coherent decision-making body but a coalition of widely divergent parties constructed to ensure that Rajapaksa has a majority in parliament. To that end, almost every member of the coalition has been given a job or title: 107 MPs have a portfolio of one sort or other but most government members have no control or influence over policy except for the very narrow sector they directly oversee...According to one estimate, some 75 per cent of government revenues are under the control of the president and his brothers.” [76c] (p21)

3.10 “[On 23 January 2008] The Elections Commissioners Department recognised five more political parties in addition to the 53 Political Parties recognised as

on December 31, 2007. The TMVP, the political wing of the LTTE breakaway faction led by 'Colonel' Karuna, is among the two new recognized Tamil political parties. Full and faithful implementation of the 13th Amendment to the Constitution, holding of provincial council elections in the east and establishment of an interim provincial council in the north are the key recommendations made by the APRC in its interim report submitted to President Mahinda Rajapakse." (South Asia Terrorism Portal (SATP), Timeline, Year 2008) [37c]

3.11 As reported by Reuters on 11 May 2008:

"Sri Lanka's ruling alliance won crucial elections in the island's war-ravaged east and hailed the result on Sunday as an endorsement of its war to defeat Tamil Tiger rebels. But election monitors and the opposition said the poll was marred by cheating, with armed former rebels now backed by the government accused of intimidating voters. The council elections, the first in the ethnically-mixed region for two decades, took place against a backdrop of violence blamed on the Liberation Tigers of Tamil Eelam (LTTE), who are fighting for an independent state in the north and east... President Mahinda Rajapaksa's ruling United People's Freedom Alliance (UPFA), allied with the TMVP, a grouping of Tiger defectors accused by rights groups of abductions and extrajudicial killings, won 20 seats in a 37-member provincial council. Rajapaksa says the poll was crucial to restore democracy to the eastern coastal region, held by the Tigers until last year, and allow development after 25 years of war. The elections were also part of the government's blueprint for devolution in minority Tamil areas, which it hopes will go hand-in-hand with its push to win the war, still raging in the north, in which tens of thousands of people have died." [4h]

3.12 "The TMVP, made up of fighters who defected from the mainstream Tigers in 2004 and helped the government evict their former comrades from the east of the island, were accused of election violence by monitors... Security was tightened for the polls in the eastern districts of Trincomalee, Ampara and Batticaloa, where nearly 1 million people voted for 1,342 candidates. The vote underpins the ethnic Sinhalese-dominated government's twin strategy to defeat the rebels using both the ballot box and a current military offensive. Analysts saw the election as a referendum on the government's military strategy against the Tigers... The main opposition United National Party, which contested the election allied with the Sri Lanka Muslim Congress (SLMC), won 15 seats, and accused the government of trying to hand over the east to an armed group." (Reuters AlertNet, 11 May 2008) [4h]

3.13 The official results of the elections for the Eastern Province Provincial Councils are available from [this weblink](#) with the Department of Government Information. [10d]

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THE INTERNAL CONFLICT AND THE SECURITY SITUATION

3.14 The FCO country profile of Sri Lanka, updated 30 March 2007 (accessed on 1 October 2008), observed that:

“The ethnic conflict in Sri Lanka has been going on for over 20 years as the Liberation Tigers of Tamil Eelam (LTTE) fight for an independent homeland. Some 70 000 people are estimated to have been killed and some one million displaced. The roots of the conflict lie in the deterioration of relations between the Tamil and Sinhalese communities from the 1950s. By the late 1970s a number of armed groups were operating in the north and east of the island. In 1983 there were serious anti-Tamil riots in Colombo resulting in the lynching and killing of some 2000 Tamils. Some Ministers in the Government of Sri Lanka were implicated in the event. Many Tamils returned to traditional Tamil areas in the North and many others began to seek asylum abroad...In mid 1987 when a Government of Sri Lanka embargo of Jaffna began to result in severe hardship, the Government of India, pushed by public opinion in Tamil Nadu, forced the Sri Lankan Government to sign the Indo-Sri Lankan Accord. This provided for an Indian peacekeeping Force (IPKF) in the North and East. However relations between the IPKF and the LTTE broke down and there was heavy fighting and reports of human rights violations on both sides. President Premadasa negotiated the IPKF’s withdrawal, which was completed in March 1990. During 1988, in part against the India intervention, among [sic] the Sinhalese community grew into a violent insurgency by the Janatha Vimukthi Peramuna (JVP) and a counter-terrorist campaign. The rebellion ended in 1989 after JVP leaders were murdered. The Sri Lankan army undertook a ruthless counter-insurgency campaign and tens of thousands were killed. There followed a period of relative peace before the situation in the North and East deteriorated in June 1990. After 18 months, negotiations fell apart and the LTTE again resorted to violence. They extended their control until they held the Tamil heartland: the Jaffna Peninsula and large areas of the North and East. The security forces succeeded in winning back most of the East, but the North remained outside their control.” [15] (The Internal Conflict)

3.15 “In July 1995, the Sri Lankan army launched a military operation, culminating in the fall of Jaffna in December 1995 to Government forces. At the end of January 1996 the LTTE began a bombing campaign in Colombo...During 1996, the Sri Lankan army secured enough of the Jaffna Peninsula to allow the civilian population to return to Jaffna town. The LTTE reasserted themselves in the Eastern province and infiltrated back into the Jaffna Peninsula. LTTE inspired terrorist attacks continued in the south, including on the Temple of the Tooth in Kandy, the most sacred Buddhist site in Sri Lanka...Fighting in the North intensified in late 1999 and the Vanni (jungle areas in the North) fell to the LTTE after some of the fiercest fighting since the conflict began. In April 2000 the LTTE carried out a major assault which led to the withdrawal of Sri Lankan troops from Elephant Pass (which links the Jaffna peninsula to the rest of Sri Lanka). With control of Elephant Pass, the LTTE continued further attacks into the Jaffna Peninsula. Fighting continued until December 2001 when the announcement of a new ceasefire by the LTTE was reciprocated by the newly elected UNF government.” (FCO Sri Lanka country profile) [15] (The Internal Conflict)

3.16 The Economist Intelligence Unit (EIU), Country Profile 2007, Sri Lanka (published in July 2007) recorded that:

“The UNF government entered into a formal ceasefire agreement with the LTTE in February 2002, paving the way for peace talks. The agreement committed the two sides to creating conditions that would enable civilian life to return to a state of relative normality...The ceasefire became increasingly

strained during the UPFA's 14 months in power [after the April 2004 parliamentary election], and violations of the ceasefire agreement escalated. In March 2004 the LTTE split, with its eastern commander, V Muralitharan (known as Colonel Karuna), forming a breakaway faction, which the LTTE subsequently alleged had covertly allied itself with the government. The Tigers' belief that the government aided Colonel Karuna heightened antagonism between the LTTE and the government. A number of government military intelligence personnel and members of the Karuna faction were subsequently killed by the LTTE. Sri Lanka's ethnically Tamil foreign minister, Lakshman Kadiragamar, was perhaps the most high-profile victim, having been assassinated in August 2005. Although the LTTE denied responsibility, the group had previously murdered many Tamils who had co-operated with government forces. Moreover, the group had been openly hostile towards Mr Kadiragamar because of his success in getting it banned in several countries. The Tigers also replenished their military arsenal and acquired aircraft, although publicly they held to the ceasefire." [75e] (p7)

3.17 The EIU Country Profile 2007 further recorded that:

"Less than a month after Mr Rajapakse was elected president [in November 2005], the rebels launched a series of guerrilla-style ambushes on government troops and police in the north and east. Mr Rajapakse, deviating from the hardline stance on talks with the insurgents he had taken during the election campaign, agreed to a first round of peace talks with the LTTE in Geneva in February 2006. A second round of talks was postponed and then abandoned. Following a rash of high-profile suicide attacks (including one on the head of the army, General Sarath Fonseka) and incidents targeting civilians, Norway attempted to re-start talks in Geneva in June [2006]. However, the LTTE refused to participate on the grounds that the government delegation was not of a ministerial level, arguing that the government was not serious about the meeting. Since mid 2006, when the government stepped up its military campaign in the eastern province, the war has intensified and has now come to be termed 'Eelam War IV'." [75e] (p7-8)

3.18 As noted in the International Crisis Group (ICG) document 'Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus', Asia Report N°141, 7 November 2007:

"Sinhala nationalism, long an obstacle to the resolution of Sri Lanka's ethnic conflict, is again driving political developments on the island. Nationalist parties, opposed to any significant devolution of power to Tamil areas of the north and east and to negotiations with the Tamil Tigers, help set President Mahinda Rajapaksa's agenda... The search for a political solution to nearly 25 years of war has repeatedly foundered as a result of competition between mostly Sinhala parties in the south as well as excessive Tamil demands." [76c] (Executive Summary)

3.19 "The LTTE has demonstrated a clear lack of interest in a negotiated settlement. The government is beholden to and sympathetic with forces that conceive of Sri Lanka as an essentially Sinhala and Buddhist nation. Denying the existence of legitimate grievances specific to Tamils and the need to accommodate their concerns in a settlement, the politically dominant forms of contemporary Sinhala nationalism assert that the central problem is a terrorist threat that needs to be crushed. Despite claims to be committed to a political

solution, the decision to rely on hardline Sinhala nationalist parties with an ideological commitment to the unitary state has left the government with little option other than to pursue the LTTE's military defeat." (ICG, 'Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus', Asia Report N°141, 7 November 2007) [76c] (p27)

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Events in 2007

- 3.20 The Economist Intelligence Unit (EIU), Country Profile 2007, Sri Lanka recorded that:

"In March 2007 the [Tamil Tiger] rebels mounted their first ever aerial attack on the Sri Lanka Air Force's main base at Katunayake, using two small light aircraft. The bombs dropped by these aircraft during the attack did not cause extensive damage, but resulted in panic in the adjoining international airport, which was shut for several hours. Two subsequent bombing raids in April targeted a northern military base and fuel storage facilities. The government subsequently closed the country's only international airport at night for two months. (Normal operations at the airport resumed on July 1st 2007.)" [75e] (p8)

- 3.21 The International Institute for Strategic Studies (IISS) Armed Conflict Database, Political trends, (undated, website accessed on 8 September 2008), noted that:

"The return of both parties to unrestrained conflict was accelerated by significant military gains by government troops in eastern Sri Lanka and the ousting of the LTTE from Batticaloa on 28 March [2007] and Thoppigala on 11 July. The loss of the eastern regions signified the beginning of the end for the organisation's political wing outside of the Jaffna Peninsula. A second major blow came with the death of the political wing's leader, S.P. Tamilselvan, on 2 November. Tamilselvan was killed together with five other senior LTTE figures during what appeared to be a deliberate assassination carried out through a government air-raid on targets in the town of Vanni. Tamilselvan was widely recognised as a significant asset to the LTTE as its media spokesperson to the world, and had led negotiations for the group in all significant face-to-face meetings with the government since 1994. Although many felt that Tamilselvan was a legitimate political figure the government claimed that he was an acceptable target and a terrorist, having risen through the LTTE's militant ranks." [51d] (Summary 2007)

- 3.22 On the same day as S P Tamilselvan's death it was reported that LTTE leader V. Prabhakaran appointed B. Nadesan as the new political head. (Pro-LTTE website TamilNet, 2 November 2007) [38y]

- 3.23 The IISS Armed Conflict Database further recorded:

"With the fall of Thoppigala and the removal of the LTTE from the east, the government's attention shifted to the north and the LTTE's last bastions of control close to the Jaffna Peninsula. Although weakened, the LTTE was not, however, a spent force, and analysts expected a resumption of suicide

bombings and other attacks designed for political rather than military effect. This assessment was realised on 28 November [2007] when the LTTE reverted to using female suicide bombers to attack sensitive targets, in this case killing the personal secretary of the Tamil social welfare minister.” [51d]

- 3.24 The Keesing’s Record of World Events, November 2007, Sri Lanka recorded that:

“Bomb attacks on Nov. 28 [2007] blamed on the LTTE killed at least 18 people in Colombo. A parcel bomb at a suburban shopping centre [at Nugegoda junction] killed at least 17 people and injured 37, whilst an elderly, disabled female suicide bomber blew herself up outside the office of Social Services Minister Douglas Devananda, killing his secretary and wounding two others. Devananda, himself a Tamil and a frequent target of assassination attempts by the LTTE, was unharmed. Heavy fighting between the Sri Lankan Army (SLA) and the LTTE continued in northern districts of Sri Lanka, with a death toll in the month of at least 100, including at least 12 civilians.” [23g]

- 3.25 During December 2007 frequent armed clashes in the north were reported, mainly in the districts of Jaffna; Mannar and Vavuniya. (IISS Armed Conflict Database Timeline 2007 undated, website accessed on 19 February 2008). [51b] (South Asia Terrorism Portal, Sri Lanka Timeline - Year 2007) [37d]

- 3.26 “[On 5 December 2007] 15 civilians were killed and 23 others injured in a LTTE-triggered remote controlled claymore mine explosion targeting a Ceylon Transport Board passenger bus at Abimanpura in the Padaviya area of Anuradhapura district.” (South Asia Terrorism Portal, Sri Lanka Timeline - Year 2007) [37d]

- 3.27 As noted in the ICG (International Crisis Group) document ‘Sri Lanka’s Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008 “There are no independent and reliable sources for statistics on killed and wounded since the CFA began to collapse...There are no accepted overall statistics for civilians over the past two years, but it is clear that hundreds have died in shelling and bombing. Many hundreds more have been deliberately targeted by the Tigers and the government’s counter-insurgency campaign.” [76d] (p9)

- 3.28 The USSD Country Reports on Terrorism, released on 30 April 2008, recorded that:

“Approximately 5,000 people were killed [during 2007] and many thousands more displaced as the conflict escalated between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), a designated Foreign Terrorist Organization. The Sri Lankan government took effective control of the Eastern Province in midyear [2007], but the LTTE continued to control much of the north and carried out attacks throughout the country. The Sri Lankan Army remained deployed across the country in all areas it controlled to fight the insurgency. The Special Task Force (STF) police were deployed both in the east and in strategic locations in the west.” [2e] (Chapter 2, Country Reports: South and Central Asia Overview, Sri Lanka)

- 3.29 As recorded noted in the IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 8 September 2008) “The year 2007 ended with the final collapse of the 2002 Sri Lankan Ceasefire Agreement

(CFA) between the government and the Liberation Tigers of Tamil Eelam (LTTE).”

Additional detailed information on events in 2007 is available from the following weblinks: IISS Armed Conflict Database [51b]; and SATP Timeline 2007 [37d].

Events in 2008

- 3.30 The IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 8 September 2008) recorded:

“Major developments took place in the conflict between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan government during the January–March [2008] period. On 2 January, the Sri Lankan government formally withdrew from the 2002 Norwegian-brokered Ceasefire Agreement (CFA) with the Tamil Tigers. The government had routinely criticised the CFA since its inception, claiming that it was drafted in haste, granted too many concessions to the LTTE and had been abused by the group, which had used it as a cover to rearm, recruit and carry out attacks against government forces and civilian targets. However, according to the Sri Lanka Monitoring Mission (SLMM) and media reports, both sides were guilty of routinely flouting the CFA’s provisions. With the ceasefire ended, there was a significant escalation in violence. The majority of the fighting took place in the north, along the effective border between government- and LTTE-controlled territories. Battles took place around the strategically important towns of Vavuniya, Mannar and Adampan, with the use of heavy weaponry and aerial bombing. At sea, the Sri Lankan Navy engaged Tamil Sea Tigers light craft, and patrolled sea routes used to import the supplies and weapons necessary for the LTTE’s campaign.” [51d]

- 3.31 The IISS Armed Conflict Database further noted:

“The LTTE has been placed under increasing pressure by government forces. Thousands of militants have been killed; although it is difficult to verify true losses, it appears that the tide has turned in favour of the government. The LTTE leadership appeared increasingly vulnerable to targeted attacks. Following the death of the LTTE’s political leader, S.P. Tamilselvan, in an air-raid on 2 November 2007, the government’s decapitation policy claimed a second high-profile victim on 5 January [2008], when Shanmuganathan Ravishankar, also known as Colonel Charles, was killed along with three other commanders near Mannar. His vehicle was reportedly hit by a Claymore mine laid by deep-penetration units of the Sri Lankan Army. It is unclear whether Ravishankar was the intended target. Nonetheless, as head of the LTTE’s intelligence-gathering network his death was another notable blow...As expected, increasing weakness on the battlefield prompted the LTTE to resume terror tactics targeting government figures and the civilian population. Bus bombings in early 2008 led to 63 civilian fatalities. In one incident, near Mannar on 29 January, the majority of the 17 victims were children travelling to school. Government minister D.M. Dassanayake was killed by a mine of a type frequently used by the LTTE as he travelled between Colombo city centre and the airport. Media pictures showed that the minister’s car had been damaged by the mine blast and then riddled with automatic gunfire.” [51d]

- 3.32 The IISS Armed Conflict Database, Sri Lanka, Timeline 2008, undated,

(website accessed on 24 September 2008) reported:

“[On 2 February 2008] Twenty people are killed by an bus explosion as it stands at Dambulla station [in the central province]... The attack was the third against buses following the collapse of the CFA... [On 3 February 2008] A Tamil Tiger Suicide bomber kills eleven people, detonating her explosives in Colombo’s packed train station. A further 92 people were also wounded. Security officials speculated the bomber may have diverted to the more accessible train station rather than the city’s political heart due to numerous checkpoints set-up along the way... [On 4 February] Two bomb blasts kill 13 people including one soldier. Most fatalities occurred as militants targeted a bus in the Ethavatunuwawa area [near Anuradaphura] with a roadside explosive. In the second incident, a soldier was killed and two others injured by a mine detonation... [On 23 February] Another bus bombing injures at least 18 people close to Colombo. Passengers were being evacuated by the security forces when a suspicious package nearby detonated... [On 29 February] A Tamil Tiger suicide bomber blows himself up, injuring seven people at a lodge in the capital Colombo. Most of the victims were police officers who had been called to apprehend the man. A security spokesperson said the suicide bomber had been planning attacks in the city... [On 6 March] An LTTE backed Member of Parliament, K Sivanesan is killed in the country’s north. The Tamil Tigers claim Sivansen was assassinated with a claymore mine laid by government special forces. A government spokesperson denied involvement... [On 10 March] Suspected Tamil Tiger militants detonate a bomb hidden inside a flowerpot in Colombo, killing one and injuring six others. The man killed was reported to have been investigating the pot when it exploded.”

[51a]

3.33 “[On 11 March 2008] Local government elections end peacefully in the recently recaptured Batticaloa region with voter turnout registered at 56%. However, polling was marred by allegations of rigging and intimidation carried [out] between rival supporters.” (IISS, Sri Lanka, Timeline 2008, undated)

[51a]

3.34 “[On 12 March 2008] The Tamil Tiger’s leader, Velupillai Pirapakaran is charged together with five others with the assassination of Sri Lankan Foreign Minister Laxman Kadirgamar who was shot dead on 2005 12 August.” (IISS, Sri Lanka, Timeline 2008, undated) [51a]

3.35 With regard to the election of March 2008, Irin noted on 20 March 2008 that:

“The overwhelming success of the Tamil Makkal Viduthalai Pulikal (TMVP), a breakaway faction of the Liberation Tigers of Tamil Eelam (LTTE), in the 10 March [2008] local government elections in the eastern Batticaloa District has prompted the group, backed by the Sri Lankan government, to seek additional victories at provincial level. The TMVP won majorities in all nine areas up for election and secured 76 of the 101 seats on offer with its coalition partner, the United People’s Freedom Alliance, which holds power in parliament... The legitimacy of the election, however, has been disputed, with two of the largest opposition parties, the United National Party (UNP) and the Tamil National Alliance (TNA) boycotting it. Their absence paved the way for the TMVP landslide. The TMVP has been accused by the UN and other agencies of child recruitment, abductions and other violations. Election monitors, the People’s Action for Free and Fair Election (PAFFREL), stated that despite no violence

nor incidents of rigging being reported on polling day, there was a lot of pressure on candidates opposed to the TMVP to not stand.” [55d]

3.36 During the months of February, March and April 2008 frequent armed clashes in the north were reported, mainly in the districts of Jaffna, Mannar, Vavuniya and Mullaitivu (from April 2008). (International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2008, undated, website accessed on 24 September 2008). [51c] (South Asia Terrorism Portal, Sri Lanka Timeline - Year 2008) [37c].

3.37 On 6 April 2008 Reuters reported that:

“A suspected Tamil Tiger suicide bomber killed Sri Lanka's highways minister and at least 13 other people attending a marathon race near the capital on Sunday... About 100 people, some of them runners in the race, were wounded. Fernandopulle, 55, was a member of the government negotiating team for failed peace talks with the Tamil Tiger rebels two years ago... Authorities immediately blamed the Liberation Tigers of Tamil Eelam (LTTE)... Fernandopulle was the second minister to be killed since January. The minister for nation building, D.M. Dassanayake, died in a roadside blast in the same district, Gampaha. The Sri Lankan military has launched an offensive on the LTTE's northern strongholds in which at least 100 rebel fighters were killed last week, according to the military. The rebels have in the past hit back with bombings in Colombo and in the relatively peaceful south of the island when they have come under military pressure in the north and east. Sunday's attack took place in the town of Weliveriya, 30 km (19 miles) from Colombo.” [4i]

3.38 On 25 April 2008 BBC News reported that “At least 24 people have been killed and about 50 wounded by a bombing on a bus in the outskirts of the Sri Lankan capital, Colombo, officials have said. The blast happened during rush hour while the bus stopped to pick up passengers in the city's southern suburb of Piliyandala, they added. A government spokesman blamed the Tamil Tiger rebel group. Violence in Sri Lanka has intensified since January, when the government pulled out of a ceasefire agreement.” [9h]

3.39 On 16 May 2008, BBC News reported that at least nine people had been killed and 90 injured in a suicide attack blamed on Tamil Tigers in Colombo's Fort district. The bomber rammed his motorcycle into a bus near a police checkpoint while security personnel were in the area in large numbers preparing for opposition demonstrations protesting against the recent provincial elections in the Eastern province. [9r] On 26 May the same source reported that the Sri Lankan military had blamed the Tamil Tiger rebels for a bomb explosion on a train in the Colombo suburb of Dehiwala that left at least 8 people dead and more than 70 injured. [9q]

3.40 As noted in the IISS Armed Conflict Database, Sri Lanka, Political Trends (undated, website accessed on 8 September 2008):

“The protracted conflict between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan government continued in April-June [2008], with increased levels of violence indicated by an estimated 2871 fatalities... The government stepped up its offensive against the LTTE north of the A-12 Puttalam-Trincomalee road, resulting in a very gradual shift of the Forward Defence Line in the Mannar, Vavuniya, Weli Oya, and Muhamalai areas... The

government continued to overwhelmingly favour the military option in curbing the activities of the LTTE, with the parliamentary emergency law extended on 5 June. On 7 April, the SLA bombed an LTTE base in Mankulam in response to the killing of the cabinet minister Jeyaraj Fernandopulle in a suicide attack the day before. This was the second cabinet minister to be killed since resumption of hostilities in mid-2006.

“...the LTTE insurgents defended their territory and resorted to bomb attacks in the south, in Colombo in particular, proving that despite reversals, they still had a capacity to strike. Seven bomb attacks, including four on public transport and two Black Tiger suicide operations, killing a total of 86 people with the overwhelming majority civilians occurred on 6 April, 25 April, 09 May, 26 May, 06 June and 16 June 2008.” [51d]

- 3.41 For additional details on the above mentioned events and information on developments in Sri Lanka in 2008, please see the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2008 and the South Asia Terrorism Portal, Sri Lanka Timeline - Year 2008 and refer to Annex A, B, E and F and to the Useful sources for updates mentioned below.

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4. RECENT DEVELOPMENTS

- 4.01 As noted in the Economist Intelligence Unit (EIU), Country Report Sri Lanka, June 2008:

“Soon after the results from the Eastern province elections were announced, the leader of the Tamil Makkal Viduthalai Pulikal (TMVP), Sivanesanathurai Chandrakanthan ‘also known as Pillayan’ was sworn in as the first chief minister of the province. The move came amid much outcry from opposition forces, with Muslim members of the provincial council threatening to resign should the appointment stand. Many point to the TMVP’s dubious history as a breakaway faction of the rebel Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) and its alleged continued involvement in violence and intimidation of rivals. However, Pillayan’s appointment secures control of the East for the ruling United People’s Freedom Alliance (UPFA, of which the TMVP is a member), while strengthening the TMVP’s claims to the status of a legitimate political party.” [75c] (p9)

- 4.02 The same EIU document also reported that:

“May and June [2008] saw a series of attacks by the LTTE on civilians, and particularly those using buses and trains. On May 26th an explosion on a train between Maradana and Panadura left seven dead and dozens injured. Another bomb blast, on the Colombo-Panadura railway, injured several people on June 4th. Although earlier in the week police had dismantled two bombs found on public buses, on June 6th the insurgents succeeded in detonating a device on a bus in Katubedda on the outskirts of the capital, Colombo, killing 20 people. Later that same day, on a bus en route to Kandy, another bomb blast left two dead. Security forces have also been targeted: at least 12 policemen were killed in a suicide attack on a police station in the northern

town of Vavuniya on June 16th. For its part the LTTE has blamed government forces for attacks that are said to have killed civilians in the North of the country. Prior to the latest outbreak of hostilities, the Tamil Tigers had warned that not only Tamils in the North, but the majority Sinhalese community in the South would feel the impact of the war.” [75c] (p9)

4.03 As noted by Human Rights Watch on 2 July 2008:

“The Sri Lankan government should end the arbitrary detention of more than 400 civilians displaced by recent fighting at a newly established camp in northern Sri Lanka, Human Rights Watch said today. Since March 2008, the government of Sri Lanka has detained civilians fleeing areas controlled by the rebel Liberation Tigers of Tamil Eelam (LTTE) at a so-called welfare center in Kalimoddai, Mannar district. The Sri Lankan armed forces have imposed severe restrictions on freedom of movement, instituting a daily pass system that limits to 30 the number of people who can leave the camp each day, and only if a family member remains behind to guarantee the detainees return in the evening. No court has authorized their detention and no charges have been filed against any of the camp’s occupants, in violation of international human rights law.” [21a]

4.04 In their Country Report Sri Lanka, August 2008 the EIU recorded that:

“In the past month fighting has been particularly intense in the Northern province, and the armed forces have claimed several successes...On August 10th [2008] it was reported that the air force had confirmed that it had completely destroyed the LTTE’s main intelligence network control centre at Puthukkudiyirippu, near Mullaitivu. Air force bombers have continued to pound several guerrilla targets. The ongoing conflict in the Wanni area has caused thousands to flee to safer regions. Many have sought shelter in towns ill-suited to coping with the influx of refugees. Recent reports presented to the government by various humanitarian agencies, including the UN World Food Programme, noted that many people from the districts of Vavuniya and Mannar had moved into the districts of Kilinochchi and Mullaitivu, which are already densely populated. Mullaitivu alone is now host to around 12,000 refugee families. Those displaced are struggling to secure food, water and shelter; weak local government institutions can provide little assistance.” [75d] (p9-10)

4.05 On 19 August 2008, Amnesty International reported:

“The Sri Lankan military and the opposing Liberation Tigers of Tamil Eelam (LTTE) are putting tens of thousands of displaced civilians at risk as fighting continues in the Wanni area of northern Sri Lanka...There is no safe haven for the thousands of families trying to escape the aerial bombardment and shelling of Sri Lankan forces as they push towards the town of Kilinochchi...In the LTTE-controlled areas of the Wanni, the Tigers have hindered thousands of families from moving to safer places by imposing a strict pass system. Some individuals have been forced to stay behind as guarantors, to ensure the return of other family members.” [3b]

4.06 The EIU, Country Report Sri Lanka, September 2008 recorded that:

“The ruling United People’s Freedom Alliance (UPFA) recorded a

convincing victory in the recently concluded North Central and Sabaragamuwa provincial council elections, in what some saw as a referendum on the war effort. The UPFA won 55.4% of the votes in Sabaragamuwa and 56.3% of the votes in North Central, providing a boost to the president, Mahinda Rajapakse. The main opposition, the United National Party (UNP), received 40.5% and 37.6% of the votes in Sabaragamuwa and North Central respectively... The actual polling day for the two provincial elections, August 23rd, was relatively quiet. There were a few violent incidents, such as the assault on a JVP parliamentarian, K Subasinghe, but the gravest issue on election day was the fact that hundreds of voters were denied the right to vote because they failed to present proper identity cards... Although the day itself passed relatively peacefully, in the weeks leading up to the poll there were scores of violent election-related incidents, including murder, arson, attempted murder and intimidation. More than 21,000 police personnel were deployed in the provinces, as well as several Sri Lanka Army soldiers. Observer groups, such as the Centre of Monitoring Election Violence, reported over 265 instances of pre-election violence. These included the misuse of state property, physical violence, bribery and intimidation and led to the destruction of the residence of a UNP official in Anuradhapura and an attempt on the life of a JVP member, Lalith Hettiarachchi." [75f] (p9-10)

4.07 The same EIU document also recorded:

"Over the past few weeks the armed forces have made significant military advances in the north, following a two-fronted campaign in Weli Oya to the north-east and the Wannu region to the north-west. In the last week of August the army gained full control of the Palamoddai area, to the west of the main A-9 highway, near Omanthai in the Vavuniya district. It also secured a coastal area to the north of Kokkutuduvai on the Weli Oya front. Inroads have also been made on the Wannu front, with the army marching through a series of towns along the coast. On September 2nd the Ministry of Defence also announced the capture of Mallavi, an important strategic town further inland. From Mallavi, the armed forces are now moving towards the A-9, just a short distance from Kilinochchi, the main base of the LTTE. However, fighting has been fierce, with many casualties on both sides. Although it has been losing territory, the LTTE has retaliated with bombings. On the night of August 26th Navy sources confirmed that an LTTE aircraft had dropped bombs near the Trincomalee naval base and harbour, causing slight damage. The Navy retaliated by firing at the aircraft, but was unable to shoot down the Tigers' aircraft-although the military later claimed to have intercepted and shot down a rebel aircraft in early September. In late August several dozen civilians also suffered injuries when the LTTE exploded a parcel bomb in Pettah, a busy commercial area in the capital, Colombo, on August 30th." [75f] (p10)

4.08 As reported by Reuters on 21 September 2008:

"Thousands of Sri Lankans who have fled the country's war zones, nearly all Tamils, lined up on Sunday to register under what police say is an essential security measure to crack down on Tamil Tiger militants. From 8 a.m. (0230 GMT), people queued at schools, temples and other public buildings to give their details to police, who earlier this week ordered all who had fled five war-affected districts in the past five years to come and be counted. Police have estimated that is roughly 100,000 people. The order, which affects those who moved to the Indian Ocean island's capital, Colombo, and the surrounding

Western Province, came as the military was on the doorstep of the headquarters of the Liberation Tigers of Tamil Eelam (LTTE) rebels in the north... As the military has intensified an 18-month campaign to wipe out the LTTE in the north, more bombs blamed by authorities on Tiger sleeper agents have targeted civilians in Colombo. Analysts fear more government military success will mean more blasts... Activists said the registration drive was likely to deepen divisions, coming a year after the Supreme Court nullified as unconstitutional a government attempt to send those who had fled rebel-held districts back home.” [4a]

See also Section 28 on [Police registration](#)

4.09 In a press release issued on 25 September 2008, the European Commission expressed concern “about the humanitarian situation prevailing in Sri Lanka”, preoccupation for the “continuing disrespect for human rights by all sides” and concern over “reports of forced recruitment and summary executions by the LTTE” [81a]

4.10 On 28 September 2008 the state-owned, pro-government *Sunday Observer* reported that:

“Kilinochchi is now a ‘ghost town’ with the LTTE withdrawing all its offices, business establishments, hotels and media centres following the rapid advancement of the security forces towards the region from various directions in the Wannu, informed sources said. The LTTE had even abandoned its ‘Peace Secretariat’ and the adjoining buildings where most of the meetings with key figures of the international community had taken place with the LTTE’s late political wing leader S. P. Thamilselvan and its late theoretician Anton Balasingham, sources said.” [16e]

4.11 On 29 September 2008 BBC News reported that the United Nations in Sri Lanka had said it would send food “to thousands of civilians displaced by fighting in the rebel-held north.”

“The move comes as the army says that it is moving closer towards capturing the rebels’ administrative capital of Kilinochchi after ‘intensive fighting’... The UN’s announcement comes two weeks after aid workers were ordered out of the north by the government. The World Food Programme (WFP) now has permission to enter the Tamil Tiger-controlled Wannu district this week to deliver badly needed supplies to civilians, a UN spokesman in Colombo told the BBC News website... The UN estimates that about 230,000 people have been displaced around the rebel strongholds of Kilinochchi and Mullaivivu in recent weeks... Meanwhile the army says that it is getting closer and closer to the strategically important town of Kilinochchi. It said that air force helicopters attacked rebel bunker lines in support of ground troops and a strategically important road near the town was captured on Sunday after a seven-hour battle. The government bars most journalists from areas where the fighting is taking place and the military’s accounts cannot be independently verified.” [9m]

4.12 For further information see the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2008 and the South Asia Terrorism Portal, Sri Lanka Timeline - Year 2008

See also Latest News, Annex A, B (which contains detailed information on

incident and events between 1 and 22 September 2008) and E

USEFUL SOURCES FOR UPDATES

4.13 A list of some selected key sources of information on Sri Lanka is provided below, together with weblinks. These sources may be useful if additional up to date information is urgently required to supplement the material in this COI Report. For the full list of sources contained in this COI Report, please refer to Annex H – References to source material.

Alert Net	http://www.alertnet.org/db/cp/srilanka.htm
Amnesty International	http://www.amnesty.org/en/region/asia-and-pacific/south-asia/sri-lanka
BBC News	http://newssearch.bbc.co.uk/cgi-bin/search/results.pl?scope=newsukfs&tab=news&q=sri+lanka&go.x=32&go.y=8
BBC Sinhala	http://www.bbc.co.uk/sinhala/
Daily Mirror	http://www.dailymirror.lk/
European Country of Origin Information Network	http://www.ecoi.net/index.php?countrychooser_country=190162%3A%3ASri%20Lanka&step=1&command=showcountryhome
Free Media Sri Lanka	http://www.freemediasrilanka.org/
Human Rights Watch	http://www.hrw.org/doc?t=asia&c=slanka
Immigration and Refugee Board of Canada (IRB)	http://www.irb-cisr.gc.ca/en/research/ndp/index_e.htm?id=757
International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines	http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1010
IRIN News Sri Lanka	http://www.irinnews.org/Asia-Country.aspx?Country=LK
The Official Government News Portal of Sri Lanka	http://www.news.lk/
The Official Website of the Democratic Socialist Republic of Sri Lanka	http://www.priu.gov.lk/
Relief Web	http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lka

South Asia Terrorism Portal

<http://satp.org/satporgtp/countries/shrilanka/timeline/index.html>

<http://www.satp.org/satporgtp/countries/shrilanka/databases/index.html>

Asian Human Rights Commission

<http://www.srilankahr.net/index.php>

The Lanka Academic

<http://www.theacademic.org/>

UNHCR Sri Lanka

<http://www.unhcr.lk/>

UNICEF Sri Lanka

<http://www.unicef.org/srilanka/>

COI Service is not responsible for the content of external websites.

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5. CONSTITUTION

- 5.01 “The Constitution of the Democratic Socialist Republic of Sri Lanka was approved by the National State Assembly (renamed Parliament) on 17 August 1978, and promulgated on 7 September 1978...The Constitution guarantees the fundamental rights and freedoms of all citizens, including freedom of thought, conscience and worship and equal entitlement before the law.” (Europa World Online, Sri Lanka: Government and politics, The Constitution) [1a]
- 5.02 “Amendments to the Constitution require endorsement by a two-thirds’ majority in Parliament. In February 1979 the Constitution was amended by allowing members of Parliament who resigned or were expelled from their party to retain their seats, in certain circumstances. In January 1981 Parliament amended the Constitution to increase its membership from 168 to 169. An amendment enabling the President to seek re-election after four years was approved in August 1982. In February 1983 an amendment providing for by-elections to fill vacant seats in Parliament was approved. An amendment banning parties that advocate separatism was approved by Parliament in August 1983. In November 1987 Parliament adopted an amendment providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit). In December 1988 Parliament adopted an amendment affording Tamil the same status as Sinhala, as one of the country’s two official languages.” (Europa World Online, Sri Lanka: Government and politics, The Constitution) [1a]
- 5.03 The Seventeenth Amendment to the Constitution was published as a Supplement to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of October 5, 2000. It introduced the Constitutional Council; the Public Service Commission; the Election Commission; the Judicial Service Commission and the National Police Commission. (The official website of the Government of Sri Lanka, The Constitution) [44i]

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

- 5.04 The Freedom House report, ‘Freedom in the World 2008, Sri Lanka’, released on 2 July 2008, noted:

“The 17th amendment to the constitution was designed to improve governance and depoliticize key institutions by creating a constitutional council responsible for appointing members to independent commissions that would oversee the police, the judiciary, and public servants. Owing to a parliamentary impasse, Rajapakse failed to reconstitute the council in 2006 after the terms of its previous members expired. Instead, he made unilateral appointments to the public service and police commissions in April [2006], and to the human rights commission, judicial services commission, Supreme Court, and other judicial bodies in May. Some local groups allege that these actions have threatened the independence of the institutions and created a class of appointees who owe their positions to the president. [46c] (Political Rights and Civil Liberties)

See also Section 8 on Avenues of complaint

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6. POLITICAL SYSTEM

- 6.01 “A presidential form of government was adopted in October 1977 and confirmed in the Constitution of September 1978. The Constitution provides for a unicameral Parliament as the supreme legislative body, its members being elected by a system of modified proportional representation. Executive powers are vested in the President, who is Head of State. The President is directly elected for a term of six years and is not accountable to Parliament. The President has the power to appoint or dismiss the Prime Minister and members of the Cabinet; may assume any portfolio; and is empowered to dismiss Parliament. Sri Lanka comprises nine provinces and 25 administrative districts, each with an appointed Governor and elected Development Council. In November 1987 a constitutional amendment was adopted, providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit).” (Europa World Online, Sri Lanka: Government) [1a] The President is Mahinda Rajapakse; Prime Minister is Ratnasiri Wickremanayake. (Europa World Online, Sri Lanka) [1a]
- 6.02 As noted in the position paper of Transparency International Sri Lanka entitled ‘Mega Cabinets in Sri Lanka (Report No 1) Perceptions and Implications’ (undated):
- “The Cabinet of Sri Lanka under Executive President Mahinda Rajapakse was sworn in on 23rd November 2005 with 26 Ministers. With subsequent reshuffles it has expanded to more than four times its original number within the last two years to a total of 108 Ministers at present. This involves 52 Cabinet Ministers, 36 Non-Cabinet Ministers and 20 Deputy Ministers with the Executive President himself holding 6 ministerial portfolios including that of Finance and Planning.” [36a] (p2)

See also Sections 15: Political Affiliation; and 18: Corruption

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Human Rights

7. INTRODUCTION

7.01 The Amnesty International Report 2008, Sri Lanka released on 28 May 2008, stated: “2007 was characterized by impunity for violations of international human rights and humanitarian law. Soaring human rights abuses included hundreds of enforced disappearances, unlawful killings of humanitarian workers, arbitrary arrests and torture. Lack of protection for civilians was a key concern as heavy fighting resumed between government forces and the Liberation Tigers of Tamil Eelam (LTTE).” [3c] (Introduction)

7.02 As noted in the U.S. State Department (USSD), Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

“The government's respect for human rights continued to decline due in part to the escalation of the armed conflict. While ethnic Tamils composed approximately 16 percent of the overall population, the overwhelming majority of victims of human rights violations, such as killings and disappearances, were young male Tamils. Credible reports cited unlawful killings by government agents, assassinations by unknown perpetrators, politically motivated killings and child soldier recruitment by paramilitary forces associated with the government, disappearances, arbitrary arrests and detention, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of religious freedom, infringement of freedom of movement, and discrimination against minorities. There were numerous reports that the army, police, and progovernment paramilitary groups participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity. The situation deteriorated particularly in the government-controlled Jaffna peninsula. By year's [2007] end extrajudicial killings occurred in Jaffna nearly on a daily basis and allegedly perpetrated by military intelligence units or associated paramilitaries. There were few arrests and no prosecutions as a result of these abuses, although a number of older cases continued to make slow progress through the judicial system. Government security forces used the broad 2005 emergency regulations to detain civilians arbitrarily, including journalists and members of civil society.” [2f] (Introduction)

7.03 “The LTTE, which [in 2007] maintained control of large sections of the north, continued to attack civilians and engage in torture and arbitrary arrest and detention; denied fair, public trials; arbitrarily interfered with privacy; denied freedoms of speech, press, and assembly and association; and forced recruitment, including of children. The LTTE was also active in areas it did not control and during the year [2007] carried out at least one politically motivated killing in Trincomalee, a politically motivated suicide attack in Colombo, a suicide attack against a government army base near Batticaloa, a bombing of civilian shoppers in a suburb of Colombo, and bombings of civilian buses in the south.” (USSD 2007) [2f] (Introduction)

7.04 The Asian Human Rights Commission (AHRC) ‘The state of human rights in eleven Asian nations in 2007, Sri Lanka’, (released on 10 December 2007) reported that:

“The situation of human rights, the rule of law and the independence of the judiciary deteriorated further during the year 2007... There were no improvements in any of the areas relating to human rights and the rule of law, in fact, even the discourse on human rights suffered a serious setback as the Sri Lankan government refused to engage in any meaningful discourse about the improvement of the situation with the local human rights groups, international human rights groups, the Human Rights Council and with Louise Arbour, the High Commissioner for Human Rights who visited Sri Lanka in October this year.” [47g] (p1)

- 7.05 In October 2007 the High Commissioner for Human Rights Louise Arbour visited Sri Lanka. In a press statement issued on 13 October summing up her visit she noted inter alia:

“I was struck in my discussions by the fact that broader human rights issues affecting all communities on the island have largely been eclipsed by the immediate focus on issues related to the conflict. These include issues of discrimination and exclusion, gender inequalities, the low participation of women in public and political life, the rights of migrant workers and press freedom. These challenges will remain before and after any peace settlement, and they are deserving of greater and more focussed attention.” (A Press Statement from Ms. Louise Arbour, UN High Commissioner for Human Rights forwarded by the Asian Human Rights Commission) [47e]

- 7.06 Ms Arbour continued:

“Sri Lanka has many of the elements needed for a strong national protection system... However, in the context of the armed conflict and of the emergency measures taken against terrorism, the weakness of the rule of law and prevalence of impunity is alarming. There is a large number of reported killings, abductions and disappearances which remain unresolved... While the Government pointed to several initiatives it has taken to address these issues, there has yet to be an adequate and credible public accounting for the vast majority of these incidents. In the absence of more vigorous investigations, prosecutions and convictions, it is hard to see how this will come to an end. While Sri Lanka has much of the necessary human rights institutional infrastructure, critical elements of protection have been undermined or compromised. The application of treaties in domestic law has been questioned by the Supreme Court in the Singarasa case. The Government’s proposed legislation to address this problem, tabled this week in Parliament only partially addresses the issues and risks confusing further the status of different rights in national law... In my view the current human rights protection gap in Sri Lanka is not solely a question of capacity. While training and international expertise are needed in specific areas, and I understand would be welcomed by the Government, I am convinced that one of the major human rights shortcomings in Sri Lanka is rooted in the absence of reliable and authoritative information on the credible allegations of human rights abuses.” (A Press Statement from Ms. Louise Arbour, UN High Commissioner for Human Rights forwarded by the Asian Human Rights Commission) [47e]

- 7.07 A press statement issued by Amnesty International on 4 September 2007:

“Grave violations of human rights and international humanitarian law by all parties to the conflict characterize the hostilities which have escalated since

April 2006. Unlawful killings, abductions and enforced disappearances of civilians are daily occurrences in Sri Lanka...Amnesty International is also concerned about a rising incidence of killings of journalists by unidentified armed men, and tightened restrictions on freedom of expression. There is an urgent and ongoing need for sustained and effective protection for civilians... Amnesty International is gravely concerned that civilians have not just been 'caught in crossfire', but have also been deliberately targeted by the security forces, the LTTE and other armed groups. Amnesty International remains particularly concerned over the failure to protect civilians in the north and east of the country.

[31]

7.08 The Amnesty International press statement of 4 September 2007 continued:

"The number of reported unlawful killings and enforced disappearances has increased amid a continued failure to identify and bring to justice those responsible for human rights violations...Many internally displaced persons (IDPs) continue to live in fear, sustained in part by the LTTE's continued involvement in widespread human rights abuses including unlawful killings and abductions."

"Amnesty International remains concerned at the restrictions placed on civil and political rights under the Emergency Regulations which were made more restrictive in 2006 after their reintroduction in August 2005."

"As human rights abuses in the context of the conflict have increased, Amnesty International is gravely concerned about a persistent climate of impunity reported by human rights activists and other civil society actors in Sri Lanka. A need for systematic monitoring and prompt, impartial and effective investigations remains acute, made all the more necessary by an extremely small proportion of these human rights violations ever having proceeded to trial or conviction of perpetrators in the past." [31]

7.09 As noted in The International Crisis Group document 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007:

"The resumption of war between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) has been accompanied by widespread human rights abuses by both sides. While the LTTE has continued its deliberately provocative attacks on the military and Sinhalese civilians as well as its violent repression of Tamil dissenters and forced recruitment of both adults and children, the government is using extra-judicial killings and enforced disappearances as part of a brutal counter-insurgency campaign." [76a] (Executive Summary)

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8. SECURITY FORCES

8.01 The security forces comprise the 65,000-member police force (which included the 5,850-strong paramilitary Special Task Force) (USSD, 11 March 2008) [2f] (Section 1d); the 150,900-strong armed forces (including recalled reservists and comprising: army 117,900, navy 15,000, air force 18,000), and paramilitary forces of around 88,600 (including 13,000 Home Guard, an estimated 15,000 National Guard and a 3,000-strong anti-guerrilla unit). ((Europa World Online, Defence accessed on 24 September 2008) [1a]

8.02 The Human Rights Watch (HRW), World Report 2008, Sri Lanka, January 2008, covering events in 2007, noted that:

“Government security forces are implicated in extrajudicial killings, enforced disappearances, forcibly returning internally displaced persons (IDPs) to unsafe areas, restricting media freedoms, apparent complicity with the abusive Karuna group, and widespread impunity for serious human rights violations. Hundreds of people have been detained under newly strengthened Emergency Regulations that give the government broad powers of arrest and detention without charge. The regulations have been used to conduct mass arbitrary arrests of ethnic Tamils in the capital Colombo, as well as to detain political opponents, journalists, and civil society activists.” [21b] (p1)

POLICE

8.03 As noted in the USSD report 2007:

“Following the 2005 presidential election, the government eliminated the Ministry of Internal Security and placed control of the 65,000 member police force, including the 5,850 strong paramilitary Special Task Force, under the Ministry of Defense. Senior officials in the police force handled complaints against the police. Few police officers serving in Tamil majority areas were Tamil and generally did not speak Tamil or English. Impunity, particularly for cases of police torture and disappearances of civilians within HSZs [High Security Zones], was a severe problem. Several NGOs claimed that corruption was also a problem in the police force. An October [2007] assessment by the AHRC revealed the government's tolerance of the pervasive corruption and incompetence of the police force as a major reason for the institution's incapacity to investigate and prosecute cases effectively.” [2f] (Section 1d)

8.04 As recorded on the website of the Sri Lanka Police Service (accessed on 17 September 2008):

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

District and providing personnel for the protection of the President, Prime Minister, several Ministers of the Cabinet and other VIPP.” [7] (Special Task Force)

- 8.05 On 15 June 2007, SCOPP (the Sri Lankan Government’s Secretariat for Co-ordinating the Peace Process) reported that the Special Task Force in the Eastern Province had moved to enhance its programme to teach Tamil to its officers:

“The STF which was set up in 1983/84 and began by taking over operations in the East from the Sri Lanka Army, found from the outset that the work was severely handicapped due to a grave communication problem,’ [the STF commandant] Lewke said, explaining the rationale for the introduction of a comprehensive language training programme for officers who are not conversant in Tamil...In 2003, Tamil was included in the curriculum as a compulsory subject at the STF Training School and today, out of 3600 officers deployed in Batticaloa, 45% have been taught Tamil. This is in addition to 18-20% of the total cadre who belong to the Muslim and Malay communities whose first language is Tamil and a further 12% of Sinhalese who are from villages adjacent to Tamil villages and who are therefore conversant in this language. Every year approximately 250 STF officers take 3-month Tamil language courses. Forty officers are due to receive Tamil language training beginning in August this year.” [41a]

- 8.06 In addition to the Special Task Force, police divisions include: Mounted Police; Traffic Police; Human Rights Division; Women & Child Bureau; Police Narcotics Bureau and Tourist Police. The Inspector General of Police (IGP) controls both the Functional Command and the Territorial Command. (Website of the Sri Lanka Police Service Special Information, accessed on 17 September 2008) [7] (Home)
- 8.07 As recorded in Jane’s Sentinel Country Risk Assessments, Country Report Sri Lanka (last accessed 4 January 2008):

“Policemen are poorly paid and susceptible to corruption at lower levels. Senior police officials are recruited more on a basis of class than ability. (Sri Lanka is a highly class-conscious society.) Human rights organisations have been highly critical of the Sri Lankan police, whose rapid expansion and poor training have contributed to lack of professionalism...Policing is conducted through over 300 police stations located throughout the country. Police stations are graded into six categories and are under the charge of officers in the rank of chief inspectors, inspectors and sub-inspectors, depending on the grade of the station. Police stations are further grouped into 132 territorial districts, each under the charge of a superintendent/assistant superintendent of police. These districts are in turn grouped into 35 police divisions. Each division is under the charge of a senior superintendent of police/superintendent of police.” [5a] (Security and foreign forces, 22 January 2007)

- 8.08 “The Sri Lankan police recruits personnel directly at three levels - probationary assistant superintendent of police, probationary sub-inspector of police, and police constable. There is little if any chance of promotion from constable to senior rank. A six-month training programme is intended to impart traditional police skills as well as providing instruction in the role of the police in the community and the criminal justice system. Induction training includes: origin

and nature of police work; general police responsibilities; elements of organisation and administration; ethics; operations and patrol systems (techniques, tactics and patrol), and the handling of public disorder. The US is increasingly involved in the police training process and in September 2004 provided further funding and assistance for programmes.” [5a] (Security and foreign forces, 22 January 2007)

Police in LTTE-held areas

- 8.09 “The ‘Tamil Eelam Police’, with its headquarters at Kilinochchi was formed in [the] year 1993, and reportedly has several wings, including traffic, crime prevention, crime detection, information bureau, administration and a special force. LTTE cadres collect taxes, its courts administer their version of justice and the entire law and order machinery is LTTE-controlled.” (South Asia Terrorism Portal, Terrorist Groups, Liberation Tigers of Tamil Eelam (LTTE), undated, website accessed on 17 September 2008) [37a]

See also [Latest News section](#)

Please note that the sections below refer not only to the police but also to the security forces in general

Arbitrary arrest and detention

- 8.10 As noted in the USSD report 2007:

“The law prohibits arbitrary arrest and detention; however, such incidents occurred in practice. Under the relaxed arrest and detention standards imposed by the emergency regulations, the law is unclear as to what constitutes an arbitrary arrest. The government refused to release statistics on the number of arrests made during the year under the emergency regulations. Several thousand individuals were detained at least temporarily, the majority of whom were released within 24 hours of their arrest.” [2f] (Section 1d)

See also Section 12 on [Emergency Regulations](#)

- 8.11 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007, noted that “...arrests under the Emergency Regulations are sometimes hard to distinguish from enforced disappearances, as when non-uniformed government agents arrest people without announcing under what authority they are acting, the reason for the arrest or where the arrested person is being taken.” [76a] (p13)
- 8.12 An Amnesty International (AI) statement of 17 August 2007 noted that detentions in Sri Lanka were becoming ‘increasingly arbitrary’ and went on to comment that ‘[i]n many cases, no receipts or records of detention had been provided to family members of those who had been arrested, despite a Presidential warrant of July 2006 requiring this’. AI also stated that the uncertainty on where significant numbers of detainees were held put them ‘at increased risk of torture and enforced disappearance’. [3h]
- 8.13 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 recorded that:

“Over the past 18 months, the Rajapaksa government has detained an undetermined number of people reaching into the hundreds under the regulations. The primary targets are young Tamil men suspected of being LTTE members or supporters, but the government has recently cast a wider net, arresting non-Tamils for allegedly supporting the LTTE. The overbroad and vaguely worded regulations allow for the detention of any person ‘acting in any manner prejudicial to the national security or to the maintenance of public order, or to the maintenance of essential services.’ The authorities may search, detain for the purpose of a search, and arrest without a warrant any person suspected of an offense under the regulations.” [21f] (Summary)

8.14 The HRW report of August 2007 further noted:

“The number of people arrested under the Emergency Regulations remains unclear... Human Rights Watch requested updated figures in June [2007], as well as the status of cases and the locations of detention, but the government failed to provide the information requested.” [21f] (Summary)

“According to Sri Lankan lawyers and human rights activists, the typical profile of a detainee under the Emergency Regulations is an ethnic Tamil man between the ages of 18 and 40. But since late 2005, arrests under the regulations have expanded beyond the Tamil community. By February 2007, at least 11 Sinhalese civilians had been arrested and detained under the Emergency Regulations charged with being LTTE supporters from areas such as Matale, Ratnapura, and Galle.” (HRW, ‘Return to War, Human Rights under Siege’, 6 August 2007) [21f] (Section VII, The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005)

8.15 The HRW report of August 2007 added that:

“According to Sri Lankan lawyers and human rights activists, detainees under the Emergency Regulations are kept in regular prisons as well as police stations and other detention facilities, including those run by the Terrorism Investigation Division... The government has failed to provide complete lists of those detained, the charges they face, and the locations where they are being held.... The use of unauthorized places of detention has become a source of enormous anxiety for the families of detainees. Often families don’t know where a relative is being held and the authorities are reluctant to give information. Under the Emergency Regulations, there is no requirement to publish the places where people are held... Human Rights Watch asked the Sri Lankan government where it was holding those arrested under the Emergency Regulations. The government did not provide this requested information, saying it was being tabulated by the police.” [21f] (Section VII, The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005)

8.16 The same question put by HRW – but related to the additional set of emergency regulations promulgated in December 2006 – produced exactly the same reply by the government. [21f] (Section VII, Emergency Regulation (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) No. 7 of 2006)

8.17 On 27 February 2008 BBC Sinhala reported that the Supreme Court had ordered the Attorney General (AG) to take steps to release LTTE suspects if no evidence was found against them. The Chief Justice Sarath Nanda Silva

was reported to have observed that it was 'unacceptable' that these suspects were kept in remand for periods as long as 12 months. [9a]

- 8.18 On 2 September 2008, the pro-LTTE website TamilNet reported that Upcountry Peoples Front (UPF) parliamentarian P. Rathakrishnan, had compiled a report with details of around 1,200 Tamil youths of both sexes (most of them from the north, east and upcountry), detained without inquiry in Boosa detention centre, prisons located in Kalutara and Welikada and in several police stations in the western province. [38ah]

See also Sections 12: Emergency Regulations; 28: Freedom of movement and 31: Citizenship and nationality, sub-section on Identity cards

Cordon and search operations

- 8.19 The Minority Rights Group International briefing 'One year on: counter-terrorism sparks human rights crisis for Sri Lanka's minorities', dated December 2007 noted:

"Using these [counter-terrorism] laws, the military routinely conducts search operations in predominantly Tamil neighbourhoods across the country. These searches involve a number of armed officers cordoning off a particular area, screening ID cards, and intensely searching through personal properties including bedrooms. Women are particularly at risk when such search operations occur. In some cases, the men in a village are first rounded up and then the houses are checked leaving women extremely vulnerable. Search operations also occur at specific checkpoints or intermittently at ad-hoc check points across the country. The counter-terrorism measures are not just limited to the war-torn areas. In the capital, Colombo, Tamil neighbourhoods are often cordoned off for search operations and people are taken in for questioning." [62b] (p4)

- 8.20 The Human Rights Watch (HRW) report 'Return to War, Human Rights under Siege', published on 6 August 2007 noted that "Large-scale arrests of Tamil youth under the Emergency Regulations are particularly common after attacks attributed to the LTTE..." The report continued: "The police take advantage of the powers granted them under the regulations to arrest all those suspected in any way of supporting the LTTE..." And further stated "Also problematic is that the 2005 Emergency Regulations allow joint operations between the army and the police, with no clarity on responsibility. Lawyers working on cases of arrests under the regulations say that the police often round up alleged suspects in cordon and search operations in conjunction with the military and then tell lawyers and family members that they must speak to the military because the police have no information about the arrest." [21f] (Section VII, The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005)

- 8.21 A letter from the BHC, Colombo, dated 10 April 2007, noted that:

"There seems to be a link between large scale Cordon and Search Operations and the environment created by the ERs. We are not aware of the total number of arrests – many of whom are only detained briefly, but ICRC reports that about 900 people have been registered as detained for longer periods since September 2006 and have been visited by them. Our assessment of the profile of the detainees is similar to that reported in the media. They are

overwhelmingly Male, Tamil (either Sri Lankan or Hill Tamil) and generally young. Most are detained because they [are] unable to produce ID, or unable to explain the reason for being in a particular area. ” [15a]

See also Section 12 on [Emergency Regulations](#) and Section 28

Incidents in 2007 – Colombo and the south

- 8.22 Cordon and search operations were reported throughout 2007. The examples below refer mainly to the Colombo district. On 12 January 2007 the pro-LTTE website TamilNet reported that “Tamil civilians arrested by the Sri Lanka's forces under the newly introduced Prevention of Terrorism (PTA) Act are now sent to Boosa detention camp located in Galle in the south of the island due to lack of space in Colombo jails.” [38f] On 13 January 2007, the same source reported that: “Sri Lanka Security forces assisted by Police arrested 209 youths in Gampaha, 36 in Nittambuwa, 22 in Minuwangoda, and 7 in Borelesgamuwa ...during separate cordon and search operations...Many were released after proving their identity, and others were detained for further questioning...Majority of the arrested youths are Tamils. Most of the youths are natives of Trincomalee, Killinochchi, Jaffna, Batticaloa, and Upcountry, and have been working in factories and other worksites in Sinhalese dominated areas, according to sources.” [38e]
- 8.23 On 4 February 2007, the pro-LTTE website TamilNet reported the arrest of more than 566 persons (majority of them Tamils) who had failed to prove their identity and the reason for their presence in town, during a combined cordon and search operation conducted in the Fort and Pettah areas in Colombo during the weekend. “Of them about 70 are being detained in police station and the rest were released after inquiry, police said.” [38c] On the following day the same source noted that the majority of those arrested “were staying in lodges at that time of arrest, police said...They were produced in court Monday [5 February 2007] and police moved [sic] that they be sent to Boosa detention camp until the inquiry is completed. Police told court that some of the suspects had been involved in terrorist activities according to preliminary investigation conducted so far, sources said. Police said these suspects would be released only after intensive investigation.” [38i]
- 8.24 The pro-LTTE website TamilNet reported a number of large-scale arrests of civilians in Colombo between May and July 2007. “Sri Lankan armed forces Thursday and Friday [3 and 4 May] arrested thirty-five civilians, majority of them Tamils, in cordon and search operations conducted in Wellawatte, and Vaalaihoddam in Colombo city. Five have been remanded on the orders of the Colombo Magistrate and the others are detained in police station and are being interrogated, police sources said.” (TamilNet, 4 May 2007) [38j] “More than sixty Tamils were arrested during a cordon and search operation carried out by Sri Lanka Police between midnight Friday and early morning Saturday [2 June 2007] in Mt Lavinia, Ratmalana, Wellawatte, Bambalapitiya, Mattakuliya, Kirilapone and Kohuwela... Those who proved their identity and provided satisfactory reasons for their stay in the location were released after preliminary inquiry, police sources said. Forty-three of them are now being detained in police stations and are being interrogated, sources said.” (TamilNet, 2 June 2007) [38m] “About three hundred civilians were taken into custody in a cordon and search operation conducted by the Sri Lanka Army (SLA) and Sri Lanka Police from midnight Tuesday till the dawn of Wednesday

in Welikada division in Colombo district...Majority of them are Tamil civilians, and residents of north and east and upcountry...Police sources said they were taken into custody as they failed to prove their identity with valid documents and give valid reason for their stay in the location.” (TamilNet, 27 June 2007) [38p] “Sri Lanka Army (SLA) and Police, in a joint pre-dawn cordon and search operation, arrested 39 civilians, many of them Sinhalese, in Mount Lavinia, a suburb of Colombo on Sunday [8 July 2007]...Many of the arrested did not have identity cards, the Police claimed.” (TamilNet, 9 July 2007) [38q]

8.25 In a letter dated 13 August 2007, the BHC in Colombo noted that “The cordon and search operations seem to target Tamils with casual employment and temporary accommodation. While most detained are released quickly, a proportion end up in more long term detention.” [15e]

8.26 The International Crisis Group (ICG) report, ‘Sri Lanka’s Human Rights Crisis’, of 14 June 2007 noted that:

“Following two suicide bomb attacks in late November 2007 the government arrested some 1,000 Tamils in Colombo and other southern towns. According to a statement by Tamil MP Mano Ganeshan, who is also the Convenor of the Civil Monitoring Commission, the military bundled Tamils into busloads regardless of age and sex, and took them for questioning. Some were detained in special counter-terrorism detention centres. Figures and details of those arrested are difficult to obtain, and international human rights groups have warned that due process is rarely met when these arrests and detentions occur... Many of the government detention centres are out of bounds and there is very limited information on the numbers of those arrested and detained under counterterrorism laws. Information on the status of the detainees is hardly ever made available. The country’s forces are also known to use methods of torture against detainees.” (Minority Rights Group International, ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, December 2007) [62b] (p4-5)

8.27 As reported by the pro-LTTE website TamilNet on 2 December 2007:

“Sri Lankan armed forces have arrested around 1,500 Tamil men and women in wide scale cordon and search operations within the last 48 hours in Colombo and other districts in South, Tamil parliamentarians told media in Colombo on Sunday. 351 of the arrested persons in Colombo, currently detained at Boosa detention camp, complained that many of them were arrested despite documenting their identity and that they have not been provided proper food and drink for the last 48 hours. 51 of the detainees, at Boosa, were females... Tamil civilians were arrested in Modara, Grandpass, Gampaha, Ratmalana, Chilaapam (Chilaw). Arrests were also reported in Kotagala and Pusallawa areas in the Up-Country.” [38ab]

8.28 On 6 December 2007, the government-controlled *Daily News* reported that:

“Only around 100 people out of the 2,554 arrested by Security Forces on Sunday still remain in custody, Prime Minister Ratnasiri Wickremanayake told Parliament yesterday. Prime Minister Wickremanayake said links have been bared between these detainees and the LTTE. Among the 100, 87 were from Jaffna and the rest from the upcountry... Three hundred and ninety two people were released within two to three hours of being taken in for questioning by

the Police. One hundred who could not prove their identity and whereabouts were produced before Courts.’...Chief Government Whip Minister Jeyaraj Fernandopulle said 2,554 were taken into custody after more than 100,000 people were checked...Fifty four per cent of the Tamil population live in the South and more than 100,000 live in Colombo and the suburbs of the Western Province, Fernandopulle said.” [16g]

8.29 The South Asia Terrorism Portal (SATP), Sri Lanka Timeline - Year 2007 recorded that on 11 December 2007 “12 of the over 2000 Tamils arrested in Colombo and its suburbs on December 1 and 2 in one of the largest security crackdown are confirmed hardcore LTTE militants.” [37d]

8.30 As reported by BBC Sinhala on 12 December 2007 “The Supreme Court in Sri Lanka has ordered authorities to report on measures taken to release Tamil suspects on bail. A bench headed by the Chief Justice (CJ) ordered the Attorney General (AG) to take steps to release the suspects on bail as soon as possible if they are no longer required for questioning.” [9an]

8.31 The ICRC Sri Lanka Bulletin No. 18 of 20 December 2007 (covering the ICRC activities between 20 November and 20 December 2007) reported that:

“Following the two bomb blasts in Colombo on 28 November [2007] and the subsequent mass arrests of more than 2,000 people in the capital and other parts of the country, many of whom have been released in the meantime, the ICRC visited 469 of the recently arrested detainees at Boosa prison, south of Colombo, registering 372 of them for individual follow-up. The ICRC provided the detainees with hygiene kits and clothing. It also assessed the conditions of detention and the treatment of detainees held by the Terrorist Investigation Department, the Criminal Investigation Department and police stations in Colombo and across the country.” [34a]

8.32 The USSD 2007 report recorded that “By year's [2007] end only 12 of the 372 arrestees held in the Boossa detention camp were still in custody.” [2f] (Section 1d)

8.33 A letter from the BHC Colombo dated 16 May 2008 noted:

“In the wake of the Nugegoda bomb blast, in November/December 2007 the GoSL carried out a rigorous search operation in Colombo and surrounding areas. More than 3000 Tamils; men, women and children, were indiscriminately arrested, loaded into buses, and taken to police stations. It was claimed that out of 2554 arrested, 2350 have been released, 102 have been served with detention orders, and 100 have had cases filed against them. There are unsubstantiated reports however that there are still over 400 Tamils in detention. Those charged face allegations of terrorist activities/connections and threats to national security. Those served with detention orders are investigated by the TID (Terrorist Investigation Department), and magistrates review their detention every two weeks. In reality persons detained under the Emergency Powers in TID can remain there for many months, or even years, without appearing in Court or being charged.” [15r]

See also Sections 12: Arrest and Detention Legal Rights; 28: Freedom of Movement; and 31 Citizenship and Nationality

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Incidents in 2008 - Colombo

8.34 As reported by the *Daily Mirror* (Sri Lanka) on 7 January 2008:

“The police yesterday launched a massive search operation in Colombo City and arrested 198 persons on suspicion along with eight vehicles. The search was conducted in several selected places of the Western Province including the Colombo City where police searched around 75, 000 persons and 28, 000 vehicles... They were arrested on suspicion for various offences including terrorists and underworld activities as well as failing to prove their identity... This was the first search operation in the New Year and the latest one after the Supreme Court decision to withdraw permanent roadblocks and checkpoints in the city, where such a mass arrest was made.” [11u] Reporting on the arrests, the pro-LTTE website Tamilnet noted on 6 January 2008 that:

“The arrested included several young women. Although civil society sources speculated that more than 300 Tamil civilians were arrested during this operation, the police claimed that only 198 were arrested. Deputy Minister R.Rathakrishnan has contacted the Senior Deputy Inspector General of Police M.K.Ilangakone and requested him to release those arrested without any valid reasons. Mr.Rathakrishnan also visited some police stations where the arrested Tamils are being detained. Meanwhile, the parents of the arrested Tamil youths met the Deputy Minister and requested his assistance to get their children released.” [38aa]

See also Section 28 on [Check-points](#)

8.35 On 29 January 2008, the pro-LTTE website TamilNet reported that “Forty Tamils arrested following the [8] January claymore explosion in Ja-ela that killed Mr.D.M.Dassanayake, Nation Building Minister in the cabinet of President Mahinda Rajapakse, are still being detained by the police and are being interrogated by the Terrorist Intelligence Division, according to Peliyagoda police.” [38z]

8.36 As reported on 25 April 2008 by the pro-LTTE website TamilNet, “About two hundred civilians were taken into custody in Dehiwala in a search operation conducted from Tuesday dusk to Wednesday dawn. Except 42 Tamil civilians others were released after preliminary inquiries. Others were detained as they failed to prove their identity and provide satisfactory reason for their stay in the location, police sources said.” [38ad] On 3 May 2008 the same source reported that:

“More than one thousand residences, with natives from Jaffna, Batticaloa, Ampaa'rai and Up-Country, were subjected to thorough search by the Police and the SLA from 4:30 a.m. till 11:00 a.m. Saturday. Around 300 persons were brought to the Jinthuppiddi ground for 'failing to provide valid reason for their stay in Colombo'.84 of them were finally taken to police station...According to latest update, 15 of the 84 persons taken to the police have been detained there for further interrogations.” [38ae]

- 8.37 On 11 May 2008 the pro-LTTE website TamilNet reported that:
- “About 61 Tamil civilians arrested in Colombo in several cordon and search operations last few weeks are still being detained in several police stations in Colombo, civil society sources said. 25 are being detained in police stations at Dehiwala, Wellawatte and Kohuwela, 15 at Weliveriya, and 21 are held in Kotahena. All detainees had valid national identity cards, but were taken into custody because of their Tamil nationality, media reports said quoting complaints forwarded by their relatives to P.Radhakrishnan, Colombo district parliamentarian representing the Upcountry Peoples Front (UPF)... Meanwhile, 254 Tamil civilians including women, majority of them upcountry Tamils, are now being detained in Boosa detention centre for nine months to one year, said Mr.Radhakrishnan.” [38u]
- 8.38 A letter from the BHC Colombo dated 16 May 2008 noted:
- “During cordon and search operations in Colombo/Gampaha, a majority of persons who were arrested fell into 3 categories; those who had failed to produce their national identity cards; those who had failed to give a satisfactory reason as to why they were in the area if they emanated from another part of the country; and those arrested under Prevention of Terrorism Act/Emergency Regulations if they were suspected of being associated to the LTTE. Tamils form a vast majority of those arrested, although several Muslims were also detained. There were no reports of Sinhalese being detained. The Government has allegedly 400 persons detained in Boosa detention camp, and another 300 held in police stations in Colombo and surrounding suburbs at any one time. These figures vary depending on the current security situation.” [15r]
- 8.39 The same letter continued:
- “Invariably, the police target Tamils in the Colombo/Gampaha district given the present security situation. One must assume that they profile likely suspects based on risk assessment, e.g. male, Tamil, aged between 17-35, residing in low-budget, multi-occupancy housing etc. Frequent cordon and search operations, and swoops on lodgings are all centred on Tamils. However, there was at least one crackdown in Gampaha during 2006, when there was a reported chase of the Sinhala Tigers. The police have also reported that it was a Sinhalese woman accompanied by her mother who carried out the Dambulla bus bombing on 2nd February 2008, and that investigations showed that Ruwanwelisaya [temple] was the intended target.” [15r]
- 8.40 On 11 June 2008, the pro-LTTE website TamilNet reported that 22 Tamil youths (almost all from Jaffna) had been arrested in the Colombo suburb of Dehiwala, “during a pre-dawn cordon and search operation by Sri Lanka Army (SLA) and Police. The arrested Tamils were being detained at the Criminal Investigations Department (CID) at Kalkissa (Mount Lavinia) police station for questioning, police said.” [38ai] On 29 July 2008 TamilNet reported that seventeen Tamil civilians had been taken to custody in a ‘cordon and search operation’ conducted in the Wellawatte area of Colombo “All of the detainees were natives of north and east provinces and had been working in shops and staying with their relatives, friends and some in lodges in Wellawatte to go abroad, human rights sources said. They are now detained in Wellawatte police station and being interrogated as some of them had failed to prove their

identity and provide satisfactory reason for their stay in the location, police sources said.” [38h] On the following day the same source reported the arrest of 11 Tamil civilians in the Mt.Lavinia (Colombo) during an operation carried out by the Police “with the assistance of about one hundred members of the Civil Volunteer Force (CVF).” It was also reported that “Over five hundred vehicles entering into the Colombo city were subjected to thorough search during the operation. The search operation covered several areas including Ratmalana bus and railway stations and bus stations at Kattubedda and Mt.Lavinia, police sources said. Police said most of the arrested had failed to prove their identity and provide valid reason for their stay in the location.” [38k]

- 8.41 On 30 September 2008 TamilNet reported that 43 Tamils (mostly residents of the north and the east) had been “arrested in Wellawatte, Wattala, and Katunayake [in Colombo] in several cordon and search operations conducted by the Sri Lanka Police, assisted by Sri Lanka Army (SLA), and home guards...” and were being detained and interrogated in police stations in Colombo city. “Most of those arrested were residents of north and east. Some of the arrested had been staying in lodges and with relatives to go abroad for employment and others had been working in business establishments.” [38aj]

See also Section 28: Freedom of Movement

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Disappearances/Abductions

- 8.42 As noted in the HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008, “The resumption of major military operations between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) in mid-2006 has brought the return of a haunting phenomenon from the country’s past—the widespread abduction and ‘disappearance’ of young men by the parties to the conflict.” [21d] (p2)
- 8.43 “Enforced disappearances have again become a salient feature of the conflict. Figures released by various governmental and nongovernmental sources suggest that more than 1,500 people were reported missing from December 2005 through December 2007. Some are known to have been killed, and others have surfaced in detention or otherwise have been found, but the majority remain unaccounted for. Evidence suggests that most have been ‘disappeared’ or abducted... ‘Disappearances’ have primarily occurred in the conflict areas in the country’s north and east—namely the districts of Jaffna, Mannar, Batticaloa, Ampara, and Vavuniya. A large number of cases have also been reported in Colombo.” (HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, March 2008) [21d] (p4)
- 8.44 “In the great majority of cases documented by Human Rights Watch and Sri Lankan groups, evidence indicates the involvement of government security forces—army, navy, or police...Relatives frequently described uniformed policemen, especially members of the Criminal Investigation Department (CID), taking their relatives into custody before they ‘disappeared.’...The involvement of the security forces in ‘disappearances’ is facilitated by Sri

Lanka's emergency laws, which grant sweeping powers to the army along with broad immunity from prosecution. Several provisions of the two emergency regulations currently in force create a legal framework conducive to 'disappearances.'" (HRW, 'Recurring Nightmare - State Responsibility for 'Disappearances' and Abductions in Sri Lanka', March 2008) [21d] (p4-5)

- 8.45 "No matter who is responsible for the 'disappearances,' the vast majority of the victims are ethnic Tamils, although Muslims and Sinhalese have also been targeted. The security forces appear to target individuals primarily because of their alleged membership in or affiliation with the LTTE. Young Tamil men are among the most frequent targets, including a significant number of high school and university students." (HRW, 'Recurring Nightmare - State Responsibility for 'Disappearances' and Abductions in Sri Lanka', March 2008) [21d] (p6-7)
- 8.46 "Instead of making a diligent effort to investigate and prosecute enforced disappearances, the government of President Mahinda Rajapaksa continues to downplay the scope of the problem...Despite the hundreds of alleged 'disappearances' reported over the last two years to the Human Rights Commission, it has issued no public reports on the matter, has refused to provide statistics on the complaints it has received, and has tried to downplay the scale of the problem. The monitoring and investigative authority of the Human Rights Commission has also been effectively negated by the obstructive attitude of the security forces and lack of support from the government." (HRW, 'Recurring Nightmare - State Responsibility for 'Disappearances' and Abductions in Sri Lanka', March 2008) [21d] (p9-10)

See also Section 8 on Police abuses: investigations and prosecutions

- 8.47 The USSD 2007 report recorded that:

"The Sri Lanka Human Rights Commission (SLHRC), reportedly acting on instructions from senior government officials, did not provide statistics on the number of disappearances in the current year [2007], but it reported 345 instances countrywide of politically motivated disappearances in 2006 by the state security forces, progovernment paramilitary groups, or the LTTE. According to NGOs, the number of disappearances sharply increased during the year. For example, the Foundation for Coexistence reported 880 disappearances. Witnesses and potential victims identified the perpetrators of abductions as Tamil-speaking armed men using white vans without license plates. The government generally failed to investigate allegations of abductions by armed men in white vans on the grounds that white vans are too common for these incidents to be effectively investigated.

"In response to a list of 350 abductees in the previous 12 months presented to President Rajapaksa in March, the government reported by year's [2007] end that authorities had traced 21 persons who were still alive and identified the remains of four other victims whose cases were now considered murders. The government had not been able to resolve the remaining 325 cases and requested foreign government assistance in obtaining details of 105 cases which had not been reported to police. Human rights organizations have noted that the relatives of human rights victims, particularly in Jaffna, often did not contact the police for fear of reprisals against other family members." [2f] (Section 1b)

- 8.48 On 18 February 2008, the pro-LTTE website TamilNet reported that the Civil Monitoring Committee (CMC) had received 115 complaints regarding missing persons in 2007 for Colombo alone. The number of abductions had apparently declined in January but increased in February 2008. [38n] On the same day the police denied accusations that they were abducting Tamil people in the capital, noting that the police could launch investigations upon receiving complaints by relatives of people who were taken to custody without informing their next of kin. (BBC Sinhala, 18 February 2008) [9f] In a different report on 18 February 2008, BBC Sinhala reported that according to MP Mano Ganeshan, of the Civil Monitoring Committee, police were abducting Tamil civilians 'like dogs'. He was reported as saying that "since 12th February seven people... [have been] kidnapped by white van in Colombo". [9g]
- 8.49 The pro-LTTE website TamilNet on 4 April 2008 reported:
- "The number of persons reported missing has reached 740 during the period from December 2005 up to the present, according to complaints registered with the Human Rights Office (HRC) in Jaffna. The number of persons disappeared is more than 740 as many parents and family members of the disappeared persons do not complain at the HRC Jaffna for fear of falling victims to Sri Lanka Army (SLA) troops and SLA-backed paramilitaries, alleged to be the abductors, sources in Jaffna said.
- "Residents in many cases register complaints only at their local police stations, and thus the true figure of the number of persons abducted in Jaffna peninsula is more than what is revealed in the HRC records... Forced disappearances in Jaffna peninsula do continue though the number of such incidents have fallen in recent times, the sources added." [38v]
- 8.50 On 17 April 2008 the same source reported:
- "More than 300 Tamil youths from areas ranging from Poththuvil to Vaazhaichcheanai have been abducted in Batticaloa district in the past, allegedly by Special Task Force (STF) commandos and paramilitary groups, according to figures registered with Batticaloa Human Rights Commission (HRC) by the relatives of the missing. Of the 300 reported cases, eleven persons in January [2008], eleven in February and fourteen in March are reported missing this year, HRC sources said... Armed men who come to houses in the nights have taken away persons saying they are to be interrogated while persons who had gone out to work or on personal errands have mysteriously disappeared, local residents said... The police in Batticaloa do not conduct investigations of the abductions reported to them and are disinterested, the complainants said. The abductions had escalated sharply since STF forces were posted in Batticaloa, the residents said [sic]." [38af]
- 8.51 A letter from the BHC Colombo dated 16 May 2008 noted:
- "Police investigations into reported disappearances/abductions in the [Colombo/Gampaha] district are reportedly slow. It appears to be deemed a necessary evil in the broader context of the campaign to eliminate terrorism, and groups carrying out the abductions are in effect given their blessing. Indeed, the UNP opposition party went as far as to name in parliament a senior police officer, Deputy Inspector General Rohan Abeywardena, believed to be involved in these abductions. The subsequent investigation did not

substantiate these claims.

“The High Commission has been provided with a list compiled by the Civil Monitoring Commission of 224 persons reported as being abducted/missing between January 2006 and March 2008. A majority of these persons disappeared in the Colombo/Gampaha region. The CMC state however that this is ‘only the tip of the iceberg’ and as the list includes only those where a complaint has been made to them and verified against police records, the actual figure may be ten times higher.” [15r]

8.52 On 20 May 2008 the pro-LTTE website TamilNet reported that the Deputy Minister for Vocational Training and Industrial Education, P. Rathakrishnan, had claimed to have received information that Sri Lanka Police personnel and Sri Lanka Army soldiers had been involved in several ‘white van’ abductions. The Deputy Minister decried the rising number of abductions, disappearances and arbitrary arrests. Between 16 January and 15 May 2008 he received complaints of 93 abductions, of which 12 cases were identified to be in police detention; 22 were released after being “tortured”; and the whereabouts of the remaining 59 were unknown. In addition to these abductees the Deputy Minister said that a total of 290 Tamils were still being detained by the authorities. [38j]

8.53 As noted in a press release issued by the United Nations on 11 June 2008:

“The United Nations Working Group on Enforced or Involuntary Disappearances said it has formally communicated to the authorities its concerns that over the last two months 22 people have disappeared, 18 of them last month...’The Working Group is also concerned that both women and humanitarian aid workers are being targeted’, the expert group said. That number may be lower than in reality, as the group estimates that many other disappearances may be occurring in Sri Lanka but are not being reported because of fear of reprisals. Despite the supposed willingness of the Government to address the issue of enforced disappearances, little progress has been made, the Working Group said.” [6b]

8.54 In August 2007 Amnesty International reported that there were 5,749 outstanding cases of enforced disappearance in Sri Lanka being reviewed by the UN Working Group on Enforced or Involuntary Disappearances and that since 2006, hundreds of people had reportedly been abducted and forcibly ‘disappeared’ by the security forces or armed groups (including the Liberation Tigers of Tamil Eelam and the Karuna group) in the north and east of the country, as well as in Colombo. (Amnesty International, Whereabouts unknown - thousands still missing worldwide, The Wire, August 2007) [3k]

8.55 A joint press release by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement, issued on 23 August 2007, reported that 396 persons disappeared during the period January to June 2007. “As with killings, Tamils suffered disproportionately from abductions – 64.6%, compared with 3% Sinhalese and 3% Muslims. Men represented nearly 98% of all missing persons. By district, Jaffna was again worst affected by disappearances (49.5%). However Colombo was next worst affected, at 17.7%, underlining the concern expressed by many local NGOs at the situation with respect to this particular violation.” [13a] A further press release issued by the Law & Society Trust, the Civil Monitoring Commission and the

Free Media Movement on 31 October 2007 reported that the total number of persons disappeared between January and August 2007 was 540 (civilians only). Tamils were now reported to represent 84 per cent of the victims of disappearances. The press release also noted that more than half of reported disappearances took place in Jaffna (“Approximately 22% of all reported disappearances from January to August – one in five – affected young, male Tamils in Jaffna.”), followed by Colombo (14.4 per cent) and Mannar and Batticaloa (7 per cent each). [13b]

- 8.56 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 recorded that:

“Human Rights Watch conducted interviews with the family members of 109 people who said their relative had been abducted or ‘disappeared’ since 2006. These included cases from Jaffna, Colombo, Vavuniya, Mannar, Trincomalee, and Batticaloa. The cases can largely be grouped into two basic types: those by the state in the name of counterinsurgency, and those by allied armed groups or the LTTE to eliminate rivals, recruit fighters, or extort funds. In the lawlessness that has grown in the past two years, criminal elements also appear to have committed some of the abductions. Over the course of late 2006 and 2007 scores of abductions were accompanied by huge ransom demands and the victims were mostly businessmen from the minority Tamil community. By May-June 2007, members of the Muslim community, particularly in the eastern district of Ampara, were targeted as well.” (HRW, ‘Return to War, Human Rights under Siege’, 6 August 2007) [21f] (Summary)

- 8.57 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“While many people were simply killed, primarily by shooting, the practice of abduction and enforced disappearance has perhaps been more common. The number of ‘disappears’ [sic] over the last eighteen months is hard to determine with certainty. Various reliable sources suggest there have been more than 1,500 complaints of enforced disappearance in 2006 and 2007, with at least 1,000 still unaccounted for, meaning they have not returned, been discovered in detention or that their bodies have not been found. These figures do not include children abducted by the LTTE or the TMVP.” [76a] (p10)

- 8.58 “Given the hidden and violent nature of involuntary disappearances, it is difficult to gather a full picture of the motives behind specific cases. Some turn out in fact to be extrajudicial killings done in secret, perhaps after the victim was interrogated; others are meant to allow the victim to be interrogated more freely and with deniability, without risk to the interrogator’s identity. Often the abduction and detention are intended to place the victim in limbo and produce a particular form of terror in the victim, the family and the community at large. Like those being killed, most of those targeted have been young Tamils suspected of working with the LTTE, although as usual many people with no connection to militant politics have also been ‘disappeared’. In Jaffna, the military, sometimes with assistance from former Tamil militants, is the prime suspect. In the Eastern province the TMVP is suspected in the bulk of abductions, either with the active support or passive complicity of the military. Despite vehement denials by government and military officials, there is eyewitness evidence that at least some of those who later disappeared were initially abducted or arrested by the police or military.” (International Crisis

Group, 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007) [76a] (p11)

8.59 The International Crisis Group report of June 2007 added that:

"Since mid-2006, there has been a wave of abductions for ransom in Colombo, generally targeting Tamil but lately also Muslim business owners. Few victims have anything to do with politics; in most cases the abductions seem to have been designed to extract money to fund Tamil militant groups, primarily the TMVP. Most remain missing; some have been found dead; others were released after paying large ransoms. Given that many of the abductions are done in the day amid very tight security, the assumption is that most are committed with the knowledge or connivance of security forces." [76a] (p11)

8.60 As announced on the the Official Government News Portal of Sri Lanka on 27 June 2007 "In [the] last week [sic] the Government initiated two special operation cells to collect information and take immediate action on complaints of abductions and extortions in Colombo and suburbs. These two units will function 24 hours of the day and are operated from Presidential Secretariat and from the Police." [10j]

8.61 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2007 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2002 – 2006, (undated, website accessed on 2 May 2008) recorded that in 2006 there were in total 1,190 cases of abduction/kidnapping . The figures for 2002, 2003, 2004 and 2005 were respectively: 739; 829; 868; 953. [58d]

See also Section 8 on Avenues of complaint and on Police abuses: investigations and prosecutions

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Torture

8.62 As noted in the USSD report 2007:

"The law makes torture a punishable offense but does not implement several provisions of the UN Convention Against Torture. If convicted of torture, the law mandates a sentence of not less than seven years' imprisonment. However, in the few publicized torture convictions since 2004, the individuals were released on bail pending an appeal rather than serving the minimum seven-year sentence. Human rights groups maintained that while torture is prohibited under specific circumstances, it was allowed under others. According to credible sources, including UN Special Rapporteur (UNSR) on Torture Manfred Nowak, the use of torture by police and security forces to extract admissions and confessions was endemic and conducted with impunity. In addition, the emergency regulations make confessions obtained under any circumstance, including by torture, sufficient to detain a person until the individual is brought to court. On October 29 [2007], following his one week assessment mission to the country, Nowak attributed the lack of convictions for torture to the absence of effective investigation, inadequate protection for victims and witnesses of torture, and an excessive minimum sentence for torture. He stated also that the police used threats of violence or

fabrication of criminal cases to prevent the victims of torture by police officers from filing complaints. Nowak added that detainees reported that the magistrates did not provide them an opportunity to complain about police torture while the perpetrators often accompanied the victims to courts and remained present during medical examinations.” [2f] (Section 1c)

- 8.63 “Methods of torture and abuse reportedly included beatings, often with sticks, iron bars or hose; electric shock; suspending individuals by the wrists or feet in contorted positions; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper or gasoline; and near drowning. Detainees reported broken bones and other serious injuries as a result of their mistreatment.” (USSD 2007) [2f] (Section 1c)
- 8.64 “On October 27, an Asian Human Rights Commission (AHRC) study of 48 police torture cases in the south revealed that the reasons for torture included obtaining bribes, favoring a second party, preventing a complaint that may lead to a criminal inquiry, failing to comply with traffic rules, and asking a police officer a question.” (USSD 2007) [2f] (Section 1c)
- 8.65 “In the conflict-affected north and east, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions were followed by severe interrogations, frequently including torture. When the interrogations failed to produce evidence, detainees were often released with a warning not to reveal information about their arrests and threatened with re-arrest or with death if they divulged information about their detention. Some were killed by masked gunmen on motorcycles immediately after leaving these military facilities on foot. As UNSR Nowak reported, the military denied holding detainees at its facilities and did not grant him access to investigate claims of torture by military forces. The government instructed SLHRC officials not to provide information to foreign embassies or other inquirers concerning alleged human rights violations. As a result, there were no accurate, publicly available statistics on reported torture cases, and no public information of any torture cases under investigation. The government did not publish a report of pending charges, convictions, or sentences of those accused of committing torture.” (USSD 2007) [2f] (Section 1c)
- 8.66 The Asian Human Rights Commission (AHRC) ‘The state of human rights in eleven Asian nations in 2007, Sri Lanka’, (released on 10 December 2007) reported that:
- “Torture: the AHRC has continued to observe the human rights violations at the police stations in the government controlled areas of the south. In the past the AHRC has made several reports on this issue. The year 2007 did not see any improvement of the situation regarding the elimination of torture; in fact, the situation regarding the state investigation mechanisms into allegations of torture significantly deteriorated. The Urgent Appeals desk of the AHRC received 47 cases of allegations of torture. This is a very small fraction as the source from which the AHRC obtains its information is still limited to some areas in the country.” [47g] (16)
- 8.67 The AHRC report of December 2007 continued:

“According to the narratives given in these cases the injuries to persons in most instances have been extremely serious warranting hospitalization. Beatings with hands, boots and poles are frequent in all these narratives. In some cases the suspects have been taken to hospital by the police themselves, perhaps after the intervention of superior officers. However, there are also several instances in which the police merely take a person to a Judicial Medical Officer or District Medical Officer and get some papers signed without the doctor properly examining the victim or prescribing treatment. However, a marked feature in the cases recorded this year is that in several instances the victims have told the doctors about their assaults. In the past the victims used to be more afraid in making complaints fearing that they may be assaulted even more after returning from the medical examination. This year also, there were several cases of such assaults due to making such allegation to the doctor. In one instance the person was assaulted in front of the doctor himself.” [47g] (18)

8.68 The AHRC report further noted that:

“Quite regularly reports appear in the press of persons in police custody, having tried to attack the police with grenades or other weapons, being shot dead... In all these cases the magistrates accepted the versions given by the police and entered verdicts of justifiable homicide. The magistrates decided the correctness of the versions given by the police before the cases had been brought to trial at a High Court and before all the evidence was examined. Such deaths which have become quite a common occurrence indicate that the police higher authorities approve of such practices. The fact that the government or the parliament has not taken any visible or effective action to question this practice also suggests that there is direct or indirect political approval of such killings. The former Inspector General of Police (IGP) quite publicly approved this practice and the present IGP has spoken of stopping crime by 'hook or by crook'. Neither was taken to task by the government or parliament.

It appears that now if a person is killed by way of torture at a police station this is also portrayed as a case where the person had tried to attack the officers and therefore the police took the necessary measures to protect themselves. In this way even the possibility that there was in the for [sic] investigations into custodial deaths have become even more difficult as these are presented as deaths that occurred outside police stations and particularly in scenes of investigations into crime. The present practice of accepted self defense by the police as the reason for a killing by the magistrates in several courts makes it even more difficult to identify the place of death as well as the circumstances surrounding it.” [47g] (p19-20)

8.69 The Medical Foundation for the Care of Victims of Torture document ‘Torture once again rampant in the Sri Lanka conflict’, released on 31 October 2007 highlighted that:

“The scale of the resumption of torture in Sri Lanka following the breakdown of the cease-fire between Tamil insurgents and government forces is revealed in the growing number of cases seen recently by the Medical Foundation. A survey of 130 Sri Lankans referred to the MF in the past year, of whom 41 received MF services, shows that all parties to the conflict have reverted to human rights abuses after a lull of several years in which torture was reported

to be largely confined to police investigating criminal matters.” [40] (p4)

- 8.70 “The overwhelming majority of Sri Lankan clients seen by the Medical Foundation in the past year were Tamil, with just three giving their ethnicity as Sinhalese...The majority of clients referred to the MF were fleeing areas where fighting between Sri Lankan authorities and the LTTE has been fiercest, including around the town of Trincomalee in the east and the Kilinochi district in the north which is under the control of the LTTE. Thirty one came from Jaffna, where the government retains control but where much of the human rights violations have been centred. The majority of clients (85) were male. However, a third (45) were female. Most were captured and detained at a relatively young age. Sixty clients were aged between 20 and 29, while 57 were aged between 30 and 39. Only one client was below 19 and 15 were over 40...Some said they were targeted by the Sri Lankan authorities as LTTE suspects, often because of the activities of spouses or relatives. Several women who were detained by security forces or paramilitary groups while seeking to find their husbands were raped by the very authorities they had sought help from. Others reported being coerced into working for the LTTE as an alternative to having family members ‘conscripted’”. (Medical Foundation for the Care of Victims of Torture, ‘Torture once again rampant in the Sri Lanka conflict’, released 31 October 2007) [40] (p4)
- 8.71 “Out of 115 where the perpetrator was named, in 79 cases the perpetrators were the Sri Lankan Army, with the Sri Lankan navy named in a further 14... Out of the 130 cases reviewed, 55 clients reported being beaten with implements ranging from truncheons to electric cable, 30 reported being burnt with cigarettes, and 20 said they were partially suffocated by a plastic bag soaked in petrol being placed over the head. Suspension by the ankles was also common, with 22 reported incidents. At least 12 clients said they were held naked in their cells and there were 14 incidents in which clients were held in solitary confinement. Falanga, the beating of the soles of the feet, occurred in 10 incidents, with a number of clients reporting that they were bound by the feet and arms and laid face down on a bench during the torture. The prevalence of rape as a method of torture was widespread among the recent group of arrivals to the UK, with at least 24 female clients and 22 male clients reporting they were raped.” (Medical Foundation for the Care of Victims of Torture, ‘Torture once again rampant in the Sri Lanka conflict’, released 31 October 2007) [40] (p5)
- 8.72 “A significant number of clients seen by the Medical Foundation during 2006/7 also testify that they were held in the Colombo CID headquarters, in the feared ‘fourth floor interrogation room’. Here, clients reported being suspended by chains from the ceiling, were beaten by groups of officers, witnessed others being beaten with implements and saw other detainees bloodied by torture. Similar methods were used by Sri Lankan authorities in prisons in nearby Negombo, also Kandy police station and Welikade prison, all referred to on a number of occasions by other clients.” (Medical Foundation for the Care of Victims of Torture, ‘Torture once again rampant in the Sri Lanka conflict’, released 31 October 2007) [40] (p6)
- 8.73 In a statement issued on 29 October 2007 after his visit to Sri Lanka from 1 to 8 October 2007 the UN Special Rapporteur on Torture Manfred Nowak noted:
- “Though the Government has disagreed, in my opinion the high number of

indictments for torture filed by the Attorney General's Office, the number of successful fundamental rights cases decided by the Supreme Court of Sri Lanka, as well as the high number of complaints that the National Human Rights Commission continues to receive on an almost daily basis indicates that torture is widely practiced in Sri Lanka. Moreover, I observe that this practice is prone to become routine in the context of counter-terrorism operations, in particular by the TID [Terrorist Investigation Department]. Over the course of my visits to police stations and prisons, I received numerous consistent and credible allegations from detainees who reported that they were ill-treated by the police during inquiries in order to extract confessions, or to obtain information in relation to other criminal offences. Similar allegations were received with respect to the army. Methods reported included beating with various weapons, beating on the soles of the feet (falaqa), blows to the ears ('telephono'), positional abuse when handcuffed or bound, suspension in various positions, including strappado, 'butchery', 'reversed butchery, and 'parrot's perch' (or dharma chakara), burning with metal objects and cigarettes, asphyxiation with plastic bags with chilli pepper or gasoline, and various forms of genital torture. This array of torture finds its fullest manifestation at the TID detention facility in Boossa." [31d]

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Extra-judicial killings

8.74 As noted in the USSD 2007 report:

"There were numerous, credible reports that the government or its agents committed arbitrary or unlawful killings. During the year [2007] approximately 1,000 of the estimated 3,200 deaths associated with the hostilities between government security forces and the LTTE were civilians, according to public sources. International organizations have documented approximately one-third of these. The casualties occurred in part as a result of artillery fire into populated areas, aerial bombings, land mines, and other military action, but international organizations noted that most of the civilian casualties occurred in 'individual incidents,' such as extrajudicial killings. Reliable statistics on such killings were not available, since this crime often goes unreported by families who fear reprisals if they file complaints. The numbers reported by different organizations therefore vary widely. In addition, it is likely that the majority of those reported as 'disappeared,' about whom there has been no further information, died.

The Consortium of Humanitarian Organizations (CHA), an umbrella group of indigenous nongovernmental organizations (NGOs), reported that the killings occurred disproportionately in predominantly Tamil areas. For example, CHA recorded 35 civilian conflict-related deaths in Colombo, which comprises approximately eight percent of the country's population with roughly equal numbers of Sinhalese, Tamils, and Muslims. In comparison, there were an estimated 200 such deaths in Tamil dominated Jaffna, which accounts for only 3.5 percent of the population." [2f] (Section 1a)

8.75 "In August [2007] the Supreme Court held that the public and the international community are generally not entitled to obtain information about pending human rights cases. Therefore, the government rebuffed efforts to obtain official information on the status of 2006 killings allegedly involving police,

military personnel, or progovernment paramilitary groups.” (USSD 2007) [2f]
(Section 1a)

8.76 On 6 January 2008 BBC Sinhala reported that the man who had been arrested on suspicion of shooting dead Tamil parliamentarian T. Maheswaran had worked for the state security forces. The Defence Affairs spokesman Minister Keheliya Rambukwella was reported to have told BBC that the suspect had worked in the security contingent of EPDP leader, Minister Douglas Devananada, as well as for the murdered MP Maheswaran. While admitting that the suspected killer had worked for the state, Minister Rambukwella was also reported to have said that the LTTE's infiltration into the security forces needed to be investigated without, however, accusing the LTTE of the killing. [9t] On 11 January 2008 opposition leader, Ranil Wickramasinghe, was reported to have expressed strong reservations over investigations on the killing of Maheswaran, in particular about the way witnesses were called to identify the suspect, noting that many of them had been threatened. Wickramasinghe was also reported to have accused the Government of being responsible for the killing. (BBC Sinhala, 11 January 2008) [9u]

8.77 As noted in a statement issued by the Asian Human Rights Commission on 2 January 2008:

“The year 2008 began, for Sri Lanka with the assassination of the Tamil opposition UNP Member of Parliament, T. Maheshwaran... Political assassinations... by politicians and their family members are now a normal way of life in Sri Lanka... The Member of Parliament, T. Maheshwaran was assassinated after he made a public statement in a television interview that he would reveal the names of those who are engaged in kidnappings, abductions and murders in the north and east of the country... making such revelations is considered to be an offence in Sri Lanka now, justifying summary capital punishment. Threats are made to anyone who makes or plans to make any revelation about the criminal acts done by political leaders through the police and military as well as paramilitary groups. The paramilitary groups are the executioners who carry out the crimes but those who want the crimes to be committed and sanction such actions remain behind the scenes. After every such crime the president of the country makes a declaration that there will be an impartial inquiry. Sometimes the declaration even goes further to the effect that if the local inquiry fails foreign experts will be called in to conduct further inquiries. Such promises are forgotten within a few days. The same political authorities that directly or indirectly sanction such murders and other crimes also ensure that no inquiries are conducted into these matters.” [47h]

8.78 A joint press release by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement, issued on 23 August 2007, reported that 547 persons were killed during the period January to June 2007.

“The largest proportion of people killed in the first six months of 2007 were Tamil – 70.7% across the island, as compared with 9.1% Sinhalese and 5.9% Muslims. The gravity of this situation becomes even more pronounced when considered against the fact that the Tamil people make up only 16% of the total population. Men were killed in much larger numbers than women – 89.9% vs. 9.7%. By district, Jaffna was worst affected by killings (23.2%), followed by

Batticaloa and Vavuniya (21.5% and 21.3 respectively).” [13a]

8.79 A further press release issued by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement on 31 October 2007 reported that the total number of persons killed between January and August 2007 was 662 (civilians only). Tamils were now reported to represent 78 per cent of the victims of killings. The press release also noted that 28 per cent of reported killings took place in Jaffna, followed by Batticaloa (20 per cent) and Vavuniya (18 per cent) [13b]

8.80 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“The response of the military to LTTE terror has been to resort to its own dirty war. As there has been no adequate investigation into any cases in which government forces and their proxies are implicated, it is hard to be definitive about the identity of the culprits. But it is clear that the problem goes beyond a few undisciplined soldiers or out-of-control paramilitaries and is part of a policy devised and conducted by senior military officials. As noted, on 25 December 2005 Tamil National Alliance (TNA) parliamentarian Joseph Pararajasingham was murdered in Batticaloa. On 10 November 2006 another TNA member, Nadarajah Raviraj, was murdered in broad daylight in Colombo. Most suspicions point to progovernment paramilitary groups in both cases. Beyond these high-profile murders, hundreds of alleged LTTE sympathisers or supporters have been killed, particularly in Jaffna, Vavuniya, and Batticaloa districts.” [76a] (p9-10)

8.81 “In the Eastern province, the military has primarily used the TMVP paramilitaries to carry out its dirty work. Killings have also targeted LTTE sympathisers, particularly those termed ‘messengers’, who take food and supplies to the rebels, and those who may report on military movements or other strategic information. But in many cases, this campaign has become repression against anybody who goes against the TMVP, which is carrying on the LTTE tradition of eliminating those who protest its excesses. In Jaffna, where the TMVP is not active, the killings seem to be the work of what one analyst calls ‘hybrid groups’, which comprise military intelligence cadres with Tamil militants, some of whom may be from the EPDP. Other sources suggest these are former, but no longer active, members of the EPDP now working closely with the military. Either way, there is little doubt the security services are actively involved in these extra-judicial killings. Shadowy gunmen from these groups seem able to travel around the city after the night curfew, unfazed by the ubiquitous roadblocks and patrols...There seemed to be a lull in the killings in May 2007, raising hopes that international pressure had brought some change in tactics. But in early June there were further reports of unexplained murders in Jaffna.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p10)

See also Section 4: Recent Developments and Section 8 on Avenues of complaint

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ARMED FORCES

8.82 In November 2007 “the armed forces totalled 150,900 (including recalled reservists): army 117,900, navy 15,000, air force 18,000. There were also paramilitary forces of around 88,600 (including 13,000 Home Guard, an estimated 15,000 National Guard and a 3,000-strong anti-guerrilla unit”. (Europa World Online, Defence accessed on 24 September 2008) [1a]

8.83 As recorded in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka (last accessed 4 January 2008):

“Certain factors have tended to act upon the army as constraints on maintaining motivation, commitment and efficiency among its cadres. Foremost among these is the stark reality that the overwhelming majority of personnel in the army’s lower ranks are from the lowest income strata of civilian society whose presence in the force is due largely to their inability to find other employment. There has never been an indoctrination of an ideological fervour comparable in intensity and effect to the ethno-nationalist indoctrination of its cadres by the Tamil Tiger leadership. There is certainly no impulse for the soldiers to die as martyrs, emulating the suicide bombers among the Tigers. There has hardly ever been a risk of punishment for deserters. Instead, some of them reap enormous benefits by engaging in crime, often under the patronage and protection of politicians. There is a sense of frustration and cynicism generated by the waywardness of military policy, and the corruption that is believed to prevail both at the higher levels of the army hierarchy as well as among the civilians who control policy matters.” [5a] (Army, 17 October 2007)

8.84 The Jane’s report continued:

“Unlike in the early post-independence decades, the army, navy and the air force are now almost exclusively Sinhalese institutions. In consequence the army is regarded by most northern and eastern Tamils as a foreign force. Their excesses, especially in operations that have involved confrontations with guerrilla fighters who found shelter among civilians, have had the effect of reinforcing this perception. There have been attempts to improve civilian-military relations in the northeast, although these are yet to have a perceptible impact. In the past few years, however the government has cracked down hard on military personnel accused of crimes committed against the civilians.” (Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka (last accessed 4 January 2008) [5a] (Armed Forces, 24 August 2007)

Arbitrary arrest and detention

8.85 See Section on Police since many reports refer to ‘security forces’ in general

Torture

8.86 See Section on Police since many reports refer to ‘security forces’ in general

Extra-judicial killings

8.87 See Section on Police since many reports refer to ‘security forces’ in general

AVENUES OF COMPLAINT

- 8.88 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that:

“The Sri Lankan government fails to hold members of the security forces and nonstate armed groups accountable for abuses. Key parts of the criminal justice system, such as the police and the Attorney General’s Office, have not effectively investigated human rights violations or brought perpetrators to justice. Victims of abuses by security forces and non-state armed groups are apprehensive about complaining to the authorities for fear of retaliation, especially in the absence of functioning victim and witness protection mechanisms. A draft witness protection bill is still pending...Independence of the Human Rights Commission and other constitutional bodies has been undermined since 2006, when Sri Lankan President Mahinda Rajapaksa directly appointed commission members, contrary to the constitution.” [21b] (p3-4)

- 8.89 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“There are supposed to be a number of independent institutions to act against abuses. However, they have lost much of their independence because of the president’s handling of a complex problem relating to the seventeenth amendment to the constitution. According to this amendment, passed unanimously by parliament in 2001, the Constitutional Council is to nominate members of several bodies, notably the Human Rights Commission, the National Police Commission [see website], the Public Service Commission and the Bribery Commission.” [76a] (p19)

- 8.90 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 recorded that:

“Impunity for human rights violations by government security forces, long a problem in Sri Lanka, remains a disturbing norm...Government institutions have proved inadequate to deal with the scale and intensity of abuse. One barrier to accountability lies in the failure to implement the 17th amendment to the constitution, which provides for the establishment of a Constitutional Council to nominate independent members to various government commissions, including the Human Rights Commission. Ignoring the amendment, the president has directly appointed commissioners to the bodies that deal with the police, public service, and human rights, thereby placing their independence in doubt. The 17th amendment [see text] has been similarly bypassed in the unilateral appointment of the attorney general, which undermines the independence of that office.” [21f] (Summary)

See also [Section 5](#) on Constitution

- 8.91 The government-controlled *Daily News* reported on 19 March 2008 that:

“Prime Minister Ratnasiri Wickramanayaka yesterday told Parliament that President Mahinda Rajapaksa has decided not to appoint the Constitutional Council (CC) until he receives the report of the Parliamentary Select Committee that is going into the matter...The Prime Minister said various

allegations were levelled during the past regarding the appointment of the CC and the implementation of the 17th Amendment.” [16i] No additional information on further developments could be found.

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Human Rights Commission of Sri Lanka (HRCSL)

The website of the HRCSL, also referred to as Sri Lanka’s Human Rights Commission (SLHRC), can be accessed [here](#).

8.92 The USSD 2007 report noted that:

“By statute the SLHRC has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. However, according to many human rights organizations, the SLHRC often was not as effective as it should have been. For example, since August 2006 there were no actions taken to follow up or investigate the more than 200 cases reported to the Jaffna Branch of the SLHRC. The SLHRC did not have enough staff or resources to process its caseload of pending complaints, and it did not enjoy the full cooperation of the government. The SLHRC had a tribunal like approach to investigations and declined to undertake preliminary inquiries in the manner of a criminal investigator. In 2004 the SLHRC established a torture prevention monitoring unit to implement its zero tolerance torture policy. SLHRC provided extra training for officers assigned to this unit and established a policy of quick investigation for torture complaints. To ensure its sustainability, SLHRC urged the treasury to cover costs of the monitoring unit. The unit did not function in the last two years because of a lack of funding. In October [2007] investigative visits to police stations recommenced after UNSR Nowak raised the issue during his visit to Sri Lanka.” [2f] (Section 4)

8.93 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 noted that:

“When the terms of office of the members of the Human Rights Commission expired in April 2006, the president appointed new members directly, arguing that this was required due to the non-functioning of the Constitutional Council...Since its appointment in May 2006, the present Human Rights Commission has issued no reports on high-profile human rights violations, disappearances, the Emergency Regulations or any other matter. It has occasionally published some figures on complaints but these are incomplete or contradictory. The commissioners downplay the many reports of disappearances and abductions received, arguing that in the majority of cases the person has returned and that media reports are ‘highly exaggerated, unfounded, and malicious’ and are ‘being made to tarnish the image of the country’. Commissioner Jayawickrama claims that since May 2006, there have been ‘no cases of torture’ by the police. This contradicts the Commission’s own statistics, which show 528 complaints of torture in 2006 and another 159 through April 2007.” [76a] (p20)

8.94 As reported by Human Rights Watch (HRW), Sri Lanka: Human Rights Commission Downgraded, on 18 December 2007:

“Recently the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights – the international body that regulates national human rights institutions – reduced Sri Lanka’s NHRC [National Human Rights Commission] to the status of an ‘observer’ because of government encroachment on its independence...The international coordinating committee downgraded the Sri Lankan NHRC on two grounds: first, because of concerns that the appointment of its commissioners was not in compliance with Sri Lankan law, which meets international standards; and second, because of doubts that the commission’s practice was not ‘balanced, objective and non-political, particularly with regard to the discontinuation of follow-up to 2,000 cases of disappearances in July 2006.’..The NHRC has failed to adequately address the hundreds of reported cases of new ‘disappearances’ in Sri Lanka over the past two years. In a note dated June 29, 2006, the secretary of the commission said that it had decided to stop inquiring into these complaints ‘for the time being, unless special directions are received from the government.’ An internal NHRC circular dated June 20, 2007 imposed a maximum time period of three months in which complaints must be filed with the commission, even though no there is no such limitation in existing laws or regulations. More than three months after an incident, the commission will only investigate complaints at its discretion.” [21g]

8.95 The HRW, World Report 2008 [2007 events], Sri Lanka, January 2008 noted that “Sri Lanka’s Human Rights Commission is of limited capacity and political weight, and unable to investigate specific incidents and make recommendations for redress, primarily for lack of cooperation from the government.” [21b] (p3-4)

8.96 A letter from the British High Commission in Colombo, dated 1 October 2008 reported that:

“The SLHRC has been the subject of controversy and concerns over its performance following the end of the previous Commissioners terms in mid-2006 and their replacement by Commissioners directly appointed by the President, not by the Constitutional Council, in contravention of Sri [Lankan] Law. The formal position of the SLHRC remains strong, appointed by an all party selection committee (the Constitutional Council) and with extensive legal powers to summon witnesses and demand information – but the practice rarely reflects the theory. The Chairman of the SLHRC has confirmed that they have no jurisdiction against the militaries [sic], or against unknown persons/groups. There have been extensive discussions between the SLHRC and the UN who have been the main capacity builders and between the UN and the diplomatic community who have previously provided much of the funding. There are widely differing views with some members of the International Community believing that the SLHRC remains relevant and others believing that civil society groups provide a better answer to Sri Lanka’s human rights issues.” [15c]

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Ad hoc commissions of inquiry

8.97 The ICG document ‘Sri Lanka’s Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008, “None of the many ad hoc commissions of

inquiry appointed by the president to look into disappearances and other violations have made any headway against impunity. Not one has published findings or recommended prosecutions to the attorney general.” [76d] (p14)

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

The website of the Presidential Commission of Inquiry into Serious Human Rights Violations can be accessed [here](#)

- 8.98 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 noted that:

“In the face of this explosion of political crimes and rights violations, law enforcement agencies and the judicial system have failed almost completely. There have been almost no credible police investigations and very few arrests or indictments in any of the hundreds of killings, abductions, and disappearances over the past year and a half of sustained violence. Of the sixteen high-profile cases to be investigated by the Presidential Commission of Inquiry into Serious Human Rights Violations, for instance, the police have filed indictments in only one – the assassination of Lakshman Kadirgamar. The public position of the police and the attorney general’s department is that there are no suspects or insufficient evidence in the other cases. The government claims to have arrested some soldiers and police under the Emergency Regulations in connection with recent abductions and disappearances but it has given no information about the arrests, and no charges have been filed.” [76a] (p16)

- 8.99 The ICG report of June 2007 further noted that:

“After an agonisingly slow start, the CoI [Commission of Inquiry] began work in May 2007, having spent six months dealing with innumerable bureaucratic and procedural issues, such as hiring staff, translating documents and devising policies and procedures. Given the urgency of the cases, the delay seems inexcusable, but more worrying are issues relating to its freedom of action, ability to protect witnesses and impact on the broader human rights situation.” [76a] (p24)

- 8.100 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 recorded that:

“The Commission of Inquiry has serious deficiencies, and it remains to be seen whether it can effectively promote accountability where state institutions have failed. First, the commission does not appear to have made much headway in the 16 serious cases it has the mandate to investigate, while additional atrocities by all sides continue to occur. Second, the commission can only recommend to the government the steps to take, so its findings will not necessarily result in prosecutions. Third, investigations are stymied by an inadequate witness protection program that would encourage rightly fearful victims and witnesses to testify about abuses by government security forces. Fourth, the attorney general’s office has a direct role in commission investigations — a potential conflict of interest that may undermine the commission’s independence. Finally, the head of the commission is limiting

the work of the international experts to a narrow observer-only role, which would prohibit them from conducting investigations and speaking with witnesses.” [21f] (Summary)

- 8.101 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that “Given their limited resources and mandate, and lack of support from government agencies and the security forces, the Presidential Commission of Inquiry and the International Independent Group of Eminent Persons (IIGEP) have been ineffectual in investigating the 15 incidents of grave human rights abuses selected for inquiry.” [21b] (p4)
- 8.102 As recorded in the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Timeline 2008 (website accessed on 17 September 2008):
- “[On 16 April 2008] The International Independent Group of eminent Persons (IIGEP) concludes a legal observer mission started in February 2007, stating Colombo has severely lacked the will to investigate thoroughly, cases calling into question the conduct of its armed forces. Grievances include lack of witness and victim protection, timeliness of proceedings and transparency, financial independence of the Commission of Inquiry (CoI) investigating cases. Initially invited by the government, the IIGEP voluntarily closed down its mission, admitting to little success. The CoI, set up in November 2006, has a warrant to over 16 cases of alleged human rights violations dating back to 2005-2006.” [51a]
- 8.103 A public statement issued by the IIGEP on 14 April 2008 contains exhaustive information on its role and its reasons ‘to terminate its mission before the conclusion of the proceedings of the Commission of Inquiry’. [24a]

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Special Commission on Disappearances (a.k.a. Tillekeratne [Tilakeratne] Commission)

- 8.104 As noted in the HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008:
- “On June 28, 2007, the chairman of the Presidential Commission on abductions, disappearances, and killings, Judge Tillekeratne, told the media that 2,020 abductions and ‘disappearances’ were reported to his commission between September 14, 2006, and February 25, 2007 (1,713 cases of ‘disappearances’ and 307 abductions). According to Tillekeratne, 1,134 persons were later ‘found alive and reunited with their families [sic],’ but the fate of the rest remains unknown. Although Judge Tillekeratne presented the figures as proof that the majority of the ‘disappeared’ had returned to their homes, it shows in fact that at least 886 people ‘disappeared’ without a trace in less than 12 months.” [21d] (p41-42)

See also Section 8 on Police, Disappearances/Abductions

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Police abuses: investigations and prosecutions

8.105 The USSD 2007 report noted that:

“In the majority of cases in which security force personnel possibly committed human rights abuses, the government did not identify those responsible or bring them to justice. Human rights organizations noted that some judges were hesitant to convict on cases of torture because of a seven year mandatory sentence. At year's [2007] end there was no functioning witness protection program. According to human rights organizations, obtaining medical evidence of torture was difficult, since there were fewer than 25 forensic specialists, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases police intimidated doctors responsible for collecting the evidence. The SLHRC investigated the legality of detention in cases referred to it by the Supreme Court and by private citizens.” (Section 1d)

8.106 As noted in the HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008:

“A critical factor contributing to continuing ‘disappearances’ in Sri Lanka is the systemic impunity enjoyed by members of the security forces and pro-government armed groups for abuses they commit...Figures on accountability released by the government show how little has been done to bring perpetrators to justice...The only known arrests for recent abductions were of former Air Force Squadron Leader Nishantha Gajanayake and another two policemen and an air force sergeant in June 2007. Although Sri Lankan authorities widely publicized these arrests as proof of their resolute action against the abductors and promised to promptly bring the perpetrators to justice, in early February 2008 the suspects were released; it is unclear whether charges against them were dropped.” [21d] (p8)

8.107 A letter from the BHC Colombo dated 16 May 2008 noted that “Even when complaints [of police abuses] are made it is not routine for police investigations to be conducted; rather those individuals took action in the form of rights petitions against the police and at least two cases received publicity after being referred to the Supreme Court. Neither the Government nor the police will admit to police torture and the Governments’ normal response to allegations is to cite the process of rights petitions.” [15r]

8.108 The Freedom House ‘Freedom in the World 2008, Country report, Sri Lanka’, released on 2 July 2008, noted that “A lack of aggressive prosecution of the majority of past abuses, coupled with inadequate protection for victims and witnesses, contributes to a climate of almost complete impunity.” [46c] (Political Rights and Civil Liberties)

8.109 The Asian Human Rights Commission (AHRC) ‘The state of human rights in eleven Asian nations in 2007, Sri Lanka’, (released on 10 December 2007) reported that:

“In all these 47 cases [the 47 cases of allegations of torture received by the AHRC Urgent Appeals desk] complaints were made by the victims themselves as well as human rights organisations on their behalf. Human rights organisations have made complaints to the Inspector General of Police, the

Attorney General's Department and the Human Rights Commission of Sri Lanka. In some instances complaints are also made to the National Police Commission. However, the Asian Human Rights Commission is not aware of any serious investigations into any of these allegations leading to prosecutions under the CAT Act, Act No. 22 of 1994. In previous years there had been more investigations by the Special Inquiry Unit (SIU) of the Criminal Investigation Division (CID) however, the Asian Human Rights Commission is not aware of any inquiries into allegations of torture in cases reported in 2007. As for the Human Rights Commission it has lost its credibility even further this year as a competent body capable of investigation into these allegations.” [47g] (p18)

- 8.110 In a statement issued on 29 October 2007 after his visit to Sri Lanka from 1 to 8 October 2007 the UN Special Rapporteur on Torture, Manfred Nowak, noted:

“Intimidation of victims by police officers to refrain from making complaints against them was commonly reported, as were allegations of threats of further violence, or threatening to fabricate criminal cases of possession of narcotics or dangerous weapons. Detainees regularly reported that habeas corpus hearings before a magistrate either involved no real opportunity to complain about police torture given that they were often escorted to courts by the very same perpetrators, or that the magistrate did not inquire into whether the suspect was mistreated in custody. Medical examinations were frequently alleged to take place in the presence of the perpetrators, or directed to junior doctors with little experience in documentation of injuries.” [31d]

- 8.111 The UN Special Rapporteur on Torture further noted:

“I appreciate that by enacting the 1994 Torture Act, the Government has implemented its obligation to criminalize torture and bring perpetrators to justice. I am also encouraged by the significant number of indictments filed by the Attorney General under this Act. However, I regret that these indictments have led so far only to three convictions. One of the factors influencing this outcome is reportedly because of the Torture Act's high mandatory minimum sentence of seven years; it is effectively a disincentive to apply against perpetrators. Other factors are the absence of effective ex-officio investigation mechanisms in accordance with Art 12 CAT [Convention Against Torture], as well as various obstacles detainees face in filing complaints and gaining access to independent medical examinations while still detained. Given the high standards of proof applied by the Supreme Court in torture related cases, it is regrettable that the facts established do not trigger more convictions by criminal courts.” [31d]

- 8.112 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 noted that:

“Since the beginning of Sri Lanka’s civil war more than two decades ago, successive governments have consistently failed to adequately investigate or prosecute those in the security forces responsible for serious violations of human rights and international humanitarian law. In cases of enforced disappearances, torture, indiscriminate attacks, and targeted killings, successive Sri Lankan governments have consistently failed to hold accountable members of the police or military who commit serious crimes.”

[21f] (Section X, Impunity for Rights Violations)

- 8.113 The same HRW report referred to a ‘culture of impunity’ and to “the government’s lack of political will to prosecute soldiers, police, and other government officials and agents implicated in wrongdoing. Even when there is overwhelming evidence of government forces responsibility for abuse, successive governments have rarely conducted an investigation resulting in a successful prosecution.” **[21f] (Section X, Impunity for Rights Violations)**
- 8.114 “The Sri Lankan government claims that it prosecutes abusive members of the security forces to the fullest extent of the law. It said that in 2006 the attorney general issued 10 indictments against security force personnel, followed by seven indictments in 2007. In addition, the government said that the military took disciplinary action against six members of the military in 2006, and the police did the same against 26 members of that force. The government has not provided details on any of these cases.” (HRW, ‘Return to War, Human Rights under Siege’, 6 August 2007) **[21f] (Section X, Impunity for Rights Violations)**
- 8.115 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007, noted that:
- “The failure of the police and judiciary is not simply the result of inadequate training or lack of resources. It is the direct result of a lack of political will and a refusal by the government to acknowledge the extent of the problem. Throughout 2006–2007, the official response to allegations of abuses has been denial, obfuscation, ad hominem attacks on its critics and threats against activists and journalists. In an attempt to counter international pressure, the government has established a number of institutions to investigate human rights abuses but these have been singularly ineffective.” **[76a] (p18)**
- 8.116 As reported in a statement issued by the AHRC on 20 September 2008:
- “Nishantha Fernando, who had made complaints of torture and bribery against a senior police officer and several other police officers, was shot dead today, 20th September 2008, at Dalupotha junction, Negombo...Nishantha Fernando had repeatedly complained to the Inspector General of Police and all local authorities, including the Attorney General, the National Police Commission (NPC) and the Human Rights Commission of Sri Lanka and also to the bribery commission, about the constant threats he had been receiving of assassination of himself and his family. On the 23rd of June 2008 four men, believed to be hired by the police, arrived at his house and told him to withdraw the fundamental rights complaint currently pending before the Supreme Court of Sri Lanka, stating that if within 24 hours he did not do so, he and his family would be assassinated.” **[47a]**

See also Section 17: [Human Rights institutions, organisations and activists](#)

Witness protection

- 8.117 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 noted that:
- “A key problem in prosecuting cases is the lack of a witness protection law or program, which discourages cooperative individuals from giving evidence

against members of the security forces. Without adequate protection, the risk of retaliation for some remains too high. According to Sri Lankan lawyers and human rights activists, witnesses in criminal cases who implicate members of the security forces have been targeted in the past with threats, harassment, and violence.” [21f] (Section X, Lack of witness protection) The HRW World Report 2008 [2007 events], Sri Lanka, January 2008, highlighted once again “the absence of functioning victim and witness protection mechanisms” and noted that a draft witness protection bill was still pending. [21b] (p3)

See also Section 8 on Police and subsection on Ad hoc commissions of inquiry

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9. MILITARY SERVICE

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

"Enlistment of soldiers to the armed forces was voluntary, and governed by the Soldiers Enlistment Regulations of 1955. Enlistments were conducted as either 'recruits' or 'directly enlisted soldiers', at a minimum age of 18. All those who qualified for enlistment had to produce an authentic birth certificate... According to the 1985 Mobilization and Supplementary Forces Act, the National Cadet Corps was open to those over 16. It provided pre-military and civil training to students, but cadets could not be called to active service and were not members of the armed forces." [80a] (Government)

- 9.02 Amnesties for deserters were reported during the last year. On 9 November 2007, the Government-controlled *Daily News* reported that the army had declared an amnesty to take place between 12 and 25 November 2007 for all deserters, those 'Absent Without Official Leave' and those who left the army during training. The amnesty applied to soldiers who had left the army on or after 1 November 2004. Those affected would not face punitive action and could re-join the army at the rank held when they deserted. [16f] On 26 November 2007 the *Daily Mirror* (Sri Lanka) reported that more than 1500 army deserters had rejoined the army during the amnesty period and the defence secretary Gotabhaya Rajapaksa had said in the previous week that more than 20,000 youths had joined the armed forces during 2007. [11v]

- 9.03 On 19 May 2008 the *Daily Mirror* (Sri Lanka) reported that the army had extended by two weeks an amnesty for deserters originally planned to end on 16 May 2008. Those who had deserted from the Army since 1 April 2005 would be able to re-join "with all the entitlements and rank the deserter enjoyed at the time of desertion." About 15,000 to 20,000 soldiers have deserted; during the last amnesty in November 2007 more than 4,000 deserters returned to the army. [11b]

- 9.04 On 2 September 2008 the Government Media Centre for National Security (MCNS)/Defence News reported:

"Sri Lanka Army's Courts Martial, following imposition of punishment on 106 convicted Army deserters have handed them over to Welikada Prisons Headquarters Tuesday (2) [September 2008] afternoon for imprisonment, a Press Release issued by the Army Headquarters declared. One more batch of 199 convicted Army deserters are also scheduled to be handed for imprisonment on Wednesday (3), upon completion of their legal proceedings, according to Army Directorate of Legal Services. Those deserters have been arrested by Military Police and respective local Police stations in the most recent past, consequent upon their failure to honour general amnesty periods, granted to them earlier by the Army, beginning last May. However, a total of 4870 Army deserters thus made use of the granted grace period and subsequently surrendered themselves to the Army between May 02-31, 2008. Similarly, some 2661 more deserters have responded positively to the amnesty until 13th June 2008. Those convicts, depending on the duration of their absence are accordingly sentenced to imprisonment between three months to one year, in accordance with respective rulings determined, based

on the periods of desertion.” [49a]

See also Section 8: Armed Forces; and Section 10: Abuses by Non-Government Armed Forces; Forced conscription

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10. ABUSES BY NON-GOVERNMENT ARMED FORCES

- 10.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted that:

“The government used paramilitary groups to assist its military forces in fighting the LTTE and intimidate its critics in the media and in parliament. The Tamil Makkal Viduthalai Pulikal (TMVP or Karuna group), led by breakaway LTTE eastern commanders Karuna Amman and Pillaiyan, operated mostly in the east. The Eelam People's Democratic Party (EPDP), led by government Minister of Social Services and Social Welfare Douglas Devananda, operated in Jaffna.” [2f] (Section 1a)

“The LTTE, which maintained control of large sections of the north, continued to attack civilians and engage in torture and arbitrary arrest and detention; denied fair, public trials; arbitrarily interfered with privacy; denied freedoms of speech, press, and assembly and association; and forced recruitment, including of children.” [2f] (Introduction) The report also added that “the LTTE used excessive force and committed abuses against civilians, while violating the [Cease Fire Agreement] CFA”. [2f] (Section 1g)

- 10.02 “In Jaffna, the progovernment paramilitary EPDP used a network of informants to discover suspected LTTE sympathizers or operatives. Credible reports indicate that EPDP worked with military intelligence and other government security forces to identify, abduct, and kill the alleged sympathizers. The Karuna group used a similar network of informants in the east to discover and eliminate possible LTTE operatives or sympathizers.” (USSD 2007) [2f] (Section 1f)

- 10.03 “The Karuna group, the Pillaiyan group, and the EPDP reportedly ran extortion rings. Both groups killed civilians, in many cases following abductions. According to numerous, credible reports, the government provided protection, intelligence, and military aid to Karuna, Pillaiyan, and EPDP cadres who committed extrajudicial killings, abductions, extortion, and torture. However, the government publicly denied any connection to the paramilitary groups.

“In the east, the Karuna group and the Pillaiyan group often operated without hindrance in internally displaced persons (IDP) camps under government control and restricted humanitarian access. Abductions and forced recruitment by the Karuna group took place in IDP camps in Batticaloa and Trincomalee districts. According to [Sri Lanka Monitoring Mission] SLMM, the Karuna and Pillaiyan groups were responsible for numerous abductions of male children and adults in Ampara and Batticaloa districts. The LTTE allegedly used civilians as human shields. Suspected LTTE presence among the IDPs led the Sri Lanka Army (SLA) to attack some IDP camps and safe havens, killing a number of civilians.” (USSD 2007) [2f] (Section 1g)

- 10.04 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that:

“In areas under its control, the LTTE continues to forcibly conscript children and adults, control the media, and suppress freedoms of expression, association and assembly. In contested areas, the LTTE continues to conduct targeted killings of perceived political opponents. On November 28 [2007], two

bombings attributed to the LTTE killed 18 civilians in Colombo. The Karuna group, which has been aligned with government forces since breaking away from the LTTE in 2004, openly engaged in child recruitment, extortion, abductions for ransom, and political killings.” [21b] (p1)

- 10.05 The Minority Rights Group International briefing ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, dated December 2007, reported that:

“In the past year, the LTTE has been responsible for widespread abuses including killings of opponents and child abductions. The LTTE also has a reputation for using civilians as human shields and obstructing civilians trying to flee battle zones... Since late November [2007] the LTTE has stepped up bomb attacks in Colombo and in other parts of the country killing several innocent civilians and sparking condemnation from international and local human rights groups. The Tigers are not the only militant group engaging in human rights abuses. Other groups, such as the EPDP, [Eelam People's Revolutionary Liberation Front] EPRLF and [Eelam Revolutionary Organisation] EROS and the Karuna group (a rebel splinter group of the Tigers), have also been accused of large-scale abuses including killings and enforced disappearances.” [62b] (p6)

- 10.06 The same report continued:

“Despite continuous government denials, the Karuna group clearly appears to be enjoying State backing. Its cadres are armed and they openly move around the main towns in eastern Sri Lanka. Their offices are often adjacent to police stations or military camps... Based on a series of recent reports and civilian interviews, it appears that human rights abuses by the Karuna group are linked to the military in two ways. Firstly, the military turns a blind eye to the abuses perpetrated by the group including killings, abductions and extortions. The Karuna group kills opponents, or in some cases, innocent civilians suspected of supporting the Tigers. The militants also brazenly engage in extortion, harassment and intimidation in the east. Tamils, mainly those involved in businesses, suffer systematic extortion. In most cases, businesses have to provide a monthly percentage of their income, irrespective of the profit... Secondly, the military supports or colludes with the Karuna group [in the abductions and forced recruitment of children].” (Minority Rights Group International, ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, December 2007) [p6]...Despite the arrest of the leader of the Karuna group in London [in November 2007], the cadres continue their reign of terror in eastern Sri Lanka, engaging in human rights abuses.” [62b] (p10)

See also Annex B and F

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ARBITRARY ARREST AND DETENTION

- 10.07 The USSD report 2007 stated that “During the year the LTTE continued to detain civilians, often requiring individuals to fight government security forces against their will. Credible sources also alleged that the LTTE required individuals to purchase the right to leave LTTE controlled territory.” [2f] (Section

1b) “The LTTE reportedly held political prisoners, although the number was impossible to determine because of the secretive nature of the organization; the LTTE refused to allow the ICRC access to these prisoners.” [2f] (Section 1e)

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DISAPPEARANCES/ABDUCTIONS

10.08 As noted in the HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008:

“The LTTE has been implicated in abductions in conflict areas under the government’s control, though the numbers reported to human rights groups and the Human Rights Commission are comparatively low...In part, the LTTE abduction numbers are low because it is not the LTTE’s primary tactic; the LTTE prefers to openly execute opponents, perhaps to ensure a deterrent effect on the population. LTTE abductions may also be underreported because the family members of the victims and eyewitnesses are often reluctant to report the abuses, fearing LTTE retribution.” [21d] (p6)

10.09 “Also implicated in abductions and ‘disappearances’ are pro-government Tamil armed groups acting either independently or in conjunction with the security forces.” HRW reported in particular that the Karuna group and the EPDP (Eelam People’s Democratic Party) have been implicated by relatives of the ‘disappeared’ and eyewitnesses and noted that “Both groups cooperate closely with Sri Lankan security forces. The military and police frequently use native Tamil speakers, often alleged to be Karuna group or EPDP members, to identify and at times apprehend suspected LTTE supporters.” (HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, March 2008) [21d] (p6)

10.10 “Particularly in Colombo, and in the eastern districts of Batticaloa, Trincomalee, and Ampara, the lines between politically motivated ‘disappearances’ and abductions for ransom have blurred since late 2006, with different groups taking advantage of the climate of impunity to engage in abductions as a way of extorting funds. While criminal gangs are likely behind some of the abductions, there is considerable evidence that the Karuna group and EPDP have taken up the practice to fund their forces, while the police look the other way.” (HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, March 2008) [21d] (p7-8)

10.11 The USSD report 2007 recorded that:

“Reports indicated that in Karuna Amman’s absence, his deputy Pillaiyan assumed operational control of the Karuna group. On November 18 [2007], the government withdrew police security from the homes of several opposition Tamil members of parliament (MPs) from the east, while cadres loyal to Pillaiyan broke into their homes, abducted a relative of an MP, and threatened to kill the hostage if the MP voted against the government’s budget. Pillaiyan reportedly personally telephoned one of the MPs and repeated the death threats hours before the budget vote. On December 11, the Pillaiyan group abducted three family members and associates of Tamil MPs in Batticaloa, again threatening to kill the hostages if the MPs voted against the budget. The

three MPs concerned abstained in the budget vote, in which the government's survival was at stake, and the hostages were later released. However, the government publicly denied its involvement with paramilitary groups. A culture of impunity enabled paramilitaries to operate, often against civilians suspected of being LTTE sympathizers." [2f] (Section 1a)

10.12 "In addition to politically motivated abductions, there were dozens of kidnappings for ransom, with payment demands ranging from \$20,000 (2.25 million rupees) to \$750,000 (60.6 million rupees). Although initially the problem appeared limited to the Tamil business community, in June and July dozens of Muslim businessmen were kidnapped for ransom, the vast majority of whom were released after ransom was paid. However, less than half of Tamil businessmen kidnapped for ransom were released after the ransom was paid." (USSD 2007) [2f] (Section 1b)

10.13 The Human Rights Watch (HRW) report 'Return to War, Human Rights under Siege', published on 6 August 2007 noted that:

"Over the past two years the Karuna group has been implicated in numerous abductions resulting in summary killings. Most of the victims are alleged supporters of the LTTE...The Karuna group has also engaged in kidnappings for ransom of wealthy, predominantly Tamil, businessmen to raise money. Such kidnappings, which one journalist called an 'industry,' have happened in Colombo and other towns, most recently Vavuniya. A few businessmen have been killed, apparently because they or their families refused or were unable to pay, or perhaps as a message to others that they should comply. According to the Civil Monitoring Commission, out of 78 cases of reported abductions of Tamil businesses in Colombo in late 2006-early 2007, 12 abductees have been murdered, 15 released after the ransom had been paid, and 51 are still missing. Media reports have suggested that security forces were implicated in these abductions, either directly facilitating them or providing a cover and not taking any action against them." [21f] (Section V, Karuna group)

10.14 As noted in the International Crisis Group document 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007, "While most of the current wave of disappearances are carried out by pro-government forces, the LTTE, which has a long history of 'disappearing' its political opponents – often abducting and detaining and then killing them in its secret prisons – is clearly still in the business." (International Crisis Group, 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007) [76a] (p11)

See also Section 8 on Disappearances/Abductions

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TORTURE

10.15 The Medical Foundation for the Care of Victims of Torture document 'Torture once again rampant in the Sri Lanka conflict', undated (released on 31 October 2007) reported that out of 115 cases where the perpetrator was identified "The Karuna group was named in 11 cases, and the LTTE implicated in 15. In a number of cases, once targeted by one faction, victims reported that they subsequently fell under suspicion from other groups

because of speculation about what they might have said while being held.” [40] (p5)

- 10.16 The USSD report 2007, in its introductory section, noted that the LTTE engaged in torture. [2f]

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EXTRA-JUDICIAL KILLINGS

- 10.17 The USSD report 2007 recorded that “During the year [2007] there were numerous killings of civilians by unknown actors suspected of association with the Karuna group or the EPDP...During the year media reports and observers implicated the LTTE in attacks on high profile political opponents and civilians...The LTTE is suspected of having used claymore mines to attack buses in Sinhalese areas, including some carrying civilians...The SLN [Sri Lanka Navy] reported that the LTTE used suicide boats to attack naval outposts and vessels.” [2f] (Section 1a)

- 10.18 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“The LTTE has from its inception used assassination of its Tamil opponents as a way of suppressing rival nationalist movements. It also has a long history of assassinations and attempted assassinations against political and military leaders. On 12 August 2005 Foreign Minister Lakshman Kadirgamar was killed at his home by a sniper. Exactly a year later, the deputy secretary general of the government’s Peace Secretariat, Kethesh Loganathan, was shot dead. He was a former member of a rival Tamil political party and a well-known human rights activist and critic of the LTTE, which was widely suspected in both killings. In December 2006 the LTTE tried to kill Gotabhaya Rajapakse, the defence secretary, with a suicide attack. It has continued a string of murders in the north and east, primarily targeting those it accuses of collaboration with the military.” [76a] (p9)

- 10.19 The USSD Country Reports on Terrorism, released on 30 April 2008, recorded that:

“On November 28 [2007], an LTTE suicide bomber attempted to assassinate Minister for Social Services and Welfare Douglas Devananda. (This was at least the 11th attempt on the Tamil leader’s life.) On the same day, a parcel bomb killed at least 19 in a shopping area in southern Colombo. The likely perpetrator was the LTTE, although there is some public speculation that this may have been a criminal, rather than LTTE, attack. Other major LTTE attacks included attacks on the Anuradhapura Air Base (October [2007]); the first-ever LTTE attacks by air of Katunayake Airport and a gas storage facility in Colombo (March [2007]), the Palaly Air Force Base in Jaffna (April [2007]), and parcel bombings of two intercity buses in southern Sri Lanka (January). Many of these attacks appeared to have been reprisals for offensive actions taken, or at least alleged to have been carried out, by the Government of Sri Lanka, such as attacks on busses and villages and the air raid on November 2 [2007] that killed LTTE political chief S.P. Tamilchelvan. A breakaway group from the LTTE, the Karuna Faction, was also responsible for extrajudicial

killings and attacks against the LTTE and its alleged civilian supporters in eastern Sri Lanka.” [2e] (Chapter 2, Country Reports: South and Central Asia Overview, Sri Lanka)

See also Annex B, E and F

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FORCED CONSCRIPTION

- 10.20 The USSD report 2007 observed “The LTTE instituted a ‘one family, one fighter’ policy, forcing each family to provide at least one member, including children, to the LTTE. By year’s [2007] end most sources indicated that the ‘one family, one fighter’ policy targeted those 18 years or older.” [2f] (Section 1g)
- 10.21 A document by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, September 2007 recorded that “The LTTE has introduced a quota policy whereby one person per family has to join the group, and children are at risk of losing a parent or the family breadwinner. Under the one-person-per-family system, Tamils from 17 to 30 are at the highest risk of being recruited. Early marriages are on the rise with many under 17 marrying to escape recruitment although the average marriage age for Tamils is over 20.” [54b] (p22)
- 10.22 The Coalition to Stop the Use of Child Soldiers ‘Child Soldiers Global Report 2008, Sri Lanka released on 20 May 2008 reported that “There were... concerns that new village-based military training, in which all civilians aged between 15 and 50 were compelled to participate, was being conducted in LTTE-controlled areas. In addition, there were reports of a new type of six-month residential military training being run by the LTTE, after which people were allowed to continue their civilian lives, but had to remain available for military duties.” [80a] (Liberation Tigers of Tamil Eelam LTTE)
- 10.23 On 24 August 2008, *The Sunday Times* (Sri Lanka) reported:
- “As the armed forces closed in on LTTE strongholds in the north, the rebels are reported to have called in their ‘reserve’ forces, including retired guerrillas and civilians who had been doing odd jobs for them, a government official [sic] claimed. He said the civilians being enlisted to the LTTE’s war effort included farmers and labourers in Tiger-controlled areas. More than 5,000 former Tiger guerrillas and civilians have been enlisted following an urgent appeal by the group’s political wing, the official said... Those who enrolled have been advised to report on a regular basis to the LTTE for training and were told that their main task would be to prevent the military from entering the LTTE’ stronghold in Kilinochchi. One of the tasks entrusted to them has been to monitor the movement of security forces and alert the LTTE... Defence sources say the LTTE has begun coercing civilians and moving them to the Welioya area while civilians are being told to construct bunkers and other defences in the area. They are also being prevented from moving into cleared areas, as the outfit is running out of manpower, they say.” [11j]
- 10.24 A HRW document entitled ‘Complicit in Crime - State Collusion in Abductions and Child Recruitment by the Karuna Group’, January 2007 (released on 23

January 2007) observed:

“The Karuna group has also abducted and forcibly recruited hundreds of young men between ages 18 and 30. The pattern and intensity of the abductions reveal a coordinated effort to increase the numbers of Karuna’s force. At least since June [2006], and probably before, the Sri Lankan government has known about the abductions. The areas where they have taken place are firmly under government control, with myriad military and police checkpoints and security force camps. No armed group could engage in such large-scale abductions, and then hold and train the abductees for combat in established camps, without government knowledge and at least tacit support.” [21c] (Summary)

See also Section 24 on [Child soldiers](#)

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11. JUDICIARY

- 11.01 The Jane's Sentinel Risk Assessment country report for Sri Lanka (accessed on 4 January 2008) observed:

“Sri Lanka's legal system is based upon a combination of English criminal law and Roman-Dutch civil law. Civil law relating to inheritance, marriage and divorce in certain parts of the country and among certain communities also bear the strong imprint of indigenous legal traditions. The Supreme Court, headed by the chief justice, constitutes the apex of the court hierarchy. In addition to being the highest appellate court in the country, the Supreme Court has exclusive jurisdiction in litigation on fundamental rights.” (Internal Affairs, updated 4 December 2007) [5a]

ORGANISATION

- 11.02 Europa World Online recorded:

“The judicial system consists of the Supreme Court, the Court of Appeal, the High Court, District Courts, Magistrates' Courts and Primary Courts. The last four are Courts of the First Instance and appeals lie from them to the Court of Appeal and from there, on questions of law or by special leave, to the Supreme Court. The High Court deals with all criminal cases and the District Courts with civil cases. There are Labour Tribunals to decide labour disputes. The Judicial Service Commission comprises the Chief Justice and two judges of the Supreme Court, nominated by the President. All judges of the Courts of First Instance (except High Court Judges) and the staff of all courts are appointed and controlled by the Judicial Service Commission. The Supreme Court consists of the Chief Justice and not fewer than six and not more than 10 other judges. The Court of Appeal consists of the President and not fewer than six and not more than 11 other judges.” [1a] (Government and Politics, Judicial System)

- 11.03 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted that “The president appoints judges to the Supreme Court, the High Court, and the Courts of Appeal. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament.” [2f] (Section 1e)

LTTE courts

- 11.04 As noted in the USSD report 2007:

“During the year [2007] the LTTE continued to operate its own court system composed of judges with little or no legal training. LTTE courts operated without codified or defined legal authority and essentially as agents of the LTTE rather than as an independent judiciary.” [2f] (Section 1e)

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INDEPENDENCE

- 11.05 The USSD report 2007 stated that “The law provides for an independent judiciary, and the government generally respected this provision in practice.” [2f] (Section 1e)
- 11.06 The Freedom House ‘Freedom in the World 2008, Country report, Sri Lanka’, released on 2 July 2008, noted that “Successive governments have respected the constitutional provision for an independent judiciary, and judges can generally make decisions without overt intimidation from the political branches.” However, the report also mentioned “growing concern about the politicization of the judiciary” in recent years. [46c] (Political Rights and Civil Liberties)

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FAIR TRIAL

- 11.07 The USSD report 2007 noted that:
- “In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. The government provides counsel for indigent persons tried on criminal charges in the High Court and the Courts of Appeal, but it does not provide counsel in other cases. Private legal aid organizations assisted some defendants. The legal aid commission offered legal aid to assist those who could not afford representation; however, some sources reported that its representatives extorted money from beneficiaries. Juries are not used in cases brought under the PTA. Defendants are presumed innocent, and confessions obtained by various coercive means, including torture, are inadmissible in all criminal proceedings except PTA cases. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions were made relatively quickly.” [2f] (Section 1e)
- 11.08 “Despite the law calling for court proceedings and other legislation to be available in English, Sinhala, and Tamil, most court proceedings outside of Jaffna and the northern parts of the country were conducted in English or Sinhala, which, due to a shortage of court appointed interpreters, restricted the ability of Tamil speaking defendants to receive [sic] a fair hearing. Trials and hearings in the north were in Tamil and English. While Tamil speaking judges existed at the magistrate level, only four High Court judges, one Appeals Court judge, and one Supreme Court justice spoke fluent Tamil. Few legal textbooks existed in Tamil, and the government did not comply with legislation requiring that all laws be published in English, Sinhala, and Tamil.” (USSD 2007) [2f] (Section 1e)
- 11.09 The Freedom House ‘Freedom in the World 2008, Country report, Sri Lanka’, released on 2 July 2008, noted that “Corruption is fairly common in the lower courts, and those willing to pay bribes have better access to the legal system.”

[46c] (Political Rights and Civil Liberties)

For more detail on corruption generally see [Section 18: Corruption](#)

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12. ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted that:

“Under the law [however this is not the case under the Emergency Regulations, see below], authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice, detained persons generally appeared within a few days before a magistrate. A magistrate may authorize bail or continued pretrial detention for up to three months or longer. Police do not need an arrest warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, the magistrate must remand the suspect, and only the High Court may grant bail. In all cases suspects have the right to legal representation. Counsel is provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases.” [2f] (Section 1d)

- 12.02 On 18 July 2007, BBC Sinhala reported that the Supreme Court had ordered the police to produce Tamil Tiger suspects before local courts rather than transferring them to the capital. The Chief Justice was reported to have made the order after considering a Fundamental Rights (FR) petition filed by six LTTE suspects arrested in Muttur, Trincomalee, under Prevention of Terrorism Act (PTA) who had argued that they would have faced hardships as a result of being transferred to Colombo. [9i]

- 12.03 On 25 April 2007, the Sri Lankan Government’s official news portal announced that the Government of Sri Lanka had taken steps to re-circulate the [Presidential directives of 7 July 2006](#) [41k] on the protection of the Fundamental Rights of persons arrested and/or detained. [10k] However, on 12 October 2007, BBC Sinhala reported that:

“An advisory panel to Sri Lanka government has accused the authorities of not implementing ‘at least the minimum safeguards’ to protect human rights in the island. Nimalka Fernando, a member of the panel, said Sri Lanka police have even failed to implement a presidential decree on arbitrary arrests. Nimlaka Fernando, Sunila Abeysekara, Dr. Pakyasothy Saravanamuttu and Rohan Edirisinghe, on Friday tendered their resignations protesting government’s lack of commitment to protect human rights. ‘We continuously appealed to the minister to provide us with a list of detainees so that we could pass the information to the relatives,’ Nimalka Fernando told BBC Sandeshaya. However, minister in charge of human rights, Mahinda Samarasinghe, could not provide that information despite repeated requests, she added. ‘We think either the government did not have a system in place,’ Fernando said, ‘Or if statistics were gathered, government would have to clarify them in front of the international community.’” [9a]

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

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EMERGENCY REGULATIONS (ERs)

- 12.04 The International Crisis Group (ICG) report, ‘Sri Lanka’s Human Rights Crisis’,

of 14 June 2007 noted that:

“The Emergency Regulations are the legal framework for the government’s counter-terrorism and counterinsurgency strategy. Since their re-enactment following the assassination of Foreign Minister Kadirgamar in August 2005, they have been used to detain hundreds, mostly Tamils. Suspects are often arrested in mass ‘cordon and search’ operations in Tamil neighbourhoods and often purely on suspicion. No warrants or evidence of terrorist involvement is required. Many are quickly released once their identity is proven but hundreds have remained in prison for long periods. The Emergency Regulations allow detention without charge for 90 days, following which a suspect can be charged and held without bail indefinitely. Suspects can also be held for up to a year under ‘preventive detention’ orders issued by the defence secretary.” [76a] (p13)

12.05 As noted by the pro-LTTE website TamilNet on 9 September 2008 “The State of Emergency was declared on 12 August 2005. Since then it is being extended every month with the approval of the Sri Lankan parliament.” TamiNet also reported that the Parliament had adopted a motion “to extend the State of Emergency for another month by a majority of 99 votes. 110 parliamentarians voted in favor for the motion to extend the emergency. Eleven parliamentarians of the Tamil National Alliance (TNA) voted against the motion. Parliamentarians of the main opposition United National Party (UNP) abstained, parliamentary sources said.” [38ac]

12.06 On 23 September 2008, the *Daily Mirror* (Sri Lanka) reported that:

“The Supreme Court yesterday (22) granted leave to proceed with the rights violation petition against the Amended Emergency Regulations which gives extraordinary discretion to the Executive to decide the place, manner and period of detention and allowing a person to be under police custody for 1 ½ years. The Bench comprising Chief Justice Sarath N. Silva, Justices Ms Shiranee Tilakawardane and K. Sripavan granted leave for the alleged infringement of fundamental rights to equality and equal protection of the law, freedom from arbitrary detention and the right that every person shall be presumed innocent until he is proved guilty. The matter was listed for hearing on December 15 [2008].” [11d]

12.07 On 31 July 2008, the *Daily Mirror* (Sri Lanka) reported that “In a rights violation petition filed by a detainee who is being detained at the Terrorist Investigation Division for about 11 months, the Supreme Court observed that under the Emergency Regulation any person detained in a place for a period not exceeding 90 days from the date of his arrest shall, at the end of that period, be released from that place.” [11a]

12.08 The IGC report of June 2007 further noted:

“Under regular law, a suspect must be produced before a magistrate within 24 hours but a suspect detained under the Emergency Regulations can be kept incommunicado for up to 30 days. Places of detention are at the discretion of relatively low-level police officers and do not have to be made public. The normal laws relating to inquests and disposal of dead bodies are also inapplicable. Not only police officers and soldiers, but also other ‘public officers’ and those specifically authorised by the president are allowed to

make arrests under the Emergency Regulations. The military have also been given police powers, a move that Tamil political leaders warn could lead to even more widespread abuses.” [76a] (p13)

12.09 The IGC report of June 2007 continued:

“In principle, some safeguards exist against abuse. For some forms of detention under the Emergency Regulations, police officers and members of the security forces are required to issue receipts to family members. The Human Rights Commission must be informed of all detentions and has legal authority to visit detainees wherever they are held. Recently republished ‘directives’ from the president to the police and security forces require that detentions under the Emergency Regulations follow certain safeguards and reaffirm the powers of the Human Rights Commission. These directives, however, have no independent legal force and carry no penalties for noncompliance, and there continue to be numerous reports of arrests and detentions that have not followed the stated procedures.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p13-14)

12.10 The USSD report 2007 noted that:

“Under the emergency regulations, in addition to police forces, the armed forces also had the legal authority to arrest persons, but they were required to turn suspects over to the police within 24 hours. Police can detain a person for a period of not more than one year under detention orders issued by a deputy inspector general of police or by the secretary of defense. Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers, especially in Jaffna, and did not turn them over to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow the legal safeguards. Under the emergency regulations, individuals arrested may be detained for up to a year without trial.” [2f] (Section 1d)

12.11 The HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008, highlighted “...the lack of public information on detention facilities, which facilitates secret detention and prevents monitoring. The 2005 Emergency Regulations do not require officials to publish a list of authorized places of detention, in violation of international standards. The absence of this legal requirement in effect negates the ability of the Human Rights Commission to monitor the detention facilities.” [21d] (p35-36)

12.12 The same report continued: “The problem of secret detention is exacerbated by the fact that under the emergency laws, arrest and detention can be carried out by police, the armed forces (army, navy, or air force), or jointly. Given that security forces have conducted operations with non-state armed groups...it is often impossible to establish which unit was responsible for the arrest and to which detention facility the individual apprehended was taken.” [21d] (p36)

12.13 On 6 December 2006 the Government announced the introduction of revised tough emergency regulations [the Emergency ([Prevention and Prohibition of Terrorism and Specified Terrorist Activities](#)) Regulations, No. 7 of 2006 [41n]

As recorded on the website of the Sri Lankan Government's Secretariat for Co-ordinating the Peace Process (SCOPP):

"The Government has promulgated Regulations as of December 6, 2006, to combat acts of terrorism in the country...Terrorism has been defined as unlawful conduct which

1. involves the use of violence, force, coercion, intimidation, threats, duress, or
2. threatens or endangers national security, or
3. intimidates a civilian population or a group thereof, or
4. disrupts or threatens public order, the maintenance of supplies and services essential to the life of the community, or
5. causing destruction or damage to property, or
6. endangering a person's life, other than that of the person committing the act, or
7. creating a serious risk to the health or safety of the public or a section of the public, or
8. is designed to interfere with or disrupt an electronic system and which unlawful conduct is aimed at or is committed with the object of threatening or endangering the sovereignty or territorial integrity of Sri Lanka.

Any person who acts in contravention of these Regulations shall be guilty of an offense and shall on conviction by a High Court be sentenced to a term of imprisonment of not less than 10 years and not exceeding 20 years." [41n]

See also Section 8 on [Cordon and search operations](#)

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BAIL/REPORTING CONDITIONS

- 12.14 A letter from the British High Commission in Colombo dated 1 October 2008 observed:

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

See also [Section 32 on Exit – entry procedures](#)

ARREST WARRANTS

- 12.15 The above mentioned BHC letter of 1 October 2008 reported that:

"Formally it is difficult for the accused to be able to obtain a copy of his/her own arrest warrant. When an arrest warrant is issued, a copy is kept on the legal file and the original is handed to the police. An accused cannot apply for copies of the arrest warrant to the relevant court. However in practice forged

documents are easily obtainable throughout Sri Lanka. Additionally given ongoing and well documented concerns over corruption in the police it would probably not prove difficult to obtain a copy of an arrest warrant, although it would probably require prior contacts within the police service.” [15c]

- 12.16 The USSD report 2007 recorded that “The HRC investigated the legality of detention in cases referred to it by the Supreme Court and by private citizens.” [2f] (Section 1d)

See also [Section 8: Security forces](#); and [Section 28: Freedom of movement](#)

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13. PRISON CONDITIONS

- 13.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted that:

“Prison conditions did not meet international standards due to acute overcrowding and lack of sanitary facilities. Prisons designed for 8,200 inmates held as many as 28,000 prisoners, according to the October assessment by UNSR Nowak. In some cases juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted...Female prisoners are held separately from male prisoners and in generally better conditions. However, some rights groups alleged that isolated incidents of degrading treatment, including overcrowding, maltreatment, or abuse of female prisoners occurred.” [2f] (Section 1c)

- 13.02 The same source continued:

“The government permitted visits by independent human rights observers, including UNSR [UN Special Rapporteur] Nowak and the International Committee of the Red Cross (ICRC). The ICRC reported receiving unrestricted access to government and LTTE controlled prison facilities and detention centers, while the government granted Nowak unrestricted access only to government prisons and police detention facilities. However, the government did not provide access to any detention facilities operated by military intelligence, stating that none existed. There were widespread reports of secret government safe houses where suspected LTTE sympathizers were taken, tortured, and often killed. The government denied the existence of such facilities and denied that civilians were tortured or killed. The ICRC was also not allowed to visit illegal detention facilities operated by the Karuna group, including at its main base at Welikanda, near Polonnaruwa...Nowak noted the absence of an independent institution responsible for monitoring conditions in detention facilities, holding private interviews and conducting medical evaluations of detainees.” [2f] (Section 1c)

- 13.03 The ICRC Operational Update of 9 September 2008 reported that:

“With the approval of government officials and the LTTE, the ICRC visited a growing number of people arrested in connection with the armed conflict to monitor their treatment and conditions of detention. In August [2008], ICRC delegates carried out almost 50 visits to 35 government-run places of detention, during which they spoke in private with 675 security detainees. The families of more than 420 detainees received transport costs to visit their relatives. During the same period, delegates also met in private with five security detainees held by the LTTE to deliver family parcels and messages consisting of family news.” [34b]

- 13.04 In a statement issued on 29 October 2007 after his visit to Sri Lanka from 1 to 8 October 2007 the UN Special Rapporteur on Torture, Manfred Nowak, stated that during his visit he had had unrestricted access to prisons and police detention facilities and he was able to carry out unannounced visits and conduct private interviews with detainees. He visited the following facilities: Welikada Prison, Colombo Remand Prison, the New Magazine Prison (Female Ward), the Criminal Investigation Department (CID), the Terrorist

Investigation Department (TID), Mt. Lavinia Police Station, Ratmalana Police Post, and Panandura South Police Station, the TID detention facility at Boossa, Trincomalee Prison, Trincomalee Police Headquarters (including CID), China Bay Police Station, Kantale Police Station, Polonnaruwa Police Station, and Polonnaruwa Prison, Bogambara Prison, Katugastota Police Station and Wattegama Police Station. (ReliefWeb, quoting the United Nations Human Rights Council) [31d]

13.05 The UN Special Rapporteur on Torture noted:

“That poor conditions of detention can amount to inhuman and degrading treatment is well established in the jurisprudence of several international and regional human rights mechanisms. In Sri Lanka the combination of severe overcrowding with antiquated infrastructure of certain prison facilities places unbearable strains on services and resources, which for detainees in certain prisons, such as the Colombo Remand Prison, amounts to degrading treatment in my opinion. The lack of adequate facilities also leads to a situation where convicted prisoners are held together with pre-trial detainees in violation of Sri Lanka’s obligation under Art 10 of the International Covenant on Civil and Political Rights. Although the conditions are definitely better in prisons with more modern facilities, such as Polonnaruwa and the Female Ward of the New Magazine Prison, the prison system as a whole is in need of structural reform.” (ReliefWeb, quoting the United Nations Human Rights Council) [31d]

13.06 “During my visit of various police stations I observed that detainees are locked up in basic cells, sleeping on the concrete floor and often without natural light and sufficient ventilation. While I am not concerned about such conditions for criminal suspects held in police custody for up to 24 hours, these conditions become inhuman for suspects held in these cells under detention orders pursuant to the Emergency Regulations for periods of several months up to one year. This applies both for smaller police stations, such as at Mt. Lavinia, and especially for the headquarters of the CID and TID in Colombo, where detainees are kept in rooms used as offices during the day-time, and forced to sleep on desks in some cases.”

“I appreciate the recent abolition of corporal punishment in Sri Lanka, however, in Bogambara Prison I received disturbing complaints of cases of corporal punishment corroborated by medical evidence. I am pleased to report that the Government has initiated an inquiry to look into this matter.” (ReliefWeb, quoting the United Nations Human Rights Council, Special Rapporteur on torture concludes visit to Sri Lanka, 29 October 2007) [31d]

13.07 The Prison Brief for Sri Lanka produced by the International Centre for Prison Studies (website accessed on 25 February 2008) recorded a total prison population of 25,537 at 31 July 2007 (including pre-trial detainees/remand prisoners amounting to 49.4 per cent of total) against an official capacity of the prison system of 10,692 (in 2004). The prison population rate (per 100,000 of national population) was 121 (based on an estimated national population of 21.1 million at end of July 2007). In 2005 there were 59 establishments/institutions comprising “3 closed prisons, 18 remand prisons, 2 open prison camps, 8 work camps, 2 correctional centres for young offenders, 1 training centre for young offenders, 25 prison lock-ups).” [65]

- 13.08 The Department of Census and Statistics Sri Lanka in its Statistical Abstract 2007 – Chapter XIII - Social Conditions, Convicted persons by ethnic group and sex, 1999 – 2006/Unconvicted persons by ethnic group and sex, 1999 – 2006, website accessed on 2 May 2008, noted that in 2006 the number of unconvicted prisoners totalled 89,190 (60,116 Sinhalese; 17,552 Tamils). In the same year the total figure for convicted prisoners was 28,732 (19,207 Sinhalese; 4,478 Tamils). [58e]
- 13.09 On 12 May 2008, the pro-LTTE website TamilNet reported:
- “68 Tamil detainees... were verbally abused, tortured and subjected to sexual abuse at the notorious Boosa Prison in Galle, according to complaints made by the parents to Tamil parliamentarian Chandrakanth Chandranehru... The TID interrogators stripped the detainees... naked abusing them verbally and subjected many of the victims for torture, sexual harassment and subjected them to sexual abuse, according to reliable allegations, the Tamil National Alliance parliamentarian had told media in Colombo. He questioned the need for the intervention by the Terrorist Investigation Department while the cases of the detainees were being heard at the Courts. Vajira Wijegunawardene [Sri Lanka's Commissioner General of Prisons] who dismissed the allegation has said that the detainees were transferred to Boosa and Mahara prisons for ‘security reasons’.” [38o]
- 13.10 On 14 May 2008 BBC Sinhala reported that the Supreme Court ordered the State to pay Rs.150,000 to a former prisoner who had been severely beaten while in custody. The Court ruled that the prison authorities’ failure to protect the individual was in violation of his fundamental rights. Certificates by doctors at the Colombo national hospital and the Judicial Medical Officer were accepted as sufficient evidence. [9x]

See also Section 8 on [Cordon and search operations](#)

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14. DEATH PENALTY

- 14.01 The Amnesty International Report 2008, Sri Lanka released on 28 May 2008 considered Sri Lanka “abolitionist in practice”. [3c]
- 14.02 Hands off Cain also considers Sri Lanka a “de facto abolitionist”. (Country status on the death penalty, updated 31 July 2008) and recorded the year 1976 as the date of the last known execution. [25a] The Hands Off Cain 2008 report included Sri Lanka amongst the countries where “Death sentences were handed down but not carried out” [25b]

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15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 15.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, stated that:
- “The law provides citizens with the right to change their government peacefully...The EU Election Observation Mission described the 2005 presidential election as generally satisfactory. The LTTE enforced boycott of the polls and seven grenade attacks in the north and east marred the election, however, and allowed less than one percent of voters in the north to exercise their right to vote. There were repeated media allegations, supported by claims of former supporters of President Rajapaksa, that his campaign paid large sums of money to induce the LTTE to suppress Tamil votes in the north and east during the 2005 presidential election. The government denied the allegations. Three of the most vocal supporters of the allegations stated that they also played a role in the denial of voting rights on behalf of President Rajapaksa. In October parliament opened an investigation into the allegations. At year's end there was no resolution.” [2f] (Section 3)
- 15.02 As noted in the ICG (International Crisis Group) document ‘Sri Lanka’s Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008:
- “Political power is concentrated in the hands of the president, his three brothers, a few close supporters and the military leadership. An uncompromising attitude has taken hold of many senior officials and officers. In the name of patriotism, and out of a mix of Sinhala nationalism and determination to retain power, dissent is increasingly equated with treason. Publicly questioning government policies has become dangerous. Under the 1978 constitution, the president has extraordinary powers and is difficult to remove from office. Rajapaksa has taken the defence, finance and nation-building portfolios. His brother, Gotabhaya, is defence secretary and runs that ministry’s day-to-day operations; brother Basil, a parliamentarian and presidential adviser, manages the nation-building ministry; brother Chamal is minister for irrigation and water management and ports and aviation. Two thirds of the national budget comes under ministries controlled by the four brothers.” [76d] (p15)
- 15.03 The ICG report of February 2008 further noted:
- “The opposition is also targeted. In late 2007, the TMVP kidnapped relatives to prevent TNA parliamentarians from voting against the government budget. They abstained and the budget passed. ‘The pressure and threats ... were well beyond what can be tolerated in a democratic setup’, a Western diplomat said. ‘The government is making liberal use of death threats to keep people in line’. A Tamil parliamentarian who led the campaign against disappearances and abductions went into self-imposed exile after his police security detail was cut.” [76d] (p16)
- 15.04 As noted in the Economist Intelligence Unit (EIU), Country Profile 2008 Sri Lanka (published in July 2008):
- “Sri Lanka is rated as a ‘flawed democracy’ in the Economist Intelligence

Unit's 2008 democracy index, ranked 58th out of 167 countries. Democracy is firmly established locally, and there are regular changes of the party in government. The courts have successfully dealt with challenges posed by politicians to the established electoral system, such as the attempt by the then president, Chandrika Kumaratunga, to extend her term in office in 2005. Moreover, the island has a relatively vibrant (if often partisan) media. Nevertheless, there are clearly major problems. The powerful presidency has in the past clashed with the parliamentary leadership, and party politics remains generally crude, corrupt and extremely volatile. Government functioning as a whole receives a very low score, and corruption has increased in recent years. Political participation also scores poorly, partly reflecting low rates of participation in the north and east of the country, which are worst affected by the long-running conflict between the government and the LTTE; the 2008 local elections in eastern Sri Lanka represent an improvement in this field. Intimidation of voters, the media and political rivals remains an ongoing concern, especially in the north and east." [75b] (p8)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

15.05 As noted in the USSD report 2007:

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

15.06 The same report noted:

"On January 9 [2007], a mob of more than 50 men led by the Deputy Minister for Labor Mervyn Silva attacked participants at the first public assembly of the United People's Movement, an antiwar group composed of NGOs, opposition MPs, and their supporters. The rally promoted proposals calling for devolution of power to minority communities within a united country. In addition to attacking and severely injuring two journalists, Silva's mob disbanded the rally. Media sources and the rally organizers alleged that the order to attack came from the Presidential Secretariat. The government denied involvement. No charges were brought against Minister Silva or his men. On October 5, police used tear gas to disrupt a peaceful demonstration by several hundred students protesting the country's recent economic performance, the increase in inflation, and the lack of job prospects for recent graduates. According to media sources, police injured several students while breaking up the protest." [2f] (Section 2b)

15.07 "The law provides for freedom of association, and the government generally respected this right in practice; however, some restrictions existed, such as those under the emergency regulations. The government often used informants to target individuals for arrests and interrogation based on their association. The LTTE did not allow freedom of association in the areas it

controlled and reportedly forced people to attend its rallies.” [2f] (Section 2b)

- 15.08 The Freedom House ‘Freedom in the World 2008, Country report, Sri Lanka’, released on 2 July 2008, noted that “Freedom of assembly is typically upheld. Although the 2005 emergency regulations give the president the power to restrict rallies and gatherings, permission for demonstrations is usually granted. Police occasionally use excessive force to disperse protesters. The LTTE does not allow freedom of association in its areas and reportedly forces civilians to attend pro-LTTE rallies.” [46c] (Political Rights and Civil Liberties)

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 15.09 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“On 9 February 2007 Foreign Minister Mangala Samaraweera and his colleague Sripathi Sooriarachchi were dismissed by President Rajapakse. Both men subsequently accused the political leadership of corruption, human rights abuses and nepotism. Sooriarachchi claimed to have knowledge of a secret deal between the government and the LTTE to allow the president to win the November 2005 election. In response, the presidential administration conducted a political witch hunt against Samaraweera’s business and political network. On 26 February [2007], the financial director of the Sinhala language weekly Mawbima, Dushantha Basnayake, was arrested by the Terrorism Investigation Division (TID) of the police. The Emergency Regulations were used to freeze the paper’s bank accounts, forcing it and its English language sister paper to close on 28 March. The paper is owned by Tiran Alles, a businessman and political ally of Samaraweera. Sooriarachchi was then arrested on politically motivated charges and remanded to prison. On 30 May [2007], after unsuccessful negotiations with Samaraweera to return to the cabinet, Tiran Alles was arrested by the TID on charges of financing terrorism. This repression of political opponents fits into a pattern of growing authoritarianism. Opposition parliamentarians have reported death threats... The use of abusive language to describe those who opposed the war or are concerned about human rights is now commonplace.” [76a] (p14-15)

- 15.10 As reported by BBC Sinhala on 18 June 2007 “The Supreme court in Sri Lanka has accused Mahinda Rajapaksa government of harrasing political opponents. Chief Justice Sarath N Silva said political reasons are seem to be behind the arrest of Rajapaksa's former close associate, Tiran Alles. Sri Lanka's Supreme Court on Monday granted leave to proceed to a Fundamental Rights (FR) petition filed by Alles.” [9ag]
- 15.11 In June 2007 Mangala Samaraweera and Sripathi Sooriarachchi announced that they were leaving the Sri Lanka Freedom Party (SLFP) to form a breakaway party, the Sri Lanka Freedom Party - Mahajana Wing (SLFP - M), (The Keesing’s Record of World Events, June 2007, Sri Lanka) [23b] The SLFP – M later signed a memorandum of understanding with the UNP and their first public rally took place on 26 July 2007 in Colombo, when thousands of protesters marched against the Government. (BBC Sinhala, 26 July 2007) [9ak]

- 15.12 On 10 February 2008, the government-controlled *Sunday Observer* reported that “Former Minister Sripathi Sooriyarachchi MP and his two bodyguards were killed yesterday when the jeep in which they were travelling veered off the road and crashed on to a tree in Thambuttegama, Anuradhapura. Sooriyarachchi was on his way to participate in a conference organised by the University students of the Sri Lanka Freedom Party's Mahajana Wing, Chief Organiser Ruwan Ferdinands told the *Sunday Observer*. Former Minister Mangala Samaraweera also attended the conference, he said.” [16h]
- 15.13 A letter from the BHC Colombo dated 16 May 2008 noted:
- “Regarding the detention of individuals for political reasons, the only arrest of a senior figure we are aware of was the late Sripathy Sooriyarachchi. He was arrested and detained on 17th March 2007, following his removal from the Cabinet by President Rajapakse earlier that month. He had attended a CID office in order to make a statement, but was taken into custody on suspicion of misusing government property, namely a vehicle. He was not charged, but was remanded in custody by Kaduwela Magistrates. Avissawela High Court released him from custody on 30th April 2007.” [15r]
- 15.14 The letter from the BHC Colombo further reported that:
- “There is no evidence to suggest that non-state actors, such as the LTTE, have targeted political groups during 2007. All Tamils and LTTE supporters are vulnerable to be targeted by the police and military. High profile politicians remain top targets, and any assassination attempts are normally immediately attributed to the LTTE, although perpetrators are rarely caught and in the aftermath, rumours abound and the press point accusations at other groups. In the case of D.M.Dassanayake [killed by a bomb blast on 8 January 2008], later press reports stated that the Sinhala Tigers have been linked to his murder. Tamil MP Thiyagarajah Maheshwaran was probably shot dead by pro-government paramilitaries, and another high profile Tamil MP, Mano Ganeshan, was forced to leave the country following threats. In both cases their government security had been reduced a few days prior to attacks/threats.” [15r]
- 15.15 The BHC letter continued:
- “According to the police, they do respond to complaints from individuals of mistreatment on account of their political opinion or activity, although no statistics are readily available. Similarly, we were unable to obtain statistics for those arrested/prosecuted for mistreating members of political groups. Regarding accusations of discrimination by the police against members of particular political groups, it does not appear openly, but generally SLFP and allied groups receive extensive physical protection. Other MPs may receive protection, but this is subject to the whim of the government. Security is often withdrawn from MPs who are perceived to be disloyal or too vocal, particularly from the minority communities. There is nothing to suggest that members of political groups cannot live in Colombo/Gampaha region. All political parties are registered in Colombo.” [15r]
- 15.16 As reported by BBC Sinhala on 12 December 2007:

“Sri Lanka Muslim Congress leader, Rauf Hakeem says that the security provided to him by the state has been stripped as soon as he crossed over to the opposition... He said considering his capacity as a party leader and also as a minority leader from the east, special security arrangements were made for him by the government even when he was in the opposition. When he was in the opposition, there were twelve officers attached to his security but the number has now reduced to two which is alarming, he said. Sri Lanka Muslim Congress (SLMC) Leader Rauff Hakeem, General Secretary Hasan Ali, Chairman Basheer Cegu Dawood and MP Faisal Cassim have crossed over to the opposition. They resigned from their portfolios and crossed over to the opposition in parliament two days before the third reading of the budget.” [9am]

See also Section 4: Recent Developments; and Annex C

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16. FREEDOM OF SPEECH AND MEDIA

- 16.01 The Freedom House report, 'Freedom of the Press 2008, Draft Country Reports', Sri Lanka, released on 29 April 2008, observed:

"Media freedom continued to decline in 2007, as media outlets faced increased censorship and other restrictions on reporting, and journalists faced a heightened level of attacks and intimidation, particularly in the war-torn north and east of the country. Although freedom of expression is provided for in the constitution, a growing number of laws and regulations restrict this right. The Official Secrets Act bans reporting on information designated 'secret.' Those convicted of gathering secret information can be sentenced to up to 14 years in prison; although no journalist has ever been charged under the act, it has been used to threaten them." [46a] (p197)

- 16.02 The Freedom of the Press 2008 report also recored that:

"While numerous privately owned newspapers and broadcasters scrutinize government policies and provide diverse views, private outlets have become more polarized, shrinking the space for balanced coverage. The Colombo-based Free Media Movement has noted that state-run media—including Sri Lanka's largest newspaper chain, two major television stations, and a radio station—are heavily influenced by the government, citing cases of pressure on editors, several unwarranted dismissals of high-level staff, and biased coverage. Cases of overt financial pressure on critical outlets were reported during the year." [46a] (p197)

- 16.03 Freedom House considered the press in Sri Lanka as 'not free' and ranked the country 150 out of 195 countries. (Freedom of the Press 2008, Table of Global Press Freedom Rankings) [46b]

- 16.04 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, stated that "The law provides for freedom of speech and of the press. Although the media was generally free to criticize the government, media freedom deteriorated in the conflict-affected north and east, especially in Jaffna, where many journalists were killed, abducted, and intimidated, while others reportedly practiced self-censorship." [2f] (Section 2a)

- 16.05 The same report stated:

"Although the government owned the country's largest newspaper chain, two major television stations, and a radio station, private owners operated a variety of independent, privately owned newspapers, journals, and radio and television stations. Several foreign media outlets operated in the country. The government made several attempts to prevent independent media houses from criticizing the government and its policies. Senior government officials repeatedly accused critical journalists of treason and often pressured them to run stories that portrayed them in a positive light. However, the government imposed no political restrictions on the establishment of new media enterprises." [2f] (Section 2a)

- 16.06 The USSD report 2007 also noted that "The LTTE tightly restricted the print

and broadcast media in areas under its control. There were reports of LTTE intimidation of Colombo based Tamil journalists, and self censorship was common for journalists covering LTTE controlled areas.” [2f] (Section 2a)

16.07 The Amnesty International (AI) report ‘Sri Lanka: Silencing Dissent’, 7 February 2008 noted that “Since the resumption of armed conflict in Sri Lanka in 2006, threats to the media and media freedom have become very serious.” [3a] (Introduction) With regards to the LTTE-held areas, the AI report noted that “Civilians living in LTTE-held areas have been denied access to a variety of print and broadcast media for most of the conflict’s history... Given the history of LTTE intimidation of critics who challenge their claim to be the sole representative of the Tamil population, it is unlikely that anyone living in the Vanni area would issue reports that were contrary to official LTTE positions.” [3a] (Section 5.1)

16.08 A letter from the British High Commission in Colombo, dated 10 April 2007, noted that:

“The most immediate impact [of the revised Emergency Regulations] has been on the media which has become less likely to criticise the government and feels under pressure to submit its stories to the Media Centre for National Security to have the facts substantiated – this has encouraged a fairly clear self censorship. The government has used the Emergency Regulations to search the property of those who oppose the regime, in particular Young Asia TV and the Secretary to a dissident former minister.” [15a]

JOURNALISTS

16.09 The USSD 2007 report noted that:

“By year's end there were fewer functioning independent press or media outlets in Jaffna; some were forced to close due to threats against journalists and media workers. Four journalists were killed in Jaffna and Vavuniya by unknown perpetrators believed to be linked to pro-government paramilitaries... The government temporarily imprisoned several journalists in the south, and senior members of the Rajapaksa administration reportedly threatened others. The government censored conflict-related reporting, while the security forces directly interfered with media coverage. Some prominent journalists sought temporary refuge abroad because of threats to their security. There were reports that journalists practiced self censorship due to pressure from both the security forces and the LTTE.” [2f] (Section 2a)

16.10 The USSD report 2007 also noted that:

“There were no indictments, prosecutions, trials or convictions resulting from 2006 crimes involving journalists or government restrictions of freedom of the press, including: the January [2007] killing of Tamil journalist Subramaniam Sugitharajah; the May killing of two Uthayan newspaper employees Suresh Kumar and Ranjith Kumar; the May killing of Aiyathurai Nadesan, an independent Tamil correspondent in Batticaloa; the July killing of a Sinhalese journalist Sampath Lakmal, the defense correspondent of the independent Sinhala newspaper Sathdina; the August [2007] killing of Sathasivam Baskaran, a driver attached to Uthayan; the August [2007] arson that destroyed the Uthayan office in Jaffna; the October destruction by Air Force

jets of the 'Voice of Tigers' broadcasting towers in Kilinochchi, injuring two workers; and the October [2007] burning of 10,000 copies of the Tamil daily newspaper Virakesari by Karuna cadres." [2f] (Section 2a)

- 16.11 The Amnesty International report 'Sri Lanka: Silencing Dissent', 7 February 2008 noted that:

"There have been reports that at least ten media workers have been the victims of unlawful killings since the beginning of 2006; two have allegedly disappeared in the custody of the security forces; while others have been tortured and arbitrarily detained under emergency regulations (ERs) which grant the government sweeping powers. The right to life of media workers, particularly Tamil journalists, is under severe threat from the security forces and others. In some cases attacks have been carried out by Tamil armed groups apparently acting with the consent of the security forces. These Tamil armed groups include the Eelam People's Democratic Party (EPDP) and the Tamil Makkal Viduthalai Pulikal (TMVP) also referred to as the Karuna faction, an armed breakaway group from the Liberation Tigers of Tamil Eelam (LTTE). For its part, the LTTE, an armed separatist opposition group that has been fighting for an independent state for minority Tamils in the north and east since the 1980s, does not allow any independent local media in the territories it controls, and closely monitors and restricts the work of journalists. Lack of accountability for the perpetrators of human rights violations remains a serious concern." [3a] (Introduction)

- 16.12 The AI report of February 2008 further noted that "Despite demands by media associations and others for investigations into the unlawful killings of media workers there has been little progress even when suspects have been identified by reliable witnesses." and added that "To date, Amnesty International is unaware of any investigation that has led to those believed responsible for human rights violations against journalists and other media workers being brought to justice." [3a] (Introduction)

- 16.13 The AI report, 'Sri Lanka: Silencing Dissent', 7 February 2008 noted that:

"While most of the members of the media who have been targeted are from the Tamil community, since 2006 government officials and pro-government Tamil armed groups are increasingly targeting journalists of the majority Sinhalese community who speak out against the conflict and in favour of a political settlement or who criticize the government's policies in other respects. Measures to curb the media include the closure of newspapers; the blocking of a website; arbitrary arrests and detention under the ERs; censorship and intimidation." [3a] (Introduction)

- 16.14 The same source stated that "Journalists from all communities have been arrested in connection with articles critical of Government policies in relation to the conflict or more widely" [3a] (Section 7.7)

- 16.15 The Reporters Sans Frontières (RSF) Sri Lanka - Annual report 2008 issued on 12 February 2008 noted that "In the capital Colombo, the government, allied to ultra-nationalists of the right and the left, cracked down on independent press groups, closing a radio network and publications in Sinhala. Officials have made frequent statements hostile to press freedom activists and investigative journalists, forcing the best known of them, Iqbal

Athas, to temporarily flee the country.” [27a] (Introduction)

16.16 The RSF Annual report 2008 also noted that:

“The northern Jaffna Peninsula, where Tamils are in the majority and which the army directly administers, has become a nightmare for journalists, human rights activists and civilians in general. A wave of murders, kidnappings, threats and censorship has made it one of the most dangerous places in the world for the press. Two journalists were killed there during the year, two more kidnapped and at least three media have been the victims of direct attacks on them. Scores of journalists have fled the region and others have chosen to abandon the profession altogether.” [27a] (Terror in Jaffna)

16.17 RSF further reported that:

“Throughout the year, the government and its allies have tried to block the flow of independent sources of news in Tamil. Those living in the north and east of the country, already isolated by the war, have also been gradually deprived of media not affiliated either to the government or an armed group. For their part, the LTTE increased their surveillance of Tamil journalists, threatening those who dare to criticise them openly. And the media in the areas in which they control are forced to relay the movement’s belligerent propaganda.” [27a] (Tamils deprived of independent news)

16.18 As reported in the Committee to Protect Journalists (CPJ) ‘Attacks on the press in 2007, Asia, Sri Lanka’, undated (website accessed on 5 February 2008):

“Ethnic Tamil journalists faced the direst threats, with local and less prominent journalists the most likely to be targeted, Sunanda Deshapriya, a leader of the press freedom group Free Media Movement, told CPJ. In August [2007], CPJ conducted a research mission to Sri Lanka, speaking with journalists about the extent and nature of the threat. Swept up in a 24-year-long conflict between the Sinhalese-dominated government and Tamil separatists, the nation is among the world’s deadliest for the press. CPJ recorded the deaths of five journalists in 2007, all ethnic Tamils...Tamil-language media have taken the brunt of the government-led assault on the press, particularly in the north and east, where Tamil separatist groups have sought territory.

“Threats, abductions, and attacks on journalists come from all sides. In the Tamil conflict areas, armed men from the government or rival Tamil groups, both in and out of uniform, operate with virtual impunity. In the capital, Colombo, roving government agents and paramilitaries are usually behind the violence. Their vehicles of choice are often vans with tinted side glass and no license plates, driven by men in plain clothes.

“In areas of conflict, publications that supported negotiated peace with the government were labeled traitorous and threatened by militant groups such as the LTTE. It was common for journalists to back away from their jobs and go into hiding, particularly when their families had been threatened.” [57a]

16.19 As reported in the Economist Intelligence Unit (EIU), Country Report Sri Lanka, June 2008:

“On May 22nd [2008] Keith Noyahr, the associate editor of a leading English-language newspaper, The Nation, was abducted outside his home, threatened and severely assaulted. A few days later, a television reporter, Paranirupasingam Devkumar, was hacked to death in a government-controlled area of Jaffna, in the north of the country. Devkumar was the ninth journalist to be killed in Jaffna since 2006. The two incidents and a number of other reports of threats being made against journalists have prompted renewed concern over intimidation of local media. The defence secretary, Gotabhaya Rajapakse, met with media representatives in June [2008], warning them that any reports critical of the armed forces or the government would be met with zero tolerance. A report circulated by the Ministry of Defence accused journalists who criticised soldiers of ‘committing treachery against the nation’, warning that the ministry would take all action necessary to stop this behaviour.” [75c] (p10)

16.20 The EIU Country Report Sri Lanka, July 2008, recorded that:

“On July 2nd [2008] Namal Perera, a defence analyst and acting head of the advocacy division of the Sri Lanka Press Institute, and Mahinda Ratnaweera, a political officer at the British High Commission, were the victims of a kidnap attempt and assault. Both men were severely injured in the incident. The unknown assailants smashed the windows of their vehicle and beat them with batons and clubs. The attack followed a recent article in a state-owned newspaper, Dinamina, which suggested that the Sri Lanka Press Institute had sent members of the rebel Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers) group abroad under the guise of journalists. Human rights and media agencies worldwide have condemned the attack.” [75a] (p9)

16.21 As noted in a news alert issued on 25 August 2008:

“The Committee to Protect Journalists condemns the Colombo high court’s indictment of journalist J.S. Tissainayagam today on terrorism charges for articles he published in 2006. Sri Lanka’s Terrorist Investigation Division arrested Tissainayagam, the editor of news Web site OutreachSL, and five of his colleagues within a few days in March 2008. Three of the group were released later that month, according to the Sri Lankan Free Media Movement. Tissainayagam and two others, OutreachSL manager N. Jasiharan and his wife, remain in custody without charge. It is not clear if Jasiharan and his wife have also been indicted.” [57a]

16.22 Additional information on the situation of journalists and on recent attacks against them is available from the following weblinks: [CPJ \(Committee to Protect Journalists\)](#), [Asia 2008](#), [Sri Lanka](#) [57b] and [Free Media Movement \(FMM\)](#) [12]

INTERNET FREEDOM

16.23 The Freedom House report, ‘Freedom of the Press 2008, Draft Country Reports’, Sri Lanka, released on 29 April 2008, noted:

“Access to the internet and to foreign broadcasts is generally not restricted, but only 1.4 percent of the population used the internet in 2006 because of the high costs involved. However, in June [2007] the government reportedly

ordered the country's two largest internet service providers (ISPs) to restrict access to TamilNet, a pro-LTTE news Web site, a ban which lasted through year's end. In October [2007], several Sinhala-language websites were singled out for criticism by government politicians, and later that same month, unidentified gunmen wounded internet journalist Kumudu Champika Jayawardana of ethalaya.org, which is linked to the Sinhala-language Sirasa TV channel." [46a] (p198)

16.24 The USSD report 2007 reported that:

"In June [2007] the government ordered the country's two largest Internet service providers (ISPs) to restrict access to TamilNet, a pro LTTE news Web site. By year's end access was not restored. The government denied ordering the block. However, media sources reported interviews with employees from the ISPs alleging that they were acting on government orders. Beginning on April 17 [2008], unknown perpetrators purporting to be leaders of the Karuna group's 'intelligence unit' sent a series of e-mails to the Consortium of Humanitarian Agencies and various UN organizations threatening harm if information was not provided about the NGOs' personnel and operations. The Karuna group denied involvement, and the government has not identified those responsible for the e-mails. On October 30, unknown gunmen in Colombo shot and wounded Internet journalist Kumudu Champika Jayawardana of ethalaya.org, which was linked to a Sinhala-language Sirasa TV channel. A week before this incident, government politicians made a series of statements criticizing Sinhala-language news Web sites. According to the Free Media Movement, one of the Web sites mentioned by name, LankaeNews.com, received subsequent threats." [2f] (Section 2a)

16.25 The USSD report 2007 also stated "Individuals and groups could generally engage in the expression of views via the Internet, including via e-mail. Because of the 2005 violent death of former editor of TamilNet Dharmaratnam Sivaram the editing and hosting of the Web site relocated to Geneva. However, several Web sites calling for the killing of 'traitors to the Sinhala nation' were hosted in the country without government harassment. On April 22, the main opposition party, the United National Party, launched a Web site critical of the government." [2f] (Section 2a)

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 17.01 As noted in the US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

“A number of domestic and international human rights groups continued to operate despite increasing government restrictions, investigating and publishing their findings on human rights cases. The government continued to allow the ICRC unrestricted access to declared detention facilities. The ICRC provided international humanitarian law training materials and training to the security forces. During the year the ICRC also delivered health education programs in LTTE controlled areas in the north and east and provided materials, such as hygiene products, clothes, and recreational items, to prison detainees.” [2f] (Section 4)

- 17.02 The USSD report 2007 further reported that:

“There were numerous killings of those employed by NGOs and other humanitarian assistance workers. UN Under-Secretary-General for Humanitarian Affairs John Holmes estimated that approximately 30 NGO workers died in the past two years, although NGO sources estimated the figure to be approximately 44. On June 3 [2007], for example, men dressed in police uniforms abducted two Tamil employees of the Sri Lanka Red Cross from the Colombo train station, a high security area. The Red Cross employees' bodies were discovered the following day approximately 100 kilometers away in Ratnapura. The Criminal Investigation Department (CID) arrested Nishantha Gajanayake, a retired Air Force squadron wing commander and former executive assistant of former Air Force commander (and current chief of defense staff) Donald Perera. As Sri Lankan media widely reported, opposition politicians alleged in parliament that Gajanayake acted under the direction of Defense Secretary Gothabaya Rajapaksa and Colombo Police Deputy Inspector General (DIG) Abeywardena. Gajanayake's arrest led to the arrests of several others, including four police officers and two military officers. The government charged Gajanayake and the others with conducting political abduction, kidnapping for ransom, and murder. There was no government investigation of the allegations against involvement by senior officials. At year's [2007] end there was no progress towards a trial. On December 14, unidentified gunmen abducted and killed a 43-year old Sri Lanka Red Cross member Sooriyakanthi Thavarajah in Jaffna. On December 16, his decapitated body was found.” [2f] (Section 1a)

- 17.03 As reported by Reuters on 29 September 2008:

“An attack targeting a top Sri Lankan human rights lawyer drew U.S. and European condemnation on Monday, underscoring increasing threats faced by those who pursue cases against police or politicians in the Indian Ocean nation. The Saturday [27 September] hand-grenade attack on the Colombo home of J.C. Weliamuna, head of the local arm of graft watchdog Transparency International, injured no one but sent a chilling message to lawyers handling civil rights, graft and police abuse cases... Weliamuna said he could not be sure which of the hundreds of graft and police abuse cases he is handling prompted the attack. The Supreme Court last week ordered an investigation into police torture in a case he is pursuing, and in which other lawyers have already been threatened. The attack, combined with increasing

threats against other lawyers, now puts Sri Lankan rights attorneys squarely in the company of journalists and civil society figures who routinely face threats, harassment and murder for speaking out.” [4b]

17.04 On 16 September 2008, Irin reported that:

“UN agencies have relocated all international staff and offices from areas under the control of the Liberation Tigers of Tamil Eelam (LTTE) in the north to areas under government control, with the last convoy of UN vehicles leaving on 16 September...The Sri Lankan government issued a directive on 5 September that the security of the agencies and staff could not be guaranteed in the Vanni due to the deteriorating security situation... According to CHA [Consortium of Humanitarian Agencies], 13 organisations, including UN agencies, were working in the Vanni with 534 employees when the directive to pull out was received. The majority of staff members are locals living within the Vanni, who did not relocate.” [55g]

17.05 As recorded in the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, undated, (website accessed on 24 September 2008) “[On 20 April 2008] Father Karunaratna, chairman of the NorthEast Secretariat on Human Rights (NESoHR), is killed in an extra-judicial claymore attack in Vannivilankulam, Mallavi, within the LTTE controlled territory. NESoHR was set up in July 2004 as part of the Norwegian-facilitated peace process, and had already seen two of its eleven founders killed in 2005. Government and LTTE reject [sic] on each other the responsibility for the assassination while many foreign governments voice their condemnation of the killing.” [51a]

17.06 A letter from the British High Commission in Colombo, dated 10 April 2007, noted that “The regulations and the atmosphere they [the revised Emergency Regulations] generate has added to the pressure on International NGOs and NGO staff who are being compelled to get clearance from the Defence Ministry to employ local staff. Foreign Staff are subject to stringent checks from the Defence Ministry before being given work permits.” [15a]

17.07 A document produced by the Internal Displacement Monitoring Centre (IDMC)/ Norwegian Refugee Council entitled ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, dated September 2007, recorded that “The ‘humanitarian space’ in Sri Lanka has been steadily shrinking since 2006 and it has become increasingly difficult for agencies to respond to the needs of IDPs and other vulnerable groups. Aid workers are finding themselves being increasingly targeted in the brutal conflict.” [54b] (p26)

17.08 The Centre for Policy Alternatives ‘Policy Brief on Humanitarian Issues’ dated December 2007, noted that:

“Access to areas by humanitarian actors has been restricted largely on security grounds by various armed actors. This has been particularly pertinent with regard to the LTTE-controlled areas. As military operations have intensified in particular areas, access was restricted to areas such as Sampur, Vaharai, Western Batticaloa and Wannai. With regards to LTTE-controlled Wannai for instance the Government granted entry only to twenty agencies. With the commencement of hostilities including artillery exchanges, aerial bombardment, ground troop movements and shifting lines of control, only a

handful of agencies are willing to operate, and only a fraction of them, usually the ICRC, are allowed to do so by the military and the LTTE.” [28c] (p17)

17.09 The same source noted that:

“The restrictions on humanitarian actors have also been extended to areas which have been recaptured and are being resettled by the Government such as Sampur, Vaharai and Western Batticaloa. Initially the military claimed that due to security concerns access could not be permitted. Each of these areas has been subsequently opened up to particular humanitarian agencies that have been granted permission by the relevant military authority. Agencies involved mainly or solely on protection issues are not among those agencies that are allowed early access.” [28c] (p17)

17.10 The report continued:

“Over the course of the last two years aid agencies and workers have increasingly become victims and targets of various forms of violence... The killing of 17 personnel from the international agency Action Contre La Faim (ACF) in Muttur in August 2006 is the most notorious example. However, it is one case in a series of violations and threats. In 2006 it is estimated that 39 humanitarian agency workers were killed or disappeared in Sri Lanka. In 2007 the figure as of December 17 2007 stands at 22...Looking at incidents of killings and disappearance alone, the figures for Sri Lanka are comparable to some of the statistics from other conflict areas such as Iraq, Afghanistan and Sudan.” [28c] (p18)

17.11 “All of the victims of these killings and abductions are locals, making it clear that they are most under threat. It needs to be noted that it is mostly young Tamil males who are victims, reflecting the general pattern of the conflict. Some of these killings may be due to humanitarian workers getting ‘caught in the crossfire’ of the conflict, such as the victims of claymore attacks. It is also clear that in certain situations the killings have been targeted in execution type killings. The killings could be the result of multiple factors such as the targeting of particular I/NGOs, as well as other factors such as ethnicity and individual reasons such as the political associations of the victims, personal disputes. All the incidents - especially of killings and disappearances - demonstrate a clear disregard by the armed actors’, including the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), for International Humanitarian Law (IHL), including the provisions guaranteeing the protection and neutrality of humanitarian actors...The violence against and the attacks on humanitarian agencies have resulted in the agencies curtailing their movement, suspending projects and even withdrawing from particular areas which has a direct impact on affected communities. Both the Government and the LTTE have condemned specific incidents but in none of the cases have the perpetrators of the crimes been prosecuted.” (Centre for Policy Alternatives, ‘Policy Brief on Humanitarian Issues’, December 2007) [28c] (p18-19)

17.12 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that “Human rights defenders, community leaders, and humanitarian workers in Sri Lanka have particularly come under attack. The government tries to silence those questioning or criticizing its approach to the armed conflict or its human rights record. It has dismissed peaceful critics as ‘traitors,’ ‘terrorist sympathizers,’ and ‘supporters of the LTTE.’” [21b] (p6)

17.13 As noted on the website of the ICRC (accessed on 16 September 2008):

“The ICRC has maintained a constant presence in Sri Lanka since 1989, acting as a neutral intermediary in the conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE) and providing assistance to those affected by fighting and natural disaster. The ceasefire agreement of early 2002 officially ended in mid-January 2008, though fighting between the LTTE and the Sri Lankan Army had resumed in mid-2006 along the east coast and on the edges of the Vanni. The number of casualties among civilians has been sharply increasing. There has been a dramatic increase in the number of alleged IHL and human rights violations and of mass population displacements in the north and east. In collaboration with the Sri Lanka Red Cross Society, the ICRC distributes shelter material and other emergency relief items to the newly displaced, improves water and sanitation facilities and provides support for medical services. The security of ICRC and National Society staff remains a serious concern, with three Sri Lankan Red Cross workers abducted and murdered during 2007.” In 2008, the ICRC personnel in Sri Lanka comprised 589 staff including 69 expatriates. [34c]

See also Section 8: Security Forces; Avenues of complaint and Section 27: Humanitarian Issues

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18. CORRUPTION

- 18.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, stated that:

“According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem. There was corruption in all three branches of government, as well as various bureaucratic agencies. Transparency International (TI) identified nepotism and cronyism in the appointment of officials to government and state owned institutions...The Commission to Investigate Allegations of Bribery or Corruption received 3,984 complaints, of which 1,340 were under investigation at year's [2007] end. There was no law providing for public access to government information.” [2f] (Section 3)

- 18.02 The Freedom House ‘Freedom in the World 2008, Country report, Sri Lanka’, released on 2 July 2008, noted that:

“Official corruption is a continuing concern, and the current legal and administrative framework is inadequate for promoting integrity and punishing corrupt behavior. Sri Lanka was ranked 94 out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index. Although hundreds of cases are being investigated or prosecuted by the Commission to Investigate Allegations of Bribery or Corruption, no current or former politician has been sentenced.” [46c] (Political Rights and Civil Liberties)

- 18.03 Sri Lanka was ranked 92 (out of 180 countries) in the Transparency International's 2008 Corruption Perceptions Index, released on 23 September 2008. “CPI Score indicates the degree of public sector corruption as perceived by business people and country analysts, and ranges between 10 (highly clean) and 0 (highly corrupt)”. [63b]

- 18.04 As noted in the position paper of Transparency International (TI) Sri Lanka entitled ‘Mega Cabinets in Sri Lanka (Report No 1) Perceptions and Implications’ (undated), “A jumbo cabinet [with a total of 108 ministers] can have a chilling effect on the doctrine of separation of powers and eventually on democracy through the lack of transparency and accountability of its members with regard to how they utilise public resources. This is because, the large number of ministerial portfolios is indicative of the fact that a majority of the Legislature forms part of the Executive branch.” [63a] (p5)

- 18.05 As noted in a TI press release issued on 20 February 2008:

“Transparency International Sri Lanka, part of the global coalition against corruption is shocked to learn that the President has transferred the present Director General of the Commission to Investigate Allegations of Bribery and Corruption (the only anti corruption body). The Act No.19 of 1994 was introduced by parliament to ensure independent anti corruption commission without interference by the President or any other executive arm of the government. However, the instant transfer has definite adverse impact on the independent working of the Commission. It is not only unusual and questionable but also setting an irreversible bad precedence on the anti corruption works in the country.” [63a]

18.06 As reported by the Government-controlled *Daily News* on 17 May 2007:

“The number of complaints on corruption cases received by the Commission to Investigate Bribery or Corruption has increased by 35 per cent this year with the majority of complaints received against politicians and high-ranking Government officials. Director Investigations of the Bribery Commission SSP Neville Guruge told the *Daily News* that there are 600 corruption cases pending for investigations out of which more than 100 were against politicians. ‘Our Investigation officers, so far have arrested 37 Government officials when they were receiving bribes and arrested seven others on corruption complaints, he added...However, he said, investigations into corruption cases has [sic] been delayed due to shortage of investigation officers available with the Commission. The Commission has to depend on 103 employees with only 80 officials deployed as investigation officers.’ [16b]

See also Section 6: Political System; Section 15: Political Affiliation; and Section 11: Judiciary

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19. FREEDOM OF RELIGION

INTRODUCTION

- 19.01 The US State Department Report for 2008 on Religious Freedom in Sri Lanka, published 19 September 2008, observed that:

“The Constitution accords Buddhism the ‘foremost place’ and commits the Government to protecting it, but does not recognize it as the state religion. The Constitution also provides for the right of members of other religious groups to freely practice their religious beliefs. There was no change in the status of respect for religious freedom by the Government during the period covered by this report. While the Government publicly endorses religious freedom, in practice, there were problems in some areas. There were sporadic attacks on Christian churches by Buddhist extremists and some societal tension due to ongoing allegations of forced conversions. There were also attacks on Muslims in the Eastern Province by progovernment Tamil militias; these appear to be due to ethnic and political tensions rather than the Muslim community's religious beliefs.” [2a] (Introduction)

- 19.02 The same report stated that “Approximately 70 percent of the population is Buddhist, 15 percent Hindu, 8 percent Christian, and 7 percent Muslim” [2a] (Section I) and that “Discrimination based on religious differences was much less common than discrimination based on ethnicity.” [2a] (Section III)

- 19.03 The USSD Religious Freedom Report 2008 also noted:

“The Ministry of Religious Affairs has four departments, one each to deal with Buddhist, Hindu, Muslim, and Christian affairs. According to the legislation defining their mandates, each department should formulate and implement programs that inculcate religious values and promote a virtuous society. Parliament took no action on ‘anticonversion’ legislation first introduced in 2004...Despite the constitutional preference for Buddhism, the Government observes a number of major religious festivals of other religious groups as national holidays. These include the Hindu Thai Pongal, New Year, and Deepawali festivals; the Islamic Hadji and Ramzan festivals and the Prophet Muhammad's birthday; and Christian Good Friday and Christmas...Religion is a mandatory subject in the public school curriculum. Parents and children may choose whether a child studies Buddhism, Islam, Hinduism, or Christianity. Students belonging to other religious groups can pursue religious instruction outside of the public school system, since no instruction on their beliefs is provided...Matters related to family law, including divorce, child custody, and inheritance, were adjudicated according to the customary law of the concerned ethnic or religious group.” [2a] (Section II)

- 19.04 The same report also observed that “During the reporting period, security forces committed human rights abuses against individuals at places of worship in the north and east. While these incidents had an impact on religious freedom, they were not religiously motivated; instead, they were a product of the conflict situation.” [2a] (Section II)

HINDUS

- 19.05 The the USSD Religious Freedom Report 2008 noted that 15 percent of the population is Hindu and that “Most Tamils, who make up the largest ethnic minority, are Hindu.” It also recorded that “the north [is] almost exclusively [populated] by Hindus.” [2a] (Section I)
- 19.06 The same report noted that “Since 1983 the Government has battled the LTTE, a terrorist organization fighting for a separate state for the country’s Tamil, and mainly Hindu, minority.” However, “Adherence to a specific set of religious beliefs does not play a significant role in the conflict, which is rooted in linguistic, ethnic, and political differences. Buddhists, Hindus, Muslims, and Christians all have been affected by the conflict, which is rooted in linguistic, ethnic, and political differences. Buddhists, Hindus, Muslims, and Christians all have been affected by the conflict...” [2a] (Section I)

MUSLIMS

- 19.07 The USSD Religious Freedom Report 2008 stated “Almost all Muslims are Sunnis; there is also a small minority of Shi’a, including members of the Bohra community....much of the east [is] populated by Muslims...”[2a] (Section I)
- 19.08 The same report also recorded that:
- “In 1990 the LTTE expelled approximately 46,000 Muslim inhabitants – virtually the entire Muslim population in the area – from their homes in the northern part of the island. Most of these persons remained displaced and lived in or near welfare centers. Although some Muslims returned to the northern city of Jaffna in 1997, they did not remain there due to the continuing threat posed by the LTTE. There were credible reports that the LTTE warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict was over. It appears that the LTTE’s actions against Muslims were not due to Muslims’ religious beliefs, but rather that they were part of an overall strategy to clear the north and east of persons unsympathetic to the LTTE. The LTTE made some conciliatory statements to the Muslim community, but many Muslims viewed the statements with skepticism. The LTTE continued to encourage Muslim internally displaced persons (IDPs) in some areas to return home, asserting they would not be harmed. Although some Muslim IDPs returned home, the vast majority did not and waited for a government guarantee of safety in LTTE-controlled areas.” [2a] (Section II)
- 19.09 The USSD Religious Freedom Report 2008 further noted that “In contrast to previous reporting periods, there were no known incidents of harassment of the Ahmadiyya Community.” [2a] (Section III)
- 19.10 The International Crisis Group (ICG) document ‘Sri Lanka’s Muslims: Caught in the Crossfire’, 29 May 2007 observed that the country’s Muslims “see themselves as a separate ethnic group”. (Executive Summary and recommendations) The report added that “Unlike the Tamils and Sinhalese, who have an ethnic identity based on language and history, the Muslims claim a separate ethnicity based predominantly on their adherence to Islam. In the national census they are listed separately, as ‘Moors’, reflecting European colonial usage.” [76b] (Section 1A)

19.11 The ICG report also stated:

“In formal terms, Muslims enjoy considerable freedoms within the Sri Lankan state. There are no restrictions on religious worship, and major Muslim religious holidays are celebrated as public holidays. Muslims have the right to use quazi courts to rule on family matters under Sharia law, although Muslims also have the right to seek redress through secular courts. Muslims likewise enjoy separate (state-funded) schools in which Islam is taught in addition to the standard national curriculum. There are Muslims in all political parties, and there are no restrictions on Muslim political parties. There are several such, although most of the smaller ones have just one representative in parliament, and their influence is somewhat limited by a proportional representation system that forces them to run in alliance with larger parties. There are many Muslim parliamentarians, and in May 2007 there were at least seventeen Muslim members of the government, albeit in a somewhat bloated administration of 107 ministers and deputy ministers. Nevertheless, many Muslims complain of discrimination in the recruitment practices of state structures, claiming that well-qualified co-religionists are often passed over for jobs in key revenue bureaucracies, in particular, such as customs and income tax. They are substantially under-represented overall in state and semi-state structures.” [76b] (Section 1 B)

19.12 And the same source further reported “Since the conflict restarted on a major scale in August 2006, most fighting has been in the Eastern province, where Muslims are particularly vulnerable... The Muslim community has suffered less [than eastern Tamils] but has still been a victim of the renewed fighting and the emergence of the TMVP.” [76b] (Section VI)

“Almost inevitably, the TMVP’s attempt to fill the vacuum left by the LTTE has led to conflict with the Muslim community. Karuna was in command of the LTTE in the east in 1990 when some of the worst violence against Muslims took place. Since the split with the northern LTTE, it has occasionally made more placatory statements towards Muslims but reality on the ground has appeared to be at odds with the rhetoric... In January 2007 serious tensions emerged between the TMVP and the Muslim community of Kattankudi, which lies between two predominantly Tamil areas... Serious problems have also occurred in Pottuvil, a majority-Muslim village with a small Tamil population. Muslims were unhappy with the TMVP office, which opened in the centre of the town, and claimed there have been clashes between TMVP cadres and local youths. In March senior Colombo politicians reportedly rebuffed attempts to address the issue.” [76b] (Section VI B)

19.13 The IGC report of May 2007 also noted that:

“While the main issue of Muslims with regard to the conflict has been relations with the Tamil community, there are also conflicts among Muslims themselves that have important implications for political stability... There have always been traditional differences among Muslims in Sri Lanka over issues of faith, most of which have not provoked serious conflict and have been accepted by religious leaders as part of a broader tolerance in the community. However, since the late 1980s there has been a strong growth in ultra-orthodox interpretations of Islam that have provoked conflicts with other sects, notably Sufism.” [76b] (Section VII A)

See also [Section 20: Ethnic Groups](#); [Section 23: Women](#) and [Section 29: Internally Displaced People](#)

CHRISTIANS

19.14 The USSD Religious Freedom Report 2008 stated that eight per cent of the population is Christian who tend to be concentrated in the west of the country. “Almost 80 percent of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in cities. Seventh-day Adventists, Jehovah’s Witnesses, Methodists, Baptists, Dutch Reformed, Anglicans, Pentecostals, and Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership is still small.” [2a] (Section I)

19.15 The same report also recorded that:

“During the period covered by this report, Christians, both of mainstream denominations and evangelical groups, sometimes encountered harassment and physical attacks on property and places of worship by some local Buddhists who were opposed to conversion and believed they were threatened by these groups. Some Christian groups occasionally complained that the Government tacitly condoned harassment and violence aimed at them. Police generally provided protection for these groups at their request. In some cases police response was inadequate, and local police officials reportedly were reluctant to take legal action against individuals involved in the attacks. The National Christian Evangelical Alliance of Sri Lanka reported numerous attacks on Christian churches, organizations, religious leaders, or congregants, many of which were reported to the police. Credible sources confirmed some of these attacks.” [2a] (Section III)

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20. ETHNIC GROUPS

20.01 The CIA World Factbook, Sri Lanka, accessed 6 August 2008, recorded that the population is comprised of Sinhalese (73.8 per cent), Sri Lankan Moors [Muslims] 7.2 per cent, Indian Tamil 4.6 per cent, Sri Lankan Tamil 3.9 per cent, other 0.5 per cent and an unspecified 10 per cent (2001 census provisional data). [30] However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2007, Chapter II, tables 2.10 - 2.11, accessed on 17 September 2008), based on a total population of 18,797,257 the population comprises: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor (7.9 per cent), Burgher (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent) (figures from the 2001 census). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included. [58a]

20.02 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, recorded that “[In 2007] There were multiple reports of rising tensions between members of the Muslim and Tamil communities in the east, largely as a result of the intimidation and harassment of Muslims by the Karuna group.”

“There were 34 Tamils and 24 Muslims in the 225 member parliament. There was no provision for or allocation of a set number or percentage of political party positions for women or minorities.” [2f] (Section 3)

20.03 As recorded in Jane’s Sentinel Country Risk Assessments, ‘Country Report, Sri Lanka’ “...the tension in relations between the Sinhalese and Sri Lankan Tamils has been the most prominent political trend in Sri Lanka since independence (1948)...In contrast to the confrontational strategies of Sri Lankan Tamils, the Muslims and Indian Tamils adopted political stances of ‘qualified collaboration’ with one or the other of the main Sinhalese-dominated political parties.” [5a] (Internal Affairs, 4 December 2007, Post-Independence ethnic tension)

20.04 The International Crisis Group (ICG) document ‘Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus’, Asia Report N°141, 7 November 2007 noted that:

“While Tamil nationalists generally argue that the state is irredeemably racist, in response Sinhala nationalists question the reality of Tamil grievances and argue that it is Tamil nationalism that is racist and mono-ethnic... Central to Sinhala nationalism is the denial that Tamils are a distinct nation or people deserving political recognition that requires a restructured state. The concept of Tamils as a separate nation is generally associated with their claims to an exclusive territory or homeland – ‘We have our own territory so we are a nation’, Tamil nationalists say. This explains Sinhala nationalists’ strong resistance to ‘federalism’ or any proposals that would grant significant political autonomy to the north and east. To recognize Tamil rights to determine their own affairs, even within a united Sri Lanka, would be, they say, to accept the right of full self-determination.” [76c] (p15)

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SINHALESE

- 20.05 With between 73.8 and 82 per cent, the Sinhalese ethnic group constitutes the majority of the Sri Lankan population (see paragraph 20.01 above). The “Sinhalese constitute the majority in seven out of the nine provinces into which the country is divided...The mother tongue of the Sinhalese is Sinhala. 93 per cent of their total are Buddhists.” (Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka: Demography, 17 October 2007) [5a]

TAMILS

- 20.06 Approximately 8 to 9% of the population are ethnic Tamils (the combined total of Indian and Sri Lankan Tamils) – see paragraph 20.01 above. Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, Demography, updated 17 October 2007, accessed 4 January 2008 observed that:

“...Tamils comprise approximately 90 per cent of the population in the Northern Province and approximately 40 per cent of the population in the Eastern Province. Although these two provinces are considered by the Sri Lankan Tamils as constituting the traditional Tamil homeland in Sri Lanka, just under 50 per cent of Tamils actually live outside the Northern and Eastern provinces (although excluding the Indian Tamils, only 33 per cent live outside the two provinces)... The overwhelming majority of Tamils speak Tamil and are Hindus.” [5a]

- 20.07 In Colombo district there were 247,739 Sri Lanka Tamils and 24,821 Indian Tamils out of a total population of 2,251,274 (figures from the 2001 census). The districts of Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya also had a high concentration of Tamils. However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included. (Sri Lankan Department of Census and Statistics (Statistical Abstract 2007, Chapter II, tables 2.10 - 2.11, accessed on 17 September 2008) [58a]

- 20.08 The USSD report 2007 noted that:

“Both Sri Lankan and Indian origin Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the government. According to the SLHRC, Tamils also experienced discrimination in housing. Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle aged Tamil men by security forces and paramilitary groups.” [2f] (Section 5)

- 20.09 The International Crisis Group (ICG) document ‘Sri Lanka’s Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008 noted that “With the collapse of the ceasefire, the LTTE’s return to terror attacks and the government’s counter-terrorism measures, fear and inter-ethnic tension have grown significantly. Tamils increasingly see themselves, not the Tigers, as the government’s target.” [76d] (p10)

- 20.10 “The ethnic conflict [between Sinhalese and Tamils] in Sri Lanka has been going on for over 20 years as the Liberation Tigers of Tamil Eelam (LTTE) fight for an independent homeland.” (FCO Sri Lanka Country Profile) [15j] (The

Internal Conflict)

- 20.11 Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, recorded:

“Until the early 1980s this process [the tension in relations between the Sinhalese and Sri Lankan Tamils] was primarily political and was defined by sustained agitation by parties and groups representing the interests of the Sri Lankan Tamils against successive Sinhalese-dominated governments, interspersed with periodic outbursts of communal violence in areas of mixed ethnicity at which Tamils suffered at the hands of rampaging Sinhalese mobs...Tamil grievances at this stage were focused mainly on the theme of economic deprivation and political alienation and focused upon campaigning for a due share of political power, access to resources and economic opportunities, and entitlement to the benefits of development. Over time, there emerged within the Tamil community the idea that it constitutes a distinct 'national group', primarily in response to state alienation and exclusion, and that the Tamil community had been arbitrarily unified with the 'Sinhalese nation' in the creation of 'British Ceylon'. This notion formed the ideological and political basis of a secessionist movement committed to the objective of establishing an independent Tamil state ('Eelam') encompassing the northern and eastern parts of the island of Sri Lanka.

“Several factors contributed to the supremacy acquired by the LTTE over other Tamil groups. The most basic among these has been their success in mobilising disgruntled Tamil youth and their capacity to command absolute obedience from among the ranks. The ferocity with which the LTTE has dealt with renegades, its rivals or any other force that stood in its way was another factor that contributed to its meteoric rise.” [5a] (Internal Affairs, 4 December 2007, Post-Independence ethnic tension)

- 20.12 On 18 May 2007 the Official Government News Portal of Sri Lanka reported that “Police will recruit retired government servants as Tamil interpreters as there is an acute shortage of Tamil interpreters at police stations. Inspector General of Police Victor Perera has instructed all senior police officers to immediately recruit, on a temporary basis, retired government servants who can speak Tamil, to the police force... This step is expected to remedy the difficulties faced by Tamil public due to lack of Tamil interpreters at police stations.” [10h]

See also [Section 8 on Police](#)

- 20.13 As reported by the Government-controlled *Daily News* on 14 June 2007:

“With a view to ‘bilingualise’ the public service, the Government has decided to make proficiency in both official languages mandatory for persons newly recruited to the service with effect from next month. Accordingly, proficiency in Tamil will be made compulsory for all Sinhala speaking persons recruited to State institutions from July 1 [2007] while those speaking Tamil will also be required to prove their proficiency in Sinhala...The Minister [of Constitutional Affairs and National Integration, D. E. W. Gunasekera] pointed out that although 25 per cent of the country’s population are Tamil speaking (nearly 61 per cent of them living outside the North and the East), only six per cent of the employees in the public service and 16 per cent in the provincial public service

are conversant in Tamil.” [16c]

See also Section 3: History; [Section 4: Recent Developments](#); [Section 7: Human Rights](#), Introduction; [Section 8: Security Forces](#); and Annex C

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UP-COUNTRY TAMILS

20.14 The USSD report 2007 recorded:

“There were approximately one million Tamils of Indian origin, the so called Hill, Tea Estate, or Indian Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. In the past approximately 300,000 of these persons did not qualify for citizenship in any country and faced discrimination, especially in the allocation of government funds for education. In 2003 parliament passed a bill granting full citizenship to more than 460,000 Tea Estate Tamils. In 2004 UNHCR began awareness campaigns to alert Tamils to the new legislation. At year's [2007] end approximately 70,000 registrations remained unconfirmed.” [2f] (Section 5)

20.15 On 24 September 2008, the *Daily Mirror* (Sri Lanka) reported that:

“The Government yesterday presented two Bills in Parliament to grant citizenship to people of Indian origin who are living in Sri Lanka without citizenship status and those who have left the island for various reasons after living here for a long period. The two Bills were Grant of Citizenship to persons of Indian Origin(Amendment) Bill and Grant of Citizenship to Stateless Persons (Special Provisions) (Amendment) Bill which will amend the Indian Origin Act No 35 of 2003 and grant of Citizenship to Stateless Persons (Special Provisions) Act No 39 of 1988 respectively.” [11e]

See also [Section 31: Citizenship and Nationality](#)

MUSLIMS

20.16 The ICG document ‘Sri Lanka’s Muslims: Caught in the Crossfire’, 29 May 2007, recorded that “Throughout much of the 25-year Sri Lankan conflict, attention has focused on the confrontation between the majority Sinhalese and the minority Tamils. The views of the country’s Muslims, who are 8 per cent of the population and see themselves as a separate ethnic group, have largely been ignored. [76b] (Executive Summary and recommendations)

“Unlike the Tamils and Sinhalese, who have an ethnic identity based on language and history, the Muslims claim a separate ethnicity based predominantly on their adherence to Islam. In the national census they are listed separately, as ‘Moors’, reflecting European colonial usage.” [76b] (Section 1A)

See also [Sections 19: Freedom of Religion, Muslims](#); and [29: Internally Displaced People](#)

INDIGENOUS PEOPLE

- 20.17 The USSD report 2007 recorded that “The country's indigenous people, known as Veddas, numbered fewer than 1,000. Some preferred to maintain their traditional way of life and are protected by the law. There are no legal restrictions on their participation in political or economic life. Vedda communities complained that they were pushed off their lands, and the creation of protected forest areas deprived them of traditional livelihoods.” [27] (Section 5)

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

- 21.01 The Amnesty International ‘Sexual Minorities and the Law: A World Survey’ (last updated July 2006) noted that homosexuality is illegal for males (females are not mentioned in law) and can result in imprisonment of up to ten years. The situation for transgendered persons was unclear since there were no data or information on the legal situation. [3d]
- 21.02 The Sodomy Laws, ‘Laws around the world, Sri Lanka’ (last edited 16 July 2004) quoted part of the Sri Lanka Penal Code relevant to homosexuality:
- “365A. Any person who in public or in private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of, any act of gross indecency with another person, shall be guilty of an offense, and shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both and where the offense is committed by a person over 18 years of age in respect of any person under 16 years of age shall be punished with rigorous imprisonment for a term not less than ten years and not exceeding twenty years and with a fine and shall also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offense was committed for the injuries caused to such person.” [50]
- 21.03 The International Lesbian and Gay Association (ILGA) document ‘State-sponsored Homophobia - A world survey of laws prohibiting same sex activity between consenting adults’, dated April 2007, reported that both male/male and female/female sexual acts are illegal. [29]
- 21.04 The website Utopia-Asia.com, Country Listings, Sri Lanka, stated that the law prohibiting homosexuality is not enforced [72a] and this was affirmed by the USSD report 2007. [2f] (Section 5)

GOVERNMENT ATTITUDES

- 21.05 The USSD report 2007 further noted that “Some NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the government. As in recent years, human rights organizations reported that police harassed, extorted money or sexual favors from, and assaulted gay men in Colombo and other areas.” [2f] (Section 5)

SOCIETAL ILL-TREATMENT OR DISCRIMINATION

- 21.06 As recorded on the website Utopia-Asia.com, Country Listings, Sri Lanka, “While the law [prohibiting homosexuality] is not being currently enforced, its existence has allowed for official discrimination and societal stigma towards homosexuals. Local gay activists are working to bring the law into the 21st century.” [72a]
- 21.07 The Gay Times Gay Guide, Sri Lanka, (undated, website accessed on 18 September 2008) noted:

“There is a sizeable gay population in Sri Lanka but many gays and lesbians cannot come to terms with themselves due to family pressures and behavioral expectations imposed by Sri Lankan culture... There is no gay scene in the western sense in Sri Lanka but there are several gay groups who lobby for reform and provide support and counseling to gays and lesbians. Many of these groups also organise occasional gay events such as parties and outings... The law [making homosexual activity illegal] is not enforced and there have been no prosecutions for 50 years but in a largely Buddhist country homosexuality is seen as a sin. Local gay groups complain that the mere existence of the law is enough for the police and anti-gay groups to brand gays and lesbians as ‘perverts’ and lawbreakers. They argue it is discriminatory and stigmatises gays and lesbians leading to abuse of gay people in their community. In 1996 The Sri Lankan gay group ‘Companions On A Journey’ was established. During its [sic] 6 year existence [sic] has suffered harassment including assaults on its founders, death threats and the stoning of its offices. There is still rampant homophobia in Sri Lanka for example the Sri Lankan Press Council ruled in favour of a paper that published a letter saying convicted rapists should be let loose amongst a lesbian conference to give them ‘a taste of the real thing’.” [19a]

- 21.08 As reported on the website of the Sri Lankan gay organisation Women’s Support Group, undated:

“The Women's Support Group has worked since 1999 for the rights of lesbians, bisexual women and transgendered persons (LBT). Our work has been diverse and at times very difficult. The stigma and discrimination that the gay, lesbian, bisexual, and transgendered (LGBT) community faces is validated by section 365 of the Penal Code of Sri Lanka. The Sri Lankan legal system makes it extremely difficult for our community to live openly. The Penal Code, based on 19th century British law, states that homosexual sexual activity is a crime. Up till 1995, the subject of this law was only men. However, the 1995 amendment to the Penal Code made it ‘gender-neutral’ and now the Penal Code criminalizes both male and female homosexual sexual activity. This law and a homophobic social environment create a smothering atmosphere for the LGBT people. They are subject to discrimination on many fronts. They face blackmail by others, they face threats to their family, career, and their life. Some have been thrown out of their homes and others have lost their jobs. The legal system and the stigma associated with being homosexual, bisexual or transgendered in our society makes it difficult for members of the LGBT community to live their lives fully and openly. Around you there are many people who hide their sexual and gender identity from those around them due to the fear of what may happen to them if their identity is known.” [74a]

- 21.09 The website of the Sri Lankan organisation [Equal Ground](#) “a non profit organization seeking human and political rights for the Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) community of Sri Lanka” provides up to date information on their activities. [73]

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22. DISABILITY

- 22.1 As noted in the US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

“The law forbids discrimination against any person on the grounds of disability; however, there were instances of discrimination against the disabled in the areas of employment, education, and provision of state services. The law does not mandate access to buildings for persons with disabilities, and such facilities were rare. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The government also provided financial support to NGOs that assisted persons with disabilities. Such assistance included subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties due to negative attitudes and societal discrimination.” [2f] (Section 5)

- 22.02 “The Department of Social Services provides housing grants, self employment grants, and medical assistance to persons with disabilities. During the year the department began offering a monthly allowance of approximately \$27 (3,000 rupees) to families of the disabled. At year's end 2,128 families received this grant.” (USSD 2007) [2f] (Section 5)

- 22.03 As noted on the website of Disability Information Resources (DINF) of the Japanese Society for Rehabilitation of Persons with Disabilities (JSRPD) (website accessed on 26 February 2008):

“The government has introduced a policy of in every workforce, 3% of the employees must be people with disabilities. Although all major companies have been made aware of this the policy is not enforced and as a result it is largely ignored...The building of separate schools for children with special needs was stopped over 20 years ago. The Ministry of Education hopes to build special units into all schools so children with special needs can be integrated into mainstream education with the help of specially trained teachers (also underway)...The Government of Sri Lanka has no formal policy on accessibility to buildings for those who have mobility problems...In Sri Lanka the Ministry of Social Services has used the data obtained from ongoing programmes and estimates that between 4 and 5% of the population as a whole have some kind of disability. The government has no official policy on disability and rehabilitation but sectional policies attempt to keep up with international developments...The causes of the disabilities in Sri Lanka are varied but conflict related disabilities seem disproportionately high. These come from landmines, attacks on border villages, fighting or being caught in the crossfire during fighting and, in areas such as Colombo, injuries from the explosions detonated by suicide bombers. Further causes include problems at birth or prior to birth, especially among older women or those suffering from poor health or malnutrition combined with an overstretched [sic] Health Service. Poor health and malnutrition in children can cause disabilities as they get older. Another factor is Polio although the government has now taken

steps to eliminate the problem leading to a negligible number of (occurrence)
Polio victims.” [70]

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23. WOMEN

- 23.01 Sri Lanka signed the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 17 July 1980. (UN Office of the High Commissioner for Human Rights, updated 15 February 2008) [22a] (Status of ratifications)
- 23.02 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted that although “the law provides for equal rights for all citizens, and the government generally respected these rights in practice”, there were instances where women faced discrimination. [2f] (Section 5)
- 23.03 The UNIFEM, Gender Profile of the Conflict in Sri Lanka, (last updated 31 January 2008) reported that “Since 1983, Sri Lanka has experienced a civil ethnic conflict in the Northern and Eastern provinces that has resulted in life-threatening and traumatic experiences for women; loss of life, rape and being searched by armed groups are daily occurrences. Large numbers of women have participated as combatants in the conflict, and many civilian women are now household heads...” [66a] (Introduction)

“Relative to the rest of South Asia, Sri Lankan women have traditionally enjoyed good levels of literacy, life expectancy, and access to economic opportunities...Female adult literacy levels are at 83.8% compared to male adult literacy at 90%. The female youth literacy rate is 96.6%...Unemployment among women is high and it is double that of men, even though the constitution guarantees equal opportunity employment.” [66a] (Economic security and rights)

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LEGAL RIGHTS

- 23.04 As noted in the USSD report 2007:

“Women have equal rights under national, civil, and criminal law; however, questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who may follow their customary marriage practices and marry at the age of 15. Women were denied equal rights to land in government assisted settlements, as the law does not institutionalize the rights of female heirs. Different religious and ethnic practices often resulted in uneven treatment of women, including discrimination.” [2f] (Section 5)

See also [Section 19 on Freedom of Religion](#) and [Section 31 on Citizenship](#)

Marriage/divorce laws

- 23.05 The Centre for Reproductive Rights report, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 17 September 2008, noted:
- “The body of law relating to marriage consists of the general law, customary law and personal law. Tamils are governed by the general law in most

marriage-related matters, whereas Kandyan Sinhalese can choose to be governed by the general law or their customary laws. Muslims are governed by Muslim personal law... The Marriage Registration Ordinance and the Civil Procedure Code constitute the general law on divorce. The provisions of the ordinance firmly establish divorce as faultbased [sic] and case law has reaffirmed this concept. Grounds for divorce under the ordinance are the following:

- adultery;
- malicious desertion; and
- incurable impotence at the time of marriage.

“Cruelty is not a ground for divorce, although it may be a factor in determining malicious desertion. Physical illtreatment [sic] per se is also not a ground for divorce under the general law, but it is a cause for legal separation... The Civil Procedure Code constitutes the general law on judicial separation. The code provides that either party may petition for separation ‘on any ground on which by the law applicable to Sri Lanka such separation may be granted.’...The 1999 Maintenance Act is the general law on maintenance during marriage... The act requires any spouse with sufficient means to maintain the other spouse, if such individual is unable to maintain him or herself...The principles of custody are thus governed by the residuary Roman-Dutch law. The predominant feature of the common law is the preferential custodial right given to the father, which may be denied only in instances of danger to the ‘life, health and morals’ of the children. A mother who seeks custody therefore has the onus of displacing the father’s right.” On most of these matters there are also more specific laws governing in particular, Muslims, Tamils and Kandyan Sinhalese. [32] (p220-225)

23.06 The same source noted that:

“Roman-Dutch law forms the bedrock of the general law on property in Sri Lanka. The 1923 Married Women’s Property Ordinance constitutes the general law on matrimonial property rights. Under the ordinance, a married woman is capable of holding, acquiring and disposing of any movable or immovable property or of contracting as if she were a femme sole, without the consent or intervention of her husband. This applies to all property belonging to her at the time of marriage and property acquired or devolved to her after marriage. She also has the same remedies and redress by way of criminal proceedings for the protection and security of her separate property. The 1876 Matrimonial Rights and Inheritance Ordinance constitutes the general law on inheritance rights. The ordinance provides for equal rights to inheritance for male and female spouses: upon the death of either spouse, the surviving spouse inherits half of the deceased spouse’s property. The extent of the general law’s application has been limited by legislation, judicial decisions and the system of customary laws that are operative in the island. The matrimonial property and inheritance rights of Kandyan Sinhalese and Tamils are governed by their own systems. Muslims are governed by Muslim personal law.” [32] (p225)

23.07 As recorded in the UNICEF document ‘The state of the world’s children 2007, South Asia edition’ published in December 2006, “Sri Lanka represents an exception in the region to this trend of child marriage, with an average age of first marriage for women of 25. This dramatic shift was led by legislative

reforms that require that all marriages are registered and the consent of both marriage partners is recorded.” [53b] (p6)

POLITICAL RIGHTS

- 23.08 UNIFEM noted its Gender Profile of the Conflict in Sri Lanka, updated 31 January 2008, that “In 1931 Sri Lanka became one of the first countries in Asia, Africa, and Latin America to permit women to vote. In 1960, Sirimavo Bandaranaike became the first female Prime Minister of a modern nation. Chandrika Kumaratunga was elected Sri Lanka’s first female president in 1994, and won a second term in office in elections in December 1999. Sri Lanka has a vibrant women’s movement.” [66a] (Introduction)
- 23.09 The same source also noted that “Women are severely underrepresented at the political and decision-making levels in Sri Lanka. According to the UN Development Assistance Framework, this makes mainstreaming gender at the policy level difficult.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka [66a] (The Impact of the conflict on women in Sri Lanka)
- 23.10 The USSD report 2007 recorded that “There were 11 women in the 225 member parliament, three women in the cabinet, and two women out of 11 justices on the Supreme Court...There was no provision for or allocation of a set number or percentage of political party positions for women or minorities... [2f] (Section 3) Women’s participation in politics was around four percent in the parliament and approximately 1.4 percent in local political institutions.” [2f] (Section 5)
- 23.11 The UNICEF document ‘The state of the world’s children 2007, South Asia edition’, published in December 2006, noted that, “Despite having low rates of child marriage, high level of girls’ education and a record of elected women leaders in the highest seats of political power, Sri Lanka continues to have very few women in its national legislature, the proportion of women never having been higher than 5 per cent.” [53b] (p24)

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SOCIAL AND ECONOMIC RIGHTS

Employment

- 23.12 As noted in the USSD report 2007:

“The law provides for equal employment opportunity in the public sector; however, women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work. They often experienced difficulty in rising to supervisory positions and faced sexual harassment. Even though women constituted approximately half of the formal workforce, according to the Asian Development Bank, the quality of employment available to women was less than that available to men, as the demand for female labor was mainly for casual and low paid, low skill jobs in the formal and informal sectors.” [2f] (Section 5)

Family planning/abortion

- 23.13 The Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter website, undated, accessed on 17 September 2008 observed that:

“There are no laws or policies that require individuals to accept family planning measures...The National Health Policy calls for the government to ensure the right of men and women to be informed about and have access to their choice of safe, effective, affordable, and acceptable methods of family planning...The Women’s Charter issues several directives to the state with regard to women’s right to family planning. It enjoins the state to ensure:

- women’s right to control their reproduction and their equal access to information, education, counselling, and services in family planning, including the provision of safe family planning devices and the introduction and enforcement of regulations relating to their safety; and
- family planning policies are equally focused on men and women.

“There are currently some 14,000–15,000 women who undergo sterilization per year...The government does not regulate sterilization through any laws... Abortion, which is illegal in Sri Lanka, is the single most important reproductive health problem in the country...Abortion is a criminal offense under the penal code, except to save the woman’s life...Legal abortions are usually performed in the government sector...Abortions are carried out in the informal and private sector by private physicians or by clandestine abortion providers.” [32] (p 212-213 & 216-217)

- 23.14 The United Nations Population Division, Department of Economic and Social Affairs, World Abortion Policies 2007, (undated, website accessed on 26 February 2008) recorded that in Sri Lanka abortion is permitted only to save the woman’s life. [6f] (Wall chart) Their Global Review, Country profiles: Sri Lanka, undated (last modified 23 November 2005) provided additional details on the issue of abortion:

“Abortion is generally illegal in Sri Lanka under the Penal Code of 1883, which is based on the Indian Penal Code. Section 303 of the Penal Code provides that anyone voluntarily causing a woman with child to miscarry is subject to up to three years’ imprisonment and/or payment of a fine, unless the miscarriage was caused in good faith in order to save the life of the mother. The penalty is imprisonment for up to seven years and payment of a fine if the woman is ‘quick with child’, a term which, while not defined in the Code, refers to an advanced stage of pregnancy when there is perception of foetal movement, as opposed to ‘woman with child’, which simply refers to ‘being pregnant’. A woman who induces her own miscarriage is subject to the same penalties. If the miscarriage is caused without the consent of the woman, whether or not she is quick with child, the person causing it is subject to up to 20 years’ imprisonment and payment of a fine (Section 304). The same penalty is imposed if the woman’s death results from any act carried out with intent to bring about a miscarriage, whether or not the offender knew that the act was likely to cause death (Section 305).” [6d]

- 23.15 “Despite rigid statutory provisions, Sri Lankan women from higher income households who desire to terminate their pregnancies find little or no difficulty in doing so. They often consult a psychiatrist for severe mental depression

combined with suicidal tendencies. The psychiatrist may advise an abortion in order to save the life of the mother, and the pregnancy may then be terminated in a private or government hospital by a qualified medical practitioner. Women from middle-income and lower income households, however, must often resort to abortions performed by ‘back-door abortionists’ under primitive and unhygienic conditions, resulting in high maternal mortality and chronic ill health. Although any abortion wilfully induced without the specific intent to save the life of the mother constitutes illegal abortion in Sri Lanka, in practice, indictments for criminal abortion rarely occur and convictions are even rarer. The incidence of abortion is believed to be considerably higher than is commonly acknowledged. A rural survey suggests that 54 abortions per 1,000 population are performed each year.” (UN ESA, Abortion Policies) [6d]

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Single mothers/widows

- 23.16 A letter from the British High Commission in Colombo, dated 17 July 2007, noted that:

“Rural Tamil communities are deeply conservative. Acknowledged birth out of wedlock is unusual and would carry a stigma. I don’t know of any reliable statistics, but I have never met anyone openly pregnant outside of marriage. There has been some academic research carried out on the back ground on those seeking abortions in Sri Lanka which suggests that pregnancy outside marriage is relatively rare...Raising a child alone would be unusual in the extreme. I doubt it makes much difference whether you are in an LTTE controlled or government area – although Colombo might be marginally more liberal.” [15b]

- 23.17 The UNIFEM, ‘Gender Profile of the Conflict in Sri Lanka’ (last updated 31 January 2008) recorded that “There are an estimated 40,000 war widows in Sri Lanka. The loss of male breadwinners has created a new group of women vulnerable to economic hardship. There are approximately 30,000 female-headed families in the north and east of Sri Lanka.” [66a] (**The Impact of the conflict on women in Sri Lanka**)

“According to a Consultation organized by International Alert in June 2003, widows are considered bad luck in much of Sri Lanka. As a result, war widows or wives of the missing face discrimination vis a vis housing, employment and other rights.” [66a] (**Economic security and rights**)

- 23.18 A letter from the British High Commission (BHC), Colombo, dated 29 October 2007, recorded that “With many able bodied men either the victims or fleeing the abuses, a quarter of all households [in Jaffna] are now female-headed.” [15q]

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VIOLENCE AGAINST WOMEN

Legislation

- 23.19 As recorded on the website of the Ministry of Justice and Law reforms of Sri

Lanka (Legislation passed by Parliament in 2005, Prevention of Domestic Violence Act, No. 34 of 2005):

“Violence against women and particularly violence within the domestic environment has become a serious social issue. The above Act provides for the issue of Protection Orders by court. The objective of the Act is not to create new offences but to provide for the issue of Protection Orders by a Magistrate’s Court to prevent an aggressor from inflicting harm to persons within the home environment. The Act makes provision for the issue of Protection Orders against acts of physical violence which constitute offences already recognized in Chapter XVI of the Penal Code, of Extortion and Intimidation and of Emotional Abuse having the effect of causing severe traumatic emotional pain. Protection Orders can be sought against persons in specified degrees of relationships. A Protection Order may prohibit the aggressor from committing acts of domestic violence and entering the victim’s residence and may impose other prohibitions. In imposing prohibitions the court is required to take into account the accommodation needs of the victim and of the children and any hardship that may be caused to the aggressor thereby. The Act provides a civil remedy. The issue of a Protection Order will have no bearing on the normal criminal law jurisdiction. Thus where an offence has been committed, the normal criminal justice process of investigation, prosecution and punishment will follow.” [43b]

23.20 On 30 September 2007, *The Sunday Times* (Sri Lanka), reporting on the implementation of the Prevention of Domestic Violence Act, noted that:

“The law not only provides for a Protection Order but also for a 14-day interim Protection Order to safeguard the victim. While commending the law, Dr. Deepika Udagama, Head of the Dept. of Law of the University of Colombo, explains that it has a lot of potential – for the first time a law deals with domestic violence, especially between spouses...’But,’ she concedes, ‘there are a few areas which need strengthening, especially with regard to monitoring.’ Even well-entrenched laws, sometimes face obstacles in their implementation, according to her. Monitoring, particularly by officials such as the police, is poor. For some police officers enforcement of a Protection Order would be way down the list of priorities, compared to their other duties such as fighting crime.”

“Adds Dr. Udagama: ‘Some police officials still consider domestic violence within a marriage to be a personal problem which has now been forced into the public arena. It may be necessary to get the parties to report to the police or to court itself, because if someone violates the Protection Order it is contempt of court.’” [11p]

23.21 As outlined in the USSD report 2007:

“The law prohibits domestic violence, but it was not strictly enforced. Sexual assault, rape, and spousal abuse continued to be serious and pervasive problems. The law specifically addresses sexual abuse and exploitation, and contains provisions in rape cases for an equitable burden of proof and stringent punishments. Marital rape is considered an offense only in cases of spouses living under judicial separation. While the law may ease some of the problems faced by victims of sexual assault, many women’s organizations believed that greater sensitization of police and the judiciary was necessary.

The Women and Children Bureau within the Police has conducted awareness programs in schools and at the grassroots level, causing women to come forward and lodge complaints. However, the government has not yet focused on increased recruitment of female police officers to help alleviate the problem.” [2f] (Section 5)

- 23.22 As recorded in the Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter:

“Under the penal code, provisions relating to murder, miscarriage, hurt, wrongful confinement, assault, sexual harassment, rape or grave sexual abuse, and criminal intimidation may be invoked to prosecute acts of domestic violence...The penal code criminalizes sexual harassment, defined as assault or the use of criminal force, words or actions to cause ‘sexual annoyance or harassment’ to another person. The offense is punishable with imprisonment and a fine, and a defendant may additionally be ordered to pay compensation to the victim. The burden of proof rests on the prosecution, which must prove its case beyond a reasonable doubt... The practice of female circumcision on newborns is fairly widespread among the Muslim community in Sri Lanka; the practice is not prohibited or regulated by law.” (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 17 September 2008) [32] (p230-231)

Rape/Domestic violence

- 23.23 The USSD report 2007 observed that:

“There is anecdotal evidence that the resumption of the conflict has led to an increase in gender-based violence perpetrated by the security forces. Statistical corroboration is lacking, because few, if any, charges were filed in such incidents. For example, human rights groups in northern districts allege that the wives of men who have ‘disappeared’ and who suffer economic deprivation as a result often fall prey to sexual exploitation by paramilitaries and members of the security forces... There were widespread reports that security forces sometimes ordered men in the IDP camps [in the east] to report to security forces bases to spend the night, leaving the female displaced population vulnerable to sexual exploitation and abuse. The displaced population had declined significantly by year’s end, but documented reports persisted noting that spouses and daughters of men temporarily detained by security forces in formerly LTTE-controlled areas in western Batticaloa district were subject to sexual abuse.”

“The Bureau for the Protection of Children and Women received 995 complaints of grave violent crimes and 2,247 minor crimes against women in the first half of the year [2007], representing a significant increase over 2006 levels.” [2f] (Section 5)

- 23.24 “According to the Bureau for the Protection of Children and Women, there were 278 reported incidents of rape through November [2007], representing a decrease from 2006 levels...A high suicide rate among women which some attributed to gender-based violence appeared to be declining. However, there was no evidence linking this trend to specific actions taken by the government.”

“Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison; however, these laws were not enforced.” (USSD 2007) [2f] (Section 5)

- 23.25 The ICG (International Crisis Group) document ‘Sri Lanka’s Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008, noted that:

“Women are particularly disadvantaged by displacement and the return to war. Those in conflict areas and refugee camps in the north and east have regular complaints of increased sexual violence and enforced sex work from soldiers and armed men. There is also evidence of more domestic violence due to the highly militarised environment. The reduced economic opportunities for women living in refugee camps and conflict affected areas add to their vulnerability to abuse and violence, as many are forced to trade their bodies for money or needed commodities. Single women heading households, widows, and women caring for the disabled have gender-related needs which are not adequately recognised or addressed by the government and non-governmental organisations (NGOs). The same is true for the health needs of women and adolescent girls. The increases in arrests and detentions under emergency regulations have brought particular dangers for women. Safeguards to protect those in custody are widely ignored; women wardens or police are not often available, and forced sex with prison guards is a common complaint. Chronically inadequate facilities for women and girls in detention are under further stress.” [76d] (p9-10)

- 23.26 The UNIFEM Gender Profile of Sri Lanka, updated 31 January 2008, noted “Sri Lankan women have experienced rape, detainment, harassment at checkpoints and other violations of their personal security in the two decades of civil war.... [66a] (The Impact of the conflict on women in Sri Lanka) The former Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, reported that rape was used in Sri Lanka’s conflict, and that violent crimes increased against the backdrop of ongoing conflict.” [66a] (Human Rights Violations, including violence against women)

- 23.27 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2007 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2002 – 2006 (undated, website accessed on 2 May 2008) recorded that in 2006 there were 1,463 cases of rape/incest. The figures for 2002, 2003 2004 and 2005 were respectively: 1,247; 1,371; 1,432; 1,540. [58d]

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Assistance available to women

- 23.28 The website of the Sri Lankan NGO Home for Human Rights (HHR) (undated, website last accessed on 11 October 2007) stated:

“HHR created its Women Desk to oversee HHR’s work with women and ensure that we never ignore the needs of this often vulnerable population... HHR’s Documentation Desk is active in collecting, coding, and reporting violations of women’s human rights...HHR provides several legal services that cater to the specific needs of women and children. These services include representation for victims of domestic or sexual abuse, displaced women and

children, and children forced into illegal labour. While our Legal Department provides most direct services, the Women's Desk maintains community networks to ensure that women around the country are aware of our services and can avail of them when required...HHR's Women's Desk provides several critical community-based services geared towards women. We provide social services and counseling for survivors of sexual and domestic violence. We have also organized self-help groups for single mothers in the Northern and Eastern provinces where women gather monthly to discuss their unique problems and share ideas on how to address them. HHR also provides counseling services and moral support to women affected by human rights violations, such as visiting hospitalized victims of assault, rape, or domestic violence and accompanying them back to their communities. The Women's Desk has also helped displaced women and children return home or adapt to their new surroundings." [26a]

23.29 According to an undated list on the website of the online forum South Asian Women's Network (SAWNET) (accessed on 17 September 2008) several organisations dealing with problems faced by women exist in Sri Lanka. [17] An undated list of local NGOs is also available from the website Peace Women - Women's International League for Peace and Freedom, accessed on 30 September 2008. [77]

23.30 As noted in a letter from the British High Commission in Colombo, dated 17 July 2007:

"Provision of assistance for Rape victims is weak, although there are some signs of improvement. The country has acknowledged it has a problem and the women's and child bureau of the police maintains a presence around the country to deal with complaints. They are trained in how to record a complaint sympathetically and how to refer a victim to a suitably equipped hospital. After this there does not seem to be long term assistance given to rape victims. A couple of NGOs provide pastoral care in Colombo – although they focus on victims of domestic abuse." [15b]

23.31 The USSD report 2007 recorded that "Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally limited." [2f] (Section 5)

23.32 As reported by *The Sunday Times*, (Sri Lanka) on 30 September 2007:

"Conceding that fingers were pointed at the state that there was no support system for battered persons though there have been counselling centres in operation for about three years now, the Secretary to the Ministry of Child Development and Women's Empowerment, Indrani Sugathadasa says the lack of a shelter was seen as a major shortcoming. 'We have now opened a shelter alongside the counselling centre at Kalutara and are in the process of installing a matron there. We convinced the Treasury of this need and were passed funding in the 2006 budget but finding suitable places has taken time,' she says, adding that shelters have to be located in secure quiet places that are not heavily populated, while being in close proximity to the hospital, police and transport service." [11p]

"Pointing out a few of the weaknesses of the Prevention of Domestic Violence Act, Sumithra Fernando of Women in Need (WIN) says while there is no

mandatory provision and also no mechanism for the observance of an interim Protection Order, the lack of a Protection Officer and support structure to implement and also monitor the observance of a Protection Order are a major challenge.” [11p]

23.33 On 11 October 2007 the IPS news agency reported that:

“Sri Lankan women battered by their spouses have been seeking refuge in a law enacted two years ago to tackle domestic violence, but activists say they need far closer protection...The PO [protection order] is a vital element of the Prevention of Domestic Violence Act introduced in 2005. Any person who fears domestic violence can seek such a PO -- issued for a period of 12 months by a magistrate -- which bars the 'aggressor' from committing acts of domestic violence and entering the victim's residence among other prohibitions. More than 60 percent of women across Sri Lanka are victims of domestic violence while 44 per cent of pregnant women are also subjected to harassment, according to a 2006 survey by the Ministry of Child Development and Women's Empowerment. While the enforcement of the PO is a major challenge, there are nevertheless instances where it has worked, according to Sumithra Fernando of Women in Need (WIN), an organisation that has helped battered women and children for over 20 years...WIN runs many crisis centres across the country and has a shelter for survivors. So far it has obtained 33 POs and in some cases, Fernando says, the spouses have reconciled and come together under a process of mandatory counselling.” [18a]

23.34 The IPS further reported:

“Deepika Udagama, who had the law department at the University of Colombo, believes that the law has a lot of potential as it deals specifically with domestic violence, especially between spouses. Until its passage women getting battered was considered a 'home issue' and even if the victim had the courage to make a complaint she was advised by police to go home...’But,’ Udagama concedes, ‘there are a few areas which need strengthening, especially with regard to monitoring.’ But she admits that monitoring, particularly by officials such as the police, is poor. “For some police officers enforcement of a PO would be way down the list of priorities, compared to their other duties such as fighting crime.’...Activists say among the deficiencies in the law are the uncertain interpretation of what constitutes domestic violence. It does not include economic violence and deprivation of rights, intimidation and harassment...Indrani Sugathadasa, secretary in the Ministry of Child Development and Women's Empowerment, believes one of the biggest challenges towards containing domestic violence is having a proper support system for battered persons. ‘We have now opened a shelter alongside the counselling centre at Kalutara (southern Sri Lanka) and are in the process of installing a matron there,’ she said, adding that plans are also afoot to open 14 more centres across the island.” [18a]

See also Sections 24: Children; 25: Trafficking; and 29: Internally Displaced People

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24. CHILDREN

GENERAL INFORMATION

24.01 Sri Lanka ratified the UN Convention on the Rights of the Child (UNCRC) on 12 July 1991. It subsequently ratified the optional protocols to the UNCRC on the involvement of children in armed conflict (8 September 2000) and on the sale of children, child prostitution and child pornography (22 September 2006). (UNHCR Treaty Body Database, Ratifications and Reservations, Status by Country, undated, website accessed on 16 May 2008) [6g]

24.02 The UNICEF report, UNICEF Humanitarian Action Plan 2008, undated, observed that:

“The resurgence of conflict in Sri Lanka since April 2006 has severely impacted the well-being and livelihood of children and women, particularly in the North and East of the country... Severe acute malnutrition (SAM) among under-five children in parts of conflict-affected Batticaloa and Jaffna districts is 6 per cent and 6.7 per cent respectively (2007), while the country prevalence is 2.5 per cent (Demographic and Health Survey 2000). Access to potable water and to safe sanitation stands at 79 per cent and 76 per cent respectively, for the entire population. However, in some conflict-affected districts, sanitation coverage is as low as 30 per cent (2007). More than a quarter of a million primary school-aged children are partially and/or completely out of the education system. The resumption of open fighting has increased the risk of underage recruitment by armed groups and other child rights’ violations related to conflict. Displacement and pervasive indiscriminate violence, including claymore attacks, landmines/unexploded ordnance and aerial bombings have resulted in a climate of fear and significant disparity in vulnerable areas.” [53d]

24.03 Key demographic data about children in Sri Lanka can be obtained from the website of UNICEF, Sri Lanka. In 2006 the total population under 18 was 5,576,000. [53c]

Basic legal information

24.04 The age of criminal responsibility is 8 “with the courts having discretion to extend to 12 yrs depending on the subjective assessment of level of maturity” (UNICEF’s comments to the UN’s Universal Periodic Review of Sri Lanka, undated, accessed 1 October 2008) [53e] The voting age is 18 (CIA World Factbook, Sri Lanka, accessed 6 August 2008) [30] For the minimum age for enlistment of soldiers and military service see [Section 9](#)

24.05 The age of consent for male-female sex in Sri Lanka is 16. (Avert, Worldwide age of consent, undated, website accessed on 17 September 2008) [64a] The minimum age of marriage is 18, though there is a provision in the law on marriage that permits “parents to consent to a marriage involving a minor. If a parent unreasonably withholds consent, a court may authorize the marriage. Courts have held, however, that a parent’s refusal to give consent will only be overruled if the court is satisfied that the refusal is without cause and contrary to the interest of the minor.” (Helplinelaw.com, undated, website accessed on 24 September 2008) [36a] However Muslims, “who continued to

follow their customary religious practices”, girls attained a marriageable age “with the onset of puberty and men when they are financially capable of supporting a family.” (US State Department Report for 2008 on Religious Freedom in Sri Lanka, 19 September 2008) [2a] (Section II)

- 24.06 The USSD 2007 report recorded that “The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage in technical training. An amendment to the Employment of Women and Youth Act prohibits all other forms of family employment of children below 14.” [2f] (Section 6d)

See also Section 23: Women

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CHILDCARE AND PROTECTION

Legislation

- 24.07 On laws protection children the USSD report 2007 noted:

“Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also broadens the definition of child abuse to include the involvement of children in war. The National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the president. During the year the Bureau for the Protection of Children and Women received 2,010 complaints of violent crimes against children and 425 cases of sexual abuse of children.

“The government pushed for greater international cooperation to bring those guilty of pedophilia to justice. Although the government does not keep records of violations, the 2006 Penal Code Amendment Act prohibits sexual violations against children, defined as persons less than 18 years, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from two to five years of imprisonment. The penalties for pedophilia range from five to 20 years imprisonment and an unspecified fine.” [2f] (Section 5)

- 24.08 The same report noted that:

“The NCPA is the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the police are responsible for the enforcement of child labor laws. The Bureau of Child Protection of the Sri Lanka Police reported 106 complaints of child employment during the year, a fourfold increase over 2006. Information on litigation was not available. Penalties for employing minors were increased from approximately \$9 (1,000 rupees) and/or six months' imprisonment to \$93 (10,000 rupees) and/or 12 months' imprisonment.” [2f] (Section 6d)

- 24.09 The USSD report 2007 also noted that “The law does not specifically prohibit forced or compulsory labor by children”. [2f] (Section 6c)

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Violence against children

- 24.10 Irin reported on 20 February 2008 that “Children in Sri Lanka are increasingly being killed and injured and having their education disrupted as bomb attacks blamed on the Liberation Tamil Tigers of Eelam (LTTE) as well as government security forces drive families from their homes in search of safety.” [55a] The same source in an article of 25 August 2008 reported that the education of thousands of children had been disrupted by fighting as “Clashes between Sri Lankan government forces and Liberation Tigers of Tamil Eelam (LTTE) have escalated recently in the four northern districts of Mannar, Vavuniya, Kilinochchi and Mulaitivu, forcing tens of thousands to flee their homes, including thousands of students...” [55f]

- 24.11 The USSD report 2007 considering the situation of children not directly affected by the conflict between the Government and the LTTE observed that:

“Many NGOs attributed the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources were diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducted investigations into crimes against children and women. However, AHRC documented numerous cases of child abuse, including by teachers, which the government did not investigate.” [2f] (Section 5)

- 24.12 The website of the Child Rights Network, updated 12 May 2008, reported comments by NGO stakeholders with regard to children made as part of the UN's Universal Periodic Review. These included:

“The Joint Civil Society Report (JCSR) noted many instances of children subjected to severe physical and sexual abuse by family members, teachers, and members of the clergy. The Global Initiative to End All Corporal Punishment of Children (GIECP) noted that, at a meeting of the South Asia Forum in July 2006, following on from the regional consultation in 2005 of the UN Secretary General's Study on Violence against Children, the Government made a commitment to prohibit corporal punishment in all settings, including the home.

“The Sri Lankan Civil Society Working Group on Child Recruitment (SLCSWG) noted that the forced recruitment of children and the use of child combatants have been long associated with Sri Lanka's violent ethnic conflict. SLDF was dismayed that in spite of assurances given to the UN and international scrutiny, the LTTE and the Karuna Group have not ceased to recruit children nor kept their commitments to release all children in their ranks. SLDF further noted that though the LTTE and Tamil Makkal Viduthalai Pulighal (TMVP), also known as the Karuna group, are primarily responsible for recruitment, given the visible and close association between the TMVP and the Government, the Government cannot absolve itself from taking responsibility for TMVP actions. HRW called on the Government to immediately end all cooperation with the Karuna group in the recruitment of children; and to fulfil

its pledge to investigate the role of the security forces in child recruitment and other abductions by the Karuna group, and hold all those responsible accountable.

“WMC reported that ... Regarding detention centres for girls, there is no separation between girls who have come into conflict with the criminal law and girls in need of care and protection. Sexually abused girls are held in custody until cases against perpetrators have been completed.” [14a]

24.13 The USSD report 2007 stated that “According to the attorney general's office, through September the government opened 1,487 files, of which 799 resulted in indictments for pedophilia, including statutory rape and 159 were dismissed. At year's end the remaining cases were pending.” [2f] (Section 5)

24.14 The USSD report 2007 also noted that:

“Following the 2004 tsunami, the NCPA launched a successful awareness campaign to protect orphaned or displaced children from pedophiles. Commercial sexual exploitation of children remained a problem in coastal resort areas, however. Private groups estimate that there are approximately 6,000 children exploited for commercial sex in the country. However, UN estimates of child prostitutes ranged as high as 40,000. Sri Lankan citizens committed much of the child sexual abuse in the form of commercial sexual exploitation of children; however, some prostituted children were boys who catered to foreign tourists. The International Labor Organization (ILO) and UNICEF estimated of the number of boys exploited by foreign nationals in commercial sex ranged from 5,000 to 30,000, some of whom were forced into prostitution.” [2f] (Section 5)

24.15 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2007 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2002 – 2006, undated, website accessed on 2 May 2008) recorded that in 2006 there were 362 cases of cruelty to children and sexual exploitation of children. The figures for 2002, 2003, 2004 and 2005 were respectively: 338; 463; 471; 451. [58d]

24.16 On the treatment of children who worked, the USSD report 2007 noted:

“There were no recent surveys on child labor in the country...Sources indicated that many thousands of children were employed in domestic service in urban households, although this situation was not regulated or documented. Some child domestics reportedly were subjected to physical, sexual, and emotional abuse. Employment of children commonly occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops.” [2f] (Section 6d)

See also Sections 9: Military Service; 19: Freedom of Religion (Introduction); 13: Prison Conditions; 23: Women; and 25: Trafficking and the sub-section on Child Soldiers below

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‘Illegitimate’ children

- 24.17 A letter from the British High Commission in Colombo dated 17 July 2007 noted:

“Sri Lankan law treats ‘legitimate’ and ‘illegitimate’ children slightly differently and the Constitution does not prohibit discrimination on the basis of birth. The Sri Lankans told the Commission on the Rights of the Child in 2002 that they had removed the different rules applying to maintenance for illegitimate children (whose mothers can now claim from the father on the same basis as divorced women) and were in the process of establishing whether other rules needed changing to ensure that there was no discrimination. They made clear their opposition to discrimination on the basis of birth. Nonetheless some civil society groups have suggested a need to equate the lot of illegitimate and legitimate children as birth outside marriage still carries a great social stigma. As far as we can establish there are no legal obstacles to receiving state assistance (education, welfare etc), despite the social stigma attached to illegitimacy. Given Sri Lanka’s high literacy, school enrolment and health record, I doubt this is a serious problem.” [15b]

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Protection

- 24.18. In UNICEF’s comments to the UN’s Universal Periodic Review of Sri Lanka which was taking place during 2008, but the document itself is undated, accessed 1 October 2008, it was reported that:

“The protection of children is a concern. Children in contact with the law are often re-victimised, this includes both child victims of abuse and neglect and also child offenders. This takes the form of ill treatment, at times extending to torture of child offenders, delays, separation from families, incarceration, disruption of education and lack of attention to their therapeutic needs. Trainings carried out so far have addressed the attitudes and skills of individual service providers but failed to develop standards and procedures which would enable a uniform protective environment to all children in contact with the law. Legal reforms have generally been top down and they have not taken into account the views and experiences of children and service providers. The strengthening of practice must be supplemented with a continuous review of law and policy, institutionalized training and the provision of necessary infrastructural support. Key issue is that the age of criminal responsibility is 8yrs with the courts having discretion to extend to 12 yrs depending on the subjective assessment of level of maturity.” [53e]

- 24.19 On 30 July 2008, the *Daily Mirror* (Sri Lanka) reported that:

“The Child Protection Authority (CPA) Chairman Jagath Wellawatte said 372 complaints on child rights violations and 256 complaints on child abuse have been referred to the authority during the first six months of the year...In 2007, the authority received 2240 complaints. Generally 10 to 12 complaints are received per day. Parties concerned are reluctant to seek police intervention on personal matters...Child abuse and rights violations mostly take place within the home environment. Cases of harassment and abuse remain unreported, the Chairman pointed out.” [11c]

- 24.20 A letter from the BHC Colombo dated 16 May 2008 noted that “The police

have...improved their support of the victims of domestic violence and sexual abuse. They have specialist units from the Police Child & Women's Bureau working with the National Child Protection Authority, and the issue of child exploitation has also been addressed." [15r] On the subject of protection the USSD report 2007 noted that "The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The tourist bureau conducted awareness raising programs for at risk children in resort regions prone to sex tourism." [2f] (Section 5)

Government and NGO childcare

24.21 The UNICEF comments to the UN in its Universal Periodic Review of Sri Lanka, undated, accessed 1 October 2008, observed that:

"Institutional care is at present the most common solution for children deprived of parental care in Sri Lanka. At the end of 2006 more than 19,000 children were living in these institutions, separated from their families; girls outnumber boys by 8 percent (i.e. they represent 54%).

"Fostering is possible through the issuing of a Fit Person Order, but such an order is utilized only in cases where children can be entrusted to a relative. Furthermore, the recourse to institutional care is frequently practiced also to solve family problems not related to parental care: children are sent to institutions either through an intervention of the officers of the Department of Probation and Child Care Service (DPCCS) - which is the agency providing social services to children - or directly by parents." [53e]

24.22 In a letter from the British High Commission in Colombo, dated 17 July 2007, it was observed: "I spoke to a Tamil contact of mine who recently adopted two Tamil children. His view and his reported view of the local adoption services was that most Tamils have extended families who generally would rally round and provide a level of support – but they would expect the couple to be married or for the child to be offered for adoption or fostering with a relative." [15b]

24.23 As reported by Irin on 3 September 2007:

"In Sri Lanka today institutional care is the fate of many children who have been abandoned by their parents. According to UNICEF, out of over 21,000 children in orphanages in Sri Lanka, one or both parents of over 19,000 of them are still alive. UNICEF says in most cases it is a family member who leaves the child at an orphanage...There are currently 488 voluntary children's homes in Sri Lanka. Most are found in Batticaloa District which has 66, followed by Colombo with 60. Living conditions for children in some of these homes is less than idyllic. According to the UNICEF report [entitled 'Out of Sight - Out of Mind', of 24 July 2007], only 12 children's homes are found to be fully compliant with current standards of care. Most homes are overcrowded and lack sufficient staff to provide the individual attention children need... Many children's homes in Sri Lanka do not even have sufficient basic facilities such as beds, clean water or adequate sanitation facilities...According to the UNICEF report, 136 orphanages said they did not have a sufficient number of beds: many of the children ended up sleeping on mats on the floor." [55b]

24.24 The Irin article also noted that:

“Although many homes allow parents to visit, these visits are often deliberately kept brief and highly supervised, according to the National Child Protection Authority (NCPA). This, observers claim, is so the children do not have the opportunity to complain of staff abuse to a parent who might subsequently lodge complaints against them with the protection authority. Communication with parents and relatives - including letters written home by the children and those received by them - is often closely monitored by orphanage authorities, according to the Women and Children’s Bureau of the Sri Lanka Police Department. The bureau, one of whose functions is to investigate child abuse, is concerned that many children are confined in these orphanages with restricted communication with parents and relatives and often with inadequate supervision or living conditions.” [55b]

24.25 A comprehensive list of NGOs for children operating in Sri Lanka is available from the website of CRIN (Child Rights Information Network) [14]

See also Section 23: Women

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EDUCATION

24.26 The USSD report 2007 recorded that “The law requires children between the ages of five and 14 to attend school, and the government demonstrated its commitment to children through extensive systems of public education and medical care. Approximately 85 percent of children under the age of 16 attended school. Education was free through the university level. Health care, including immunization, was also free.” [2f] (Section 5) The youth (15-24 years) literacy rate, 2000-2006, was 95 for males and 96 for females. (Unicef Sri Lanka, Statistics, Education) [53c]

24.27 The Economist Intelligence Unit (EIU), Country Profile 2008 Sri Lanka (published in July 2008) noted that “Sri Lanka’s policy of free education has led to an impressive literacy rate (92.5%) and school enrolment rate (75.2% of those aged 5-19 years). However, low examination pass rates at the secondary level undermine these achievements...Although technically the government has a monopoly on tertiary education, several private institutions also provide higher education.” [75b] (p11-12)

24.28 The Sri Lanka Department of Census and Statistics recorded in their Statistical Abstract 2007, Socio Economic Indicators (undated, website accessed on 24 September 2008) that in 2006 there were 9,714 Government schools; 93 private schools and 653 Pirivenas [Buddhist monastic colleges] with a total number of pupils close to 4 million in 2006. [58c]

24.29 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, dated 21 December 2007 noted that:

“Attacks on schools by the parties to the conflict have detrimentally affected children’s education in multiple ways. Two hundred sixty-one schools have been recorded by education authorities as physically damaged or destroyed during the entire period of the conflict. Although the extent of the damage

varies from minor to total destruction, all physical damage to schools impacts upon children's access to education." [6e] (p11)

See also Section 23: Women and subsection above on Violence against children

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CHILD SOLDIERS

24.30 The Coalition to Stop the Use of Child Soldiers 'Child Soldiers Global Report 2008, Sri Lanka, undated (released on 20 May 2008) reported that:

"In February 2006 the Penal Code was amended to make 'engaging/recruiting children for use in armed conflict' a crime punishable by 20 years' imprisonment. Despite these provisions, there had so far been no arrests of cadres of the LTTE or Karuna group...in relation to child recruitment. This was partly because the police often refused to accept complaints from parents of abducted children, despite parents having information about the identity of the abductors." [80a] (Government)

24.31 The Child Soldiers Global Report 2008 also noted:

"There were longstanding concerns about the treatment of children who 'surrendered' to the security forces; in December 2006 the government was criticized for not making a distinction between children and adults. The government subsequently appointed a commissioner general for rehabilitation, and as of mid-2007 was developing a rehabilitation program in cooperation with UNICEF. This included setting up a rehabilitation centre for 'child surrendeers', of whom there had been more than 60, all of whom had been recruited by the LTTE. As of that time, however, no specific program had been established for girls." [80a] (Government)

24.32 The USSD report 2007 recorded that "Both the LTTE and the Karuna group ... used minors in battle. The Karuna group and the LTTE also continued to recruit child soldiers forcibly, while intimidating and using violence against civilians." [2f] (Section 1g)

LTTE

24.33 The Child Soldiers Global Report 2008 recorded:

"The LTTE consistently denied that it knowingly recruited children and it claimed that children sought to join by disguising their age. However, there is overwhelming evidence of recruitment, often forced, throughout areas under LTTE control as well as from government-controlled areas in the north and east. The recruitment of children typically followed a pattern of increased recruitment during the season of temple festivals and a fall during periods of international condemnation." [80a] (Liberation Tigers of Tamil Eelam LTTE)

24.34 On 15 September 2008 BBC Sinhala reported that:

"Residents in Kilinochchi told BBC Sandeshaya that the Tamil Tigers are increasing pressure on families with two children to hand over one child to the movement to fight against the government forces. 'The Tigers come and take

the children by force. Forcible recruitment of children has been [sic] worsened since about a year ago. It wasn't that bad until recently,' the resident said. The LTTE are desperately seeking more recruits as the government forces are advancing to the Vanni, the residents who did not want to be identified told BBC Sandeshaya." [9e]

- 24.35 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, dated 21 December 2007, noted that:

"From 1 November 2006 to 31 August 2007, the United Nations Children's Fund (UNICEF) received reports of 262 children recruited by LTTE, including 32 who were re-recruited. This represents a significant reduction in the rate of reported recruitment of children by LTTE, as compared to the previous reporting period....of the total number of children recruited, 169 were boys and 61 were girls." [6e] (p4)

- 24.36 The UN Security Council report further noted:

"...the average age of children recruited by LTTE is 15.78 years.

"From 1 November 2006 to 31 August 2007, 203 children were verified by UNICEF to have been released by LTTE. Most of the children were released from Kilinochchi district, followed by Mullaitivu and Batticaloa districts.

"In February, March, June, July and August 2007, for the first time since the UNICEF underage recruitment database was established in 2002, the monthly figure of children released exceeded that of children reported as recruited in the month." [6e] (p5-7)

- 24.37 The UNICEF 'Monitoring of underage recruitment: August [2008] update' (website accessed on 1 October 2008) recorded that:

"According to UNICEF data-bases, as of 31 August, 2008, there are 1426 outstanding cases of under age recruitment by the LTTE. Of these, 128 are under the age of 18, and 1298 were recruited while under 18 but have now passed that age...UNICEF continuously checks its database on under age recruitment to ensure its accuracy. UNICEF only withdraws recruits from its database when it is able to verify their release through an official letter of release, or by establishing that the child is reunited with his or her parents. UNICEF estimates that its database only reflects a third of the actual number of children recruited." [53a]

- 24.38 As noted in a public statement issued by Amnesty International on 10 July 2007:

"Prior to the 2002 ceasefire agreement, the LTTE routinely used children in combat, including high profile battles in which children often suffered high rates of casualties. Over the last two and a half decades of conflict, families living in the conflict areas of the North and East of Sri Lanka have been targeted for recruitment by the LTTE." [3g]

- 24.39 The same report also stated "As hostilities between the Government of Sri Lanka and the LTTE intensified in 2006, Amnesty International received reports of intensified recruitment in the Vanni, the area to the south of the

Jaffna peninsula largely controlled by the LTTE. In April 2007 Amnesty received reports that the LTTE were active in recruiting children in Madhu in Mannar District in preparation for future military battles in the North.” (AI statement of 10 July 2007) [3g]

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Karuna group

- 24.40 The Coalition to Stop the Use of Child Soldiers ‘Child Soldiers Global Report 2008, Sri Lanka, released on 20 May 2008, reported that:

“The government was repeatedly condemned for tolerating the aiding and abetting by the security forces of child recruitment by the Karuna group. In November 2006 a UN special advisor on children and armed conflict ‘found strong and credible evidence that certain elements of the government security forces are supporting and sometimes participating in the abductions and forced recruitment of children by the Karuna faction’. President Rajapakse and other Sri Lankan officials repeatedly promised that the government would investigate the allegations of state complicity and hold accountable any members of the security forces found to have violated the law. Human Rights Watch repeatedly asked the government for the results of the investigations and, in August 2007, questioned the sincerity of the government’s commitment to an investigation. A government committee was established in 2007 to investigate the allegations.” [80a] (Government)

- 24.41 The UNICEF ‘Monitoring of underage recruitment: August [2008] update’, website accessed on 1 October 2008, recorded that: “As of 31 August 2008 there are 127 outstanding cases of under age recruitment by the Karuna group. Of these, 61 are under the age of 18, and 66 were recruited while under 18 but have now passed that age.” [53a]

- 24.42 On 9 May 2008 Irin reported that:

“The Karuna faction, the Tamil Tiger breakaway group, which has been transforming itself from an armed military group into a political party, released 39 underage recruits in April 2008. The group, officially known as the Tamil Makkal Viduthalai Pullikal (TMVP), released 28 children on 24 April [2008] after 11 were let go on 11 April... UNICEF has intensified its monitoring mechanism recently, according to the agency’s officials in Colombo. UNICEF officials personally visited and interviewed families of child recruits remaining with the TMVP to verify each case.” [55c]

- 24.43 As noted in the USSD 2007 report:

“The Karuna group continued to recruit children, some forcibly after abduction. Karuna cadres used coercion, extortion, rape, and murder to force children and adults to join their ranks. Karuna operatives often bribed parents to allow their children to join the Karuna group, and punished parents or children if they resisted. Unlike the LTTE, UNICEF statistics indicated that child recruitment by the progovernment Karuna group did not decline. The UNSR on Children and Armed Conflict reported and cited evidence that government forces were at times complicit in the recruitment of children. During the year [2007],

UNICEF reported that the Karuna group recruited and rerecruited children for use as child soldiers, especially in Batticaloa district for a total of 251. This was more than in 2006, although the rate of recruitment was down from its peak in late 2005. Some previously recruited child soldiers reached 18 years of age while continuing to serve in the Karuna group. UNICEF figures show that at the end of the year, 160 children were still serving in the Karuna forces, and 69 who were recruited as children were now over age 18.” [2f] (Section 1g)

- 24.44 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, dated 21 December 2007, noted that: “[The Karuna faction] continued to recruit and re-recruit children throughout the reporting period, in particular in Batticaloa district, where UNICEF received 78 per cent of the reports of children being recruited...

“The majority of children were abducted and recruited by the TMVP/faction in Batticaloa, followed by Ampara, Trincomalee and Polonnaruwa districts....the average age of the children recruited by the TMVP/faction was approximately 16 years during the reporting period...All except one of the children recruited were boys.” [6e] (ps 7-8)

- 24.45 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007, observed:

“A further disconcerting trend has been the payment of monthly allowances to some of the children recruited upon completion of military training by the TMVP/Karuna faction. This may have the effect of stifling reports by impoverished families, who may actually encourage underage recruitment. Reports have been received that families or recruits are receiving a monthly allowance ranging from SL Rs 6,000 to SL Rs 12,000 (approximately \$60 to \$120). UNICEF has recorded 36 cases of recruited children who are receiving payments in Batticaloa district alone. An additional concern is the targeting of children previously associated with LTTE by the TMVP/Karuna faction in eastern Sri Lanka. Families of children who returned home from LTTE have been requested to report to the TMVP offices with their children. Reports were received that on several occasions, TMVP refused to release these children, claiming that they were holding them for inquiries. In a number of cases, this has resulted in the re-recruitment of children by the TMVP/Karuna faction.” [6e] (p9)

- 24.46 The same report also noted that:

“Abduction and recruitment of children by the TMVP/Karuna faction continued to take place from the streets, temples, homes and internally displaced persons camps in the east...Reports were also received that children were recruited and abducted in areas in close proximity to Sri Lankan security forces offices and checkpoints. All of the TMVP/Karuna faction abduction cases involved forced recruitment, in some cases by armed men who identified themselves as members of the faction.” [6e] (p10)

- 24.47 And further stated:

“Despite initial engagement on an action plan, the TMVP/Karuna faction demonstrated bad faith on a number of occasions, including leading the United Nations to a falsified training camp in Batticaloa and re-recruiting

children within days of releasing them in the presence of UNICEF...Of additional concern is the opening of at least 15 TMVP political offices in Batticaloa and five offices in Ampara, in which armed children are regularly sighted.” [6e] (p16-17)

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25. TRAFFICKING

- 25.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, recorded that:

“The law prohibits trafficking in persons, and the legal penalties for trafficking in women include imprisonment for two to 20 years and a fine. For trafficking in children, the law allows imprisonment of five to 20 years and a fine. However, the country was a point of origin and destination for trafficked persons, primarily women and children trafficked for the purposes of forced labor and sexual exploitation...In 2004 the NCPA adopted, with ILO assistance, a comprehensive national plan to combat the trafficking of children for exploitative employment. With the NCPA, police began work on children’s issues, including trafficking in children. The programs continued at year’s [2007] end. The government operated rehabilitation centers for abused children, including those that were trafficked, in Negombo and Kalutara. The centers provided shelter, career guidance, counseling, and legal assistance for victims. The Probation Department worked to reintegrate children with their families...Government programs to monitor immigration with computer programs designed to identify suspected traffickers or sex tourists continued, as did a cyber watch project to monitor suspicious Internet chat rooms.” [2f] (Section 5)

- 25.02 The US Department of State’s ‘Trafficking in Persons Report’, released on 4 June 2008, noted:

“Sri Lanka is a source and destination country for men and women trafficked for the purposes of involuntary servitude and commercial sexual exploitation. Sri Lankan men and women migrate willingly to Kuwait, Jordan, Saudi Arabia, Qatar, Lebanon, the United Arab Emirates, Singapore, Hong Kong, Malaysia, and South Korea to work as construction workers, domestic servants, or garment factory workers. However, some find themselves in situations of involuntary servitude when faced with restrictions on movement, withholding of passports, threats, physical or sexual abuse, and debt bondage that is, in some instances, facilitated by large pre-departure fees imposed by recruitment agents. Children are trafficked internally for commercial sexual exploitation and, less frequently, for forced labor. The designated Foreign Terrorist Organization Liberation Tigers of Tamil Eelam (LTTE) continued to recruit, sometimes forcibly, children for use as soldiers in areas outside of the Sri Lankan government’s control. Government security forces may also be complicit in letting a pro-government paramilitary organization recruit, sometimes forcibly, child soldiers. Reports also indicate that a small number of women from Thailand, China, Russia, and other countries of the Newly Independent States are trafficked into Sri Lanka for commercial sexual exploitation.” [2i] (Sri Lanka Section)

- 25.03 The same source stated that:

“The Government of Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Sri Lanka is placed on Tier 2 Watch List for failing to provide evidence of increasing efforts to combat severe forms of trafficking in persons over the previous year, particularly in the area of law enforcement. The government failed to arrest, prosecute, or convict any person for trafficking

offenses and continued to punish some victims of trafficking for crimes committed as a result of being trafficked. At the same time, Sri Lanka protected some victims of trafficking, including Sri Lankan nationals trafficked abroad. The government appointed a focal point on trafficking in persons in July, who convenes a monthly anti-trafficking working group to develop and coordinate anti-trafficking policy. (USSD, Trafficking in Persons Report, June 2008) [2i] (Sri Lanka Section)

25.04 And continued:

“Sri Lanka made little progress on its law enforcement efforts this reporting period. The Sri Lankan government prohibits all forms of trafficking through an April 2006 amendment to its penal code... Sri Lanka similarly failed to report any prosecutions or convictions for trafficking for commercial sexual exploitation, including trafficking of children... The Sri Lankan government’s efforts to provide protection for trafficking victims improved nominally, but remained limited. The government did not provide foreign trafficking victims with legal alternatives to their removal to countries where they would suffer retribution or hardship. Sri Lanka also failed to ensure that victims of trafficking were not punished for acts committed as a result of being trafficked. Of particular concern are ongoing reports that women arrested on suspicion of being trafficked into Sri Lanka for the purpose of sexual exploitation were asked to pay fines in exchange for release from prison and were usually deported thereafter. Law enforcement officers continue to lack a formal system to identify potential victims of trafficking. The government does not provide specialized training for victim identification, though law enforcement officers participated in NGO-provided training. For Sri Lankan victims, the government relies primarily on NGOs to provide victim protection services due to resource constraints. Police encourage these victims to assist in investigations against their traffickers, but do not undertake any specific measures to ensure victim or witness safety.” [2i] (Sri Lanka Section)

25.05 The USSD Trafficking in Persons Report, June 2008 also noted:

“Sri Lanka made modest efforts to prevent trafficking in persons during the reporting period...The government conducted 26 awareness campaigns on child sexual exploitation among teachers, students, hotel staff, taxi and rikshaw drivers, and others employed in the tourism industry. In February 2008, the government established a hotline for complaints about child labor, sexual exploitation, and other abuses. Sri Lanka has not ratified the 2000 UN TIP Protocol.” [2i] (Sri Lanka Section)

See also Sections 23: Women; 24: Children; and 29: Internally Displaced People

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT

- 26.01 The WHO (World Health Organisation) Country Health System Profile Sri Lanka (undated, website accessed on 19 May 2008) provides useful general information on the health resources in Sri Lanka:

“A wide disparity in the regional distribution of health personnel is evident. The Colombo district has a high concentration of most categories of health personnel except public health staff. In 2001, 35 percent of the specialists were concentrated in the Colombo district.... (Section 4.1) The government health sector takes care of healthcare needs of the vast majority of the population. The private sector in health had been small in terms of service provisions and financing. It is only recently that the private sector has been growing mostly in urban areas. The private sector contribution has been mainly in urban areas.... (Section 4.2) Adequate emphasis is given in the past in building physical infrastructure, including facilities and equipment, as a means of developing national healthcare system. This has led to a countrywide, comprehensive network of health centres, hospitals and other medical institutions.” [68b] (Section 4.2)

- 26.02 The WHO Mini profile 2007, Sri Lanka recorded that:

“The public sector provides health care for nearly 60% of the population and caters to 95% of inpatient care. The private sector provides mainly curative care, which is estimated to be nearly 50% of outpatient care. This is largely concentrated in urban and suburban areas...The public sector provides care under allopathy and ayurvedic systems. But there are private practitioners of Unani, Siddha and Homeopathy systems as well. Nearly 60% of the rural population relies on traditional and natural medicine for their primary health care.” [68b] (p14)

- 26.03 A detailed list of government hospitals is available from the [website of the Sri Lankan Ministry of Healthcare and Nutrition](#) (accessed on 1 September 2008). The following government hospitals exist in the Colombo district:

“Teaching Hospital

- 1 NH-Colombo General (Line Ministry Inst.)
- 2 TH-Castle (Line Ministry Inst.)
- 3 TH-Eye (Line Ministry Inst.)
- 4 TH-L.R.H (Line Ministry Inst.)
- 5 TH-Soysa (Line Ministry Inst.)
- 6 TH-Kalubowila (Line Ministry Inst.)
- 7 TH-Angoda Mental Hospital (Line Mini I.)
- 8 TH-Mulleriyawa Mental Hospital (LM In.)
- 9 TH-Cancer Institute (Line Ministry Inst)
- 10 TH-Dental Institute (Line Ministry Inst)
- 11 TH-Sri Jayawardenepura (Line Mini Inst)

Base Hospital Type A

- 1 BH-Avissawella
- 2 BH-Homagama

3 Fever Hos. Angoda (Line Ministry In.) IDH
 District Hospital
 1 DH-Moratuwa
 2 DH-Premada”

This list also provides details of Government hospitals in other districts. [67b]

26.04 A different section of the same website recorded that in total in Sri Lanka there are 619 hospitals with a total of 66,190 hospital beds (Medical Institutions & Bed Strength in Sri Lanka By Hospital Type – 2007) [67c]

26.05 The Ministry of Health ‘[National Census of Health Manpower](#)’, updated on 31 December 2006 (website accessed on 4 August 2008), stated that in Sri Lanka there were: 88 general physicians; 28 cardiologists; 75 general surgeons (as well as a total of 50 specialised surgeons); 88 paediatricians; 8 paediatric surgeons; [67a]

26.06 As noted in the Centre for Policy Alternatives document entitled ‘HIV/ AIDS in Sri Lanka, A Profile on Policy and Practice’, dated July 2007:

“Health care is financed by the Government as well as by private persons through direct out-of-pocket payments. In recent times, there has been a surge in the use of private hospitals due to overcrowding, long waits and queues at public hospitals. However, since most of the population cannot afford the high private hospital charges, they continue to rely on public hospitals for services, many of which have insufficient resources, infrastructure and staff.” [28a] (p3)

26.07 The ICRC Operational Update of 17 April 2008 reported that:

“By agreement with Sri Lanka’s health ministry, the International Committee of the Red Cross (ICRC) is providing hospitals in Anuradhapura, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu and Vavuniya districts with medical equipment and supplies for the treatment of sick and war-wounded people... Jaffna residents cannot obtain certain health-care services on the peninsula. To ensure that appropriate levels of health care are nevertheless available to them, the ICRC airlifts patients between Jaffna and Colombo twice a week. In March [2008] alone, 54 patients requiring specialized surgery, medical tests or treatment, accompanied by 35 caretakers and 10 medical staff from the Jaffna Teaching Hospital, were transported to Colombo on ICRC-chartered flights. In addition, medical equipment, vaccines prescribed for children through the national immunization programme and drugs for pregnant women were routinely transported on Jaffna-bound flights.” [34e]

26.08 As recorded in the ICRC Operational Update, Sri Lanka, 9 September 2008, “Health-care facilities in the Vanni continue to operate, albeit in ever more difficult circumstances. The Kilinochchi District General Hospital has been receiving increasing numbers of patients as other facilities have had to either reduce their operations or relocate alongside the displaced.” [34b]

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Availability and affordability of drugs

- 26.09 A letter from the British High Commission in Colombo, dated 1 October 2008, reported that:

“We have contacted the State Pharmaceutical Co-operation (SPC) chairman Mr Ranjith Maligaspe. We were told that medical care is affordable for the average person in Sri Lanka. Most conventional medicines are available and government hospitals provide drugs free of charge, unless prescribed outside. Drugs are cheaper at SPC than in the private sector. SPC deal with 3000 drugs and surgical items, while the private sector supplies about 700 items. He added that in comparison most drugs would be cheaper than in the United Kingdom for prescription and dispensing charges. The Healthcare and Nutrition Ministry banned the prescription of drugs by their trade names, instead insisting on the use of their generic names as of 1st January 2008. This law applies to doctors in government service as well as in the private sector. The objective of this change was to support the National Drugs Policy of late Professor Senaka Bibile, and to 'ease the burden on the public' and give them 'a quality healthcare service'. 'The State Pharmaceutical Corporation (SPC) markets drugs under the Generic name and is most of the time very cheaper [sic] than the branded versions. Thus drugs sold under generic name are usually cheaper than those sold under the brand name... For an example drugs that are prescribed by doctors for high blood pressure range from Rs.7 to Rs.100 each but under the present regulations, a drug which has the same effect and quality can be purchased at Rs.7 each.’” [15c]

See also Section 26 on [Mental health](#)

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 26.10 The CPA report dated July 2007 noted that:

“Although the official number of cases of Sri Lankans living with HIV is 862, the actual figure is much higher as a result of the stigma, discrimination and fear associated with HIV/AIDS. Furthermore, there are probably countless others who are simply unaware that they are infected. Therefore, the actual number of people living with HIV/AIDS is estimated by UNAIDS to be 5,000. UNAIDS/WHO has classified Sri Lanka as a low HIV prevalence country in the South Asia region, with an estimated adult prevalence rate of less than 0.1%... Despite the current low prevalence rate, Sri Lanka is vulnerable to an impending epidemic due to a number of risk factors: the country has large numbers of at risk groups such as sex workers, migrant workers, military personnel, Internally Displaced Persons (IDPs), refugees and drug users and a high incidence of unsafe sexual practices, which includes low condom use and escalating rates of STDs.” [28a] (p4)

- 26.11 “The World Bank is the major donor to the HIV/AIDS Prevention and Control Programme 2002-2006, funding the NHAPP [National HIV/AIDS Prevention Project] as well as the other programmes within the MOH [Ministry of Health].” [28a] (p22)

“Under [the ARV Treatment Component of] this grant, there is provision for 100 recipients to receive free ARVs [Antiretroviral medication]. The present

guidelines followed by the STD Clinic for the provision of ARVs stem from a 'Guide to Anti-Retroviral Therapy' by the MOH and World Bank issued in January 2005. According to the guidelines used by the STD Clinic, advice and counselling is provided prior to ARV treatment...One of the main problems encountered by the ARV treatment programme is that many PLWHA are reluctant to come forward to receive treatment. Stigma and discrimination against PLWHA is very high in Sri Lanka, and fears of being ostracised force affluent PLWHA to access treatment outside the country. Furthermore, since free ARVs are provided only by a few STD clinics, particularly in Colombo, Kolubowila and Kandy many have difficulty in gaining access." (Centre for Policy Alternatives, 'HIV/ AIDS in Sri Lanka, A Profile on Policy and Practice', July 2007) [28a] (p23)

26.12 The CPA report further noted that:

"Organisations such as Nest, Salvation Army, Lanka +, Companions on a Journey and YMCA have programmes for care and support such as providing hospice services, counselling, assisting in obtaining medicine and dry rations, and providing financial support. People from a cross section of society and from across Sri Lanka are being cared for & supported by these organisations. However, many of the organisations providing care and support services are solely funded by private donors. It is also notable that many people in rural areas have difficulty in accessing such care. For example, there are few care and support services in the conflict-affected North and East of Sri Lanka. Many organisations could travel to areas outside Colombo to provide care and support if not for funding constraints. While the work done by these organisations are commendable, filling a vacuum that is essential in the response to HIV/AIDS, several of these organisations lack the capacity in planning and monitoring their programmes to ensure the services are sustainable and have the necessary funding." [28a] (p21)

26.13 A letter from the British High Commission in Colombo dated 1 October 2008 mentioned that they had contacted a consultant at the National STD/AIDS Control Programme to discuss availability of HIV/AIDS drugs.

"He said that all of the drugs recommended by the World Health Organisation (WHO) are available. The government provides first grade treatment for HIV patients meeting WHO standards. Drugs for countering opportunistic infections are widely available in pharmacies and generally prices in pharmacies are lower than in the UK. Persons seeking treatment in any of the Government medical institutions, receive treatment free of charge. The World Bank continues to fund a national STD/AIDS Control Programme." [15c]

26.14 As noted in the USSD report 2007, "There was no official discrimination against those who provided HIV prevention services or against high risk groups likely to spread HIV/AIDS, although there was societal discrimination against these groups." [2f] (Section 5)

CANCER TREATMENT

26.15 As stated in information provided to the Home Office by the SCIS (Source Country Information System) Sri Lanka of the ICMPD (International Centre for Migration Policy Development) in November 2004, surgery, chemotherapy and

radiotherapy treatments are available in the public sector in Colombo, Kandy, Galle, Jaffna, Vavuniya and Anuradhapura and all kinds of cancer can be treated. In the private sector, surgery, chemotherapy and radiotherapy treatments are available in Colombo, Kandy and Galle and all kinds of cancer can be treated. [69c]

- 26.16 The Ministry of Health '[National Census of Health Manpower](#)', updated on 31 December 2006 (website accessed on 4 August 2008), recorded that in Sri Lanka there were six oncology surgeons. [67a]

See also Section on Overview of availability of medical treatment and drugs

KIDNEY DIALYSIS

- 26.17 The website of Global Dialysis: Directory of Dialysis Centres (accessed on 29 September 2008) listed some dialysis centres available in Sri Lanka, including the Department of Nephrology in Colombo. [79a]

See also Section on Overview of availability of medical treatment and drugs

MENTAL HEALTH

- 26.18 The World Health Organisation (WHO) report, 'The New Mental Health Policy for Sri Lanka', undated, accessed on 5 August 2008, noted that "It has been estimated that nearly 400,000 Sri Lankans suffer from serious mental illness. In addition, about 10% are thought to suffer from other more common mental health problems. The estimated prevalence of depression amongst the general public varies from 9% to 25%." [68a]

Mental health hospitals and clinics

- 26.19 The British High Commission (BHC) Colombo contacted a consultant psychiatrist at the National Institute of Mental Health for information about mental health facilities and care in Sri Lanka. In a letter dated 19 August 2008 the BHC reported:

"The main public facility is the National Institute of Mental Health; a government run establishment in Angoda, Colombo, which can hold up to 1400 patients. There is a Long Stay Unit at Hendala where 200 male patients can remain indefinitely, and a similar establishment in Mulleriyawa that caters for up to 850 female patients. There are 9 other hospitals or units in the following locations that each have places for between 20-30 patients: Ragama Teaching Hospital, Colombo South Teaching Hospital, Batticaloa Teaching Hospital, Peradeniya, Kandy, Kurunegala, Galle, Badulla, and Kalutara. There is only one private hospital providing psychiatric treatment, the Park Hospital, Park Road, Colombo 5 (www.parkhospitals.com), although private consultations with psychiatrists working at public facilities are available, which is known as 'channel consultation'." [15t]

- 26.20 The BHC letter of 19 August 2008 also reported that a number of NGOs also provided some mental healthcare. "Sahanaya – The National Council for Mental Health – [has] two centres in Borella and Gorakana providing walk-in clinics and day care centres – <http://www.sahanaya.org/index.php> Sanasuma Counselling Service – based in Colombo and providing therapeutic

counselling - www.sanasuma.com Sri Lanka Sumithrayo – based in Colombo but with 13 branches across the country providing counsellors and trained volunteers - www.srilankasumithrayo.org” [15t]

Psychiatrists and psychologists

- 26.21 The Ministry of Health ‘[National Census of Health Manpower](#)’, updated on 31 December 2006 (website accessed on 4 August 2008), stated that there were 24 psychiatrists in the country but there is no mention of psychologists. [67a] A response by the Source Country Information System (SCIS) in Sri Lanka reported in February 2005 that there were 30 psychologists and 31 psychiatrists working in the public sector in Sri Lanka. [69b]
- 26.22 However, the BHC letter of 19 August 2008 reported that “There are no psychologists working within the public sector although there are 1 or 2 teaching at the University of Colombo and Peradeniya University. There are no numbers available for psychologists working within the private sector. There are approximately 20 psychiatrists attached to the Ministry of Health and a further 20 attached to universities.” [15t]

Post Traumatic Stress Disorder (PTSD)

- 26.23 The consultant psychiatrist at the National Institute of Mental Health consulted by the BHC Colombo stated that “PTSD is considered a ‘western phenomenon’ and does not prevail very much in Sri Lanka. Individual psychiatrists will treat patients in both government and private hospitals.” (BHC letter of 19 August 2008) [15t]
- 26.24 A response by SCIS dated December 2004 noted that treatment for PTSD was available in all private hospitals and clinics in Colombo (such as Nawaloka Hospital, Asiri Hospital, Asha Central Hospital, Durdans Hospital and Apollo Hospital) as well as in all teaching and general hospitals (in the public sector). Treatment was also available in all teaching hospitals, and in all private hospitals and clinics in Kandy, Anuradhapura and Jaffna. However, it was also noted that there were no regular basic treatments in Sri Lanka for PTSD but only consultation with a psychiatrist. [69a]

Availability and affordability of anti-depressants and therapeutic drugs

- 26.25 The BHC letter of 19 August 2008 noted that “The Sri Lankan government provides free drugs and care to patients with mental health problems. Drugs such as Carbamazepine, Ethosuximide, Phenobarbital, Phenytoinsodium, SodiumValproate, Amitriptyline, Chlorpromazine, Diazepam, Carbidopa and Levodopa, as well as generic drugs of a similar kind are all available. We were advised that if any drugs were not freely available locally they could be obtained from India.” [15t] The website of the State Pharmaceutical Corporation (SPC) of Sri Lanka recorded that Carbamazepine; Chlorpromazine, Diazepam; Phenobarbital and Sodium Valproate are available in Sri Lanka. [78a]

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27. HUMANITARIAN ISSUES

27.01 Detailed information on the humanitarian situation in Sri Lanka is available from the website of the [United Nations Office for the Coordination of Humanitarian Affairs \(OCHA\), Humanitarian Portal - Sri Lanka](#) [52] The website provides access to weekly Situation Reports for Jaffna, Kilinochchi, Mullaitivu, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara Districts issued by IASC (Inter-Agency Standing Committee) Country Team. With regards to the Kilinochchi and Mullaithivu districts, Situation Report # 144 (issued on 24 September 2008 and covering the period 11-18 September 2008) reported:

“Aerial bombardments, shelling, and small arms fire, in areas close to Kilinochchi town continue to be reported as the military campaign has intensified. As a result much of the population of Kilinochchi town have displaced, and IDPs from other areas staying in and around Kilinochchi have moved. The relocation of international staff, and some national staff of the UN and of NGOs was completed on 16 September with a convoy of 42 humanitarian workers (29 UN and 13 NGO staff) in 21 vehicles loaded with office assets. Earlier plans for a more phased withdrawal were changed because of the deteriorating security situation. Groups of civilians had organized a physical blockade of the convoys and prevented movements for three days, sharing their concerns that with the departure of aid agencies they would increase their vulnerability. In the Vanni, over 500 national staff working for NGOs stayed behind as they were not provided travel passes by the LTTE. The UN still has 21 national staff within the Vanni who did not receive passes or are staying because of their families. The ICRC has accepted the request of the Government to continue operations and manage the office it has at the Omanthai checkpoint.

“People are still moving towards Mullaitivu due to the fear of shelling and aerial attacks...An estimated 200,000 people are at risk in the Vanni and will need more assistance. The authorities in Vavuniya have announced that a coordination point will be established at Omanthai for relief deliveries and the modalities are being determined.” [52a]

27.02 The IDMC (Internal Displacement Monitoring Centre) IDP News Alert, 18 September 2008, reported that:

“The mid-September [2008] evacuation of all international humanitarian workers from northern Sri Lanka’s rebel-controlled areas has prompted fears for the fate of tens of thousands of civilians displaced by the fighting between government forces and the Liberation Tigers of Tamil Eelam (LTTE). The government has demanded the pull-out as the army is nearing Kilinochchi, the political capital of the LTTE, and it cannot guarantee the safety of aid workers. Authorities are only permitting the International Committee of the Red Cross to remain in the north. The pull-out leaves an estimated 160,000 people displaced by the escalating fighting in the LTTE-held districts of Kilinochchi and Mullaitivu without international assistance and could lead to a major humanitarian crisis involving between 200,000 and 300,000 people.” [54a]

27.03 As noted in a letter from the British High Commission (BHC), Colombo dated 29 October 2007:

“There are now 130,000 IDPs – about 25- 30% of the total population of Jaffna. The majority of IDPs have been forced from their homes when these areas were subsumed by increased high security zones. Some IDPs have been in temporary welfare centres for 12 years or more. Access to these IDPs and other vulnerable groups are hampered by the daily military convoys, which block the essential roads for up to 4 hours. Emergency food supplies are stable. No-one is starving.” [15q]

27.04 The BHC letter of 29 October 2007 further reported:

“The cost of living has increased by 100% whereas the food production has decreased by 80%. The ensuing conflict has caused key livelihoods to come to a halt (almost) resulting in no purchasing power for civilians. Fishing is severely restricted to a few hours a day. Some fishermen have to do labour around the army camps before they are given permission to fish. The escalating price of cement and fertiliser has severely hampered construction work and farming production.” [15q]

27.05 As reported by Irin on 10 March 2008:

“‘The A-9 closure has been the key date that changed life in Jaffna,’ Mirak Raheem, a human rights researcher from the Colombo-based Centre for Policy Alternatives (CPA), told IRIN. ‘Everything else that followed stemmed from the closure.’ Jaffna’s 632,000 civilian population now depends on the limited number of ships and aircraft for commodities and other essentials such as medicine, according to the Jaffna Food Security Bulletin, January 2008, released by the World Food Programme (WFP), the International Labour Organisation (ILO), UN Children’s Fund (UNICEF) and the Food and Agriculture Organization (FAO) on 18 February. However, compared with 2006, the situation on the peninsula has improved. ‘The very good cooperation between local authorities and international agencies working in the peninsula has meant there is a wide availability of food and shelter material,’ Neil Buhne, the UN Resident Coordinator in Sri Lanka, who recently toured Jaffna, told IRIN.” [55e]

See also Sections 28: Freedom of Movement; and 29: Internally Displaced People

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28. FREEDOM OF MOVEMENT

- 28.01 As noted in the US State Department Report 2007 (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

“The law grants every citizen ‘freedom of movement and of choosing his residence’ and ‘freedom to return to the country.’ However, the government severely restricted this right on multiple occasions... The war with the LTTE prompted the government to impose more stringent checks on travelers from the north and the east and on movement in Colombo. Tamils were subject to onerous restrictions on fishing in Jaffna and Trincomalee. The government required Tamils, especially those living in Jaffna, to obtain special passes issued by security forces to move around the country. Citizens of Jaffna were required to obtain permission from the army’s Civil Affairs unit, or in some cases from the EPDP, in order to leave Jaffna. According to several sources, the waiting list was over five months long. Curfews imposed by the army also restricted the movement of Jaffna’s citizens.” [2f] (Section 2d)

- 28.02 The same source stated:

“The government maintained its closure of the A 9 highway from Kandy to Jaffna. The road closure restricted the movement of passengers and supplies through the LTTE controlled Vanni region, including LTTE headquarters in Kilinochchi. On November 29 [2007], the defense secretary issued a verbal directive prohibiting civilians from traveling from LTTE to government-controlled areas at the A-9 crossing point at Omanthai without special clearance from the government agents in the Tiger-held Vanni. Commercial flights to the Vanni remained suspended, and the LTTE refused to guarantee the safety of civilian flights and of passenger and supply ships operated by the ICRC or the government.” [2f] (Section 2d)

- 28.03 And continued:

“Limited access continued to certain areas near military bases and HSZs, defined as areas near military camps, barracks, or checkpoints where civilians could not enter. HSZs extended up to a four kilometer radius from the fences of most military camps. Some observers claimed the HSZs were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. In Trincomalee, the president announced the creation of a new HSZ on the land previously inhabited by Tamils before fighting between government security forces and the LTTE caused the Tamils to abandon their homes. The Supreme Court dismissed lawsuits challenging the Trincomalee HSZ under the rationale that allowing them to proceed would inspire more lawsuits than the government could reasonably handle. In addition, the court held that government security measures could not be the subject of a private lawsuit. By year’s [2007] end, no plan for compensation existed.” [2f] (Section 2d)

- 28.04 A letter from the British High Commission (BHC) in Colombo, dated 29 October 2007, noted that:

“The Jaffna peninsula has been cut off from the rest of Sri Lanka since August 2006, when fighting caused the closure of the only overland link – the A9 road - to the rest of the island. Since then Jaffna has been accessible by civilians

only by boat from Trincomalee or aircraft from Colombo...There about 500000 people in the peninsula, which is controlled by about 40,000 government troops. Jaffna town is littered with government checkpoints and surrounded by high security zones. A curfew operates between 1900 and 0430 each night. Compared to the rest of Sri Lanka there is a tighter control over people's every day life. Mobile phones and even bicycles need to be registered with the army. A new family photo ID card has been introduced. During army checks of households, people present who are in addition or absent to the normal household are then treated with suspicion. Several interlocutors reported that each day assailants on motorbikes shoot one or two civilians in broad daylight whilst, after the curfew (1900 to 0430), abductions and robberies take place often close to army checkpoints." [15q]

- 28.05 A report by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled 'Civilians in the way of conflict: Displaced people in Sri Lanka', September 2007, noted:

"Freedom of movement - despite being enshrined in the Constitution of Sri Lanka - has been severely restricted as a result of the renewed conflict and the climate of insecurity. In several instances in 2006-2007, restrictions were placed on the right of people to seek safety in other parts of the country. In violation of the Constitution, international human rights standards and the Guiding Principles on Internal Displacement, both government and LTTE policies have prevented people from fleeing their places of origin even when their lives were threatened." [54b] (p16)

- 28.06 The same also stated that

"The August 2006 closure by the government of the A9 highway linking Jaffna peninsula to the rest of the country paralysed much of the travel in and out of Jaffna. Most of the 600,000 residents of the peninsula were stranded in the face of shelling, widespread abductions and disappearances, and severe shortages of food, medicines and basic supplies. Long curfews were also imposed by government authorities in Jaffna from August 2006 onwards, preventing many people from earning a living. Movement in and out of Jaffna is still only possible by sea or air. Civilians who want to leave the peninsula have to obtain permission from the army's civil affairs unit.... The LTTE continues to maintain draconian restrictions on people living in the Vanni. Each person exiting the LTTE-controlled area has to leave family members behind as a guarantee of their return. The group also only issues passes on the day of travel, limiting the movement of civilians and supplies." [54b] (p17)

- 28.07 On 7 November 2007 the pro-LTTE website, TamilNet, reported that the Sri Lanka Police had introduced new regulations restricting periods of temporary stay for Tamil civilians visiting Colombo from the north and east provinces. To travel to Colombo Tamils would now require letters from the local Grama Sevakar (officers at village level) stating the reason for the visit and they must register their presence. According to TamilNet, some Divisional Secretaries were reported to have instructed the Grama Sevakar officials not to issue letters to persons who wish to travel to Colombo and the new restrictions had already caused difficulties for Tamils travelling to Colombo to attend medical examinations, interviews and wishing to make arrangements to go abroad. [38x]

- 28.08 The CPA (Centre for Policy Alternatives) 'Policy Brief on Humanitarian Issues', dated December 2007, recorded that:

"Sri Lanka has witnessed several incidents where a citizen's movement has been restricted on the basis of security. The violence and the security restrictions have made movement in and around the North and East in particular extremely difficult. Movement is affected at multiple levels: within the community, in particular localities, within districts, and between districts and regions. As illustrated above, this has a direct impact on lives and livelihoods, increasing the vulnerability of displaced and affected populations... Severe restrictions on movement to LTTE-controlled areas and Jaffna have been imposed over the course of the last two years. In August 2006 the A-9 was closed at Muhamalai and Omanthai. While the Omanthai check point has been opened it is subject to severe restrictions and frequent closures. Similarly, roads entering Vaharai were shut in late 2006 and most recently the entry point to Mannar West and Madhu, the Uliankulam point of entry has been regularly closed with the intensification in fighting in 2007. The Jaffna Peninsula is currently cut off by land, and can only be accessed by air or sea." [28c] (p13)

- 28.09 The CPA, 'Policy Brief on Humanitarian Issues', December 2007 further noted:

"Just as movement across the lines of control has become more difficult, so has moving within and to and from the North and the East. In the previous phase of the war in the 1990s and early 2000, the movement of Sri Lankan citizen's movements from the North and East was curtailed through the practice of issuing a pass for civilians to move from the North and East to the South. Though this was established as a security measure, this created massive hardships to the affected communities. In November 2001 and January 2002 fundamental rights petitions challenging the pass system in operation in Vavuniya were filed in the Supreme Court. The Supreme Court held that the practice of the pass system was a violation of one's right of movement and ordered the authorities to do away with it. Currently, there is no pass system but vehicles from the North and East have to obtain a vehicle pass and to undergo security checks." ([28c] (p14)

See also [Latest News Section](#); [Section 4: Recent developments](#) and Section 29: Internally Displaced People

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POLICE REGISTRATION

- 28.10 A letter from the British High Commission in Colombo dated 1 October 2008 reported that:

"The Sri Lankan authorities require households to register all residents, the emphasis being on Tamils who take temporary lodgings. These lists are then used in cordon and search operations to identify people who the police consider need to give a fuller explanation of why they are residing or travelling in a location. Returned failed asylum seekers could form part of these, although the areas covered by cordon and search operations (normally a few blocks) would not yield very many. Persons identified as having not registered, are normally detained by the police for further questioning. The government

has in the past published large advertisements in the press reminding security officials of their responsibilities when they detain anyone. This is a partial response to complaints that those detained in cordon and search operations were not being treated according to the law.” [15c]

See also [Section 8 on Cordon and search operations](#)

28.11 The BHC letter of 1 October 2008 continued:

“There is no uniformity in the implementation of the police registration. After the current Government came to power in November 2005, police visited households and issued forms to be completed by the head of the household, asking them to take full responsibility for the information provided and the persons on the list. The form sought information as to the purchase date and price of the property, from whom the property had been purchased, how the purchase had been financed and who had assisted in the finance etc. This form was issued to almost all houses in the Tamil concentrations in the city and suburbs. Generally the police do not say that they are targeting only Tamil households, but collection of completed forms / booklets are only strictly enforced when it comes to Tamil concentrations. The main purpose of these booklets is to assist the Police, when they launch cordon and search operations, to identify visitors or undeclared persons in the area.

“There is currently a programme of police registration, specifically targeting persons who have temporarily migrated to Colombo and Western Province from the North and the East of the country. “[15c]

28.12 As announced on the website of the Official Government News Portal of Sri Lanka on 22 September 2008:

“Registration of the civilians who had changed their place of residence to the Western Province from the Northern Province during the last five years was held yesterday (21) with 36,076 persons of 10,820 registering them selves with the Police. Police Spokesman, Senior Superintendent of Police, Ranjith Gunasekara told www.news.lk that the registration of civilians from the North who had taken up residence in the Western Province over the past 5 years was carried out successfully yesterday (21). According to SSP Gunasekera, 36,076 persons from 10,820 registered themselves with the Police...The census was carried out in 135 Police stations in the Western Province.” [10c]

28.13 On the same day BBC Sinhala reported that the Attorney General (AG) had informed the Supreme Court (SC) that the police would not take any action against those who did not take part in the census. “The AG also insisted that the government has no plans to send the Tamils arrived in Colombo back to north. He made these statement [sic] as courts was [sic] hearing a petition by Ceylon Workers (CWC) against the registration of Tamils...In a petition to the SC, the CPA [Centre for Policy Alternatives] alleged that police were planning to send 15 Tamil families arrested in Dematagoda to north within 24 hours of the arrest. AG's representative said the government has not issued any such instruction to the police.” [9k]

28.14 On 1 October 2008 the same source reported that people originating from the Eastern Province who come to Colombo would be subject to compulsory registration with the police and that in the future such procedures could be

extended to people arriving from other provinces. [9n]

See also [Latest News](#) and [Section 4 on Latest developments](#)

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CHECK-POINTS

Colombo and Government-controlled areas

28.15 On 5 June 2007 the pro-LTTE website TamilNet reported that:

“The Sri Lanka's defence establishment introduced a new security plan for Colombo city with effect from Monday. Colombo city has been divided into three security zones and additional troops from the Sri Lanka Army (SLA) and Sri Lanka Navy (SLN) have been deployed to check all vehicles and movement of civilians... Each key junction in Colombo has been manned by SLA and SLN troops. Heavy vehicles are subjected to severe checks. The military and police are directed to not allow loitering on roads and junctions without any reason.” [38r]

28.16 On 10 June 2007 Reliefweb (quoting AFP), reported that:

“Tamils, whose national identity cards are written in Tamil, are instantly segregated at check points for a sometimes lengthy grilling. Members of the majority Sinhalese community have an easier time from the Sinhalese-dominated security forces. Tamil visitors to Colombo also need to register with police, who are fearful of Liberation Tigers of Tamil Eelam (LTTE) suicide bombers or assassins infiltrating the city of around 650,000 people... Tamil populated neighbourhoods in Colombo are also periodically cordoned off and swept by security forces, and Tamils have complained of mass arrests.” [31a]

28.17 The Minority Rights Group International briefing ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, dated December 2007 noted that:

“Military checkpoints have mushroomed across the east and the security forces play an active role in most of the civil administration, including the process of resettlement and development of newly captured areas... This is not a phenomenon only seen in the east of Sri Lanka. New reports emerging from the northern Tamil city of Jaffna indicate that a military ID card system is being adopted here too. A record is kept of every person entering into and/or leaving the city. Jaffna has been militarised since it was taken over from rebel control in 1995. During the four-year cease-fire, towns such as Jaffna in northern Sri Lanka and Trincomalee and Batticaloa in eastern Sri Lanka showed some signs of a return to normalcy, with less security checks and military scrutiny. However the past year has seen a complete reversal of this.

“Military checkpoints have emerged across all the main roads in the capital, and whilst undergoing checks, Tamils can be subjected to harassment. In such search operations or at military checkpoints it is quite common for people to be taken in for questioning or arrested on suspicion of involvement with the rebels.” [62b] (p3)

- 28.18 The USSD report 2007 recorded that “After the government assumed effective control of the east, both the government and the Karuna group operated checkpoints which impeded the free movement of residents, especially Tamils... Security forces at Army checkpoints in Colombo frequently harassed Tamils.” [2f] (Section 2d)

See also [Section 8 on Cordon and search operations](#) and [Section 32 on Exit – Entry procedures](#)

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Entry/exit points between Government-controlled and LTTE-controlled areas

- 28.19 As recorded on the official website of the Sri Lankan Government’s Secretariat for Co-ordinating the Peace Process (SCOPP) on 10 November 2006:

“The A9 highway is the main thoroughfare that links the Jaffna peninsula with the South of Sri Lanka. The highway starts from Jaffna and passes through the LTTE dominated Wannai through to Kandy the hill capital of the country. The A9 highway was closed from 1995 to 2002. At the time, two entry/exit points that regulated movement into the uncleared areas of the Wannai were established. One was the gateway to the government controlled Jaffna peninsula at Muhamalai in the north and the other at Omanthai 98 km away, was the entry point into Wannai from the south. The A9 has remained opened since 2002 and contrary to the misconception propagated by the LTTE, the only part of the highway that is temporarily closed since 11 August 2006 is the entry/exit checkpoint at Muhamalai. The Omanthai checkpoint has remained open and facilitates the movement of goods and people to and from the LTTE dominated areas to the south.” [41m]

- 28.20 The ICRC Sri Lanka Bulletin No. 16 of 3 September 2007 reported that “The Omanthai crossing point, which is on the A9 highway is the main source of access to Kilinochchi and Mullaitivu districts and the northern areas of Vavuniya. The only other point of entry to LTTE-controlled areas is the Uyilankulam crossing point in Mannar on the west coast [closed at a later stage].” [34d]

“The [Omanthai] crossing point, which is manned by government forces on one side and the LTTE on the other, is about 1 km long. This includes the stretch of no-man’s land in the middle where members of the ICRC’s staff are positioned. Civilians and vehicles carrying goods are checked by both sides before they are allowed to go across...While the crossing point meets a number of humanitarian needs such as family reunions, access to medical services and free passage for ambulances, it also enables vehicles carrying goods to come and go and creates commercial opportunities for the enterprising...The crossing point remains an invaluable conduit for those on either side of it.” [34d]

- 28.21 A letter from the British High Commission (BHC) in Colombo, dated 29 October 2007, noted that:

“The check point at Muhumalai on the northern part of the A9 which controls access from government controlled Jaffna for people and goods to and from

the LTTE controlled Vanni is likely to remain closed for some time, the area remains subject intense and unpredictable fighting. Controlled access is possible from the south of the Vanni into Government controlled southern Sri Lanka – although both the checkpoints, at Omanthai (Vavuniya District) and near Mannar are subject to sudden short term closures.” [15q]

- 28.22 The Amnesty International report ‘Sri Lanka: Silencing Dissent’, 7 February 2008, noted that:

“Until recently, the LTTE had de facto control over a number of areas in both the north and east of the country. However, following a military offensive by Sri Lankan forces in the east, in the first half of 2007, the areas under LTTE control are now only in parts of the Jaffna peninsula and in the Vanni (south of the Jaffna peninsula). The LTTE has its headquarters in Kilinochchi, in the Vanni, where it has its own ‘police force’ and ‘courts’. A person needing to enter LTTE-controlled areas from Vavuniya must go through a series of checkpoints, first those run by the Special Task Force (STF) and then by the LTTE. Movement between this frontline is closely monitored by both sides, and access has been highly restricted since large-scale combat operations resumed in the north on 11 August 2006.” [3a] (Section 5.1)

- 28.23 The USSD report 2007 recorded that “The LTTE occasionally disrupted the flow of persons exiting the Vanni region through the two established checkpoints. The LTTE regularly taxed civilians traveling through areas it controlled.” [2f] (Section 2d)

- 28.24 The ICRC Operational Update of 9 September 2008 reported that:

“Acting as a neutral intermediary, the ICRC is present at Omanthai crossing point six days a week to facilitate the passage of civilians and their vehicles between government-controlled and LTTE-held areas. In August [2008], it facilitated the passage of nearly 16,650 civilians and 2,500 vehicles. Over 100 ambulances, carrying almost 680 patients, made the crossing during the same period. ICRC staff transported 62 bodies of fallen fighters across Omanthai crossing during the month of August. [34b]

See also [Latest News Section](#); [Section 4: Recent developments](#) [Section 31: Identity cards and travel documents](#)

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Security checks on rail network

- 28.25 A letter from the BHC, Colombo, dated 22 July 2008, reported that:

“The RPF [the 693-strong Railway Protection Force] are deployed in all parts of the country and they work alongside the police, the military and the home guard in a co-ordinated approach to dealing with security on the rail network. There are more than 1,000 police and armed forces personnel dedicated to the security of the railways, plus a voluntary group, the Civil Security Committee, who have also been given search powers...in Colombo there is a co-ordinated strategy with separate plans for the security of stations, tracks and trains. On commuter trains, searches are carried out at stations, plus

trains are randomly stopped and searched. On entering stations, passengers face full body searches or enhanced searches by officers using hand held metal detectors. Passes and Identity Cards are routinely examined... Search teams are deployed throughout the journey on all of the longer main routes. These teams carry out similar searches and checks of passengers. The RPF are usually unarmed, although they can carry weapons when required. The military routinely carry weapons. Search teams are deployed on trains throughout the country, and searches are made at all main stations.” [15s]

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LODGES IN COLOMBO

28.26 As reported by the pro-LTTE website TamilNet on 13 March 2007:

“The law enforcement authority under the direction of Sri Lanka Defence Ministry has formulated a scheme to closely monitor the activities of lodges and boarding houses to strengthen the security in Colombo city. As a first step the Ministry is suspending the registration of new lodges, and is planning to order closure of lodges which fail to provide basic facilities, and to identify lodges which are suspected of having close links with undesirable persons. The first phase is to be implemented shortly. Under the second phase, lodges assisting terrorist activities would be acquired by the government, and persons running these lodges would be prosecuted in courts under the Prevention of Terrorism Act (PTA) for harbouring terrorists. All lodges and boarding houses would be routinely monitored and checked by special police teams once a week, according to the new security plan.” [38a]

28.27 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007, recorded that:

“In late May 2007, following a claymore attack in southern Colombo, police visited small hotels and guesthouses (‘lodges’) where short- and long-term visitors stay, and told Tamils they would have to leave immediately. The police told one manager that henceforth Tamils would have to do their business in the capital and depart the same day. The government initially tried to claim the expulsions only applied to visitors with no explanation of their business. The informal ban appeared to apply equally, however, to up-country Tamils, who have never previously been involved in any violent attacks. Some Muslims also were told that they had to restrict their visits.” [76a] (p15)

28.28 The same report noted:

“On 7 June [2007], police swept through Tamil areas of Colombo, rounded up 376 residents without “proper” identification or ‘valid reasons’ for their stay and sent them on buses north to Vavuniya and east to Trincomalee. These forced expulsions provoked local protest and international condemnation; human rights activists and opposition members of parliament accused the government of engaging in ‘ethnic cleansing’. Acting quickly in response to a civil suit filed by an advocacy group, the Supreme Court halted the expulsions on 8 June and ordered the government to return the lodge-dwellers to Colombo. Over the next few days, the majority of those expelled returned to Colombo. The prime minister made an unprecedented public expression of regret and promised there would be no repeat of the expulsions but the

damage to the government's reputation among Tamils was already done.”
[76a] (p15)

28.29 In July 2007, the Supreme Court granted leave to proceed to a fundamental rights application to challenge the mass-scale eviction Tamils from lodges in Colombo in June 2007. The court allowed the challenge because it said the anti-torture clauses of the constitution may have been breached. (Centre for Policy Alternatives (CPA), Supreme Court grants leave to proceed to case filed by CPA on the eviction of Tamils from Colombo, 26 July 2007) [28b] It was announced the hearing would take place in November. (BBC News, Tamil eviction appeal to be heard, 26 July 2007) [9d]

28.30 As noted in a statement issued on 8 May 2008, “The Centre for Policy Alternatives (CPA) welcomes the Supreme Court order stating that future evictions should not take place unless in accordance with the law and with a judicial order...The petition [to the Supreme Court by CPA] held that the evictions violate the fundamental rights of those persons who were so evicted, guaranteed by Article 11, 12 (1), 12(2), 13(1), 13(2) and 14(1)(h) of the Constitution.” [28d]

28.31 As reported in a letter from the British High Commission in Colombo dated 13 August 2007 “291 Tamils were evicted from Colombo District and 83 from Gampaha District just to the north.”With regard to the issue of how easy it was to return to Colombo for those who decided to go back by their own means at a later stage the BHC noted that

“Legally everyone is entitled to travel to any part of the country – although in practice the security forces are suspicious of any recently arrived Tamil who cannot give a ‘valid reason’ for their presence. Travelling into Colombo is time consuming and intimidating for Tamils who come from the North and East. There are numerous checkpoints – although anecdotally the situation is more relaxed for those coming from the east following the assertion of government control. If you are coming from government controlled Jaffna you need Security clearance from the military to get a travel pass to Colombo. Tamils from the government controlled east and Jaffna travelling to Colombo will be photographed. If you are coming from LTTE controlled areas, you will be photographed and your details will be collected.” [15e]

28.32 The BHC letter of 13 August 2007 further noted that:

“Staying in Colombo is difficult for Tamils who don't have adequate Sinhala language skills. Without Sinhala, if a Tamil person is stopped at a check point he cant [sic] express the reason for staying in Colombo, so they can be easily picked up & harassed. The cordon and search operations seem to target Tamils with casual employment and temporary accommodation. While most detained are released quickly, a proportion end up in more long term detention...Under the law anyone can stay in Colombo without giving any prior notice to the Police or Security forces. The eviction of Tamils was justified by the IGP (Inspector general of police) who said that 'We evicted the people who are staying in Colombo without a valid reason'. But there is no legislation to support that except the High Security Zone rules, which would tend to exclude all civilians from certain areas. People who come to Colombo for administrative issues such as applying for visas, passports or taking exams stay in lodges, because its [sic] cost effective. The export processing zones

also require large numbers of casual workers who tend to stay in places of multiple occupation to save money.” [15e]

28.33 As reported by the *Daily Mirror* (Sri Lanka) on 29 November 2007:

“When the fundamental rights violation petitions filed against the eviction of Tamil lodgers from Colombo came up in Court, Counsel for the petitioners agreed to consider the court’s suggestion [for an amicable resolution] in this matter, since the Prime Minister had tendered an apology. It was also explained that an interim order is in existence preventing the removal of persons without reasonable suspicion and a valid reason...Leave to proceed has already been granted for the alleged infringement of freedom from torture, right to equality and equal protection of the law as well as discrimination on the grounds of race, religion, language, place of birth etc, freedom from arbitrary arrest and detention and freedom of movement and of choosing his or her residence within Sri Lanka. The Supreme Court had already issued an Interim Order directing the IGP not to take any steps to evacuate Tamil persons from Colombo or to prevent them from entering and staying in any part of Colombo. The petitioners are seeking relief and effective redress in respect of infringement of the fundamental rights of a large section (Tamils) of the Sri Lankan society who have been and are being further discriminated against and gravely prejudiced.” [11x]

28.34 A letter from the BHC Colombo dated 16 May 2008 expanded on the the issue of eviction of Tamils from lodges in Colombo:

“In June 2007, Inspector General of Police Victor Pereira said, ‘Tamils who were loitering in Colombo were given transport to return home unless they had proof of employment there’. However, many people from the north, east and other regions of Sri Lanka who had checked-in at the lodges, were in Colombo for a variety of reasons. Many were coming to look for employment, or undertake studies, or to receive medical treatment, or intending to travel abroad, plus people came to obtain official documents like identity cards or passports. But heavily armed police officers had entered the lodges in the Wellawatte, Kotahena, Pettah and Wattala areas of Colombo and a total of 376 persons were evicted, 291 males/85 females. Only 186 have since returned. It remains that Tamils living in Colombo for short periods of time, particularly in multiple-occupancy residencies, are subject to intense police scrutiny. (Source of a majority of the above was Mr Kandaramy, Executive Director of the Centre for Human Rights Development – CHRDR).” [15r]

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29. INTERNALLY DISPLACED PEOPLE (IDPs)

29.01 The ICRC Operational Update, Sri Lanka, 9 September 2008, reported:

“The displacement of civilians in the Vanni – in parts of Killinochi, Mullaitivu and Vavuniya districts under the control of the Liberation Tigers of Tamil Eelam (LTTE) – continued in August [2008] as tens of thousands of people fled intensifying fighting between government forces and the LTTE. Both residents and those already displaced moved towards Kilinochchi town and Mullaitivu district, seeking refuge in schools, with relatives and in dedicated sites.” [34b]

29.02 The IDMC (Internal Displacement Monitoring Centre) IDP News Alert, 18 September 2008, reported “an estimated 160,000 people displaced by the escalating fighting in the LTTE-held districts of Kilinochchi and Mullaitivu” in mid-September 2008. [54a]

29.03 As noted in the US State Department Report 2007 (USSD), Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

“The UN High Commissioner for Refugees (UNHCR) reported in December [2007] that there were currently approximately 456,000 IDPs in the north and east. Of these, 312,000 were displaced prior to 2006 by the conflict and the 2004 tsunami, and 208,000 became displaced since the resumption of the conflict in 2006. There is an overlap between the two groups of approximately 65,000 IDPs who have been displaced more than once. An estimated 353,000 IDPs (old and new) live with host families, usually relatives. Since March about 120,000 IDPs have returned to their places of origin in the east. Among the long-term displaced were tens of thousands of Muslims evicted from Jaffna in 1990 by the LTTE, many of whom are still in camps in Puttalam. The government has not permitted other recent IDPs, primarily Tamils, to return home because their places of origins were declared HSZs.” [2f] (Section 2d)

29.04 The same report stated that:

“Numerous credible sources reported that the government forced resettlement of thousands of Tamil IDPs to areas other than their original homes. Forced resettlement also resulted in the separation of families, including children separated from parents. In March [2007] UNHCR formally disassociated itself from the government's resettlement efforts in the east, citing forced resettlement of IDPs. UNHCR subsequently resumed cooperation with the government, noting an improvement in its practices, while stating that “some deficiencies remained.” According to multiple reports the SLA occupied housing vacated by IDPs in the Trincomalee area. On May 30, the president established an HSZ in the Muttur East area to protect military bases from LTTE attacks, thus denying thousands of Tamil IDPs access to their homes in the village of Sampur and nearby.” [2f] (Section 2d)

29.05 The report contined that:

“The UNHCR found sexual abuse to be endemic in IDP camps and engaged in a number of initiatives with local and international NGOs to address the problem. In addition to sexual abuse, numerous credible accounts noted that

the Karuna group conducted forced recruitment of children and young adults in IDP camps...Fighting between the LTTE and government forces continued to threaten the safety of IDPs in the north.” [2f] (Section 2d)

- 29.06 The CPA (Centre for Policy Alternatives) ‘Policy Brief on Humanitarian Issues’ dated December 2007 noted:

“Communities have been forced into displacement largely due to the violence as military operations and attacks against civilians have intensified... Displacement takes multiple forms. Official recognition as a displaced person requires the registration of that person by the Government. Through official registration the IDP gains access to government food rations, and is in a more advantageous position to be accepted as a beneficiary by humanitarian agencies. There are various categories of persons who sometimes fall through the ‘cracks’ of official displacement. While many displaced end up in sites such as public buildings or transitional sites which are treated as welfare camps, displaced persons also seek shelter with host families, including friends and relatives...Displaced families living with host families do not always get registered and therefore cannot access humanitarian assistance.

“Another common form of displacement that is not always identified or addressed is ‘night time’ displacement. This is where communities do not move out of their villages or towns but find shelter and security at night communally in public buildings or in particular houses...In addition to being displaced from their homes, communities and local areas, there are also instances where affected families have been separated due to the speed and nature of flight, human security threats and other reasons...Similarly, in addition to force being used to resettle IDPs, there were also reports of families being separated in the speed with which IDPs were taken to transitional sites.” [28c] (p5-6)

- 29.07 The CPA, ‘Policy Brief on Humanitarian Issues’, December 2007, added:

“Displaced families and communities have faced various forms of insecurity... In some instances affected communities have not been able to flee from areas under attack. Civilians in LTTE-controlled Wannai are trapped, as the LTTE is not allowing the free movement of civilians even when the entry/exit points are open. Further, humanitarian agencies have to provide a guarantee that their local staff members will return to the Wannai if they make a visit out. There are also specific incidents where the LTTE has obstructed the flight of civilians. It was reported that the LTTE prevented civilians moving and furthermore, fired at civilians who attempted to flee Vaharai. If civilians do manage to flee LTTE-controlled areas, their security is not guaranteed as the Security Forces and the Paramilitaries view them as LTTE suspects. Tamils from the North and East are finding it increasingly difficult to find refuge in the South of Sri Lanka.” [28c] (p7)

- 29.08 The Minority Rights Group International briefing ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, dated December 2007, reported that:

“In the immediate aftermath of the capture of the east, the government began returning some displaced Tamil families to their homes. Contravening international law, the displaced were packed in busloads and forced back to

damaged homes in deserted villages with no means of supporting themselves and amidst huge security concerns. Local human rights groups have been heavily critical of the forcible return that occurred whilst, in some cases, the military offensive was ongoing, and shelling in nearby villages could still be heard. Nearly four months later, in November 2007, according to a UNHCR statement, forcible return is continuing in the east with local authorities threatening to withdraw their assistance if people do not go back to their homes. But the human rights abuses do not end with forced return. They continue, deeply woven into the everyday lives of minority Tamils and Muslims in the east – carried out by government security forces in the name of fighting terrorism. Returnees are put through intense security measures and face routine checks by the Sri Lankan military.” [62b] (p2-3)

29.09 The Minorities Rights Group also stated that:

“Another aspect of the government’s counter-terrorism strategy has been to provide Identity Cards (ID) to all the people who have returned to their homes. This is in addition to the national identity card that all Sri Lankans carry. This new ID has a photograph and basic details of the person including their ethnicity. The ID is meant to prevent rebel infiltration into the villages. However, villagers have expressed their nervousness about the system, fearing it would restrict family visitors, mobility and schooling of children who travel out of their neighbourhood. Another visible feature of the ‘liberated’ areas in the east is heavy militarisation. In the main cities of Trincomalee and Batticaloa, the civil administration has been de facto superseded by the military.” [62b] (p3)

See also Section 28 on Freedom of Movement

29.10 A document published by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council in September 2007, noted:

“Lack of documentation has proved to be a hindrance for many IDPs. Frequently IDPs fled their homes during shelling or fighting with no time to collect the documents needed to navigate through numerous security checkpoints, and to access relief provisions. The process of acquiring duplicate documentation was complicated by the need to first obtain clearance from the displaced persons’ areas of origin, where in some cases the civil machinery had collapsed during the conflict.” [54b] (p15)

29.11 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007, reported that:

“Once the IDPs reach the camps run by the government and NGOs [in Eastern Sri Lanka], their ordeal is not always over. Government forces have often worked closely with the Tamil paramilitary group, the Tamil Makkal Viduthalai Pulikal (TMVP), led by V. Muralitharan (better known by his alias ‘Karuna’), whose forces have been used to screen incoming refugees and identify those suspected of being escaping LTTE cadres. The TMVP has been given complete access to some government-controlled camps. There have been numerous cases of children abducted by both Karuna’s forces and the LTTE from IDP camps in their respective areas of control. Finally, there are several reports of internally displaced people IDPs being forced to return to their homes by government agencies and security forces, in violation of the

UN Guiding Principles on Internal Displacement, to which the government has pledged its adherence.” [76a] (p8)

See also Section 17: Human Rights Institutions, Organisations and Activists

- 29.12 The UNHCR Statistical Summary of IDP Movements in North-East Sri Lanka for the period 7 April 2006 – 31 July 2008, undated (website accessed on 24 September 2008), recorded a total figure of 211,852 IDPs. [6c]

See also Section 27: Humanitarian Issues

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30. FOREIGN REFUGEES

- 30.1 The US State Department (USSD) Report 2007, Sri Lanka, released 11 March 2008, stated:

“The law does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The government has not established a system for providing protection to refugees; however, the government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. There were no reports of refoulement, the forced return of persons to a country where there is reason to believe they feared persecution. According to UNHCR, 3,559 citizens fled to India during the year. There were reported incidents of child and adult deaths as a result of SLN attacks on boats with refugees in the Palk Strait between Sri Lanka and India.” [2f] (Section 2d)

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31. CITIZENSHIP AND NATIONALITY

- 31.01 The Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 17 September 2008, recorded that:

“The 1948 Citizenship Act is the primary central legislation on citizenship. The act was amended in 2003 to allow both parents to confer citizenship upon their children. Prior to the amendment, only a father could pass Sri Lankan citizenship to his children...Changes to regulations under the act have also been recently approved by the Cabinet of Ministers; these changes permit foreign spouses of Sri Lankan women to obtain citizenship on the same basis as foreign spouses of Sri Lankan men.” (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 17 September 2008) [32] (p220)

- 31.02 As reported by the *Daily Mirror* (Sri Lanka) on 21 September 2007:

“The government has decided to amend the Citizenship Act, to enable persons of Indian origin and Sri Lankans who fled to India due to war situation, to easily obtain Sri Lankan citizenship. ‘The Cabinet has decided to amend the act, as refugees who are living in India are not entitled to become citizens of Sri Lanka under the act since they have been living out of the country,’ Media Minister Anura Priyadharasana Yapa told the media yesterday. He said that there were about 80,000 Sri Lankans who have fled to India as refugees due to the 1983 July disturbances and the internal conflict which arose thereafter. ‘It is now reported that about 28,500 of them are Sri Lankans of Indian origin and some of them have not yet obtained Sri Lankan citizenship,’ the minister said. Minister Yapa also said that a considerable number of them are desirous of returning to Sri Lanka, but they have been unable to obtain the required travel document legally to enter Sri Lanka since they do not have Sri Lankan citizenship. The Cabinet of Ministers have given approval to the memorandum submitted in this regard by the Prime Minister.” [11o]

- 31.03 As specified on the website of the Department for Immigration and Emigration (accessed on 26 February 2008), ex-Sri Lankans now holding foreign Citizenship or Sri Lankans qualified for grant of Citizenship of a foreign country, who have contributed to the socio-economic development of Sri Lanka are eligible for citizenship. “Provisions were introduced to the Citizenship Act No: 18 of 1948 by the Citizenship (Amendment) Act No: 45 of 1987 for the resumption/retention of Dual Citizenship of Sri Lanka by ex-Sri Lankans/Sri Lankans qualified for grant of foreign Citizenship.” [71a]

- 31.04 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, recorded that:

“The 2003 Grant of Citizenship to Persons of Indian Origin Act provides stateless persons, particularly Hill Tamils, the opportunity to gain nationality. The government took steps to naturalize and provide citizenship documentation to most stateless persons. However, by year's end documentation efforts had not reached some populations which remained vulnerable to arbitrary arrest and detention. According to political parties representing Hill Tamils, there may still be roughly 70,000 Hill Tamils without

adequate documentation of their Sri Lankan citizenship.” [2f] (Section 2d)

See also Section 20 on Up-country Tamils

IDENTITY CARDS

- 31.05 The website of the Registration of Persons Department (last accessed on 26 February 2008) specifies what is required in order to apply for identity cards for the first time:

“The applicant should be a lawful resident of Sri Lanka and should have completed [sic] 16 years of age. Documents to be attached with the applications for an identity cards [sic] for the first time. Duly perfected Birth Certificate or presumptive age certificate. If the birth certificate or presumptive age certificate is not available, a nil statement of register of birth and an affidavit should be submitted along with possible documents stated below: School leaving certificate. Baptismal certificate. Copies of children’s birth certificates indicating the birth of application [sic]. Birth extract. Citizenship Certificate (if date of birth is indicated). Estate leaving certificate (if date of birth is indicated). Certified copies of relevant pages in the Passport. Record of birth or registration card issued by estate superintendent...Five copies of colour photographs (1 3/8” x 7/8”). Stamp fees...Documents to be furnished to prove residence. Residential certificate issued by the Grama Niladhari. In the absence of such certificate one or more of the following documents should be produced. Certified extract of the electoral list. Certified copy of monthly statement of bank Accounts. Certified copy of telephone bills. Certified copy of electricity bills. Certified copy of the deed pertaining to the ownership of the land or house. If the house is leased or rented, relevant agreement and receipts for payments of rates. Temporary residents should forward the copy of the letter which provided information to the police along with above documents.” [48a]

- 31.06 The website of the Registration of Persons Department (last accessed on 26 February 2008) also provides details of the documents to be attached to the application for duplicates for lost identity cards:

“Certified copy of the complaint made to the police regarding the loss of the identity card. Birth certificate or alternative documents mentioned in the above section. Certificate of employment, (if employed) obtained within three months. Number of the lost identity card. Stamps to the value of Rs.15.00. Certificate of residence or other documents mentioned in the above section. Five colour photographs (1 3/8” x 7/8”). Documents to prove that the number has been used...When applying for a duplicate of the lost identity card, the very same particulars in the lost identity card should be indicated in the application.” [48b]

- 31.07 A letter from the BHC, Colombo, dated 18 August 2008, reported that:

“I have personally visited the Department of Registration of Persons where the Commissioner A.G.Dharmadasa and his colleagues explained the identity card application process to me. All subsequent information comes from that source, or where not, the relevant source is quoted. The Department is the central issuing office for the whole of Sri Lanka and receives up to 3000 applications for ID cards per day. There are also regional branch offices in Jaffna, Kandy and Nugegoda who are able to process applications.

Applications must be made in person. There are three types of application:

- First time applications, normally for children on reaching 16
- Persons requiring changes to their ID cards e.g. names, addresses, marital status
- Persons seeking replacements for ID cards that have been lost

Returned failed asylum seekers would in many cases fall into the last category. The procedure for issuing a duplicate for a lost identity card are explained fully on the Registration of Persons Department website at www.rpd.gov.lk

The documents required to support such an application are:

- A police report, or certified copy, regarding the loss of the previous identity card.
- Birth certificate or an alternative document from the following list: presumptive age certificate, school leaving certificate, Baptismal certificate, birth extract, citizenship certificate, certified copies of relevant pages in the passport.
- Documents to prove residence – a residential certificate issued by the Grama Seveka (see below). In the absence of this, the following documents or certified copies should be produced of one or more of: a certified extract of the electoral list, ownership deeds, house lease or rental documents, utility bills.
- Certificate of employment (if employed) obtained within the last 3 months.
- Documents showing the number of the lost identity card and proving that this number has been used.
- Five colour photographs” [15g]

31.08 The BHC letter of 18 August 2008 also reported that:

“The Government of Sri Lanka is very aware of the problems they have in the country regarding identity documents. As they state on the RPD website, the national identity card is ‘the sole document that establishes the identity of persons in order to assist in maintenance of law and order in the country to meet the challenges of the 21st century’. It remains the base document for the issue of a national passport. Both the Registration of Persons Department and the Registrar General’s Department have introduced mobile services to travel around the country in order to issue identity cards and birth/marriage/death certificates to those persons who have previously failed to register or apply for such documents, or require replacements.

“The Government of Sri Lanka is also working very closely with the International Organisation for Migration in introducing integrated computerised databases. Previous paper databases relating to Registrar’s records, Grama Seveka records, identity card and passport applications and the Department of Immigration & Emigration records are being inputted onto computer in order to simplify process and ease verification. They have also announced the introduction of a new biometric identity card. They have invited tenders from companies looking to produce this document and we await the results of this, but it is envisaged that the new card will hold both photographic and fingerprint data.” [15g]

31.09 The BHC letter of August 2008 also confirmed, having contacted the UNHCR on 7 April 2008, that the UNHCR were not issuing ID cards to Sri Lankan

nationals who did not have one and “that it was not within their mandate to do so.” [15g]

See also Section 32: Entry-Exit Procedures, subsection [Treatment of failed asylum seekers](#)

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TRAVEL DOCUMENTS

31.10 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 26 February 2008), in Sri Lanka there are five types of travel documents: Diplomatic Passports; Official Passports and Ordinary Passports valid for all countries; Emergency Certificates valid for India and Nepal; Identity Certificates valid for All Countries issued to a person living in Sri Lanka, whose nationality is not established and Non Machine Readable Passports issued by Sri Lanka Missions abroad under special circumstances. “If Travel Document is lost a complaint should be made at the nearest Police Station and with a certified copy of the entry the matter has to be informed to the issuing authority. This document is required when applying for a new Travel Document in place of a lost one.” [71b]

31.11 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 26 February 2008):

“Following are punishable offences. If found guilty upon prosecution imprisonment from 6 months to 5 years and a fine of Rs. 50,000 to Rs. 200,000 can be imposed. Submission of falsified or forged document/s to obtain a Travel Document. Applying for a Travel Document while in possession of such a document and / or possession of more than one valid Travel Document at a time. Despatch of a Sri Lanka Travel Document through the post, courier or another person from / to Sri Lanka without the prior approval of the Controller. For approval written request [in duplicate], Courier letter [in duplicate] and the Passport should be forwarded to the 3rd floor #41 Ananda Rajakaruna Mw Colombo 10 Sri Lanka.” [71b]

31.12 As announced on the website of the Official Government News Portal of Sri Lanka on 31 October 2007:

“The Department of immigration and emigration issues about 2000 to 2500 passports a day...In order to reach the out station passport seekers more conveniently the Department has been decentralized with three provincial centers at Anuradhapura, Kandy and Matara. Passports could be obtained at these points under the normal issuing scheme, within five days on the payments of the required fee, mentioned Commissioner of Immigration and Emigration P.B.Abeykoon. There is provision to obtain a passport within 24 hours on the payment of a special fee, otherwise it takes about ten working days to obtain a new passport...The Bribery Commission, the CID and Foreign Employment Bureau were cooperating with the Department in the prevention of forged documents being submitted for passports and visas and the Department had the authority to deactivate any passport issued at any time.” [10b]

See also Sections 18: Corruption; 29: Internally Displaced People; and 32: Exit – Entry Procedures

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AVAILABILITY OF FORGED/IMPROPERLY ISSUED DOCUMENTS

31.13 The BHC letter of 18 August 2008 also noted:

“Something that should be mentioned is the high level of corruption in Sri Lanka and the unscrupulous actions of government officials at all levels. It is common knowledge that persons can obtain an ID card or passport in any identity they want to with the right contacts. The Visa Section at this mission regularly see forged education certificates, bank statements, employment references etc, yet they never ever see forged Sri Lankan passports or ID cards. The reason for this is that the genuine documents are so easy to obtain fraudulently, there is no need to forge them. It is suspected that there are many more ID cards in circulation than the actual total population of Sri Lanka.” [15g]

31.14 A further letter from the BHC, Colombo, dated 1 October 2008, reported that:

“The base document for many services in Sri Lanka is the birth certificate, and in particular, access to state education requires the production of this document. The document also supports applications for national identity cards and passports. The British High Commission is aware that forged birth certificates are readily available through agents, at a reported cost of around 2,500 LKA rupees (approximately £12.50). These forged documents often pass the scrutiny of the relevant authorities and successfully support the fraudulent issue of ID cards and passports. There are numerous agents throughout the country who advertise employment or studies abroad, and will provide an entire package of forged documents to support applications for passports and/or visas. Apart from birth certificates, these can include forged passports, identity cards, educational certificates, work references, bank statements, sponsorship letters etc.” [15c]

See also Section 32 on [Treatment of returned failed asylum seekers](#)

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32. EXIT - ENTRY PROCEDURES

32.01 A letter from the BHC, Colombo, dated 28 August 2008, reported that:

“Since arriving in Sri Lanka I have visited as part of my work, and travelled through, Colombo Bandaranaike Airport on many occasions. I have personally spoken to officers from the Department of Immigration & Emigration (IED) at both the airport and their Colombo headquarters, the Criminal Investigation Department (CID) and the State Intelligence Service (SIS), both at the airport. Furthermore, I have consulted with my colleague the UK Airline Liaison Officer (ALO) who spends several days a week working within the confines of the airport. Colombo Bandaranaike Airport is currently the only international airport in Sri Lanka.” [15u]

32.02 The BHC letter of 28 August 2008 also observed:

“It should be noted that despite all of the security measures that are in place at Colombo Bandaranaike Airport, and the general security situation in Sri Lanka, there are daily instances of security breaches at the airport which is a constant concern to overseas missions. The design of the airport enables persons with knowledge of the layout to completely by-pass immigration controls and walk from landside to airside and vice versa with virtually no checks whatsoever. I have witnessed several instances of unaccompanied persons who were not wearing airport ID being allowed to walk unchallenged through the staff channel on the immigration arrival control. There are concerns about corruption amongst staff at all levels, the quality of the staff conducting checks, screenings and searches, and the amount of training that they receive.” [15u]

EXIT PROCEDURES

32.03 The BHC letter of 28 August 2008 recorded that:

“For departing passengers, staff and visitors to the airport there is a permanent checkpoint manned by the Sri Lankan Air Force, positioned on the airport road leading to the terminal buildings... Departing passengers often have to produce confirmation of ticketing and/or a passport... During heightened security situations the number of checkpoints may increase along the roads leading to the airport, especially along the main A3 from Colombo. The police or the military can man these.

“The airport is split into two main terminal buildings, departure and arrivals areas. The departure area is restricted to departing passengers, staff, and visitors holding a ‘day pass’ issued from an adjacent ticket booth. Persons obtaining a ‘day pass’ have to produce a copy of their ID card or passport or driving licence, plus present the original document. Their details are recorded manually in a register. Before entering the departure terminal a security guard requires evidence of airline ticketing (and sometimes passports), staff ID cards or a day pass. Persons not holding these documents are not allowed into to [sic] the departure terminal... From the departure area there are two security gates to the check-in area... The security guards ask for either a staff ID card or evidence of ticketing and will only allow persons to pass who have produced these documents. Persons holding a ‘day pass’ are not allowed into

the check-in area.” [15u]

32.04 The BHC letter of 28 August 2008 continued:

“At the check-in desks, passengers have to produce their passports to airline staff and go through check-in procedures. Having checked-in, passengers then proceed to another security gate, where they produce their passport and boarding card in order to enter the Department of Immigration & Emigration area. All passengers must complete a departure card and then queue at an immigration officer’s desk. Passengers must present their passport, departure card and boarding pass to the immigration officer. The immigration officer will swipe the passport onto the IED Border Control System database... Having passed through the immigration control, passengers proceed to the main departure lounge. There are further security checks conducted when passengers arrive at the boarding gate... There is then a further boarding card check conducted by airline staff prior to entering the holding lounge. On many flights with European destinations and some with onward connections to Europe/N.America, Airline Liaison Officers from several overseas missions and/or trained airline document checkers make further checks on passenger’s passports to check their admissibility in their destination countries.” [15u]

32.05 The BHC letter of 28 August 2008 also recorded that:

“There is evidence to suggest that boarding card switches take place and what is quite disconcerting is the number of non-passengers appearing at departure gates. These regularly include off-duty staff members and members of the military and police, but often just accompanied and/or unaccompanied visitors. Transit passengers can spend several hours/days at the airport without any security checks whatsoever and are allowed to completely avoid border control agencies. Since a high profile security breach at the airport in October 2007, staff had been instructed not to escort persons through security and immigration controls, yet members of staff still routinely do this whilst escorting passengers joining connecting flights within the terminal. Furthermore, locked doors separating arriving and departing passengers on piers leading to airbridges often remain unlocked, enabling persons to walk unhindered past security checks and onto aircraft.” [15u]

32.06 A further letter from the BHC, Colombo, dated 1 October 2008 reported:

“As far as we have been able to establish, Immigration officers are notified [of bail/reporting conditions] only when court decides to impound the suspect’s passport or an arrest warrant is issued, and there is no other mechanism to ensure that the Immigration Officers are aware of such instances. Apart from these Court powers, Immigration Officers have no power in law to prevent persons embarking. The other method, which is rare and case specific, is that the State Intelligence Service (SIS) can inform Immigration Officers of individuals suspected of terrorist activity and those on a wanted list. Without court sanction the Immigration officers are powerless to put an individual in detention if they are otherwise satisfied that they have a right to enter or live in Sri Lanka.” [15c]

ENTRY PROCEDURES

32.07 As reported in the BHC letter of 28 August 2008:

“Arriving passengers should be provided with a Department of Immigration & Emigration arrival card by the carrying airline...If they intend entering Sri Lanka, they will take their completed arrival card to the immigration control... Passengers wishing to enter Sri Lanka present themselves to an immigration officer and are required to hand over their passport and arrival card. The immigration officer will swipe the passport, which will enable basic details from the document to be displayed on a screen on the officer’s desk. These include name, date of birth, nationality, passport number. Dependent on the circumstances of the individual passenger, the immigration officer may ask questions to ascertain the purpose of the visit. I have witnessed numerous arrivals and have noted that it is extremely rare that an immigration officer asks questions of passengers, concentrating on swiping the passport, confirming the passport details, checking for data matches and looking through the document for endorsements/visas. Each immigration officer’s desk has a terminal connected to the IED Border Control System. This system contains immigration, citizenship and passport records and is networked to the IED office in Colombo. It is considered solely an immigration database and is not linked to any police, military or national security databases.” [15u]

See also Section 32 on Treatment of returned failed asylum seekers

32.08 The BHC letter of 28 August 2008 also noted that:

“Once a person is allowed to proceed, the immigration officer will endorse the passport and/or emergency travel document with an arrival stamp and pass back to the passenger...Onward travel from the airport is limited to road transport...There is no permanent checkpoint for persons leaving the airport along the airport link road to the main A3. For persons travelling into Colombo, often the first permanent checkpoint they encounter is on the bridge at Peliyagoda on entering the city. The number and position of checkpoints can change according to the security situation at a given time.” [15u]

See also section 31: Citizenship and Nationality, subsection Identity Cards and Travel Documents

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TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

32.09 As reported in the BHC letter of 28 August 2008:

“Persons who are questioned further by immigration officers invariably fall into two categories, those that are in possession of forged passports and/or visas, and those who have been returned/deported to Sri Lanka from overseas. The latter would include some returned failed asylum seekers from the UK, especially those travelling on emergency travel documents issued by the Sri Lankan High Commission in London. It is questionable whether immigration officers would actually identify UK returnees if they were travelling on their original, genuine Sri Lankan passports. In both of the above categories, the correct procedure for IED [Immigration and Emigration Department] officers is to record the arrival of these persons manually into a logbook held in the adjacent Chief Immigration Officer’s office. The name, date and time of arrival

and arriving flight details are written into the log. It records why the person has come to their attention and how the case was disposed of. I have had the opportunity to look at the log, and it appears that the only two ways of disposal are to be passed to CID [Criminal Investigations Department], or allowed to proceed.

“The office of the State Intelligence Service [SIS] is on the immigration arrivals hall and an officer from SIS usually patrols the arrivals area during each arriving flight. Invariably, if they notice a person being apprehended they approach IED and take details in order to ascertain in [sic] the person may be of interest to them. Their office contains three computer terminals, one belonging to the airport containing flight information and two stand-alone terminals. If an apprehended person is considered suitable to be passed to CID, they are physically walked across the terminal building to the CID offices. A CID officer should then manually record the arrival of the person into a logbook held in their office. It is the experience of myself, the UK ALO [Airport Liaison Officer] and ALOs from other missions that often persons shown in the IED logbook to have been handed to CID are never actually recorded as being received in the CID logbook. It is believed that CID has allowed these persons to proceed and no action taken against them. I have been advised by CID that depending on the type of case, they can refer suspects to other police departments like the Anti Human Smuggling Investigation Bureau (AHSIB) of CID, or the Terrorist Investigation Department (TID)” [15u]

32.10 The BHC letter of 28 August 2008 continued:

“The CID offices [at Colombo Bandaranaike Airport] contain two computers, one stand-alone desktop and one stand-alone laptop. These computers are not linked to any national database. Any checks on persons detained or apprehended are conducted over the phone with colleagues in central Colombo. I have been shown records held on these two computers which are basic spreadsheets. The desktop contains records of persons arriving in Colombo having been deported back to Sri Lanka. A separate file contains photographs of these deportees. These have been taken with a Polaroid camera and scanned into the computer. The laptop contains records of those suspects who have been arrested and charged with offences, and court reference numbers. One CID Sergeant has told me that her staff have not received adequate training in the use of computers, which was confirmed by the presence of a typewriter in their office.

“With regard to fingerprint records, CID officers informed me that the only fingerprint records that exist are held in the criminal records office in Colombo. There is no electronic fingerprint database or IT facility to read fingerprints. The data is used solely as part of a person's criminal record and the fingerprints held are only those of convicted criminals. This was confirmed by the International Organisation for Migration who are currently working with the Sri Lankan government on identity management issues. They added that there are 500,000 records in paper form, dating back to the 1980s.” [15u]

32.11 An Amnesty International statement of 17 August 2007 noted that the police Criminal Investigations Division (CID) in Colombo was holding incommunicado three ethnic Tamils who had been arrested on arrival to Sri Lanka after their asylum application in Thailand had been refused by UNHCR. The three men were thought to have been detained on suspicion of having links with the

LTTE because they had served prison sentences in Thailand for illegal possession of firearms and were believed by AI to be in 'grave danger of torture'. [3h]

32.12 As noted in a letter from the BHC, Colombo, dated 18 August 2008:

"I am aware that a so called 'catch 22' situation has been referred to by returned failed asylum seekers. It is claimed that persons arriving in Colombo without a national identity card require such a document to enable them to travel to their areas of origin, in order to obtain documents to support an application for a replacement. It is further claimed that without an ID card a person faces a serious risk of problems or arrest at a checkpoint or as part of a cordon and search operation by police. According to the Attorney General's Department, under the Registration of Person's Act it is a legal requirement to produce ID upon request by a Commissioner or any prescribed officer. Failure to produce ID without reasonable excuse can result in the arrest of that person under the Emergency Powers Act. In the Colombo/Gampaha region there are frequent checkpoints where police or military ask to see an identity card. There is also in particular a major checkpoint at Medawachchiya, on the main road north from Kandy where the road splits to Mannar and Jaffna, where, according to a recent report on www.tamilnet.com, it is compulsory to produce an ID card in order to pass. The ability to travel without an ID card in Sri Lanka varies though in which part of the country you are travelling, how you are travelling and the security situation at a given time. As an example of the importance of an ID card, the Government of Sri Lanka refuses to recognise unmarried partners of UK based staff at the British High Commission and will not issue them diplomatic ID cards. As a result of this the High Commission has to issue their own identity card to enable them to travel freely. Against this though is the fact that there are huge numbers of so called Hill Tamils residing in the country, possibly up to 300,000 according to UNHCR, who are totally undocumented and many of whom are regarded as stateless by the authorities. Whilst I accept that these people are a special group, the indisputable fact remains that they manage to live and work in Sri Lanka whilst being totally undocumented." [15g]

32.13 The BHC letter of 18 August 2008 continued:

"Were a Sri Lankan national to arrive at Colombo Airport having been removed or deported from the United Kingdom, they would be in possession of either a valid national Sri Lankan passport, or an emergency travel document/temporary passport [ETD], issued by the Sri Lankan High Commission in London. The holder of a valid passport would have the document endorsed by the immigration officer on arrival and handed back to him/her. A national passport contains the national ID card number on the laminated details page. I have made enquiries with the Department of Immigration & Emigration at Colombo Airport, and with the International Organisation for Migration who meet certain returnees at the airport, and both have confirmed that a person travelling on an emergency travel document is dealt with similarly. They too have the document endorsed by the immigration officer on arrival and returned to them. Before issuing an emergency travel document, the Sri Lankan High Commission in London will have details of an applicant confirmed against records held in Colombo and will thus satisfactorily confirm the holder's nationality and identity. If a returnee subsequently wishes to obtain a national identity card, they would have to

follow the procedures above and produce the documents listed.” [15g]

32.14 The BHC letter went on to confirm that:

“The Department of Immigration & Emigration at Colombo Airport have confirmed to me that passports and ETDs are acceptable means of identity for presentation at checkpoints and to the police. The International Organisation for Migration have informed me that in their experience, returnees had not encountered any problems producing passports or ETDs at either checkpoints or police stations. Persons who have been abroad and require a birth certificate are able [to] make an application for a replacement birth certificate at the Registrar General’s Department in Colombo. Applicants are required to complete an application form, and whilst it assists if you are able to provide an original birth certificate number or date of registration, for an additional fee (Rs 25) the Department will do a full search of their records. The application forms can be downloaded from a website and applications can be submitted by post. For confirmation of these procedures see www.rgd.gov.lk.” [15g]

32.15 The BHC letter further reported that:

“The Department of Registration of Persons website, www.rpd.gov.lk, under ‘Birth Certificates or alternative documents’, specifically states that ‘certified copies of relevant pages in a passport’ would suffice in an application for an ID card. The website makes no specific reference to ETDs, but I have today confirmed with the DRP that a certified copy of the relevant pages of an ETD would also suffice. A returnee would in any case have the original passport/ETD in his/her possession. This would also satisfy the other criteria listed regarding the number of the previous identity card and whether it had been used, as it would be recorded on the passport/ETD.

“Amongst the list of all documents required to support an application for a replacement ID card is a residence certificate issued by a Grama Seveka. During my visit to DRP I was advised me that the role of the Grama Seveka in the ID card issuing process is solely to confirm residence, and that the certificate takes the form of a letter that is endorsed by the Grama Seveka’s official stamp. They do not confirm identity. A person who for example had been residing abroad for several years could in theory approach any Grama Seveka, and it would depend on an individual interview as to whether a certificate would be issued. It may be that a person, who is in Colombo, but originally resided in the north or east of the island prior to going to the UK, may be instructed to go to their area of origin to obtain the certificate from the Grama Seveka there. I discussed this specific issue during my visit to DRP, and have since spoken to locally employed colleagues at the British High Commission, colleagues from IOM and other overseas missions and it appears that there is no hard or fast rule. Each application to a Grama Seveka for a residence certificate is dealt with on an individual basis. If that person remained in Colombo at a fixed address for a period, then depending on the relationship they had with a Grama Seveka there, they may be able to obtain a certificate from them. In any event, I am assured that the possession of a passport would enable that person to travel to their area of origin, if required, to obtain the necessary documentation, although the security situation at a specific time may have a bearing on this.

“The application for an identity card could be made in person at the

Registration of Persons Department in Colombo, or at the regional branch offices mentioned above. Having visited personally the RPD Front Office in Colombo, I can confirm that it provides a fairly quick service to individuals in need of identity documents, because it recognises that many persons travel into Colombo from all over the country for this purpose. I am not aware of any specific assistance or support being made available to returned failed asylum seekers. I am aware that there has been concern expressed if an applicant does not have a birth certificate.” [15g]

See also Section 12 on Bail/Reporting conditions and Section 31 on [Identity cards and travel documents](#) and Section 32 on Exit - Entry procedures

PHYSICAL EXAMINATIONS/SCARRING

- 32.16 A letter from the British High Commission in Colombo, dated 1 October 2008, reported that:

“There is strong anecdotal evidence that scarring has been used in the past to identify suspects. Previous conversations with the police and in the media, the authorities have openly referred to physical examinations being used to identify whether suspects have undergone military style training. More recent claims from contacts in government ministries suggest that this practice has either ceased or is used less frequently. At the very least it appears that the security forces only conduct these when there is another reason to suspect an individual, and are not looking for particular scars as such, but anything that may indicate the suspect has been involved in fighting and/or military training. There is no recent evidence to suggest that these examinations are routinely carried out on immigration returnees.” [15c]

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33. EMPLOYMENT RIGHTS

- 33.1 As noted in the US State Department Report 2007 (USSD), Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008,:

“The laws allow workers to form and join unions of their choice without previous authorization or excessive requirements, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views, but in practice such rights were subject to resistance by the management of individual factories and administrative delays by the government in registering the unions. Nonetheless, approximately 20 percent of the seven million person work force nationwide and more than 70 percent of the plantation work force was unionized. In total, there were more than one million union members. Approximately 15 to 20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates.” [2f] (Section 6a)

- 33.02 The same report added:

“Most large unions were affiliated with political parties and played a prominent role in the political process, although major unions in the public sector were politically independent. The Ministry of Labor Relations and Manpower is authorized by law to cancel the registration of any union that does not submit an annual report, the only grounds for the cancellation of registration. Employers found guilty of discrimination must reinstate workers fired for union activities but may transfer them to different locations. Anti union discrimination is a punishable offense liable for a fine of \$176 (20,000 rupees).” [2f] (Section 6a)

- 33.03 And continued:

“The law allows unions to conduct their activities without interference, and the government generally protected this right. The law provides for the right to collective bargaining; however, very few companies practiced it...All workers, other than police, armed forces, prison service, and those in essential services, have the right to strike. By law, workers may lodge complaints with the commissioner of labor, a labor tribunal, or the Supreme Court to protect their rights. The president retains the power to designate any industry as an essential service. The law prohibits retribution against strikers in nonessential sectors; however, in practice employees were sometimes fired for striking. The Supreme Court recently intervened to stop public sector trade union actions when they threatened business or government operations... (Section 6b) While there is no national minimum wage, 43 wage boards established by the Ministry of Labor Relations and Manpower set minimum wages and working conditions by sector and industry. The wage boards began to increase and harmonize minimum wages in the industries under their supervision. Consequently, the minimum wage in 31 trades increased to \$44 (5,000 rupees) per month in May [2007]. In sectors where there is a daily wage, the minimum wage is set at \$1.80 (200 rupees). These minimum wages did not provide a decent standard of living for a worker and family. The law prohibits most full time workers from regularly working more than 45 hours per week (a

five and a half day workweek). Regulations limited the maximum overtime hours to 15 per week. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors was inadequate to enforce compliance. Health and safety regulations did not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent to such rights and feared that they would lose their jobs if they removed themselves from the work situation." [2f] (Section 6e)

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Annex A: Chronology of major events

Unless stated otherwise, the information below is based on the [BBC Timeline for Sri Lanka](#) (accessed on 17 September 2008) [9fo]

See also Annex B

- 1948** Ceylon gains independence from the United Kingdom.
- 1956** Sri Lanka Freedom Party wins the general election; Solomon Bandaranaike becomes Prime Minister.
- 1959** Bandaranaike is assassinated. His widow Sirimavo Bandaranaike succeeds him as SLFP leader and Prime Minister.
- 1972** The country becomes known as Sri Lanka.
- 1976** The Liberation Tigers of Tamil Eelam (LTTE) are formed
- 1978** New Constitution of the Democratic Socialist Republic of Sri Lanka comes into force. [1]

Jayawardene becomes the country's first executive President. The Tamil language is recognised in the Constitution.
- 1983** 13 soldiers killed in LTTE ambush. Subsequent anti-Tamil riots leave an estimated several hundred Tamils. Start of 'First Eelam War'.
- 1985** First attempt of peace talks between the Government and the LTTE fails
- 1987** Indo-Sri Lankan peace accord signed. Indian Peace Keeping Force (IPKF) deployed to Sri Lanka
- 1990** The IPKF leave Sri Lanka. Hostilities between the Government and the LTTE hostilities escalate
- 1991** LTTE implicated in the assassination of Indian premier Rajiv Gandhi
- 1993** Assassination of President Premadasa killed in LTTE bomb attack.
- 1994** Chandrika Bandaranaike Kumaratunga comes to power
- 1995-2001**
War rages across north and east. Tigers bomb Sri Lanka's holiest Buddhist site. President Kumaratunga is wounded in a bomb attack. Suicide attack on the international airport destroys half the Sri Lankan Airlines fleet.
- 2002** Sri Lankan Government and LTTE sign a cease-fire agreement with the mediation of Norway. De-commissioning of weapons begins; the A9 road linking the Jaffna peninsula with the rest of Sri Lanka reopens after 12 years; passenger flights to Jaffna resume. Government lifts ban on Tamil Tigers. Rebels drop demand for separate state.

- 2003** The LTTE suspend participation in the peace talks but the ceasefire holds
- 2004** **March:** Renegade Tamil Tiger commander, known as Colonel Karuna, leads split in rebel movement and goes underground with his supporters. The LTTE regain control of the east with a short offensive.
July: Suicide bomb blast in Colombo, the first such incident since 2001
December: More than 30,000 people killed in the tsunami
- 2005** **June:** row over the deal reached with the Tamil Tiger rebels to share nearly \$3bn in tsunami aid among Sinhalas, Tamils and Muslims
August: State of Emergency is declared after foreign minister Lakshman Kadirgamar is assassinated.
November: Mahinda Rajapakse, at the time prime minister, wins presidential elections.
- 2006** **February:** Government and Tamil Tiger rebels declare their respect for the 2002 ceasefire.
April: Explosions and rioting in Trincomalee. The main military compound in Colombo is attacked by a suicide bomber (at least eight people are killed). The army launches air strikes on Tamil Tiger targets.
June: 64 people are killed in a mine attack on a bus in Anuradhapura district. A few days later, more than 30 people are killed in a battle between Government forces and Tamil Tiger rebels in the Mannar district.
August: Clashes between Tamil Tiger rebels and Government forces in the north-east, considered the worst fighting since the 2002 ceasefire. Hundreds of people are killed and the UN says tens of thousands have fled.
September: The Government says it has pushed Tamil Tiger rebels from the mouth of strategic Trincomalee harbour. This is seen as the first major capture of enemy territory by either side since a 2002 ceasefire.
October: A suicide bomber attacks a military convoy, killing more than 90 sailors.
December: the Government announces revised though emergency regulations. [41n]
- 2007** **January:** After weeks of heavy fighting the military announces the capture of the Tamil Tiger stronghold of Vakarai, in the east. Tens of thousands of civilians flee the area. President Rajapakse's Government secures a parliamentary majority after 25 opposition MPs defect to its ranks.
March: Government troops claim continuing success against the Tamil Tigers rebels in coastal areas in the east. Thousands of civilians flee the fighting. Tamil Tigers launch their first air raid, hitting a military base next to the Katunayake Colombo international airport.
June: Police evict hundreds of Tamils from lodges in Colombo, citing security concerns, but the Supreme Court orders an end to the expulsions.
July: Government declares it has gained control of Thoppigala – the LTTE's last jungle stronghold in the east.
October: Eight aircraft destroyed, 30 people killed in Tamil Tiger attack on Anuradhapura air force base
2 November: The leader of the Tamil Tiger rebel political wing S.P Thamilselvan is killed in a raid by the Sri Lanka Air Force.
- 2008** **January:** Government pulls out of 2002 ceasefire agreement.
- Government minister DM Dassanayake dies after a roadside bomb attack on

his convoy in Colombo.

Ceasefire expires.

Roadside bomb hits a civilian bus in the central district of Moneragala, killing 24.

March: International panel, invited by the government to monitor investigations into alleged human rights abuses, announces that it is leaving the country.

April: Highways Minister J. Fernandopulle is killed in an explosion near Colombo blamed on Tamil Tiger rebels.

Dozens of soldiers reported killed in clashes with Tamil Tigers in far north.

July: Sri Lankan military says it has captured the important Tamil Tiger naval base of Vidattativu in the north of the island.

Clashes between Government troops and the LTTE reported in the the districtsonf Jaffna, Mannar, Trincomalee and Vavunyah. [51a]

August: in addition to Trincomalee, the fighting spreads to the Kilinochchi and Mullaittivu districts causing large population displacement. [51a]

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Annex B: Timelines

SATP (SOUTH ASIA TERRORISM PORTAL) SRI LANKA TIMELINE FOR THE PERIOD 1 – 29 SEPTEMBER 2008

The section of the South Asia Terrorism Portal (SATP) Sri Lanka timeline reproduced below covers the period 1 – 29 September 2008 [37c] For incidents and events prior to September 2008 go to the [SATP website, Timelines](#). [37i]

- September 1 Troops captured the strategically important Malawi town on September 1-afternoon, military sources said. Malawi, one of the main administrative hubs of the LTTE where they kept many of their foreign visitors arriving in the Wannai to meet their leaders, is located surrounding the ninth mile post on the Mankulam- Vellankulam road which links the Jaffna Kandy A-9 road and the Mannar- Pooneryn A-32 road. Malawi reportedly has a hospital, banks and a massive bakery complex which can make 5000 loaves of bread at once.
- 18 LTTE militants were killed and more than 21 others injured during clashes with the troops in the areas north of Palamoddai and Navakkulam in Vavuniya district. One soldier was also killed while the troops recovered the dead bodies of five slain militants along with three T-56 weapons and one communication set.
- BBC reports that civilians living in LTTE-held areas were urged by the outfit to build bunkers. The leaflets said, "No houses should be without bunkers. Be it road junctions, play grounds, schools, business establishments, offices- in all places bunkers should be constructed as Safety Mechanisms."
- The Government announced the Ministry of Defence had taken "swift measures to establish a safe corridor" to enable passage of civilians in the LTTE-held territory in the north.
- Eight LTTE cadres were killed and 23 others sustained injuries during clashes with the troops in the Andankulam and north of Kokkuthuduvai areas in Vavuniya district. Three soldiers were wounded in these clashes.
- The troops neutralised three LTTE trench lines in the areas north of Palamoddai, Navathkulama and Kottakkarankulam areas in the Vavuniya district killing seven militants and injuring nine others. One soldier was also killed while the troops recovered two T-56 weapons from the incident site.
- September 2 At least 44 LTTE militants were killed and more than 100 others injured during two days of clashes between the troops and militants in the Malawi area in Mullaitivu district. Three soldiers were also killed while 18 others sustained injuries during these clashes. The troops which according to earlier reports had captured the Malawi town on September 1 took full control of the Malawi area on September 2.

At least 17 militants were killed while 18 others sustained injuries during clashes with the troops in the Nachchakuda and Kunchankulam areas of Kilinochchi district. Five soldiers were also killed while 17 others were wounded. One T-56 weapon, one anti tank mine, twelve booby traps and thirty APMs were recovered from the possession of slain militants.

During another encounter between the two sides in the Palamoddai area of Vavuniya district, the SFs killed 19 militants and injured 23 others. One soldier was also killed while another sustained injuries in the incident.

10 LTTE militants were killed and 13 others wounded as the troops captured about 400-meters of land at Terankandal in the Akkarayankulam area of Kilinochchi district neutralising an LTTE bunker line. 31 soldiers sustained injuries during these clashes.

The troops killed six more militants and injured 11 others in the Andankulam area of Vavuniya district.

Troops recovered 12 dead bodies of militants from Padaviya and five dead bodies from Palamoddai in the Vavuniya district, two dead bodies from Trincomalee district and one dead body from the Malawi area in Mullaitivu district.

September 3

The SFs killed 22 militants, including one LTTE intelligence leader identified as 'Lieutenant Colonel' Neelavan, in the Vannavikulam area of Kilinochchi district.

19 partly disfigured and decomposed corpses of soldiers delivered to the ICRC officials by the LTTE in the Mullaitivu district was received by the Army authorities serving Omanthai Entry/Exit point in the Vavuniya district. Of them, seven dead bodies have been so far identified as those of the soldiers who had gone missing in the Nachchakuda area of Kilinochchi district on after heavy fighting on September 2.

Eight more militants were killed in the Palamoddai and Navakkulam areas of Vavuniya district.

Three militants were killed in two separate encounters with the troops in the Nagarkovil and Muhamalai areas of Jaffna district.

While acknowledging Sri Lankan Government's efforts to improve the freedom of movement of civilians affected by the fighting in the north, the UN officials in Sri Lanka urged the LTTE to allow the civilians to leave the battle fields for safety. The UN Country Team in Sri Lanka said they have "raised with the LTTE its urgent concern that civilians be allowed maximum freedom of movement of all times." A recent UN IASC report estimates that 74,119 individuals (18,970 families) have been displaced since June due to the fighting in the north-west. UN officials said the displaced have moved into Kilinochchi district which is still under LTTE control. The IASC report stated that there were

134868 individuals (35,353 families) displaced in the district, and more than 160000 Internally Displaced Persons in the central-north area, the Wanni, controlled by the LTTE.

September 4 At least 18 LTTE militants were killed and three others wounded during clashes with the troops in the Vannavikulam, Andankulam and Akkarayannagar areas of the Kilinochchi and Vavuniya districts.

11 more partly disfigured and decomposed corpses of soldiers delivered to the ICRC officials by the LTTE was received by the Army authorities serving Omanthai Entry/Exit point in the Vavuniya district.

At least nine militants and a soldier were killed as clashes erupted between the two sides in the Akkarayankulam, Mannikkandannadu, Vannavikulam and adjoining areas of Kilinochchi district. Nine more militants and six soldiers were wounded during these clashes.

The troops confronted a group of seven militants in the Vedamakilam area of Vavuniya district killing five of them.

The troops eliminated five LTTE cadres during an encounter in the Palamoddai area of Vavuniya district. One soldier was also killed during the incident.

Four militants and a soldier were killed while five militants got wounded during clashes in the Andankulam and Kurundankulam areas of Vavuniya district.

The troops repulsed an LTTE attack in the Mannikkandannadu area of Kilinochchi district killing four militants while injuring nine others. Three soldiers also received injuries during the fighting.

During another encounter in the Akkarayankulam area of Vavuniya district the troops killed four LTTE militants.

The SFs attacked three LTTE bunkers ahead of the Muhamalai FDL in the Jaffna district and killed three militants while injuring at least six others.

President Mahinda Rajapakse asserted that his Government would shortly move towards establishing the ninth Provincial Council. "When we came into power there were only seven Provincial Councils functioning in the country. We have now increased it up to eight. We would establish the ninth Provincial Council shortly," the President said after he swore in the Chief Ministers for the North Central and Sabaragamuwa Provinces at a ceremony at the Presidential Secretariat. He also said: "We held the Eastern Provincial Council election and a Chief Minister for the East was elected. Similarly we would set up the Northern Provincial Council shortly."

September 5 At least 14 LTTE militants were killed during confrontations with the troops in the Thalikkulam, Vedamakilam and North of Palamoddai areas in the Vavuniya district. Troops later recovered the dead bodies of six slain militants along with four T-56 weapons and two bicycles

from the Thalikkulam area.

Eight militants were killed and 13 others injured in clashes with the troops in the Andankulam and north of Kiriibbanwewa areas in the Vavuniya district. The SFs also neutralised an LTTE bunker, one communicative trench line, one mortar location and recovered two hand grenades, 150 T-56 ammunition and 550 MPMG ammunition after the clashes.

Three members of the TCHR, a pro-LTTE Non Governmental Organisation were evicted from the 61st Annual UNESCO Conference of DPI/NGO at the UNESCO headquarters in Paris. The UNESCO conference authorities cancelled the registration of the three members - S.V.Kirubahar, Director TCHR, France, Mrs Deirdre McConnel Kirubahara, Director TCHR, UK and J. Jean-Marie, Program Officer, TCHR, Paris – who had registered as participants submitting false information to the Department of Public Information of UNESCO and the DPI/NGO Conference Secretariat in Paris and New York.

September 6 At least five LTTE militants were killed and another injured during encounters with the troops in the area north from Palamoddai in Vavuniya district. Two soldiers were also killed in the LTTE mortar fire while another was injured in an APM explosion during the clashes.

The Foreign Affairs Minister Rohitha Bogollagama said that the Sri Lankan Government will "find only a political solution to a political issue," and its military engagement was "purely as a means towards eliminating terrorism."

September 7 11 LTTE militants were killed and at least six others injured by the troops as clashes erupted between the two sides in the Periyamadu, east of Nachchakuda and Vannavikulam areas in Vavuniya and Kilinochchi districts. Four soldiers sustained injuries due to mortar fire and activation of an LTTE APM in these areas.

Eight more militants were killed and 15 others injured during separate clashes between the two sides in the Andankulam and north of Kiriibbanwewa in Vavuniya district. Four soldiers also sustained injuries during these clashes.

The SFs killed three militants and injured four others in the area north of Palamoddai in the Vavuniya district and captured two trench lines.

The Defence Secretary Gotabhaya Rajapakse has said that the change in the strategy of the Sri Lankan Army along with accurate Intelligence inputs have led the island nation to advance into the LTTE stronghold in northern areas.

Foreign Ministry Secretary Dr. Palitha Kohona stressed the need to end fundraising and propaganda capacity of the LTTE and its fronts in the West. "At a time Sri Lanka is engaged in the arduous task of putting an end to terrorism in the north of the country, it was vital to also end the capacity of the LTTE and its front organizations to raise

funds and engage in propaganda in Western countries," the Foreign Ministry said quoting Kohona.

- September 8 Troops killed 10 militants while injuring nine others as clashes erupted between the two sides in the Nachchakuda, Tambalamunai, Panisaikundumadu and Vannavikulam areas of Kilinochchi district to the west of the A-9 road.
- Six more militants were killed while six others received injuring in a separate clash with the troops in the Uluththuvveli and Andankulam areas of Vavuniya district.
- The SFs neutralised an unspecified number of LTTE bunkers in the areas north of Palamoddai, Navathkulama and Kompuwennakulam areas of Vavuniya district killing three militants while injuring four others.
- September 9 The Sri Lanka military said that the combined air and artillery attack by LTTE over Vavuniya in the pre dawn hours killed 21 combatants on both sides. Preliminary reports said the abortive ground artillery attack on the Wannu SF's Headquarters Complex in Vavuniya killed 10 Army soldiers and one Police constable. While seven airmen, nine Police constables and one civilian also sustained injuries as a result of exchange of heavy fire, the troops have so far recovered 10 bodies of militants, including five female cadres. Simultaneously, two LTTE aircrafts providing support to the artillery attack dropped two bombs which missed their intended target falling on the office area failing to cause much damage. Meanwhile, the SLAF fighter jets which had taken off from Katunayake Air Base intercepted the two fleeing aircrafts and shot one down.
- 10 LTTE militants were killed and more than 20 others injured during confrontations with the troops in the areas north of Rumulamunai, Vannavikulam, Kariyalanmodai and Ranaikandanamadu in the Kilinochchi district.
- Four cadres of the LTTE were killed and five others wounded in clashes with the SFs in the Navakkulam and north of Palamoddai areas in the Vavuniya district.
- The troops killed three militants and injured three others in the Uluththuvveli and Anandankulam areas of Vavuniya district.
- September 10 Five LTTE cadres were killed and at least three others injured in clashes with the troops in the Akkarayankulam and Maniarkulam areas closer to the Kilinochchi-Mullaitivu districts borders. Seven soldiers also sustained injuries during these clashes and explosion of an APM.
- The troops killed five more militants during confrontations in the Vedamakilam and north of Palamoddai areas in the Vavuniya district.
- The SFs eliminated four LTTE cadres and wounded 10 others in an

encounter in the Andankulam area of Vavuniya district. Three soldiers also sustained injuries in LTTE mortar fire and explosion of an APM.

According a report by the IASC there are at least 160000 IDPs in the Mullaitivu and Kilinochchi districts, which are under LTTE control.

September 11 At least 19 LTTE militants were killed and five others wounded during clashes with the troops in the Akkarayankulam, Kariyalanmodai, Manirasakulam, Vannavikulam and Pannaikanthakadu areas of Kilinochchi and Mullaitivu districts. While one soldier was killed during confrontation at Pannaikanthakadu, eight other soldiers reportedly got injured in confrontations in Kilinochchi district.

SFs killed 14 LTTE militants, including seven women cadres, during confrontations in the Vavuniya district.

The troops eliminated 10 more militants and wounded eight during separate clashes in the Vedamakilam and north of Palamodai areas in the Vavuniya district.

Seven civilians, who had gone for cultivation work and collecting firewood, were killed by the LTTE militants at Ethimale village in the Kotiyagala area close to the Ampara-Moneragala district borders. While four of them were killed using T-56 weapons from a certain distance, the other three aboard a tractor, were shot dead with pistol at a close range.

Six more militants were killed and two others received injuries in an encounter with the SFs in the area south of Nayaru in Kilinochchi district.

The troops confronted with the LTTE militants in the Andankulam area of Vavuniya district and killed four militants. Two soldiers also sustained injuries in the clashes.

September 12 Eight militants were killed and nine others injured during separate clashes with the security forces in the Vedamakilam, north of Palamodai, north of Janakapura, Andankulam and Perankulam in the Vavuniya district and Akkarayankulam, Nachchakuda, Vannavikulam and Vanneikandamadu in the Kilinochchi district. One soldier was also killed while nine others got injured in LTTE mortar fire and explosion of anti-personnel mines.

September 13 At least 19 LTTE militants were killed and more than 20 others injured during clashes with the troops in the Akkarayankulam, Vannavikulam and Nachchakuda areas of Kilinochchi district and Andankulam in the Vavuniya district. One soldier was also injured in the confrontation at Nachchakuda.

Eight militants were eliminated by the SFs during encounters in the Navakkulam, Mamaduwa and north of Palamodai areas in the Vavuniya district. Troops later recovered the dead body of the terrorist killed in Mamaduwa along with two hand grenades.

- September 14 The SFs confronted with the militants at Andankulam and Tannimurippukulam in the Vavuniya district killing eight LTTE cadres while injuring at least 19 others. One soldier was injured in an IED explosion in Andankulam.
- Six more militants were killed in clashes with the troops in the Navakkulam and north of Palamoddai areas of Vavuniya district.
- The SFs neutralized one LTTE bunker at Vannavikulam in the Kilinochchi district killing three militants while injuring two others.
- Three more militants were killed and two others injured in an encounter in the Vannavikulam area of Kilinochchi district. 12 soldiers also sustained injuries in confrontations and IEDs explosions in the area.
- The Sri Lanka Army chief Sarath Fonseka reportedly told his senior officers that about 11000 LTTE cadres have been killed since the military launched its campaign to secure the Mavil Aru anicut in July 2006.
- Police spokesman, Ranjith Gunasekara, has said the government has no intention of sending back civilians, who have entered Colombo to escape from the north and east conflict.
- September 15 At least 18 LTTE militants were killed as the troops of the 57 Division operating on the Vavuniya front advanced six-kms east of Akkarayankulam tank in the Kilinochchi district further closing towards the Jaffna Kandy A-9 road from the north of Kokkali, said Military spokesman Brigadier Udaya Nanayakkara. Three soldiers were killed and nine soldiers injured during these confrontations.
- The UN Office of the Resident Humanitarian Coordinator for Sri Lanka has decided to relocate its offices in Vavuniya. According to UN, assurances has received from the LTTE that UN and humanitarian agency staff remaining in Kilinochchi will be allowed to leave, with safe passage provided to Omanthai entry/exit point, into government controlled areas of Sri Lanka.
- Nine LTTE militants were killed and seven others injured during confrontations with the troops in the Kaliyalamunai, Nachchakuda, Vannavikulam and Pannaikandamdu areas of Kilinochchi district. Two soldiers were also injured in these clashes.
- Troops confronted with the LTTE militants in the Navakkulam and north of Palamoddai areas in the Vavuniya district and killed six militants while injuring two others. Three soldiers were also injured in LTTE mortar firing during the fighting.
- President Mahinda Rajapakse said troops were on track to capture the outfit's political capital in Kilinochchi by the end of the year. Ruling out a future cease-fire with the LTTE he vowed to "finish the war as soon as possible".

The President further said that his Government will seriously consider any request from India to hand over the LTTE leader, Velupillai Prabhakaran when he is captured.

September 16 The SFs during separate encounters in the Palamoddai, North of Palamoddai and Vedamakilam areas of Vavuniya district killed 11 LTTE militants. One soldier also received injuries when the LTTE militants triggered an APM explosion.

Eight more militants were killed and 14 others wounded in encounters between the two sides in the areas east of Akkarayankulam and Vannavikulam in the Kilinochchi district. One soldier received injuries in the Akkarayankulam area. The SFs captured one bunker following those confrontations.

The Government has reportedly put its health authorities on alert in order to face any possible chemical attack by the LTTE during the fighting in the North, informed sources said.

The government is seeking the assistance of the people to prevent terrorist activities in the southern part of the country.

Sri Lanka has said that adopting a legislation by the United States would enable it to prosecute foreign military leaders who recruit child soldiers.

September 17 At least 25 LTTE militants and four soldiers were killed while about 25 militants and 14 soldiers were injured as troops captured a 1.5-kilometres stretch of the huge earth bund at Karampaikkulam, eight kilometers northeast of Nachchakuda, in the Kilinochchi district.

Troops operating east of Akkarayankulam foiled three counter attacks by the LTTE to capture the area under the security forces since September 15, killing at least 15 LTTE cadres. Troops are now operating just one kilometre west of the A-9 road in the Murikkandal area and 5.5 kilometres south of Kilinochchi.

The SFs during six separate clashes in the Palamoddai area of Vavuniya district killed 12 militants. One soldier was also injured in an APM explosion during the fighting.

Five LTTE cadres were killed and 24 others injured in an encounter with SFs in the Andankulam area of Vavuniya district. One soldier was also killed and four others injured in the LTTE mortar fire and explosion of an APM during the clashes. Also, the troops overran a well-fortified LTTE camp that had four bunkers, one drinking-water well and a mortar pit in the same area after the militants abandoned the camp and fled.

Three more LTTE militants were killed and another injured in confrontations with the troops in two separate incidents at Navakkulam and Konakkarankulam areas of Vavuniya district.

The LTTE have used CS gas to attack Sri Lankan soldiers recently in the battlefronts of Wannu region, the MCNS said. However, the Army is fully equipped and well geared up to face any unacceptable 'chemical or gas attacks of the enemy,' MCNS added.

Army Commander Lt. General Sarath Fonseka told Daily News that SFs operating in Wannu region are ready to face any type of gas attacks by the LTTE as they have been equipped with gas masks to face such situations.

The security authorities have decided to hold a special census on the people now living in the Western Province after fleeing the LTTE-held areas.

September 18 At least 25 Sea Tigers, cadres of the sea wing of the LTTE, were killed and 10 Sea Tiger boats, including three big ones, were destroyed in a four-hour long sea battle between naval troops and the Sea Tigers in the seas off Valaipadu at Nachchakuda in the Kilinochchi district. Four navy personnel received injuries in the fighting. The LTTE Sea Tiger cadres fled with four other damaged boats. Intercepted LTTE communications disclosed that the sea attack was led by a senior Sea Tiger cadre identified as Kader.

The SFs captured another 1.5 kilometres stretch of land in the Karampaikkulam area of Kilinochchi district killing 15 LTTE militants and injuring 18 others. Three soldiers were also killed while 12 others received injuries during the clash.

At least 13 LTTE militants were killed and six others injured during clashes with the troops in and around Andankulam in the Vavuniya district. Three soldiers were killed and one more injured in the confrontations.

Troops confronted with the LTTE militants in the north of Palamodai in the Vavuniya district killing at least eight militants. One soldier sustained injuries in the clashes.

Army Chief Commander Sarath Fonseka said that the LTTE will go underground rather than 'fight to the last man'.

The Government distributed SLR 30 million for displaced persons in Mullaitivu and Kilinochchi due to the ongoing war in the northern region.

September 19 At least 12 LTTE militants were killed and five other injured in confrontations with the SFs in the area north of Palamodai in the Vavuniya district.

Troops killed four militants during separate encounters in the Poovarasankulam and Navakkulam areas of Vavuniya district.

Three LTTE cadres were killed and at least 18 others injured in clashes with the SFs in the Andankulam area of Vavuniya district.

One soldier was also killed in the incident.

The Sri Lankan government said that the resettlement of the Eastern Province is almost finished under the region's development project. Secretary to the Resettlement Ministry A.C.M. Razik said at the moment, 51,851 families have been resettled.

The United States has announced that its USAID will launch a new multi-year initiative to improve economic growth in Eastern Sri Lanka.

September 20 At least 23 LTTE cadres were killed and a large number of others were injured during encounters between troops and militants in the areas west of Mankulam, Navaddikulam, north of Palamodai, Akkarayankulam, Panniwedikulam, Vannavikulam, Punani Kodamadu and Andankulam in the Kilinochchi and Vavuniya districts.

Three soldiers were killed in LTTE mortar fire in the Vannavikulam area of Kilinochchi district. Another soldier was killed in clashes with the LTTE militants in the Pannaikandamdu area.

September 21 At least 16 LTTE militants were killed and five others injured during clashes with the security forces in the Akkarayankulam, Wannivilankulam and Vannavikulam areas of Kilinochchi district. Four soldiers were also killed while five others received injuries during the confrontations.

The troops killed 11 LTTE militants, including provincial leader of the outfit, identified as Muttu in the east of Navvi in Vavuniya district.

At least eight LTTE militants were killed and an equal number of them injured in clashes with the troops in the Karampaikkulam area of Kilinochchi district. Four soldiers were also reported injured in the incident.

Four more militants were killed by the troops during an encounter in the Pallimunai and Komankulam areas of Vavuniya district. While one soldier was injured, the SFs recovered three hand grenades and one pouch from the incident site.

The troops neutralized an LTTE base with three bunkers, two huts, a partly destroyed construction and a deep drain in the Andankulam area of Vavuniya district killing at least three militants while injuring nine others.

The UN in Sri Lanka announced that its offices in the LTTE-held Kilinochchi have been looted.

The Sri Lanka Police have ordered the registration of all the Tamil civilians who moved to the capital Colombo and surrounding towns within the past five years from five northern districts in conflict areas.

September 22 President Mahinda Rajapakse expressed the hope that very soon all Sri Lankans living overseas will be able to return to a country that had been completely rid of the scourge of terrorism. Addressing Sri

Lankans at the New York Bauddha Viharaya while on his visit to attend the 63rd United Nations General Assembly Sessions, the President said, "Whether you are from Kilinochchi, Batticaloa or the South my aim is to treat you all as my children and build a country where you all can live as free citizens."

Military spokesman Udaya Nanayakkara said that the LTTE is a terrorist outfit which has a long history of looting from civilians and aid agencies and make use of the ill gotten resources to strengthen its cadres and terror activities against security forces.

The number of people who have migrated from Sri Lanka's five war-torn districts to Colombo and its suburbs, which constitute the Western Province, since 2003 stands at 37,037, said the police.

At least 17 LTTE militants were killed and 13 others injured as clashes erupted between the militants and the troops in the Akkarayankulam, Wannivilankulam, Pannaikandamdu and Vannavikulam areas of Kilinochchi district. After the confrontation at Akkarayankulam, troops neutralized an LTTE bunker. An LTTE mortar fire attack in the Wannivilankulam area injured one soldier.

The SFs stormed the "Pasarai" base of the Sea Tiger in the Andankulam area of Vavuniya district killing seven cadres of the outfit while injuring 14 others. The SFs later captured the entire complex which had two separate huts which served as sentry points and had been surrounded by three triangular-type tall bunkers with overhead protection layers made of concrete.

The SFs confronted the LTTE militants in the Navakkulam and north of Palamoddai areas in the Vavuniya district and killed four militants while wounding at least seven others.

Sri Lanka has asked Norway, the official facilitator of the abandoned peace process, to assist in the government's humanitarian efforts to bring relief to citizens in the north, instead of "through other organisations."

The suicide bombing in Pakistan shows that al Qaeda has learnt bomb making from the LTTE, said Foreign Employment Minister and military spokesperson Keheliya Rambukwella.

September 23 Nine LTTE militants were killed and five others injured as clashes erupted between the militants and the troops in the Navakkulam, Palamoddai and Wannivilankulam areas of Vavuniya district.

Four more militants were killed and an equal number of them injured during separate clashes with the SFs in the Akkarayankulam, Vandarimodai and Teyankulam areas of Kilinochchi district. While three soldiers were also killed, two other soldiers sustained injuries in these incidents.

Six militants were killed and 13 others injured in clashes in the

Andankulam and Kamalmunai areas of Vavuniya district. Three soldiers were also injured in LTTE mortar fire and explosions of APMs. Troops also captured one LTTE trench line.

The government troops are capable of capturing alive Velupillai Prabhakaran, the leader of the LTTE, Prime Minister Ratnasiri Wickremanayake said.

The TMVP leader, Vinayagamoorthy Muraleetharan a.k.a. Colonel Karuna and its deputy, Eastern Province Chief Minister Sivanesathurai Chandrakanthan a.k.a. Pillayan appealed to Tamil expatriates in Canada and elsewhere to stop funding the LTTE war machine.

Abductions and extra-judicial killings and other security challenges must end in the Eastern Province of Sri Lanka to attract private sector investments to develop the region, the US Ambassador Robert Blake said while addressing the inauguration ceremony of the Kalawanchikudi Vocational Training Center in the Batticaloa district.

September 24 The troops confronted with the LTTE cadres in the Akkarayankulam, Nachchakuda, Vannavikulam and Andankulam areas of Kilinochchi and Vavuniya districts killing nine militants while injuring at least 31 others. Eight soldiers also sustained injuries in these clashes.

The SFs foiled two simultaneous infiltration attempts of the LTTE militants in the Nagarkovil and Kilaly FDLs areas of Jaffna district killing eight militants, including the LTTE's Muhamalai South leader, 'Vardan'.

Seven more militants were killed during confrontations with the troops in the Navakkulam and Palamoddai areas of Vavuniya district.

The LTTE has refused to permit hundreds of local humanitarian workers to leave the Wannai by not issuing them 'travel passes'.

Addressing the 63rd session of the United Nation General Assembly in New York the President Mahinda Rajapakse asserted that Government will only be ready to talk to the LTTE when it is ready to commit itself to decommissioning its illicit weapons and dismantling of its military capability, and return to the democratic fold.

September 25 13 LTTE militants were killed as the troops neutralized eight bunkers of the outfit at Vannappulikulam, an area between Nachchakuda and Akkarayankulam, in the Kilinochchi district after four-hour long battle. Two soldiers were also killed while 14 others sustained injuries during the encounters.

Seven LTTE militants were killed in clashes with the security forces in the Akkarayankulam area of Kilinochchi district.

During another clash between the two sides in the Andankulam and Kamalmunai areas of Vavuniya district the troops killed at least six

militants while injuring 14 others.

Four more militants were killed as the SFs captured two LTTE trench lines in the Kokavil area of Kilinochchi district.

The SFs confronted with LTTE militants in the Vedamakilam, Koliyankulam and the north of Palamoddai areas in the Vavuniya district killing four of them while injuring another.

The security forces have advanced to the outskirts of Kilinochchi, the Head Quarter of the LTTE, the Army Chief Lieutenant General Sarath Fonseka said. "Our forces are around four kilometers (2.5 miles) from Kilinochchi town. In fact we can see some of the buildings," Fonseka said. Meanwhile, the Defence Ministry reported the LTTE have lost some 6,898 fighters since January. Also, the Military authorities said that 673 soldiers have also died during the same period.

Foreign Minister Rohitha Bogollagama said at the UN that Sri Lanka government troops are wary of any "collateral" damage as they move closer to dismantling the Tamil Tigers' de facto state.

September 26 At least 18 militants were killed as the troops repulsed a LTTE attack on the SFs FDL in the Maniarkulam area of Kilinochchi district. Eight soldiers were also injured in the fighting.

17 militants were killed and one more injured as clashes erupted between the two sides in the Vannavikulam area of Kilinochchi district.

Eight more LTTE cadres were killed while more than 30 others sustained injuries during three separate incidents in the Vavuniya district. One soldier was also killed during these clashes. In the first incident, the SFs attacked an LTTE bunker line in the Andankulam area and captured one bunker and one trench line. Also, six more bunkers in the same area were destroyed by the troops. Similarly, the troops attacked a line of five bunkers in the Rumulamunai area.

The troops attacked an LTTE bunker line at Akkarayankulam in the Kilinochchi district and destroyed one bunker killing seven militants while injuring three others. One soldier also sustained injury in an improvised explosive device explosion.

During two separate clashes between the two sides at Navathkulama and north of Palamoddai in the Vavuniya district the troops killed six militants while the SFs also captured one LTTE bunker and three trench lines north of Palamoddai area.

The SFs eliminated four militants during an encounter in the Kalayaparu area of Kilinochchi district. Two soldiers were also injured in LTTE fire and explosions of anti-personnel mines.

September 27 Eight militants were killed by SFs during clashes in the Palamoddai area of Vavuniya district. Four soldiers sustained injuries during the clash.

Seven more LTTE cadres were killed during separate clashes with the troops in the Vannavikulam and north of Karamaddakulam areas of Kilinochchi district. Nine soldiers sustained injuries in LTTE mortar fire directed from their gun positions in the Vannavikulam area while seven other soldiers received injuries during separate confrontations and APM explosions in the same area.

Three soldiers and two militants were killed during a clash at Akkarayankulam. Two soldiers were also wounded in explosions of IEDs and APMs.

September 28 The troops after fierce gun battle captured a section of the Akkarayankulam – Nachchakuda road in the Kilinochchi district by September 28-afternoon killing at least 10 LTTE militants. Two soldiers were also killed while eight others sustained injuries in the fighting.

The troops moving towards the A-9 road captured a 4-km area along the Akkarayankulam–Murikkandy road in the Kilinochchi district killing seven militants. One soldier was also killed while three others sustained injuries.

Six more militants were killed and 13 others injured as the troops neutralized three LTTE bunkers in the Andankulam and Tannimurippukulam areas of Vavuniya district. One soldier also sustained injuries in the fighting.

The troops confronted with the LTTE militants in the Navathkulama and north of Palamodai areas of Vavuniya district killing four militants. Two soldiers were also injured in the encounter while another soldier was injured in the explosion of an anti-personnel mine.

An LTTE suicide cadre on a bicycle struck his bike against a three-wheeler and blew himself up killing one civilian and injuring nine others in the Vavuniya town. One of the injured soldiers died later.

September 29 Six LTTE militants were killed during a clash with the SFs in the Mulankavil and Karampaikkulam areas of Vavuniya district.

All the SATP timelines for the years 2000-2007 and (less in detail) the period 1931-1999 can be accessed from the following link:

<http://www.satp.org/satporctp/countries/shrilanka/timeline/index.html> [371]

Additional details on events in Sri Lanka are available from the website of the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka (undated), Latest timelines [51a] (Latest Timelines). The weblink also gives access to timelines for 2007 and previous years. [51b]

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Annex C: Political organisations

Akhila Illankai Tamil United Front (AITUK)

Founded in 2006; Tamil; advocates federal solution to ethnic conflict. [1a]

All Ceylon Tamil Congress (ACTC)

Founded in 1944, it contested the December 2001 and the April 2004 elections as part of TNA. [8] (p563) (See also TNA)

Ceylon Workers' Congress (CWC)

The CWC is both a trade union (with its main strength being among Tamil workers of Indian origin on tea plantations), and a political party seen as representing the community of Indian descent. [8] (p437) The party joined the ruling UPFA in August 2006." (Keesing's Record of World Events, August 2007, Sri Lanka) [23c]

Communist Party of Sri Lanka (CPSL)

Founded in 1943 and advocates the establishment of a socialist society. It supports the national unity of Sri Lanka. The party contested the April 2004 election as part of the winning coalition UPFA (United People's Freedom Alliance) winning only one seat. [8] (p560)

Democratic People's Liberation Front (DPLF)

Has operated as a national political party since 1988 and is the political wing of the People's Liberation Organisation of Tamil Eelam (PLOTE). [8] (p560)

Democratic United National Front (DUNF)

Formed in 1992 by a dissident group of UNP politicians. Supports the People's Alliance coalition. [8] (p561)

Democratic Workers' Congress (DWC)

Formed in 1939 as a trade union and in 1978 as a political party. Aims to eliminate discrimination against the Tamil-speaking Sri Lankans of recent Indian origin. [1a]

Deshapriya Janatha Viyaparaya (DJV)

(Patriotic People's Movement) Militant Sinhalese group associated with the JVP. [1a]

Desha Vimukthi Janatha Party (DVJP)

(National Liberation People's Party) Has operated as a national political party since 1988. [1a]

Eelavar Democratic Front (EDF)

Founded in 1989 by a majority of Eelam Revolutionary Organisation (EROS), which joined the LTTE. [56]

Eelam National Democratic Liberation Front (ENDLF)

Tamil; supports 1987 Indo-Sri Lankan peace accord; has operated as a national political party since September 1988. [1a]

Eelam People's Democratic Party (EPDP) <http://www.epdpnews.com/>

A Tamil group formed in 1986 as a split from ERPLF. [56] The party gained one seat at the 2 April 2004 elections for the National Assembly and supported the Government subsequently formed by the UPFA. [8] "Led by Douglas Devananda, the Eelam People's Democratic Party (EPDP) broke away from the Eelam People's Revolutionary

Liberation Front (EPRLF) in approximately 1988. Since 1990 it has fought alongside the Sri Lankan Army against the Liberation Tigers of Tamil Eelam (LTTE). Since 1994, the EPDP has been the most significant force in electoral politics in Jaffna, although voter turnout has been exceptionally low. The EPDP has generally been supportive of People's Alliance/UPFA government policy on the war and peace process. Although EPDP armed cadres may only be a few hundred strong, they retain a reputation for human rights abuses. Devananda has a cabinet portfolio and is currently the minister for social services and social welfare. However, his public profile is limited by the fact he is extremely high on the LTTE list for assassination." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka last accessed 4 January 2008) [5a] (Internal Affairs, last updated 4 December 2007

Eelam People's Revolutionary Liberation Front (EPRLF)

The EPRLF now functions as two groups – the Suresh wing (on the TNA list) and the Varatharaja wing (on the EPDP list. [8] (See also TNA)

Eelam Revolutionary Organisation (EROS)

Founded in 1990 by a minority of the original EROS, led by Shankar Raji, the party supported EPDP in the parliamentary election of 2 April 2004. [56]

"EROS remains the most radically nationalist of the constitutional Tamil groups, but is not militarily active." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, Internal Affairs, last accessed 4 January 2008) [5a] (Internal Affairs, 4 December 2007, Non-parliamentary Tamil parties)

Illankai Tamil Arasu Kachchi (ITAK) See TNA

Jathika Hela Urumaya (JHU)

"The JHU is a Buddhist-Sinhalese political party led by Buddhist monks, formed in February 2004 with the specific intention to compete in that year's parliamentary elections. Although initially founded by the secular Sinhalese nationalist party Sihala Urumaya, all of the JHU's members of parliament are Buddhist monks.

"The JHU's creation and the unprecedented entry of saffron-clad monks into parliament has caused debate over whether monks should be entering politics at all both within and outside the party. However, the party's strong representation in the 2004 elections has encouraged the party to continue campaigning for Buddhist and Sinhalese issues in Sri Lanka." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka) [5a] (Internal Affairs, last accessed 4 January 2008)

Jathika Nidahas Peramuna (JVN) See below

Janatha Vimukthi Peramuna (JVP) <http://www.jvpsrilanka.com/>

(People's Liberation Front)

Founded in 1964; banned following a coup attempt in 1971, regained legal status in 1977, banned again in 1983, but regained legal status in 1994; Marxist; Sinhalese support. [1a] For the April 2004 election, the JVP entered into an alliance with President Kumaratunga's a member of the United People's Freedom Alliance (UPFA) and gained 40 seats. [8] "The JVP was the second largest party within the UPFA, and follows a hybrid Marxist-Sinhalese nationalist platform...As such, the JVP holds a powerful position in the ruling coalition, amply demonstrated by the party's decision to temporarily leave the coalition in June 2005 as a protest against then-president Kumaratunga's policy of agreeing a Post-Tsunami Operating Management Structure (P-TOMS) with the LTTE. Agreement with Rajapakse over the future course of the peace process during his campaign prior to the November 2005 presidential election

ensured that the JVP remained in opposition following Rajapakse's victory, but with conditional support for the government. Since his election in November 2005, Rajapakse has had an uneasy relationship with the JVP, and has worked steadily to reduce his political dependence on them in parliament...The JVP has since broken ranks with Rajapakse, but is strongly in support of his military policy towards the ethnic conflict with the LTTE." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka) [5a] (Internal Affairs, last accessed 4 January 2008) On 12 May 2008 it was reported that "A dissident Janatha Vimukthi Peramuna (JVP) parliamentarian, Nandana Gunatillake, on Monday handed over particulars of a new political party under the name Jathika Nidahas Peramuna (National Freedom Front) to the Sri Lankan Commissioner of Elections. Wimal Weerawansa, the former propaganda secretary of the JVP, who left the party with ten other parliamentarians last month, would be the president of the JNP." (TamilNet, 12 May 2008) [38ag]

Liberation Tigers of Tamil Eelam (LTTE) <http://www.eelam.com>
<http://www.eelamweb.com/ltte/>

LTTE front organisations include:

World Tamil Association (WTA)

World Tamil Movement (WTM)

Federation of Associations of Canadian Tamils (FACT)

The Ellalan Force

"Founded in 1976, the LTTE is the most powerful Tamil group in Sri Lanka and uses overt and illegal methods to raise funds, acquire weapons, and publicize its cause of establishing an independent Tamil state. The LTTE began its armed conflict with the Sri Lankan Government in 1983 and relies on a guerrilla strategy that includes the use of terrorist tactics. The group's elite Black Tiger squad conducts suicide bombings against important targets, and all rank-and-file members carry a cyanide capsule to kill themselves rather than allow themselves to be caught. The LTTE is very insular and highly organized with its own intelligence service, naval element (the Sea Tigers), and women's political and military wings...Headquartered in the Wanniar region, LTTE leader Velupillai Prabhakaran has established an extensive network of checkpoints and informants to keep track of any outsiders who enter the group's area of control... Approximately 10,000 armed combatants in Sri Lanka; about 3,000 to 6,000 form a trained cadre of fighters. The LTTE also has a significant overseas support structure for fundraising, weapons procurement, and propaganda activities." (FAS, Intelligence Resource Program, Liberation Movements, Terrorist Organizations, Substance Cartels, and Other Para-State Entities, Liberation Tigers of Tamil Eelam (LTTE), undated, last accessed 26 February 2008) [61]

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka: "The group's strength was estimated between 8,000 and 10,000." [5a] (Non-State Armed Groups, last accessed 4 January 2008)

As highlighted in the South Asia Terrorism Portal (SATP) undated, (website accessed on 17 September 2008):

"Under the Prevention of Terrorism Act, 2002 (POTA) in India, the LTTE is a proscribed organisation. On October 4, 2003, the United States re-designated the LTTE as a Foreign Terrorist Organisation (FTO) pursuant to Section 219 of the US Immigration and Nationality Act. The LTTE has been proscribed, designated or banned as a terrorist group by a number of governments – India, Malaysia, USA, Canada, UK, Australia – countries where the LTTE has significant terrorist infrastructure for

disseminating propaganda, raising funds, procuring and shipping supplies to support their terrorist campaign in Sri Lanka...The LTTE leadership is organized along a two-tier structure: a military wing and a subordinate political wing. Overseeing both is a central governing committee, headed by the LTTE chief, Velupillai Prabhakaran...This body has the responsibility for directing and controlling several specific subdivisions, including, an amphibious group (the Sea Tigers headed by Soosai), an airborne group, (known as the Air Tigers), an elite fighting wing (known as the Charles Anthony Regiment, named after Anthony, a close associate of Prabhakaran and is headed by Balraj), a suicide commando unit (the Black Tigers headed by Pottu Amman), a highly secretive intelligence group and a political office headed by Thamilselvam and Anton Balasingham, widely regarded to be the political advisor and ideologue of the LTTE. [Thamilselvan was killed in November 2007 – see Section 4 and Balasingham died in London in December 2006] The central governing committee also has an International Secretariat, which is in charge of the outfit's global network...The LTTE has also set up a parallel civil administration within its territory by establishing structures such as a police force, law courts, postal services, banks, administrative offices, television and radio broadcasting station, etc.” [37a] (LTTE)

See also [Latest News](#) and [Section 4 on Recent developments](#)

In the UK the LTTE is one of the proscribed organisations under Part II of the Terrorism Act 2000 The (undated) 'List of proscribed terrorist groups' is available from the Home Office website (accessed on 20 November 2007). [35d]

As noted in the report of the UN Special Rapporteur on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006:

“Ministers of the EU on May 29 [2006] formally added the LTTE to a list of banned terrorist organisations, which meant a bar on LTTE fundraising and that the group's financial assets would be frozen in all 25 EU member states. LTTE officials would also be prevented from visiting the EU.” (Keesing's Records of World Events, May 2006 – Sri Lanka) [23d] On 24 April 2007 the the Official Government News Portal of Sri Lanka reported that the European Union had taken the decision to keep the LTTE on the 'black list' of international terrorist groups. [10g]

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 4 January 2008:

“The heightened global concern over terrorist activities since 2001 has reduced the international community's level of tolerance and, in April 2006, the Canadian government became the latest previously tolerant government to proscribe the LTTE. The European Union followed suit in May 2006...Nevertheless, the LTTE remains the only Tamil organisation that maintains the capacity for pressuring and intimidating the government of Sri Lanka into granting significant concessions towards the demand for autonomy for the northeast of the country. Much more important, the LTTE has oligopolised the monopoly of force in Sri Lanka. If the peace process is to succeed according to the wishes of the government, the LTTE will have to be persuaded to relinquish control over the 'uncleared' areas. This is a far from likely scenario, which makes a political solution somewhere along the federalist-separatist continuum the only realistic outcome.” [5a] (Internal Affairs, last accessed 4 January 2008, Tamil Militancy and the LTTE's rise to supremacy)

For the Karuna faction, see under TMVP.

See also Annex B and E

Mahajana Eksath Peramuna (MEP)

Founded 1956; Sinhalese and Buddhist support; left-wing; advocates economic self-reliance. [1a]

Nava Sama Samaja Party (NSSP)

(New Equal Society Party) A Trotskyist party founded in 1977. [1a]

People's Alliance (PA) aka Podujana Eksath Peramuna (PEP)

Formed in 1993 as a left-wing alliance which includes the LSSP, the SLFP (President Kumaratunga's party) and the SLMP. [8] (p438) This was the ruling party in Sri Lanka from August 1994 until December 2001. (See also UPFA)

Peoples Front of Liberation Tigers (PFLT)

Formed in 1989, it is the political party of the Liberation Tigers of Tamil Eelam (LTTE). [9] It took part in the election for the Eastern Province Provincial Councils held on 10 May 2008 but did not gain any seats. [10d]

People's Liberation Organisation of Tamil Eelam (PLOTE)

Formed in 1979 as a split from the LTTE. [56] (Introduction) Its political wing is the Democratic People's Liberation Front (see above). [8] (p560)

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last update 21 November 2007, "The PLOTE originated as an LTTE splinter group, but it was never well armed and its military activities remained low key. In time, internal feuds and a souring of relations with its Indian sponsors fuelled the PLOTE's slow demise and the group was largely wiped out by the LTTE in 1986. After the [1987] Indo-Lanka Accord, the PLOTE renounced its armed rebellion against the Sri Lankan government, but maintains armed cadres to this day." [5a] (Internal Affairs, 4 December 2007, Non-parliamentary Tamil parties)

Sri Lanka Freedom Party (SLFP)

"Founded in 1951, the SLFP campaigned for the attainment of republican status for Sri Lanka prior to adoption of the 1972 constitution. With a democratic socialist orientation, the party advocated a non-aligned foreign policy, industrial development in both the State and private sectors, and safeguards for national minorities. One family has led the party throughout its history. S.W.R.D. Bandaranaike (originally a leading figure in the United National Party) was the party's founder and first Prime Minister from 1956 until his assassination in September 1959. His widow, Sirimavo Bandaranaike, in 1960 became the world's first woman Prime Minister, holding this post until 1965 and again from 1970-1977. Following the party's return to power after 17 years in the August 1994 elections, she was again Prime Minister (the post by now being largely ceremonial) from November 1994 until her death in October 2000. Chandrika Bandaranaike Kumaratunga, the daughter of S.W.R.D. and Sirimavo, was Prime Minister from August – November 1994, becoming the elected President in November 1994, and is the leader of the SLFP. The SLFP returned to power in August 1994, heading the People's Alliance (PA) coalition. The PA secured another victory in general elections in October 2000, but lost power in the December 2001 general elections." In January 2004 it formed an electoral pact with JVP dubbed the UNPFA [see below] [8] (p561-562)

"President Mahinda Rajapakse was on June 28 [2006] elected president of the ruling Sri Lanka Freedom Party (SLFP) without a contest, replacing former President Chandrika Kumaratunga. He was the first leader of the party from outside the

Bandaranaike-Kumaratunga family since the SLFP was founded in 1951 by Kumaratunga's father, and it was reported that the former president had resisted being ousted by Rajapakse, even though she was currently domiciled in the UK." (Keesing's Records of World Events, June 2006 – Sri Lanka) [23e]

Sri Lanka Freedom Party – Mahajana Wing (SLFP – M)

The Keesing's Record of World Events, June 2007, Sri Lanka recorded that "Former Foreign Minister Mangala Samaraweera and former Port Development Minister Sripathi Sooriarachchi on June 22 [2007] announced that they were leaving the Sri Lanka Freedom Party (SLFP), the lead party in the ruling United People's Freedom Alliance (UPFA), to form a breakaway party the Sri Lanka Freedom Party--Mahajana Wing (SLFP--M), which would sit with the opposition in Parliament." [23b]

Sri Lanka Muslim Congress (SLMC)

The SLMC was formed to represent the Tamil-speaking Muslim population of the Eastern province and was organised as an all-island party in 1986. Led by Rauf Hakeem. At the 2 April 2004 elections for the National Assembly the party won five seats. [8] (p562)

Tamil Eelam Liberation Organisation (TELO) <http://www.telo.org/>

Formed in 1974, it is on the TNA list. [56] It has operated as a national political party since 1988. [1a] "The TELO currently has three members of parliament and is the second largest party in the LTTE-backed Tamil National Alliance." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 4 January 2008) [5a] (Internal Affairs, last accessed 4 January 2008) In February 2008 it was reported that the party had split into two. "Members of the breakaway faction said they were not prepared to accept the leadership of parliamentarian Selvam Adaikalanathan and would function as a separate party. This faction is being led by Ramesh considered a TELO militant and a new political office was opened at Kurumannadu in Vauniya..." (Daily Mirror, 19 February 2008) [11j] (See also TNA)

Tamil National Alliance (TNA)

"The Tamil National Alliance (TNA) or Sri Lanka Tamil Government Party (Illankai Tamil Arasu Kachchi) is a political alliance of several Tamil parties formed in 2001 just before the 2001 elections. The alliance was formed by the All Ceylon Tamil Congress, Eelam People's Revolutionary Liberation Front (Suresh), Tamil Eelam Liberation Organisation and Tamil United Liberation Front (formerly the Federal Party). Since its formation, the TNA has acted in close co-operation with the rebel LTTE, and has frequently behaved as its advocate and political wing in parliament. In the April 2004 election, in which the SLFP and JVP alliance led by President Kumaratunga came to power, the TNA led by R Sampanthan won 6.9 per cent of the popular vote and 22 out of 225 seats in the Sri Lankan parliament." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 4 January 2008) [5a] (Internal Affairs, last updated 4 December 2007)

Tamileela Makkal Viduthalai Pulikal (Tamil People's Liberation Party) (TMVP)/Karuna faction

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka:

"TamilEela Makkal Viduthalai Pulikal (TVMP: Tamil Eelam Peoples Liberation Tigers) is the political wing of the paramilitary group formerly known as the 'Karuna group'. It was formed by breakaway LTTE leader V. Muralitharan (alias 'Colonel Karuna'), who led a split in the LTTE in 2004, leading to the secession of a large chunk of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and

disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province. Human rights reports in 2007 have alleged that the Karuna group recruits under-age youths as fighters, and furthermore, that these recruits are forcibly abducted and coerced into joining. The Karuna group is also alleged to be behind the spate of kidnappings of wealthy Tamils in Colombo since mid-2006. In mid-2007, press reports suggested that there was a split within the Karuna group between Karuna himself and one of his key lieutenants. In October 2007, news emerged that Karuna had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences." [5a] (Internal Affairs, last accessed 4 January 2008)

In May 2007 there were reports of a split within TMVP further to an alleged dispute between Karuna and a group headed by Pillayan which was eventually settled with the agreement that Karuna would remain as the leader. (*Daily Mirror*, 14 May 2007) [11g] However, on 1 October 2007 it was reported that former TMVP commander Pillayaqn was set to lead the group "in the wake of Karuna Amman fleeing to Britain in the midst of the deepening internal rift between Pillayan and Karuna owing to alleged financial mismanagement and tit-for-tat killings [between the respective supporters]." (*Daily Mirror*, 1 October 2007) [11q]

On 24 October 2007 it was reported that, further to a series of suspect LTTE attacks on the outfit, the government had increased the security provided to the eastern political cadres of the TMVP. "The SLMM said the TMVP appeared to be concentrating its resources in Batticaloa." (*Daily Mirror*, 24 October 2007) [11t]

The new TMVP [Tamil People's Liberation Party] leader Pillayan was reported to be "continuing to extend his control over the party by appointing his close allies to some of the top posts with reports that cadres loyal to Karuna Amman had vacated their offices in Ampara and some 35 others were under 'house arrest' in Batticaloa." (*Daily Mirror*, 10 November 2007) [11f] Clashes between the Pillayan and Karuna faction were reported in the district of Batticaloa in December 2007. (*Daily Mirror*, 8 December 2007) [11w]

TMVP was amongst the five additional political parties (in addition to the 53 Political Parties recognised as on 31 December 2007) recognised by the Elections Commissioners Department on 23 January 2008] (SATP Timeline, Year 2008) [37c]

As of April 2007, TMVP was reported to operate 20 political offices in the east including Batticaloa, Trincomalee and Ampara and one office in Colombo. (*Daily Mirror*, 17 April 2007) [11h]

An IGC report of February 2008 noted that "The Tamil Makkal Viduthalai Puligal (TMVP), which broke from the Tigers and is now led by the ex-Colonel Karuna's former deputy, Pillayan, continues to rule Batticaloa and other parts of the east through terror and crime, with tacit police, military and Colombo approval. Still seen by the government and military as useful to block a Tiger re-emergence in the east, its reign of abductions, child recruitment, robberies and repression of dissent is extensively documented. The TMVP is blatantly intimidating political rivals in an attempt to rig the elections [in Batticaloa which they later won]. The TNA and Sri Lanka Muslim Congress (SLMC) have both complained of harassment..."(ICG, 'Sri Lanka's Return to War: Limiting the Damage', Asia Report N°146, 20 February 2008) [76d] (p12)

See also Section 4 on Recent developments and Annex F

Tamil United Liberation Front (TULF)

Founded in 1976 following the merger of the All Ceylon Tamil Congress and Federal Party. [1a] It contested the April 2004 general election as part of TNA. (See also TNA)

United National Party (UNP) <http://www.unp.lk/portal/>

The conservative UNP was founded in 1947. It advocates the development of the country through free markets and inter-communal co-operation. The UNP formed the Government from 1947-1956 and again from 1965-1970. In 1977 it secured a landslide victory under J.R. Jayawardene, holding office for the following 17 years. The party lost power in 1994, but regained power in the December 2001 elections. It came second (with 82 seats) in the April 2004 general election. [8] (p563)

United People's Freedom Alliance (UPFA)/People's Alliance

Founded in 2003, it is an alliance of Sri Lanka Freedom Party (SLFP), JVP, LSSP, CPSL, SLMP, DVJP, MEP and National Unity Alliance (NUA). It won 105 seats in the April 2004 general election. [56] It reverted to original founding name of People's Alliance in April 2007. President: Ratnasiri Wickremanayake. [1a] (Political organisations) "The UPFA is the coalition holding the single largest share of seats within the Sri Lankan parliament... However, the composition of the government benches of parliament has undergone significant changes in the three years since the elections. The two most important movements have been the departure of the second largest constituent, the Janatha Vimukthi Peramuna (JVP) by early 2007, and the arrival of new members who had defected from the opposition UNP." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last updated accessed 4 January 2008). [5a] (Internal Affairs, last accessed 4 January 2008)

Up-Country People's Front

Represents the interests of workers, mainly of Indian Tamil origin, on tea plantations. [1a] At the 2 April 2004 elections for the National Assembly it gained one seat [39a]

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Annex D: Prominent people

Bogollagama Rohitha

Minister of Foreign Affairs [44a]

KARUNA Colonel (nom de guerre of Vinayagamoorthi Muralitharan, aka Karuna Amman)

As highlighted by BBC News in a profile of 5 March 2004, Colonel Karuna was once a bodyguard of the LTTE leader Velupillai Prabhakaran.

“He joined the militant outfit in 1983 and, within a few years, became the top commander in his native eastern province.... Colonel Karuna’s importance in the Tamil Tiger hierarchy became clear when rebel leader Velupillai Prabhakaran elevated him to the rank of special commander for the eastern Batticaloa-Amparai districts in 2003...Prabhakaran later made Colonel Karuna part of the team that negotiated with the Sri Lankan government during several rounds of peace talks in Bangkok, Oslo and Tokyo...He felt his personal promotion was not enough for the east and has been seeking better representation for eastern cadres within the Tamil Tiger hierarchy.” [9bt] On 4 March 2004, BBC had reported that Colonel Karuna, had broken ranks after facing the threat of disciplinary action. “He was thought to be unhappy that the bulk of the rebel fighters come from the east and yet all the top leadership comes from the north of Sri Lanka.” [9bs] According to BBC News reports of 12 and 13 April 2004, he was reported to have fled after his troops were defeated and dispersed by the LTTE main faction in April 2004 in the east. [9bl] [9bm] As noted in BBC News reports dated 21 and 24 June 2004 and 1 July 2004, Tamil Tigers rebels had accused the Sri Lankan security forces of aiding and abetting Colonel Karuna but President Kumaratunga had rejected allegations that the government had authorised military activities in the Eastern Province in support of the Karuna faction. [9bp] [9bq] [9bbr]

As recorded in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka V. Muralitharan (alias 'Colonel Karuna'):

“led a split in the LTTE in 2004, leading to the secession of a large chunk of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province. In October 2007, news emerged that Karuna had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences.” [5a] (Internal Affairs, last accessed 4 January 2008)

“[On 25 January 2008] Renegade LTTE leader Vinayagamoorthy Muralitharan alias 'Colonel' Karuna was sentenced to nine-month imprisonment by a UK Court for identity fraud. He was arrested in London on November 2, 2007, for carrying an apparently genuine Sri Lankan diplomatic passport issued under a false name. Karuna told the Isleworth Crown Court in West London that he had received the false diplomatic passport from the Sri Lankan Government. He said Defence Secretary Gotabaya Rajapakse, who is also the brother of President Mahinda Rajapakse, had arranged the

documents for him. Karuna, who founded the Tamil Makkal Vidhuthalai Pullikal (TMVP), was sentenced to nine months in jail under the Identity Cards Act after he pleaded guilty.” (SATP Timeline, Year 2008) [37c]

As noted in comments posted on 12 May 2008 on the website of the British High Commission, Colombo:

“A British High Commission spokesperson said ‘Vinayagmoorthy Muralitharan (aka Karuna Amman) was released yesterday following his imprisonment [in the UK] for possessing false documents, contrary to Section 25 of the Control of Identification Documents (Offences) Act 2005. He now remains under immigration detention powers. We have made clear our concerns at the circumstances by which Karuna travelled to the UK. We are deeply concerned that Karuna and his faction have allegedly been responsible for murder and abductions and are still believed to be involved in intimidation and child recruitment. The Crown Prosecution Service has advised the Metropolitan Police Service that there is insufficient evidence to provide a realistic prospect of conviction for any criminal offences in the UK.’” [15]

The EIU Country Report Sri Lanka, July 2008 recorded that “Vinayagamoorthy Muralitharan, also known as Colonel Karuna, the former head of the TMVP, returned to Sri Lanka on July 4th [2008], having served a jail term in the UK for entering the country with a false passport.” [75a] (p10) On 13 July 2008 Karuna was re-confirmed as the TMVP leader. (*Daily News*, 14 July 2008) [16d]

See also [Latest News](#); Section 3: History; and Annex C and F

KUMARATUNGA Chandrika Bandaranaike

President of Sri Lanka between 1994 and 2005. [1a]

See also Section 3

Nadesan (alias Balasingham Mahendran)

Considered a confidant of the LTTE leader Prabhakaran he was formerly in charge of the Tiger police, known as ‘Kaaval thurai’, before being appointed as the new head of the LTTE political section following the demise of S. P. Tamilselvan, killed in December 2007 [38y] [20a]

Pillayan [Pilleyan] (Sivanesathurai Chandrakanthan)

Leader of the TMVP from October 2007 to July 2008. [11r] [9j] Deputy leader from July 2008. (*Daily News*, 14 July 2008) [16d] On 16 May 2008 Pilleyan, was sworn in as the Chief Minister of the Eastern Provincial Council after obtaining the highest number of votes for Batticaloa District in the Provincial Council elections. (The Official Website of the Government of Sri Lanka, 16 May 2008) [10a]

See also Annex C

PRABHAKARAN (PIRAPAHARAN) Velupillai

Leader of the Liberation Tigers of Tamil Eelam (LTTE). As outlined in a BBC News profile dated 25 November 2003:

“From a secret jungle base in the north-east of Sri Lanka, Velupillai Prabhakaran heads the Liberation Tigers of Tamil Eelam (LTTE). He has a reputation as a fearless and ruthless guerrilla leader, and under his leadership, the LTTE, or Tamil Tigers, have become a highly-disciplined and highly-motivated guerrilla force... To his followers, he is a freedom fighter

struggling for Tamil emancipation from Sinhala oppression. To his adversaries he is a megalomaniac with a brutal disregard for human life...His movements between his various jungle hideouts are the subject of great secrecy, and he is reported to have narrowly avoided assassination or capture on numerous occasions.... He soon became heavily involved in the Tamil protest movement, and in 1975 was accused of being responsible for the murder of the mayor of Jaffna....The killing of the mayor of Jaffna is not the only high-profile murder for which Mr Prabhakaran is the prime suspect. He has also been accused by India of playing a key role in the murder of the former prime minister, Rajiv Gandhi, in 1991...Despite the conflicting views surrounding Mr Prabhakaran, there is one point on which both the Sinhala and Tamil communities agree: he is the dominating force in the rebel movement, and without his consent peace in Sri Lanka will never be attainable.” [9ae]

Rajapaka Gothabaya

Defense Secretary and brother of the President Mahinda Rajapakse (USSD 2007) [2f] (Sections 1a; 2a)

RAJAPAKSE Mahinda

President. “On 17 November 2005 14 candidates contested the presidential election. Mahinda Rajapakse secured a narrow victory over his closest rival, Ranil Wickremasinghe, winning 50.29% of the vote, compared with 48.43% for Wickremasinghe.” (Europa World Online) [1a] (Recent History)

As recorded in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka:

“Mahendra Percy 'Mahinda' Rajapakse was born on 18 November 1945 in the Hambantota district of southern Sri Lanka...Rajapakse hails from a well-known and influential family in southern Sri Lanka, of which several members have figured prominently in politics. His father was a founder member of the Sri Lanka Freedom Party (SLFP) and a close associate of late, former prime minister SWRD Bandaranaike (former president Bandaranaike's husband and former president Kumaratunga's father). It was as the representative of the parliamentary constituency of Hambantota District which his father had represented from 1947 to 1960 that Mahinda Rajapakse first entered parliament in 1970 at the age of 25...Rajapakse was one of the most active and articulate members of the SLFP throughout their long period in opposition between 1977- 94. In the faction-ridden SLFP of that time, Rajapakse aligned himself with Anura Bandaranaike, who was then considered the heir apparent to his ageing mother and party leader Sirimavo Bandaranaike. However, Anura ultimately lost the party leadership to his sister, Chandrika, who went on to become president from 1994-2005. During this period, Rajapakse remained an important party member, but his relationship with Chandrika Kumaratunga was poor, and he was appointed to relatively less prominent ministerial positions such as those of labour and vocational training, and fisheries. Rajapakse made considerable headway in his standing within the party during the tenure of the United National Front (UNF) government (2001-04), often remaining neutral in inner-party disputes. After the elections of April 2004, Rajapakse was able to muster a broader spectrum of support to assume the position of prime minister. His appointment strengthened his position within the party as successor to Kumaratunga for the presidential elections of 2005. By August 2005 it was apparent that Rajapakse had gained the backing of his party, despite Kumaratunga's clear hostility to him. Rajapakse was elected president in November 2005 by a slim margin over rival candidate Ranil

Wickremasinghe. Rajapakse's victory owed much to an election boycott of the Tamil vote enforced by the LTTE. As the overwhelming majority of Tamils were hostile to Rajapakse's Sinhala nationalist campaign allies, the LTTE boycott effectively robbed Wickremasinghe of the votes which would have clinched him a winning margin." [5a] (Political Leadership, last accessed 4 January 2008, President Mahinda Rajapakse)

SAMARAWEERA Mangala

Leader of the SLFP 'Mahajana wing' (SLFP –M)

See also Section 15 on Opposition groups and political activists and Annex C

WICKREMASINGHE Ranil

Leader of the main opposition party, United National Party (UNP)

"As leader of the UNP, he again became Prime Minister in December 2001 after his party's victory in the general election. "However, Wickremasinghe survived just over two years of his five year term as his government was dismissed and fresh elections ordered in April 2004, which he subsequently lost. Despite this electoral defeat, Wickremasinghe remained the most obvious UNP candidate for the Sri Lankan presidency following the end of Kumaratunga's reign. He narrowly lost the 2005 presidential contest, but remains leader of the UNP as virtually all of his strong internal rivals defected to the government in late-2006 and early 2007." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka) [5a] (Political Leadership, last accessed 4 January 2008, Opposition leader Ranil Wickremasinghe)

WRIKEMANAYAKE Ratnasiri

Prime Minister [1a]

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka:

"He was sworn in as prime minister of Sri Lanka by President Mahinda Rajapakse on 21 November 2005. The decision to appoint Ratnasiri Wickremanayake as the prime minister appears to have been taken at the last minute, as his name did not appear in the context of potential candidacy until the night of his appointment. However, this is not the first time Wickremanayake has held the post of prime minister. His first tenure (August 2000-December 2001) came about as he succeeded the late Sirimavo Bandaranaike after she resigned from the position at the age of 84. He is also a senior vice-president of the ruling Sri Lanka Freedom Party (SLFP)... After the SLFP won the 2004 parliamentary elections, Wickremanayake was appointed minister of Buddhist affairs, public security, and law and order, and deputy minister for defence. He held both posts until being made prime minister in 2005 upon the election to president of the incumbent prime minister, Mahinda Rajapakse. Wickremanayake is seen by many as taking a hard line on the ethnic conflict in Sri Lanka. During his previous term as prime minister, he refused to consider talks with the main Tamil militant group, the Liberation Tigers of Tamil Eelam (LTTE), until they unambiguously renounced terrorism. He has called for Sri Lanka's family planning policies to be modified, to encourage people to have more children and thereby produce more recruits for the Sri Lankan Army. As an opposition politician, he also spoke against the 2002 ceasefire agreement at the time." [5a] (Political Leadership, last accessed 4 January 2008, Prime Minister Ratnasiri Wickremanayake)

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Annex E: Fatalities by district

The following charts produced by SATP (South Asia Terrorism Portal) cover the number of fatalities divided by district for 2008 (with data until 22 September 2008) and the year 2007.

A) Fatalities District-Wise 2008

[HTTP://WWW.SATP.ORG/SATPORGTP/COUNTRIES/SHRILANKA/DATABASE/FATALITIESDISTICWISE_2008.HTM](http://www.satp.org/satporgtp/countries/shrilanka/database/fatalitiesdisticwise_2008.htm)

[37H]

State	Civilians	SFs	Terrorists	Total
Ampara	24	8	12	44
Anuradhapura	22	2	3	27
Badulla	0	1	0	1
Batticaloa	9	19	15	43
Colombo	82	12	2	96
Galle	0	0	0	0
Gampaha	14	0	0	14
Hambantota	0	1	0	1
Jaffna	25	100	690	815
Kalutara	1	0	0	1
Kandy	2	0	0	2
Kegalle	0	0	0	0
Kilinochchi	24	49	509	582
Kurunegala	0	0	0	0
Mannar	18	147	2200	2365
Matale	20	0	0	[sic] [20]
Moneragala	54	4	0	58
Mullaitivu	0	99	333	432
Matara	0	0	0	0
Nuwara Eliya	0	0	0	0
Pollonaruwa	0	0	0	0
Puttalam	0	1	0	1
Ratnapura	0	0	0	0
Trincomalee	10	1	20	31
Vavuniya	22	325	3624	3971
Total	327	769	7408	8504

*Data 22 September 2008

B) Fatalities District-Wise 2007

[HTTP://WWW.SATP.ORG/SATPORGTP/COUNTRIES/SHRILANKA/DATABASE/FATALITIESDISTICWISE_2007.HTM](http://www.satp.org/satporgtp/countries/shrilanka/database/fatalitiesdisticwise_2007.htm)

[37E]

State	Civilians	SFs	Terrorists	Total
Ampara	35	16	46	97
Anuradhapura	23	26	21	70
Badulla	3	0	0	3
Batticaloa	89	55	426	570
Colombo	34	8	0	42
Galle	16	0	0	16

Gampaha	7	0	0	7
Hambantota	2	7	4	13
Jaffna	102	66	720	888
Kalutara	0	0	0	0
Kandy	0	0	0	0
Kegalle	0	0	0	0
Kilinochchi	0	0	82	82
Kurunegala	0	0	0	0
Mannar	34	61	676	771
Matale	0	0	0	0
Moneragala	0	2	19	21
Mullaitivu	0	0	24	24
Matara	0	0	69	69
Nuwara Eliya	0	0	0	0
Pollonaruwa	9	3	9	21
Puttalam	9	0	16	25
Ratnapura	2	0	0	2
Trincomalee	52	22	104	178
Vavuniya	108	234	1136	1478
Total	525	500	3352	4377

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Annex F: Incidents of violence between the LTTE and the Karuna faction

The following chart produced by SATP (South Asia Terrorism Portal) covers incidents between the LTTE and the Karuna faction for the period 9 April 2004 – 2 June 2008)

Incidents of violence between the LTTE and Tamil National Front (rebel faction led by Vinayagamorthy Muralitharan alias 'Colonel' Karuna) since March 2002

<http://www.satp.org/satporgtp/countries/shrilanka/database/violenceincidents.htm> [37e]

Date	Place and District	Description	Fatalities-LTTE	Fatalities-Karuna faction
April 9, 2004	Verugal River, Batticaloa	LTTE launches attacks against the forward positions of 'Colonel' Karuna	0	22
April 25, 2004	Vavunithivu, Batticaloa	LTTE cadres are shot dead by the Karuna faction inside an area under the former's control	4	0
July 5, 2004	Batticaloa town	LTTE's political wing leader for Batticaloa town, Senadhi, is shot at and wounded	0	0
July 5, 2004	Batticaloa town	LTTE cadre, Murunkan Mama, is shot dead by the Karuna group	1	0
July 14, 2004	Punanai, Batticaloa	A Karuna group cadre is killed during an ambush by one of LTTE's special jungle warfare units	0	1
July 15, 2004	Batticaloa	Two Karuna faction cadres are killed in an attack by a LTTE cadre inside the Batticaloa prison	0	2
July 23, 2004	Kandaladi, Batticaloa	LTTE cadre, Seenithamby Mahalingam, is shot dead by the Karuna faction	1	0
July 25, 2004	Kottawa, Colombo	Seven suspected Karuna cadres and a Sinhalese person are shot dead by the LTTE	0	7
August 10, 2004	Kaluwaanchikudy, Batticaloa	Senithamby Yogarajan of the Karuna group is shot dead by the LTTE	0	1
August 11, 2004	Kiran, Batticaloa	Sivrajah Sivaseelan of the Karuna faction is shot dead by the LTTE	0	1
August 20, 2004	Valaichchenai, Batticaloa	Two LTTE leaders are shot dead and two cadres sustain injuries during an ambush by the Karuna group	2	0
August 24, 2004	Akkaraipattu, Batticaloa	A Karuna group cadre is shot dead inside the Akkaraipattu court premises	0	1
September 23, 2004	Illuppachchenai, Batticaloa	LTTE cadres kill Reggie, elder brother of 'Colonel' Karuna	0	3
September 29, 2004	Vakarai sector, Batticaloa	Karuna cadres fire rocket propelled grenades targeting a LTTE sentry point	5	0
October 1, 2004	Vakaneri, Batticaloa	Ruben, a Karuna cadre, is shot dead by a LTTE special jungle warfare unit	0	1
October 2, 2004	Omadiyamadu, Batticaloa	LTTE cadres of the Jeyanthan Regiment attack a group of heavily armed Karuna cadres	0	2
October 11, 2004	Nagastenne, Batticaloa	Two Karuna cadres are killed and six others sustain injuries during an attack by the LTTE	0	2

		special forces group		
October 19, 2004	Iyankerny, Batticaloa	LTTE supporter, Kathirgamathamby Ganeshamoorthy, is killed by cadres of the Karuna faction	1	0
October 20, 2004	Anpuvallipuram, Trincomalee	The LTTE kills a suspected Karuna faction cadre	0	1
October 25, 2004	Wellawatte, Colombo	A Karuna faction cadre is killed and two others sustain injuries as suspected LTTE cadres open indiscriminate fire	0	1
November 17, 2004	Valaichenai, Batticaloa.	A political worker of the LTTE is shot dead by suspected Karuna faction cadres	1	0
November 25, 2004	Akkaraipattu Batticaloa.	An LTTE political activist, identified as Umakanth, is killed by suspected Karuna group cadres	1	0
December 22, 2004	Arasady Junction Batticaloa.	A LTTE cadre is killed by suspected Karuna faction gunmen at Pioneer Road	1	0
February 7, 2005	Poonani, Batticaloa	LTTE's Eastern Political wing leader, Kaushalyan, his deputy Nedimaran and three other LTTE cadres are killed in an ambush by the rival Karuna faction	5	0
February 12, 2005	Mannar	One civilian is killed and two persons, including an LTTE activist, are wounded when suspected Karuna faction cadres lobbed a grenade targeting the LTTE's office	0	0
February 20, 2005	Muththukkal, Polonnaruwa	Suspected LTTE cadres kill a Karuna faction cadre and injure another in an ambush	0	1
March 5, 2005	Welikanda, Polonnaruwa	Six persons are shot dead by the LTTE. Among the dead is a suspected cadre of the Karuna faction and four Muslims	0	1
March 5, 2005	Vanthaarumoolai, Batticaloa	A Karuna group cadre, identified as Mylvaganam Pulenthiran, is shot dead by the LTTE	0	1
March 5, 2005	Batticaloa district	A LTTE cadre, 'Major' Pushparaj, is shot dead by cadres of the Karuna faction. Two others were injured in the attack	1	0
March 14, 2005	Karapola, Polonnaruwa	Two LTTE cadres, Sinnaturai Selvanaathen and Subramaniam Guneseekaram, are shot dead by suspected Karuna faction cadres	2	0
March 21, 2005	Welikanda, Polonnaruwa	Two LTTE cadres are killed during a factional clash	2	0
March 26, 2005	Tharavai, Batticaloa	Five LTTE cadres are killed by the rival Karuna faction	5	0
March 28, 2005	Vavuniya	Suspected Karuna group cadres throw grenades targeting a LTTE office, wounding at least three people	0	0
April 8, 2005	Poonagar, Trincomalee	Two LTTE cadres are killed in an attack at a LTTE checkpoint by cadres of the Karuna faction	2	0
April 14, 2005	Welikanda, Polonnaruwa	Nine Karuna faction cadres are killed in an attack on their camp by the LTTE	0	9
April 21, 2005	Kanjikudichcha Aaru, Ampara	Five LTTE cadres are killed and seven others sustain injuries in a pre-dawn attack by the Karuna faction	5	0
April 21, 2005	Valaichenai, Batticaloa.	LTTE cadres kill a suspected Karuna group cadre	0	1
April	Karapola,	One Karuna faction cadre is killed while one of his	0	1

25,2005	Polannaruwa	colleagues is abducted		
May 6, 2005	Welikanda, Polonnaruwa	Two LTTE cadres, believed to be 'intelligence operatives', are killed during a clash with the Karuna faction	2	0
May 23, 2005	Manampitiya, Polonnaruwa	A LTTE cadre is shot dead by suspected gunmen of the Karuna faction	1	0
June 5, 2005	Aalankulam, Batticaloa	A Karuna group cadre is killed by rival LTTE cadres	0	1
June 8, 2005	Sangamankandy, Batticaloa	Two LTTE cadres are killed in an explosion triggered by the Karuna faction	2	0
June 21, 2005	Muttur, Trincomalee	A Karuna faction cadre is shot dead by suspected LTTE cadres.	0	1
July 6, 2005	Batticaloa	Suspected LTTE cadres kill, Selvaraja, a 'Colonel' Karuna group cadre	0	1
July 10, 2005	Trincomalee	Four LTTE cadres, including two top leaders Dikkan and Sinnavan, are killed by rival 'Colonel' Karuna faction.	4	0
July 26, 2005	Colombo	A suspected LTTE cadre, identified as Krishnapillai Kiribarathnam, is shot dead by a member of a rival 'Colonel' Karuna faction.	1	0
August 15, 2005	Polannaruwa	Suspected LTTE cadres shot dead, Mahathevarajah, a 'Colonel' Karuna group cadre.	0	1
September 2, 2005	Wennappuwa, Puttalam	Suspected LTTE cadres shot dead a former member of the 'Colonel' Karuna group.	0	1
September 4, 2005	Kaluwanchikudy, Batticaloa	Cadres of the 'Colonel' Karuna group lob a hand grenade towards the LTTE political office and subsequently shot dead a LTTE cadre, identified as K. Arulnesan.	1	0
October 26, 2005	Polonnaruwa	Two cadres of the LTTE are killed by the 'Colonel' Karuna faction.	2	0
November 14, 2005	Akkaraipattu, Ampara	Cadres of the 'Colonel' Karuna faction abduct and subsequently kill two top leaders of the LTTE, including Amparai district 'military commander' of the outfit, identified as Suresh.	2	0
December 5, 2005	Siyambalanduwa, Ampara	Four cadres of the 'Colonel' Karuna faction, including a senior commander identified as Iniyabarathy alias Barathy, are killed by the LTTE.	0	4
December 15, 2005	Kudapokuna, Polonnaruwa	Suspected cadres of the LTTE shot dead a cadre of the breakaway 'Colonel' Karuna faction, identified as Sivapulandu Passirasa alias Thran.	0	1
January 26, 2006	Vadamunai, Batticaloa	At least 10 LTTE cadres are killed and an unspecified number are injured when 'Colonel' Karuna faction cadres attacked a vehicle carrying LTTE cadres.	10	0
January 26, 2006	Vadamunai, Batticaloa	A senior LTTE cadre, 'Major' Kavilan, is allegedly killed by cadres affiliated to 'Colonel' Karuna.	1	0
February 22, 2006	Pulipaythakal, Batticaloa	Six suspected 'Colonel' Karuna cadres shot dead a LTTE 'National Auxiliary Force' cadre, identified as Shanthakumar Narayanapillai.	1	0
April 5, 2006	Panichchankerni, Batticaloa	Two 'Colonel' Karuna faction cadres, including a key operative Chooty, are injured in a counter-attack by the LTTE.	0	0
April 13, 2006	Vakaneri, Batticaloa	Two LTTE cadres are killed and four others wounded in an ambush by cadres belonging to the 'Colonel' Karuna faction.	2	0

April 18, 2006	Kiran, Batticaloa	The LTTE announces that they had killed three paramilitary cadres and captured another in the LTTE-controlled area.	0	3
April 30, 2006	Welikanda, Polannaruwa	The LTTE raided three camps of 'Colonel' Karuna faction.	0	20
May 2, 2006	Batticaloa	Cadres of the 'Colonel' Karuna faction attack the LTTE camp, killing eight of the outfit's cadres.	8	0
May 7, 2006	Sampoor and Ravulkulee, Trincomalee	'Colonel' Karuna faction cadres kill 12 cadres of the LTTE in an attack at the outfit's camp.	12	0
May 19, 2006	Sampur, Trincomalee	Cadres of the 'Colonel' Karuna group in the district kill five LTTE cadres.	5	0
May 21, 2006	Batticaloa and Trincomalee	Cadres of the breakaway 'Colonel' Karuna faction in the Batticaloa district kill a top 'commander' of the LTTE, identified as Ramanan. A spokesperson for the Karuna group, T. Thuyavan, claims they killed Ramanan who was deputy head of the LTTE 'Military wing' of the Batticaloa district. He also claimed that their cadres attacked an LTTE camp near Trincomalee, killing at least 10 cadres of the outfit.	11	0
May 26, 2006	Pattiaddy, Trincomalee	A counter-ambush commando unit of the LTTE killed three 'Colonel' Karuna faction cadres and captured two others, when it allegedly launched an attack on the infiltrating five-member Karuna group from the Sri Lanka Army camp.	3	0
June 7, 2006	Muttur, Trincomalee	At least 15 cadres of the LTTE are killed in an attack by the breakaway faction of 'Colonel' Karuna.	15	0
June 20, 2006	Trincomalee	Eight LTTE cadres are killed during an overnight clash with the 'Colonel' Karuna group cadres in the Trincomalee district.	8	0
June 27, 2006	Vakarai, Batticaloa	Four LTTE cadres are killed in an attack by the breakaway faction of 'Colonel' Karuna in the Vakara area of Batticaloa district.	4	0
July 24, 2006	Ampara	Two LTTE cadres are killed when a group of 'Colonel' Karuna faction cadres attacked them at an outfit-held village.	2	0
July 28, 2006	Vavunathivu, Batticaloa	The Sri Lanka Broadcasting Corporation reports that 30 LTTE cadres are killed in a suicide attack launched by the breakaway faction led by 'Colonel' Karuna.	Unconfirmed	0
August 29, 2006	Sittandy, Batticaloa	A woman, allegedly with the 'Colonel' Karuna faction, is shot dead by cadres of the LTTE near Murugan Kovil in the Sittandy area of Batticaloa district.	0	1
September 5-6	Kanchankudi, Ampara	Heavy fighting erupts between LTTE and its breakaway faction led by 'Colonel' Karuna in the jungles in the Kanchankudi area of Ampara district in which six LTTE camps, including the Kanchikudichchuaru, Pavata and 73 Camp, are overrun by hundreds of Karuna cadres.	0	0
October 26	Chenkalady-Badulla road, Batticaloa	Three cadres of the TMVP, a LTTE breakaway faction led by 'Colonel' Karuna, are killed and eight others sustain injuries in a LTTE attack on the TMVP political office on the Chenkalady-Badulla road in Batticaloa.	0	3

December 19	Ampara	LTTE cadres lob a hand grenade at the Kalmunai political office of the TMVP in the Ampara district, the political wing of the outfit's breakaway faction led by 'Colonel' Karuna, killing two of the TMVP cadres and injuring another.	0	2
December 20	Vavuniya	At least three cadres of the LTTE breakaway faction led by 'Colonel' Karuna are killed in a clash with the LTTE in Vavuniya district.	0	3
2007				
January 9	Vaichenai/Batticaloa	Armed men ambushed two camps belonging to the breakaway faction of the LTTE led by 'Colonel' Karuna, killing several cadres of the Karuna faction. The LTTE claimed that unidentified assailants killed at least 10 members of the breakaway Karuna faction and wounded four more in the ambush. An official at the Defence Ministry in Colombo confirmed the attacks, but said only two Karuna faction members died and that two were wounded	0	2
February 5	Kaluthavalai, Batticaloa	At least two civilians were killed and another wounded in an encounter between the LTTE cadres and the Karuna faction in Kaluthavalai in the Batticaloa district.	0	0
March 4	Batticaloa	At least four civilians received injuries when LTTE cadres triggered a claymore mine and destroyed TMVP political office of LTTE (Karuna faction) in Batticaloa. The claymore explosion completely destroyed the office injuring one of the party supporters inside the office	0	0
April 14	Chenkaladi/Batticaloa district.	The LTTE cadres shot dead a member of the TMVP, political wing of the LTTE breakaway faction led by 'Colonel' Karuna, at the TMVP Chenkaladi office in the Batticaloa district.	0	1
June 10	Mawadivembu/Batticaloa	LTTE cadres shot dead a cadre of its breakaway faction led by 'Colonel' Karuna, identified as Manoraj, while he was in his residence at Mawadivembu in the Batticaloa district.	0	1
August 29	Ambivelipuram, Trincomalee	Suspected LTTE cadres shot dead a Tamil youth, identified as Nadarasa Kumanan alias Murali, at Ambivelipuram in the Trincomalee district. He was a supporter of the TMVP, the political wing of the LTTE breakaway faction led by 'Colonel' Karuna.	0	1
September 22	Alliadiwembu, Ampara	Suspected LTTE cadres shot dead a supporter of the TMVP and injured two others at Alliadiwembu in the Ampara district.	0	1
September 22	Wellaweli, Batticaloa	One youth, identified as Ariyaratnam Selvakumar, a relative of a TMVP supporter was shot dead by LTTE cadres at Wellaweli in the Batticaloa district.	0	1
October 25	Mawadivembu Batticaloa	A 19-year-old youth, Sivalingam Chandrakumar, working at the TMVP, the political wing of the LTTE breakaway faction led by 'Colonel' Karuna, political office in Chenkaladi was shot dead by 'pistol gang' cadres of the LTTE in the Mawadivembu area of Batticaloa district.	0	1

October 29	Kaththankudi, Batticaloa	Two 'pistol gang' cadres of the LTTE shot dead a cadre of the TMVP, identified as Vettivel Sudhakar, at Kaththankudi in the Batticaloa district.	0	1
December 25	Sandiveli Batticaloa	A cadre of the TMVP, identified as Karunakaran Udayakumar, was shot dead by LTTE gunmen at Sandiveli in the Batticaloa district.	0	1
2008 February 24	Kalawanchikudi Batticaloa	Two TMVP cadres were killed as a LTTE suicide cadre blew himself opposite the Kali Kovil (Temple). The suicide cadre had apparently jumped onto the motor bike on which the two persons were travelling near Satyavilan road, some 17- kilometres from Batticaloa town. The police spokesman Senior Deputy Inspector General of Police N.K. Ilangakone said that police confirmed the persons have been killed due to a suicide blast. "A woman passing by was also admitted to the hospital after sustaining injuries in the incident," said military spokesman Brigadier Udaya Nanayakkara said.	1	2
June 2	Eravur, Batticaloa	The TMVP Eravurpattu Pradeshiya Sabha Deputy Chairman, Aiyathurai Pushpanadan alias Kattan, and his bodyguard, Arsakoon Pullai Mohandas alias Amburaj, were shot dead by suspected 'pistol gang' militants of the LTTE at Eravur in the Kalawanchikudi area of Batticaloa district	0	2

[37e]

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Annex G: List of abbreviations

AHRC	Asian Human Rights Commission
AI	Amnesty International
BHC	British High Commission
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CID	Criminal Investigations Department
CPA	Centre for Policy Alternatives
CPJ	Committee to Protect Journalists
ERs	Emergency Regulations
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
GOSL	Government of Sri Lanka
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRC	Human Rights Commission
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NESOHR	North East Secretariat on Human Rights
NGO	Non Governmental Organisation
NPC	National Police Commission
NCPA	National Child Protection Authority
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PTA	Prevention of Terrorism Act
RSF/RWB	Reporters sans Frontières (Reporters without Borders)
SCOPP	Sri Lankan Government's Secretariat for Co-ordinating the Peace Process
SLA	Sri Lanka Army
SLAF	Sri Lanka Air Force
SLMM	Sri Lanka Monitoring Mission
STC	Save The Children
STD	Sexually Transmitted Disease
STF	Special Task Force
TI	Transparency International
TID	Terrorist Investigation Department
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Annex H: References to source material

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Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

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