

Country Advice

Sri Lanka

Sri Lanka – LKA38454 – Security Update – Northern Provinces – Tamils – Karuna Group 5 April 2011

1. Has the situation for Tamils, particularly those from the Northern provinces, changed since October 2010? If so, in what way?

The situation for Tamils in northern Sri Lanka has not changed significantly since October 2010. The July 2010 UNHCR guidelines on Sri Lanka referred to in *Country Advice LKA37448* remain current. Tamils continue to face harassment and discrimination, particularly those perceived to be, or have been, involved with the Liberation Tigers of Tamil Eelam (LTTE).

Recent reports indicate that the predominantly Tamil Northern provinces of Sri Lanka are still highly militarised.² According to Minority Rights Group International (MRG), "the level of military presence and influence in the former war-torn areas is exceptionally high. In the Jaffna peninsula there are some 40,000 army officers, a ratio of approximately 1:11 of military personnel to civilians. On nearly every major road there are military checkpoints or the presence of a soldier. The situation in the Vanni is much worse. The ratio of military personnel to civilians there is believed to be 1:3 or 4". Furthermore, military authority has nearly completely replaced civilian authority.³ In Vanni, 95 per cent of the administration is governed by the military.⁴

According to the Danish Immigration Service, the co-ordinator of the Law and Society Trust in Sri Lanka states that the military generally considers residents of Vanni to be former members or sympathisers of the LTTE. Consequently, civilians in the area are

¹ UNHCR 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, Refworld website, 5 July http://www.unhcr.org/refworld/pdfid/4c31a5b82.pdf – Accessed 19 July 2010 – Attachment 20

² Keenan, A. 2011, 'The Politics of Domestic and International Accountability Options in Sri Lanka', International Crisis Group website, 24 March http://www.crisisgroup.org/en/publication-type/speeches/2011/the-politics-of-domestic-and-international-accountability-options-in-sri-lanka.aspx – Accessed 28 March 2011 – Attachment 1; Keenan, A. 2010, 'Human Rights in Sri Lanka in the Post-Conflict Period', International Crisis Group website, 6 December http://www.crisisgroup.org/en/publication-type/speeches/2010/human-rights-in-sri-lanka-in-the-post-conflict-period.aspx – Accessed 17 March 2011 – Attachment 2; Danish Immigration Service 2010, 'Human Rights and Security Issues concerning Tamils in Sri Lanka', October, pp.8-9, 27 – Attachment 3; 'Human Rights situation in Sri Lanka' 2011, *Sri Lanka Guardian*, 12 March – Attachment 4

³ Minority Rights Group International 2011, *No War, No Peace: The Denial of Minority Rights and Justice in Sri Lanka*, 19 January, p.12 http://www.minorityrights.org/download.php?id=921 – Accessed 28 March 2011 – Attachment 5

⁴ Danish Immigration Service 2010, 'Human Rights and Security Issues concerning Tamils in Sri Lanka', October, pp.11, 24, 26 – Attachment 3

closely monitored, checked, and questioned. Persons with former affiliations to the LTTE, as well as their family members, have been warned and threatened.⁵

In addition, the Danish Immigration Service quotes a prominent human rights defender in Sri Lanka, who claims that "Tamils still present a vulnerable group in terms of target for the implementation of the security measures". Similarly, a March 2011 article in *The Courier-Mail* quotes prominent Germany-based Sri Lankan cleric and president of the Global Tamil Forum, Dr S.J. Emmanuel, who states that the permanent militarisation in the north-east has led to continued human rights abuses against Tamils in the region. ⁷

In March 2011, International Crisis Group (ICG) senior analyst and Sri Lanka project director, Alan Keenan, stated that since the end of the civil war in 2009, the government's deliberate undermining of the rule of law has increased. The government has repeatedly extended the state of emergency since the civil war ended almost two years ago, and continues to use emergency regulations and the Prevention of Terrorism Act (PTA) to harass, arrest, and detain LTTE suspects and political opponents without trial. Human Rights Watch reported in January 2011 that approximately 7,000 alleged LTTE members continue to be detained without trial under "vague and overbroad emergency laws". 10

The ICG also reports that although they have decreased since the end of the war, "reports of abductions, disappearances and politically motivated killings do continue to be received, and the terror machine established to destroy the LTTE remains in place". In northern towns such as Jaffna, killings and abductions of government critics occurred in late 2010 and early 2011. According to the *Sri Lanka Guardian*, approximately 40 incidents of killings, disappearances, threats and intimidation were reported in Jaffna in December 2010 and January 2011. Human Rights Watch similarly reports that enforced disappearances and abductions occurred in the north in 2010.

In addition, attacks on the media and intimidation of civil society activists and journalists continue to occur in Sri Lanka. ¹⁵ In particular, human rights defenders and journalists at

⁵ Danish Immigration Service 2010, 'Human Rights and Security Issues concerning Tamils in Sri Lanka', October, pp.11, 24, 26 – Attachment 3

⁶ Danish Immigration Service 2010, 'Human Rights and Security Issues concerning Tamils in Sri Lanka', October, p.8 – Attachment 3

⁷ Costello, D. 2011, 'Tamil 'Tutu' tells of abuses', *The Courier-Mail*, 12 March – Attachment 6

⁸ Keenan, A. 2011, 'The Politics of Domestic and International Accountability Options in Sri Lanka', International Crisis Group website, 24 March http://www.crisisgroup.org/en/publication-type/speeches/2011/the-politics-of-domestic-and-international-accountability-options-in-sri-lanka.aspx – Accessed 28 March 2011 – Attachment 1

⁹ Keenan, A. 2010, 'Human Rights in Sri Lanka in the Post-Conflict Period', International Crisis Group website, 6 December http://www.crisisgroup.org/en/publication-type/speeches/2010/human-rights-in-sri-lanka-in-the-post-conflict-period.aspx – Accessed 17 March 2011 – Attachment 2; 'Human Rights situation in Sri Lanka' 2011, *Sri Lanka Guardian*, 12 March – Attachment 4

Human Rights Watch 2011, 'World Report – Sri Lanka', January – Attachment 7

¹¹ Keenan, A. 2010, 'Human Rights in Sri Lanka in the Post-Conflict Period', International Crisis Group website, 6 December http://www.crisisgroup.org/en/publication-type/speeches/2010/human-rights-in-sri-lanka-in-the-post-conflict-period.aspx – Accessed 17 March 2011 – Attachment 2

¹² Keenan, A. 2011, 'The Politics of Domestic and International Accountability Options in Sri Lanka', International Crisis Group website, 24 March http://www.crisisgroup.org/en/publication-type/speeches/2011/the-politics-of-domestic-and-international-accountability-options-in-sri-lanka.aspx – Accessed 28 March 2011 – Attachment 1

¹³ 'Human Rights situation in Sri Lanka' 2011, Sri Lanka Guardian, 12 March – Attachment 4

¹⁴ Human Rights Watch 2011, 'World Report – Sri Lanka', January – Attachment 7

¹⁵ Keenan, A. 2011, 'The Politics of Domestic and International Accountability Options in Sri Lanka', International Crisis Group website, 24 March http://www.crisisgroup.org/en/publication-type/speeches/2011/the-

Tamil newspapers in the Northern provinces have reported being threatened and intimidated by the authorities. Minority Rights Group International reported in January 2011 that the crackdown on civil society activists, opposition political parties, and journalists is particularly acute in Jaffna. Killings, disappearances, and torture are widespread, although routinely denied by the government. Although such violations have decreased since 2010, the continuing restrictions on freedom, arrests and detention under the PTA, and the general climate of impunity in Sri Lanka remain of concern. ¹⁷

Also of continuing concern, particularly in northern Sri Lanka, is the discrimination and marginalisation of Tamils by the government. The ICG reports that reconciliation between ethnic communities in the Northern provinces is undermined by a lack of constitutional reforms to address this marginalisation. Furthermore, an increase in the number of Sinhalese relocating to the north has fuelled Tamil fears that the government is deliberately altering the ethnic composition of the Tamil-majority areas. ¹⁹

An October 2010 article on pro-Tamil news website *TamilNet* reports the displacement of more than 50 Tamil families attempting to resettle in a village in Jaffna. Soldiers with the Sri Lankan Army (SLA) reportedly chased away the families who were attempting to resettle in their homeland after being away for 15 years during the war. It is argued that Sinhala families, on the other hand, "are encouraged and assisted" to settle in the area. MRG similarly identifies Tamil fears of 'Sinhalisation' in the north, and the restrictions on their right to express their cultural and linguistic identity. As well as the increasing number of Sinhalese visiting and relocating to the Northern provinces, Tamils have expressed concern over the replacement of Tamil place names with Sinhalese names. ²¹

Furthermore, a number of sources identify the lack of Tamil-speaking police and army officers in the Northern provinces, which disadvantages Tamils in the region. The Asian Human Rights Commission reported in December 2010 that "[e]ven though Tamil is recognized as an official language, there is still a lack of Tamil speakers in official institutions and translators are rarely provided in police stations". A January 2011 *Colombo Page* article reports that youth from the Northern provinces, including some

politics-of-domestic-and-international-accountability-options-in-sri-lanka.aspx – Accessed 28 March 2011 – Attachment 1; Human Rights Watch 2011, 'World Report – Sri Lanka', January – Attachment 7

Attachment 1, Human Rights Watch 2011, World Report – 511 Lanka, January – Attachment 7 'Human Rights situation in Sri Lanka' 2011, Sri Lanka Guardian, 12 March – Attachment 4

¹⁷ Minority Rights Group International 2011, *No War, No Peace: The Denial of Minority Rights and Justice in Sri Lanka*, 19 January, pp.12-13, 25-26 http://www.minorityrights.org/download.php?id=921 – Accessed 28 March 2011 – Attachment 5

¹⁸ Keenan, A. 2010, 'Human Rights in Sri Lanka in the Post-Conflict Period', International Crisis Group website, 6 December http://www.crisisgroup.org/en/publication-type/speeches/2010/human-rights-in-sri-lanka-in-the-post-conflict-period.aspx – Accessed 17 March 2011 – Attachment 2; UK Home Office 2011, *Operational Guidance Note: Sri Lanka*, March, p.8 – Attachment 8

¹⁹ Keenan, A. 2010, 'Human Rights in Sri Lanka in the Post-Conflict Period', International Crisis Group website, 6 December http://www.crisisgroup.org/en/publication-type/speeches/2010/human-rights-in-sri-lanka-in-the-post-conflict-period.aspx – Accessed 17 March 2011 – Attachment 2

²⁰ 'Soldiers chase away resettled Tamil families in north Sri Lanka' 2010, *BBC Monitoring Service*, source: *TamilNet*, 26 October – Attachment 9

²¹ UK Home Office 2011, Operational Guidance Note: Sri Lanka, March, p.8 – Attachment 8; Minority Rights Group International 2011, No War, No Peace: The Denial of Minority Rights and Justice in Sri Lanka, 19
January, pp.3, 13-14 http://www.minorityrights.org/download.php?id=921 – Accessed 28 March 2011 – Attachment 5; 'Human Rights situation in Sri Lanka' 2011, Sri Lanka Guardian, 12 March – Attachment 4
²² Asian Human Rights Commission 2010, 'The State of Human Rights in Sri Lanka in 2010', December, p.52
http://www.humanrights.asia/resources/hrreport/2010/AHRC-SPR-010-2010.pdf – Accessed 24 March 2011 – Attachment 10

fluent in Tamil, have been recruited into the police force for the first time in 30 years. However, a March 2011 article on a Sri Lankan citizen journalism website states that despite such reports, in Jaffna there are more army officers than police, who are not likely to speak Tamil. ²⁴

Despite the reports outlined above, foreign government agencies including the Australian Department of Immigration and Citizenship (DIAC) and the Immigration and Refugee Board of Canada (IRBC) have indicated that Tamils may no longer be entitled to protection as refugees on the grounds of race or political opinion. DIAC advised in October 2010 that "[g]iven the post-conflict situation, the demise of the LTTE, and government efforts to resettle the IDPs, Tamils suspected by the government in the past of support for the LTTE, purely on the basis of their race, may no longer be a target for persecution due to the Convention Ground of race". ²⁵

The IRBC recently introduced a new policy which states that "meaningful changes in Sri Lanka suggest Tamils – particularly young males – won't be persecuted because of their social group or political opinions". The November 2010 decision to reject a young Tamil male's application for protection formed the basis for the policy. However, Vancouver lawyer Daniel McLeod has expressed concern over "the so-called finding that young Tamil males from the north and east are no longer at risk, which is contrary to past Federal Court decisions…[T]he evidence that was cited does not support that conclusion". ²⁶

2. Deleted.

3. Please provide an update on the Karuna group's activities in Sri Lanka, and in the North in particular, since October 2010.

The Karuna group is a faction of the Tamil Makkal Viduthalai Pullika (TMVP). The group's leader Vinayagamoorthy Muralidharan, more commonly known as Karuna, is currently a member of the national parliament and Resettlement Deputy Minister in Sri Lanka.²⁷

According to DIAC, paramilitaries such as the Karuna group are still active in former LTTE areas such as the north and east of Sri Lanka. Paramilitary groups have been known to harm Tamils and anyone else perceived to be involved with, or supporting, the LTTE, including targeting individuals for extortion or ransom. However, such activities may have reduced since the end of the war, as some groups have now disarmed. It is argued that the majority of the continuing paramilitary activity is likely to be targeted at political rivals

²³ 'Youth from the North join Sri Lanka police' 2011, *Colombo Page*, 7 January – Attachment 11

²⁴ 'Jaffna and the Vanni today: The reality beneath the rhetoric' 2011, Groundviews website, 17 March http://groundviews.org/2011/03/17/jaffna-and-the-vanni-today-the-reality-beneath-the-rhetoric/ – Accessed 23 March 2011 – Attachment 12

²⁵ DIAC Country Guidance Unit 2010, 'Country Guidance Note: Sri Lanka', 28 October, pp.8-9 – Attachment 13

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&</sup>lt;sup>26</sup> Dhillon, S. 2011, 'Tamils likely safe from persecution in Sri Lanka: Refugee Board; New policy could affect refugee claimants from Ocean Lady and MV Sun Sea, *The Globe and Mail*, 11 January – Attachment 14
²⁷ 'Karuna alleges Pillaiyan TMVP corrupt' 2011, *TamilNet*, 12 March
http://www.tamilnet.com/art.html?catid=13&artid=33663 – Accessed 24 March 2011 – Attachment 15; UK
Home Office 2011, *Operational Guidance Note: Sri Lanka*, March, p.10 – Attachment 8

and those critical of the government, including journalists and civil society activists. ²⁸ Dr. Muttukrishna Sarvananthan, lead researcher at a non-for-profit think tank for issues affecting Sri Lanka's northern Tamil population, argues that the reduction of security checkpoints in the Northern provinces since June 2009 has led to an increase in criminal activities carried out by paramilitaries such as the Karuna group.²⁹

The UK Home Office recently reported that the TMVP were active in the east in early 2010, although "the security situation with regard to paramilitaries has improved and incidents of violence have declined since the end of the war". Nevertheless, some incidents continue to be reported.³⁰ Minority Rights Group International reports that paramilitary groups harassed and intimidated civilians in the lead up to the 2010 elections, and attacked and detained government critics following the elections.³¹ Similarly, a spokesperson from the British High Commission advised the Danish Immigration Service that paramilitary group the Eelam People's Democratic Party (EPDP) was very active in Jaffna, and had carried out several abductions in the run up to the April 2010 elections.³²

The Danish Immigration Service reported in October 2010 that, according to the British High Commission, there was no recent information on the Karuna group's activities in the north. However, an anonymous source indicated that other paramilitary groups, such as the People's Liberation Organisation of Tamil Eelam (PLOTE), the Tamil Eelam Liberation Organisation (TELO) and the EPDP, are operating in the north with the government's consent, although none are active in Vanni. Their role is to "keep Tamils 'on the track'" and identify former LTTE members. The source noted that the activities of these groups include kidnappings and abductions for ransom. The co-ordinator of the Law and Society Trust similarly told the Danish Immigration Service that paramilitary groups are functioning in the north with the aim of extorting money for personal revenge against persons involved with the LTTE.³³

4. Is there any evidence that the SLA or security forces no longer suspect Tamils who have been held in government-controlled safety zones at the end of the civil war and were subsequently released after questioning?

Many, if not most, of the approximately 12,000 people who surrendered or were detained at the end of Sri Lanka's civil war on suspicion of involvement with the LTTE have been released. 34 The UK Home Office states that the release of several thousand people with low level involvement with the LTTE indicates that "in general they are not of continuing interest to the authorities". ³⁵ In addition, a November 2010 decision by the Immigration

²⁸ DIAC Country Guidance Unit 2010, 'Country Guidance Note: Sri Lanka', 28 October, pp.9, 14 – Attachment

²⁹ DeSilva-Ranasinghe, S. 2010, 'Jaffna and the North of Sri Lanka today: Post war realities, challenges and opportunities', Groundviews website, 10 November – Attachment 16

UK Home Office 2011, Operational Guidance Note: Sri Lanka, March, p.10 – Attachment 8

³¹ UK Home Office 2011, *Operational Guidance Note: Sri Lanka*, March, p.10 – Attachment 8; Minority Rights Group International 2011, No War, No Peace: The Denial of Minority Rights and Justice in Sri Lanka, 19 January, p.25 http://www.minorityrights.org/download.php?id=921 - Accessed 28 March 2011 - Attachment 5 ³² Danish Immigration Service 2010, 'Human Rights and Security Issues concerning Tamils in Sri Lanka', October – Attachment 3

³³ Danish Immigration Service 2010, 'Human Rights and Security Issues concerning Tamils in Sri Lanka', October, p.13 – Attachment 3

³⁴ Keenan, A. 2010, 'Human Rights in Sri Lanka in the Post-Conflict Period', International Crisis Group website, 6 December http://www.crisisgroup.org/en/publication-type/speeches/2010/human-rights-in-sri-lanka-in-thepost-conflict-period.aspx – Accessed 17 March 2011 – Attachment 2

35 UK Home Office 2011, *Operational Guidance Note: Sri Lanka*, March, p.13 – Attachment 8

and Refugee Board of Canada found that a young Tamil male from northern Sri Lanka was no longer at risk of harm. It was stated that although he had been detained and abused by the authorities, he had subsequently been released and, therefore, was not seriously suspected of being a member of the LTTE.³⁶

However, according to the Sri Lanka Guardian, "[t]hose who had been detained by the government and subsequently released continue to face persecution, in way of threats and intimidations". 37 The International Crisis Group similarly identifies "worrying reports that some of those who have been released to their home areas are subject to frequent and arbitrary questioning by the police and military". 38 A fact-finding mission conducted by the Danish Immigration Service in 2010 found that the Sri Lankan government continues to perceive Tamils returning to the north as LTTE sympathisers. As such, the northern population is closely monitored and checked.³⁹

DIAC advised in October 2010 that although some former LTTE combatants had been released, many remain in custody, and disappearances and torture may still occur. Persons with high political profiles who are perceived to oppose the government are still at risk of detention and ill-treatment. ⁴⁰ A November 2010 article on Sri Lankan citizen journalism website Groundviews similarly indicates that "some released ex-combatants and resettled supporters of LTTE are re-arrested or harassed by law enforcement authorities or progovernment militias". ⁴¹ In September 2010, DFAT outlined "several alleged cases involving the killing, abduction/arrest and/or interrogation of released ex-combatants" between May and August 2010.⁴²

Attachments

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- 2. Keenan, A. 2010, 'Human Rights in Sri Lanka in the Post-Conflict Period', International Crisis Group website, 6 December http://www.crisisgroup.org/en/publicationtype/speeches/2010/human-rights-in-sri-lanka-in-the-post-conflict-period.aspx - Accessed 17 March 2011.
- 3. Danish Immigration Service 2010, 'Human Rights and Security Issues concerning Tamils in Sri Lanka', October. (CISLIB Sri Lanka 19345)
- 4. 'Human Rights situation in Sri Lanka' 2011, Sri Lanka Guardian, 12 March. (CISNET Sri Lanka CX260409)

³⁷ 'Human Rights situation in Sri Lanka' 2011, *Sri Lanka Guardian*, 12 March – Attachment 4

interrogation', 27 September – Attachment 18

³⁶ 'Present-tense fear' 2011, *The Globe and Mail*, 12 January – Attachment 17

³⁸ Keenan, A. 2010, 'Human Rights in Sri Lanka in the Post-Conflict Period', International Crisis Group website, 6 December http://www.crisisgroup.org/en/publication-type/speeches/2010/human-rights-in-sri-lanka-in-thepost-conflict-period.aspx – Accessed 17 March 2011 – Attachment 2

³⁹ Danish Immigration Service 2010, 'Human Rights and Security Issues concerning Tamils in Sri Lanka', October, p.26 – Attachment 3

⁴⁰ DIAC Country Guidance Unit 2010, 'Country Guidance Note: Sri Lanka', 28 October, p.22 – Attachment 13 ⁴¹ DeSilva-Ranasinghe, S. 2010, 'Jaffna and the North of Sri Lanka today: Post war realities, challenges and opportunities', Groundviews website, 10 November – Attachment 16

42 Department of Foreign Affairs and Trade 2010, 'Sri Lanka: ex-combatants: incidents of abduction/arrest and

- 5. Minority Rights Group International 2011, *No War, No Peace: The Denial of Minority Rights and Justice in Sri Lanka*, 19 January http://www.minorityrights.org/download.php?id=921 Accessed 28 March 2011.
- 6. Costello, D. 2011, 'Tamil 'Tutu' tells of abuses', *The Courier-Mail*, 12 March. (FACTIVA)
- 7. Human Rights Watch 2011, 'World Report Sri Lanka', January.
- 8. UK Home Office 2011, Operational Guidance Note: Sri Lanka, March.
- 9. 'Soldiers chase away resettled Tamil families in north Sri Lanka' 2010, *BBC Monitoring Service*, source: *TamilNet*, 26 October. (CISNET Sri Lanka CX252131)
- 10. Asian Human Rights Commission 2010, 'The State of Human Rights in Sri Lanka in 2010', December http://www.humanrights.asia/resources/hrreport/2010/AHRC-SPR-010-2010.pdf Accessed 24 March 2011.
- 11. 'Youth from the North join Sri Lanka police' 2011, *Colombo Page*, 7 January. (CISNET Sri Lanka CX256232)
- 12. 'Jaffna and the Vanni today: The reality beneath the rhetoric' 2011, Groundviews website, 17 March http://groundviews.org/2011/03/17/jaffna-and-the-vanni-today-the-reality-beneath-the-rhetoric/ Accessed 23 March 2011.
- 13. DIAC Country Guidance Unit 2010, 'Country Guidance Note: Sri Lanka', 28 October.
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- 16. DeSilva-Ranasinghe, S. 2010, 'Jaffna and the North of Sri Lanka today: Post war realities, challenges and opportunities', Groundviews website, 10 November. (CISNET Sri Lanka CX253223)
- 17. 'Present-tense fear' 2011, *The Globe and Mail*, 12 January. (FACTIVA)
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- 19. Deleted.
- 20. UNHCR 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, Refworld website, 5 July http://www.unhcr.org/refworld/pdfid/4c31a5b82.pdf Accessed 19 July 2010.