



Home Office

Report of a Home Office Fact-Finding Mission

Sri Lanka: treatment of Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam (LTTE)

Conducted 11-23 July 2016

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Contents

Map	6
Introduction	7
Background	7
Purpose of the mission	7
Methodology	7
Identification of sources	7
Arranging and conducting interviews	8
Notes of interviews/meetings	8
Structure of this report	8
Information provided by domestic non-governmental organisations (NGOs)/Human rights organisations and individuals	9
1. Meeting with an official from Rights Now, a non-governmental organisation (NGO), 11 July 2016	9
1.1 The role of Rights Now in Sri Lanka	9
1.2 Exit/entry procedures	9
1.3 Real or perceived association with LTTE	11
1.4 Torture methods	11
1.5 Disappearances	11
1.6 Conviction of people after the war	12
2. Meeting with the Tamil National Alliance (TNA), 11 July 2016	12
3. Meeting with a human rights organisation, Jaffna, 13 July 2016	14
3.2 Questions put to the organisation	14
4. Meeting with Women In Need (WIN), Jaffna, 13 July 2016	15
4.1 Women In Need's role in Sri Lanka	16
4.2 Questions put forward to WIN	16
5. Meeting with the Tamil Civil Society Forum, 13 July 2016	18
5.1 The role of the Tamil Civil Society in Sri Lanka	18
5.2 Questions put forward to the Tamil Civil Society	19
6. Meeting with the Jaffna Press Club, 14 July 2016	20
7. Meeting with Jaffna Social Action Centre (JSAC), 14 July 2016	22
7.1 The role of JSAC in Sri Lanka	22
7.2 Questions put forward to JSAC	22

8.	Meeting with Fr. Elil Rajendram SJ 14 July 2016.....	25
8.2	LGBT issues.....	28
9.	Meeting with a women’s organisation in Killonochchi, 15 July 2016	28
9.2	Other issues:	30
10.	Meeting with Bishop Emanuel, Trincomalee, 16 July 2016.....	31
10.1	Bishop Emanuel and CARITAS [INTERNATIONALIS].....	31
10.2	Internally displaced persons (IDPs).....	31
10.3	Human rights	32
10.4	Arrests	32
10.5	Police.....	33
10.6	Violence against women.....	33
10.7	Land issues	34
11.	Meeting with former, Liberation Tigers of Tamil Eelam (LTTE) cadres, 18 July 2016.....	34
11.1	Interview with person A (Male)	34
11.2	Interviews with persons B and C (husband and wife)	35
11.3	Interview with person D (male)	36
11.4	Interview with person E (male)	37
11.5	Interviews with persons F and G (female)	37
12.	Meeting with two representatives (‘A’ & ‘B’) from two international media organisations, 19 July 2016	38
13.	Meeting with two lawyers, 21 July 2016.....	40
14.	Meeting with a peacebuilding and human rights organisation, Colombo, 21 July 2016	43
14.1	Role of the peacebuilding and human rights organisation in Sri Lanka ..	43
14.2	General questions	45
15.	Meeting with human rights organisation, 22 July 2016	48
16.	Meeting with Equal Ground (EG), 22 July 2016.....	51
17.	Meeting with Women in Need (WIN), Colombo, 22 July 2016	56
	Information provided by international non-governmental organisations (INGOs).....	59
18.	Meeting with an INGO, Colombo, 12 July 2016.....	59
18.2	Returnees from India.....	59
18.3	Internally displaced persons (IDPs).....	60
18.4	Female Headed Households (FHHs) - Single women.....	61
18.5	Lesbian, Gay, Bisexual, Transgender (LGBT).....	61
18.6	General information.....	62
19.	Meeting with an INGO, Jaffna, 13 July 2016	62

19.2	Land issues	62
19.3	Female Headed Households	63
19.4	Lesbian, gay, bisexual, and transgender and/or intersex (LGBTI).....	63
19.5	Healthcare	63
19.6	General information	64
20.	Meeting with the Centre for Policy Alternatives (CPA), Colombo, 18 July 2016	64
20.1	The role of the CPA in Sri Lanka	64
20.2	Questions put forward to the CPA	64
21.	Meeting with the International Organization for Migration (IOM), 20 July 2016	66
21.2	Returns.....	68
22.	Meeting with a UN Senior Human Rights Advisor in Sri Lanka (A UN organisation), 21 July 2016.....	69
22.1	The UN organisation's role in Sri Lanka	69
22.2	Prevention of Terrorism Act (PTA)	70
22.3	Excessive force/Torture.....	71
22.4	Sexual exploitation	71
22.5	General information.....	72
22.6	Corruption.....	73
23.	Meeting with the Centre for Human Rights and Research (CHRR), 22 July 2016.....	73
23.2	Corruption.....	75
	Information provided by governmental departments and organisations.....	76
24.	Meeting with Witness Protection Authority, 11 July 2016	76
24.2	Real or perceived association with the LTTE	76
24.3	General comments	77
25.	Meeting with an official from the National Police Commission (NPC), 12 July 2016.....	78
25.1	The role of the National Police Commission (NPC) in Sri Lanka	78
25.2	Police training:.....	79
26.	Meeting with Security Forces (SF) Commander for Jaffna, 13 July 2016	80
26.1	Role of the Security Forces in Jaffna.....	80
26.2	The land issue	80
26.3	Ex-LTTE cadres	82
27.	Meeting with Ministry of Health and Indigenous Medicine, Social Services and Rehabilitation, Probation and Childcare Services and Women's Affairs, 14 July 2016	82
28.	Meeting with Security Forces (SF) Commander, Kilinochchi, 15 July 2016... ..	87

28.1 The role of the Security Forces, Kilinochchi	87
28.2 Questions put forward to the Security Forces Commander	88
28.3 Community involvement	88
29. Visit to the Rehabilitation Centre, Vavuniya, 15 July 2016.....	89
30. Meeting with the Honourable Austin Fernando, Governor of the Eastern Province, 19 July 2016	92
30.2 Fear of return to Sri Lanka for those with previous LTTE connections. ..	92
31. Meeting with Naseer Ahamed, Chief Minister of the Eastern Province, 19 July 2016.....	93
31.1 Stability.....	93
31.2 Security	93
31.3 Prospering.....	93
31.4 Single women headed households.....	93
31.5 Land issues	94
32. Meeting with Deputy Foreign Minister, 20 July 2016	94
33. Meeting with Commissioner of Prison (Intelligence and Security), Prison Headquarters, Colombo, 20 July 2016	96
34. Meeting with a source at Bandaranaike International Airport, 21 July 2016 ..	98
35. Meeting with Bureau of the Commissioner General of Rehabilitation, 22 July 2016.....	99
35.2 Rehabilitation of child cadres.....	99
36. Meeting between representatives from the British High Commission and Hon. Minister Swaminathan, of the Prison reform, Rehabilitation, Resettlement and Hindu religious affairs, on 15 December 2016. (Following the Fact-Finding Mission).	100
37. Welikada (Colombo) prison in pictures	101
37.1 Inside typical prison cells.....	101
38. General pictures	102
Annex A: Terms of reference	103
Annex B: List of sources	106

Map

Map of Sri Lanka, dated 2008, source from the United Nations Cartographic Section.



¹ United Nations, Cartographic Section, Department of Field Support, Map No.4172 Rev.3, March 2008, <http://www.un.org/Depts/Cartographic/english/htmain.htm>, date accessed 21 December 2016

Introduction

This document provides information obtained from the Home Office's fact-finding mission to Sri Lanka. It does **not** provide advice on handling particular types of protection and human rights claims. For this, see the Sri Lanka country policy and information notes on the [Gov.uk](https://www.gov.uk) website.

[Back to Contents](#)

Background

The fact-finding mission (FFM) was conducted between 11 and 23 July 2016 by three officials from the Country Policy and Information Team of the Home Office, with support from the British High Commission.

The FFM team would like to thank the British High Commission and Foreign and Commonwealth Office staff for their considerable assistance before, during and after the mission. The FFM team would also like to thank the Sri Lankan government for facilitating the visit.

[Back to Contents](#)

Purpose of the mission

The purpose of the mission was to gather accurate and up-to-date information from a range of sources about treatment of Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam (LTTE)

A full Terms of Reference (ToR) is available at [Annex A](#).

[Back to Contents](#)

Methodology

The FFM was undertaken with reference to the [EU \[European Union\] common guidelines on \(Joint\) Fact-Finding Missions: a practical tool to assist member states in organizing \(joint\) Fact-Finding Missions](#), November 2010 (EU Guidelines 2010).

Identification of sources

In this context, the FFM Team sought to interview a wide range of sources. This included representatives of the government of Sri Lanka and state-sponsored civic groups and members of civil society, as well as domestic and international non-governmental organisations, who would have informed views, based on their professional and personal experience, which was relevant to the ToR.

That a particular source was interviewed and the notes of that interview have been included should not be considered as the Home Office's endorsement of that source or the information provided. Rather, all sources and information provided needs to be critically assessed and considered against other publicly available material.

In identifying interlocutors, the FFM Team initially compiled a list of potential sources in the UK. The Team then consulted with the British High Commission in Colombo.

The sources contacted and interviewed represent the sources that the FFM Team were able to identify as relevant to the mission and that were available to meet during the visit. But, as with any fact-finding mission, factors including time

constraints and availability meant that the list of sources consulted and information provided are not exhaustive.

A list of sources interviewed is at [Annex B](#).

Arranging and conducting interviews

The FFM Team conducted 49 pre-arranged face to face meetings at which interviews took place. This number was supplemented by further ad hoc meetings during the course of the mission.

- Most interviews were conducted in English. Translation was provided by an independent interpreter when required.
- At the start of each interview the FFM Team and/or the interpreter explained the purpose of the mission, that the notes may be published in a report and that the sources would be able to review the notes before publication.

Notes of interviews/meetings

The FFM Team made notes of all meetings with interlocutors. These were subsequently sent by email, via the British High Commission, to sources to review and approve. The Terms of Reference to the mission at [Annex A](#) was also sent to sources.

All interlocutors were asked how they would prefer to be referenced. A number requested varying degrees of anonymity for differing reasons and in these cases, the FFM Team asked for a description of how each interlocutor preferred to be referenced. All interlocutors are described according to their own request where this was specifically made.

The meeting notes are presented with the interview questions, where appropriate to provide transparency and context to the responses.

Structure of this report

The report is split into:

- The interview notes. There is no attempt to summarise or analyse the information provided. Only information in the notes that is relevant to the ToR has been included in the narrative.
- Annexes, including the Terms of Reference (ToR); Background preamble provided to sources; and a list of sources.

Bold has been used to highlight questions asked by the FFM Team which have been included in the notes and in the report narrative.

Square brackets ('[]') are used to correct minor spelling/grammatical errors and/or missing words introduced/omitted by sources after revising and approving the notes.

[Back to Contents](#)

Information provided by domestic non-governmental organisations (NGOs)/Human rights organisations and individuals

1. Meeting with an official from Rights Now, a non-governmental organisation (NGO), 11 July 2016

1.1 The role of Rights Now in Sri Lanka

1.1.1 Founded in 2007, Rights Now mainly deals with human rights litigation and more recently, advocacy. It works closely with other human rights organisations, including INFORM [Human Rights Documentation Centre] and has presented at human rights courts and the United Nations. It issues statements, documents, TV and press releases to raise awareness of the issues affecting “uphill” Tamils – to create a dialogue. It publishes in Sinhalese.

1.2 Exit/entry procedures

Are entry checks automated?

1.2.1 It is a manual process in that an immigration official will physically check the passport but then also scan it on an electronic system.

Are exit checks automated?

1.2.2 Yes, as above.

Are you aware of a “stop list”? Is the stop list connected to an automated checking system?

1.2.3 Yes. The NGO believes it is connected to the electronic passport checking system. It is aware of a human rights defender being stopped when attempting to leave the country and being held for around half an hour whilst additional checks were made.

1.2.4 Another human rights defender was arrested under the PTA [Prevention of Terrorism Act] and detained for 2 days in 2014, when he was on a fact-finding mission regarding the arrest of a family member who had disappeared in the North. Subsequently he was released but the police obtained a court order compelling him to obtain the permission of the Magistrate’s Court every time he was leaving the country. Then his name was placed on the stop list at the airport both at the arrival and the departure, so he was automatically stopped at the counter and referred to a desk of the Terrorist Investigation Department of the Police at the airport. However, he is able to travel freely now.

Would a person on the stop list be arrested and detained?

1.2.5 Rights Now believes there is a risk of detention and torture though it has not received any first-hand accounts of this happening. Persons with suspected links to the LTTE have been arrested and detained in 2010-2012.

1.2.6 In the North, which was shut off from the south during the time of blockades, people who witnessed atrocities had problems leaving the country as there was a fear from the authorities that they might reveal what they had seen.

Would a person on the stop list be ill treated?

1.2.7 Things have improved since the new government came to power and the ill-treatment of detainees has decreased.

1.2.8 In respect of people held under the Prevention of Terrorism Act (PTA), once a person is arrested and detained there is no prospect of bail. Anyone held under the PTA can be a potential victim. The authorities can use a confession in court (unlike standard criminal cases where confessions are inadmissible). It is up to the individual to prove that any confession was not obtained under duress. The Torture Act has no meaning for PTA suspects. Safeguards were taken away in the PTA. If a person is proved to be innocent there are no avenues of redress for wrongful arrest, etc.

1.2.9 For a police officer – who may have committed torture – to be indicted, the victim must complain to that police officer’s superiors. But since there is no immediate prospect of release, the victim must remain at the mercy of their torturer. If the case is taken to the High Court, an indictment will be expedited. Rights Now did not know of any officers who have been indicted for police brutality.

1.2.10 The Human Rights Commission (HRC) are required to receive the identity of individuals detained for more than 48 hours. However, the HRC do not have the resources to check all places of detention and their authority to know where a person is held, and to guarantee their safety, is denied under the PTA.

(For further information on torture/ill - treatment, see: [Meeting with Fr. Elii Rajendram SJ 14 July 2016](#), [Meeting with Bishop Emanuel, Trincomalee, 16 July 2016](#), [Meeting with a peacebuilding and human rights organisation, 21 July 2016](#), [Meeting with the Centre for Human Rights and Research \(CHRR\), 22 July 2016](#), [Meeting with an official from the National Police Commission \(NPC\), 12 July 2016](#), [Meeting with the Honourable Austin Fernando, Governor of the Eastern Province, 19 July 2016](#), [Meeting with Commissioner of Prison \(Intelligence and Security\), Prison Headquarters, Colombo, 20 July 2016](#), [Meeting with a UN Senior Human Rights Advisor in Sri Lanka, 21 July 2016](#))

Are you aware of a “watch list”?

1.2.11 Former LTTE cadres may be on a watch list. Their mobile phones may be monitored. Monitoring of former cadres still occurs. The same security apparatus still exists since the conflict so a similar culture still exists, but morale is different.

What would it be like for a person picked up because they are on the stop or watch list?

- 1.2.12 People, particularly those who are possible witnesses or who have some link to previous atrocities, still remain vigilant as the same structures are still in operation.
- 1.2.13 A lot of people disappeared in white vans, which are not used now, but the tactics remain the same. The disappearances have been ordered (softly) to stop, so they could come back again.

How easy is it to obtain a passport legally?

- 1.2.14 It is a straight forward efficient process if you have the right documentation – birth certificate, National ID card, etc, and the fee. It is not necessary to go to Colombo to get a passport. If applying for a passport with an ID card it is also necessary to provide a birth certificate and a photo. Certified copies of birth certificates can be obtained from the Births and Deaths Registrar. A fast track system to obtain a passport is available.

How easy is it to obtain a passport illegally?

- 1.2.15 Some people may feel the need to obtain a passport illegally if they need to falsify their age to obtain employment; if they are on a watch/stop list; or if they have previously been deported from a country they wish to return to; or for political reasons.
- 1.2.16 To obtain an illegal passport it would be necessary to have a letter from the 'Village Official' to be able to get a (forged) ID document/birth certificate.

(For further information on exit and entry procedures, see: [Meeting with the Tamil National Alliance \(TNA\), 11 July 2016 – para 2.1.16](#), [Meeting with the Jaffna Press Club, 14 July 2016 – para 6.1.10](#), [Meeting with Bishop Emanuel, Trincomalee, 16 July 2016](#), [Meeting with a peacebuilding and human rights organisation, 21 July 2016](#))

1.3 Real or perceived association with LTTE

Are people still arrested and detained because they are perceived to have a connection with the former LTTE?

- 1.3.1 Yes. Rights Now is aware of two former cadres being arrested and detained in the North. It is not aware of any such occurrences in Colombo. Such individuals are treated worse than “normal” criminals.

1.4 Torture methods

- 1.4.1 Verbal abuse (shouting); beating with fists; kicking. Sometimes clubs and canes are used; sometimes sexual abuse for suspected terrorists. The ill treatment is not as intense as during the conflict but still occurs. People don't think of it as wrong – officials think it is ok. Extra-judicial killings have stopped.
- 1.4.2 Such ill-treatment does not systematically occur but is used by some rogue police officers and others do not have the authority to stop them.

1.5 Disappearances

- 1.5.1 Disappearances in the South between the period of 1987 to 1990, usually referred to as the '88-89' period were accounted as 60,000. After a new

government in 1994 appointed a Commission of Inquiry it was established some 30,000+ people disappeared.

- 1.5.2 People were abducted by the Security Forces or the Paramilitary Forces, or by the LTTE (Tamils abducted in LTTE areas). Tamils who surrendered to the authorities also disappeared.
- 1.5.3 The HRC requested information about missing persons and the families provided details of relatives who had disappeared, including their histories. HRC have recognised a pattern in the disappearances. It records that 30,000 people, including civilians, have disappeared. A complaint was made to the police, but they refused to take it up.
- 1.5.4 It is very difficult to say what happened as parents [who lost sons and daughters] won't say whether or not their children were involved in the war. It is thought people must have been killed.
- 1.5.5 A Commission has been created to investigate disappearances that occurred during the conflict.

1.6 Conviction of people after the war

- 1.6.1 Some perpetrators (working for the security forces) who committed general violations of bribery, corruption and torture have been indicted but some have been allowed to work again. Members of the security forces responsible for disappearance, abduction and torture were seen as war heroes by people in the south, so they couldn't be touched. But there was a recent case where a wife (of a disappeared person) filed a case against the Administrative Court.

[Back to Contents](#)

2. Meeting with the Tamil National Alliance (TNA), 11 July 2016

The meeting was held with Mr. Sampanthan (Leader of the Tamil National Alliance (TNA) and Mr. Sumanthiran (Tamil lawyer, politician and Member of Parliament)

- 2.1.1 From 2007 to 2009, 20,000 people went missing.
- 2.1.2 Tamils know what it is to live in fear of persecution. Sri Lanka wanted a government which would be more sensitive to human rights and the new government was elected on the basis of certain [human rights] commitments, but its progress is very slow, it is too cautious. The TNA is supportive of the new government.
- 2.1.3 The TNA could not say that people returning to Sri Lanka would be safe but there is change. Tamil people want to go back, to return to their lands, but the military are cultivating Tamil lands which Tamils want back. Where Tamils are living [in the North], fathers are not going to work because they are staying at home to protect their daughters. Tamils want things to change; they want things to get better.

- 2.1.4 There has been change – there is no longer a climate of fear, there is not the same harassment there was, some lands have been returned to Tamils. A Missing Persons Office set up.
- 2.1.5 Accountability is not going to be rapid; there needs to be a greater degree of co-operation from everyone; the government needs to ensure safety and security, progress by the government should be simultaneous.
- 2.1.6 Electoral reform, devolution and the Presidency are all important factors. Six sub committees are due to report back to a Steering Committee by 31 July 2016, considering issues such as the Constitution and public finance. The Prime Minister has been involved with devolution, a subject which has been discussed for the past three years.
- 2.1.7 Abductions still happen in the North and East, some scarring happens. Two arrests were made recently. The TNA received a report from a mother who said her son had been abducted two months ago, which it investigated.
- 2.1.8 Sometimes the government finds people it says have not been through rehabilitation, so it sends them to rehabilitation.
- 2.1.9 Over 100 people have died of cancer over the last couple of months, which was viewed as unusual and it was thought that perhaps these people had been injected with something to give them the condition.
- 2.1.10 Lone Tamil women households are a problem. Originally, there were financial problems for women on their own, but now there are problems of harassment although the TNA had not heard of any recent complaints. Many Tamil women, who were kept as 'comfort women' by the military during the war, now find it difficult to overcome the stigma and find there is little else they can do.
- 2.1.11 Former LTTE cadres are still followed and monitored. There is no LTTE activity to be seen in the north or east, but that doesn't mean to say it doesn't happen.
- 2.1.12 People close to the former regime were recently arrested. It was well known they were military informers who had not been rehabilitated. The TNA had heard this was a way to get some control of the [witness protection] process.
- 2.1.13 Any attempt to re-form the LTTE in the north would be dealt with very severely.
- 2.1.14 The LTTE is still passively active in other parts of the world.
- 2.1.15 200,000 Tamils have returned from India with the assistance of UNHCR, which has provided them with relief measures to start up businesses on return. These were official refugees who had been hosted by the Indian government. There have been no reports of ill-treatment on return.
- 2.1.16 The TNA were aware of a 'black list' at the airport – which could be the same as the stop or watch list.

(For further information on entry and exit procedures, see: [Meeting with an official from Rights Now, 11 July 2016 – Exit/entry procedures](#), [Meeting with the Jaffna Press Club, 14 July 2016](#), [Meeting with Bishop Emanuel](#).

[Trincomalee, 16 July 2016, Meeting with a peacebuilding and human rights organisation, 21 July 2016](#)).

- 2.1.17 It would not have been possible for a young civilian man living in the north or north east during the conflict not to have had any contact with the LTTE – it would have been forced upon young men. People were arrested when they left an LTTE controlled area for being in possession of an LTTE ID card - but a person residing in an ‘LTTE controlled area’ had to have an LTTE ID card, it was compulsory.
- 2.1.18 The government is promising a review of the Prevention of Terrorism Act (PTA), but this has not been taken forward yet. It was not known if releasing more people from PTA detention would be a popular move for the government. The Prime Minister should not become too hesitant with regard to the consequences.
- 2.1.19 It seems many were fed up with the corruption of the former government. Namal Rajapaksa was arrested on corruption charges on 11 July 2016 and remanded until 17 or 18 July 2016, but the government may worry about a backlash – even on corruption issues.
- 2.1.20 Journalists are safe under the new regime; there is freedom of the press.
- 2.1.21 The President may take a group of Buddhist clergy to the north of the country to show them the changes that have taken place since the end of the conflict.

[Back to Contents](#)

3. Meeting with a human rights organisation, Jaffna, 13 July 2016

- 3.1.1 The organisation is a local NGO [non-governmental organisation] which helps resolve family issues.
- 3.1.2 Most cases the organisation deal with concern quarrels between husbands and wives, which might include domestic violence, desertion, or accusations of extra-marital affairs. It does not encourage or support divorce, but rather mediation and reconciliation. It has 5-6 cases a month and two lawyers working there offering legal advice and representation in court.

3.2 Questions put to the organisation

Do the police support women victims of domestic violence?

- 3.2.1 If a woman has problems with her husband there are safe houses available for a 3 month stay. Reconciliation is encouraged after this period. The organisation supports women in going to the police to make an allegation of assault.
- 3.2.2 The NGO deal with 5-6 cases a month. It is a free service, women get legal aid, but if a DNA test is required, the person pays half of the cost.

How do the police handle cases of sexual assault?

3.2.3 The husband may be arrested and detained for a couple of weeks but would then be released or bailed.

Are there cases of women being ill-treated by the police?

3.2.4 The organisation was not aware of any cases.

Have people's lives improved in the North?

3.2.5 Full harmony has not been reached. There is peace but still lots to achieve. The main problems are ethnicity-related issues. It is better in urban areas as opposed to rural areas. Economic improvement is needed. There is no proper shelter in rural areas. There is no normalcy with the army still in the North even though they are not needed there anymore.

Are there ongoing disappearances?

3.2.6 The NGO thought this was happening much less so than before, but did not believe it had stopped completely.

[Back to Contents](#)

4. Meeting with Women In Need (WIN), Jaffna, 13 July 2016



Women in Need offices in Jaffna

4.1 Women In Need's role in Sri Lanka

- 4.1.1 The Women In Need organisation has 7 branches across Sri Lanka with a focus on two main areas: to provide counselling to women facing domestic violence, including support for children; and to provide legal advice to these women. Its services are free. It has been running since 2004.
- 4.1.2 More than 300 women per year seek help from the organisation in Jaffna on issues including domestic violence and sexual harassment.
- 4.1.3 Since WINs inception the nature of violence against women has changed. Most women are seeking help due to violence from family members or neighbours, as opposed to the violence by the military which occurred in the past.
- 4.1.4 Between 2004 and 2010 there was less support available for women. There is now more support from the authorities, but much more is needed. The biggest issue for women is livelihood and although they get some support from the government, they say it is not enough.

4.2 Questions put forward to WIN

What are the reasons for the change in the nature of violence against women?

- 4.2.1 Women are more at risk of domestic violence and sexual harassment if they have little or no income. Women in low wage jobs such as insurance or leasing companies are more likely to be harassed at work and are easy to target for sexual violence.

Do women facing domestic violence report their husband's to the police?

- 4.2.2 Women have respect for their husbands and they do not want to bring them to court on domestic violence charges. WIN do not represent women in court but offers mediation and legal advice before a court hearing. Over the last two years women have grown to have a better understanding of their rights and so WIN has seen more reported cases of domestic violence in recent times.

How do women know about your organisation?

- 4.2.3 WIN conduct awareness programmes. Information is also passed on to local women from local government agencies. WIN has also given training to local police on women's right and have desks at some police stations. Jaffna is the only office in the Northern Province so WIN receives domestic violence cases from all over the North. WIN also has an office in the East, in Batticaloa.
- 4.2.4 Ten years on WIN has a good relationship with local people. Men also come here for support, counselling and legal advice if they are involved in domestic violence.

Do you offer any other type of support?

- 4.2.5 Most family problems are related to income. Often a husband's income is not enough to provide for the family. WIN sometimes offers training to women alongside other government services. WIN also provides children with

educational materials (books, pens, etc). WIN has been provided with sewing machines so women can bring in their own fabrics and make clothes or bags, etc., to sell. The women also make greeting cards to sell [cards are 100 LKR each – approximately 50 pence]. WIN also helps lone women find jobs, mostly housemaid work. This is thought to be safer than the women seeking employment themselves.

Do you provide shelter to women facing domestic violence?

- 4.2.6 WIN has no shelters but there is one shelter in the Jaffna area that WIN has connections with.

Do you know how many female heads of household there are in the area?

- 4.2.7 WIN has no statistics on this. Female heads of household include IDP [Internally Displaced Persons] returnees and local women. Some women come to Jaffna and have to find a place to stay, sometimes in a government run 'home' or they stay with relatives, or in a Village Elder's home. The issues for female heads of household include low income, providing for children's education, accusations of extra-marital affairs.

What assistance is offered by the government?

- 4.2.8 A woman must meet certain criteria before they are eligible for assistance. Larger families are prioritised so smaller families lose out, although assistance generally depends on people's needs.

How many women are in employment?

- 4.2.9 A large number of women work in the government sector, which is secure. However, private sector jobs are not so secure. It is easy to get jobs in insurance or leasing offices but there are allegations of sexual abuse. Some women do not say if they have issues/problems. WIN has conducted awareness programmes and there have been improvements. Government jobs offer equal pay for men and women whereas private sector jobs do not. Men who work in shops receive higher wages than women although some employers offer state benefits (Employees Provident Fund).

The FFM team understand the government plan to build houses in the province? Is this happening?

- 4.2.10 WIN is not actively involved in housing projects but aware of house building. The pre-fabricated houses that were being offered to locals are not liked. These houses are meant to be guaranteed for 25 years but families are looking for long term housing.
- 4.2.11 People need to own land before they are given money to build a house. Some people in the IDP camps have land, some do not. If you don't have land you cannot build a home, although the government is offering land elsewhere for building. This would be away from where the person currently lives.

Does the government issue certificates to women whose men are missing (from during conflict?)

- 4.2.12 Yes, but this has just undermined their feelings and expectations. They want a resolution and to know where their male family members are.

What is your perception of the country now? Has the North become safer?

- 4.2.13 Previously there were difficulties in moving around but not now. It is safer now there are no checkpoints. However, there has been an increase in sexual abuse and rape. It's not always clear who commits these crimes.
- 4.2.14 People don't receive the help they expect from the police. Police sometimes support the perpetrator of violence against women. Police protection for women is inadequate.
- 4.2.15 There has been improvement in police stations with the presence of women police officers (though there may only be one female officer in the station and she has other duties aside from dealing with violence against women) but generally the police are still more supportive to men over women. It is easy to take cases to court but the police prefer to use mediation as a means to resolve domestic violence issues. Language barriers also exist and accounts can get lost in translation (the police speak Sinhala, the women speak Tamil).

[Back to Contents](#)

5. Meeting with the Tamil Civil Society Forum, 13 July 2016

5.1 The role of the Tamil Civil Society in Sri Lanka

- 5.1.1 The Tamil Civil Society was initially started as a discussion group by a few professionals and clergy living in Jaffna. It then began to engage with Tamil political parties and foreign missions to explain the real situation of the people [Tamils]. It also began to have public meetings with the people with the aim of raising awareness. Now the forum has organised meetings in all eight districts of the North and East. The forum has a central committee which is comprised of representatives of these districts. It has had 2 annual general meetings and it continues to address different issues faced by the Tamil people.
- 5.1.2 The organisation accepted that there have been changes since 2015. Between 2009 and 2015, the north had been in the tight clutches of the military – there had been abductions but now things had settled down. Some sentry points and military camps had closed. Also during this time, when the organisation held meetings and social gatherings, the military had attended in full uniform and with guns, but now they attend in civilian clothes.
- 5.1.3 Since that time, some land has been leased by the government in the Eastern province and also in Jaffna. The military have begun to close its temporary shelters and to make permanent building structures. There is no suggestion the military will leave the land. In other provinces, the military are procuring land – through legal channels, whereas as before they had just taken it. The military hold land in a 6:1 ratio relation to Tamil held land; it still occupies about 4,000 acres. The military is also legally building Buddhist

temples within Tamil speaking areas and are gradually colonising the area – something which is obvious to educated people.

- 5.1.4 Sometimes it is difficult to recognise strangers – suspected intelligence officers – in a bigger gathering, but for smaller local meetings it is possible to identify outsiders. This gives a sense of unease to those who know strangers are present. For example during a local drama production, strangers began filming and taking photographs. Now the cast use heavy stage makeup to disguise their faces. But generally, there is improvement.
- 5.1.5 In 2003, a peace agreement was signed and people began to express themselves, but by 2006, the war was back and those people who had spoken freely were eliminated, they were shot by the military. The situation now is still quite unstable, the same thing could happen again.
- 5.1.6 In March/April [2016], more than 28 people were arrested in connection with the finding of a suicide vest. Men came in a white van and motorbikes and took the people to a CID [Criminal Investigation Department] camp. However, such incidences have generally decreased.
- 5.1.7 The attitude of all of Southern Sinhala is the same – it hasn't changed, it is very stuck on non-devolution. Powers given to Provincial governments are limited.
- 5.1.8 Ex-cadres are being harassed still – especially their wives and children. Every three months, a different person harasses them with different questions. There is no need for the military to carry guns, their presence is intimidating and they are infiltrating the local communities.
- 5.1.9 The military are building and running many hotels, guest houses and restaurants in the tourist industry, but local people cannot compete. It is also running many big farms and tea rooms and the Ministry of Defence is running pre-schools. There has been the suggestion that the military could be used to sort out family disputes and are used to search school children on the way into school for drugs. Community festival parties, such as at Christmas and New Year, are organised by the military, but it uses alcohol for prizes which is against Tamil culture. Soon local people will have forgotten that it is not unusual for the military to be involved in so many aspects of everyday life.
- 5.1.10 After the war, the highest alcohol consumption in Sri Lanka has been in Jaffna. Employment opportunities are reduced too, which may also have had a bearing on alcohol consumption. Marijuana use is on the increase and it can be bought publicly, the authorities do not seem to be doing anything to curtail this illegal drug business. Even when a list, identifying people who were supplying drugs to children, was given to the police no action was taken. There is corruption in the police department.

5.2 Questions put forward to the Tamil Civil Society

Are people still arrested and detained because it is perceived they have a previous connection with the LTTE?

- 5.2.1 People are abducted, not arrested. There are no police visible when people are taken away, no documents produced and people are moved about between detention places randomly. They are taken to 'Boosa' [detention

camp]. They are not bailed, just detained. About 6 people have recently been detained and not bailed, but the new government has also released many people, about 45 people have been bailed in political cases.

- 5.2.2 There is fear of being picked up – people are reluctant to come forward – they have lost a lot and do not want to lose anymore. Some people are fleeing the country, others are being kept silent.
- 5.2.3 Young people who are not involved in politics however, do not have this fear, but those who are, are not free to speak openly about their political thoughts. No one wants to be in any photographs. People are very careful in public, no one knows what will happen at the next election – if the regime will change, people do not want to expose themselves.

Would a former LTTE sympathiser’s family be questioned/ detained in the absence of the wanted person?

- 5.2.4 A suspect’s family would be harassed, as was the case with a local family which had 2 ex-cadres in it. Families of higher social standing in urban areas are likely to be watched, but people with lower socio-economic status, such as those that live in out of the way rural areas, would suffer harsher treatment.
- 5.2.5 There is mental torture, for mothers whose sons are taken away. Even when released days later, mothers are subjected to mental cruelty, not knowing what will happen.
- 5.2.6 The government is back-tracking on the United Nations (UN) resolutions for an international investigation into the conflict. Even though it is conducting its own reconciliation process, it came to the consultation decided at the beginning [with its mind made up]. Nothing is going to change. The Tamils want accountability, but there is no satisfaction on this.
- 5.2.7 At least four people (former LTTE cadres who claimed asylum) who have returned from Europe in the last year have been harassed. The authorities know that people are trying to arrange LTTE activities outside of Sri Lanka and they will want to stop this happening, so there will be suspicion.

[Back to Contents](#)

6. Meeting with the Jaffna Press Club, 14 July 2016

- 6.1.1 Representatives of the Jaffna Press Club accept there are no longer killings and abductions, but don’t see very good improvements in media freedom since the change of government.
- 6.1.2 In addition to writing for various newspapers and producing radio articles, the Press Club members also have Blogs, Twitter and Facebook accounts. Their accounts of human rights abuses are anonymous.
- 6.1.3 From 1992 to 2009, 44 media people disappeared. Out of those 44, 41 were Tamil and 3 Sinhalese. Enquiries have been carried out into the abduction of the 3 Sinhalese people, but there has been no outcome. Nothing happened when an enquiry was asked for into the abduction of the 41 Tamils. A meeting took place with the President and the Prime Minister where this

issue was raised, but still there has been no response. The journalists also handed over evidence about a particular person who disappeared in 2007 and was detained until 2013, but there has been no intervention. If the police would look into the disappearance of 3 important journalists, a trust would be formed between the journalists and the government. The culprits are known and they are living freely in Jaffna, but the government is silent because the military was behind it and enquiries might throw up other issues. The perpetrators should be brought to the magistrate, otherwise there is no trust.

- 6.1.4 Most media people in the north and east were affected by the war and their security was affected, because the perpetrators were not brought to justice; no one wants to work in the media in Jaffna. There are 105 journalists at the club, but only two of those are women, because there is no security. A journalist and his family were threatened in 2014 following the publication of a particular article. The Press Club is regularly watched by plain clothed military intelligence – the last being in May 2016.
- 6.1.5 The government is welcoming people to return, but some people are committing suicide because of the poverty, there is no support, no work. Those who returned from India are finding it difficult to continue their education when they have no place to live. It is good to see people return but there is concern for their safety.
- 6.1.6 The press have to maintain good relationships with all the military.
- 6.1.7 There were many attacks on Press offices during the war and during Rajapaksa's reign.
- 6.1.8 Women returning to Vavuniya [Northern Province] have no support or help with the land. Previously there was support from IOM [International Organization for Migration], but this has now stopped.
- 6.1.9 People are enjoying the freedom – if they had no previous connection with the LTTE – but 95 per cent of people were involved in the LTTE. Former LTTE cadres are still having problems, the military are not allowing them to live freely, most are trying to leave the country. More than 150 cadres have died of cancer after leaving rehabilitation camps, which is thought to be suspicious. There have been incidences of people being involved in demonstrations and returning to Sri Lanka who are then arrested at the airport or in their homes.

(For further information on exit and entry procedures, see: [Meeting with the Tamil National Alliance \(TNA\), 11 July 2016 – para 2.1.16](#), [Meeting with Bishop Emanuel, Trincomalee, 16 July 2016](#), [Meeting with a peacebuilding and human rights organisation, 21 July 2016](#))

- 6.1.10 The journalists practice self-censorship and although they can criticise the government, they fear the military are watching and taking note of what is being said. During the war, it was not possible to say things, the difference now is that you won't be killed immediately – you will just be followed. In the last couple of months, military people have attended meetings about disappearances. Generally there are 1 military: 6 persons.

- 6.1.11 There is a Tamil website run by the military intelligence, which uses illicit words and which is intimidating of the press. Why are the military still in Jaffna - six years after the war? The police could deal with the same issues.
- 6.1.12 In a meeting with the Security Forces Commander he told the Press Club that military intelligence were following them, and had been doing so for the last 20 years.

[Back to Contents](#)

7. Meeting with Jaffna Social Action Centre (JSAC), 14 July 2016

7.1 The role of JSAC in Sri Lanka

- 7.1.1 JSAC is an NGO [non-governmental organisation] in the Northern Province working with the most vulnerable members of society, in particular women and children, female heads of household (FHH), and IDPs [Internally Displaced Persons]. JSAC support women facing sexual and gender-based violence (SGBV) and run Nambikkai Illam, a safe house opened in 2003, to protect women facing SGBV. Women can stay in the safe house for up to one year and the organisation helps them work out viable solutions for their problems. JSAC works with the courts, police, hospitals and other government departments when supporting women.
- 7.1.2 JSAC has been helping resettle IDPs in the High Security Zone (HSZ). Around 2,000 families have reported they wish to return but only 400-500 have been resettled due to poor infrastructure (schooling, hospitals) at the current time. There are 80,000 FHH in the North – this is information is gathered from media reports, but JSAC does not have concrete data. Not all FHH are as a result of the conflict. Some husbands have disappeared, or are disabled. So far there is no sustainable government plan for FHH. Some gaps are filled by NGOs.
- 7.1.3 JSAC supports women with income and employment issues. It is a challenge for FHH to suddenly have full responsibility of running a household. There is high unemployment of women and few job opportunities. There have been incidents of single women being targeted for sexual purposes, or having psychological issues. Some women who were involved with the LTTE, who have been through rehabilitation, face social stigma, which prevents women from going out alone. Women have to pay dowries for marriage, which is financially difficult.

7.2 Questions put forward to JSAC

How does violence against women (VAW) manifest itself?

- 7.2.1 Women face domestic and social violence – mostly from members of the community. Domestic violence is perpetrated by fathers, uncles, brothers, husbands. Rapes have occurred, and child abuse. Most VAW cases in court relate to domestic or social violence. The legal system does not deal with these cases well due to delays in the judicial process; there are so many cases pending. Although many cases occur, reported cases are low because of these delays.

How do you support women facing violence?

- 7.2.2 JSAC facilitates women in making reports at police stations, or with other NGOs, including [Women In Need](#).

Have you received recent reports from women being abused by the police or military?

- 7.2.3 To JSAC's knowledge there have been no incidences of abuse against women by the police or military.
- 7.2.4 The police only began functioning in Jaffna in 1997. Since 2010 their strength has increased. JSAC ran a successful campaign with the police to have a woman/child desk at police stations with a female cadre.
- 7.2.5 The current issues faced at police stations are the language barriers. Incidents are recorded in Sinhala so this needs translating into Tamil. Some translations get misinterpreted. Translators are generally men, and Tamil women who have been abused find it hard to give their accounts to male officers. Usually it is only the desk officer (constable) who speaks Tamil.

What happens when women leave the safe house?

- 7.2.6 JSAC follow-up to see how they are. It offers counselling and liaises with courts in ongoing cases.
- 7.2.7 The FFM team visited two housing projects in Jaffna District, where JSAC had supported IDP families and FHH in resettling in former military-owned land in the HSZ.
- 7.2.8 A resettled family, Jaffna District



A resettled family in Jaffna

7.2.9 A house provided to a resettled family



A house provided to a resettled family

7.2.10 A water source for families



A water source for families

7.2.11 Onion and grapes are grown by resettled families as a source of income



Onion and grapes are grown by resettled

[Back to Contents](#)

8. Meeting with Fr. Elil Rajendram SJ 14 July 2016

- 8.1.1 Elil Rajendram is involved in safe guarding victims and recording human rights violations. In 2014 and 2015, he dealt with two human rights cases.
- 8.1.2 In 2014 he provided a young man with temporary accommodation after he escaped abduction. The young man had been abducted by men who came with a white van. He was taken to a room without windows and was tortured. He escaped to the ICRC [International Committee of the Red Cross] and was then housed by Elil in a couple of alternative addresses whilst in hiding. The man's wife went to make a complaint at the Human Rights Commission, but nothing came of it. The man then travelled to Switzerland.
- 8.1.3 In 2015 Elil was aware of a young woman, a media person, who had returned to Sri Lanka after 7 years in India. When she had left Sri Lanka, she had been forced to give her jewellery in payment of a bribe, as at the time she had no money. On returning to Colombo airport, she was apprehended on the aeroplane by CID [Criminal Investigation Department] officers. She didn't go through immigration and in order to get away she had to pay a bribe of 700,000 LKR. It was thought that the Embassy in Chennai had warned the CID she was returning. She was under surveillance for six months in Sri Lanka and after this time an attempt to abduct her was made,

but she managed to evade escape and the men with the white van who had come to get her. The woman stayed in Jaffna for a while, but it is not known where she is now.

- 8.1.4 In Sri Lanka, 'escape' the authorities, means - pay a bribe. Elil attempted to bribe an immigration officer to see if it could be done. They asked for 2.1 million LKR. Elil didn't pay but wanted to prove a bribe would be taken.
- 8.1.5 In 2014 Elil was aware of a woman who had gone to the authorities to make enquiries about her husband who had disappeared. She was asked for sexual favours in return for information.

Are you aware of the profile of people who are arrested/detained?

- 8.1.6 Usually the people who are abducted are [male] and middle aged (since many who left in the 1980/90s were in their 20s). They are generally ex-combatants and their associates (at the time of the conflict, all people were associates).
- 8.1.7 People are usually abducted at night in their homes or while travelling.

Who makes the arrest?

- 8.1.8 3-4 men in a white unmarked van, no number plates, make the arrest. Sometimes they are in uniform, sometimes not. The person being abducted is handcuffed and blindfolded.

Where are people detained and for how long?

- 8.1.9 Detention usually takes place in an unknown military location or the '4th floor', a "torture chamber" in Colombo operated by the CID or the '2nd floor' operated by the TID [Terrorism Investigation Division], or in Boosa prison.
- 8.1.10 There was not thought to be a specific length of time for detention, but Elil knew of a person who had been detained for 11 years without charge and another who had been released after 23 years without charge. Usually people don't come back, it is very rare for a person to come back, mostly they are dead.

Are detainees allowed legal representation?

- 8.1.11 There is no access to legal representation for individuals who have been abducted or who have disappeared in a white van. But it is also the case that some PTA detainees are denied access to legal representation, whilst some are granted access.

Do NGOs have access to people in detention? Are their families allowed to visit?

- 8.1.12 NGOs [Non-Governmental Organisations] do not have access to people in detention. If a person is detained on the '4th floor' and their lawyer has access – prominent people may have access to lawyers – then it is possible for the lawyer to arrange for the family to have access.

Do detainees have access to medical treatment?

- 8.1.13 Detainees do not have access to medical treatment.

What is the ill treatment? Who carries out the ill treatment?

- 8.1.14 Ill treatment (torture) is carried out by the armed forces. There are degrees of torture; the milder forms include beatings on the soles of the feet and the hips. A person will be handcuffed and secured to a bed. The next phase includes being submerged in water and having a petrol bag tied to the face. Thirdly, items may be inserted in the anus, including bottles or pipes which contain barbed wire. The pipe is then removed, leaving the barbed wire in situ which is also then pulled out of the anus. After this the person normally signs a 'confession' to say they have been associated with the LTTE and they pay a bribe to escape (leave).
- 8.1.15 If a confession is made the person is not sent to rehabilitation. Rehabilitation wasn't as such; it was just people working in fields.

(For further information on torture/ill - treatment, see: [Meeting with an official from Rights Now, 11 July 2016](#), [Meeting with Bishop Emanuel, Trincomalee, 16 July 2016](#), [Meeting with a peacebuilding and human rights organisation, 21 July 2016](#), [Meeting with the Centre for Human Rights and Research \(CHRR\), 22 July 2016](#), [Meeting with an official from the National Police Commission \(NPC\), 12 July 2016](#), [Meeting with the Honourable Austin Fernando, Governor of the Eastern Province, 19 July 2016](#), [Meeting with Commissioner of Prison \(Intelligence and Security\), Prison Headquarters, Colombo, 20 July 2016](#), [Meeting with a UN Senior Human Rights Advisor in Sri Lanka, 21 July 2016](#))

Are there avenues of redress in cases of torture?

- 8.1.16 It is very rare that a person would raise a complaint with the Human Rights Commission (HRC) as it has no power – it can only raise issues with the government.

Are detainees held in prisons, what are the conditions like?

- 8.1.17 Detainees are held in Boosa prison. People are not treated like people there. If a Tamil is beaten up by a Sinhalese, they have to bear it – there is no assistance.

Are detainees released from detention on bribes? How much is common?

- 8.1.18 A person who is being detained will be told they can leave if they pay a certain amount of money. The starting price for a 'bribe' is 1million LKR [Approximately 5.3 million GBP] – but based on the background of the person, this can either go up or down. Most people must sell their property to pay bribes. A mediator – a third person will act for both sides, but the mediator may make money in the process – they could say the amount was 1.5 million LKR, when in fact the original price was 1million, and keep the balance. It is also very likely that people higher up in command also receive a cut of the bribe money. The money is deposited into the 'guard's' bank account.

Are reporting conditions set for people who leave detention?

- 8.1.19 People who leave detention on a bribe do not report when they leave.

Are people who leave detention on a stop/watch list?

- 8.1.20 People who leave detention on a bribe are not on a stop/watch list, but they are on a list of people who are known to have paid a bribe to leave detention – and the country. They are not stopped going through the airport.

What would happen to a person with a previous LTTE association who returned from the UK?

- 8.1.21 If the person is identified at the airport as having previous LTTE connections (there are CID and former LTTE ‘informer’ cadres present to identify such people), the person would be taken to a different room by the CID and asked to pay a bribe to an immigration officer.
- 8.1.22 People returning from the UK with a previous LTTE connection would be subject to torture and harassment and their families will be harassed, particularly, if there is no male present.
- 8.1.23 Wives of former LTTE combatants are visited in the night.
- 8.1.24 Sexual assaults/ harassment are mainly carried out by the military. It is rare for relatives or neighbours to prey on these women. Any Tamils that do this probably work for the military.

8.2 LGBT issues

- 8.2.1 The Tamil society is quite conservative and these issues are not openly talked about in Jaffna. People living in Colombo may be more open.
- 8.2.2 There is ‘breathing space’ since the regime change, previously it would not have been possible to talk freely, but true freedom of speech would be better now there is self censorship owing to previous experiences.
- 8.2.3 It’s possible the current drug problem in Jaffna is the result of a government distraction – making use of seized drug hauls. In 1996, the ‘distraction’ was pornography.

[Back to Contents](#)

9. Meeting with a women’s organisation in Killonochchi, 15 July 2016

These notes were returned to the source for verification, but no response has been received.

- 9.1.1 The women’s organisation run awareness programmes for women, offering focus groups for women and children on gender and women’s rights issues. It has connections with other Provinces.
- 9.1.2 There are lots of widows and children without parents and they have no protection.

Who do they need protection from?

- 9.1.3 We cannot identify any specific person they need protection from, but everywhere there are issues for these women and children.
- 9.1.4 Since the war there has been development but we don’t see that development ourselves; it is more about infrastructure, like building roads, but they [the authorities] do not see what is happening in the villages. The previous regime has changed but we have nothing yet.

- 9.1.5 Children are left with neighbours when the women go out to work and those children may be abused. Women in the work force suffer sexual abuse. When we find cases of sexual abuse we can place women in a shelter, keep them there and offer them financial support. Most women do not know where to go if something like this happens to them so we run awareness programmes. We facilitate women in going to the police to report abuse.

One woman gave her story:

- 9.1.6 My husband surrendered to the Security Forces in 2009. I do not know what has happened to him, and I have two children to look after. I supported to change the government but I have no support from them. I do get support from other organisations (NGOs). I am telling you my personal issues but other women are also facing these issues.
- 9.1.7 In the previous regime the Criminal Investigation Department (CID) used to come and make enquiries. People disappeared and also people (ex-cadres) who surrendered have disappeared and we have no knowledge of their whereabouts. If I go to protests regarding disappearances the CID harass me.

Is this harassment still happening now?

- 9.1.8 Less now but they are still coming. Three days after a protest the CID came to my home.

When the CID came to your home, what did they want?

- 9.1.9 They threatened me not to go out and to stop searching for my husband. They say if they have news of him, they will let me know. Many people have not come back; women and children went in a bus in May 2009; 18 and never came back. Meetings are held by the government to get information about the disappeared but this is not helping. The government sent a reply in English, so I could not understand what it said. Disappearances are one issue. The government should return the people who were handed over to the security forces.

We have heard of incidences of sexual and gender-based violence (SGBV). Who is committing this abuse?

- 9.1.10 We cannot say who is behind this but it might be the military, family or other members of society. Previously it was obviously by the military but now it might also be from society but no action is taken against them. There has been a recent increase in sexual abuse against women – sexual harassment and rape. People who act with impunity are not punished. But one case recently went to court and the perpetrator was convicted.

Do women feel able to report SGBV to the police?

- 9.1.11 No appropriate action is taken by the police. Women inform the police – they tell us, if you have information about drugs or abuse then report it – but they do nothing. There are lots of youths involved in drugs; they are being given drugs but we do not know by whom.

Do the police take bribes from the perpetrators of crimes instead of charging them?

9.1.12 The police will keep the person detained for a couple of days, then they are bribed and the person is released.

9.2 Other issues:

9.2.1 There are lots of disabled people without jobs and lots of unemployment issues. The government promised to support female heads of households (FHH) but they have not done anything. Properties that people lived in are occupied by the military. These people had nice houses but now they only live in small places; this needs to change.

9.2.2 There is some improvement. Today we can talk to you but we still fear the CID as they might be at meetings. Some women due at the meeting were too afraid to come.

9.2.3 During the LTTE [Liberation Tigers of Tamil Eelam] period women could go out freely, even at night. But now you can't do that because army personnel are around and we fear them. There is also high societal violence.

Are you aware of continuing arrests and detention?

9.2.4 People are still detained and enter rehabilitation but afterwards they are taken back into custody. A case like this happened last month [June 2016]. So what is the point of rehabilitation? Some have been released but some remain detained by the police, CID and army. Some are kept for 3-6 years then released. But after release questioning continues. If a person is married it is hard for the family. Men released from rehabilitation are often sick so the family suffers further.

Does the government issue 'Certificates of Absence' to widows so they can claim government benefits?

9.2.5 They are given to some widows but not all. I do not want a certificate. It's just the government's way of closing cases. Sometimes they give you another certificate but if you take that they will give you a death certificate later. I do not believe in the internal system – I expected international involvement in these cases of disappearance. If the government can't return our men we need to know what has happened. If they have not disappeared the government must have information on those who surrendered and where they are.

What change would you like to see now?

9.2.6 People who have disappeared should be returned. We want a safer environment.

A safer environment from crime?

9.2.7 No, remove the army and CID involvement. The issues are in the North and not the South. We want the same as the rest of the country.

9.2.8 When my husband was arrested I was not given a receipt of his arrest. I have registered with all the places the CID has said I should register, but there are many questions in Sinhala or English, nothing in Tamil. Finally I said I would kill myself if they asked me anything else. There is no further place to look but I will keep searching.

[Back to Contents](#)

10. Meeting with Bishop Emanuel, Trincomalee, 16 July 2016

10.1 Bishop Emanuel and CARITAS [INTERNATIONALIS]

- 10.1.1 Bishop Emanuel was ordained as a Bishop on 25 July 2015 and, as a Catholic Bishop, the Tamil community look to him as a leader.
- 10.1.2 CARITAS [INTERNATIONALIS], the social arm of the Catholic Church are involved in social development in Trincomalee and have been actively involved in relief ministry during, after the war and post war reconciliation. The Trincomalee Tamil's Development Federation (TTDF), of which the Bishop is the president, also provides social services. The main aim of TTDF is to reach out to the people in need of education and rehabilitation.
- 10.1.3 Some of the work of TTDF is in remote villages where it helps with education, as it is very difficult for the children to travel the distances required to get to school. The TTDF helps the students and the teachers. Education is a struggle.
- 10.1.4 There are many lone women headed households, which CARITAS assists with livelihood programmes. A good number of them have no houses or help with accommodation from the government.
- 10.1.5 The Bishop has a better relationship with the authorities than some of the other religions, because of the central organisation of the Catholic Church, its contribution to education, and its neutrality.

10.2 Internally displaced persons (IDPs)

- 10.2.1 There are a number of displaced persons who remained in the country (IDPs) and those who went abroad, who have not been able to return to their lands as some of these are in the security zones and their return has not been allowed. Some have now been given lands, but not all have houses. There are schools and teachers, but no facilities available to them. The TTDF is trying to do what it can to help these people.
- 10.2.2 People who left in 2007 refused lands offered to them elsewhere, as they wanted to return to the lagoon [in Trincomalee] – many of them were fishermen and gardeners. Since 2015 they have returned to their own lands.
- 10.2.3 After 2007/2008 there were many NGOs [non-governmental organisations] and INGOs [international non-governmental organisations] which came to Trincomalee with resettlement programmes and also the government helped with resettlement, but by 2015/16 many of these programmes had finished and there were fewer NGOs to assist. Now there is not enough support with housing and sanitation and there are still people waiting for resettlement. People can't concentrate on their futures because they have, for example, financial problems, no accommodation, no education.

(For further information on land issues, see: [Meeting with the Tamil Civil Society Forum, 13 July 2016](#), [Meeting with an INGO, Colombo, 12 July 2016](#), [Meeting with an INGO, Jaffna, 13 July 2016](#), [Meeting with Security Forces \(SF\) Commander for Jaffna, 13 July 2016](#), [Meeting with Security](#)

[Forces \(SF\) Commander, Killinochchi, 15 July 2016, Meeting with Naseer Ahamed, Chief Minister of the Eastern Province, 19 July 2016\)](#)

10.2.4 The IDPs have a hard time. Many are disabled and do not receive any assistance from the government. CARITAS treat all people the same – there is no distinction between former cadres and people who have no connection with the LTTE. The previous identity of people is not asked.

10.3 Human rights

10.3.1 For the past 35 years, society has been used to dominating and demanding and getting things done by force – on all sides. People are used to being frightened; they are used to being under power.

10.3.2 For example, when there are community meetings now, plain clothed intelligence officers are often present, so Tamils are afraid to talk about the issues that concern them, even though the intelligence officers tell them they need not fear. When some Tamils do speak out, they are viewed with suspicion [by the intelligence].

10.3.3 In addition to the civilian clothed intelligence officers who are often present in the community, it is thought there are deeper levels of monitoring. The authorities will want to have evidence of any plans to reform the LTTE. There is distrust on both sides.

10.3.4 The new government is much better than the previous regime, and more approachable.

10.3.5 There are no leaders amongst the community to take issues forward, but there is the Human Rights Commission (HRC), the police and the authorities to whom people can go to raise issues of concern. The HRC has an advocacy role with the Courts. Those possibilities are always there.

10.3.6 Another issue in Trincomalee are the very mixed religions and ethnicities, creating very mixed communities. It is a challenge for these groups to live together and to help each other, especially to the north of the city, where Buddhists attempting to raise statues have created unnecessary tension. A Hindu temple in Kanya was also taken over by the Buddhist monks, and an attempt to resettle families on Church land also required intervention. This tension has been added to by the authorities, who have a bias towards the Buddhists. People do not feel able to speak out about these issues, for fear they will get into trouble. Religious tension is quite an issue.

10.4 Arrests

Are people still arrested and detained because it is perceived they have a previous connection with the LTTE?

10.4.1 The Bishop had not heard of any reports of arrest for this reason in Trincomalee, or of torture, but in general, if a person has a previous connection with the LTTE, then arrest and detention will happen. Ill-treatment happens in PTA [Prevention of Terrorism Act] detention. The authorities monitor the houses of people who have left the country. A person who is ill-treated could report the incident to the HRC.

10.4.2 Most of the time when people return [from outside the country] there is the possibility they will be arrested. So for this reason many people refuse to

return. The military keep a watch on their houses and the family remaining in Sri Lanka, but this will only be if the person has committed a serious crime in the past. Even if the crime or death/murder through conflict was 20 years ago, the person will still be investigated. In these cases, if torture is to be used to get information, they will not hesitate to use it. The possibility is always there for torture to be used.

- 10.4.3 The culture is slowly changing; people who are arrested may go through ill treatment. Their treatment will be based on previous LTTE involvement.
- 10.4.4 The Bishop had not tried to access places of detention, but had visited Trincomlaee prison without any difficulty.
- 10.4.5 The country is much safer now than it was during the war, but the culture is slowly changing, there is different violence now, from drugs for example.

(For further information on torture/ill-treatment, see: [Meeting with an official from Rights Now, 11 July 2016](#), [Meeting with Fr. Elil Rajendram SJ 14 July 2016](#), [Meeting with a peacebuilding and human rights organisation, 21 July 2016](#), [Meeting with the Centre for Human Rights and Research \(CHRR\), 22 July 2016](#), [Meeting with an official from the National Police Commission \(NPC\), 12 July 2016](#), [Meeting with the Honourable Austin Fernando, Governor of the Eastern Province, 19 July 2016](#), [Meeting with Commissioner of Prison \(Intelligence and Security\), Prison Headquarters, Colombo, 20 July 2016](#), [Meeting with a UN Senior Human Rights Advisor in Sri Lanka, 21 July 2016](#))

10.5 Police

- 10.5.1 In terms of human rights issues, there needs to be improvement at grass roots level with police actions. There is inaction and the minority are not able to speak up and demand their rights. For example, a Tamil person who returned to his land located by the beach found that a Sinhalese person came and settled on his land and built a shelter, then a second Sinhalese person came and settled on his land also. The Tamil man took the case to court, but was ordered to give part of his land to the Sinhalese people.
- 10.5.2 The police are Sinhalese and they support Sinhalese people over Tamils. There have also been occasions where the majority has done something wrong, but the minority have not received justice.
- 10.5.3 There is a lack of trust in the police. They do their job well – there is no ill-treatment apart from extortion – but there is an abuse of power. The police need awareness training, they should be the peoples' friend, but they are too rigid. The people likewise need to understand how to live with the police. Increased salaries for the police would help the situation.
- 10.5.4 Law and order is an important issue, but there is a need to get rid of domination and start co-operating. People need more time.
- 10.5.5 The Judicial system is fair.

10.6 Violence against women

- 10.6.1 There is violence against women, but most of the time these issues are not taken to the police because the women do not want to be harassed and because it is not in their culture to talk about such things. There is less

domestic violence than other types, because the law states anyone can report cases of domestic violence and action has to be taken. Women who report violence may also face discrimination from their families. For example, a mother who was beaten by her drug addict son said her injuries had been caused by an accident, because her daughter was due to get married and she did not want to bring any shame on her daughter and the family.

10.6.2 Ganja [marijuana] is a problem in Trincomalee. It is grown in certain villages. The police know where this is happening, but they take no action.

10.6.3 There are no problems with the military in this area.

10.7 Land issues

10.7.1 Some military personnel were given land as a prize for winning the war, which they are reluctant to give up. But the army now needs to give up the security zones and return the lands to the people one by one. However, the government is also giving land to people who didn't have any before the conflict, so those people have the opportunity to build their own house.

[Back to Contents](#)

11. Meeting with former, Liberation Tigers of Tamil Eelam (LTTE) cadres, 18 July 2016

11.1 Interview with person A (Male)

What role did you play in the LTTE?

11.1.1 I didn't have any connection with the LTTE but I got arrested and detained.

When were you arrested?

11.1.2 I was arrested twice – 1993 and 2007.

If you were not involved in the conflict, what did you do?

11.1.3 I worked for a non-governmental organisation (NGO) and used to visit areas that were under LTTE control. So because of that I was monitored and suspected of being involved with the LTTE.

What happened when you were arrested and detained?

11.1.4 In 1993 I was walking down the street and was stopped, my hands and legs were cuffed, my head was covered and I was taken in a white van that had no registration markings. There were four people and the driver. I couldn't identify who those people were; they had beards and used broken Tamil mixed with Sinhala. I was pushed under a seat and the men kept their legs on my body.

Where were you taken?

11.1.5 My eyes and mouth were covered so I don't know where I was taken.

Were you taken to an office, or a prison?

11.1.6 I heard sounds of marching and talking; it sounded like an army camp.

What happened there and how long were you detained?

11.1.7 I was put into a room. I was asked no questions but was beaten. A shopping bag with petrol was put over my head for about 30 seconds at a time. It was difficult to breathe. They asked me if I had arms, ammunition, and what connection I had to the LTTE.

11.1.8 They removed my clothes and locked my hands and legs together. A bar was put between my legs and I was suspended over a table. I had a rope tied around my penis, which was pulled and beaten.

How long did the interrogation last? When were you released?

11.1.9 I was about 20 days in a dark room. I didn't know if it was night or day. I could only hear trains going past. On the last day I had to sign a document saying I had connections with the LTTE. The document was written in Sinhala [as opposed to the Person's native language, Tamil]. After that I was sent to the 4th Floor, Colombo. I was released in 1995 during which time I was detained in three prisons – 6 months at the 4th Floor, Colombo Fort, and in prison twice.

What happened in 2007?

11.1.10 I was arrested and tortured by the Terrorism Investigation Division (TID) on the 2nd Floor. I was released in 2011.

Did you pay a bribe for your release?

11.1.11 No, the first time some human rights lawyers helped with my release and the second time I was sent to rehabilitation camp.

Do you believe you are still being monitored?

11.1.12 Yes, they have been calling me. If I go somewhere they call asking what am I doing now. They won't identify themselves (individually) but they say they are TID. The last contact was last Sunday (10 July 2016). After coming here (to see you), they will ask why.

11.1.13 I have asked for asylum at the Swiss Embassy. I can't live independently and feel trapped.

How were you treated in rehabilitation?

11.1.14 I was not beaten. It was a strict routine but I was not ill-treated. The food was poor but there were no beatings. Compared to prison it was not bad.

11.2 Interviews with persons B and C (husband and wife)

Are you currently being monitored by the police/security forces?

11.2.1 In Colombo we used to receive calls. Our details were given to an officer in the Criminal Investigation Department (CID) in Trincomalee and they would come and see us occasionally, about once every 6-7 months.

11.2.2 (The wife produced a certificate of detention for the husband, from 2007-2008, and documents from ICRC [International Committee of the Red Cross] and HRC [Human Rights Commission] – copies and photos taken).

11.2.3 (Husband) In detention I was beaten and I had some teeth pulled out. My wife was not detained but she was beaten during my arrest. I was held in a

police station for 3 months, then in Boosa and Magazine prison. I was beaten in Boosa. The treatment in Magazine was not as bad as Boosa.

- 11.2.4 (Wife) I reported my husband's arrest to the International Committee for the Red Cross (ICRC) and Human Rights Commission (HRC).

Why are you still monitored?

- 11.2.5 To check if we are still here (in Trincomalee) or to see if we have gone elsewhere.

Were you sent to rehabilitation?

- 11.2.6 I was not offered rehabilitation.

Do you feel safe now? Who do you fear?

- 11.2.7 (Wife) I have a fear of going out. The CID are calling and asking where my husband is. I don't know what they might do.

Did you have a connection with the LTTE?

- 11.2.8 No, but during the war the security forces believed all Tamils were connected to the LTTE. I was arrested on suspicion of being connected but the court found I had no connection.

But you are still monitored despite this finding?

- 11.2.9 I don't know why this is happening.

Did you pay a bribe to be released?

- 11.2.10 No, I didn't pay a bribe. Everyone was under suspicion at that time.

11.3 Interview with person D (male)

Did you have a connection with the LTTE?

- 11.3.1 My brother was in the LTTE so I was suspected of being part of it, too.

Are you monitored today?

- 11.3.2 Since the end of the war (2009) I have not been monitored.

Have you been detained, or in rehabilitation?

- 11.3.3 I was arrested in 1991 and released in 1994. I was 2 and a half years in Trincomalee prison [showed a letter of release dated 1991]. After my release I went to India for 4 years. I have not been arrested or detained since then. I suffered ill-treatment in detention; I was beaten with iron bars on my backside.

- 11.3.4 In 1994 I was visited by who I think was CID and they asked about my brother.

Has anything happened to you since 1994?

- 11.3.5 I was in India until 1998 [travelled illegally to and from India from Mannar]. I have not had any bad experiences since then.

Do you feel safe now? Do you have any fears?

- 11.3.6 I have no issues now. I have 6 children. Although I have no issues now I don't know what will happen in the future.

11.4 Interview with person E (male)

Did you have any links with the LTTE?

11.4.1 I had no connection with LTTE.

Are you monitored by the security forces?

11.4.2 I was arrested in 1990 on suspicion of being involved with the LTTE. I went to India between 2006 and 2007 but there was no work there.

Why did you go to India?

11.4.3 Because of the war.

Have the security forces contacted you since you returned to Sri Lanka?

11.4.4 I received 3 or 4 calls by the police after I returned. I told the police to visit me so that I knew they were the police. They didn't meet me. I was asked to report to the District Secretariat. I had to give my fingerprints.

11.4.5 I was last called in January 2016. They were checking to see if I was still here, what I was doing.

Have you been in prison or rehabilitation?

11.4.6 I was in Trincomalee prison for 3 months in 1991. I don't know why though; probably because I was on suspicion of being LTTE. It is too painful to describe the treatment I received whilst in detention. I now cannot work as a fisherman because of the treatment I received.

Do you feel safe now, or have any fears?

11.4.7 There is no monitoring but I'm not sure about my security; I could be arrested at any time. There is a disconnection between the Tamils and Sinhalese – any small clash can be a cause for arrest.

Did you pay a bribe to be released from detention?

11.4.8 No. After my release I had to report weekly for 18 months.

11.5 Interviews with persons F and G (female)

Did you have a connection with the LTTE?

(Person F)

11.5.1 My brother was connected with the LTTE. He was a suicide bomber and died in an explosion in Colombo in 2008. I was arrested and detained for 2 months because of my brother. I was taken during the night. The CID from Colombo made the arrest and kept me in a police station near Trincomalee. I was then taken to Colombo.

What were you questioned about?

11.5.2 I was asked about my brothers activities. I didn't know why my brother went to Colombo. I thought he was looking for work. I was arrested after my brother detonated the bomb.

Where were you held in Colombo?

11.5.3 I was held for 2 months at the 2nd Floor, Colombo Fort.

Were you ill-treated?

11.5.4 I was faced with constant questioning but I was not ill-treated.

Why were you released?

11.5.5 I was released because I knew nothing about my brother's activities. The court allowed my release.

Did you pay a bribe?

11.5.6 No, no bribe.

Have you been monitored since your release?

11.5.7 For a period of time I was asked repeated questions. This happened about 4 or 5 times but the last visit by Colombo CID was about 6 years ago. There were about 5 CID officers accompanied by local police.

11.5.8 My mother was asked to give a blood sample about 5 years ago (for a DNA test) so she could receive my brother's death certificate.

Do you have any fears now?

11.5.9 I would be afraid if this information we have given you was released (if I was identified).

Do you generally feel safe?

11.5.10 Yes.

(Person G)

11.5.11 After visiting a temple in a village near Jaffna in 2008 with my son we were unable to leave as we had no passes. The village was controlled by the LTTE and you needed a pass to leave the area. We had to stay there for 14 months, until after the war. But after this the police suspected I was involved with the LTTE. I was detained between 2010 and 2011 for 14 months for suspected connections with the LTTE. I was later released by the court after it was found there was no case against me.

11.5.12 I was visited by the CID from Colombo in 2011. I told them if you keep coming I will kill myself. No further visits since then.

Do you have any fears now?

11.5.13 No fear now, unless you reveal I have spoken to you.

[Back to Contents](#)

12. Meeting with two representatives ('A' & 'B') from two international media organisations, 19 July 2016

12.1.1 Now [under the new government] there is freedom of speech. If the regime changes again the public will not open up, but it will not go back to what it was before.

12.1.2 There are no restrictions [on reporting], but there is an unofficial request from the authorities not to publish, or to make particular Tamil/Sinhala incidents

into major stories. For example, the recent clash between Tamil and Sinhala students at Jaffna University.

- 12.1.3 The BBC is not censored. It publishes news reports on the web in Sinhalese, Tamil and English. The BBC reports for all sides. For example, the BBC Sinhalese website will report on Tamil stories so the Sinhalese will be aware of the Tamil issues, such as resettlement and disappearance. Other Sinhalese media organisations ignore these issues. There are allegations that newspapers, local media owned by politicians backed by the government and opposition are censored.
- 12.1.4 The Tamil and Sinhala press report from different angles, for example with the recent Jaffna University clash, the Tamil media reported the incident as Tamils attacked; the Sinhala press reported it as Sinhalese attacked. Whereas the BBC just reported that there was a clash between both groups. There are State sponsored newspapers and there are independent ones too. The State newspapers are more balanced now compared to what it was before, during the previous regime. Now they are including both sides but still favouring the government. The State TV is also the same. There are two State TV stations.
- 12.1.5 Journalists are allowed to criticise the government. No penalties for reporting had been seen. Under the Press Council Act a journalist can be fined. The Prime Minister made a public speech to show the public what lies had been printed and instructed the media not to print anything that was a lie. There had been some news targeting Tamils – anti Tamil news – which had created unnecessary tensions harming national harmony.
- 12.1.6 Journalist ‘A’ had not heard of any journalists being attacked since the regime change in January 2015. The last incident was in 2012. It has reduced, but the fear was there even in 2014, but now people are more relaxed. Journalists can publish articles about human rights violations without the fear of reprisal.
- 12.1.7 One reporter was questioned in 2015 by the TID [Terrorism Investigation Division] because he had spoken by phone to an LTTE [Liberation Tigers of Tamil Eelam] member in jail. He was instructed to attend the TID offices on the 4th floor of the ‘Fort’ one morning to give a statement about what had been discussed. A lawyer was assigned but TID did not allow him to attend the interview. The journalist contacted a correspondent who knew the police media contact in the TID. The police media contact made enquiries and arranged for the journalist’s release. The journalist was requested to return again at another time and had to answer simple questions. But the journalist feared the interview – there have been bad experiences with the TID. For Tamils, it’s scary.
- 12.1.8 Journalist ‘A’ did not think any journalist has been tortured, although they have been questioned. Before 2006 there had been cases of abductions and torture (of journalists).

Is it possible to pay a journalist to publish an article?

- 12.1.9 These things happen, especially by the local press, but not by major press organisations. The request to publish an article can be from both sides

(someone within the authorities or within the community). Stories can easily be planted, may be frequently, especially on YouTube and Twitter; which then escalate. News stories are exploited for political rather than personal reasons and are easy to publish on websites. Journalists working for the local press are on low wages so it is easy to tempt them with foreign trips or help for their family. About £100 would easily be sufficient (which is about the same as the monthly salary of local journalists).

- 12.1.10 Journalist 'A' had not seen any articles from witnesses (from the conflict) about people that have committed human rights violations in the past.
- 12.1.11 Journalist 'B' added that 'back in the old regime, if you backed the government there was no problem, but if you did not back the government it would be difficult'.
- 12.1.12 The military were given incentives to locate arms and weaponry stashes, so it's possible anyone detained under the PTA [Prevention of Terrorism Act] could face harsh interrogation to give up information about these stashes. The journalist said that there had been stashes of arms found in the last 2-3 months, indicating that someone had 'talked' to their interrogators, under pressure; although it was not thought torture would have been used as in the past. There had been incidents where villagers had unexpectedly found weapons hidden in wells.
- 12.1.13 There is a division in the main coalition Tamil party; one side has extreme views as the LTTE had in the past and the other has a more moderate policy. There is conflict at the grassroots because of this and there has been some violence and rape cases, but not connected to the conflict.
- 12.1.14 There is torture generally across Sri Lanka, even in the South, by the authorities to obtain information, not just to the Tamils.

[Back to Contents](#)

13. Meeting with two lawyers, 21 July 2016

These notes were sent to the source for verification, but no response has been received.

- 13.1.1 The lawyers said they were compiling the Shadow Report against Torture.
- 13.1.2 The lawyers had not yet had access to places of detention. If a person is held under the PTA (Prevention of Terrorism Act) / Administrative detention, it is necessary to request permission from the TID [Terrorism Investigation Division] to gain access, which can take 6-8 weeks. Access for the detainee's family is limited.
- 13.1.3 When a lawyer has access to a criminal client, someone who is not held under the PTA, the person is brought to the office of the prison, there is no privacy. Either a police officer or CID (Criminal Investigation Department) officer would be present during the meeting.
- 13.1.4 There is reluctance in Sri Lanka to use Criminal Law.

- 13.1.5 The new government has made lots of improvements, but widespread development for all is needed, including poor people. The last thing that will change is the treatment of former LTTE cadres.
- 13.1.6 Ordinary citizens, for example, Sinhalese, are at risk of being tortured. There are safe guards installed for petty crime but torture is still prevalent. There is a heightened response to people held under the PTA.
- 13.1.7 Confession is admissible, so the law provides the ability for people to use [torture]. Under the PTA [confessions] are admissible in court and detention can last up to 18 months. Judges never question why detention is extended. The government is hiding behind transitional judgement, it's a white elephant, Magistrates are not reviewing cases. [People need to be] guarded by the State.
- 13.1.8 In the recent 'suicide vest case' [where a number of ex-combatants were arrested after a suicide vest was found in Jaffna], there was a big difference from previous years under the old regime, in that the detainees turned up in the TID 24 hours after arrest.
- 13.1.9 In 2013/14, a senior human rights defender was arrested by the TID when fact-finding. He managed to get a message to colleagues to say he was being followed before he was arrested. He was taken to the TID in Colombo and senior lawyers requested access to see him, but were denied. The lawyers filed a complaint with the Human Rights Commission (HRC), which is still being investigated [at the time of this FFM].
- 13.1.10 The case against the human rights defender continues and a gagging order has been placed on him, but he has been invited to sit on expert panels for transitional judgements and is doing other work, even though this 'terrorist' case still continues against him.
- 13.1.11 When a person is arrested there is no permission for a person to make a call. When a criminal is detained by the CID, a lawyer may be present when the statement is recorded – but only at a distance, the lawyer cannot speak to the client.
- 13.1.12 Observed general process of arrest:
- A person is visited at their house by a person in civilian clothes, asking if X lives here;
 - If 'yes', the victim disappears;
 - OR, the people talk in the garden for a bit, other people come - officials, the family are scared. The visiting officials do not say if they are police or TID, although people can normally identify TID;
 - The person is taken away – no reason is given, abduction often changes to arrest. The person may be taken in an unmarked van, on a bike, or sometimes in a police car;
 - OR, some people are asked to go to the police station and are arrested there. Sometimes family members are literally held hostage until the person turns up;
 - The officials should say why they are taking the person and where they are taking them. They should issue a receipt to say why the person is being arrested and where they are being taken.

- The person is often blindfolded;
- Sometimes the person is taken to the police,
- Sometimes the person is taken to the TID, may be an unmarked place of detention;
- OR sometimes it is a Military Intelligence arrest, sometimes working together with the police, sometimes in competition.
- Sometimes the person is beaten inside the vehicle, some are kept on the floor and beaten;
- Interrogation does not happen by the local arresting officer – someone comes from Colombo, either TID or regular police;
- The person is then taken to the head office in Pettah, Colombo – Colombo Fort. TID and CID share the same building. TID is on the 2nd floor; CID on the 4th floor. The entrance is underground, there are car parks. It is not a permanent place of detention.
- Lawyers can apply for access,
- Sometimes families pay officials/police huge amounts of money to get a 'case' reference number,
- If a person is held under Administrative detention, i.e. the PTA, a Detention Order is signed by the Secretary to the Minister of Defence. This should be given to the person, but that does not always happen – there is no judicial oversight. Detention can be extended every 3 months, but that does not always happen.
- The person is then taken to the TID detention facility at Boosa – then presented to the Magistrate. Then eventually, may be up to one year later, the person may leave, be remanded, or released on bail.
- OR, if remanded (not under the PTA), a Court Order is made and the person is sent to Colombo remand prison, but is not normally charged at this stage.

13.1.13 People normally say torture happens straight away, at the time of the arrest, but there is day to day violence – humiliation, daily slapping, sexual violence amongst inmates and officials (undocumented) and riots.

13.1.14 There is no administrative practical system to offer legal aid, but families can approach lawyers on behalf of the detainee. Some NGOs [Non-Governmental Organisations] who do prison visits find detained people who need legal representation and ask lawyers to represent the person.

13.1.15 Lawyers think they can only have a limited task under the PTA.

13.1.16 At the time of this FFM the lawyers were due to have access to some people on remand, who have been moved from Boosa to Colombo. They have been detained under the PTA for 5 -10 years on the basis of forced confessions. The lawyers will assess their conditions and see what they can do to help, but appealing for a PTA detainee is very futile.

13.1.17 It is different for asylum seekers – there is a fear that the past could be brought up at any time. There is a very broad definition of terrorism.

13.1.18 If a person has served 5 years on remand and is sentenced to 10 years, it is possible that they may only serve another 5 years – if their lawyer can arrange this.

- 13.1.19 Generally a lawyer will be assigned, by a High Court judge.
- 13.1.20 In relation to people who return to Sri Lanka with a former LTTE connection, it is a given fact they will be questioned and may be monitored, if not at the airport, then when they return to their homes.
- 13.1.21 The airport is the most notorious place to be detained and taken away from.
- 13.1.22 The country does not have a good human rights record. The President, who was a senior Cabinet Minister in the 1980s and 90s, and the Prime Minister do not have good human rights records.
- 13.1.23 Particular incidents:
- There are many instances of people saying they were interrogated;
 - A jeweller lost his livelihood after being kicked in the eye, while naked and on his haunches in a corridor with other detainees in the same situation in Colombo Fort. He now has poor eyesight.
 - A mother did not know her son was in prison until she was informed of his death in a prison riot.

[Back to Contents](#)

14. Meeting with a peacebuilding and human rights organisation, Colombo, 21 July 2016

14.1 Role of the peacebuilding and human rights organisation in Sri Lanka

- 14.1.1 The peacebuilding and human rights organisation essentially has an advocacy and educational role. Its main educational goal is to try and impart to the different ethnic communities in Sri Lanka the need for power sharing and political settlement and to address the roots that gave rise to the civil war.
- 14.1.2 It works with community leaders in different parts of the country. It analyses the responses from the community and takes those messages through media releases and political commentary to the national and the international level.
- 14.1.3 The peacebuilding and human rights organisation's main projects are currently:
- to set up inter-religious committees in different parts of the country which will foster relationships between different ethnicities and inter religious groups
 - to be involved in low-level conflict mitigation
 - to sensitise the national media. Access to Tamil media is restricted and English speaking and Sinhala people don't hear about Tamil's issues so much, suggesting there is a continuing cleavage in the country
 - to focus on constitutional reform and transitional justice.
- 14.1.4 The peacebuilding and human rights organisation do not work directly on asylum or with those that return, although it works with colleagues that do.

- 14.1.5 The country is stable because the new government has a majority in Parliament. No current threat can be seen, even though the majority is based on a two-party alliance. One of the parties in the alliance is divided. It is the party of the former President [Mahinda Rajapaksa], who controls the larger portion of the party. The present President [Maithripala Sirisena], who controls the other half of the party, is controlling the smaller half, so that is a potential source of instability. There is a risk the former President, may get a majority, but even if that happens, the government will still hold an overall majority. At the people's level the former President and his associates are more active. They are trying to clear problems and are more active at agitating the people. They are not content to remain in the opposition; they want to come back as soon as they can.
- 14.1.6 The strength of the former President and his associates, who control the bigger half of the second party in government, is that they are Sinhala nationalists and at the last election they won the support of the majority of the Sinhala people, who are the biggest group in this country. At the people's level there is instability but at the government level there is a comfortable majority. The majority of the Sinhalese voted for the former government at the last election. That is the weakness at the present time. The strength of the present government is that they have the majority in Parliament and they are all united. There is an agreement between the top parties except the former President. About 40% of the Sinhala people and the religious minority, about 30%, support the present government. 90% of the armed forces are Sinhalese. Many of them would support the previous government. They are worried about war crimes and accountability issues. That is the second source of instability. Public servants who are away from their homes are allowed to vote via a postal vote. However, in some areas the new government did well at the last election in the postal votes because former military commanders were treated harshly under the previous government, so voted for the current government.
- 14.1.7 The former army commander that led the country to victory decided to challenge the former President after the war in 2005. He lost the election and was arrested and humiliated and sent to jail. Although the army appreciated the government's leadership they were not happy that their commander had been jailed, so that friction is also there.
- 14.1.8 The one bit of instability is the war crimes issue. The current government is in favour of international involvement, but there could be a backlash from the military.
- 14.1.9 Overall the situation is stable. There is a good government at the highest levels and it is trying to do things that are good and address human rights issues; enlighten leaders, non-racist leaders, who appreciate the value of human rights and who would like to conform to international norms. The problem is when you govern a society that has grown used to impunity and nationalism; you don't find the level of nationalism amongst the people as you would do at the top level. That is the problem. At the lower levels, that is when the abuses take place, but they will not be sanctioned by the government. The elected leaders have the final authority, but the Military is used to impunity.

- 14.1.10 If the former President got back into power the present situation would change. He is critical of civil society and those who stand for human rights and says they are following a western agenda. He is likely to take action against them if he comes back to power. He silenced people through impunity and bought people off when he was in power.
- 14.1.11 The former President is fearful of the War Crimes Commission. Not only him but his associates, his brothers, his family.
- 14.1.12 There have been previous insurrections where rehabilitation has been employed. There were two Sinhalese insurrections in 1971 and 1988-89 involving Sinhalese Marxist rebels, which left 15,000 people dead in the first instance and possibly 60,000 in the second. After the first insurrection, the rebels were arrested and sent for rehabilitation, but it didn't work. In the second insurrection, when the rebels were caught, the government at that time, which includes the present Prime Minister [Ranil Wickremesinghe], executed most of the insurgent leaders they captured. This time [the last Civil war], when the government captured the Tamil leaders, they executed them. This is the allegation which they deny. The fear would be that if the previous government were back in power, those [Tamils] that raised their heads would be targeted again.
- 14.1.13 There is still a core of Sinhalese Marxists who survived in the Janatha Vimukthi Peramuna (JVP) Party, which is quite respected and is now represented in the Government, receiving about 250,000 votes. But because the party has only six seats in Parliament, not many people vote for it as it does not have enough seats to govern the country, although 15 years ago, in a coalition with another party, it had 39 seats.
- 14.1.14 When asylum seekers come back the government will not want to humiliate them now.

14.2 General questions

- 14.2.1 Security situation - The fear is much less than what it used to be, but Tamils are watchful because they think things can change as they have done in the past and can change in the future. If it changes, those who publicised their opinions and sympathies could be targeted, so there is self-censorship in the north amongst Tamils, of their actions and their words. There is still a large military presence - in uniform and in civilian clothes. Around 95% are free of fear, they feel free to speak and they can move freely, so that is a positive thing.
- 14.2.2 In the Sinhalese areas there is the sense of great freedom and these people are not fearful of the military or the police. If someone is not doing something wrong, no criminal act, then there is nothing to fear. There will not be any political witch hunt of people who are not criminals. So there is a lot of freedom from fear, which people did not feel with the previous government. Then there was impunity and nationalism, so there was fear. People were frightened to speak against the former government. But now people are not afraid to speak against the present government. The situation has improved a lot. The security situation, the sense of security has improved a lot – tremendously – compared to the former government.

Are people still arrested under the Prevention of Terrorism Act (PTA)?

- 14.2.3 It has happened but not much. There was a spate of about 20 arrests, but it appears that those 20 who were arrested under the PTA were Tamils who were suspected of working with the military. They were Tamils who had become informers, working with a section of the military. It was feared that they might, in collaboration with the nationalist section of the military, create incidents in the north, so the other sections of the police and military arrested them, to stop them from doing some subversive action. It was in connection with the finding of a suicide vest. There was a suspicion that it was staged. These arrests are being used by a section in the military to show that there is a crisis in the country, but these were isolated incidents. The Tamils who were arrested were collaborating with the military, so it is odd that they were arrested. But then came the other explanation that they were seen as potential trouble makers. It is unlikely that they have been released. It was about 2 months ago when they were arrested (May 2016).
- 14.2.4 Torture in the sense of third degree methods is widely used in Sri Lanka, in all cases, even presently. It is not sanctioned, but it is happening at the level of the police stations. It's part of the culture. It is sanctioned by the mass consciousness of people who believe it is the way to get evidence. It is mainly at the police stations. But if someone gets caught by the military there is a distinct possibility they will be treated badly.
- 14.2.5 Torture is a method, an interrogation technique. So if the military intelligence wish to interrogate they will use torture and if the police wish to investigate they will use torture. It does not matter whether it is the military or police, they are both the same. They are both trying to get information, they both use torture; and that is the norm. It is not specifically sanctioned by the top but it is part of the security culture.
- 14.2.6 The new government's main priorities are to get the economy going. Other than that it is to ensure the Prime Minister and President continually work together. The two big parties should work together. It is crucial to the country's stability. The party of the Prime Minister is the larger one. The party of the President is the smaller one and it is divided in half between the new president and the old president. The new president must keep his half of the party with the Prime Minister. That gives the stable majority. The two of them are a good team. The Prime Minister being a thinker and the President being able to appeal to the Sinhala masses. That is the second challenge. The third challenge is to find a way to satisfy the International community on Sri Lanka's transitional justice.
- 14.2.7 Tamils are angry that the former leaders of the country and former military involved in atrocities may elude justice. The Tamils want foreign judges or investigators to come and investigate the past, but if the foreigners come in there will be uproar by the Sinhalese, because the Sinhalese population almost without exception, believes that ending the war was the best thing that was ever done. Even at huge human cost, but it was worth the price. That is why the former President still maintains sympathy from the Sinhalese. The Tamils do not think that way, they want punishment. But the only way they will get punishment is if the "internationals" come and help to

ensure the punishment. Now they find the “internationals” are backing off and the Tamils are very upset about that.

- 14.2.8 The ‘Torture Project’ was EU funded and ended in April [2016] but the work is still ongoing and the peacebuilding and human rights organisation is planning to apply for further grants.
- 14.2.9 As part of this Project the peacebuilding and human rights organisation did a series of interviews which looked at people as part of the war and also at police torture. There is a sense that the torture has not really stopped. They say that there is not torture but the Special Rapporteur came and shredded Sri Lanka’s government report and said it is there. It happens at every level. The peacebuilding and human rights organisation found that there is direct torture, there is indirect torture and there is also police torture. The Convention Against Torture is writing the ‘Shadow Report’. Police torture is more to do with petty criminals, it is routine. In Sri Lanka the feeling is that if you do not torture then you cannot get a confession. The investigation starts later. A person has to admit to their guilt before an investigation takes place. This is supported by society. People don’t understand their rights. At police stations there is an illegal detention centre for the torturing. There is a special cell, special area. It is a secret place specifically for torturing the people in every police station, but they will always deny it. Without torturing it is not possible to get the information. That is the attitude in Sri Lanka’s society, without it you really cannot function. It [the torture] is so institutionalised. Police torture is a common thing, every night in every police station.
- 14.2.10 In the North and East there are less reports of torture, artificially less, because Tamils are afraid to complain, but in the South if there is torture, the Sinhalese will complain, there are lots of complaints.
- 14.2.11 In the south it is more to do with criminal activity but in the north it is more to do with the army. Torture does not mean for example, a person’s nails will be pulled out; it could mean just a slap, heavy questioning or threatening. It is the idea that someone could get tortured which causes the fear. It is not really necessary to touch a person as they are so scared.
- 14.2.12 The military have their own intelligence and their own ‘illegal’ detention centre, which is not allowed according to the law.
- 14.2.13 In November 2015 the peacebuilding and human rights organisation ran a Workshop, a psychosocial programme, in Vavuniya for war widows and two disabled former LTTE [Liberation Tigers of Tamil Eelam] cadres, which involved a two night stay. Those invited would not attend if invited officially to an event held at an office or in a church, they were too scared, so it was held in a little restaurant. Some have said that if they leave their houses for long periods they are visited by military personnel asking where they have been. So they get terrified.
- 14.2.14 Anyone returning from abroad after failing to obtain asylum would be questioned harshly. There was a person who had returned from Malaysia who was tortured, but that was in the last 2-3 years. He was not tortured at the airport, this happened after he was taken from the airport. They are probably more careful now as people return from other countries; the

government know that the countries will be monitoring the situation. It is not as bad as it was for people returning.

(For further information on exit and entry procedures, see: [Meeting with the Tamil National Alliance \(TNA\), 11 July 2016 – para 2.1.16](#), [Meeting with the Jaffna Press Club, 14 July 2016 – para 6.1.10](#), [Meeting with Bishop Emanuel, Trincomalee, 16 July 2016](#),

(For further information on torture/ill - treatment, see: [Meeting with Fr. Elii Rajendram SJ 14 July 2016](#), [Meeting with Bishop Emanuel, Trincomalee, 16 July 2016](#), [Meeting with the Centre for Human Rights and Research \(CHRR\), 22 July 2016](#), [Meeting with an official from the National Police Commission \(NPC\), 12 July 2016](#), [Meeting with the Honourable Austin Fernando, Governor of the Eastern Province, 19 July 2016](#), [Meeting with Commissioner of Prison \(Intelligence and Security\), Prison Headquarters, Colombo, 20 July 2016](#), [Meeting with a UN Senior Human Rights Advisor in Sri Lanka, 21 July 2016](#))

Is there sexual harassment of women?

- 14.2.15 There is no systematic sexual abuse of women. The peacebuilding and human rights organisation had not heard of any reports since the war. There are cases reported but they are more about people in civilian life being the culprits. In the north there is probably an asymmetry where the military have money and the power and the women have no money and no power, so it may happen, but voluntarily. In police stations sometimes the Tamil police women are being harassed by Sinhalese police men who also harass Sinhalese police women.

[Back to Contents](#)

15. Meeting with human rights organisation, 22 July 2016

- 15.1.1 The human rights organisation represents victims of human rights violations and is currently focussing on legal rights for political detainees; enforced disappearance and land return. It had argued particularly for the release of land in the high security zone.
- 15.1.2 It is mainly working with and providing advocacy for human rights defenders in the northeast, central and southern areas.
- 15.1.3 It is seeking repeal of the Prevention of Terrorism Act (PTA) and it is campaigning for the rights of the disappeared.
- 15.1.4 It provides legal assistance for minorities and for those affected by the war.
- 15.1.5 Although the organisation does not generally appear for private land cases, it did represent people in Trincomalee who were aiming to have a large area of land returned. It was too early to comment on the progress of that case.
- 15.1.6 The human rights organisation represents people in detention, currently about 150, it is on the 'in-house lawyers' list used for people held under the PTA. There are people held under the PTA on remand in Magazine Prison in Colombo, which is under the Prisons Commission and also people held under the PTA at the Detention camp at Boosa. The camp at Boosa is under

the authority of the TID [Terrorism Investigation Division]; it does not come under the Prisons Commission.

- 15.1.7 Most people are detained on the grounds of their confession – a confession based on torture. The new government says torture has been reduced, but the human rights organisation clients say it still exists.
- 15.1.8 After a confession is obtained, the torture reduces. Some male detainees are reluctant to talk about their torture to female lawyers. Only 2-3 lawyers are given access, so these lawyers have to deal with all the detainee clients.
- 15.1.9 All detainees are stripped naked when they arrive at the place of detention.
- 15.1.10 For access to people in Boosa camp, it is necessary to get permission from the TID. Two weeks' notice is required and it is difficult, approval is not always granted and a request for access may be turned down. Only ICRC [International Committee of the Red Cross] and the Human Rights Commission (HRC) can gain access readily. When the organisation is granted access, it is not possible for its lawyers to talk to their clients freely – the meeting is in a small room and prison officers are present.
- 15.1.11 No notice is required when visiting the Remand prison in Colombo – it is possible to just turn up. Access is allowed any day except Sunday and full-moon days.
- 15.1.12 Last month [June 2016], the organisation was aware of cases which showed recent torture, including a man taken from his house, where he was in hiding. He was beaten and abandoned somewhere and then hospitalised. A complaint was then made to the HRC.
- 15.1.13 Former rehabilitated cadres have also been re-arrested to keep them in fear. Between April and May 2016, there were 34 re-arrests by the CID [Criminal Investigation Department]. These people were then taken to the TID in Colombo. There have also been people arrested at the airport, who have returned to Sri Lanka following their deportation from Middle Eastern and Western countries. This is continually happening; there have been 19 cases since January [2016]. They are physically beaten and tied up for several days without food.
- 15.1.14 In one particular case, about 8 years ago, a person was arrested and kept in a place of underground detention, one of a few survivors. He had been taken 2.5 hours away from the place of arrest, blindfolded and taken 2 storeys down without any light. It was in a very old British camp in Trincomalee. He was kept underground for 2 months and was tortured. He was released in May 2016 and was sent to the 4th floor, Colombo.
- 15.1.15 There might be other places of detention in use, even if the naval base [Trincomalee] underground detention is not still in use.
- 15.1.16 People returning from the UK with LTTE [Liberation Tigers of Tamil Eelam] connections would be handed to the TID because their faces would be recognised and their passport numbers match the 'blacklist'. The human rights organisation has represented people who have returned from Switzerland, Malaysia and Australia.

- 15.1.17 Generally people think because the government has changed and it has good Foreign Ministers who can talk to the West with eloquent words, the situation is better. But when you talk to people on the ground, there are problems and there are human rights issues.
- 15.1.18 When a person is arrested, even the first officer will [give a] slap, but torture happens in police custody – in CID on the 2nd floor and with the TID on the 4th floor and with the Military. The human rights organisation has no access to the 2nd and 4th floors – only family members are allowed to visit, on Sundays. Sometimes the human rights organisation are informed by family members that people have been detained in these places.
- 15.1.19 Two years ago, a mother who was visiting her son, detained on the 4th floor, noticed his forehead was swollen. She reported this to the human rights organisation, who contacted the Swiss Embassy. He had been working for a de-mining company and then was sent for 6 months rehabilitation.
- 15.1.20 People detained for 3 months by order of the President or Minister of Defence [under the PTA] can have their detention extended to 18 months.
- 15.1.21 A mother [and daughter] came to the human rights organisation as she had seen her son in Boosa wearing bloodstained clothes and his face was injured.
- 15.1.22 Sometimes families are told you can't see the person who is detained this week, you have to come next week. This happened to a father who came all the way from Jaffna to Colombo, a place he didn't know, who was told on arrival he couldn't see his son.
- 15.1.23 Even in recent times there have been people arrested on their return from the Middle East. Also a mother and daughter returning from France.
- 15.1.24 Two days ago (20 July 2016), a local Councillor from Jaffna was to go to India to attend a Seminar, but he was prevented from travelling, detained for a few hours after which he was interrogated – without violence, was released, but missed his flight. He had previously been imprisoned for a year and had been released in March 2015.
- 15.1.25 For political prisoners, most torture takes place in the custody of the police - either the CID or the TID, then when the police have enough [evidence] the person is presented to the Magistrate and then remanded.
- 15.1.26 Sri Lankan police are quite harsh even on normal cases – by torturing they want a confession, but Tamils are more likely to be tortured.
- 15.1.27 Recently a 14 year old girl was raped in a Tamil community. The perpetrator was Sinhalese and was immediately released on bail – something which doesn't normally happen. The woman constable repeatedly hit the girl telling her not to reveal the name of the perpetrator. There was an outcry and the authorities took action. The police woman is now under investigation.
- 15.1.28 Rehabilitees are still harassed. The police still visit their homes and question them in their places of work, making it very difficult for them to get employment.
- 15.1.29 Supermarkets and restaurants are run by the military, so it is not possible to start businesses.

16. Meeting with Equal Ground (EG), 22 July 2016

Are LGBTI persons able to live openly and freely?

16.1.1 Not everybody. It depends on who they are and where they are. In urban settings some people might choose to live openly but they are actually few and far between.

Do LGBTI persons have legal rights?

16.1.2 No legal rights, it [homosexuality] is still a criminal offense in Sri Lanka.

Do LGBTI persons face social discrimination?

16.1.3 Yes they do.

If so, do the government, police, judiciary etc. provide LGBTI persons with security and justice?

16.1.4 No they do not. But during the 2016 Pride celebration there were a lot of threats from Sinhala Buddhist nationalists particularly towards a public event Equal Ground (EG) was planning to hold to publicise Colombo Pride 2016. EG made a complaint to a police station about the threats, and plain clothes police officers were sent to protect them. The police took no action against the Buddhist nationalists. The Buddhist nationalists never turned up, but all threats are taken seriously.

16.1.5 On an individual basis police do not protect. In fact, they are the main perpetrators of violence and discrimination against LGBTI persons.

Would LGBTI persons face discrimination from the State?

16.1.6 To a certain extent LGBTI persons do face threats from the opposition elements who are involved with Sinhala Buddhist nationalism.

16.1.7 With the current government no [discrimination], but with the previous government, yes. They threatened, intimidated, put people under surveillance, phones were bugged and there were smear campaigns.

Would LGBTI persons be detained?

16.1.8 LGBTI persons are detained all the time, detained without any charges being filed. Mainly detained so that money or sexual favours can be obtained from the person [by the police]. If it is not given then they are beaten, raped or blackmailed.

16.1.9 EG did not have statistics on LGBTI persons in Sri Lanka because they do not have the resources to collect and collate the statistics.

16.1.10 Three quarters, if not more, of the LGBTI communities in Sri Lanka live a double life. They hide their sexual orientation. Quite often they are forced into heterosexual marriages. Some of them actually get into heterosexual marriages because they think that is the right thing to do, so that it hides their sexual orientation. Mostly those are gay men. Lesbian and bisexual women are pretty much forced by families to get married to men against their will.

16.1.11 Transgenders happen to be a little bit more visible, more than lesbian women. The level of harassment is predominant amongst the entire LGBTI community. Transgenders do face a lot of harassment.

Are Transgender persons recognised by the State?

16.1.12 Up until about 2013 Transgenders could have their papers changed with the registrar without too much of a hassle. Then more and more transgenders wanted to change their papers, and the Registrar decided that they were going to put a stop to this, and basically said that if the government does not rule on this then they are not going to do any more name changes on documents.

16.1.13 Currently EG are working with the Sri Lanka Human Rights Commission (SLHRC) to produce a certificate that transgenders can have access to, which will be issued by psychiatrists to say that the person is indeed a transgender person and in need of documentation changes, such as birth certificates, national ID cards and passports. However, EG are at loggerheads because they are trying to certify that people have indeed gone through gender confirming surgeries. But EG maintain that it shouldn't depend on that only, because it is forcing sterilisation on somebody – that is number one. Number two, is that the surgeries are very expensive in Sri Lanka and most transgender persons cannot afford it. It is available, but it is easier for female to male transgender because these are routine operations; mastectomies and hysterectomies, those are just the basic operations. But phalloplasty operations for female to male transgender is not available. For male to female, while breast implants are available, the whole removal of the penis and the testicles and constructing a vagina, that operation is not available in Sri Lanka. So it is unfair that the psychiatrists are saying that people have undergone the surgeries when in fact those people do not have access to all the surgeries. So that means that 90% of transgenders cannot get their papers changed in that case.

16.1.14 Equal Ground has been working on this issue for the past year and it has just been announced that the certification process has been approved, which was the old certificate confirming that transgender surgery was required, so the amended draft of the certificate was not taken into consideration by the doctors. The new certificates would identify a person as transgender but the person may not have gone through all the surgeries.

16.1.15 The government has not recognised, particularly in passports, transgenders in the same way India, Nepal and Pakistan has. These three countries have recognised a 'third gender' and nationals from those countries can have passports with 'O' for other in them instead of 'M' or 'F'. Sri Lanka has not made that recognition yet. But having 'O' in a passport puts connotations on who the second and third genders are. For example are we to consider 'M' as the first gender and 'F' second gender, when in fact there is no first, second or third? The passport is the only document presently that cannot be changed until the government recognise transgenders as transgenders.

Is it safe for an LGBTI person to return to Sri Lanka?

16.1.16 It depends on their situation, on where they lived or where they are going to live. It depends on how their families treat them. It also depends on whether

there are any issues they have had in the past with the police. There are all kinds of factors. What is currently increasing is the rise of Sinhala Buddhist extremism. These people are extremely violent and can be quite vicious. For example: a lesbian living in Colombo might be safe but a lesbian living in a rural village may not be safe. So LGBTI persons cannot live freely in Sri Lanka as yet. It is not about being attacked but it is about going through life being aware, knowing that somebody is out to get you.

16.1.17 The majority of the population of Sri Lanka are Sinhalese and the majority are Buddhist; after the war and after 10 years of Rajapaksa rule, the Sinhalese Buddhist nationalism became part of the norm. People are now trying to use that to create issues in the country. It is politically motivated. The previous government was trying to create divisions within the country, for example: between ethnicities, sexual orientation identities and so forth.

16.1.18 Since the new President took over people no longer have to look over their shoulders. There are no white van abductions. People can criticise the government without any issue and more importantly, the government is engaging with society, whereas the previous government shut out civil society making it extremely difficult for human rights defenders. The new government is not like that, they are calling people to the table. Three weeks ago EG met with the parliamentary subcommittee for fundamental rights on the Constitutional reform process. This is the first time an LGBTI organisation has set foot in Parliament. So there are some changes happening and this government has the political will to make those changes. Of course they have their faults, but better this government than the previous one.

Do you have a fear that the old regime may return?

16.1.19 This business of trying to whip up anti-Christian, anti-Muslim, anti-Tamil sentiments, and going after the LGBTI community all in the name of Sinhala Buddhism, that reeks of the Rajapaksa's and that needs to be stopped.

What role does Equal Ground play?

16.1.20 Equal Ground provides psycho social support and has a counselling line and counselling services. EG also provides legal aid but has not had the opportunity to use legal aid that much. Most LGBTI persons that suffer any kind of persecution or violations do not want to make a complaint or do not want to go to court, mostly because they are being violated by the police, so they are too scared to take the case up. EG is getting involved with sensitising the police. Police from Scotland came to assist in training Sri Lanka police, facilitated by the British High Commission. It is possible that a section of that training will take place in police academies in future and include something on sexual orientation. EG is also working on sensitising parliamentarians and are working with a couple of organisations. EGs main focus is advocacy and it is keen to change the laws and make sure that LGBTI persons are constitutionally protected.

16.1.21 In the Constitutional reform report it shows that many people across Sri Lanka requested changes for people of different sexual orientation and gender identity to be protected; which means the people have spoken. People are concerned about this.

16.1.22 If the government does decide to change the Constitution it will be one of the most progressive Constitutions in the world, representing the will of the people instead of the will of parliament. Politicians, once elected, fail to realise that the people elected them and they are government servants. They are servants of the people. It is the people that have requested that people of different sexual orientations and gender identities be protected, so how can they not debate that in Parliament.

It is the opposition party that is the main problem

16.1.23 EG has a Facebook page and a Facebook group which attract a lot of attention and interaction. EG also launched a project called 'Nextgen' through which people can contact the organisation via Whatsapp, Viber, Facebook and SMS [Text message] to report violations, and people are encouraged to report violations without using their real names. EG guarantees anonymity. Most of those who report incidents do not want to take it any further. For example: a member of staff from EG was accosted by two plain clothes police officers; they grabbed him and asked him for his ID. They said they knew where his home was; where his parents live and if he did not give them some money they would go to his parents' house and tell them that he was a 'faggot'. They demanded his wallet, took his wallet and took out all of the money. He returned to work the following day but did not want to report it to the police, in fear the two police officers would catch up with him and beat him. He could have reported the incident to the Human Rights Commission but they would have asked for his name and other details, which he did not want to give, because the HRC may give his information to the police and he would then fear for his life.

If a person was detained by police would they be asked for sexual favours?

16.1.24 Yes, mainly from male on male, female and on transgenders. The representative had not heard of any female police officer raping or sexually abusing any male or female prisoner. But there have been reports that Transgender women and men have been raped while in custody.

16.1.25 LGBTI persons and female sex workers, face an additional sexual abuse pattern [on arrest]. A heterosexual thief for example might get beaten up but there may not be any sexual abuse. But for a sex worker or LGBTI persons, sexual abuse is almost always on the table.

Are there any places in Sri Lanka where LGBTI persons can meet?

16.1.26 No, [there are no LGBTI bars in Sri Lanka]. Although most LGBTI persons in Colombo go to bars, these are heterosexual bars which are gay friendly, where LGBTI people are not harassed. But there are maybe only two bars in Colombo, which are like this.

16.1.27 All the urban settings will have a fair amount of LGBTI persons. Mainly because there are a lot of job opportunities [so] there is safety in numbers when there are a lot of people like them.

16.1.28 The only place to meet is Colombo Pride. Colombo Pride is not a parade on the street, as in London for example. LGBTI people cannot walk on the street, it is unsafe for them. Instead there are a series of events. For

example a film festival or a photo exhibition, workshops, a pride party and a kite festival. All these events take place in private places. For example, in cultural centres, a hotel in Colombo or on 'foreign soil' such as a foreign High Commission. So if someone wanted to come in and cause trouble, it would not be possible. For the last four years the Pride festival and kite festival have been held in a hotel, which has signed up as a partner to Colombo Pride and EG.

16.1.29 EG is doing corporate sensitising programmes but there is still a very long way to go as far as improving day to day living standards are concerned.

16.1.30 Equal Ground is the only advocacy organisation in Sri Lanka. EG has not been able to get to Jaffna but it does carry out sensitising programmes in rural areas, currently in 6 Districts. EG cannot have a roadshow or public stall in a rural area because that would be very dangerous for them. In previous years EG have had a booth in a market known as the 'Good market' which was formed for good ethical practices, but this year they have not had a booth there, apart from just two Saturday's before Pride and the one after, because of threats from Sinhala Buddhist nationalists. The market has cut ties with EG because of concerns over threats to the entire market.

16.1.31 "I am visible, I am out I am an LGBT person. That doesn't mean to say I live a normal life like every other heterosexual lives. I can't. Particularly during the last regime. I was constantly looking over my shoulder and putting in security protocols all the time, it was very stressful. And now, for me to find a partner is difficult. For me to live openly with a partner is difficult. If I am living alone and being on the down low, it's fine. So what kind of life is that? That is not a normal life that heterosexual people have the luxury of having. I tried using public toilets and I am accosted all the time. And was told on one occasion that 'You are using the wrong toilet, get out of this'... The only reason I stay here is because my family is here". Rosanna Famer-Caldera (Executive Director, Equal Ground)

16.1.32 EG gets funding from other governments – the US government, the Norwegian government, The Finnish government, the Canadian government

Do LGBTI persons have their names on a Watch list?

16.1.33 No, I don't think they view us as terrorists. They think of us as a pain, or a community that can be easily bullied or marginalised.

16.1.34 The security situation has improved to a certain extent. If you are in the north or the east you will still see there is militarisation. But that, from what it was during the Rajapaksa government to now, is quite a huge change. It is not 100 per cent fantastic but there is a huge change. All citizens feel that.

16.1.35 "I feel a lot freer now because I am not looking over my shoulder. It was quite scary, more to be targeted by government intimidation than if it is just a bunch of radicals. If it is radicals you then can always report them and take action against them, but what do you do when the government is after you. So that was a huge issue. Unfortunately during the previous regime they were cracking down on NGOs [Non-Governmental Organisations] in general and many of the INGOs [International Non-Governmental Organisations] had left the country because they made it so difficult for them to operate in Sri

Lanka. But this government is working closely with NGOs, especially for things like the Constitutional changes and various other things. There is an NGO committee that meets with the government frequently”.

- 16.1.36 “There will not be a 100 per cent cessation in violence [in the future] I think, but certainly it has dropped a great deal since the new government has come in”. There are not so many reports on, for example, child sexual abuse and abuse on women, in the newspapers as there were before during the previous government. “It was like an epidemic at that time. A lot of it was done with political patronage, with impunity, so it was rampant”.
- 16.1.37 There was a case in 2011 involving a British national in the south and his girlfriend who was raped and beaten. Nothing was done about the incident until the British High Commission intervened and was persistent. The man who perpetrated the crime was the friend of the President’s son, so initially nothing was done. The man was in remand and still attended local government authority meetings. The case is still being investigated by this government, but it was just swept under the carpet saying it was an accident, during the previous regime.
- 16.1.38 One of the things that everybody is disappointed in with this new government is that it came in saying that it would crack down on corruption and bring to book all those people who have robbed money and who have murdered and pillaged. But so far we haven’t seen a single person that has been sent to jail, other than in remand, and been called to the Bribery and Corruption Committee to explain this and explain that. I realise it takes a while to build cases but when there is blatant [known crime] and the perpetrators have made no attempt to hide their guilt, I can’t understand why these people are still free, living normal lives. I think that is a huge disappointment to all of us. If we have to criticise the current government it will be on that. But I also understand they need to build airtight cases so that once the case is brought there’s no wriggle room.

[Back to Contents](#)

17. Meeting with Women in Need (WIN), Colombo, 22 July 2016

- 17.1.1 Women in Need (WIN) was established 27 years ago in Colombo. It has 103 staff throughout the country.
- 17.1.2 It provides:
- Legal and Court representation;
 - Free services of counsellors, lawyers and social workers;
 - Training – for doctors
 - Livelihood training
 - A 24 hour hotline;
 - 2 shelters - one in Matara district on the outskirts of Colombo and one in Colombo;

- 8 drop in centres – including in Jaffna, Batticaloa, Vavuniya and Matara district
 - Representatives in 8 police stations;
 - Representatives in 6 hospitals. These representatives are counsellors, who may receive referrals from examining doctors if they feel a woman is the victim of domestic violence. The counsellor may suggest the women presses charges.
- 17.1.3 The women may then file legal charges and be housed in a shelter.
- 17.1.4 WIN had 50,000 clients in 2015 from all types of women – poor, middle income and rich. Cases included rape, incest, sexual harassment and domestic violence (DV). In the State sector women suffer violence because of alcoholism, doctors are beaten up – there is no difference. All sections of society suffer DV.
- 17.1.5 Women who are the victims of violence suffer stigma. There are no marital property rights in Sri Lanka and long term suffering is the norm. However, where WIN intervenes and talks to the husbands, the violence stops in 60% of cases. The relationship may not be the same, but at least the violence stops.
- 17.1.6 The services of WIN are spread a lot by word of mouth. Prevention is promoted and the organisation has seen progress in police stations. But in many cases the mediation carried out by the police simply consists of telling the victim to go back to her husband, so WIN advice the police not to mediate, but to refer the case to them.
- 17.1.7 The 24 hour hotline receives at least 4-10 calls out of hours every day and a lot of calls during working hours – sometimes for information, sometimes for intervention. The hotline is advertised, and WIN works very closely with the government, so whenever there is a problem, the case is referred to WIN.
- 17.1.8 Repeat clients are very common. WIN runs women support groups, over 6 months, to strengthen the women. It has found that if a woman earns 100rs a day – they have value. It has trained women in making cards from recycled paper to give them a livelihood.
- 17.1.9 Most women give up their jobs when they marry and have children and what a woman has is hers and what her husband has is his, [so women who part from their husbands often face poverty]. It is possible to ask for maintenance, but it is only 1/5 of the husband's income.
- 17.1.10 The shelter in Colombo houses 15 women (with children); the one in the Matara district houses 20 women (with children).
- 17.1.11 If a women is battered she can try to get a Protection Order from the Magistrate, then she can send her children to school.
- 17.1.12 If a woman is married off, but then returns to her parents home, there will be support for a while, but then her parents will think she is a burden. If she has children the prospect of marrying again is not likely to be soon. A legal divorce takes 2 years.

- 17.1.13 Forced marriages in Sri Lanka are becoming less. It is more likely people fall in love and marry. But sometimes a girl is in love with someone and her parents arrange a marriage to someone else - this can cause problems if she contacts her lover and it may lead to DV.
- 17.1.14 During the war, mostly in Jaffna and Batticaloa, many young Muslims were forced to marry to avoid conscription into the LTTE [Liberation Tigers of Tamil Eelam] which was compulsory.
- 17.1.15 The Muslim law is different – girls can marry at 12, something WIN is working to change, the statutory law is 16.
- 17.1.16 Rape of a person under 16 carries a sentence of 8-10 years. Sometimes youngsters are friendly with each other, so you cannot say it is rape. At the moment there is a lot of debate about age, it is possible the age will be changed to under 16 for a statutory rape charge.
- 17.1.17 There are no honour killings in Sri Lanka.
- 17.1.18 In terms of general safety, Sri Lanka is relatively safe for women. WIN has been working in the northeast since the time of the LTTE, so it aware that the situation has improved. The government is trying to do something to make improvements. Yesterday, WIN brought staff down from the north and the east for a training programme - it would not have been able to do that in the past.
- 17.1.19 There is a lot of DV in Jaffna as these people have a lot of money, money sent from abroad from relatives who have left the country. A lot of it is used for drugs and alcohol, which is a real problem in Jaffna.
- 17.1.20 The availability of pornography, social media and easy access to these things through mobile phones is also a problem and a contributing factor to DV.
- 17.1.21 Some women go to the Middle East as housemaids to escape DV and poverty, but some find they are subjected to violence there, including incest. If a woman is unhappy there she cannot get back. It costs 300,000rs for a woman to go on a 2 year contract. The money is paid to an agent who pays for the individuals' flight. These women are not trafficked, although some are sent to Singapore for the sex industry. Trafficking is not so bad in Sri Lanka.
- 17.1.22 Some young women go and leave their young children behind - they are sent by their families, who see the gold and big houses and electrical goods other people have amassed by having a family member working in the Middle East.
- 17.1.23 The women earn 30-40,000rs a month.
- 17.1.24 Some women return after 2 years, some go back again. Some have been working there for 10-20 years. This creates relationship problems.
- 17.1.25 The Human Rights Commission and the Police Commission have been set up to enable people to make [complaints](#).

[Back to Contents](#)

Information provided by international non-governmental organisations (INGOs)

18. Meeting with an INGO, Colombo, 12 July 2016

- 18.1.1 The anonymous INGO does not have a specific mandate to monitor the human rights situation in Sri Lanka, but does provide protection and assistance as well as identification of durable solutions for Internally Displaced Persons (IDPs). It provides protection and status determination for foreign nationals seeking asylum in Sri Lanka and protection and resettlement to those that are recognised as refugees. The INGO works alongside the government's Ministry of Resettlement in the context of IDPs and refugee returnees' (Sri Lankan nationals) return and reintegration. This includes facilitating the return of Sri Lankan refugees from India. There is no formal agreement with India about facilitating returns but there is a system in place. The INGO does not actively promote repatriation, but facilitates those who wish to return to Sri Lanka and also assists with housing and documentation and other problematic issues. It also extends protection and assistance to asylum seekers and recognised refugees in Sri Lanka and promotes the establishment of a national asylum system in Sri Lanka in due time.
- 18.1.2 The INGO work with IDP related issues has been ongoing for 28 years but will cease at the end of 2016. In preparation for this disengagement, the INGO, with the support of the UN Resident Coordinator's Office, has supported the government in producing a National Policy on Durable Solutions for Conflict Affected Displacement placed under the Ministry of Resettlement [latterly endorsed by the Cabinet in mid August]. This policy is expected to benefit host communities, Sri Lankan refugee returnees and IDPs.

18.2 Returnees from India

- 18.2.1 The INGO does not have access to refugee camps in India. Sri Lankan refugees who wish to return to Sri Lanka usually approach camp authorities regarding their wish to return at which point the INGO is given access to them, to counsel them and assess voluntariness prior to organising departure. This process involves the Department of Immigration, the Ministry of Foreign Affairs and the Ministry for Resettlement. The Sri Lankan Deputy High Commissioner in Chennai provides the temporary travel documents while UNHCR purchases air tickets for their travel. Returnees undergo security screening at the airport in Sri Lanka, which used to take 5 – 6 hours but is now completed within 1 – 2 hours. Returnees are also required to undergo malaria screening and are given a polio vaccination. The INGO gives a Repatriation Grant, a one-off payment of 10,000 Rupees to adults and 7,000 Rupees for children, paid into a bank account. The bank accounts with the Bank of Ceylon are opened at the airport, after which the returning person is independent. Returnees are only allowed to bring back a limited

amount of personal belongings (50 kgs per person), so they often have to leave some personal belongings behind. A separate grant is provided for basic necessities. Some refugees have been in India for 30 years and after returning to Sri Lanka some go back to India (although refugee camps no longer register Sri Lankans); however, the repatriation assistance package is only given one time.

- 18.2.2 After return, returnees approach the INGO in the districts where protection monitoring is undertaken. The INGO also undertakes a more in-depth monitoring of a random sample of returnees one year after their return to see how they are integrating and what challenges they are facing, for example, security issues, arrests etc.
- 18.2.3 It is estimated there are 100,000 Sri Lankan refugees in India. In 2015, 452 refugees returned to Sri Lanka. In 2016, at the time of this FFM, 307 had returned so far; an increase on the previous year, but still a very small number in comparison to the 100,000 in India. Refugees in India receive assistance and have access to services such as university study, which means it is not so appealing to return. There is an office in Chennai that provides protection and durable solutions briefing and counselling to those indicating a wish to return. There continues to be challenges in returning to Sri Lanka, particularly the North. There has been an increased interest to return since the new Sri Lankan government has been in place as people feel more secure. The Ministry of Resettlement is very keen for people to return and has been promoting this for 3-4 years.
- 18.2.4 Returnees know, and are assisted about, the process of how to get their land back but the military still occupies some of this land which makes it difficult. A considerable amount of land has been returned/released in Jaffna and Trincomalee but it is difficult to say how quickly the remaining occupied land will be returned. The Legal Aid Commission deals with land, housing and property and works closely with the INGO to try to resolve housing issues.

18.3 Internally displaced persons (IDPs)

- 18.3.1 According to official government figures (which at the village level are hand written and not computerised), there are an estimated 40,000 IDPs in Sri Lanka. Welfare centres (like small villages of huts) in Jaffna house IDPs who are landless, or who lost their land to the military. In the last couple of years some land has been released but some is still occupied by the military. There is no reduction in strength or concentration of the military in the North and its personnel still have to be housed. However, there is a commitment from the government to see IDPs get a solution, but it may not be in Jaffna. The government is committed to have all IDPs leave the welfare centres but there is not enough state land in Jaffna to house them. The Ministry of Resettlement provides an assistance package of 25-30,000 LKR to help with housing (rebuilding) and land clearance.

(For further information on land issues, see: [Meeting with the Tamil Civil Society Forum, 13 July 2016](#), [Meeting with an INGO, Jaffna, 13 July 2016](#), [Meeting with Security Forces \(SF\) Commander for Jaffna, 13 July 2016](#), [Meeting with Security Forces \(SF\) Commander, Killinochchi, 15 July 2016](#),

[Meeting with Naseer Ahamed, Chief Minister of the Eastern Province, 19 July 2016\)](#)

18.4 Female Headed Households (FHHs) - Single women

- 18.4.1 Women heads of households, classed as a vulnerable group, face many challenges and issues like 'livelihoods' which are a problem for many returnees but are often worse for FHHs who have to be both primary care giver and bread winner. There is still a general feeling of insecurity due to the continued military presence.
- 18.4.2 There is a big disparity between the needs of returnee populations and what is being done to support reintegration overall and the adverse effects of this are heightened for female headed households. The Ministry wanted to provide lone women with free housing as so many were getting into debt, unable to manage the finances when it comes to purchasing furniture or rebuilding, but this has been challenging. The Prime Minister's Office has recently established a National Centre for the Empowerment of Widows and Women Headed Families which has been set up in Killinochchi District in recognition of the needs of this particular category on individuals.
- 18.4.3 The Indian government has given funding for a housing programme which provided 50,000 houses for people in the North, East, Uva and Central Provinces.
- 18.4.4 NGOs [Non-Governmental Organisations] are working with the UN and local government to prioritise female headed households in the different assistance projects in the North - completing individual assessments (for both refugee returnee and IDP returnee families).
- 18.4.5 There have been calls on the government to provide job opportunities.
- 18.4.6 Caste issues disappeared during the war but now may be returning, especially amongst the Hindu Tamil communities.
- 18.4.7 For vulnerable groups such as those who experience gender based violence there are government support based providers although these services remain inadequate and under resourced. In all police stations there should be a Women and Children's Desk, served by a female police officer to deal with such complaints. However, there is an issue in the North as there are not enough female police officers, or enough that speak Tamil. This post is considered a low position and requires more recognition. The international organisation along with other agencies have been advocating to make sure these posts are provided with equipment and training in order to increase the quality of service provided.

18.5 Lesbian, Gay, Bisexual, Transgender (LGBT)

- 18.5.1 The international organisation does not pro-actively identify LGBT persons among the population of persons of concern to the international organisation. Instead, the international organisation seeks to create a safe environment for LGBT persons to self-identify if they so wish. The international organisation has its own guidance on assisting and protecting LGBT persons if they approach the office or identify themselves, to ensure that the specific circumstances and special needs of LGBT persons are addressed. There have been very few foreign nationals seeking asylum in Sri Lanka on the

basis of their sexuality and/or their gender identity, perhaps due to the social stigma attached to these issues in Sri Lanka, and the fact that same-sex sexual acts are criminalized in Sri Lanka.

18.6 General information

- 18.6.1 Even though changes have been made at the top of government as a result of the Presidential and General elections in 2015, the same apparatus remains in respect of the police and army.

[Back to Contents](#)

19. Meeting with an INGO, Jaffna, 13 July 2016

- 19.1.1 The INGO provides protection and assistance to Internally Displaced Persons (IDPs) and facilitates the return of Sri Lankan refugees from India; it is working alongside government counterparts. The INGO office is located in Killinochchi and covers the North and East.
- 19.1.2 Refugees who return with INGOs facilitation get assistance with onward transport from the airport, a reintegration grant and monetary assistance to procure non food items. The INGO undertakes protection monitoring after return to see how the returnees are integrating and what challenges they are facing.

The key issues refugee returnees face on return include:

- Housing/landlessness;
- Limited employment or livelihood opportunities;
- Water and sanitation facilities;
- Civil documentation related issues, particularly for those refugee returnees who were born abroad and failed to register their Sri Lankan citizenship before reaching the age of 22. A financial fee – prohibitive to a number of individuals at 25,000 Rupees (£120) – applies in such cases.

19.2 Land issues

- 19.2.1 Land issues are dealt with by the government land departments. Some of the refugees returning from India have land documents and their land is not occupied but a considerable number of those returning from India are landless. Most issues regarding land lies with the return of remaining IDPs in the region, although the government is gradually releasing land which was in the High Security Zones. Many of those returning from India are second generation and continue to live with host families or their friends and relatives.
- 19.2.2 To address state land issues, the government issued a circular in 2013. The land officials were in the process of sorting out more than 160,000 state land related cases. The Land Commissioner of Northern province, Divisional Secretary offices and Survey Departments are being supported by the INGO to facilitate that process.

(For further information on land issues, see: [Meeting with the Tamil Civil Society Forum, 13 July 2016](#), [Meeting with an INGO, Colombo, 12 July 2016](#), [Meeting with Security Forces \(SF\) Commander for Jaffna, 13 July 2016](#), [Meeting with Security Forces \(SF\) Commander, Killinochchi, 15 July 2016](#), [Meeting with Naseer Ahamed, Chief Minister of the Eastern Province, 19 July 2016](#))

19.3 Female Headed Households

- 19.3.1 The number of, and situation for, Tamil female headed households is an important issue, especially when it comes to their livelihood. According to Northern Provincial Council statistics there are around 47,000 women headed families in Northern province.
- 19.3.2 A National centre was established recently in Killinochchi to help female headed households, but it is not operational yet. The Centre will provide support in the sphere of income and livelihood, in addition to different training opportunities. The government assists single female headed households by providing a payment to those in need from 250-500 Rupees per household per month as Social Service Assistance; however this is entirely a symbolic amount that does not alleviate their situation in any meaningful way. In addition, the Ministry of Resettlement has a scheme to provide LKR 100,000 to vulnerable families for their livelihood. This is further to their permanent housing and WASH [water and sanitation initiative] assistance.
- 19.3.3 Older people (above 70 yrs old) get a monthly allowance of about 2,000 Rupees and disabled people get 3,000 Rupees as their monthly allowance.
- 19.3.4 Obtaining employment is a problem as there are very few factories in the north.
- 19.3.5 There are government plans to build up to 3,000 houses in Jaffna at a cost of 800,000 Rupees per house. Construction has already started on the houses which will have 550sqft of floor space and will consist of a sitting room, kitchen, 2 bedrooms and a bathroom. The criteria for eligibility for securing one of these houses is points based, with single females being one of the priorities. There are around 1,000 families in the welfare centres in Jaffna, which the government plans to close by August 2016. Those who already have land will move back to it; the landless will be given land to build on. The criteria to get a house includes disability; income; age - the elderly; family size and female headed households.

19.4 Lesbian, gay, bisexual, and transgender and/or intersex (LGBTI)

- 19.4.1 There are no specific reports indicating LGBTI persons face targeted discrimination because they live discreetly within the community. Although they live discreetly, if they do bring themselves to the attention of others they may be exposed to harassment or discrimination.

19.5 Healthcare

- 19.5.1 Healthcare is free, including surgery and medication. Services are improving in Jaffna but in rural areas they (the authorities) are still working on improving healthcare provision. The challenges people face is related to lack of resources, not always easy access; many specialist positions in health

sector remaining vacant, and in some instances the language barrier. But the situation is not critical.

- 19.5.2 The Ministry of Health runs programmes to support healthcare needs and has specialist departments, such as a hospital for cancer patients. There is paediatric and anti-natal care at divisional secretariat level. Family planning is available and midwives provide home visits.
- 19.5.3 Mental health problems carry stigma at the community level. Families try to hide it from other people and will take their family member to a local healer to get rid of what they consider is 'the devil'. There are mental health facilities in district state hospitals and the INGO is currently supporting the mental health units in Kilinochchi and Mullativu with a small project to enhance awareness and referrals on this issue.

19.6 General information

- 19.6.1 In 2010 many ex-combatants were rehabilitated with many more going through the same process in the following years. In April 2016, a few ex-combatants were arrested after a suicide vest was found in Jaffna. There have been no recent arrests other than for the suicide vest incident this year.
- 19.6.2 According to media reports crime rates have increased; but it remains unclear if this represents an increase in reporting or in actual crimes. Drug smuggling and related criminal activities also pose a problem.

[Back to Contents](#)

20. Meeting with the Centre for Policy Alternatives (CPA), Colombo, 18 July 2016

20.1 The role of the CPA in Sri Lanka

- 20.1.1 The CPA is a research and advocacy organisation, working on a range of human rights, displacement and legal issues, and working to find durable solutions and policy alternatives in these and other areas.
- 20.1.2 The CPA is involved in public interest litigation by challenging legislation, policies and unjust practices – land grabs, arrest and detention, among other issues. It has also worked towards repealing the PTA (Prevention of Terrorism Act) and introducing a legal framework in adherence to the Constitution and international obligations. The CPA recently visited the North to find out what the situation was on the ground with regards to displacement and returning people to their lands.
- 20.1.3 There are continuing violations in these [North and East provinces] areas. Cases have been reported as recently as October 2015.

20.2 Questions put forward to the CPA

Have you represented anyone who has been arrested or detained on suspicion of being involved with the LTTE?

- 20.2.1 The CPA has not dealt directly with any detention cases in recent years. The last case it dealt with was 10 years ago; the situation has changed since

then although some people still have a fear of speaking out despite the change of government in 2015, particularly in the North and East.

- 20.2.2 At the moment, lawyers can have access to their clients at police stations and can be present during questioning. However, this doesn't always happen in practice. Two weeks ago the Ministry of Justice proposed an amendment to the present law which will only allow lawyers access when their client is due to appear before a magistrate. So there are attempts to curtail powers and continuing problems in safe-guarding rights.
- 20.2.3 In 2014 a number of people were arrested in the heart of Colombo. They were seen before magistrates two days later but they had injuries from their arrest and subsequently admitted to hospital. The people were released on bail and a magistrate ordered a Judicial Medical Officer report but the case is still pending in the Supreme Court.

Have there been recent cases of people detained under the PTA?

- 20.2.4 Yes, there are a few cases, especially after the arms cache was found. There have also been cases of people detained from the military. Some members of the security forces were suspected of abducting a journalist and detained under the PTA but they were able to challenge that detention in court. This was specific to the circumstances of this case and not everyone can make such challenges.

Do you consider the judiciary to be corrupt?

- 20.2.5 In an opinion survey by the CPA, people's confidence of the judiciary was at 25%. This is not all about corruption. It is also about delays and inefficiencies in the system, in hearing cases, and having insufficient resources. In trial courts, cases can be pending as long as 20 years. The case of villagers killed in Trincomalee by the security forces in 1996 is only just proceeding.
- 20.2.6 There are some improvements since 2015; there is a greater perception of independence with the judiciary. Those in opposition can challenge laws and practices in court and these cases won't get thrown out with no reasons given, as was the case in the past. There is a definite shift compared to two years ago.
- 20.2.7 CPA is looking at the legal & policy framework with regards to disappearances and the areas that need improvement. There is draft legislation for a permanent office for mission persons. CPA is supporting families of the disappeared and missing persons to engage and advocate for reforms and for them to find the truth and obtain justice. There have been over 24,000 complaints of disappearances and missing persons reported with the last commission appointed by the Government (Paranagama Commission).
- 20.2.8 The Office of Missing Persons (OMP) is due to be set up soon (legislation was enacted in August 2016). There have been many commissions in the past investigating into enforced disappearances but the work done is limited. There are positives from the present government in supporting victims and an increase in international standards. The government needs to release the list it has of people in detention and cross-check it with the number of complaints received. The government introduced a Certificate of Absence as

proof that a person is missing rather than issuing a death certificate, which the families of missing persons do not want. There needs to be independent investigations into enforced disappearances and the OMP needs the resources and facilities to do this. The OMP will have the discretion to decide whether to set up field offices, which would be the ideal situation. Communication strategies are needed to help people, especially those outside of Colombo. Any information written in English needs to be translated into Sinhala and Tamil. Education and outreach on the OMP are key; not just for civil society but for government actors.

- 20.2.9 In January 2016, the Prime Minister visited Jaffna and said that they had a list of people in detention centres and that anyone not on that list was dead. This caused a huge uproar among victims. Many don't want to accept their family members might be dead. There needs to be truth and accountability for these deaths. The government has no clear strategy on how to deal with the victims; it's a political issue. It seems the government is reluctant in prosecuting any military personnel for past abuses.

What is your perception of security/safety in Sri Lanka today?

- 20.2.10 It is relatively safe but surveillance continues in the North and East against those perceived to have had LTTE links. Reports indicate to white van abductions in the past 3-4 months. Reports also indicate to people being taken to police/army camps and tortured. The government has shown some commitment by saying proper procedures should be followed when arrests are made but much more needs to be done to end the cycles of violence and fear. Due to continued abuses and surveillance, there is still fear among people in the North and East with several stating that the ground situation has not changed.

- 20.2.11 On 16 July 2016 a clash in Jaffna between Tamil and Sinhalese students occurred. There are conflicting reports regarding the incident but some students were hospitalised. The university campus is closed until Wednesday (20 July).

Would a UK returnee with perceived LTTE links be arrested on return?

- 20.2.12 That would depend on the person and his/her profile but there are concerns whether due process will be available including access to a lawyer. Due to the lack of information and issues with transparency regarding investigations and security sector reforms, there are continuing fears of being monitored and the possibility of being arrested and detained with scant regards to rights.

[Back to Contents](#)

21. Meeting with the International Organization for Migration (IOM), 20 July 2016

- 21.1.1 The work of IOM includes shaping the country's immigration system through policy and management and by working with central authorities including the Ministry of Foreign Affairs (MFA), the police and immigration. Its work also

includes dealing with border arrangements for those who are returning to Sri Lanka voluntarily, receipt of returning people at the airport and reintegration.

(For further information on exit and entry procedures, see [Meeting with an official from Rights Now, a non-governmental organisation \(NGO\), 11 July 2016 – Exit/entry procedures](#), [Meeting with the Tamil National Alliance \(TNA\), 11 July 2016 – para 2.1.16](#) and [Meeting with the Jaffna Press Club, 14 July 2016 – para 6.1.10](#))

- 21.1.2 In terms of the current situation in Sri Lanka, there has been a visible and general improvement in the country – with human rights, economics and reintegration.
- 21.1.3 IOM has been working in Sri Lanka for many years and has seen obstacles and barriers for people (Sri Lankan nationals) to return even before the previous government, but now there are more openings and the government is setting up processes and support for readmission. Now there is a National Committee on Readmission – a central policy making body appointed by the central cabinet which is setting out a policy framework for the return of all nationals and ethnicities to Sri Lanka.
- 21.1.4 The MFA welcomes Sri Lankans back to Sri Lanka and there is money for reintegration to assist with resettlement, which can be difficult for a person if they have been out of the country for over 10 years. This welcome extends to people who return to any part of the country and includes former LTTE members as the government has demonstrated over many years, but whether a person has been a member of a particular group is more about civil security and terrorist related issues and the country's immigration laws. There were many thousands of former LTTE members, there is no reason why having this background would be a target for interrogation. A person's record would be looked at to see if there was anything (a previous crime) to answer for, and there have been allegations of ill treatment after arrival, but these allegations have not been substantiated – they may just be allegations.
- 21.1.5 If a person wishes to make a complaint, they can go the police, or if they do not wish to do this, they can go to the Human Rights Commission – which has Constitutional powers to investigate complaints of this nature.
- 21.1.6 IOM was not aware of the numbers of such allegations.
- 21.1.7 If people left illegally for example by boat to Australia without screening, CID (Criminal Investigation Department) took action and the Sri Lankan Immigration department made charges against these people. The journey is investigated – details of the boat, route taken and the agent are recorded and the person is presented to the Court and bailed the same day.
- 21.1.8 Being a former member of the LTTE is not the target, the police were looking for the thousands of Sri Lankans who left the country using forged identities – it is those criminals who were being looked for, because there is a need to know the true identity of the returning person. There may have been other crimes committed, in addition to leaving the country with false documents, which might need investigation and the police need to settle their books –

they need to know if cases can be closed or are still pending. Some people may still be wanted for murder.

- 21.1.9 The Sri Lankan ID is very weak – ID cards include a photo, but they are handwritten in Sinhala and in Tamil (those issued to Tamils are written in Sinhala and Tamil).
- 21.1.10 The government has a number of missing people, but they could be living somewhere else. For example, a former LTTE member, thought to be dead and claimed to be so by his family, was apprehended after 6 years living in India.
- 21.1.11 The return process is complex – there are many issues. Previously, Sri Lankan nationals who had gone overseas, failed asylum seekers and those refused asylum were issued Temporary passports by Sri Lankan Embassies, but last month this was overturned and Temporary Travel Documents are being issued to people who wish to return.
- 21.1.12 In terms of stability, Sri Lanka has been stable for the past five years and there have not been any major factors that could affect that – but events like the recent Jaffna University clash between Tamil and Sinhala students could affect stability.
- 21.1.13 The issue of stability in Jaffna is subjective. People in the south of the country probably think differently to those in the north. Across the country there is stability – but in regards to crime, the former central areas are doing better than the south. There is no answer as to why it would be worse in the north, but it may be that people are more likely to be picked up in the north. There are still areas for improvement, but there is a need to look at Sri Lanka in context – what is reasonable.

21.2 Returns

- 21.2.1 Returnees are monitored at 1 month, then at 3, 6 and 9 months. Most people return to the North and East.
- 21.2.2 IOM assisted a person who returned from France, after 15 years away, to develop his land. It has also assisted people returning from Australia, the UK, Switzerland, Indonesia and West Africa.
- 21.2.3 Reintegration packages for voluntary return:
 - West Africa - \$ 3,300 'in kind' plus \$ 200 cash per person, including children
 - Australia - \$3,300 (\$300 in cash) per person
 - Indonesia - \$2000 per person, including children
 - UK - €1,316 per person, or €1,974 per person for a family.
- 21.2.4 Many others return without assistance from IOM.
- 21.2.5 In Sri Lankan law it is not necessary to have a passport to return to the country – it is only necessary to prove Sri Lanka nationality, which can be by providing a National Identity Card or a birth certificate. But it is not possible to leave Sri Lanka without a passport.

21.2.6 In terms of priorities for the government, an independent monitoring system would avoid people making baseless allegations [of ill treatment]. It is the government's responsibility to ensure people integrate – IOM does not have a mandate to do this. The government needs to make it clear there are a number of options to redress claims of torture and once these avenues have been exhausted there is the possibility of taking the claim to the International Court. This needs to be communicated by the government.

[Back to Contents](#)

22. Meeting with a UN Senior Human Rights Advisor in Sri Lanka (A UN organisation), 21 July 2016

22.1 The UN organisation's role in Sri Lanka

22.1.1 The UN organisation does not have a Country Office in Sri Lanka with a full mandate that would include human rights monitoring and reporting. Rather, the UN organisation has deployed a Senior Human Rights (HR) Advisor to the UN Resident Coordinator Office that advises the UN Country Team on HR issues. However, the work of the UN organisation also includes support to UN (United Nations) Human Rights Council (HRC) – and its Special Procedures mandate holders, some of which conducted recent country visits to Sri Lanka. For example, the UN Working Group on Enforced and Involuntary Disappearances visited in November 2015; the UN Special Rapporteur on Truth, Justice, Reparation and Guarantees of Non Recurrence conducted technical advisory visits in April 2015, January 2016 and June 2016. The Special Rapporteur on Independence of Judges and Lawyers and the Special Rapporteur on Torture and other cruel or inhumane treatment conducted a joint visit in May 2016.

22.1.2 The Special Rapporteur on Torture has a mandate that allows him unrestricted access to all places of detention.

22.1.3 The change of government has led to a more positive situation, but one of the main points of the Torture Special Rapporteur's report is the use of torture as an ordinary everyday tool by the police. The Special Rapporteur indicated that he was "persuaded that torture is a practice that is carried out in relation to regular criminal investigations." Further he mentioned that "few[er] cases are reported today than during the conflict period, and perhaps the methods used by the police are at times less severe. But sadly the practice of interrogation under physical and mental coercion still exists and with severe forms of torture, albeit probably in less frequent instances, continues to be used". There is an excessive reliance on confession of guilt and detainees don't get access to lawyers until after they have provided a first statement to the police, which is when the torture is more likely to happen. There probably is a lack of investigative skills to extract information from suspects without resorting to coercion.

22.1.4 During his visit the SR was given unrestricted access to detention facilities, including prisons, police stations, the Poonhotam rehabilitation centre, the Boosa detention facility for PTA detainees, and military camps. In most reported incidents, torture happens in police stations or other facilities,

during interrogation by the police or intelligence services. Torture is rarely committed in prisons or attributed to prison guards or other custodial staff or fellow prisoners (there are exceptions of people accused of specific crimes, i.e. rape of a child, being maltreated by fellow prisoners and guards). However, the Special Rapporteur considered that the conditions of detention in some of the prisons (deficient infrastructure, overcrowding, insufficient ventilation, extreme heat) were such that, combined, constituted in themselves a form of cruel, inhumane and degrading treatment.

- 22.1.5 The UN organisation is aware that some NGOs [Non-Governmental Organisations], including Freedom from Torture (FfT) have reported serious torture recently and have contested the statements of the High Commissioner for Human Rights where he mentioned that 'white van abductions' were mostly a thing of the past. The NGOs say that 'white van' abductions are still happening. The UN organisation understands that in Sri Lankan usage the term 'white van abduction' generally refers to instances of enforced disappearances where persons abducted by unknown perpetrators in unmarked vehicles were most often never seen again. While in the last year there have been cases of police arrests conducted with unmarked vehicles, the detainees promptly appeared in police custody. The High Commissioner statement is to be understood in this sense, (i.e. enforced disappearances are mostly a thing of the past).
- 22.1.6 There was one case of a person taken by the police in a civilian looking car, but this was reported to the Human Rights Commission (HRC) and the person was released. The UN organisation is aware that NGOs have reported these incidents as important – and they are – in the sense that a person should be arrested by a duly identified police in a marked vehicle and that the police communicate the reason for the arrest. However, an irregular arrest, while deplorable, does not equal in gravity an enforced disappearance.

22.2 Prevention of Terrorism Act (PTA)

- 22.2.1 There have been a number of people held under the PTA (Prevention of Terrorism Act) in the last year: 2015-2016 (with at least 14 cases connected with a suicide vest found during a police search in the North).
- 22.2.2 The extended use of PTA detention is largely unnecessary and politically damaging and it could be avoided. The PTA is not particularly sophisticated in terms of investigative means or techniques, the main difference in respect of arresting a suspect under ordinary legislation or under the PTA consists on additional pre-charge detention time and issues related to the admissions of confessions into evidence. The President issued directives in June 2016 requiring that when a PTA arrest is made, the Human Rights Commission should be informed immediately.
- 22.2.3 The government is preparing new counter terrorism legislation supposedly intended to incorporate human rights guarantees. The UK and others will provide technical advice. However, even if the PTA is not formally replaced, until the new counter terrorism legislation is finalised it would not need to be used. If repealing the PTA without a substituting legislation was deemed to be politically costly (the opposition could say the government is 'dismantling

the security apparatus') an option would be simply not using the PTA while keeping it formally in force until the new legislation is ready. But continue using of the PTA will damage the reconciliation process.

22.2.4 There are still people held under the PTA from the war who should be charged or released.

22.3 Excessive force/Torture

22.3.1 There is a Torture Act to punish people who carry out torture, the law is good, but implementation is not. Only one case, since 2008, has ever been brought to Court. Basically impunity cannot be denied.

22.3.2 It is accepted that torture is generally happening and excessive use of force is also used by the police, but the way different communities see this is very different. For example if a Tamil person is tortured by the police this incident would be seen from an ethnic lens as an attack on the community by the majority-dominated State (and most of the police are Sinhalese). If a Sinhalese person is tortured by the police he will be seen simply as an individual victim of an abusive police force. Some cases might get more media attention (particularly in diaspora circles) because of a Tamil connection but torture is not limited to those cases. There was a case a couple of weeks ago, of a person who was allegedly abducted and released a day later, with possible signs of torture, but nothing conclusive.

22.3.3 The UN hears reports from civil society groups and if there are complaints they are referred to the Special Procedures and Mechanisms of the HRC. Complaints were also received by the Special Rapporteur during his visit.

22.3.4 Apart from physical maltreatment, there is also harassment, and surveillance of communities is particularly common. Questions being asked about meetings – where it took place and why etc. However, the current situation is also better than it was in the past. Before, there would be a fear that visits would be followed weeks later by a disappearance, while now mostly these incidents are just that, questioning. It is not known what is the intention of these questions and surveillance, whether they intend to instil fear or simply reflect a lack of finesse and capacity among intelligence or police officers, some of which might think it is their duty to maintain this low level intelligence. So again there are different perceptions by different communities – what might be a lack of trust could also be seen as a security threat. When the High Commissioner or other high level visitors visited some IDP (Internally Displaced Persons) camps, there were plain clothed security personnel among the crowds – Tamils can spot them and basically assume they were there for surveillance (of peoples activities), while in a similar situation in the South they would probably be perceived as being there just carrying out their normal duties of monitoring and surveillance for a visiting dignitary.

22.4 Sexual exploitation

22.4.1 Excessive military presence in the North might have an impact on issues of sexual exploitation but there are no figures for such cases. A large military presence and a large number of single female headed households might bring an increased risk of sexual exploitation and abuse. Moreover, it has

been reported that unscrupulous individuals have been known to extort money or sexual favours from women who have disappeared family members in exchange for information (normally false) about the whereabouts of their loved ones. But where crimes are committed there is under reporting for lack of trust in the system. Two soldiers have recently been convicted for sexual violence in the north.

22.4.2 Impunity for sexual violence is high even for cases not related to the conflict. A rape case led to a conviction in November 2015 after 14 years of trial. The delays were mostly attributed to the practice of not conducting trials on consecutive days, meaning that every minor event - a recess motion, a sudden sickness of a participant, a traffic jam - which in other jurisdictions would merely cause a few hours or days of delay, here potentially means rescheduling the hearing to a distant date months away. The girl in this particular case was supported by the Catholic Church that took a sustained interest in the case and looked after the victim for a number of years, but most victims that would not count on this kind of support and would not be able to persist in their quest for justice for such an extended period of time, particularly given the stigma associated with rape.

22.5 General information

22.5.1 The Prime Minister has said that many of the disappeared are likely to be dead.

22.5.2 There may be stigmatism between the north and the south and a fear of reprisal.

22.5.3 In terms of the security situation, it has greatly improved and it is relatively good – for a comparable country. In spite of that, there have been a few killings and other violent incidents in the last year or so, largely related to fights in the criminal underworld, victims reportedly being associated with illicit activities such as drug trade. They were mostly Sinhalese people from Colombo.

22.5.4 In the north and the east, there is probably still a sense that surveillance continues today. One of the PTA arrests in 2016 was made in the presence of the Trincomalee HRC – the person had gone there to make a complaint. But this shows that anyone, guilty or innocent, can go to make a complaint at the HRC.

22.5.5 People who went through Rehabilitation are not given a ‘get out of jail free’ card. A [married] couple were recently arrested who had been through rehabilitation and this made the news – but the reason for their arrest was reportedly unconnected to their former links with the LTTE – they were suspects in an extortion case.

22.5.6 In terms of the safety of people perceived to have a previous connection with the LTTE returning to Sri Lanka – the screening at the airport may put them under the radar of the Intelligence. Previously when people returned to their communities ill-treatment would happen, but that does not seem to be the case anymore. The UN [United Nations] and civil society groups on the ground have not reported recent issues of ill-treatment on return, but some cases are raised by FfT [Freedom from Torture]. The details from these

cases are quite gruesome and it is unclear why the services would do that and what intelligence would they be able to gain from information provided.

22.5.7 The Special Rapporteur has, in his observations, mentioned cases of torture consisting of chilli in the eyes, beating of the feet and mock asphyxiation – but not the introduction of cables, as in the FFT cases.

22.5.8 It is also important to note that there might be members of the security forces that may wish to sabotage the reconciliation process and may attempt to bring other issues to the table. For example, just one day before the visit of the Special Rapporteur on Torture a person was allegedly abducted and released the same day. The case is not fully verified but if indeed it were committed by security officers the timing is at least suspicious.

22.6 Corruption

22.6.1 Corruption is probably quite generalised. There does not seem to be major harassment from traffic police – as can happen in other countries. There is a perceived lack of accountability among the politically powerful. There is a slowness of cases through the Courts and although this is general, it is not possible to rule out that some people are not protected. Patronage is also seen as an issue – networking/ family/ friends etc, there is a big divide between the elite in Colombo and the ordinary people. The size of the country – education and the elite, make the distinctions very clear.

(For further information on torture/ill - treatment, see: [Meeting with Fr. Eli Rajendram SJ 14 July 2016](#), [Meeting with Bishop Emanuel, Trincomalee, 16 July 2016](#), [Meeting with a peacebuilding and human rights organisation, 21 July 2016](#), [Meeting with the Centre for Human Rights and Research \(CHRR\), 22 July 2016](#), [Meeting with an official from the National Police Commission \(NPC\), 12 July 2016](#), [Meeting with the Honourable Austin Fernando, Governor of the Eastern Province, 19 July 2016](#), [Meeting with Commissioner of Prison \(Intelligence and Security\), Prison Headquarters, Colombo, 20 July 2016](#))

[Back to Contents](#)

23. Meeting with the Centre for Human Rights and Research (CHRR), 22 July 2016

23.1.1 In terms of safety of returnees with a perceived LTTE background, their treatment on return will depend on whether they left Sri Lanka legally and whether or not they passed through immigration control. If returnees left the country illegally, life will be very much harder.

23.1.2 For example about 10 months/ a year ago, a person living in Australia took up an open invitation to return to Sri Lanka even though he still had time left on his visa and had a job in Australia. CHRR advised him to write a letter to say he was returning. The letter was sent to the President, copied to the Prime Minister; the police; the Minister of Defence and CHRR. He was detained at the airport for almost 30 hours, but CHRR could not trace him, even though it made an official complaint to the police. Even now [at the time

the Fact Finding Mission took place] there is still a case against him and he has report to the police station once a month and travels 250 miles to do so.

- 23.1.3 There are over 19 people detained under the PTA (Prevention of Terrorism Act), 19 of which came from the Eastern province. Most of these are under terrorist investigation and are subject to torture. There are about 9 terrorist places of detention in Sri Lanka. In some cases people are kept for 2-3 days in unknown places.
- 23.1.4 99% of the cases under the PTA are tortured, but torture cases in Sri Lanka are very difficult to prove. It is reducing, but it still happens, for example to returnees from Canada and other EU countries. There have been more than 29 of these types of cases. Of those, 3-4 were released after one month and some were released after 1-2 or 5-6 weeks.
- 23.1.5 CHRR is now dealing with 118 people [This includes 40 to 50 still detained and others that have already been released] held under the PTA. Family or friends come to CHRR when people are detained and CHRR aim in an advisory capacity, to prevent torture. It lets the government know, that CHRR are aware people are detained. CHRR is also campaigning to repeal the PTA. The government has given a promise that the PTA will be repealed and will be replaced with an international standard, but this has not yet been drafted, even though the government says it will be in Parliament by September [2016]. It will be called the National Security Law. This is separate from the Constitution reform.
- 23.1.6 CHRR is also the main organisation campaigning for police reforms, in which it works with the British High Commission (BHC); it is part of three committees involved in the work.
- 23.1.7 In relation to people returning from the UK with a perceived link to the LTTE, if a person had any connection with the LTTE and that had been reported to the police, then they will be questioned and detained. Some former LTTE people are still detained after 14 years, whereas an arms dealer lives freely in Kilinochchi, but those who handled the arms have been held for 15 years. It was not known why the main 'top' men had not been charged, while the lesser people were. But it is believed that people are kept in prison to avoid them speaking out against the government.
- 23.1.8 On 1 July 2016 there were 119 people detained under the PTA. Of these, some have been charged, some are facing multiple charges and some have not been charged.
- 23.1.9 Judicial reform has also been demanded by CHRR for a long time now. If the police are opposing the bail or release of a person, the Judges are helpless against this. Some Court hearings are months in advance/ months apart. No mercy is shown to PTA detainees.
- 23.1.10 The Witness Protection Scheme is still in draft form. There is huge pressure on the government to do this, but there is nothing at the moment. The documentation is fine, the law is fine, but it is not yet implemented.
- 23.1.11 The Human Rights Commission (HRC) has said procedures have to be followed:

- Ministry of Defence has to be informed
- Friends and family have to be informed as to why the person was arrested.

23.1.12 Guidance given by HRC is also fine, but it is not being implemented on the ground.

23.1.13 CHRR took one case to the President. A person arrested at the TID [Terrorism Investigation Division] office, who was “very innocent”, had committed financial fraud and was not a terrorist, had been a driver for the former President’s Chief of Staff, was very badly tortured, but CHRR managed to get the person out and to a hospital and, before taking him to the HRC [Human Rights Commission], they took him to the President. They also presented the story at a press conference and ‘let the world know’. Even the highest level of the HRC are in fear for people’s lives.

23.1.14 When compared to previous years, [incidents of torture] have been very much reduced in the last 17 years. There has been no torture since 2015 of political cases. However, isolated cases of torture still take place mostly in remote areas of the country. When it comes to torture by the TID, that does not mean it is not happening, it means the scale of it has reduced, but physical handling has reduced.

23.1.15 There are no concrete reports on mental torture. People subjected to mental torture do not report it.

23.1.16 Arrests are still taking place throughout Sri Lanka, but there is a big reduction in physical torture. It is the same treatment for Sinhalese and Tamils, but Tamils are slightly worse off because of the war.

23.2 Corruption

23.2.1 CHRR provides advice to the Anti Corruption Front (ACF). It has dealt with 520 cases, 11 of which are now with the Judiciary. 95% of the cases are from the ACF.

23.2.2 There are so many complaints about corruption, progress is not good, indictments at the Court have not yet reached the final stages. There are very outdated laws in Sri Lanka. The people charged have cases to date for forgery and money laundering, charges a good lawyer could argue against. But there are good developments in the prevention of corruption – there was a public outcry. The public have been providing the information.

23.2.3 Only recently the Secretary to the Minister of Public Administration, a very high ranking person was forced to resign on corruption grounds.

23.2.4 There are other members of government under investigation and there are whistle blowers. CHRR is making good progress, with its public campaign. It has made a big difference.

[Back to Contents](#)

Information provided by governmental departments and organisations

24. Meeting with Witness Protection Authority, 11 July 2016

These notes were sent to the source for verification, but no response has been received.

- 24.1.1 In 2015 a new law was established for the protection of witnesses and victims of crime. This is overseen by a Committee from different disciplines to test the mandate. The duties of the committee are to disseminate the information of the law to make people aware of its existence. This is achieved through targeting groups such as the police force, judges and lawyers and educating them on how to make use of the structures as stipulated in the law; and the role of prosecutors, judges and lawyers.
 - 24.1.2 The Committee works with UN Commissioners on the provisions of the law, looking for technical support for drafting standalone protection on specific sections e.g. women.
 - 24.1.3 There is no distinction as to who is eligible for witness protection. Anyone can apply for it, including anyone willing to give evidence beyond the normal scope within territorial jurisdiction. It is a challenge trying to obtain evidence from witnesses living abroad. Common law also provides protection; victims are protected in courts.
 - 24.1.4 Some claims are on a complex issue, some are legally or politically complex. The idea is to make it possible for a witness to provide evidence without it being distorted or doctored. 'How do you make someone give evidence without outside influence?'
 - 24.1.5 Safe houses are not enough. Half of the houses established are dedicated to victims of domestic violence. Domestic violence comes under the responsibility of the Ministry of Family and Children.
 - 24.1.6 The number of people in custody under the PTA [Prevention of Terrorism Act] is few, but they should be prosecuted. They (those in custody) try to abuse the system and woo the politicians. All the claims should be taken with a pinch of salt. There is a separate court for PTA cases but there should be at least 2. The system is slow; the government should establish new courts.
- 24.2 Real or perceived association with the LTTE
- 24.2.1 There are a lot of torture cases where they (those detained) are exaggerated, but these are not disregarded completely. These are sporadic incidences, mainly occurring while in police detention.
 - 24.2.2 People can file reports of allegations of torture in the Supreme Court under Article 11 of the Constitution, under Fundamental Rights. Officers accused of torture would be investigated and prosecutions occur. For action [to be taken] by the Supreme Court for the violation, requires sure evidence.

- 24.2.3 With regards to non PTA crimes, these are investigated through face to face meetings so not to leave traces. Families of PTA suspects are not interrogated.
- 24.2.4 Once a person is arrested they are required to face a magistrate within 24 hours. Police can apply for an extension to 72 hours, after which bail is granted, or the person is charged and remanded in custody
- 24.2.5 The process works. Those arrested/detained do have access to lawyers. In Sri Lankan law, confessions are not incriminating evidence in non-PTA cases. Confessions are not valid and cannot be submitted in court.
- 24.2.6 Bribery is possible. The legal system works but delays are a problem because of, for example, resources. There is much to be desired with judicial reforms. Excessive bail conditions lead to extensive pre-trial detention.
- 24.2.7 Prisons are overcrowded, which is down to a lack of resources. There are about 20 prisons. New processes are slowly being introduced for rehabilitation outside of prison.
- 24.2.8 The Legal Aid Commission, which has been operational for about 8 years works with a large number of NGOs [Non-Governmental Organisations] and lawyers doing legal aid work.
- 24.2.9 A person who had returned from the UK would not be arrested unless there was a court order for their arrest. Sri Lanka does impose a travel ban for persons who have committed serious crimes, e.g. murder, rape, drugs, trafficking, and financial crimes regarding terrorism.

24.3 General comments

- 24.3.1 There have been positive moves (in the north), which include:
- Returning land to communities;
 - Schools operating;
 - Justice system working well;
 - Every Court house has been rebuilt;
 - Reduced military presence;
 - Functioning universities, with a law faculty, including women law students.
 - Functioning law faculty, including a large community of female lawyers.
 - Better security and freedom of movement.
- 24.3.2 There is a need to create jobs and factories. Former cadres are being hired to work in factories opening in the north and they are very good workers – disciplined at shift work etc.
- 24.3.3 All the suicide bombers have gone; normality has come back very quickly. The challenge is dealing with war crimes as this is a very political subject.
- 24.3.4 Land disputes are still an issue, but an amendment to the Prescription law dictates that after 10 years of occupying a land, a person can take ownership of that land. But this law will not be applied, or will be annulled in certain circumstances. There is a general problem with people occupying land that they do not own; and it is difficult to have them removed.

[Back to Contents](#)

25. Meeting with an official from the National Police Commission (NPC), 12 July 2016

25.1 The role of the National Police Commission (NPC) in Sri Lanka

25.1.1 Re-established in October 2015 following the 19th Amendment of the Constitution, the NPC oversees the affairs of the police of Sri Lanka. The NPC are responsible for establishment matters for the police, including disciplinary action. NPC address complaints about the police made by the public, and look at the efficiency, quality and training of the police. NPC engage and consult with all police divisions.

25.1.2 The NPC aims to make the police an independent professional body and not be politically influenced. NPC are looking into ways and means of improving the police.

How many members of staff are in the NPC?

25.1.3 The Commission has seven members. As a public body, funding and resources are limited. NPC have been negotiating with the United Nations Development Fund (UNDP) to strengthen the capacity of the Commission. NPC work with government institutions and national agencies.

How many complaints about the police have you received since October 2015?

25.1.4 Since 2015 NPC have received 1,000 complaints about the police including issues on impartiality, abuse of power, police inaction, harassment, and a few cases of torture. Most of the complaints are about impartiality and abuse of power. Of the 1,000 cases, 200 have been resolved. The NPC has the power to take disciplinary action against police officers. NPC tell the police to take action when they have not followed procedure. The NPC took disciplinary action against 60 police officers between 2010 and 2015. If NPC's action does not resolve the issue, the matter is taken to court.

25.1.5 In October 2015 during a student demonstration, a few protesters were attacked by the police. Following the investigation, one police officer has to face a formal enquiry.

Have any police officers been suspended or dismissed following investigation?

25.1.6 NPC investigate serious and minor offences. Those found to have committed serious offences are subject to severe punishments, and may face dismissal. Lesser offences are dealt with through other forms of disciplinary action such as a warning

25.1.7 Some people who have complained of being ill-treated/tortured by the police have not provided enough evidence of this so no further investigation has been undertaken. For example, if a person visits a hospital 2-3 weeks after the alleged event, no medical report is supplied so the investigation cannot go further. NPC work closely with the Human Rights Commission in cases of alleged torture.

Are the public aware of the existence of the NPC?

25.1.8 The public are aware of the NPC. The Commission meets with civil society organisations and police officers across all the provinces. NPC have a hotline for complaints and a website. There has been media coverage reporting what NPC do.

Are people scared to make a complaint, for fear of retribution?

25.1.9 People are scared less and less. The police know that the NPC can investigate complaints against them and take disciplinary action. So there has been a general improvement in the police service. NPC help with police reform, training, providing facilities. NPC also look after police welfare due to the pressures they are under, low wages, morale, etc.

25.1.10 If a woman is assaulted by a male police officer they can complain to an officer of higher status – ASP or SSP (Assistant Superintendent, and Senior Superintendent, of Police).

25.1.11 A complaint should first be made to the relevant police station before it is taken to the NCP. The NCP cannot deal with all minor administrative complaints.

How many female officers are in the police force?

25.1.12 There are 11,000 women officers out of 82,000, across 448 police stations. NPC hope to increase support to women police officers. There are women and children's desks in all police stations and complaints made by women on issues of sexual assault are dealt with by women officers.

25.2 Police training:

25.2.1 NPC have just introduced a code of ethics for police to improve their behaviour to the public, and for the public to know what to expect from the police.

25.2.2 Police undertake initial induction followed by extensive training, and then refresher training on gender issues, human rights, reconciliation. The training division is dynamic and is working with overseas police to aid and improve training.

25.2.3 The police are making significant progress and in the next 2-3 years it will be different, much better. The NCP consults with different segments of the police force on a regular basis.

25.2.4 The NPC also covers the Special Task Force (STF); we have planned to conduct public consultations across the country in the near future.

25.2.5 The NPC plans to establish a public forum to elicit new ideas, to mobilise people, to draw on experts and to create a user friendly data management system. It also intends to draw on experts who can be available to work with people outside the NPC as well as within.

[Back to Contents](#)

26. Meeting with Security Forces (SF) Commander for Jaffna, 13 July 2016

26.1 Role of the Security Forces in Jaffna

- 26.1.1 The Security Force headquarters at Palay on the Jaffna peninsula was established in 1963 to look after the illegal immigrants and smuggling between India and Sri Lanka. There are three Divisions stationed there, but this does not constitute even 12-13% of the whole of the Sri Lanka military.
- 26.1.2 After 2009, the role of the military changed from combat to resettlement and rehabilitation.

26.2 The land issue

- 26.2.1 Today there are 31 IDP (Internally Displaced Persons) camps in the Jaffna region, housing 936 families, many of whom were displaced 26 years ago. A lot are third generation families, but only the older generation have lands, second and third generation families do not have lands, 60% are landowners.
- 26.2.2 From 2009 to date (13 July 2016), the military on the Jaffna peninsula had been using approximately 27,000 acres of land. It has released approximately 21,000 acres and it is holding approximately 6,000 acres (including the Air force land and airfield). In relation to the whole landmass, the military is occupying 2.1% of the total.
- 26.2.3 When the military released the 21,000 acres, many people came back from abroad, having left Sri Lanka after 1983 to go to the UK, Canada or India.
(For further information on land issues, see: : [Meeting with the Tamil Civil Society Forum, 13 July 2016](#), [Meeting with an INGO, Colombo, 12 July 2016](#), [Meeting with an INGO, Jaffna, 13 July 2016](#), [Meeting with Security Forces \(SF\) Commander, Killinochchi, 15 July 2016](#), [Meeting with Naseer Ahamed, Chief Minister of the Eastern Province, 19 July 2016](#))

26.2.4 A derelict house in Jaffna:



A derelict house in Jaffna

[Back to Contents](#)

26.3 Ex-LTTE cadres

- 26.3.1 2,963 ex LTTE cadres have been rehabilitated following the end of the conflict and they are living in the peninsula. Of those, 615 are girls. The security forces monitoring system shows there are about 500 ex cadres who have not been rehabilitated. This is an issue for the army and a concern for national security. There are two to three networks working differently, which end up in the UK, France and India, and with phone numbers which had links back to the suicide bombers. (Two suicide bombers were discovered in March 2016).
- 26.3.2 Single women are also an issue. There are many more women in Jaffna than there are men. Many girls were married early during the conflict, at 18 for example, to prevent them being forced into combat with the LTTE. Then at age 24 or 25 they parted from their husbands.
- 26.3.3 In the IDP camps, many families are large – extended, living in the same accommodation. Most of the 615 women from the cadres are widowers – the demography of the local population has changed.
- 26.3.4 The female officers at the military have programmes to assist women. They also provide baby milk on a monthly basis, sufficient for a baby for a month.
- 26.3.5 The military are building 600(+) (permanent) houses on government land. Ex Cadres, both men and women will also build with the military staff, learning skills and earning money. This joint working takes place in the ratio of 10 military persons: 1 cadre. This work will be completed in 45 days.
- 26.3.6 There is no industry as such in Jaffna.
- 26.3.7 The press is free; it is free in the North. The commander or Security Forces Officer visits the press club every two weeks, this is a good relationship. The press now ask, before printing, if an incident is true.
- 26.3.8 If a person returned from the UK, and was suspected of previous LTTE activity they would be offered rehabilitation on return. The certificate which proves the person has been rehabilitated would be like another visa for them, something they could show if stopped by the police.
- 26.3.9 LGBT issues are not raised in the Jaffna region; these things are culturally not discussed. There is also a serious caste issue.

[Back to Contents](#)

27. Meeting with Ministry of Health and Indigenous Medicine, Social Services and Rehabilitation, Probation and Childcare Services and Women's Affairs, 14 July 2016

- 27.1.1 There are 110 hospitals in the north, but 30 of these have no doctors so it is not possible to provide 'quality' health services due to the human resource issue. These hospitals function for only a few hours a day when they are staffed by Ministry of Health (MoH) doctors from the main hospitals. Some doctors from the primary hospitals will spend half the day in one hospital and

the second half of the day in their 'own hospital'. There are staff shortages in almost every category of staff, with only about 58% of the approved number of people in post.

- 27.1.2 The first level of healthcare is the Primary Medical Care Unit (PMCU). Teaching is in the tertiary, highest level. There is a teaching hospital in Jaffna and in each of the 4 other districts there is a District General hospital. It is a problem to provide the services in these districts because of the human resources shortage. Compared to other Provinces, resourcing is a big problem.
- 27.1.3 There is a public health system network in every district ranging from the public health midwife in the village to the Medical Officer of Health in charge of the Division.
- 27.1.4 Around Jaffna, there are many small islands which are a problem to get to. The MoH [Ministry of Health] in Jaffna provides transport to Colombo for patients living in the north who need more specialist care, as there are a lack of specialist doctors and facilities in the north. For example, there are two cardiologists in Jaffna. Healthcare is better than it was 3 – 4 years ago but there are things that still need to be developed, especially in the rural areas. Villages do generally have midwives but service provision for general medical care is a problem.
- 27.1.5 Some of the important medical Indicators are in a bad shape, for example, 30 – 32% of school children are anaemic.
- 27.1.6 Providing health services is a problem. There are 5 or 6 special groups of people, the most vulnerable in the Province that need more attention:
- People with physical disabilities.
- 27.1.7 There are 42,000 disabled people in the Northern Province out of a total population of 1.2 million; of those 50% live in Jaffna. There are 19,000 (this is an estimate) disabled people in Killinochchi. A house to house survey is currently being conducted by midwives, who will identify the disabled. In the second phase of the project, the person's disability will be assessed by a doctor.
- 27.1.8 There is a very high need to offer medical rehabilitation to people with disabilities, but there is no rehabilitation unit in the North province. There is a move to get funds for at least small scale rehabilitation facilities in hospitals.
- Young widows
- 27.1.9 There are 45,000 young widows whose husbands have either died or are missing, although, government statistics indicate that 9,000 women lost their husbands during the war. The MoH will share the information it gets from NGOs [Non-Governmental Organisations] and others about the numbers of lone women. These women need reproductive and other related health services. Abortion is not legalised in Sri Lanka and recently there was a death from an illegal abortion. These women also face social challenges.
- Children without parents – orphans;
 - Parents without children, due to death or migration

- Former combatants

27.1.10 About 15,000 cadres were rehabilitated then released after the war. There has been a number of deaths of ex-combatants since the war has ended. It was suspected they may have been injected with some sort of poison whilst in rehabilitation, in addition to being badly tortured. Many cadres that were released asked the MoH to investigate to see whether they had been poisoned.

- Post Traumatic Stress Disorder (PTSD) and mental health problems.

27.1.11 These issues are ignored all the time. Before the regime change, mental health was a bad word, even NGOs neglected requests to work in this area. The mental health of ex-cadres is not taken seriously.

27.1.12 For the 1.2 million Northern Province population there are only 2 psychiatrists and no psychologists. Médecins Sans Frontières (MSF) trained nearly 150 counsellors who worked with them for 4 years, but they are now jobless after MSF ceased working with the MoH. These people were recruited under different criteria - they have no certificate of training and so cannot be employed by the MoH. Even if they had certificates, there is no category under the MoH that the counsellors could be employed under. Basically there are limited mental health services, only psychiatric patients are dealt with; PTSD [Post Traumatic Stress Disorder] patients are mostly not.

27.1.13 The MoH has taken the initiative to train 30 of those who trained with MSF as Health Service Assistants (HSA). These people work in primary care, identifying people who need help and referring them to the hospital for treatment. After MSF left, a local NGO SHADE worked in their place, but now there has been no financial support since 2011, so the NGO no longer exists. Nine major hospitals in the province are trying to recruit counsellors but there are a lot of difficulties with “red tape”.

27.1.14 There are many doctors in the UK from the Sri Lankan diaspora, and many Tamil medical students there also who are happy to come and work in Sri Lanka during their vacation. But it is beyond the MoHs ability to get them to work in Sri Lanka. For them, security is an issue.

27.1.15 Medication and health services are free of charge in government hospitals. Sometimes for certain conditions, for example cancer treatment, dialysis, and chronic kidney issues, patients are asked to buy medicine out side.

27.1.16 Obtaining basic medication is not a problem unless there is a country wide problem.

27.1.17 Radiotherapy and immunotherapy, some drugs and injections are not available in government institutions. The supply is there, but it is very limited. Once the MoH finish the supply of a particular drug, it then asks the government to buy in the next batch.

27.1.18 There are also some long queues for procedures, for example cardiac surgery. There is a cancer unit in Jaffna district.

27.1.19 There is no government health insurance system. Some private companies do offer health insurance, but only a very small number of the population

have this and it doesn't pay out very much. Poor people are helpless. A social services department is there but there is no mechanism to help provide medicines for these people.

- 27.1.20 In Government hospitals surgeries and medication are completely free.
- 27.1.21 Government hospitals provide the treatment but the family are expected to 'care' for the patient.
- 27.1.22 There is no proper referral system. For example, a patient could go for treatment to Jaffna one day and to Killinochchi the next and receive the same treatment; there is no computerised registration and treatment system.
- 27.1.23 Jaffna Teaching hospital is the best, so people come from a long way to get treatment there. A new system has been set up which means that patients who arrive with a referral paper will be seen first. So now people tend to go to see a local doctor to get a referral before arriving at the hospital. Sometimes outpatient department waiting times are down to just over 4 hours.
- 27.1.24 Drugs are issued to hospitals on a quota system. The hospital tells the government what it needs and the drugs are issued, but the Provincial MoH cannot import drugs from outside Sri Lanka and it is totally dependant on what the central government can provide. For example, in 2015 Metformin was not available; there was no stock in the central government for the year, so a request was made to the government to purchase it. The first 3-4 months of the year are ok, but later in the year drug supply is difficult. Outside pharmacies and private pharmacies have available drugs, but patients have to pay.
- 27.1.25 Earlier, some NGOs were helping; also sometimes people could go to temples and charities for assistance in purchasing medication.
- 27.1.26 There is no counterfeit drug problem.
- 27.1.27 The Provincial Government is trying to establish 5 Model General Practices (GPs), one in each of the 5 Districts.
- 27.1.28 Nearly 135 doctors pass through training at Jaffna Teaching hospital every year and around 70 of these are Tamils. However, they tend to go to the south for further study, or to practice, because there are no facilities to specialise in Jaffna and for almost every specialism you need to go in or around Colombo, or they migrate abroad. Neither are there are libraries or basic training facilities.
- 27.1.29 The MoH is trying to establish support in the UK to support doctors working in the Jaffna periphery hospitals. Similar to GP (General Practitioner) training, for which there are no training facilities in Jaffna, it is hoped to set up a training course for these doctors, but there are no local facilities and no local schools for their children.
- 27.1.30 There are now 100 ambulances in the North Province, each ambulance has one driver and one cleaner who operate the service. Three paramedics from the UK will train 12 doctors who in turn will train others.
- Support for the poor, ill and elderly

- 27.1.31 Some very poor, older people, aged over 60, are entitled to 500 LKR (approx £2.50) per month social support, but the Minister has received letters from people saying that they have not received any payments for the past 6 months.
- 27.1.32 Families on low income, if they have a certificate to prove they are in this category, are entitled to 3,500 LKR per month,
- 27.1.33 From April 2015 the MoH has granted severely disabled people, those are paralysed bellow the neck 3,000 LKR per month. Those that are paralysed below the hip receive 1,500 LKR a month. Also the chronically ill get paid 1,000 LKR a month by the central government and those with stage 4 kidney disease who are undergoing dialysis receive 3,000 LKR a month. However there are many dialysis patients and treatment is free in government hospitals, but the money helps towards transport costs.
- 27.1.34 Under the 'Poverty Elimination Programme', joint livelihood support projects by the government, non-governmental organisations (NGOs) and charities, which were meant to provide social and economic support to those with low or no income, failed in many locations. The reason was a lack of monitoring of the people who were assisted, and there had been no analysis before livestock was given to see if families were capable of rearing the animals. For example, where a family was given a cow to provide the means to produce dairy products, the people often either sold the cow for money, or consumed it as food as they could not afford to feed it.
- 27.1.35 Tamils were very hardworking and not dependant on others, but now they always expect something from others. During and after 30 years of war, they have learnt to be dependant.
- 27.1.36 No one can deny it [the situation] is not better. People voted for the government and there is an expectation that it will improve. No one is talking about [returning] the land in the high security zones, other than Jaffna. Land is an issue. The open threat of being killed is not there now, but the main problems are:
- Private land is still occupied by the military.
 - The PTA (Prevention of Terrorism Act) is still in practice.
 - Military intelligence is still very active, and they still follow people to meetings and then call whoever the person(s) went to meet to enquire what was discussed. The fear is there.
 - The legal system is corrupted.
- 27.1.37 The army came to sort out a clash with the local fishermen, but supported the fishermen from the south.
- 27.1.38 Constitutional challenges are progressing very slowly.

[Back to Contents](#)

28. Meeting with Security Forces (SF) Commander, Kilinochchi, 15 July 2016

28.1 The role of the Security Forces, Kilinochchi

28.1.1 The Commander explained there were seven Security Forces Headquarters (SF HQs) established in the country and that the SF HQ Kilinochchi area covers approximately 2,043 sq kms of landmass spreading across to three district boundaries namely Kilinochchi, Jaffna and Mullaitivu with 8 Divisional Secretariats.

28.1.2 There are 10 police stations in the Area of Responsibility of SF HQ Kilinochchi. The main issues encountered are:

- Drug smuggling (mostly cannabis from Madras and Kerala by a sea route);
- Illegal alcohol distribution;
- Illegal timber felling;
- Illegal sand and gravel mining;
- Child abuse;
- Prostitution.

28.1.3 The SF are focussing on reconstruction, resettlement and reconciliation.

28.1.4 Since 2009 munitions recovery has been vast. The army, DASH (Delvon Assistance for Social Harmony) and HALO Trust (both organisations specialised in mine clearing) have de-mined approximately 94 per cent of the areas in Killinochchi; de-mining is ongoing in 3 per cent of the areas; 3 per cent remains mined.

28.1.5 22,681 acres of government land, and 581 acres of private land, have been released by the military. In addition, 950 acres of land have been acquired by the military. A further 5,785 acres are in the process of being acquired, bringing to a total of 6,735 acres of land acquired by the military.

(For further information on land issues, see: : [Meeting with the Tamil Civil Society Forum, 13 July 2016](#), [Meeting with an INGO, Colombo, 12 July 2016](#), [Meeting with an INGO, Jaffna, 13 July 2016](#), [Meeting with Security Forces \(SF\) Commander for Jaffna, 13 July 2016](#), [Meeting with Naseer Ahamed, Chief Minister of the Eastern Province, 19 July 2016](#))

28.1.6 Support in resettlement has been provided to 43,812 families (141,298 individuals) since 2009. Within the SF Commander's areas, 3,582 former LTTE [Liberation Tigers of Tamil Eelam] cadres have benefitted from rehabilitation, and 542 cadres in Killinochchi were identified as not rehabilitated, although rehabilitation would be offered if they wish – the Ministry of Rehabilitation deals with this aspect. These people just continue to live their lives as normal.

28.1.7 Financial support has been provided for education aspects such as scholarships; donation of bicycles for school children; organising of educational trips; conducting seminars prior to 'O level' and 'A level' exams;

distribution of stationery and school items. Further health and sanitation activities such as medical clinics; distribution of spectacles; blood donations; educational programmes about non-communicable diseases; cancer protection programmes and participation in the national anti-dengue campaign have also taken place. For empowering women & children there are English classes for children and NEET (National Eligibility cum Entrance Test); beauty culture courses for widows; drawing competitions and exhibitions; dress making courses; self employment programmes and vocational training; flower decorations; personal hygiene programmes; home gardening programmes and sports coaching camps.

28.1.8 The army has built 174 houses for homeless families, and reconstructed 175 houses.

28.1.9 The total funding in this context was borne by the Army.

28.1.10 125 Tamil females have been recruited into the army.

28.1.11 The number of military personnel has been reduced since 2009.

28.2 Questions put forward to the Security Forces Commander

Are people arrested if they are perceived to be connected with the former LTTE?

28.2.1 The Police deal with maintaining law and order of the country. The military does not monitor individuals; any investigations required are made by the police. With regards to disappearances, the army is not involved in this and the authorities are committed to helping affected families, in coordination with other government agencies.

28.2.2 Although defeated militarily, there is still an LTTE ideology among a segment of the local people and Tamil diaspora.

The FFM team has been told that the military are involved in distributing drugs.

28.2.3 There have been no reports of military involvement in drug distribution. If army staff were involved in drugs (smuggling or distribution) disciplinary action would be taken in accordance with the Army Act, if needed, perpetrators would be handed over to the Police.

Do you have any concerns with the media?

28.2.4 The armed forces are not involved with the media and the media is free to report.

Are you concerned with female headed households?

28.2.5 Previously, the army had been involved in building houses, schools and other government establishments, but now the government takes the lead on such issues. If there is a donor, who wishes to help, the army will act as a conduit.

28.3 Community involvement

28.3.1 Troops have been involved in de-mining activities in the jungle. There had been 1- 2 civilian injuries due to LTTE mine incidents in the late 1980s and at the end of the war the army conducted awareness programmes to make

sure people knew where the mines were. The military also assist with well cleaning (wells are a major source of drinking water); renovation of irrigation systems; renovation of ruined Kovils (Temples), and the Sarvodaya Shramadana Movement (community work together with military and civilians) from which the local people seek help.

- 28.3.2 Going forward, the military hope to be involved in economic empowerment and social activities. It wants to help people understand and to see that the military are actually helping in the community.

What's the biggest thing that you think would improve people's lives?

- 28.3.3 Economic development; a change of mindset of civilians; and education. Local civilians will say the army are very much helping their daily lives whenever requested.
- 28.3.4 The Military established welfare shops to benefit the people in the area in the aftermath of the humanitarian operation. But now with the development of civil enterprises and so as not to jeopardise local businesses, military welfare shops only cater for military personal.

[Back to Contents](#)

29. Visit to the Rehabilitation Centre, Vavuniya, 15 July 2016

- 29.1.1 The Fact-Finding Mission team were allowed to meet with the beneficiaries of the rehabilitation programme.
- 29.1.2 The centres were for ex-LTTE [Liberation Tigers of Tamil Eelam] cadres and drug addicts, though currently the rehabilitation centre held only ex-cadres.
- 29.1.3 Over 11,000 ex-cadres have been through rehabilitation. There are currently 23 male beneficiaries (rehabilitees), who stay in the centre for one year. Four beneficiaries were due to be released in July 2016 (one in August; one in October; three in November and three in December); 12 had arrived at the centre in 2016. Most came from prisons where they had served between 6 and 10 years under the PTA (Prevention of Terrorism Act). Ex-cadres are offered rehabilitation in exchange for a reduced prison sentence. One ex-beneficiary is now employed at the centre and works for the Colonel.
- 29.1.4 When women were in the camp they had separate accommodation and there were female officers. There are currently only male beneficiaries in the camp.
- 29.1.5 The current centre can accommodate 100 beneficiaries. There used to be 24 rehabilitation centres but now there is only one.
- 29.1.6 All beneficiaries are treated the same; they are not asked what their role or history was with the LTTE.
- 29.1.7 During the 12 month period of rehabilitation, 6 months is spent on leadership skills and meditation. The following 6 months provides vocational training, such as carpentry, masonry, etc. There are also language teachers at the

centre offering English and Sinhala lessons. The beneficiaries also have a choice of films and 100 television channels to watch.

- 29.1.8 After completing rehabilitation, all beneficiaries receive a (highly prized) certificate [copy provided to FFM team]. Only one certificate is issued so they can not be used by anyone else. Certificates can be shown to immigration officers at the airport, to prove they have been rehabilitated, as rehabilitees names are held on a watch list.
- 29.1.9 When beneficiaries leave the centre there is no official follow-up but there may be some visits made to see how beneficiaries are. Some request accommodation when they leave; the Minister of Housing has offered 1,000 - 2,000 houses and the Colonel held a list of 500 people who required accommodation. Around 95 -100 houses had recently been provided.
- 29.1.10 Ongoing help has been provided, for example, an ex-beneficiary who was disabled was provided transport from Jaffna to Colombo. There is support for disabled people who have been through rehabilitation.
- 29.1.11 Other help is offered in the form of, for example, bicycles (so children can ride to school), school bags, school clothes and books and sewing machines. Some beneficiaries used to sell these items so checks are now made to ensure they are being used appropriately. Other beneficiaries took loans from banks with the aim of starting a business but then used the loan for pleasure. There were many cases of inappropriate use of loans so banks are not lending so much unless the situation is critical.
- 29.1.12 There has also been a programme to provide artificial legs - strong ones for working in the fields. About 500 disabled people have been through rehabilitation.
- 29.1.13 If a beneficiary is ill whilst in the centre they would be taken to hospital. There is no doctor based at the camp, though in the past, state hospital doctors and nurses visited the camp. No vaccinations or injections are given. In the past, TB [Tuberculosis inoculation] injections were given at a Vavuniya Government Hospital by a Tamil Doctor. A Tamil-Sinhala translator is available if needed.
- 29.1.14 Beneficiaries can leave the camp (with a 1-2 day pass, which includes 2 days travelling – there and back, and 2 days at the visit destination) to visit family, providing they prove they are staying with someone responsible (a family member); they cannot leave alone. If they have no family they can visit their village. Rehabilitees are allowed to visit their village twice during the year. There is social stigma against ex-cadres in the community.

29.1.15 The picture below shows a typical 'certificate of rehabilitation', presented to all rehabilitees on completion of their rehabilitation.



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 தேவை நாளும் ஏனையோரின் கவனத்திற்கு
 To whom it may concern

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 புனர்வாழ்வு மற்றும் சமூகமயப்படுத்தல்களை உறுதிப்படுத்துதல்.
CONFIRMATION OF REHABILITATION AND REINTEGRATION.

1. ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ අතිරේක ජනාධිපතිතුමාගේ මග පෙන්වීම යටතේ ක්‍රියාත්මක වන පුනරුත්ථාපන කොමසාරිස් ජනරාල් කාර්යාංශය යටතේ පිහිටුවා ඇති වටිනියාව පුනරුත්ථාපන කිරීමේ මධ්‍යස්ථානයේ පුනරුත්ථාපනය ලැබීමෙන් පසු පනත නම් සඳහන් අනන්‍යයාගේ 2016 ජූලි මස 23 වන දින සමාජනත කර තම දෙමව්පියන්/කාරකරුවන් වෙත හාදාදීමට කටයුතු කරන ලදී.

இலங்கை சனநாயக சோசலிசக் குடியரசின் அதிமேதகு ஜனாதிபதி அவர்களின் வழிகாட்டலின் கீழ் செயற்படுகின்ற புனர்வாழ்வு ஆணையாளர் நாயகப் பணியகத்தின் கீழ் அமைந்துள்ள வவுனியா புரத்தோட்ட புனர்வாழ்வு நிலையத்தில் புனர்வாழ்வை பெற்றதன் பின்னர் பின்வரும் பெயருடைய பயிலுனர் 2016 ஆடி மாதம் 23 ஆம் திகதி சமூகமயப்படுத்தப்பட்டு தமது பெற்றோர்/பாதுகாசலர்களிடம் ஒப்படைக்கப்பட்டார்.

Under mentioned rehabilitee who was rehabilitated at Poonthottam Rehabilitation Centre in Vavuniya, functioning under The Bureau of the Commissioner General of Rehabilitation with the auspice of HE the President of the Democratic Socialist Republic of Sri Lanka, is reintegrate to the society on 23rd of July 2016 and handed over to his Parents/ Guardian.

Name	Date of Birth	National Identity Card No

2. මතු විසින් පුනරුත්ථාපන කාලය තුළ පිටත කුසලතා වැඩි දියුණු කිරීමේ වැඩසටහන් හා අධ්‍යාපනික වැඩසටහන් සාර්ථකව හදාරනු ලැබූ අතර, එසේම මතු විනය ගරුක යහපත් අවංක අභ්‍යන්තර වට පුනරුත්ථාපන කාලය තුළ කිරික්ෂණය වී ඇති බව සනතික කරමි.

அவர் புனர்வாழ்வு அளிக்கப்படும் காலப் பகுதியில் தமது ஆற்றல்களை வீருத்தி செய்யும் நிகழ்ச்சிகள் மற்றும் கல்விசார் நிகழ்ச்சிகளை வெற்றிகரமாக புர்த்தி செய்துள்ளதோடு, அவர் சிறந்த நல்லொழுக்கமும் நேர்மைமும் உடைய ஒருவர் என்பது புனர்வாழ்வு அளிக்கப்படும் காலப் பகுதியில் கண்காணிக்கப்பட்டுள்ளது என்பதை சான்றுப்படுத்துகிறேன்.

He actively took part in life skill development programme and other educational programmes. He also did show an interest to improve law-abiding behavior and developed qualities of politeness and honesty.

3. මතු පුනරුත්ථාපන ක්‍රියාවලිය සහ වෘත්තීය පුහුණුව මනාව හදාරා ඇති බවට මෙම සහතිකය නිකුත් කර ඇත. වෘත්තීය පුහුණුව සාර්ථක ලෙස හදාරා ජාතික වෘත්තීය පුහුණු සුදුසුකම්ද සපුරා ඇති අයෙකි. මෙම සහතිකය ශ්‍රී ලංකාව තුළදී පමණක් වලංගු වනු ඇත. මතු පිළිබඳ වැඩි විස්තර ලබාගැනීමට අවශ්‍ය වන්නේ නම්, ඒ සඳහා මෙම කාර්යාංශය අමතන ලෙස සාරාංශිකව දන්වා සිටිමි.

இச்சான்றிதழ் புனர்வாழ்வுப் பயிற்சி பெற்றார் என்பதை உறுதிப்படுத்துவதற்காக வழங்கப்படுகின்றது. அவர் புனர்வாழ்வு அளிக்கப்படும் காலப் பகுதியில் தொழில்சார் கல்வியை சிறந்த முறையில் நிறைவு செய்து மற்றும் தேசிய தொழில்நுட்ப தகைமையைப் புர்த்திசெய்துள்ளார். இக் கடிதம் இலங்கைக்குள் மட்டும் செல்லுபடியாகும் என அறியத் தருகிறேன். அவர் தொடர்பான மேலதிக விபரங்கள் தேவைப்படி, இப் பணியகத்தை தொடர்பு கொள்ளுமாறு தயவுடன் அறியத் தருகிறேன்.

This certificate is issued to confirm his participation in Rehabilitation Programmes. He has successfully completed his Vocational Training and qualified in NVQ level. Please note that the document is valid only within Sri Lanka. In case of further information about the subject matter please contact this Bureau.



[Back to Contents](#)

30. Meeting with the Honourable Austin Fernando, Governor of the Eastern Province, 19 July 2016

- 30.1.1 In relation to the economic stability of Sri Lanka, the new government has inherited economic problems from the previous government, including projects which have not yielded the expected return; looming domestic and international indebtedness and a lack of confidence in the internal market and by foreign investors. But some confidence has returned since an announcement of funding from the International Monetary Fund (IMF).
- 30.1.2 Donor money which is really needed to rebuild infrastructure has not gone to areas in the north and east adequately. Therefore, in these areas, people's infrastructure needs have not been adequately met.
- 30.1.3 There has also been reported corruption and illegal commission making, which has affected foreign investment and Sri Lanka has seen investors go to other countries, such as Vietnam. The task now is to convince investors that it is OK and suitable to invest in Sri Lanka.

30.2 Fear of return to Sri Lanka for those with previous LTTE connections.

- 30.2.1 If a person returns now, having had links with the LTTE or been involved in terrorist or criminal activity, that person will be detained and questioned, but they will not lose their life. They may be detained or released.
- 30.2.2 There have been incidents reported in the media which are used by the Diaspora to create a fear of return to the country, but many are misreported. For example, there was a recent report of a British national, who returned to Sri Lanka and was detained and hospitalised with injuries from a beating. However, that person failed to disclose that he had previously been in the country, had attacked a national, and had not reported to the police when asked to do so. Therefore, on returning to Sri Lanka he was apprehended on an outstanding arrest warrant and was detained. He was subsequently involved in a brawl with other prisoners, which is how he sustained the injuries for which he was hospitalised.
- 30.2.3 Detention and beatings are reported while in police custody throughout Sri Lanka – in the north, the east and the south – to all people, not just to Tamils in the north, but it is not by the military. There are occasional cases reported in the press where people are complaining about torture and injuries and rarely deaths as a result of police brutality. The President has said this should not happen and that due process should be followed. Accordingly relatives should be informed when a person is arrested, but this also does not always happen.
- 30.2.4 Generally, there is tolerance of different ethnic festivities and cultural events.

[Back to Contents](#)

31. Meeting with Naseer Ahamed, Chief Minister of the Eastern Province, 19 July 2016

31.1 Stability

- 31.1.1 The new government is now extremely stable. There is freedom of speech, full democratic rights and the ability to criticize the government. There have been many changes and there are also a lot of reforms it wants to make, but there are also extremists who may wish to sabotage its plans.
- 31.1.2 It is a good time for people to return to Sri Lanka, there are many opportunities happening in the country, including development in the east and there will be better [economic] returns if people come back.
- 31.1.3 The government is moving forward, but not as fast as expected. The country needs international support from the UK and others. There are many issues to resolve, including the land issue.
- 31.1.4 Reforms and permanent ethnic solutions should happen very soon, but still there is resistance in the south.
- 31.1.5 The coalition government still has another 5 years to run. It represents all groups in the country.

31.2 Security

- 31.2.1 Security is good across the country, but still there are a few extremist elements.
- 31.2.2 A lot of people have been released from detention, but the legal processes are taking a long time and that is what has caused the delay. If these processes can be expedited it will be good. There are still about 120 people detained under the PTA [Prevention of Terrorism Act].
- 31.2.3 The present government is very open and understanding. The mindset of the military has changed a lot, but inside places of detention you never know.
- 31.2.4 The intention is for the peace to be longstanding.

31.3 Prospering

- 31.3.1 Apart from the economic hurdle, the country is prospering, development opportunities are looking very positive.

31.4 Single women headed households

- 31.4.1 In the East there are many single women headed households – about 40,000 families where there are war widows or women living with severely disabled husbands. Of this number, about 20% have had issues addressed, but the government needs to do a lot more. There are livelihood issues too. The government works with NGOs [Non-Governmental Organisations] and other departments, but there are fewer funds now than there were after the war. Funds that were available at the time were not distributed properly and this has not helped the situation.
- 31.4.2 There is still work to be done after the tsunami. A lot of the money destined to help those in need did not reach them – there was a lot of corruption.

- 31.4.3 There are also a large number of unemployed people in the east - 200,000 and 5,000 unemployed graduates and because of the lack of jobs over 14,000 women are going to Gulf States every year to be employed as housemaids.
- 31.4.4 The culture is changing, unemployment has also been a contributing factor to a rise in the number of divorces – 1,800 out of a population of 13,000 families – which is very unusual in Sri Lankan culture.
- 31.4.5 The challenges for the future will be addressing poverty and family issues. Unemployment is the biggest issue, but there also needs to be investment and development in land, water and the seaside.

31.5 Land issues

- 31.5.1 Slowly the land is being given back. The previous government had not addressed this issue and the current government has taken steps to rectify the situation. The navy has completely moved out of Sampur now and 450 families have been resettled, although there are 250 families waiting for land and the issue of livelihoods is still to be addressed. The families returned after nearly ten years away, having moved out on 25th April 2006 and returned in March 2016. Houses need to be built and systematic development activities are required.

(For further information on land issues, see: [Meeting with the Tamil Civil Society Forum, 13 July 2016](#), [Meeting with an INGO, Colombo, 12 July 2016](#), [Meeting with an INGO, Jaffna, 13 July 2016](#), [Meeting with Security Forces \(SF\) Commander for Jaffna, 13 July 2016](#), [Meeting with Security Forces \(SF\) Commander, Killinochchi, 15 July 2016](#))

- 31.5.2 When the military move out, the confidence of the people will be improved.
- 31.5.3 Crime, violence and drug problems are on the rise, but there are not enough resources to cope with drug rehabilitation or counselling. There is a shortage of medical staff in hospitals; the country is still trying to rebuild after the war.
- 31.5.4 The Chief Minister has been canvassing for full implementation of the 13th Amendment which he feels will open the door to lasting peace, a federal system where law and order are very important. This would also enable Provinces to make their own land decisions assisting with the land issue. The 13th Amendment is already in the Constitution so there would be no need for negotiation – it could just be implemented.
- 31.5.5 Muslims are very unrepresented – and particularly in the police force.

[Back to Contents](#)

32. Meeting with Deputy Foreign Minister, 20 July 2016

- 32.1.1 Between the end of the war in 2009 and now, the attitudes towards people returning have changed. The government is inviting people to return and are accepting them. There is a sense of freedom, a more welcoming and less intimidating environment.

- 32.1.2 The new government came to office on the promise to deliver democracy and human rights. The Office of Missing Persons is an example of the government working towards achieving its objectives. The Missing Persons Office looks at complaints of people who had disappeared during or after the war.
- 32.1.3 The Deputy Minister also apprised about the setting up of the Office of Missing Persons and the procedures followed to address the concerns of the family members of the missing. It has been established that some of those that are listed as missing may be residing abroad in another country.
- 32.1.4 The Deputy Minister also informed that an earlier Circular depriving issuance of passports to those who have sought asylum in other countries has been overturned as Sri Lanka's Constitution guarantees and allows the return to Sri Lanka of any Sri Lankan citizen.
- 32.1.5 Sri Lanka is one of the safest countries on the planet. The only recent incident is the clash between two student factions at Jaffna University (on 16 July 2016) which was sensationalised by the media. Security has improved in leaps and bounds. Most deaths are due to road traffic accidents.
- 32.1.6 There is a movement still which is opposed to what the government is trying to do – an ultra Nationalist group which wants to push a racist ethnic agenda. The minority Muslims community still have a fear of what would happen if extremists took over the country.
- 32.1.7 The present government will remain in power for another four and a half years. The plan of the government is to change the Constitution and to devolve power to the people. The President has been voluntarily reducing his power.
- 32.1.8 The human rights situation has changed under the new government. There have been improvements such as addressing the missing persons' complaints, the process of arrest, lawyer's representation and citizens' rights to take up human rights complaints with the UN.
- 32.1.9 Issues around police, such as certain cases of excessive use of force by police which is not seen as a violation of a person's rights maybe happening, but the culture is changing. Such cases have no racial bias, it does not discriminate. The Inspector General of Police has reiterated that all Police Officers should adhere to proper procedures.
- 32.1.10 Now there is no ill-treatment of Sri Lankans returning from the UK based on perceived connections with LTTE. The attitudes are changing, as stated earlier. Also, there is heavy media coverage and civil societies are involved.

[Back to Contents](#)

33. Meeting with Commissioner of Prison (Intelligence and Security), Prison Headquarters, Colombo, 20 July 2016

33.1.1 Picture showing the entrance to the prison



- 33.1.2 There are currently 17,500 inmates held in 28 prisons across Sri Lanka (as at 11 July 2016) of which 907 are women, accommodated in separate wings.
- 33.1.3 High profile, organised crime criminals are segregated from other inmates. There are separate institutions for young offenders.
- 33.1.4 The capacity of the prison estate is 11,000. Most cells are 9 x 6 feet and house on average 3 people, who sleep on mats.
- 33.1.5 There is no segregation of ethnic groups.
- 33.1.6 There are many criminals in the Western Province, where there are 8 prisons.
- 33.1.7 Activities for the convicted criminals include vocational training; music and dance; religious studies and sports activities.
- 33.1.8 Convicted prisoners are provided with 3 meals a day. Remand prisoners can receive food from outside as well.

- 33.1.9 The prison population is divided between 45% convicted prisoners and 55% on remand. 23.5% of the total remand population are held for 14 days. This is for petty offences.
- 33.1.10 There is access to solicitors between 8.30 – 4.30 every day except Sunday. Access to families is once a month for convicted prisoners and everyday for those on remand, except Sundays.
- 33.1.11 There is no corporal punishment at the prison, but sentences may be extended or reprimands issued. There has been no torture for the past 2-3 decades.
- 33.1.12 For prisoners held on remand there is a complaints procedure. There are complaint boxes or complaints can be made to the officers; the Head of the prison; the Commissioner or the Magistrate.
- 33.1.13 There is access to healthcare. All prison hospitals are provided facilities by the Department of Health Services and the Ministry of Health (MoH). Every prison has doctors who are attached from MoH. Prisoners receive a medical screening the day after admission.
- 33.1.14 Pregnant women are usually taken to hospital to give birth, but regardless of this, the birth certificate of the child does not say 'born in prison'. If a doctor says antenatal treatment is needed, the woman will be sent to a government hospital. Children born to prisoners can stay in the prison with their mothers until they are 5 years old in separate facilities and baby care centres. There are women guards to accompany women prisoners.
- 33.1.15 In the convicted population, 61.8% of offences are drug related. The problem is worse in Western and Southern provinces. There are many issues relating to drug offenders including psychological issues.
- 33.1.16 After serving a PTA sentence, some prisoners are released, some voluntarily go for rehabilitation.
- 33.1.17 There is a prisoners' work release system, which enables prisoners to work outside the prison in government institutions. This may be up to 3 years before a prisoner's release date, depending on the length of sentence.
- 33.1.18 Currently Magazin (Welikada) Prison has 140 PTA inmates; 33 convicted prisoners, including 1 female, and 107 on remand, including 2 females.
- 33.1.19 There are 425 men and 16 women serving life sentences. Life sentences may be converted to 20-25 years after 4-8 year reviews. This decision can only be made by the President.
- 33.1.20 There are also 315 men and 4 women on death row, whose sentences have been confirmed and 653 men and 23 women who are appealing the death sentence. 223 sentences have been commuted to life from death row. The last execution took place in 1976. Welikada prison still has all the facilities, but they are not used now and there is a change in policy expected.
- 33.1.21 High profile and death row prisoners are taken out of their cells under supervision for a minimum of one hour a day. Other prisoners are out of their cells from 7am until 5pm.

33.1.22 Solitary confinement, which used to be in basement cells, has not been used since 1983.

[Back to Contents](#)

34. Meeting with a source at Bandaranaike International Airport, 21 July 2016

- 34.1.1 The airport maintains a list of persons-of-interest by law enforcement agencies that have violated Sri Lankan law. The list is updated regularly. There is a requirement at the borders to facilitate security agencies.
- 34.1.2 The airport security does not detain Sri Lankan nationals, even if they are in violation of immigration laws. They are passed over to law enforcement. The airport maintains a system capable of checking documents of people that cross the border. Anyone leaving Sri Lanka must have a valid passport. All passengers are mandated to pass through immigration. There is a possibility for people to get past immigration that can happen, using forged documents exchanged after the immigration clearance.
- 34.1.3 The passport issuing system in Sri Lanka uses biometrics and fingerprints to record each individual's data. When a person's passport is checked by Immigration, the data is recorded on the system and immediately goes onto the Border system and is updated in real-time. There is also CCTV [Closed Circuit Television] monitoring at the airport check-in to back up the passport checks.
- 34.1.4 Some countries require a person to have a visa prior to entry, while others can issue visas on arrival. It is a shared responsibility between Immigration and the airline carrier to ensure the correct procedures are met. The airline has a responsibility at embarkation; Immigration has the responsibility at embarkation and disembarkation. Those people travelling to Sri Lanka are required to have travel documents on arrival, at least an ETD (Emergency Travel Document) or ID. For those that have no documents or ID, the most important thing is to establish whether they are of Sri Lankan nationality, before a decision can be made on their case.
- 34.1.5 Persons holding Seaman's books are also required to hold a valid passport and a ticket for travel. The Seaman's book allows the holder to transit through participating countries without having to apply for a visa where one is required.
- 34.1.6 The number of people passing through the airport with illegal documents was not known.
- 34.1.7 The main challenges are the organised crime elements. The immigration system is not able to handle those elements. There needs to be an on-line system capable of communication with other agencies.

(For further information on exit and entry procedures, see: [Meeting with the Tamil National Alliance \(TNA\), 11 July 2016 – para 2.1.16](#), [Meeting with the Jaffna Press Club, 14 July 2016 – para 6.1.10](#), [Meeting with Bishop](#)

35. Meeting with Bureau of the Commissioner General of Rehabilitation, 22 July 2016

[A presentation was given by Brigadier Darshana Liyanage at the start of the meeting]

- 35.1.1 Former LTTE members who have not been through rehabilitation and have established a normal life will still have a choice as to whether they attend rehabilitation. The government will not push them.
- 35.1.2 Rehabilitation happens only once for a person.
- 35.1.3 There are an unknown number of people still to go through rehabilitation.
- 35.1.4 Those that attend rehabilitation are presented with a certificate on completion. The certificate allows a person freedom of movement, for example when seeking foreign employment or getting past the black list at ports. Those outside the system who do not hold a certificate will suffer because they will find it difficult to gain employment without one. There have been no fake certificates, but there are occasions when the Bureau will get phone calls from other departments requesting verification on a person, especially if a person is travelling abroad.
- 35.1.5 There are 7 offices in the northeast, which people who have been rehabilitated have access to [for post rehabilitation assistance].
- 35.1.6 Lawyers do not get permission to visit people in rehabilitation because the system is not judicial, but families are allowed to visit. After 3 months some attendees are given permission to visit their families. Home visits are also allowed.

35.2 Rehabilitation of child cadres

- 35.2.1 Children - Child cadres, who had been brainwashed, were rehabilitated in Colombo at the Ratmalana Rehabilitation Centre. They underwent rehabilitation on their own, but their parents were allowed to visit and accommodation was provided, allowing them to stay for a couple of days, usually at a weekend. Male and female teachers were employed and paid to teach the children there. The youngest children who went through rehabilitation were aged 14-15. All were released by 2010. In the later years family mediation took place, but this was not available in the early days of [rehabilitation](#).

36. Meeting between representatives from the British High Commission and Hon. Minister Swaminathan, of the Prison reform, Rehabilitation, Resettlement and Hindu religious affairs, on 15 December 2016. (Following the Fact-Finding Mission).

- 36.1.1 The housing [programme] for people affected by the war will commence soon. The initial plan was to give Rs. 900,000 for each family to build their own house but now the Prime Minister has agreed to give one million Rs for people who have land. Further funds can be borrowed from the Bank for a reasonable repayment scheme. The ministry will open an application process for people to apply for metal houses. Most of the Tamil National Alliance (TNA) members are in agreement with the proposed system but a few object.
- 36.1.2 There have been plenty of requests to build metal houses, but there are a few politicians who are opposed to the programme. A procurement call for 65,000 houses to be built received thirty five bids and a short listed company is due to start the constructions. Between 13,000 and 14,000 houses were requested in the Kilinochchi and Jaffna districts as an initial step; 10,000 houses will be built within the next 14 months.
- 36.1.3 The ministry has major development plans for the Irrigation and Fisheries sector developments in north. There are well-wishers who have come forward to support major projects in North.
- 36.1.4 Recently 4000 acres of land were released and another 400 acres are due to be released soon.

[Back to Contents](#)

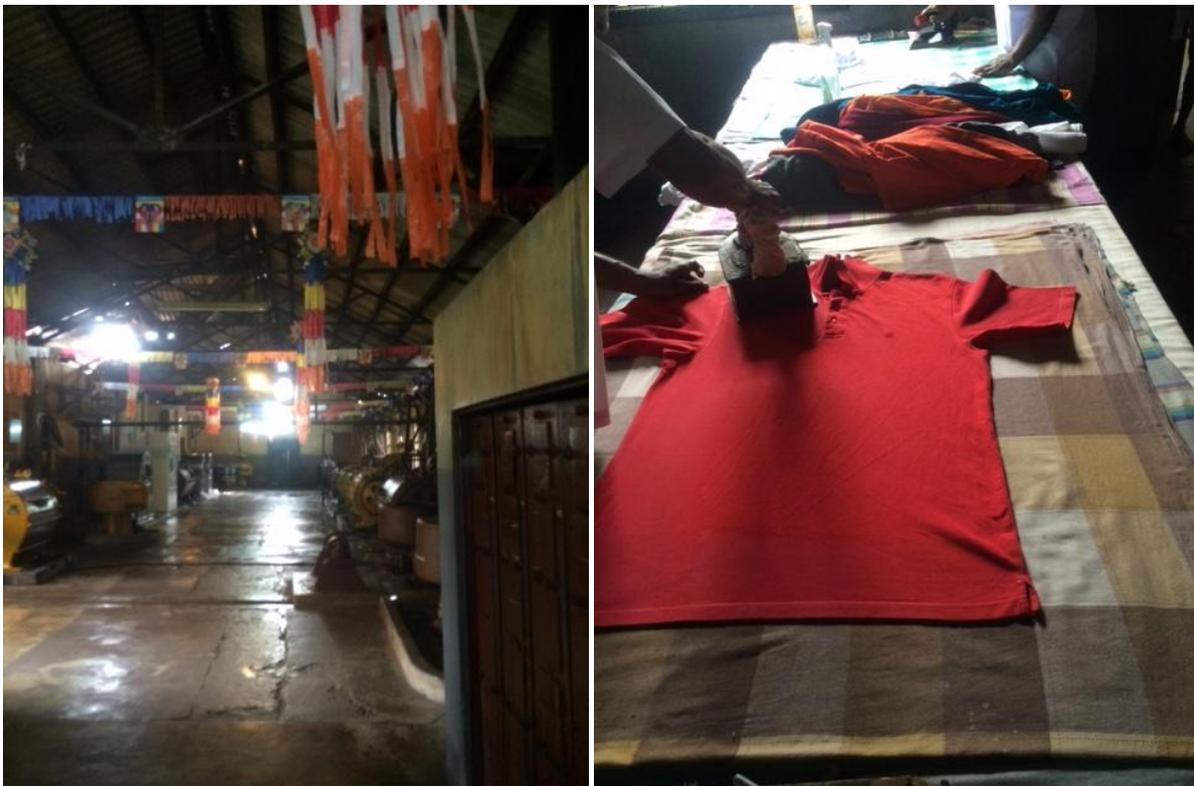
37. Welikada (Colombo) prison in pictures

37.1 Inside typical prison cells



Inside of a prison cell

Laundry is undertaken by prisoners



Inside the prison facilities

38. General pictures

38.1.1 The prison garden is maintained by the prisoners.



The prison gardens are maintained by the prisoners

38.1.2 CID offices at Colombo airport



CID offices at Colombo airport

[Back to Contents](#)

Annex A: Terms of reference

Home Office Fact-Finding Mission to Sri Lanka, 11- 23 July 2016

Home Office fact-finding mission: background

Officials from the United Kingdom (UK) are undertaking a fact-finding mission (FFM) to Sri Lanka. The team will be interviewing different people to obtain an insight into progress made by the new government and to look at the current treatment of Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam (LTTE).

The information you give to the FFM team may be quoted in a report which will be placed on the Home Office's website and made available to the public. It will be used to assist UK immigration officials and judges involved in the asylum and human rights decision making process. However, the FFM team will only publish information you provide with your consent. They will also give you an opportunity to review the notes of the interview to ensure they are an accurate reflection of the conversation and ask if you are willing to be identified as the source of the information you may provide in an interview.

You may not wish to be publicly identified. If so, the FFM team will ask if you are willing to be identified in more general terms – for example, by the name of your organisation, or as 'an official of an international humanitarian organisation'. Alternatively, the FFM team will ask if you are content for the information to be used without naming you or your organisation, simply referring to you as 'a source'.

The FFM team would also find it helpful if you could provide some background to your organisation (where appropriate) and your role in the organisation. This will help them to understand the context of the information you provide.

The FFM team consists of three officials from the Home Office, the government department responsible for immigration and asylum.

More information about the Home Office can be found on our website:

<https://www.gov.uk/government/organisations/home-office>

Subjects for investigation

Exit/entry procedures

- Passport application procedures
- Exit checks (are they automated - machine read? Is this linked to the stop list?)
- Bribery (prevalence, investigation, punishment)
- "Stop" list
- "Watch" list

- Entry checks
- Detention at airport

Tamils/real or perceived association with LTTE

- General monitoring by security forces (number of arrests)
- Rehabilitation camp
- Witness protection scheme
- Societal attitudes/discrimination

Tamils/real or perceived association with proscribed groups in UK

Sinhalese/real or perceived association with LTTE

- Treatment during and since the war – 2015+

Arrest/detention

- Profile of arrestees/detainees
- Arrested by whom?
- Where held / how long for?
- Conditions / treatment in detention
- Allegations of ill-treatment
- Reporting conditions
- Ongoing monitoring following release
- Prison conditions

Freedom of movement

- Checkpoints
- Travel restrictions
- Tamil communities

Lone women/heads of household

- Assistance – government and NGO
- Financial support
- Employment opportunities
- Safety

Journalists

- Criticism of the government
- Reporting human rights abuses

Corruption and document fraud

- Judiciary (immigration & general issues)
- Police and court documents
- Lawyers

Healthcare facilities

- Mental health/PTSD

- Availability
- Access/cost

General security situation

- North
- South

LGBT

- Legal rights
- Societal attitudes/treatment

[Back to Contents](#)

Annex B: List of sources

- Bishop Emanuel (in Trincomalee)
- Bureau of the Commissioner General of Rehabilitation
- Centre for Human Rights and Research (CHRR)
- Centre for Policy Alternatives (CPA)
- Commissioner of Prison (Intelligence and Security), Prison Headquarters, Colombo
- Deputy Foreign Minister, Hon. Harsha de Silva
- Equal Ground (EG)
- Fr. Elil Rajendram SJ
- Honourable Austin Frenando, Governor of the Eastern Province
- International Organization for Migration (IOM)
- Jaffna Press Club
- Jaffna Social Action Centre (JSAC)
- Meeting with a human rights organisation, Colombo
- Meeting with a human rights organisation, Jaffna
- Meeting with an international organisation, Colombo
- Meeting with an international organisation, Jaffna
- Meeting with a peacebuilding and human rights organisation, Colombo
- Meeting with a source at Bandaranaike International airport
- Meeting with a UN Senior Human Rights Advisor in Sri Lanka (A UN organisation)
- Meeting with former, Liberation Tigers of Tamil Eelam (LTTE) cadres
- Meeting with Hon. Minister Swaminathan, Prison reform, Rehabilitation, Resettlement and Hindu religious affairs
- Meeting with two lawyers, Colombo
- Meeting with two representatives ('A' & 'B') of two international media organisations, Colombo
- Ministry of Health and Indigenous Medicine, Social Services and Rehabilitation, Probation and Childcare Services and Women's Affairs
- Minister Swaminathan, Prison reform, Rehabilitation, Resettlement and Hindu religious affairs
- Naseer Ahamed, Chief Minister of the Eastern Province
- National Police Commission (NPC)
- Rehabilitation Centre, Vavuniya
- Rights Now
- Security Forces (SF) Commander for Jaffna
- Security Forces (SF) Commander, Killinochchi
- Tamil National Alliance (TNA)
- Tamil Civil Society
- Welikada (Pictures)
- Witness Protection Authority (WPA)
- Women in Need (Colombo)
- Women in Need (Jaffna)

[Back to Contents](#)