



**Sri Lanka – Researched and compiled by the Refugee Documentation Centre of Ireland on 7 June 2017**

**Re: Are there any reports of the police torturing those suspected of being LTTE members, while in custody? Are there any reports of LTTE members being forced to work in a covert capacity for the police to gather information on the community, and their potential LTTE activities? What are the ramifications for breaching bail conditions and leaving the country while on bail?**

The 2016 US Department of State country report for Sri Lanka, in a section titled “Arrest Procedures and Treatment While in Detention” (paragraph headed “Arbitrary Arrest”), states:

“According to human rights groups, the police and its Criminal Investigation and Terrorism Investigation Departments unlawfully detained people in police stations, army camps, and informal detention facilities on allegations of involvement in terrorism-related activities, without bringing charges or arraigning detainees within the timeframe required by law. Detainees were sometimes held incommunicado and lawyers had to apply for permission to meet clients, with police frequently present at such meetings. In some cases, unlawful detentions included interrogations involving mistreatment or torture. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threats of rearrest or death.” (US Department of State (3 March 2017) *2016 Country Reports on Human Rights Practices – Sri Lanka*, p.8)

A report published by the International Truth and Justice Project states:

“The new witnesses who have given us statements generally report, as did the earlier witnesses, that they or their families have been obliged to find ways to pay large ransoms in order for the witnesses to escape illegal detention and torture and, in some cases, that their families have also had to pay bribes in order to avoid a similar fate. This should be of great concern to the security establishment since the new government in Sri Lanka has vowed to stamp out corruption. This amounts to state-sponsored organised crime, persecutory kidnapping, torture, and ransoming by the security forces as a means of terrorising and punishing Tamils with any presumed affiliation with the LTTE, and creating a climate of complete control and fear.” (International Truth and Justice Project (ITJP) (July 2015) *A Still Unfinished War: Sri Lanka’s Survivors of Torture and Sexual Violence 2009-2015*, p.25)

In a section headed “2014 Arbitrary Detention, Torture and Sexual Violence Post-election: 14 Cases”, this report states:

“We have statements from fourteen witnesses who were illegally detained and tortured during 2014, following exactly the same pattern as in previous years described in our earlier report<sup>29</sup>. They all have physical scars. All but

one of these witnesses has an expert medical legal report and/or psychiatric report to confirm they were tortured. In all but two cases, the witness reported that their torture involved sexual abuse.

Three of the witnesses had been detained and tortured on prior occasions. For one this was the third exposure to a period of torture; for two others this was the second exposure to a period of torture. Six of the 2014 cases involved former forced recruits to the LTTE – in two cases children.” (ibid, p.29)

A report from Human Rights Watch, in a section headed “History of Impunity”, states:

“Police use of torture against criminal suspects cannot be dismissed as a wartime phenomenon. Human Rights Watch found that even after the decisive defeat of the LTTE, certain branches of the police continued to routinely engage in torture, including sexual abuse, to extract confessions or information from suspected LTTE members or supporters. In addition, police have been implicated in enforced disappearances, extrajudicial executions, and abductions of those suspected, however loosely, of ties to the LTTE.” (Human Rights Watch (23 October 2015) *“We Live in Constant Fear”: Lack of Accountability for Police Abuse in Sri Lanka*, p.17)

A UK Home Office fact-finding mission report, in response to the question “Are people still arrested and detained because they are perceived to have a connection with the former LTTE?” (paragraph 1.3.1), quotes an official from Rights Now, a non-governmental organisation, as saying:

“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.” (UK Home Office (23 July 2016) Sri Lanka: treatment of Tamils and people who have a real or perceived association with the former Liberation Tigers of Tamil Eelam (LTTE), p.11)

See also section of this report headed “Torture methods” (paragraph 1.4.1) which states:

“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.” (ibid, p.11)

The 2017 Human Rights Watch report for Sri Lanka, in a section headed “Police Torture and Ill-Treatment”, states:

“Sri Lankan police are not held accountable for routine torture and ill-treatment of individuals taken into custody. Sometimes torture is carried out to extract ‘confessions,’ but it is also used for personal vendettas or to extort funds. Police often used methods designed to leave no visible marks, suggesting a level of institutionalization. The National Human Rights Commission, though limited in resources, visited and actively monitored

prisons and detention centers in 2016, and issued directives on procedures to be followed following arrest.

In April and May 2016, the UN special rapporteur on torture, Juan Mendis, visited Sri Lanka and reported that torture by the police Criminal Investigation Department was common. The rapporteur also found an increase in torture in cases of real or perceived threats to national interests by the Terrorism Investigation Division. He reported a near total impunity in both old and new torture cases." (Human Rights Watch (12 January 2017) *World Report 2017 – Sri Lanka*)

In a section headed "Prevention of Terrorism Act and Politically Motivated Torture" this report states:

"The government attempted a redraft of the Prevention of Terrorism Act but was forced to withdraw it when it failed to meet international standards. A second draft forwarded in October did not ease concerns about ensuring rights of detainees and protecting against custodial torture. The special rapporteur on torture expressed particular concern about detainees held under the PTA and called for its unequivocal repeal.

The PTA allows for arrests for unspecified 'unlawful activities' without warrant and permits detention for up to 18 months without the suspect appearing before a court. It has facilitated thousands of abuses over the years, including torture, enforced disappearances, and extrajudicial executions." (ibid)

A 2012 article from UK newspaper The Guardian refers to the treatment of a failed Tamil asylum seeker from Sri Lanka as follows:

"In what he described as a 'torture hall' on the fourth floor of the criminal investigation department building in Colombo, Hari, who had already served time for being an intelligence agent for the Tamil Tigers (LTTE), was accused of campaigning and raising funds for the organisation while in the UK and also of undermining diplomatic relations by complaining to the UK government of the abuses he had previously suffered. Brought from his cell, he said the hall was "designed" for torture. On the walls were sticks and poles, tables and chairs adapted for beatings and whippings. The floor was splattered and stained with blood. When he denied the accusations, Hari was beaten, whipped with electric cables, suffocated with a plastic bag containing petrol, hung by his ankles by nylon rope and 'again burned with cigarettes'." (The Guardian (5 June 2012) *Tamil deportee blames Britain for repeat of Sri Lanka torture ordeal*)

This article quotes the asylum seeker as saying:

"Due to the unbearable pain, I finally admitted all the allegations and I was made to sign a document and was asked to work for them as an informer." (ibid)

Information on the ramifications for breaching bail conditions for persons who have left the country was not found among sources available to the Research, Learning and Development Unit. An article from the Sri Lankan newspaper the Daily News states:

“Tiran Alles, Saliya Wickramasuriya and Dr. Jayantha Dias Samarasinghe were ordered released on a cash bail of Rs. 500,000 and four sureties of Rs. 2.5 million each. The High Court Judge strongly warned the three to adhere to their bail conditions and refrain from interfering with witnesses. The Court also barred the accused from leaving the country and further asked them to report to the Special Investigations Unit (SIU) on the last Sunday of each month. The High Court Judge further observed that bail would be canceled and the accused would be re-remanded until the conclusion of the trial, if they were found breaching bail conditions at anytime.” (Daily News (10 November 2016) *Tiran Alles, two others granted bail*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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