



Sri Lanka – Researched and compiled by the Refugee Documentation Centre of Ireland on 11 October 2016

Information on the current treatment of LTTE fighters upon their return to Sri Lanka.

The Introduction to a report published by the International Truth & Justice Project Sri Lanka states:

“The change of government in January 2015 led many young Tamils with tentative past links to the LTTE and low level cadres to think it was safe to return to Sri Lanka or to come out of hiding and return to their home villages. Some were abroad; others spent the last six years lying low in towns like Vavuniya or Jaffna:

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

(Witness 159)

This witness was quickly identified by the security forces, abducted in a “white van” and repeatedly tortured and raped. This phenomenon of Tamils thinking it is safe to return home is similar to the spate of Tamil students abroad with LTTE links who either voluntarily returned in 2012 after President Rajapaksa had said it was safe to come home or were forced to return after their asylum claims failed on the basis that the respective foreign government determined that it was safe to go home. It was not. Many lived to regret it.” (International Truth & Justice Project Sri Lanka (January 2016) *Silenced: survivors of torture and sexual violence in 2015*, pp.9-10)

In a section titled “Reprisals During 2015” (paragraph headed “Other Reprisals During 2015”) this report states:

“ITJP has also recorded at least one case of reprisal against someone who testified to the OHCHR Investigation on Sri Lanka (OISL) report. The reprisal involved detention of a family member in 2014 but the threats and harassment continued throughout 2015. In addition, there is evidence that the intelligence services have continued in 2015 to show detainees who have returned to Sri Lanka photographs of themselves attending Heroes’ Day events and other commemorations abroad. This suggests there is continuing interest in surveillance of diaspora events.” (ibid, p.30)

A section of this report titled “Important Information for Tamils Abroad Considering Returning Home” states:

“It is not yet safe to return home if you had any connection with the LTTE in the past, however tenuous and however long ago, even being a low level cadre. Some cases in this report involve people who left the LTTE during the Norwegian peace process time; others involve child soldiers recruited in the final months of the war.” (ibid, p.43)

A report from the UN Human Rights Council, in paragraph 15, states:

“The Special Rapporteur on torture also highlighted at the end of his visit recurring allegations of torture and ill-treatment of security detainees, albeit with less frequency and severity than the past. Some groups have also reported cases of torture and sexual abuse of Tamils returning to Sri Lanka from abroad who are suspected of LTTE involvement.” (UN Human Rights Council (28 June 2016) *Promoting reconciliation, accountability and human rights in Sri Lanka*)

A report published by the State Secretariat for Migration (SEM) of Switzerland states:

“The Sri Lankan authorities still arrest anyone suspected of having been an LTTE member and who has not yet been rehabilitated. Even those who have completed the programme can still be arrested and sent for further rehabilitation if there are new indications of LTTE involvement.” (State Secretariat for Migration (SEM) Switzerland (13 September 2016) *Focus Sri Lanka: Lagebild [Main Findings]*)

This report also states:

“Individuals entering the country from abroad are investigated. Anyone suspected by the authorities of being a former LTTE member and not yet rehabilitated is placed in detention.” (ibid)

A report from Human Rights Watch, in a section headed “Sri Lankan Spring”, states:

“Rather than national reconciliation, former President Mahinda Rajapaksa and his government behaved as if it were not the LTTE that was defeated but the entire Tamil population. The army set up numerous checkpoints in Tamil areas and instituted intrusive surveillance. Tamils lived with the constant threat of arbitrary arrest and abuse. They spoke of the ubiquitous white vans, civilian vehicles used by security forces to abduct suspected LTTE supporters, who were then brutally tortured in custody.” (Human Rights Watch (19 February 2016) *Sri Lanka After the Tigers*)

The 2016 Freedom House report for Sri Lanka states:

“Police and security forces occasionally engage in abusive practices, including arbitrary arrest, extrajudicial execution, forced disappearance, custodial rape, torture, and prolonged detention without trial, all of which disproportionately affect Tamils, as described in an October 2015 Human Rights Watch report. The London-based NGO Freedom from Torture noted several dozen cases during 2015 in which Tamils were tortured by security

forces on suspicion of involvement with the LTTE.” (Freedom House (20 June 2016) *Freedom in the World 2016 - Sri Lanka*)

The 2015 US Department of State country report for Sri Lanka, in a section titled “Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment”, states:

“In the east and north, military intelligence and other security personnel, sometimes allegedly working with paramilitary groups, were responsible for the documented and undocumented detention of civilians accused of LTTE connections. Observers reported that interrogation sometimes included mistreatment or torture following detention. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threats of re-arrest or death.” (US Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – Sri Lanka*, p.7)

In a section titled “Arbitrary Arrest or Detention” this report states:

“On October 12, 217 Tamil prisoners, including former LTTE cadres detained in 14 prisons, commenced a hunger strike demanding immediate release. They accused the Siresena government of not fulfilling its promises regarding political prisoners and called on the president, the prime minister, and the leader of the opposition to resolve their cases.” (ibid, p.10)

A report published by the International Crisis Group, in a section titled “Whither Security Sector Reform?”, states:

“there continue to be credible reports of torture and sexual abuse by ‘counterterrorist’ police and military intelligence units against Tamils returning to the country who are suspected of past LTTE involvement. While there is no evidence these have civilian leaders’ sanction, they raise fears that at least part of the national security apparatus may be acting independently.” (International Crisis Group (18 May 2016) *Sri Lanka: Jumpstarting the Reform Process*, p.17)

An article from the Tamil Guardian states:

“A Tamil youth who was deported from Oman has been arrested on arrival in Sri Lanka at the Katunayake International Airport in Colombo. The 25 year old from Kilinochchi was detained by Sri Lanka’s Criminal Investigations Department (CID) and is being held for further questioning. He is due to be produced before the Negombo Magistrate later on Monday. Tamils being deported from other countries or passing through Colombo airport have frequently faced arrest.” (Tamil Guardian (24 January 2016) *Tamil youth detained at Colombo airport*)

A report from the Asian Human Rights Commission states:

“According to the information received by the Asian Human Rights Commission (AHRC), Mr. Velauthapilai Renugaruban was beaten and forcefully arrested by two men who entered his family home in Jaffna on 2 June 2016. The men informed the family that they had come to arrest Mr.

Renugaruban on suspicion of assisting the Liberation Tigers of Tamil Eelam's (LTTE) activities in the United Kingdom. Neither an arrest warrant nor any identification was provided by the two men, who forcibly entered his house, dragged him out, and took him away in a van." (Asian Human Rights Commission (22 June 2016) *Sri Lanka: British citizen tortured and arbitrarily detained in Sri Lanka*)

A report from the Sri Lankan e-news portal Ada Derana states:

"The Swiss government has said that the need to protect Sri Lankan Tamil asylum seekers with links to the Liberation Tigers of Tamil Eelam (LTTE) is decreasing with the improvement in the human rights situation in Sri Lanka. 'Today we acknowledge that considerable progress has been made in the area of human rights, for example in the freedom of expression and assembly. Therefore more restrictive conditions now apply for recognizing the refugee status of journalists, human rights activists and opposition politicians. And the need to protect those with a link to the vanquished Liberation Tigers of Tamil Eelam (LTTE), is decreasing,' the Swiss website swissinfo.ch quotes the State Secretariat for Migration (SEM) as saying. However, the Swiss authorities still see 'some gaps' in the human rights situation in Sri Lanka and therefore, each application for political asylum will be examined separately to see whether or not there is a case for admission." (Ada Derana (10 October 2016) *Switzerland sees decreasing need to protect asylum seekers with LTTE links*)

A report from Swissinfo.ch, a news and information platform produced by the Swiss Broadcasting Corporation, in a paragraph headed "Returning home", states:

"Anybody who returns risks being treated like an LTTE sympathiser. They will be taken in for questioning at the airport and most likely tortured and imprisoned," Anna Annor, vice-president of Swiss Council of Eelam Tamils, told swissinfo.ch. She claims that many prisoners of war from the 2009 war have still not been released." (Swissinfo.ch (8 July 2016) *Swiss to get tough on Sri Lankan refugee status*)

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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