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Sri Lanka: Situation of Tamils with links to the Liberation Tigers of Tamil Eelam (LTTE); situation of family members of former LTTE members

Query Response [a-12075-1]

16 February 2023



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This response was prepared after researching publicly accessible information currently available to ACCORD as well as information provided by experts within time constraints and in accordance with ACCORD's methodological standards and the Common EU Guidelines for processing Country of Origin Information (COI).

This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status, asylum or other form of international protection.

Please read in full all documents referred to.

Non-English language information is summarised in English. Original language quotations are provided for reference.

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Austrian Red Cross/ACCORD
Wiedner Hauptstraße 32
A- 1040 Vienna, Austria

Phone: +43 1 58 900 – 582
E-Mail: accord@redcross.at
Web: <http://www.redcross.at/accord>

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1 Situation of previous LTTE fighters

1.1 Detention

In a February 2022 report, Human Rights Watch (HRW) describes the case of a man who had been forcibly recruited as a child by the separatist Liberation Tigers of Tamil Eelam (LTTE). He was reportedly detained in 2009, tortured and forced to sign a document in Sinhala which he did not understand. He was later sentenced to life imprisonment and remains in prison while an appeal is pending (HRW, February 2022, p. 52).

The Colombo-based news service EconomyNext reports in June 2021 on the release of 16 ex-LTTE combatants on a presidential pardon. All of them had been held under the Prevention of Terrorism Act (PTA)¹ (EconomyNext, 24 June 2021) and had been arrested in the period 2007 to 2009, but had been convicted only years later, in the period 2016 to 2019 (The Sunday Times, 24 June 2021). EconomyNext notes that two days earlier, Sports Minister Namal Rajapaksa had spoken in parliament about ex-LTTE cadres being held in remand custody for lengthy periods of time: “Rajapaksa said there are about 38 cases involving ex-LTTE cadres whose cases are still being heard for over 20 years while still being held in remand custody. The MP said 13 ex-LTTE cadres are detained without any charges while 35 who are facing imprisonment upon final court verdict have also been in remand custody for many years before their final verdict” (EconomyNext, 24 June 2021).

1.2 Surveillance

The Office of the High Commissioner for Human Rights (OHCHR) in two reports to the UN Human Rights Council (HRC) published in March 2022 and October 2022, respectively, notes that it received reports on the ongoing surveillance of former LTTE members, including those having undergone a state “rehabilitation” programme:

“OHCHR has received a number of reports stating that victim groups continue to face harassment and intimidation from the authorities, including multiple visits from intelligence and police officers inquiring about plans for protests or commemorations, or their past links with LTTE. In addition, rehabilitated LTTE members and their families or anyone considered to have had any link to LTTE during the conflict are targets of constant surveillance.” (HRC, 18 March 2022, p. 7)

“Former Liberation Tigers of Tamil Eelam cadres, including women, are subject to intensive surveillance, regardless of whether they have undergone the Government’s ‘rehabilitation’ scheme or not. Female ex-combatants still face serious security risks, including sexual abuse and extortion, by security forces and others. The High Commissioner fears that, without fundamental security sector reforms and the demilitarization of the north and the east, the pervasive culture of surveillance and oppressive environment for the people in these areas will continue.” (HRC, 4 October 2022, p. 7)

¹ For more detailed information on the PTA, see chapter 2.

Similarly, the US Department of State (USDOS) in its 2021 country report on human rights states that “[t]hroughout the country, but especially in the north and east, Tamils reported security forces regularly monitored and harassed members of their community, especially activists, journalists, and NGO staff and former or suspected former LTTE members” (USDOS, 12 April 2022, Section 6), and the Australian Government’s Department of Foreign Affairs and Trade (DFAT) in its 2021 country report notes that:

“Multiple sources in the north told DFAT that former LTTE members, including those considered low-profile, are monitored to guard against the LTTE’s re-emergence. Testimonies provided to ITJP [International Truth and Justice Project] show that such harassment can include: frequent visits by police, visits to family members, threats and seizure of mobile devices. Local sources also claimed the authorities – usually undercover police officers or intelligence agents – sometimes used more subtle methods, for example inviting individuals to tea in public places and asking questions about their activities. Such questioning did not involve violence. Telephone calls were also common. Some sources claimed questioning was sometimes indirect, and involved questioning the neighbours of suspected former LTTE members. Sources told DFAT that monitoring of former LTTE members was less extensive in the Eastern Province, insofar as many there had defected during the latter years of the war and aligned with the Government as part of the Karuna Group/TMVP [Tamil Makkal Viduthalai Pulikal]”. (DFAT, 23 December 2021, p. 26)

Moreover, the DFAT states that according to its sources the “authorities collect and maintain sophisticated intelligence on former LTTE members, supporters and other separatists, including ‘stop’ and ‘watch’ electronic databases”, for individuals with an existing court order, arrest warrant, or order to confiscate their passport and those considered “to be of interest”, including for separatist activities (DFAT, 23 December 2022, p. 24).

On the other hand, DFAT observes that “[f]ormer LTTE members face no legal barriers to participating in public life, including politics”, giving the example of the Crusaders for Democracy Party, that was formed by ex-combatants and ran for the 2015 parliamentary elections (but did not win any seats) (DFAT, 23 December 2021, p. 24-25). The Swiss State Secretariat for Migration (SEM) in a July 2021 report notes that not all former LTTE members are equally facing surveillance by the security forces. Moreover, according to a former LTTE member quoted in the report, not all would perceive it as a major problem or danger (SEM, 29 July 2021, p. 34).

In an article published in May 2019, the Tamil Guardian reports that in the wake of the Easter Sunday bombings a few days earlier, former LTTE cadres in Jaffna were ordered by the military to collect and provide information on foreigners and “unusual activities” in the area (Tamil Guardian, 1 May 2019). The SEM in a report published in March 2019 quotes a local source stating that society often regards rehabilitated LTTE members with mistrust due to security concerns or because some of them, for a variety of reasons including the use of force or intimidation, worked as informants for the Sri Lankan security force (SEM, 15 March 2019, p. 20; see also pp. 26-27).

1.3 Rehabilitation centres

In October 2022, Human Rights Watch (HRW) informs about a draft law by the Government of Sri Lanka (GoSL), the so-called Bureau of Rehabilitation Bill. The bill, if adopted, would reportedly allow authorities to detain “drug dependant persons, ex-combatants, members of violent extremist groups and any other group of persons” in military-operated “rehabilitation” centres. HRW notes that similar centres had been established by the government after its defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE), where people identified as members of the LTTE had been detained and some of them allegedly submitted to torture and other forms of abuse (HRW, 17 October 2022). An amended version of the bill was eventually adopted in mid-January in a “virtually empty” parliament with only 29 MPs present (23 of them voting in favour and 6 against the bill). Amendments had been introduced after the Supreme Court had found the draft law unconstitutional (Colombo Gazette, 18 January 2023), and the Justice Minister reportedly assured that the bill would be applied “to drug offenders only”, however, as of January 2023, reportedly concerns over the bill’s provisions remain (The Sunday Times, 22 January 2023).

The DFAT notes that the Sri Lankan government had set up rehabilitation centres for former LTTE members who had surrendered to the authorities and “to assist them to adjust to a life after war, with a focus on vocational training” (DFAT, 23 December 2021, p. 25), while the Irish Times in a January 2021 article mentions the “psycho-social profiling that ex-Tigers underwent, followed by vocational training including masonry, carpentry, computer technology and food preparation”, as described by the Commissioner General of Rehabilitation (The Irish Times, 26 January 2021). According to official statistics quoted by the DFAT, 12,191 former LTTE members (including 2,265 women) had completed rehabilitation as of March 2019 (DFAT, 23 December 2021, p. 25). SEM notes that according to the Commissioner General of Rehabilitation, as of November 2020 there were no more former LTTE members participating in the rehabilitation program (SEM, 29 July 2021, p. 35), while the Irish Times in January 2021 quotes the Commissioner saying that “only a negligible number” remained in the rehabilitation centres (The Irish Times, 26 January 2021).

1.4 Difficulties with regard to social re-integration

The DFAT describes that although most former LTTE members after completing the rehabilitation process were able to re-integrate into their communities, for some, especially in the north, challenges persisted:

“Most former LTTE members released from rehabilitation have been accepted back into their communities in the north and east, despite some suspicion that they may be pressured to act as informants for Sri Lankan authorities. There is an acknowledgement within the Tamil community that many people were forced to participate in LTTE activities against their will. DFAT assesses that low-profile former LTTE members face a low to moderate risk of societal discrimination. Societal discrimination against former LTTE members is also related to caste, as the majority of former LTTE members are lower caste. Former LTTE members can readily access government services.

Local sources in the north characterised former LTTE members as the most vulnerable and neglected segment of the Tamil population. Former LTTE members face ongoing challenges reintegrating fully into society. Sources told DFAT that unemployment among this cohort, particularly the women, is high. Many, even those who received vocational education as part of the post-war rehabilitation process, lack the skills to find and hold meaningful employment, and some have reportedly resorted to criminal activities. Reluctance by employers to hire known former LTTE members, for fear of inviting monitoring by the authorities, is also reported as a factor. In-country sources said that the lack of economic options experienced by former LTTE members meant that some had become paid informers for the authorities. Anecdotal evidence indicates that mental illness linked to the war is prevalent among former LTTE members. Those with disabilities sustained during the war receive minimal state support, if any at all.” (DFAT, 23 December 2021, p. 27)

The DFAT and the SEM note that female former LTTE members face greater challenges in terms of social re-integration, stigmatisation, and difficulties in finding employment or a marriage partner (SEM, 29 July 2021, p. 35; DFAT, 23 December 2021, p. 28). DFAT indicates that women who joined the LTTE voluntarily, faced greater difficulties in being accepted back into their communities than those who had been forcibly recruited by the LTTE (DFAT, 23 December 2021, p. 28). SEM notes that according to local sources, castes were still very important in the north. The LTTE had abolished the caste system and therefore an above-average number of members of lower castes had joined the LTTE. Therefore, in some cases, former members might face social discrimination because they were regarded lower caste (SEM, 15 March 2019, p. 20). With regard to women, there was reportedly a social perception that they had been subjected to sexual violence during the war (DFAT, 23 December 2021, p. 34) or rehabilitation (SEM, 15 March 2019, p. 21), which might lead to their stigmatisation or to societal suspicion of them (DFAT, 23 December 2021, p. 34; SEM, 15 March 2019, p. 21). In a 2018 article, the Washington Post describes the situation of female former LTTE members:

“Lured by an intoxicating promise of a Tamil homeland and female emancipation, women were recruited to the Tigers in large numbers and made up nearly one-third of the separatist organization. But once the war ended, most found few options available to them aside from reverting to traditional roles. After years of equality with their male counterparts, they were suddenly expected to marry, have children and tend to household chores. [...] For female LTTE cadres, the defeat marked an end to the militaristic brand of feminism that had earlier liberated them from social strictures. Now they had to swap trousers for saris and grow out their short hair to appease judgmental families and neighbors. Ananthi Sasitharan, the Northern Province minister for women’s affairs, whose husband was a high-ranking LTTE leader, is one of the few Tamil female politicians and is regularly in contact with former Tigers who come to her for ‘livelihood assistance.’ She said many are living a sparse existence without husbands or jobs and are careful to conceal their ex-combatant status because of continuing state surveillance.” (The Washington Post, 7 June 2018)

2 Situation of Tamils with (alleged) links to LTTE

In a February 2022 report, HRW describes the case of a Hindu priest who was arrested under the Prevention of Terrorism Act (PTA) in 2000 for suspected involvement in an LTTE bomb attack in Colombo. While in detention he was tortured and later sentenced to 300 years in prison. He appealed the sentence in 2015 but remains imprisoned. Another man held in detention under the PTA for 12 years since the age of 17 for alleged links to the LTTE was reportedly acquitted at trial as “prosecutors were unable to produce sufficient evidence” (HRW, February 2022, p. 51).

The PTA has been introduced in 1979, initially as a temporary measure, but became permanent in 1982. It allows the authorities to detain suspects for an undetermined period without any judicial control (SEM, 15 March 2019, pp. 31-32). According to USDOS, the PTA allows for detention “for up to 18 months without charge, but in practice authorities often held PTA detainees for longer periods, some for more than 10 years” (USDOS, 12 April 2022, Section 1d). In a 2021 report, SEM notes that in the years 2020 and 2021 there have been reports about Tamils being detained under the PTA in the context of banned commemoration events and for alleged attempts to revitalize the LTTE (SEM, 29 July 2021, p. 31). USDOS reports on the arrest under the PTA of five men from Jaffna and Mullaitivu in the Northern Province in April 2021 by the TID (Terrorist Investigative Division) for allegedly trying to revitalize the LTTE:

“On April 17, the TID arrested four men from Jaffna and another from Mullaitivu under the PTA on charges of attempting to revive the LTTE. According to press reports, the Jaffna men were arrested after TID officers intercepted telephone conversations between them and suspected drug and gun smugglers arrested in India on March 18. The fifth man from Mullaitivu, described as a ‘rehabilitated former LTTE cadre,’ was arrested for maintaining contact with the four men from Jaffna. On July 19, the Jaffna Magistrate’s Court released all five individuals. According to press reports, the TID informed the court that they could not pursue the case as there were no charges against them; the magistrate subsequently ordered their release.” (USDOS, 12 April 2022, Section 1d).

The Committee to Protect Journalists (CPJ), Reporters without borders (RSF) and Front Line Defenders (FLD) report that Tamil journalist and secretary of the Batticaloa District Tamil Journalists Association Selvakumar Nilanthan was interrogated by the police over his alleged connection to the LTTE in July 2021 and February 2022 (CPJ, 8 March 2022; RSF, 9 September 2022; FLD, 5 December 2022), and ordered to report to the headquarters of the Counter-Terrorism Investigation Division (CTID) for questioning about his alleged support for the LTTE in September 2022 (RSF, 9 September 2022; FLD, 5 December 2022). According to the FLD, the police interrogated the journalist’s family in November 2022 about his whereabouts (he reportedly left the country a few months earlier) and threatened that in case of the journalist’s continued absence, the family would have to respond to police summons (FLD, 5 December 2022). The International Federation for Human Rights (FIDH) and the Center for Human Rights and Development (CHRD) in a joint report published in July 2022 note that:

“In 2020-2021, arrests made under the PTA increased in the North and East when Tamil communities attempted to remember their loved ones who died during the civil war. Memorial events are organized during Maaveerar Naal (Heroes’ Day) on 27 November, an

annual commemoration day for LTTE cadres who died in the civil war, and for Remembrance Day on 18 May, the date on which the civil war ended in 2009. Arrests were based on the allegation that event organizers were revamping and regrouping the LTTE. In addition, charges were brought under the ICCPR [International Covenant on Civil and Political Rights] Act based on the claim that event organizers were promoting LTTE ideology on social media and thus attempting to disturb communal harmony and peace. Arrests were made by the Terrorism Investigation Division (TID) of the police, and those arrested were served with detention orders immediately after the arrest.” (FIDH and CHR, 15 July 2022, pp. 5-6)

USDOS notes that by the end of 2021, according to civil society activists, the number of individuals held in detention under the PTA included “approximately 70 Tamils held for years for alleged links to the LTTE during the civil war, and more than 110 Tamils arrested for social media posts critical of the government and alleged activities to revive the LTTE” (USDOS, 12 April 2022, Section 1d).

USDOS with reference to press reports mentions the arrest by the TID police of the mayor of Jaffna Visvalingam Manivannan in April 2021 on charges of trying to revitalize the LTTE. The police accused him, based on social media comments, “of forming a ‘police-like’ unit that wore uniforms similar to those of the banned Tamil Eelam police (LTTE police wing)”. The mayor rejected the accusations and was the same day released on bail, but charged with “exciting or attempting to excite feelings of disaffection for the government” (USDOS, 12 April 2022, section 1d). Amnesty International (AI), in a February 2022 report, describes the cases of two Tamil individuals, Divaniya Mukunthan, the director of a Tamil-language YouTube channel, and Selvanayagam Sasikaran, a manual labourer, who were detained in March 2021 and June 2020, respectively, for allegedly attempting to revitalize the LTTE. Reportedly, neither had been formally charged (AI, February 2022, pp. 4-5; 9-10). Divaniya Mukunthan was reportedly released on bail in September 2022 (AI, 13 December 2022). No further information on Mr. Sasikaran could be found.

The SEM in 2021 mentions amendments to the so-called List of Designated Persons and Entities, a list of organisations banned in Sri Lanka (in particular, the LTTE and successor organisations) and individuals wanted for terrorism-related activities or with suspected links to the LTTE. The SEM notes that the list has been created in 2014 and has since then been amended several times (SEM, 29 July 2021, pp. 37, 46). According to USDOS, with the new list, the government “reversed the delisting of hundreds of diaspora organizations and representatives by the previous government” (USDOS, 2 June 2022, Section II). Similarly, the SEM notes that compared to the list of 2016, the number of individuals wanted abroad has increased more than fivefold (SEM, 29 July 2021, p. 46). USDOS observes that the list included the names of several Tamils who lived in Sri Lanka and were accused of trying to revive the LTTE. Moreover, the list “included the names and home addresses of dozens of detained individuals, which local activists said endangered the families of the designated individuals” (USDOS, 2 June 2022, Section II). In an article of August 2022, the Sri Lankan news portal Ada Derana reports on the removal of six international Tamil organisations and 316 persons from the List of Designated Persons and Entities, including the Australian Tamil Congress (ATC), the

Global Tamil Forum (GTF), the World Tamil Coordinating Committee (WTCC), the Tamil Eelam Peoples Assembly (TEPA), the Canadian Tamil Congress (CTC), and the British Tamil Forum (BTF) (Ada Derana, 14 August 2022). The list can be found here: http://www.documents.gov.lk/files/egz/2022/8/2291-02_E.pdf

3 Situation of family members of former LTTE members

As mentioned before, the Office of the High Commissioner for Human Rights (OHCHR) in a March 2022 report notes the ongoing surveillance of former LTTE members and persons suspected of links to the LTTE and in this context also points at the situation of their families:

“In addition, rehabilitated LTTE members and their families or anyone considered to have had any link to LTTE during the conflict are targets of constant surveillance. The High Commissioner is concerned about the gender dimension of these policies in a context where many of those advocating for justice are women survivors or family members and face additional vulnerability in their dealings with the security forces and the authorities.” (HRC, 18 March 2022, p. 7)

The DFAT in a December 2021 report notes that:

“The Sri Lankan Government acknowledges that former LTTE members and their families may continue to face discrimination both within their communities and from government officials. DFAT cannot verify claims that people have been arrested and detained because of their family connections with former LTTE members, but understands that close relatives of high-profile former LTTE members who are wanted by Sri Lankan authorities may be subject to monitoring.” (DFAT, 23 December 2021, p. 27)

The Guardian in a March 2022 article describes the detention under the PTA of a man in the Northern Province on the accusation of trying to revitalize the LTTE. The Guardian mentions that the man’s brother had been a member (and had been abducted by the military) more than ten years before. However, the source does not clarify whether there is a connection between the accusation against the man and his detention and his brother’s involvement in the LTTE or not (The Guardian, 26 March 2022). The Tamil Guardian in November 2021 and based on local reports informs about the military “surveilling and harassing families of fallen LTTE cadres” ahead of the Maaveerar Naal remembrance day (Tamil Guardian, 18 November 2021). Groundviews, a Sri Lanka-based citizens journalism website, describes the case of a former combatant whose family was questioned by intelligence officers while she was abroad. The officers reportedly continued to question her parents even after her return. In another case, the brother of an LTTE fighter killed during the war was reportedly arrested while attending a commemoration ceremony (Groundviews, 23 November 2022).

The International Truth and Justice Project (ITJP), an international NGO focused on protecting and promoting justice and accountability in Sri Lanka, observes that Sri Lanka-based family members of former LTTE-members living abroad were also under the surveillance of security forces:

“Since Gotabaya Rajapaksa came to power, a new trend seems to have evolved of mapping the extended family network of Tamils, presumably because these are the

internationalised support structures that sustain people in the north and east and the channels through which information flows abroad. During the last year we have seen family members of ex-LTTE cadres abroad, including in-laws in Sri Lanka, being questioned on the same days in different parts of the country about their relationships to people abroad. Post-War there has also been a concerted surveillance effort inside Sri Lanka, and also at diaspora events around the world.” (ITJP, September 2021, p. 13)

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