

## Refugee Review Tribunal

### AUSTRALIA

#### RRT RESEARCH RESPONSE

**Research Response Number:** LKA17723  
**Country:** Sri Lanka  
**Date:** 22 December 2005

Keywords: Sri Lanka – Trincomalee District – Muslims – LTTE – Kidnappings – Malaysia

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT 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.

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#### Questions

1. Please provide maps showing the following areas in Sri Lanka, and details of these areas e.g. landmarks, which party is in power, the names of local politicians, etc: Trincomalee District, Irakakandy, Kokkilai in the Pulmoddai district, Nilaveli, Negombo District and Colombo.
2. Have the LTTE committed atrocities against Muslims?
3. Are Muslims members of, or aligned to, the LTTE?
4. Is there any reference in the literature to the LTTE kidnapping 29 persons on 2 July 1997 at or about 9 p.m.?
5. Is there any reference to the sea fights between the government and LTTE in the above areas?
6. Does Malaysia provide protection under the Refugee Convention? If not, is there a UNHCR presence in Malaysia where persons seeking refugee status may be assessed?
7. Did the tsunami hit the areas referred to above?
8. What is the present situation between the LTTE and the Sri Lankan authorities, particularly in the above areas? Is the Sri Lankan Army still present?

#### RESPONSE

1. Please provide maps showing the following areas in Sri Lanka, and details of these areas e.g. landmarks, which party is in power, the names of local politicians, etc: Trincomalee District, Irakakandy, Kokkilai in the Pulmoddai district, Nilaveli, Negombo District and Colombo.

The Trincomalee District is situated on the northeast coastline of the island of Sri Lanka. Irakakandy (also referred to as Irakkakandy), near Nilaveli is situated to the north of the port city of Trincomalee, the district capital. North of Irakakandy is Pulmoddai. Further north again is “Kokkilai in the Pulmoddai area” (administratively a part of Mullaitivu District). A map of the Trincomalee District, sourced from the Integrated Food Security Programme Trincomalee (IFSP) website, provides a cartographic view of many of these localities, including: Irakkakandy (listed on the map as Irakakandy), Nilaveli, the area of Pulmoddai,

and Kokkilai. The map is supplied as Attachment 1 ('Administrative Boundaries: Trincomalee District' (undated), Integrated Food Security Programme Trincomalee website <http://www.ifsp-srilanka.org/assets/images/webadmin.jpg> – Accessed 21 December 2005 – Attachment 1).

A map of the Negombo District and Colombo, which are situated on Sri Lanka's southwestern coastline, is supplied as Attachment 2 (Nelles Maps (undated), 'Sri Lanka' – Attachment 2).

### **Trincomalee District**

A September 2001 report published by the intergovernmental Asian Development Bank provides extensive background on Trincomalee (see pages 13-20). According to this report, "Trincomalee harbor is a key natural port" and "Trincomalee district is located in one of three core conflict affected provinces in the island". "Parts of the district are controlled by the LTTE" and the report notes that the population of Trincomalee have been regularly affected by the ongoing conflict; experiencing regular incidents of violence, displacement and extortion. "The most recent *Statistical Handbook of Trincomalee District* (District Planning Secretariat 2000) estimates that in 2000 the population was 355,706 and the ethnic composition of the district was 39 percent Muslim, 32 percent Tamil, 29 percent Sinhala, and 0.5 percent others". Pertinent extracts from the report follow in detail:

Trincomalee district is part of the Eastern Province. It is in the Dry Zone and the land is generally arid, while groundwater in many coastal communities is saline or brackish. The land is rain-fed from October to January during the northeast monsoon season. Many low-lying coastal communities experience floods and food scarcity due to transport difficulties during this time of the year. Between June and September most areas that are not accessible to tanks experience water scarcity. Cultivation is usually in the Maha season and since the war many fields have been abandoned, with only those close to the homestead being cultivated. Agriculture and fisheries are the most important income sources. The security situation and military ban on fishing between 6 pm and 6 am restricts fishing activities and limits access to fields.

Trincomalee district is located in one of three core conflict affected provinces in the island. It is a district with a history of contested land settlements in the postcolonial period. Gerrymandering has been an issue. Trincomalee harbor is a key natural port. The Kantalai tank is a major irrigation settlement and rice bowl. The district is also the linking district between the minority Tamil-dominated Northern and Eastern provinces, which the Liberation Tamil Tigers Eelam (LTTE) wants merged and the Sri Lankan Government resists. Its strategic importance has been a cause for competitive land colonization/settlement during various development projects in the postcolonial years, ensuing dramatic shifts in the ethnic demographics – one of the reasons for the high levels of violence and displacement visible in the district. In recent time settler communities have been targeted and experienced bloody massacres. Among older ethnically mixed border communities there is growing mistrust between former neighbors – Tamils, Sinhalese, and Muslims. Complex multiethnic trading networks and the local division of labor have been destroyed due to the conflict, with serious consequences for the local economy.

Parts of the district are controlled by the LTTE while a skeletal state administration is functioning in these areas, which are termed "uncleared". In the last Census in 1981, its population was estimated to be 255,948 with a male-female ratio of 100:86. Its ethnic composition comprised 36.4 percent Tamils, 33.4 percent Sinhalese, 29.3 percent Moors, 0.5 percent Burghers, and 0.3 percent Malays. The most recent *Statistical Handbook of Trincomalee District* (District Planning Secretariat 2000) estimates that in 2000 the

population was 355,706 and the ethnic composition of the district was 39 percent Muslim, 32 percent Tamil, 29 percent Sinhala, and 0.5 percent others.

...The team visited villages/urban units and refugee camps in five DS areas – Trincomalee Town and Gravets, Kuchchveli, Muthur, Eechchilampattai, and Padavisiripura, including one camp for displaced persons in Nilaveli, 8 kilometers (km) from Trincomalee town. ...While this team was in the field in Muthur, a fleet of civilian fishing vessels were mistakenly bombed, four boats and fishing equipment were destroyed, and the injured were taken to Trincomalee hospital.

The residents of Paranamadawachiya in the Padavisiripura division, which is inland and tank-fed, and predominantly Sinhala, had repeatedly experienced LTTE attacks.

...In Jaya Naga in the Kuchchveli division, which is a Muslim coastal village that had experienced bombing from the sea in 1990, 8 people had gone missing, and 63 families remained displaced.

...The team also spent four days in the LTTE-held or “uncleared” areas in Eachchilampattai and Muthur. The depth and magnitude of poverty in the uncleared areas appeared far greater than in the government-held areas of the district. ...Houses, livestock, and tools had been destroyed. There was no electricity and no motor vehicles. Traders used bicycles or bullock carts while many people trekked miles for provisions or to the cooperative in the cleared areas. Over 75 percent of people in Nalloor, Navaladi, and Rahlkuli lived in refugee-like makeshift *cadjan* huts. ...The roads were practically impassable due to years of lack of maintenance, potholes, and erosion during floods also caused by breakage of small tanks, mines, and shelling. Lack of drinking water due to brackishness/saltiness was also a problem in the coastal areas.

The depth of poverty and vulnerability in the uncleared areas is arguably due to the ban on the transport of basic construction items such as cement, brick, and other construction materials to maintain infrastructure as well as the ban on fertilizer, fuel, petrol, kerosene, gas, and diesel, and restrictions on essential food items as well as soap and other household items imposed by the Sri Lankan military. On the other hand the LTTE taxes people who go to collect firewood, honey, and other products from the forests and conscripts youthful labor and children who have completed grade eight. ...The pass system and restriction of movement along the border, as well as in and out of the major towns, severely inhibit access to markets and produce often goes bad due to poor storage and transportation facilities.

One hundred percent of the people interviewed for the Trincomalee District poverty consultations in five divisions, Eechilampattai, Kuchachveli, Muthur, Padavisiripura, Trincomalee town and Gravets, had had to flee their homes at some point in the last 10 years. Homes, home gardens, crops, tools, equipment, and seeds were all destroyed when the people were displaced

(Asian Development Bank 2001, *Perceptions of the Poor*, ‘Chapter 3: Poverty Profiles of the Four Districts’, September, pp.13-20

[http://adb.org/Documents/Reports/Perceptions\\_Poor/chap03.pdf](http://adb.org/Documents/Reports/Perceptions_Poor/chap03.pdf) – Accessed 21 December 2005 – Attachment 3).

The most notable landmark in Trincomalee, from the perspective of a visitor touring the city itself, is said to be Swami Rock. Swami Rock sits beyond Fort Frederick on Flagstaff Point. A Hindu Temple, Tiru Koneswaram, sits just below the summit of the Swami Rock. Maps of the area are supplied as Attachment 4 and Attachment 5. Images of Swami Rock can be found in Attachment 6 (‘Trincomalee Harbor Area’ (undated) Tami Canadian website [http://www.tamilcanadian.com/eelam/maps/images/EELAM\\_TRINCO\\_600.jpg](http://www.tamilcanadian.com/eelam/maps/images/EELAM_TRINCO_600.jpg) – Accessed

21 December 2005 – Attachment 4; ‘Map of Trincomalee’ (undated), visite au Sri Lanka website <http://www.srilanka.fr/maps/trincomalee.html> – Accessed 21 December 2005 – Attachment 5; ‘Trincomalee in Legend and History’ 2005, Kataragama-Skanda website <http://kataragama.org/sacred/koneswaram.htm> – Accessed 21 December 2005 – Attachment 6).

A report sourced from the US National Geospatial-Intelligence Agency (NGA) provides detailed nautical information on the various landmarks and features of the waters and coastline about the port city of Trincomalee (see pages 90-95). An extract from the report’s description of Flagstaff Point, on the northwest side of Trincomalee Bay, follows, as an example of the detailed information available in this attachment (strangely, the description does not mention the Hindu temple or Swami Rock by name):

**4.44 Flagstaff Point** (8°35’N., 81°15’E.), the NW entrance point of Trincomalee Bay, is the N end of Fort Frederick. It is a bold promontory with black vertical cliffs on its E side, which gradually diminish in height from 9.1m at Flagstaff Point, to sea level in a rocky point at the SE corner. The promontory gives a wedge-shaped appearance from the N or S as the top of the headland slopes with the cliffs. The summit, 51m high, with a building and a radio mast marked by a red obstruction light on it, is about 0.2 mile from the N point. A large, detached rock, with perpendicular sides and a flat top, lies close off the N end of Flagstaff Point.

The Maidan, an open grassy space between the fort and the town of Trincomalee, is the SW end of Fort Frederick, where there is a fortification wall, 15m high, with bastions at each angle. The white gateway of the fort, on the S front, is very conspicuous from S, as is the Irrigation Office, a large white building near the sea, on the S front.

Dutch Bay lies between Fort Frederick and Dutch Point, about 0.7 mile S. It has low sandy shores, and the flatland, on which the S part of Trincomalee is built, stretches back to Trincomalee Harbor. Dutch Point, 34m high to the tops of the trees, has a cliffy and rocky sea face.

The N part of Dutch Bay is shoal and rocky, and Prai Malai, a small rocky islet, lies about 91m offshore. The white dome of the Roman Catholic Church, showing above the trees, is conspicuous about 0.5 mile NW of Dutch Point. The Naval Commissioner’s House, a white, flat-topped, two-storied structure, with a pillared veranda and lying among trees, is conspicuous about 137m farther N.

**Anchorage.** – During the height of the Southwest Monsoon, Dutch Bay will be found to be a more convenient anchorage for boat work than Trincomalee Harbor, as there is an excellent lee for landing anywhere along the shore, and as a rule, no swell. The best anchorage is in 12m, with Dutch Point bearing 174°, distant about 0.5 mile.

Rocky Point, about 0.3 mile S of Dutch Point, is the NE end of Ostenburg Ridge. The point is narrow and cliffy, and ex-tends about 0.3 mile NE in a series of remarkable knife-edged rocks; among these rocks is a rocky pillar that very conspicuous from the N or S. The rocks forming the point diminish in height gradually, and end in a shoal ridge about 91m out-side the outermost rock, where it is steep-to (US National Geospatial-Intelligence Agency (undated), ‘Sector 4: Sri Lanka (Including the Gulf Of Mannar, Palk Strait, and Palk Bay)’ [http://164.214.12.145/NAV\\_PUBS/SD/Pub173/173sec04.pdf](http://164.214.12.145/NAV_PUBS/SD/Pub173/173sec04.pdf) – Accessed 16 May 2004 – Attachment 7).

Sri Lanka’s most recent general election of parliamentarians took place on 2 April 2004. TamilNet reports that “Messrs R.Sampanthan and K.Thuraiaretnasingham of the Tamil National Alliance (TNA), Najeeb Mohamed Abdul Majeed of the Sri Lanka Muslim

Congress (SLMC) and N.W.M.Jayantha Wijesekara of the United Peoples Freedom Alliance (UPFA)” were “elected parliamentarians for the Trincomalee Electoral District No: 14”. Further details are supplied in Attachment 8. For information on Trincomalee Electoral District’s parliamentarians during the preceding term of office, see Attachment 9 (‘Trinco GA, ‘Police commended for violence free elections’ 2004, TamilNet website, 4 April <http://www.tamilnet.com/art.html?catid=13&artid=11664> – Accessed 21 December 2005 – Attachment 8; ‘TNA MPs boycott as Trinco celebrates Sri Lanka’s independence’ 2004, TamilNet, 4 February <http://www.tamilnet.com/art.html?catid=13&artid=11147> – Accessed 21 December 2005 – Attachment 9).

### **Kokkilai**

Sri Lanka’s Association of War Affected Women (AWAW) website provides background information on the locale of Kokkilai. “From an administrative perspective, Kokkilai is located within the Mullaitivu District (which is controlled by the LTTE), but, due to the civil conflict, it has technically been administered by the Trincomalee District”. Pertinent extracts follow in detail:

Kokkilai is a small fishing village on the northeastern coast of Sri Lanka. It consisted of 970 persons, or 245 families. The village residences were almost completely destroyed in the December 2004 tsunami. AWAW decided to undertake relief efforts in Kokkilai because it was hoped that activities there would benefit both the immediate relief needs and the ultimate goal of achieving peace in Sri Lanka.

Kokkilai is unique for a number of reasons, particularly in that it straddles political, military and cultural divides. Kokkilai sits at the center of the conflict area between the Sri Lankan government and the LTTE. From an administrative perspective, Kokkilai is located within the Mullaitivu District (which is controlled by the LTTE), but, due to the civil conflict, it has technically been administered by the Trincomalee District. As one consequence of the conflict, many inhabitants of the area were displaced. As of December 31, 2003, there were 61,924 displaced persons in the Mullaitivu District. Of these, 7,626 were displaced from areas within the district and 6,682 were still living in welfare centers. It is estimated that 1,300 families were specifically displaced from the Kokkilai area. Furthermore, Kokkilai is located on a peninsula, surrounded by Sri Lankan Army bases, thus placing it in an area of military strategic concern. These overlapping jurisdictions of political and military entities have created a situation in which the citizens of Kokkilai have unable to receive the basic services available throughout other parts of Sri Lanka. On a cultural level the situation is also complicated by the fact that the current citizens of Kokkilai are predominantly Roman Catholic, though the majority of citizens in the region are Hindu and Buddhist (‘Rebuilding Kokkilai (undated) Association of War Affected Women (AWAW) website <http://www.awawsl.org/kokillai.asp> – Accessed 21 December 2005 – Attachment 10).

## **2. Have the LTTE committed atrocities against Muslims?**

A research response addressing the situation of Muslims within the Sri Lankan conflict was completed by RRT Country Research on 1 February 2005, and this is supplied as Attachment 11 (RRT Country Research 2005, *Research Response LKA23512*, 1 February – Attachment 11).

## **3. Are Muslims members of, or aligned to the LTTE?**

No reports of Muslims fighting with the LTTE could be found.

#### **4. Is there any reference in the literature to the LTTE kidnapping 29 persons on 2 July 1997 at or about 9 p.m.?**

A Peace Brigades International team, which conducted field research in Trincomalee in late 1997, reported on a very similar incident occurring on a date very near that stated. The relevant extract follows in detail:

In Irakkakandy, 39 men had been abducted by the LTTE on June 28. The abductions had followed the alleged “handing over” of some Sea Tigers (the “navy” of the LTTE) to the security forces by the villagers. The Tigers had been stranded on the beach. Since the abductions, over 100 families were reported to have fled the village for the relative security of Trincomalee – many, we heard, were living at the Alles Garden camp (in Trincomalee) for internally displaced people. When we arrived in Trincomalee, 20 men were still in LTTE detention (‘Field trip to Trincomalee: Nov 17 to 26’ 1997, Peace Brigades International website, December <http://www.peacebrigades.org/lanka/slp97-12b.html> – Accessed 21 December 2005 – Attachment 12).

The incident is also noted in Amnesty International’s *Sri Lanka: Amnesty International Report 1998*:

In July, 35 Muslim and four Sinhalese villagers from Irakkakandy, Trincomalee district, were abducted by members of the LTTE. When villagers made representations to the local LTTE leader, they were told to negotiate with the army for the release of five members of the LTTE who had been handed over to the army by local residents. All the villagers had been released by the end of November (Amnesty International 1998, *Sri Lanka: Amnesty International Report 1998* – Attachment 13).

#### **5. Is there any reference to the sea fights between the government and LTTE in the above areas?**

Sea fights between the Sri Lankan Navy and the Sea Tigers (the maritime wing of the LTTE) have occurred along this stretch of coast. A 2004 report published by *The Hindu* notes that the district to the north of Trincomalee, Mullattivu (or Mullaitivu), serves as the base from which the LTTE stages maritime operations: “Mullaitivu is the headquarters of the Sea Tigers; from there they are able to dominate the eastern coast extending from Jaffna to Trincomalee”. Relevant extracts follow in detail:

The Sea Tigers deploy squadrons of heavily armed gunboats and speedboats. Jane’s International Defence Review, in a report on Sri Lanka, published a few years ago, pointed out that the Sea Tigers “have taken on the Sri Lankan navy with unprecedented success.” A recent publication of the Woodrow Wilson School of Politics and International Affairs for the Centre for Strategic and International Studies reckons that they have destroyed 30 to 50 per cent of Sri Lanka’s navy coastal craft.

...Mullaitivu is the headquarters of the Sea Tigers; from there they are able to dominate the eastern coast extending from Jaffna to Trincomalee. On October 23, 2000, the Sea Tigers penetrated Sri Lanka’s largest naval complex in Trincomalee, sinking a naval boat and damaging a few others. The fighting raged for three hours in the high security zones, before the guerrillas withdrew their forces.

During the battle for Elephant Pass in 2000, the Sea Tigers conducted a massive amphibious operation, landing 1,500 guerrillas undetected in the Jaffna coast with their weapons. This was a turning point in the chain of events that led to the withdrawal of the Sri Lankan armed forces and the subsequent surrender of the Elephant Pass complex.

Although the ceasefire had been in existence for two years, the situation in the seas surrounding the north and the east continues to be volatile. Even as the Norway-facilitated talks continued (until the LTTE unilaterally withdrew, accusing Colombo of perfidy), the two sides built up their strength. The matter came to a crisis when the Sri Lankan Navy sank a Tiger ship, allegedly carrying arms, on March 10, 2003. Predictably, conflicting statements followed. The Sri Lanka Monitoring Mission failed to clarify the situation as it should have. The Norwegian monitors played it safe and did not issue a conclusive statement of facts.

In the days following the events in March 2003, the Tigers began to articulate their 'rights' in the seas. Mr. Prabakaran has asked for a de facto naval status to the Sea Tigers. What is more, in its proposals for interim self-government, the LTTE has demanded control over marine resources and the right of access and exploitation over them. In case Colombo accepts these proposals, two thirds of Sri Lanka's coastline will come under Tiger control. As far as the Palk Bay is concerned, the Sea Tigers dominate the entire coastline excepting the outer islands in the Jaffna peninsula and the Mannar island, which continue to be under the control of Sri Lankan Navy.

There had been a number of incidents in recent months when LTTE-backed Sri Lankan fishermen have attacked fishermen from Tamil Nadu, who regularly poach into Sri Lankan waters

(Suryanarayan, V. 2004, 'Sea Tigers – threat to Indian security', South Asia Media Net, source: *The Hindu*, 28 July

[http://www.southasianmedia.net/index\\_opinion4.cfm?id=37618](http://www.southasianmedia.net/index_opinion4.cfm?id=37618) – Accessed 21 December 2005 – Attachment 14).

According to the September 2001 Asian Development Bank (ADB) report referred to above, the ADB's Trincomalee research team witnessed "a fleet of civilian fishing vessels [being] mistakenly bombed" while the team was "in Muthur"; "four boats and fishing equipment were destroyed, and the injured were taken to Trincomalee hospital". According to this report, "[t]he security situation and military ban on fishing between 6pm and 6am restricts fishing activities" in the district of Trincomalee (Asian Development Bank 2001, *Perceptions of the Poor*, 'Chapter 3: Poverty Profiles of the Four Districts', September, pp.13 [http://adb.org/Documents/Reports/Perceptions\\_Poor/chap03.pdf](http://adb.org/Documents/Reports/Perceptions_Poor/chap03.pdf) – Accessed 21 December 2005 – Attachment 3).

## **6. Does Malaysia provide protection under the Refugee Convention? If not, is there a UNHCR presence in Malaysia where persons seeking refugee status may be assessed?**

Malaysia is not a signatory to the 1951 Convention relating to the Status of Refugees ('States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol' 2005, UN High Commissioner for Refugees website, 1 September <http://www.unhcr.ch/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=3b73b0d63> – Accessed 17 October 2005 – Attachment 15).

The UN High Commissioner for Refugees (UNHCR) maintains a presence in Malaysia but the ability of UNHCR to assess the refugees status of asylum seekers, or to provide assistance to such persons, is limited by both the position of Malaysian government on such matters and the under resourced capacity of UNHCR's Kuala Lumpur office ("the backlog of pending decisions is large, and UNHCR is aware of thousands of potential asylum seekers wishing to apply for asylum but unable to do so due to the fact that UNHCR Kuala Lumpur is already

working to its maximum capacity”). Extracts from UNHCR’s March 2005 statement on its position in Malaysia follow below:

The situation in Malaysia can not, at this stage, be characterized as affording effective protection to refugees.

Malaysia is not a signatory to the 1951 Convention Relating to the Status of Refugees/ 1967 Protocol and has no constitutional, legislative or administrative provisions dealing with the right to seek asylum or the protection of refugees. Despite acceding to the Convention on the Rights of the Child (with 8 reservations) and the Convention on the Elimination of all Forms of Discrimination against Women, none of the articles potentially relevant to refugees or asylum-seekers in these treaties have been the subject of enabling legislation or administrative practice. Human rights organizations who sought to incorporate international human rights law principles into domestic courts failed doing so following the landmark judgment in the case known as Mohamad Ezam Mohd Noor V. Ketua Polis Negara & other Appeals [2002] 4 CLJ 309, where the Judge showed a disregard of Section 4 (4) of the Malaysian Human Rights Commission Act, which stipulates that regard shall be paid to the 1948 Universal Declaration of Human Rights.

Any person who enters or remains in Malaysia illegally is liable to prosecution under the Immigration Act 1959/ 63 (Act 155), which may result in indefinite detention without judicial scrutiny, corporal punishment in the form of whipping with a rotan cane across the buttocks or back, fine and deportation. The vast majority of persons of concern to UNHCR fall into the category of “illegal immigrants” under Malaysian law, which provides no legal method to differentiate those in need of international protection from other migrants. Thus, asylum seekers and refugees alike are at constant risk of arrest, detention, prosecution, imprisonment, caning and deportation, which in some cases resulted in refoulement in the past.

This said, the relationship between UNHCR and the Malaysian Government has been strengthened during 2004 and there is a considerable degree of cooperation in the protection of refugees between UNHCR and the Malaysian authorities. However, a consistent implementation of oral agreements and political decisions in form of specific laws, regulations or instructions is still lacking. The Police issued written instructions towards the end of 2004 with a view to respecting UNHCR documentation. Other Government institutions have not yet followed this path. Conflicting messages from different Government institutions on whether UNHCR refugee documentation shall be respected on Malaysian territory or not results in continued detention of persons of concern to UNHCR. Once detained by the Immigration authorities, release is virtually impossible until the individual either consents to be deported or can be resettled by UNHCR in a third country. During 2004, there was a regular detention population of persons of concern to UNHCR of over 300 persons at any time. This included on average the detention of about 10-12 children per month. Also in the case of children, release was only secured when there was confirmation of resettlement of the minor or their family.

...The Malaysian government takes no part in the registration of refugees and in the refugee status determination procedures. Determination of eligibility for international protection is carried out entirely by UNHCR under its mandate and relates to three main caseloads: Indonesians from the province of Aceh (52%), Rohingyas (26%) and Chins (10%) as well as other ethnic minorities from Myanmar (7%) and a small group of other nationalities (5%). The total UNHCR registered caseload is 38,245 persons of concern as of end March 2005. In addition, there is an old caseload of some 61,314 Filipino Muslim refugees in Sabah. While UNHCR has streamlined its procedures and is producing some 1,500 status determination decisions per month, the backlog of pending decisions is large, and UNHCR is aware of thousands of potential asylum seekers wishing to apply for asylum but unable to do so due to the fact that UNHCR Kuala Lumpur is already working to its maximum capacity

(UN High Commissioner for Refugees 2005, 'UNHCR's views on the concept of effective protection as it relates to Malaysia – March 2005', 31 March <http://www.unhcr.org.au/pdfs/Malaysia.pdf> – Accessed 21 December 2005 – Attachment 16).

## **7. Did the tsunami hit the areas referred to above?**

The Trincomalee District suffered severe damage and loss of life as a consequence of the tsunami caused by the 2004 Indian Ocean earthquake on 26 December 2004. A map, sourced from the Integrated Food Security Programme Trincomalee (IFSP) website, provides a cartographic view of the manner in which the tsunami affected the district, including the village of Irakakandy (the damage sustained by Kokkilai is not represented on this map as Kokkilai is administratively a part of Mullaittivu District). The 'Tsunami hit GN Divisions of Trincomalee district' map is supplied as Attachment 17 ('Tsunami hit GN Divisions of Trincomalee district: death toll, displaced persons and location and size of camps' 2005, Integrated Food Security Programme Trincomalee website, 7 January [http://www.ifsp-srilanka.org/html/tsunami\\_map\\_trinco.html](http://www.ifsp-srilanka.org/html/tsunami_map_trinco.html) – Accessed 21 December 2005 – Attachment 17).

## **8. What is the present situation between the LTTE and the Sri Lankan authorities, particularly in the above areas? Is the Sri Lankan Army still present?**

Sporadic clashes between the LTTE and armed forces of Sri Lanka, and other suspected LTTE operations, have continued in the Trincomalee area since the signing of the 2002 cease-fire accord. Some recent reports follow:

- On Sunday, an army spokesman said the rebels had opened fire on a government checkpoint near the north-eastern port of Trincomalee, but there were no injuries and government troops did not return the fire.

Any conflict in the north might involve large-scale clashes, the army says. But in the east – where the de facto Tiger state is patchy and split up by government-held roads and towns – it is likely to be more “unconventional” ('Sri Lanka's Tiger rebels face troops in rainy east' 2005, *Reuters*, 19 December – Attachment 18).

- In the eastern port town of Trincomalee, a member of the Eelam People's Democratic Party was gunned down at around 5:15 p.m. local time (1115 GMT). The EPDP is a rival party to the Tamil Tigers ('3 killings reported from Sri Lanka's northeast' 2005, *Xinhua News Agency*, 11 December – Attachment 19).
- Sri Lanka's top military general said intelligence officers must be hired to replace dozens of agents killed by suspected Tamil Tiger rebels and called for stronger intelligence-gathering efforts to prevent guerrilla attacks, a news report said Sunday.

...He added that new agents must be hired to replace intelligence officers who have been gunned down by suspected rebels since the island's 2002 truce. The Defense Ministry's Media Unit says more than 40 intelligence operatives, including civilian informants, have been killed over the past three years ('Sri Lanka Military To Beef Up Intelligence Efforts-Report' 2005, *Dow Jones International News*, 11 December – Attachment 20).

- ...troops patrolled the key port city Trincomalee in eastern Sri Lanka, where clashes between Muslims and Tamils killed two residents Saturday, the defence ministry said. Police also found the bodies of three Muslims allegedly abducted by the rebels ('Sri Lanka says Tamil Tiger rebels killed 7 soldiers in "cowardly acts"' 2005, *The Canadian Press*, 5 December – Attachment 21).

## List of Sources Consulted

### Internet Sources:

#### Government Information & Reports

Government of Sri Lanka website <http://www.priu.gov.lk/>

US Department of State website <http://www.state.gov>

US National Geospatial-Intelligence Agency website <http://www.nga.mil/portal/site/nga01/>

#### Intergovernmental Organizations

Asian Development Bank (ADB) website <http://adb.org>

#### United Nations (UN)

UN High Commissioner for Refugees (UNHCR) website <http://www.unhcr.ch/cgi-bin/texis/vtx/home>

#### Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>

Human Rights Watch (HRW) website <http://www.hrw.org/>

#### International News & Politics

*BBC News* (World Edition) website <http://news.bbc.co.uk/>

#### Region Specific Links

Association of War Affected Women (AWAW) website <http://www.awawsl.org>

Integrated Food Security Programme Trincomalee (IFSP) website

<http://www.ifsp-srilanka.org>

*The Tamil Guardian* website [http://www.tamilguardian.com/beta/news\\_home.asp](http://www.tamilguardian.com/beta/news_home.asp)

Tamil Canadian website <http://www.tamilcanadian.com>

TamilNet website <http://www.tamilnet.com>

#### Search Engines

Google search engine <http://www.google.com.au/>

StaggerNation website's Google API Proximity search engine

<http://www.staggernation.com/cgi-bin/gaps.cgi>

Internet Archive WayBackMachine search engine <http://www.archive.org/>

#### Online Subscription Services

*Janes Intelligence Review* website <http://jir.janes.com>

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<b>Databases:</b>		
Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

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