



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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17 February 2012

**LKA103950.E**

Sri Lanka: The Tamil Makkal Viduthalai Pulikal (TMVP) and Karuna factions; their relationship with each other; reports concerning their treatment of Sinhalese and Tamil citizens; whether they are still active as paramilitary groups

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### 1. During the War

#### 1.1 Formation of Tamil Makkal Viduthalai Pulikal

Karuna, as Vinayagamurthi Muralitharan is known, was the eastern commander of the Liberation Tigers of Tamil Eelam (LTTE) (UN 9 Mar. 2009; *PHW* 2011, 1342) in the Batticaloa and Ampara districts (SAAG 8 Mar. 2004; *Huffington Post Canada* 8 July 2009). He split from the LTTE in 2004 and formed the Tamil Makkal Viduthalai Pulikal (TMVP) (*PHW* 2011, 1342; UN 9 Mar. 2009; *Huffington Post Canada* 8 July 2009), commonly known as the Karuna faction (ibid.). The United Nations Integrated Regional Information Networks (IRIN) news agency describes the TMVP at the time of its formation as an armed faction (UN 9 Mar. 2009). Other sources explain that the TMVP cooperated with the Sri Lankan military to fight the LTTE (*PHW* 2011, 1342; *Huffington Post Canada* 8 July 2009), "helping the military recapture LTTE-controlled areas" (ibid.). The United States (US) *Country Reports on Human Rights Practices for 2010*, referring to groups such as the TMVP as "paramilitary groups," likewise says that they "served more of a military function during the war, often working in coordination with security forces" (8 Apr. 2011, Sec. 1a).

#### 1.2 TMVP Establishes a Political Party

According to the IRIN article, the TMVP formed a political party in 2006 (UN 9 Mar. 2009). In 2007, Karuna reportedly declared the party's intention to enter parliamentary politics (*PHW* 2011, 1342). A year later, in 2008, the party campaigned in provincial elections as part of the United People's Freedom Alliance (UPFA) (ibid.). The TMVP won 20 out of 37 seats on what the *Political Handbook of the World (PHW) 2011* calls the eastern regional council (ibid.), one of the provincial councils established (Sri Lanka n.d.; *Time* 26 May 2009) to "give more power to the Tamil majority [in the] north and east" (ibid.). The Eastern Provincial Council comprises the districts of Batticaloa, Trincomalee and Ampara (UN 9 Mar. 2009).

IRIN said that the win gave the TMVP "significant political power" in the east (ibid.). International Crisis Group (Crisis Group) noted that the TMVP's

deputy leader, Sivanesanathurai Chandrakanthan, alias Pillayan [also spelled Pillaiyan, Pallayan] became chief minister of the Council (International Crisis Group 18 July 2011, 4 n. 13).

### **1.3 Tensions Between Karuna and Pillayan**

As the *Wall Street Journal* indicates, Pillayan's election as chief minister caused a rift between him and Karuna (2 Feb. 2009). Pillayan, speaking to *The Sunday Times* a few months after the elections, acknowledged that his relationship with Karuna had "deteriorated" and explained that Karuna had not wanted him to run for the chief minister position (23 Nov. 2008). In October 2008, the UPFA appointed Karuna as a member of parliament (*Time* 8 July 2009; International Crisis Group 18 July 2011, 4 n. 13), heightening the tensions between Karuna and Pillayan (ibid. Jan. 2011). The Crisis Group reports that "clashes broke out between their factions in the east, including killings and disappearances" (ibid.). In July 2011, the Crisis Group affirmed that "the violent rivalry between Karuna and Pillayan continues" (18 July 2011, 4 n. 13).

In March 2009 article, IRIN reported that Pillayan's faction participated in a public disarmament ceremony at which two cadres surrendered a number of weapons (UN 9 Mar. 2009). Karuna's faction, however, did not disarm (ibid.; *ColomboPage* 13 Mar. 2009), claiming that they felt it necessary "to retain arms for their own safety" (UN 9 Mar. 2009).

### **1.4 Karuna and Pillayan Split**

On 9 March 2009 (*ColomboPage* 9 Mar. 2009), Karuna and his followers left the TMVP to join the Sri Lanka Freedom Party (SLFP) (ibid.; International Crisis Group 18 July 2011, 4 n. 13; OSAR 1 Dec. 2010, 7), President Rajapaksa's party (TamilNet 31 Mar. 2009; International Crisis Group 18 July 2011, 4 n. 13). The reports vary in the number of followers said to join the SLFP with Karuna, but range from as many as 3,000 (*ColomboPage* 9 Mar. 2009), to 2,000 (AFP 9 Mar. 2009), and 1,750 cadres (International Crisis Group 18 July 2011, 4 n. 13). According to TamilNet, in March 2009, Karuna faction members were pressuring government officials in the districts of Batticaloa and Ampara to join the SLFP (31 Mar. 2009). Additionally, *ColomboPage*, a US-based Sri Lankan news source, reported that Karuna was appointed the vice president of the SLFP in May 2009 (27 May 2009). In an 8 February 2012 interview with the Research Directorate, the executive director of the Centre for Policy Alternatives (CPA) in Sri Lanka also noted that Karuna was made vice president of the SLFP, adding that he was also given a post as a junior minister. The CPA is a "non-partisan organization" in Sri Lanka that is "committed to programs of research and advocacy through which public policy is critiqued, alternatives identified and disseminated" (CPA n.d.).

Upon joining the SLFP, Karuna was appointed Minister of National Reconciliation and Integration [also written as National Integration and Reconciliation or National Integration] (*ColomboPage* 9 Mar. 2009; *The Hindu* 10 Mar. 2009). TamilNet reports Karuna as saying that "he had handed over all weapons before being appointed as a minister" (20 Mar. 2009). Pillayan, meanwhile, continued to lead the TMVP (OSAR 1 Dec. 2010, 7) and maintain his position as chief minister of the Eastern Provincial Council (ibid.; UN 9 Mar. 2009). In addition to the chief minister post, the TMVP reportedly controlled the urban council of Batticaloa, "its home base" (ibid.).

## **2. Post-war Activity**

In a telephone interview with the Research Directorate, an associate professor at the S. Rajaratnam School of International Studies (RSIS), in Singapore, who is also the head of the school's Centre for Political Violence and Terrorism Research, indicated that the need for paramilitary groups ceased after May 2009 because the LTTE was no longer a threat (4 Jan. 2012). TamilNet reports the government as saying that, after the war, "it took steps to control the illegal activities" of the Karuna and Pillayan factions (18 May 2011). In June 2009, *ColomboPage* reported both Karuna and Pillayan as "claim[ing]" that their factions did not have any "military wings," only political ones (27 June 2009). The newspaper also reported that members of both factions were applying to join the Sri Lanka army (*ColomboPage* 27 June 2009).

In Danish government's 2010 fact-finding report, the Norwegian embassy described both factions as having officially handed over their weapons and as being part of the mainstream government (Denmark Oct. 2010, 33). However, according to *Country Reports 2010*, although the Karuna and Pillayan factions, as well as other paramilitary groups supportive of the government, "endeavoured to operate political organizations" in 2010, they also "took on increasingly criminal characteristics as they sought to solidify their territory and revenue sources in the postwar environment" (US 8 Apr. 2011, Sec. 1a). In its fact-finding report, for example, the Danish Immigration Service also reports being told that the Pillayan faction did not have money to support its members and so was resorting to extortion (Denmark Oct. 2010, 35). The CPA executive director also noted that TMVP cadres were resorting to extortion, even though they held political power in the Eastern Province, because the party did not receive money from the government; for example, if individuals operating businesses -- such as "traders" -- want to conduct business within the TMVP's areas of control, they often have to pay (Executive Director 8 Feb. 2012). The Danish Immigration Service reports the Norwegian Embassy as hearing information that Pillayan's faction in Batticaloa and Trincomalee and Karuna's group in Ampara "target business people to collect money" (Denmark Oct. 2010, 35).

## **2.1 Areas of Operation and Activities**

Several sources indicate that, in 2010, the Karuna and Pillayan factions were still involved in illegal activities in the east of Sri Lanka (US 8 Apr. 2011, Sec. 1a; Denmark Oct. 2010, 35; AI 22 Jan. 2010). *Country Reports 2010* also says that both factions were active in Mannar and Vavuniya in 2010 (US 8 Apr. 2011, Sec. 1a). Their activities included "ballot rigging," intimidation and violence during elections in the Ampara and Batticaloa districts (ibid.); extorting money, abducting citizens and occupying land (Denmark Oct. 2010, 35); and killing and assaulting citizens (US 8 Apr. 2011, Sec. 1a). For example, TamilNet reported Batticaloa district residents as alleging that armed men from both factions were responsible for abductions and house robberies in villages on the outskirts of the district (16 Sept. 2010). TamilNet also reported that a Karuna faction member and President Rajapaksa's Eastern Coordinator was alleged to still be engaged in his former criminal activities, which included "killings, robberies, extortion, abductions, election frauds and interference in educational administration ... in Ampaara district" (14 June 2010). According to TamilNet's sources, the police were aware of the man's crimes but took no action against him (14 June 2010). In addition, the anonymous director of a local NGO told the Danish fact-finding mission that "many incidents related to the paramilitary groups are not reported as people keep quiet about them" (Denmark Oct. 2010, 35).

As for 2011, TamilNet reported in a January 2011 article that Karuna intervened in the affairs of the Eastern University of Sri Lanka, intimidating and

pressuring the Student Federation to "allow him to do his politics" at the university (26 Jan. 2011).

In January 2012, an adjunct professor of political science who is attached to the Asian Studies Center and Political Science at Temple University, in Philadelphia, told the Research Directorate during a telephone interview that the Karuna faction members are still armed, although they claim otherwise (17 Jan. 2012). He said that the faction continues to operate in northern and eastern Sri Lanka, threatening the lives of Tamil citizens or the lives of their families (Adjunct Professor 17 Jan. 2012). However, the RSIS associate professor indicated, in a follow-up telephone interview with the Research Directorate, that Karuna, currently a deputy minister in the government, is "no longer involved in any militancy," (5 Jan. 2012) and, more generally, that paramilitary groups no longer operate in Sri Lanka (Associate Professor 4 Jan. 2012). The CPA executive director also indicated that Karuna is no longer "in charge" of armed cadres (8 Feb. 2012).

Nonetheless, the Adjunct Professor also indicated that Tamils "generally do not ignore the requests" of the factions because they are capable of doing "anything to them" (17 Jan. 2012). He explained that, while the Pillayan group uses "soft strategies" to convince Tamils to support them, the Karuna faction is more "aggressive" in getting support (Adjunct Professor 17 Jan. 2012). He also said that the Karuna faction targets include anyone that opposes the SLFP, regardless of whether they are Tamil or Sinhalese, as well as Muslims in the East, particularly in Batticaloa, Ampara, and Trincomalee, where there are substantial Muslim populations with "significant control over land" (ibid.). Corroborating information could not be found within the time constraints of this Response.

## **2.2 Relations with Security Forces**

In a September 2009 article, AI reports that both factions of the TMVP were allegedly responsible for human rights violations, and that they participated in the operation of the "irregular detention facilities" run by Sri Lankan security forces (24 Sept. 2009). According to *Country Reports 2010*, "there were persistent reports of close, ground-level ties between paramilitaries and government security forces," including the Karuna and Pillayan factions in 2010 (US 8 Apr. 2011, Sec. 1b). Civil sources in Batticaloa told TamilNet that the Karuna faction is working with army intelligence personnel to extort money from people in Paduvaankarai village, and that the Sri Lankan police are complicit in the extortion (5 Aug. 2011). In January 2012, the Temple University adjunct professor also said that security forces sometimes help the Karuna faction to extort money (17 Jan. 2011). The CPA executive director mentioned that some cadres of the Karuna faction are accused of engaging in extortion, and that they also receive some support from the state (8 Feb. 2012).

## **2.3 Occupation of Land**

In September 2010, the Secretary of the Aaraiyampathi Social Development Organization in Batticaloa, cited in a TamilNet article, said that both Karuna and Pillayan are helping government authorities to appropriate Tamil lands and redistribute them to Sinhala and Muslim people (28 Sept. 2010). A human rights organization official similarly told the Danish fact-finding mission that "Karuna's armed group is being used to force people to give up land and for occupying land for the Sinhalese population and members of the army" (Denmark

Oct. 2010, 35). A member of Law and Society Trust, a Colombo-based NGO, indicated that both of the factions were occupying land and that "people do not fight to get their land back [because] the judiciary is constrained" (ibid., 35-36). A human rights organization official explained that "trials may not be fair, judges are not independent and the army is enjoying impunity" (ibid., 37).

## **2.4 Police Powers and Joining the Security Forces**

According to a 2010 country profile by Freedom House, police powers in the Eastern Province were delegated to TMVP members so that they could "arrest people at will, interrogate them, and transfer them to the police" (6 Apr. 2010). Freedom House states more generally that

progovernment militia groups, some of which [had] been given the power to detain Tamils, often work[ed] with the regular security forces to arrest and torture suspects before releasing them, killing them, or turning them over to the police for further action. (6 Apr. 2010)

A United Kingdom country-of-origin report includes information from Jane's January 2011 country risk assessment on Sri Lanka indicating that "security forces preferred to outsource much of the work of controlling major Tamil towns such as Jaffna, Vavuniya, Batticaloa and Trincomalee to non-LTTE paramilitary groups," such as the TMVP (4 July 2011, para. 8.45). A human rights activist told the Danish fact-finding mission that the Karuna faction is, at least to some extent, working with security forces in Batticaloa (Denmark Oct. 2010, 35). The Temple University adjunct professor also indicated that the Karuna faction has an alliance with Sri Lanka's security forces, both the police and the army, particularly in the North (17 Jan. 2012). In addition, he noted that the Karuna faction works "closely" with security forces, taking on similar roles to the army and the police; some Karuna members reportedly even have police uniforms (Adjunct Professor 17 Jan. 2012).

*ColomboPage* notes that when, in June 2009, faction members were applying to join the army, 540 of them were from the Karuna faction and 100 from the Pillayan group (27 June 2009). At the time *ColomboPage* was reporting the story, 140 of the Karuna applicants and 40 of the Pillayan ones had already been accepted (27 June 2009). In its report on a Sri Lankan fact-finding mission, conducted in March 2011, the French government's Office français de protection des réfugiés et apatrides notes that a Jaffna-based security force commander also said that members of both factions have joined the army (France Sept. 2011, 81) The CPA executive director noted that the presence of the Karuna armed group has diminished as its members were integrated into the police or the army (8 Feb. 2012)..

In addition, the Danish fact-finding mission reports being told that some former TMVP members were recruited into the Eastern police force as well as the intelligence service (Denmark Oct. 2010, 36). According to the Swiss Refugee Council (Organisation suisse d'aide aux réfugiés, OSAR), a member of the European Council on Refugees and Exiles, some TMVP members seemed to have joined the secret service in the Eastern province (OSAR 1 Dec. 2010, 7).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list

of sources consulted in researching this Information Request.

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### **Additional Sources Consulted**

**Oral sources:** The following individuals were unable to provide information within the time constraints of this Response: An associate professor, Faculty of Law, Queen's University; an associate professor, Department of Peace and Conflict Research, Uppsala University; the Director, Nathanson Centre on Transnational Human Rights, Crime and Security, York University; a professor, Department of Human and Economic Geography, School of Business, Economics and Law, University of Gothenburg; and a representative of REDRESS. Attempts to contact representatives from the following organizations were unsuccessful: Asian Forum for Human Rights and Development, the International Committee of the Red Cross, the Center for Human Rights and Development, INFORM Human Rights Documentation Center, Law and Society Trust, and the Centre for Land Warfare Studies in New Delhi.

**Internet sites, including:** Asian Human Rights Commission; *Asian Tribune*; Australia Refugee Review Tribunal; British Broadcasting Network; Centre for Policy Alternatives; European Country of Origin Information Network; Factiva; *Hindustan Times*; Human Rights Watch; Human Security Gateway; Institute for War and Peace Reporting; *Jane's Terrorism and Security Monitor*; Law and Society Trust; Minority Rights Group International; National Consortium for the Study of Terrorism and Responses to Terrorism; Pulitzer Center; South Asia Terrorism Portal; Sri Lanka — Ministry of Defence; United Kingdom — Border Agency, Foreign and Commonwealth Office; United Nations — Committee Against Torture, Office of the High Commissioner for Human Rights, Refworld; World Socialist Web Site.

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