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DIAC-IN-CONFIDENCE

TABLE OF CONTENTS

1.	EXECUTIVE SUMMARY	3
i	ACRONYMS	4
1.1	Political organisation	5
1.1.1	<i>Political system</i>	5
1.1.2	<i>Current situation</i>	5
1.1.3	<i>Other key features</i>	8
2.	REFUGEE CONVENTION ISSUES	11
2.1	Political Opinion	11
2.2	Race	11
2.2.1	<i>Tamils</i>	12
2.3	Religion	14
2.3.1	<i>Buddhists</i>	15
2.3.2	<i>Hindu</i>	15
2.3.3	<i>Christians</i>	15
2.3.4	<i>Muslims</i>	16
2.4	Nationality	17
2.5	Particular Social Group	17
2.5.1	<i>Women</i>	17
2.5.2	<i>Homosexuals</i>	18
2.5.3	<i>Children</i>	18
3.	ADDITIONAL HUMAN RIGHTS ISSUES	19
3.1	Justice and Law	19
3.2	Torture, cruel, inhuman, or degrading treatment/punishment, death penalty	20
3.3	Limitations on political rights	22
3.4	Freedom of Expression and Association	22
3.5	Freedom of Movement	24
3.6	Property rights	26
3.7	War crimes	26
3.8	Terrorist organisations	27
4.	REFERENCES	28
	ATTACHMENT ONE: TIMELINE OF EVENTS	33
	ATTACHMENT TWO: REGIONAL MAP	34

1. EXECUTIVE SUMMARY

This document is designed to provide key background information relevant to an understanding and interpretation of refugee and human rights issues in the country of origin. It identifies possible issues that may arise for DIAC decision makers but is intended only to provide a brief overview and does not undertake detailed analysis.

On 19 May 2009 the conflict between the Sri Lankan Army (SLA) and the Liberation Tigers of Tamil Eelam (LTTE) or Tamil Tigers which had been continuing since 1984 was officially brought to a close with the SLA gaining a military victory against the LTTE. As at July 2009 it remains unclear how the cessation of military hostilities will change the situation of ethnic and religious minorities in Sri Lanka.

There are indications that the weak justice system coupled with corruption evident in the police and other government offices makes it difficult for those who are members of minorities to obtain justice. Threats, abductions, disappearances, detentions, torture and killings have created a tolerance of violence and an atmosphere of impunity for violent crimes among the security forces and paramilitary groups which have been active in Sri Lanka.

i ACRONYMS

EPDP	Eelam People's Democratic Party
IDP	Internally Displaced Persons
JHU	Jathika Hela Urumaya
JVP	Janatha Vimukti Peramuna
LTTE	Liberation Tigers of Tamil Eelam
PLOTE	People's Liberation Organization of Tamil Eelam
SLA	Sri Lankan Army
TNA	Tamil National Alliance
TMVP	Tamileela Makkal Vidulthalai Puligal
UNP	United National Party
UPFA	United People's Freedom Alliance

1.1 Political organisation

1.1.1 Political system

Sri Lanka is a constitutional, multi-party republic. The President, currently Mahinda Rajapaksa and the Parliament, both elected for six year terms, share power.¹

Sri Lanka is comprised of eight provinces called: Central, North Central, North Eastern, North Western, Sabaragamuwa, Southern, Uva, and Western.²

A list of political parties and leaders published by the CIA World Fact Book in July 2009 is as follows, with the name of the leader of the party in brackets:

All Ceylon Tamil Congress or ACTC [G.PONNAMBALAM];
Ceylon Workers Congress or CWC [Arumugam THONDAMAN];
Communist Party or CP [D. GUNASEKERA];
Eelam People's Democratic Party or EPDP [Douglas DEVANANDA];
Eelam People's Revolutionary Liberation Front or EPRLF [Suresh PREMACHANDRAN];
Janatha Vimukthi Peramuna or JVP [Somawansa AMARASINGHE];
Lanka Sama Samaja Party or LSSP [Tissa VITHARANA];
Mahajana Eksath Peramuna (People's United Front) or MEP [D. GUNAWARDENE];
National Heritage Party or JHU [Ellawala METHANANDA];
National Unity Alliance or NUA [Ferial ASHRAFF];
People's Liberation Organization of Tamil Eelam or PLOTE [D. SIDHARTHAN];
Sri Lanka Freedom Party or SLFP [Mahinda RAJAPAKSA];
Sri Lanka Muslim Congress or SLMC [Rauff HAKEEM];
Tamil Eelam Liberation Organization or TELO [Selvam ADAIKALANATHAN];
Tamil National Alliance or TNA [R. SAMPANTHAN];
Tamil United Liberation Front or TULF [V. ANANDASANGAREE];
United National Party or UNP [Ranil WICKREMASINGHE];
Up-country People's Front or UPF [P. CHANDRASEKARAN].³

1.1.2 Current situation

In May 2009 the government of Sri Lanka claimed a military victory in the conflict against the Liberation Tigers of Tamil Eelam (LTTE, or Tamil Tigers).⁴ The Tamil Tigers' chief of International Relations announced that the rebels had abandoned their fight and laid down their arms.⁵ A rebel leader claimed that there were fewer than 2 000 LTTE fighters left in the fighting area when they laid down their arms on 17 May 2009.⁶

¹ '2008 Human Rights Report – Sri Lanka', *US Department of State*, 25 February 2009, CISNET

² "CIA World Fact Book – Sri Lanka", *Central Intelligence Agency*, <https://www.cia.gov/library/publications/the-world-factbook/geos/CE.html> accessed 19 June 2009.

³ "CIA World Fact Book – Sri Lanka", *Central Intelligence Agency*, https://www.cia.gov/library/publications/the-world-factbook/fields/2118.html?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=2118.html accessed 14 July 2009.

⁴ 'Sri Lanka says wins civil war, kills rebel leader', *Reuters*, 18 May 2009, CX226463; 'Tamils concede defeat in civil war', *The Australian*, 18 May 2009, CX226378.

⁵ 'Sri Lankan troops mop up Tamil Tigers as leader said to have died in bunker', *The Guardian*, 17 May 2009, CX226380.

⁶ "Tamil Tigers admit defeat after battle reaches 'bitter end'", *The Times*, 18 May 2009, CX226384.

DIAC-IN-CONFIDENCE

The Sri Lankan Army (SLA) claimed that 50 000 people escaped the fighting in the last 72 hours, leaving the way clear for government troops to enter the area.⁷

With the departure of aid agencies from the north on 16 September 2008 after the government stated that it could no longer guarantee their safety, the government became responsible for ensuring civilians in the area had access to essential food supplies.⁸ As fighting moved closer to the LTTE stronghold of Kilinochchi, civilians retreated further into LTTE-held areas. According to the Christian Solidarity Movement, this left civilians vulnerable to having their movement further restricted by the LTTE, to forced recruitment and other abuses by the LTTE.⁹ In the last months of the conflict more than 250 000 people escaped the rebel-held areas, with accusations being levelled at the LTTE of keeping them there as human shields, which was denied by the LTTE.¹⁰

In the second half of 2008 while civilians in the north in LTTE-controlled areas were subjected to aerial bombardment from government troops, they were urged by the LTTE to stay and resist. Tamil civilians able to leave LTTE-controlled areas were suspected by government officials of being LTTE sympathisers and held in Internally Displaced Persons (IDP) camps where they were subjected to strict controls on their movements:

“The Sri Lankan army’s tactic of forcibly displacing Tamil civilians by firing heavy artillery and aerial bombing has generated a mass of fleeing humanity sheltering under trees and in the wilderness of the Wannis jungles. The LTTE’s orders to stay put and offer “resistance” to the advancing army has left civilians staring at certain death.

If the LTTE is guilty of turning civilians into human shields, the Sri Lankan state is hardly a paragon of virtue. With the objective of luring Tamil civilians into “cleared areas” (territory retaken from LTTE control by the state), the government is setting up reception centres in Vavuniya district. These camps are strictly policed and offer very limited freedom of mobility for inmates. Since civilian escapees from the Wannis are all potential suspects for their loyalties to the LTTE, the camps are subject to screening and “weeding out” operations by the security forces. One informed international aid official who witnessed these centres likened them to Nazi concentration camps.¹¹

People escaping the rebel-held areas near the end of the conflict were malnourished, sick and had war injuries.¹² In the last weeks of the conflict and since it ended in May 2009 many more people have been placed in IDP camps which have been described by the UN as ‘unsatisfactory’.¹³ Conditions in the camps are overcrowded with shortages of shelter, food, water and basic sanitation and separation of families is causing more distress as camp authorities intend to screen all entrants, not just former combatants.¹⁴ A UK television report broadcast in May 2009 showed conditions in the camps including

⁷ ‘Sri Lankan troops mop up Tamil Tigers as leader said to have died in bunker’, *The Guardian*, 17 May 2009, CX226380.

⁸ ‘UN completes relocation from TAMIL Tiger areas’, *IRIN-UN*, 16 September 2008, CX210249

⁹ Amantha Perera, “Supplies to Tamil areas firmly in Gov’t hands”, *Inter Press Service*, 20 September 2008, CX211058.

¹⁰ ‘Sri Lankan troops mop up Tamil Tigers as leader said to have died in bunker’, *The Guardian*, 17 May 2009, CX226380.

¹¹ ‘Civilian nightmare’, *The Statesman*, 15 September 2008, CX210050.

¹² ‘Sri Lankan troops mop up Tamil Tigers as leader said to have died in bunker’, *The Guardian*, 17 May 2009, CX226380.

¹³ ‘“Too many people” at huge IDP camp – UN’, *Integrated Regional Information Network (IRIN) -United Nations*, 11 June 2009, CX228970.

¹⁴ ‘UN calls for faster screening process, greater access’, *IRIN News*, 14 May 2009, CX226387.

DIAC-IN-CONFIDENCE

inadequate food and water, bodies left lying in the open, and sexual abuse of camp inmates.¹⁵

While the fighting was still continuing in May 2009 the United Nations Human Rights Council (UNHRC) described the situation in Sri Lanka:

cause for deep concern, not only in terms of the number of civilians who have been and continue to be killed, but because of a dramatic lack of transparency and accountability.¹⁶

The UNHRC described the situation for civilians caught in the fighting zone between the Sri Lankan army and the LTTE:

"These civilians do not have sufficient access to food, essential medical supplies or services and safe water and sanitation. Even if they do escape death or injury at the hands of the hostile parties, their continued presence in this area without access to these basic rights is an effective death sentence."¹⁷

Escape from the fighting zone did not bring access to necessary food or medical attention in government-controlled areas:

"When people manage to escape, they reportedly continue to face scant supplies, entirely insufficient access to adequate medical treatment and severely overcrowded hospitals, providing no relief to the horrors they had been living."¹⁸

In July 2009 it is not yet clear how post-war conditions will affect minority groups in Sri Lanka. UN agencies in partnership with other non-governmental organisations are working with the Sri Lankan government to improve conditions for the approximately 280 000 internally displaced people in camps in Vavuniya, Jaffna and Trincomalee.¹⁹

Previously, the US State Department Human Rights Report of February 2009 had found that there were credible reports of disappearances, unlawful killings, government corruption and discrimination against minorities, with paramilitary groups operating with impunity for violent armed attacks against civilians:

Credible reports cited unlawful killings by paramilitaries and others believed to be working with the awareness of the government, assassinations by unknown perpetrators, politically motivated killings, the continuing use of child soldiers by a paramilitary force associated with the government, disappearances, arbitrary arrests and detention, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of freedom of movement, and discrimination against minorities. Progovernment paramilitary groups were credibly alleged to have participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity.²⁰

¹⁵ 'Three foreign journalists expelled from Sri Lanka', *Reporters sans Frontieres also Reporters Without Borders (RSF) - France*, 11 May 2009, CX226359.

¹⁶ 'Urgent international scrutiny needed in Sri Lanka, say UN Human Rights Experts', *United Nations Human Rights Council*, 8 May 2009, CX225961.

¹⁷ 'Urgent international scrutiny needed in Sri Lanka, say UN Human Rights Experts', *United Nations Human Rights Council*, 8 May 2009, CX225961.

¹⁸ 'Urgent international scrutiny needed in Sri Lanka, say UN Human Rights Experts', *United Nations Human Rights Council*, 8 May 2009, CX225961.

¹⁹ 'Update on United Nations Humanitarian Support to Sri Lanka 9 July 2009', *United Nations Office of the Resident/ Humanitarian Coordinator Colombo*, 9 July 2009, CISLIB# 17701.

²⁰ '2008 Human Rights Report – Sri Lanka', *US Department of State*, 25 February 2009, CISNET.

DIAC-IN-CONFIDENCE

The Sri Lankan government criticised the US State Department's 2007 Country Report on Human Rights Practices stating that it "contains numerous inaccuracies and paints a lopsided picture of the human rights situation in Sri Lanka".²¹

In July 2009 conditions in the internally displaced camps have improved with schools and health centres operating, however camps are crowded and people are not allowed to live outside the camps.²² The government has stated that 80 per cent of those displaced will be resettled by the end of 2009, however officials believe this may be difficult to implement as demining of areas in the north has to be completed first.²³ There are indications in July 2009 that security is being relaxed in the east.²⁴

In July 2009 the Sri Lankan government is continuing to extend the State of Emergency laws brought into effect in 2005 for the military campaign against the LTTE, stating that the laws are still necessary to carry out search operations and question LTTE suspects.²⁵

Also in July 2009 it was reported that the first government-organised return was made to the district of Ampara in the East, comprising one thousand Internally Displaced Persons (IDPs) who had been displaced for seven years and were returned after demining and clearance of unexploded ordinance was completed in the area.²⁶

The UN High Commissioner for Human Rights estimated that 265 000 people had fled the fighting which ceased in May 2009.²⁷

1.1.3 Other key features

There have been earlier credible reports that paramilitary groups supported by the government were responsible for disappearances of civilians as well as arbitrary arrests and arbitrary detention of civilians.²⁸ Paramilitary groups have allegedly taken part in armed attacks against civilians, kidnappings and hostage-taking.²⁹ All parties to the conflict engaged in human rights abuses including killing civilians, abductions, detentions, political assassination, child conscription and extortion.³⁰

The emergency regulations reintroduced in 2005 allow the authorities to detain a suspect for up to a year without trial.³¹ In December 2006 provisions of the *Prevention of Terrorism Act* were reinstated which give authorities the power to arrest and detain suspects indefinitely without court approval.³² These laws have been used to detain political opponents, journalists and others as well as Tamil civilians suspected of

²¹ 'Numerous inaccuracies - Human Rights Ministry', *Daily News*, 15 March 2008, CX195536.

²² 'Tamils now languish in Sri Lanka camps', *New York Times*, 12 July 2009, CX229894.

²³ 'Tamils now languish in Sri Lanka camps', *New York Times*, 12 July 2009, CX229894.

²⁴ 'Security in the east relaxed', *BBC Sinhala*, 7 July 2009, CX229912.

²⁵ 'Sri Lanka to continue with state of emergency', *Xinhua*, 8 July 2009, CX229597.

²⁶ 'Thousand IDPs return to their homes in the Eastern Sri Lanka', *Colombo News Page*, 3 July 2009, CX229390.

²⁷ 'UNHCR briefing notes on the situation in Sri Lanka', *United Nations High Commissioner for Human Rights*, 18 May 2009, CX226460.

²⁸ '2008 Human Rights Report - Sri Lanka', *US Department of State*, 25 February 2009, CISNET

²⁹ '2008 Human Rights Report - Sri Lanka', *US Department of State*, 25 February 2009, CISNET

³⁰ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

³¹ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

³² 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

DIAC-IN-CONFIDENCE

supporting the LTTE.³³ Throughout 2008 security forces continued to exercise the sweeping powers available to them under the emergency regulations, searching, arresting without warrant and detaining individuals for up to one year without judicial review.³⁴

After the government gained a victory on 23 August 2008 in elections held in the North Central and Sabaragamuwa provinces it took this as an endorsement of its war against the Tamil Tiger rebels and fighting in the north intensified.³⁵ The United People's Freedom Alliance (UPFA) won two provincial elections in North Western Province and Central Province in February 2009 with significant majorities, which the government said reflected popular support for the way the government was conducting the war against the Tamil Tigers.³⁶ The Western Provincial Council election of April 2009 resulted in a large majority for the United People's Freedom Alliance (UPFA) winning 64 per cent of the vote and 68 seats with the opposition United National Party (UNP) winning 29.5 per cent of the vote and 30 seats.³⁷

Concerns were raised by the UNP that the government was behind an increase in election violence in the Western Province³⁸ Pre-poll election violence reportedly included intimidation, killings, abductions and arson, and while many complaints have come from the opposition, according to polls monitoring group CaFFE a disturbing trend was increasing rivalry between candidates from the same party for preferential votes.³⁹ 137 election violations were confirmed by the Network for Election Monitoring in the Western Province election.⁴⁰ While election day was peaceful, according to People's Actions for Free and Fair Elections (PAFFEREL) a number of people had difficulty proving their identity to the satisfaction of election officials, and the violence and irregularities in the lead-up to the election meant that it was not a completely free and fair election.⁴¹

A commission authorised to investigate rights abuses during the conflict against the Tamil Tigers was disbanded on 16 June 2009 without completing its investigation into the sixteen cases it had been assigned:

A Sri Lankan government investigation into human rights abuses during its war with Tamil Tiger rebels has been disbanded with more than half of its cases unresolved, an official said Tuesday.

The decision came as the government brushed off demands for an international investigation into the final ferocious battles of the war, which ended last month after the military routed the rebels in an offensive the U.N. says killed more than 7,000 civilians.

³³ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

³⁴ 'Steadfast in Protest: Annual Report 2009', *The Observatory for the Protection of Human Rights Defenders*, 19 June 2009, CISLIB# 17509, p.352.

³⁵ 'Governing party wins control of 2 provincial assemblies in Sri Lanka', *Associated Press*, 24 August 2008, CX208721

³⁶ 'UPFA wins provincial polls', *BBC News*, 15 February 2009, CX228929.

³⁷ 'Western Province – 2009 Provincial Election Result', *Lankaenews*, 26 April 2009, CX225168.

³⁸ 'Sri Lanka government is spreading election violence, says UNP', *Colombo News Page*, 29 March 2009, CX230326.

³⁹ 'Polls violence: Double trouble ahead', *Sunday Times (Sri Lanka)*, 12 April 2009, CX230323.

⁴⁰ 'All set for WPC polls', *Daily News*, 24 April 2009, CX230319.

⁴¹ Rohana Hettiarachchi, 'PAFFREL Election Day Report Provincial Council Elections for Western Province, April 25, 2009', *People's Actions for Free and Fair Elections (PAFFREL)*, 25 April 2009, CISLIB# 17706.

DIAC-IN-CONFIDENCE

Human rights groups accused the military of shelling civilian areas and said the rebels held hundreds of thousands of people as human shields, shooting those who attempted to flee.

A presidential commission of inquiry was established two years ago under intense international pressure to investigate earlier claims of abuses in the war. It was assigned 16 cases of alleged abuses by both sides, including the 2006 execution-style slaying of 17 aid workers for the French organization Action Against Hunger.

Nissanka Udalgama, a former Supreme Court justice who chaired the commission, said it had only completed work on seven of the assigned cases by the time its mandate expired Sunday. Extensions had been routinely granted in the past, but not this time. Instead, the commission was dissolved, he said.

...

The commission's dissolution came days after Amnesty International accused the government of failing to seriously investigate reported abuses during the 25-year civil war. It said the few cases that are brought to trial rarely end in convictions and accused the government of using bribes, threats and even murder to eliminate witnesses. Government officials denied the allegations.

...

Last March, an international panel of experts established to observe the commission resigned, saying the government lacked the political will to properly investigate the abuse allegations.⁴²

A report in *The Statesman* in September 2008 stated that government control of the east is based on military strength and civilians may be viewed as potential LTTE supporters:

“Harassed civilians

While the plight of civilians in the North has been receiving attention due to the statements of the UN, a grinding low-intensity campaign against civilians rages on in the East of the country. Since the districts of Trincomalee, Batticaloa and Amparai were “cleared” by the Sri Lankan army in the last two years, harassment of civilians has ironically increased. The more the army is in control of an area, the less secure it feels about its newly conquered terrain.

To cite an instance the fishing village of Ichalampattu in Trincomalee district is now surrounded by army posts on all sides and its residents face unimaginable hurdles to liberty and livelihood. The ramping up of military installations and infrastructure across eastern Sri Lanka evokes mortal fear among Tamil civilians, whose lives have been shattered through exposure to intimidation, extortion, torture and disappearance. The guns and personnel carriers that have been inserted in the face of civilians are protecting the army and its affiliates from a resurgence of the LTTE instead of enhancing the sense of safety for locals.”⁴³

Conditions in the east have been particularly difficult for the mainly Tamil and Muslim locals:

“The “liberated” areas in the east are still heavily militarised, and returnees there have faced intense security measures and routine checks by the Sri Lankan army. Security forces play an active role in most of the civil administration, including returns and the development of newly captured areas.” Many of the predominantly Tamil and Muslim villagers in these areas have concerns about the outcome of this as they see the army as being dominated by Sinhalese.”⁴⁴

⁴² ‘Sri Lanka rights abuse probe ends abruptly’, *Associated Press*, 16 June 2009, CX228296.

⁴³ ‘Civilian nightmare’, *The Statesman*, 15 September 2008, CX210050.

Communal tensions remain in the east and clashes in May 2008 between Tamil and Muslim communities in Batticaloa resulted in the temporary displacement of over 2000 people.⁴⁵ Trincomalee in the east has experienced a high degree of political violence and there is a legacy of suspicion and mistrust between the different ethnic groups.⁴⁶ The politicisation of ethnicity in the east has produced a volatility with features unique to the east.⁴⁷

2. REFUGEE CONVENTION ISSUES

In April 2009 the UNHCR issued the “UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka” which provides information gained from ‘UNHCR’s global network of field offices and information from independent country specialists, researchers and other sources which is rigorously reviewed for reliability’ on the human rights situation, the main groups at risk of being targeted for human rights violations and internal flight or relocation alternatives.⁴⁸ As indicated above, the political and military situation changed considerably in May 2009, the impact of which is not yet entirely clear.

2.1 Political Opinion

In April 2009 election monitoring groups identified a clear escalation of election-related violence as the poll dates in the Western Provincial Council came closer, with a significant number of complaints made against Sri Lanka’s ruling party, the United Peoples Freedom Alliance (UPFA).⁴⁹ In January 2009 there were protests against the political violence leading up to the provincial council elections in the Western and Central Provinces.⁵⁰

2.2 Race

Three quarters of the population identify themselves as Sinhalese, speak Sinhala – an Indo-European language related to north Indian languages – and are mainly Theravada Buddhist in religion.⁵¹ The largest ethnic minority are Tamils (approximately 18 per cent) whose language comes from the Dravidian family of South India, and who are divided

⁴⁴ “One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s”, Minority Rights Group International, 13 December 2007 quoted in ‘Sri Lanka: Returns in the east but new displacements in the north’, *Internal Displacement Monitoring Centre*, 27 August 2008, CISLIB# 16390.

⁴⁵ ‘Sri Lanka: Returns in the east but new displacements in the north’, *Internal Displacement Monitoring Centre*, 27 August 2008, CISLIB# 16390.

⁴⁶ Hazel Lang and Anita Knudsen, ‘Sri Lanka’s Conflict-Induced Internal Displacement: Challenges and Dilemmas of Protection for Humanitarian Agencies in Trincomalee’ in “Protracted Displacement in Asia: No Place to Call Home” edited by Howard Adelman, Ashgate, November 2008, CISLIB# 17669, p. 116.

⁴⁷ Hazel Lang and Anita Knudsen, ‘Sri Lanka’s Conflict-Induced Internal Displacement: Challenges and Dilemmas of Protection for Humanitarian Agencies in Trincomalee’ in “Protracted Displacement in Asia: No Place to Call Home” edited by Howard Adelman, Ashgate, November 2008, CISLIB# 17669, p.116.

⁴⁸ ‘UNHCR Eligibility Guidelines for Assessing the international Protection Needs of Asylum-Seekers from Sri Lanka’, *UNHCR*, April 2009, CISLIB# 17261.

⁴⁹ ‘Election violence incidents in Sri Lanka reach 100’, *Colombo News Page*, 18 April 2009, CX225263.

⁵⁰ ‘Stop political violence in Sri Lanka, people urge the government’, *Colombo News Page*, 3 January 2009, CX217444; ‘Election violence reported in North Western Sri Lanka’, *Colombo News Page*, 17 January 2009, CX225266.

⁵¹ Dennis B. McGilvray, “Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka”, Duke University Press, Durham, 2008, CISLIB# 17202 , p.7.

DIAC-IN-CONFIDENCE

into several groups. One group is the Sri Lankan Tamils who have full citizenship, making up 12 per cent of the population, who have traditionally lived more in the northern and eastern regions of the island, although living more recently as refugees from the war in the south. Another group known as Indian Tamils, Estate Tamils or Upcountry Tamils are descendants of people the British brought in from the Indian state of Tamil Nadu in the nineteenth and twentieth centuries to work on tea estates, make up approximately six per cent of the population and until recently were deprived of citizenship.⁵² Muslims or Sri Lankan Moors make up approximately seven per cent of the population, speak Tamil and in some cases are bilingual in Sinhala, and reject the term 'Muslim Tamils' to describe themselves, which is the common term for Muslims in Tamil Nadu.⁵³

The UK House of Commons Library identified caste in both Sinhalese and Tamil ethnic groups as a significant factor which can create divisions or discrimination within ethnic groups:

Caste is an important factor for both the Sinhalese and Tamils. Although far from static and unchanging in character, the main caste divisions amongst Sinhalese are between the Karava, Durava, Navandanna and Vahumpura, which are high castes, and the Goyigama, which is the lower caste. The main caste divisions amongst Tamils are between the Vellala, which is the high caste, and lower castes such as the Koviayar, Karaiyar, Mukkuvar, Pallar, Nalavar, Parayar and Vannar, the last four of which are often described as the castes of 'minority Tamils'.⁵⁴

There are reports that both sides of the conflict, the government and the LTTE, failed to take steps to prevent or stop incidents of communal violence between or among Buddhist Sinhalese, Hindu Tamils, Muslims and Christians.⁵⁵ Displacement has been used 'as a tool or even a method of combat' by opposing forces in Sri Lanka.⁵⁶

2.2.1 Tamils

According to US State Department reports, Tamils make up approximately 16 per cent of the population.⁵⁷ Young male Tamils are the targets of the majority of human rights violations in Sri Lanka.⁵⁸ During 2008 the government arrested and detained increasing numbers of Tamils without charge.⁵⁹ According to Amnesty International's 2009 report on Sri Lanka:

The security forces in Colombo arrested an increasing number of Tamils under emergency regulations in cordon and search operations. Over 1,000 Tamils were in detention without charge; some have been in detention for several years. In September [2008], the Police ordered all Tamils

⁵² Dennis B. McGilvray, "Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka", Duke University Press, Durham, 2008, CISLIB# 17202, p.8.

⁵³ Dennis B. McGilvray, "Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka", Duke University Press, Durham, 2008, CISLIB# 17202, p.9.

⁵⁴ 'War and Peace in Sri Lanka', *UK House of Commons Library*, 5 June 2009, CISLIB# 17507.

⁵⁵ 'USCIRF Annual Report 2009 - Additional Countries Closely Monitored: Sri Lanka', *United States of America (USA): Commission on International Religious Freedom (USCIRF)*, 1 May 2009, CX229391.

⁵⁶ Hazel Lang and Anita Knudsen, 'Sri Lanka's Conflict-Induced Internal Displacement: Challenges and Dilemmas of Protection for Humanitarian Agencies in Trincomalee' in "Protracted Displacement in Asia: No Place to Call Home" edited by Howard Adelman, Ashgate, November 2008, CISLIB# 17669, p. 113.

⁵⁷ '2008 Human Rights Report – Sri Lanka', *US Department of State*, 25 February 2009, CISNET

⁵⁸ '2008 Human Rights Report – Sri Lanka', *US Department of State*, 25 February 2009, CISNET

⁵⁹ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

DIAC-IN-CONFIDENCE

who had arrived from the north and east in the last five years to register with the authorities. Tamils holding National Identity Cards from the north and east were most likely to be arrested.⁶⁰

Tamil civilians, including many who relocated to Colombo from Jaffna and other areas face arbitrary arrests, detentions, round-ups, orders of eviction and new forms of registration.⁶¹ Tamils throughout the country, but especially in the north and east, reported frequent harassment of young and middle-aged Tamil men by security forces and paramilitary groups.⁶² Tamils and Muslims have been identified by Minority Rights Group International as minority groups at risk in Sri Lanka:

Although the threat of immediate large-scale military operations has now passed, a continuing serious threat to Tamil and Muslim populations remains in the context of ethno-nationalist statements by leading politicians, a recent history of extra-judicial killings and forced disappearances, and the confinement of over 200,000 people in displaced people's camps.⁶³

Both local and Indian-origin Tamils report systematic discrimination in university education, government employment and other government-controlled matters.⁶⁴ Tamils assert that they are discriminated against in a range of areas including government employment, university education and access to justice.⁶⁵

People who left LTTE-controlled areas during the war were detained indefinitely in camps while the government vetted them for links to the LTTE.⁶⁶ Nearly all residents of the Vanni had relatives, either by choice or compulsion, in the LTTE.⁶⁷

Human Rights Watch claims that the LTTE systematically abused the Tamil population in the Vanni, and denied basic freedoms of expression, association, assembly and movement.⁶⁸ In late 2008 the LTTE changed its longstanding policy towards those in its area of control of requiring one recruit per family to requiring two or more depending on the size of the family.⁶⁹ The LTTE continued to use civilians in dangerous forced labour, including using this as a punishment for relatives of civilians who had fled.⁷⁰ The LTTE also shut down its pass system for travel to areas outside LTTE control, effectively banning nearly all civilians from leaving LTTE controlled areas.⁷¹

⁶⁰ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

⁶¹ 'Human Rights Watch World Report Sri Lanka 2009', *Human Rights Watch*, 14 January 2009, CX218259.

⁶² '2008 Human Rights Report: Sri Lanka', *US State Department*, 25 February 2009, CISNET.

⁶³ Mark Lattimer, 'Peoples Under Threat: Online Briefing', *Minority Rights Group International*, 2 July 2009, CISLIB# 17614.

⁶⁴ '2008 Human Rights Report: Sri Lanka', *US State Department*, 25 February 2009, CISNET.

⁶⁵ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

⁶⁶ 'Beseiged, Displaced, and Detained: The Plight of Civilians in Sri Lanka's Vanni Region', *Human Rights Watch*, December 2008, CISLIB# 16859, p.4.

⁶⁷ 'Beseiged, Displaced, and Detained: The Plight of Civilians in Sri Lanka's Vanni Region', *Human Rights Watch*, December 2008, CISLIB# 16859, p.3.

⁶⁸ 'Trapped and Mistreated: LTTE Abuses Against Civilians in the Vanni;', *Human Rights Watch*, December 2008, CISLIB# 16832, p.3.

⁶⁹ 'Trapped and Mistreated: LTTE Abuses Against Civilians in the Vanni;', *Human Rights Watch*, December 2008, CISLIB# 16832, p.3.

⁷⁰ 'Trapped and Mistreated: LTTE Abuses Against Civilians in the Vanni;', *Human Rights Watch*, December 2008, CISLIB# 16832, p.3.

⁷¹ 'Trapped and Mistreated: LTTE Abuses Against Civilians in the Vanni;', *Human Rights Watch*, December 2008, CISLIB# 16832, p.4.

DIAC-IN-CONFIDENCE

In December 2006 provisions of the *Prevention of Terrorism Act* were reinstated which give authorities the power to arrest and detain suspects indefinitely without court approval.⁷² These laws have been used to detain political opponents, journalists and others as well as Tamil civilians suspected of supporting the LTTE.⁷³ In March 2008 Human Rights Watch released a report that detailed the involvement of the security forces in ‘disappearances’ of mainly young Tamil men and the legal framework including the emergency regulations which enable these abductions to continue with impunity for the perpetrators.⁷⁴

Tamils have been subjected to increased controls such as the registration drive for Tamils in September 2008:

“Last Sunday, Tamils who had come to Colombo and the Western Province during the last five years had to go to their respective police stations to ‘re-register’ themselves. The police said that they were doing this for the purpose of a census and there was no need for the Tamil people to worry. But for Tamils, the mere fact that they have to go to a police station is enough to cause worry.”⁷⁵

Since the war ended the repeated security checks faced by Tamils in their daily lives have continued.⁷⁶

Fears have been expressed that after the conflict ended that Sinhalese may want to exact revenge on Tamils for the brutal methods used by the LTTE during the war.⁷⁷

2.3 Religion

Religious freedom is generally respected and members of all faiths are allowed to worship freely, but Buddhism has a special status and there is some discrimination and violence against religious minorities.⁷⁸

Approximately 70 per cent of the population is Buddhist, 15 per cent Hindu, 8 per cent Christian and 7 per cent Muslim.⁷⁹ Christians tend to be concentrated in the west, Muslims in the east and Hindus in the north.⁸⁰ During 2008 human rights abuses were committed against individuals at places of worship in the north and east but these were connected with the conflict rather than motivated by religion.⁸¹

⁷² ‘Freedom in the World Country Report Sri Lanka 2008’, *Freedom House*, 2 July 2008, CX205329.

⁷³ ‘Freedom in the World Country Report Sri Lanka 2008’, *Freedom House*, 2 July 2008, CX205329.

⁷⁴ “Recurring Nightmare: State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka”, *Human Rights Watch*, 6 March 2008, CISLIB# 15722.

⁷⁵ Dhashrath, ‘The curse of being a Tamil in Colombo’, *The Morning Leader*, 24 September 2008, CX210807.

⁷⁶ ‘ANALYSIS-War over, Sri Lanka's next fight lies ahead’, *Reuters*, 20 May 2009, CX226702.

⁷⁷ ‘War over, Sri Lanka must win peace’, *Los Angeles Times*, 20 May 2009, CX227544.

⁷⁸ ‘Freedom in the World Country Report Sri Lanka 2008’, *Freedom House*, 2 July 2008, CX205329.

⁷⁹ ‘International Religious Freedom Report 2008 – Sri Lanka’, *US Department of State*, 19 September 2008, CISNET.

⁸⁰ ‘International Religious Freedom Report 2008 – Sri Lanka’, *US Department of State*, 19 September 2008, CISNET.

⁸¹ ‘International Religious Freedom Report 2008 – Sri Lanka’, *US Department of State*, 19 September 2008, CISNET.

2.3.1 *Buddhists*

Most members of the majority Sinhala community are Theravada Buddhists.⁸² The LTTE has attacked Buddhist sites in the past.⁸³

2.3.2 *Hindu*

Most Tamils are Hindu.⁸⁴ In December 2008 a Hindu priest was killed by the LTTE in the east.⁸⁵ In July 2009 a Hindu priest filed a Fundamental Rights Violation (FRV) petition with the Supreme Court to be permitted to perform religious rituals on a beach.⁸⁶ The court allowed the rituals to go ahead.⁸⁷

2.3.3 *Christians*

About 80 per cent of Christians are Roman Catholics, with Anglicans and other Protestant churches present in cities.⁸⁸ Seventh-day Adventists, Jehovah's Witnesses, Methodists, Baptists, Dutch Reformed, Anglicans, Pentecostals, and Assemblies of God are also present, and evangelical Christian groups have grown in recent years.⁸⁹

There are tensions between Buddhists and the Christian minority, in particular due to accusations of forced conversions against evangelical Christian groups.⁹⁰ In January 2009 the Jathika Hela Urumaya (JHU) party which is comprised of Buddhist monks, again brought to Parliament a draft anti-conversion law, the *Prohibition of Forcible Conversion of Religion Bill*.⁹¹ The UN Special Rapporteur has described this proposed law as not being an appropriate response to religious tensions and as not compatible with human rights law.⁹² In February 2009, after international pressure, the Sri Lankan government referred this bill to the Consultative Committee on Religious Affairs and Moral Upliftment for discussion.⁹³ This Committee's meeting has been postponed indefinitely, thus also postponing discussion of this draft bill.⁹⁴ The US State Department in its International Religious Freedom Report 2008 stated that there were no reports of forced

⁸² 'International Religious Freedom Report 2008 – Sri Lanka', *US Department of State*, 19 September 2008, CISNET.

⁸³ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

⁸⁴ 'International Religious Freedom Report 2008 – Sri Lanka', *US Department of State*, 19 September 2008, CISNET.

⁸⁵ 'Sri Lanka reports Hindu priest shot dead by Tigers in East', *Sri Lanka: Government of Sri Lanka*, 27 November 2008, CX215359.

⁸⁶ 'Hindu priest files FR petition in Supreme Court', *Tamil Net*, 26 July 2008, CX206525.

⁸⁷ 'Devotees granted permission to perform religious rituals in FR case', *Daily Mirror*, 30 July 2008, CX206742.

⁸⁸ 'International Religious Freedom Report 2008 – Sri Lanka', *US Department of State*, 19 September 2008, CISNET.

⁸⁹ 'International Religious Freedom Report 2008 – Sri Lanka', *US Department of State*, 19 September 2008, CISNET.

⁹⁰ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

⁹¹ 'USCIRF Annual Report 2009 - Additional Countries Closely Monitored: Sri Lanka', *United States of America (USA): Commission on International Religious Freedom (USCIRF)*, 1 May 2009, CX229391.

⁹² 'USCIRF Annual Report 2009 - Additional Countries Closely Monitored: Sri Lanka', *United States of America (USA): Commission on International Religious Freedom (USCIRF)*, 1 May 2009, CX229391.

⁹³ 'USCIRF Annual Report 2009 - Additional Countries Closely Monitored: Sri Lanka', *United States of America (USA): Commission on International Religious Freedom (USCIRF)*, 1 May 2009, CX229391.

⁹⁴ 'USCIRF Annual Report 2009 - Additional Countries Closely Monitored: Sri Lanka', *United States of America (USA): Commission on International Religious Freedom (USCIRF)*, 1 May 2009, CX229391.

DIAC-IN-CONFIDENCE

religious conversions in the previous year.⁹⁵ The Sri Lankan National Centre for Monitoring Conversions claimed in September 2008 to have information about 400 religious groups performing conversions in various parts of the country.⁹⁶

There have been continuing reports of instances of violence against churches, ministers or individuals in the past few years, reportedly carried out by members of extremist Buddhist nationalist groups.⁹⁷ There are reports of assaults on churches and individual Christians in rural areas, particularly for alleged attempts to convert Buddhists to Christianity.⁹⁸

There were sporadic attacks on some Christian churches by Buddhist extremists and some tensions due to ongoing claims of forced conversions, which have resulted in the government becoming reluctant to register new religious groups and evangelical groups have reported that they have found it difficult to register new churches.⁹⁹

2.3.4 Muslims

Most Muslims are Sunni, although there is a small minority of Shi'a Muslims and a Bohra community.¹⁰⁰

The term 'Moor' or 'Muslim' may be used to describe the Muslim minority, the Sunni Muslims of the Shafi'i legal school.¹⁰¹ The Muslim minority are widely dispersed, with two thirds living in the major cities or scattered across rural Sinhalese districts.¹⁰² On the east coast they constitute a geographically concentrated group with some political power.¹⁰³

The LTTE has discriminated against Muslims in the past.¹⁰⁴ For years whole communities of Sri Lankan Muslims in the north and northeastern parts of the country have been displaced by LTTE forces trying to consolidate Tamil hold over those areas.¹⁰⁵ In June 2009 many Muslims who were forcibly ejected from the North by the LTTE in 1990 are contemplating a return to their homes.¹⁰⁶

⁹⁵ 'International Religious Freedom Report 2008 – Sri Lanka', *US Department of State*, 19 September 2008, CISNET.

⁹⁶ 'Report on unethical conversions', *Daily Mirror (Sri Lanka)*, 29 September 2008, CX211206.

⁹⁷ 'USCIRF Annual Report 2009 - Additional Countries Closely Monitored: Sri Lanka', *United States of America (USA): Commission on International Religious Freedom (USCIRF)*, 1 May 2009, CX229391.

⁹⁸ 'USCIRF Annual Report 2009 - Additional Countries Closely Monitored: Sri Lanka', *United States of America (USA): Commission on International Religious Freedom (USCIRF)*, 1 May 2009, CX229391.

⁹⁹ 'International Religious Freedom Report 2008 – Sri Lanka', *US Department of State*, 19 September 2008, CISNET.

¹⁰⁰ 'International Religious Freedom Report 2008 – Sri Lanka', *US Department of State*, 19 September 2008, CISNET.

¹⁰¹ Dennis B. McGilvray, "Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka", Duke University Press, Durham, 2008, CISLIB# 17202, p.10.

¹⁰² Dennis B. McGilvray, "Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka", Duke University Press, Durham, 2008, CISLIB# 17202, p.10.

¹⁰³ Dennis B. McGilvray, "Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka", Duke University Press, Durham, 2008, CISLIB# 17202, p.10.

¹⁰⁴ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁰⁵ 'USCIRF Annual Report 2009 - Additional Countries Closely Monitored: Sri Lanka', *United States of America (USA): Commission on International Religious Freedom (USCIRF)*, 1 May 2009, CX229391.

¹⁰⁶ 'Sri Lanka's forgotten displaced Muslims', *British Broadcasting Corporation (BBC)*, 23 June 2009, CX228971.

DIAC-IN-CONFIDENCE

There have been periodic tensions between Sufi Muslims and the majority Wahabi Muslims and while in February 2008 the Supreme Court ordered that Sufi Muslims could return to their homes in Katankudy in Batticaloa they were prevented from doing so by armed Wahabists.¹⁰⁷

The minority Ahmadiyya Muslim sect has been increasingly attacked by members of the Sunni Muslim community who accuse them of being apostates.¹⁰⁸ The US State Department found no reported attacks on Ahmadiyya Muslims in 2008.¹⁰⁹

Attacks on Muslims in the eastern Province by pro-government Tamil militias appear to arise from ethnic and political reasons rather than religious beliefs of the Muslim community.¹¹⁰

There had been calls to amend legal regulations that allowed Muslim children as young as 12 to marry so as to prevent forced marriages, however the Muslim community claimed that while there were a small number of marriages of girls under the age of 15 marrying, none were 12 years of age.¹¹¹

2.4 Nationality

A bill passed in the Parliament in January 2009 conferred Sri Lankan citizenship status on 25 500 Indian origin stateless people who had fled Sri Lanka during fighting in July 1983 and were living in refugee camps in Tamil Nadu state of India.¹¹²

2.5 Particular Social Group

2.5.1 Women

Rape and domestic violence against women are serious problems, and the authorities do not strongly enforce existing laws.¹¹³ While women have equal rights under civil and criminal law, family matters, including marriage, divorce, child custody and inheritance are determined by the customary laws applying to each ethnic or religious group, which results in discrimination against women.¹¹⁴ Civil society activists reported that gender-based violence was perpetrated by security forces during the conflict.¹¹⁵ Statistics are unavailable because few such incidents resulted in charges being laid.¹¹⁶ Women often experienced sexual harassment, which is a criminal offence, but is not enforced by the government.¹¹⁷

¹⁰⁷ 'Katankudy Sufi Muslims prevented from entering their homes', *Asian Tribune*, 22 February 2008, CX193818.

¹⁰⁸ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁰⁹ 'International Religious Freedom Report 2008 – Sri Lanka', *US Department of State*, 19 September 2008, CISNET.

¹¹⁰ 'International Religious Freedom Report 2008 – Sri Lanka', *US Department of State*, 19 September 2008, CISNET.

¹¹¹ "'Amend' Muslim marriage laws", *BBC Sinhala*, 21 December 2008, CX217003.

¹¹² 'No more Indian origin stateless people', *Sunday Observer*, 11 January 2009, CX218014.

¹¹³ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹¹⁴ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329; '2008 Human Rights Report: Sri Lanka', *US State Department*, 25 February 2009, CISNET.

¹¹⁵ '2008 Human Rights Report: Sri Lanka', *US State Department*, 25 February 2009, CISNET.

¹¹⁶ '2008 Human Rights Report: Sri Lanka', *US State Department*, 25 February 2009, CISNET.

¹¹⁷ '2008 Human Rights Report: Sri Lanka', *US State Department*, 25 February 2009, CISNET.

2.5.2 *Homosexuals*

Homosexuality is against the law in Sri Lanka.¹¹⁸ Members of sexual minorities are subject to a law which proscribes “gross indecency”, and which since 1995 has applied to women as well as to men.¹¹⁹ Sri Lankan activists have noted ‘increased restrictions by the government on NGOs, internet access and telephones’.¹²⁰ Activists in Sri Lanka warn of “Buddhist religious fundamentalism” and “prevailing pseudo-nationalistic attitudes.”¹²¹ In August 1999, *The Island* newspaper published a letter protesting about a lesbian conference scheduled to be held in Colombo.¹²² The Sri Lankan Press Council, after receiving a complaint, decided that the letter writer’s view was justified as lesbianism is an offence under the penal code.¹²³ The council further ruled that lesbianism is ‘an act of sadism’, emphasising how strongly homosexuality is not accepted in Sri Lankan society.¹²⁴

Sri Lanka has made male homosexual sex illegal but has defined the age of consent for lesbian sex as 16 years.¹²⁵ The level of social intolerance in Sri Lanka makes it difficult for gay people to ‘come out’, as a consequence of which many gay men marry and have children.¹²⁶

2.5.3 *Children*

There are credible reports that child soldiers have continued to be used by paramilitary forces associated with the government.¹²⁷ Children were forcibly recruited by the LTTE and by the Karuna faction operating in the east.¹²⁸ It has been estimated based on battlefield casualties that 40 to 60 per cent of LTTE forces were under the age of 18.¹²⁹ In October 2008 the United Nations Children’s Fund reported 1 424 outstanding cases of recruitment of child soldiers by the LTTE and 133 by the Tamileela Makkal Vidulthalai Puligal (TMVP).¹³⁰ Children are trafficked within Sri Lanka for commercial sexual exploitation and infrequently for forced labour.¹³¹ The LTTE continued to recruit, sometimes forcibly, minors for use as child soldiers in areas outside the government’s control and the government may have been complicit in allowing a breakaway LTTE

¹¹⁸ ‘Vagrant voices’, *Himal Southasian*, March 2008, CX194506.

¹¹⁹ ‘Vagrant voices’, *Himal Southasian*, March 2008, CX194506.

¹²⁰ ‘Together, Apart: Organising around Sexual Orientation and Gender Identity Worldwide’, *Human Rights Watch*, May 2009, CISLIB# 17492.

¹²¹ ‘Together, Apart: Organising around Sexual Orientation and Gender Identity Worldwide’, *Human Rights Watch*, May 2009, CISLIB# 17492, p. 29.

¹²² ‘Hate and the Law: Decriminalising Homosexuality’, *Amnesty International*, 4 July 2008, CISLIB# 16231.

¹²³ ‘Hate and the Law: Decriminalising Homosexuality’, *Amnesty International*, 4 July 2008, CISLIB# 16231, p.18.

¹²⁴ ‘Paradise Bliss’, *Agence-France Press*, 5 July 2006, CX157996.

¹²⁵ ‘The age of innocence in Asia’, *Asia Times*, 31 May 2008, CX201761.

¹²⁶ ‘Sri Lanka’s gays share their journey’, *BBC News*, 20 May 2005, CX122642.

¹²⁷ ‘2008 Human Rights Report – Sri Lanka’, *US Department of State*, 25 February 2009, CISNET

¹²⁸ ‘Freedom in the World Country Report Sri Lanka 2008’, *Freedom House*, 2 July 2008, CX205329.

¹²⁹ ‘Liberation Tigers of Tamil Eelam (LTTE)’, *South Asia Terrorism Portal*, 1 April 2008, CX229584.

¹³⁰ ‘Human Rights Watch World Report Sri Lanka 2009’, *Human Rights Watch*, 14 January 2009, CX218259.

¹³¹ ‘Trafficking in Persons Report 2009 - Sri Lanka’, *US Department of State*, 16 June 2009, CX228974.

faction which aligned itself with the government to continue to recruit child soldiers, sometimes forcibly.¹³²

3. ADDITIONAL HUMAN RIGHTS ISSUES

3.1 Justice and Law

The International Crisis Group claims that Sri Lanka's judiciary has failed to protect constitutional and human rights which has weakened the rule of law and worsened ethnic tensions.¹³³

Matters relating to family law, divorce, child custody and inheritance are determined according to the customary law of the ethnic or religious group concerned.¹³⁴

Amnesty International reported that during 2008 the government failed to address impunity for past human rights violations.¹³⁵ Investigations into human rights violations by the military and police stalled and court cases did not proceed as witnesses refused to come forward for fear of reprisals.¹³⁶ As the executive failed to appoint the Constitutional Council which is required under the Constitution, appointments of independent representatives to bodies such as the Human Rights Commission, Bribery Commission, Police Commission and Judicial Service Commission were obstructed.¹³⁷

In June 2009 it was announced that a presidential commission of inquiry into human rights abuses perpetrated during the conflict with the LTTE was disbanded having completed investigations into fewer than half of its assigned 16 cases.¹³⁸ Investigations into some cases were hampered when witnesses went overseas and the government would not allow the commission to accept testimony via videoconferencing.¹³⁹ Sri Lanka has had a number of Commissions of Inquiry over the years which have failed to result in justice leading to the inference that there is a lack of official will to obtain justice in these cases.¹⁴⁰ The National Human Rights Commission (NHRC) had the power to investigate human rights abuses but failed to do so with vigour and did not provide protection for victims or witnesses resulting in almost complete impunity for the perpetrators.¹⁴¹

Official corruption is a continuing concern and Sri Lanka was ranked 94 out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index.¹⁴²

¹³² 'Trafficking in Persons Report 2009 - Sri Lanka', *US Department of State*, 16 June 2009, CX228974.

¹³³ 'Sri Lanka's Judiciary: Politicised Courts, Compromised Rights', *International Crisis Group*, 30 June 2009, CISLIB# 17599.

¹³⁴ 'International Religious Freedom Report 2008 - Sri Lanka', *US Department of State*, 19 September 2008, CISNET.

¹³⁵ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

¹³⁶ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

¹³⁷ '2008 Human Rights Report - Sri Lanka', *US Department of State*, 25 February 2009, CISNET

¹³⁸ 'Sri Lanka rights abuse probe ends abruptly', *Associated Press*, 16 June 2009, CX228296.

¹³⁹ 'Sri Lanka rights abuse probe ends abruptly', *Associated Press*, 16 June 2009, CX228296.

¹⁴⁰ 'Twenty Years of Make-Believe: Sri Lanka's Commissions of Inquiry', *Amnesty International*, 5 June 2009, CISLIB# 17508.

¹⁴¹ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁴² 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

The Asian Human Rights Commission has reported that the judiciary is undermined by uncertainty created by the separation of powers and by the absolute power of the executive.¹⁴³ Laws important for the protection of human rights cannot be passed because they would conflict with the influence of the military:

“a. In the legislative area – the most important laws for the protection of human rights cannot be passed, as such legislative measures will seriously come into conflict with the military influence in the country.

...

b. In the functioning of the investigation into crime in general and in particular investigations relating to human rights abuses, there is an extreme crisis. In fact, more than a crisis it is a matter of deliberate disruption. It can safely be said in all cases that are considered sensitive the investigations are simply not allowed. The stopping of investigations happens due to many factors. Some of these factors are the military strategy coming into conflict with any investigations into alleged abuses.”¹⁴⁴

It is alleged that delays and corruption lead to a poor success rate in prosecutions, but that there is also a ‘compromise between law enforcement authorities who refuse to cooperate with the judiciary and the judiciary, which ‘fears or is unwilling to challenge the overwhelming arbitrariness of the police’.¹⁴⁵

Lawyers and the judiciary were increasingly under threat in 2008 and those who represented suspected terrorists were targeted as ‘traitors’.¹⁴⁶

3.2 Torture, cruel, inhuman, or degrading treatment/punishment, death penalty

Torture is a criminal offence with a mandated seven years of imprisonment.¹⁴⁷ In the few publicised cases since 2004 the courts have generally acquitted the defendants or released them on bail pending appeals.¹⁴⁸ Methods of torture reportedly include the following:

Methods of torture and abuse reportedly included beatings, often with sticks, iron bars, or rubber hose; electric shock; suspending individuals by the wrists or feet in contorted positions; burning with metal objects and cigarettes; genital abuse; blows to the ears; asphyxiation with plastic bags containing chili pepper or gasoline; and near-drowning.¹⁴⁹

There are reports that paramilitary groups supported by the government have engaged in torture.¹⁵⁰ In the east and conflict areas of the north it was reported by the US State Department that military intelligence and other security personnel detained individuals suspected of connections with the LTTE:

In the east and conflict-affected north, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of

¹⁴³ ‘The State of Human Rights in Sri Lanka 2008’, *Asian Human Rights Commission*, 17 December 2008, CISLIB# 16854, p.27.

¹⁴⁴ ‘The State of Human Rights in Sri Lanka 2008’, *Asian Human Rights Commission*, 17 December 2008, CISLIB# 16854, p.2.

¹⁴⁵ ‘The State of Human Rights in Sri Lanka 2008’, *Asian Human Rights Commission*, 17 December 2008, CISLIB# 16854, p.3.

¹⁴⁶ ‘Steadfast in Protest: Annual Report 2009’, *The Observatory for the Protection of Human Rights Defenders*, 19 June 2009, CISLIB# 17509, p.355.

¹⁴⁷ ‘2008 Human Rights Report – Sri Lanka’, *US Department of State*, 25 February 2009, CISNET

¹⁴⁸ ‘2008 Human Rights Report – Sri Lanka’, *US Department of State*, 25 February 2009, CISNET

¹⁴⁹ ‘2008 Human Rights Report – Sri Lanka’, *US Department of State*, 25 February 2009, CISNET

¹⁵⁰ ‘2008 Human Rights Report – Sri Lanka’, *US Department of State*, 25 February 2009, CISNET

DIAC-IN-CONFIDENCE

civilians suspected of LTTE connections. The detentions reportedly were followed by interrogations that frequently included torture. When the interrogations failed to produce evidence, detainees were often released with a warning not to reveal information about their arrests and threatened with rearrest or death if they divulged information about their detention. Human rights groups estimated that more than 2,000 LTTE suspects were in regular detention centers, such as prisons, with approximately 1,200 more in police stations, the Criminal Investigation Division, the Terrorism Investigation Division, army or paramilitary camps, or other informal detention facilities.¹⁵¹

Security forces committed an increasing number of human rights abuses including extrajudicial executions, forced disappearances, torture, custodial rape, and prolonged detention without trial.¹⁵² Torture took place in routine interrogations to extract confessions and as part of the insurgency.¹⁵³ A Human Rights Watch report of December 2008, "Recurring Nightmare: State Responsibility for 'Disappearances' and Abductions in Sri Lanka" (CISLIB# 15722) 'documented hundreds of cases of abduction and disappearance committed by the security forces, amounting to one of the largest such totals in the world.'¹⁵⁴ This report details the involvement of the security forces in 'disappearances' of mainly young Tamil men and the legal framework including the emergency regulations which enable these abductions to continue with impunity for the perpetrators.¹⁵⁵

The LTTE have been implicated in abductions in conflict areas under the government's control.¹⁵⁶ The Eelam People's Democratic Party (EPDP), a Tamil party targeted by the LTTE has been implicated in abductions in Jaffna, and both EPDP and the Karuna group or TMVP have cooperated with Sri Lankan security forces, who often use Tamil speakers in abductions.¹⁵⁷ At other times the Karuna group and EPDP appeared to be acting on their own with the security forces allowing them to do so.¹⁵⁸

Manfred Nowak, UN Special Rapporteur on Torture reported after his visit to Sri Lanka in November 2007 that torture was becoming routine in counter-terrorism operations in Sri Lanka, was widely practiced in the criminal justice system by the police, the terrorism investigation and criminal investigation departments, at detention facilities and by the army and included beatings, asphyxiations and burning.¹⁵⁹

Severe overcrowding of the prison system amounts to degrading treatment.¹⁶⁰

¹⁵¹ '2008 Human Rights Report – Sri Lanka', *US Department of State*, 25 February 2009, CISNET

¹⁵² 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁵³ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁵⁴ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁵⁵ "Recurring Nightmare: State Responsibility for 'Disappearances' and Abductions in Sri Lanka", *Human Rights Watch*, 6 March 2008, CISLIB# 15722.

¹⁵⁶ "Recurring Nightmare: State Responsibility for 'Disappearances' and Abductions in Sri Lanka", *Human Rights Watch*, 6 March 2008, CISLIB# 15722.

¹⁵⁷ "Recurring Nightmare: State Responsibility for 'Disappearances' and Abductions in Sri Lanka", *Human Rights Watch*, 6 March 2008, CISLIB# 15722, p.6.

¹⁵⁸ "Recurring Nightmare: State Responsibility for 'Disappearances' and Abductions in Sri Lanka", *Human Rights Watch*, 6 March 2008, CISLIB# 15722, p.6.

¹⁵⁹ 'UN expert says torture prevalent', *Australian Broadcasting Corporation (ABC) (News)*, 1 November 2007, CX188239.

¹⁶⁰ 'Special Rapporteur on torture concludes visit to Sri Lanka', *United Nations Commission on Human Rights (UNCHR)*, 29 October 2007, CX187640.

DIAC-IN-CONFIDENCE

While courts continue to give out death sentences, the Sri Lankan government has a policy of not carrying out death sentences for over thirty years, resulting in condemned prisoners living for many years in the strict conditions on death row.¹⁶¹

Sri Lanka is primarily a source but also a destination for men and women trafficked for forced labour and commercial sexual exploitation.¹⁶²

3.3 Limitations on political rights

Elections were held in several provinces in 2008 with serious election-related violence in the weeks leading up to the elections:

On May 10, the government held elections for a newly created Eastern Provincial Council (EPC). On June 4, TMVP leader Pillaiyan took office as chief minister of the EPC. Opposition parties and observer groups criticized the vote for alleged irregularities, accusing the TMVP of violence and intimidation.

On August 23, the government won majorities in provincial council elections in the North Central and Sabaragamuwa provinces. Observers indicated that the votes in both provinces were generally free and fair, despite serious election-related violence in the weeks leading up to the vote.¹⁶³

Freedom of assembly is generally upheld.¹⁶⁴ Although the emergency regulations give the authorities the power to restrict demonstrations, they are generally allowed, although police occasionally disperse protesters.¹⁶⁵

The LTTE has a record of using violence or murder against those who criticise it, including intellectual groups such as the University Teachers for Human Rights-Jaffna.¹⁶⁶ Pro-government Tamil groups have also made threats.¹⁶⁷

3.4 Freedom of Expression and Association

Freedom of speech and freedom of the press is provided for in the law but in practice these freedoms are curtailed:

Media freedom deteriorated in the Colombo area, as well as in the conflict-affected north and east. Many journalists practiced self-censorship. In April Freedom House released its 2007 Global Freedom Report, which categorized the country's press as "not free." Other national and international media freedom organizations and journalists' associations expressed concern over media freedom and were sharply critical of the Defense Ministry's role in harassing and intimidating journalists.

The government made several attempts to prevent independent media houses from criticizing the government and its policies. Senior government officials repeatedly accused critical journalists of

¹⁶¹ 'Special Rapporteur on torture concludes visit to Sri Lanka', *United Nations Commission on Human Rights (UNCHR)*, 29 October 2007, CX187640.

¹⁶² 'Trafficking in Persons Report 2009 - Sri Lanka', *US State Department*, 16 June 2009, CX228974.

¹⁶³ '2008 Human Rights Report - Sri Lanka', *US Department of State*, 25 February 2009, CISNET

¹⁶⁴ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁶⁵ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁶⁶ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁶⁷ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

DIAC-IN-CONFIDENCE

treason and often pressured editors and publishers to run stories that portrayed the government in a positive light.

Media personnel were subject to threats and harassment during the year. Statements by government and military officials, including Defense Secretary Gothabaya Rajapaksa, Army Commander Sarath Fonseka, and Minister of Labor Mervyn Silva, contributed to an environment in which journalists who published articles critical of the government felt under threat.¹⁶⁸

Freedom of the media continued to decline during the conflict as media outlets faced further restrictions and censorship and journalists faced further attacks and intimidation, particularly in the north and east.¹⁶⁹ Although freedom of expression is provided for in the Constitution there is an increasing number of laws including the *Official Secrets Act*, emergency regulations introduced in 2005, anti-terrorism regulations introduced in 2006 and defamation and contempt of court laws which lead to self-censorship by journalists.¹⁷⁰ There has been an increase in official hostility towards views critical of government decisions and criticism in the media has been equated with treason.¹⁷¹

The emergency and anti-terrorism laws gave extraordinary powers to government officials including police and security officers and provided means of:

- prolonged detention,
- disempowerment of the judiciary in exercising the normal functions relating to arrest and detention,
- detention of persons in places which are not normally authorised as places of detention,
- preventive detention,
- draconian laws to restrict freedom of expression and freedom of the press,
- severe restrictions on freedom of assembly, thus restricting legitimate forms of protest such as meetings, rallies, demonstrations and the like,
- severe restrictions on the formation of associations.¹⁷²

According to Amnesty International, human rights defenders and journalists across the country reported increased attacks including death threats.¹⁷³ Journalists faced physical assaults, abductions, intimidation, harassment and being shot, by both government personnel and members of armed groups.¹⁷⁴

It has been reported by the Asian Centre for Human Rights that attempts to prosecute writers under the emergency laws and the anti-terrorism laws are attempts to get around the freedom of expression which is provided under Sri Lankan law.¹⁷⁵

¹⁶⁸ '2008 Human Rights Report – Sri Lanka', *US Department of State*, 25 February 2009, CISNET

¹⁶⁹ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁷⁰ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁷¹ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁷² 'Government must now end the operation of anti-terrorism laws', *Asian Human Rights Commission*, 18 May 2009, CX226512.

¹⁷³ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

¹⁷⁴ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

¹⁷⁵ 'The State of Human Rights in Sri Lanka 2008', *Asian Human Rights Commission*, 17 December 2008, CISLIB# 16854.

The government generally respected the rights of freedom of assembly and freedom of association, however there were some restrictions.¹⁷⁶ The LTTE did not allow freedom of association in its areas and there were reports that it forced civilians to attend pro-LTTE rallies.¹⁷⁷

The Sri Lankan government states that the media are free but many journalists say they feel pressure and a number have been physically attacked or have gone into exile.¹⁷⁸ Concern was expressed after three attacks on media personnel and institutions in the north and south in one day in June 2009 including the arrest of a journalist, the abduction of another and two incidents of the destruction of Tamil language newspapers by members of unidentified groups.¹⁷⁹

In March 2009 Reporters Without Borders reported an attack on Tamil language newspaper *Uthayan* after senior officials had told news services not to report on civilian casualties of fighting in the Vanni area or to reproduce interviews that senior LTTE commanders have given to foreign media.¹⁸⁰ It came a few weeks after the arrest of the editor of the *Sudar Oli*, another daily Tamil newspaper.¹⁸¹

Media workers and journalists became high profile targets in 2008, being subjected to threats and intimidation, violently assaults and even murder.¹⁸² Muslim and Sinhalese human rights defenders, journalists and others who spoke out against the government or its policies were often accused by the government of having links with the LTTE and seen as undermining the government's war against terror.¹⁸³ The LTTE also targeted those within the Tamil community who did not see the LTTE as the sole representative of the Tamil community and who spoke up against the violence inflicted by the LTTE on civilians.¹⁸⁴

3.5 Freedom of Movement

While the law provides for freedom of movement, freedom to choose one's residence and freedom to return to the country, due to the conflict with the LTTE the government imposed additional checks on people travelling from the north and the east and on those travelling to Colombo.¹⁸⁵

According to Amnesty International, Government allied armed groups committed unlawful killings and enforced disappearances.¹⁸⁶ Enforced disappearances are a

¹⁷⁶ '2008 Human Rights Report – Sri Lanka', *US Department of State*, 25 February 2009, CISNET

¹⁷⁷ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁷⁸ "Media attacked in 'north and south'", *British Broadcasting Corporation (BBC)*, 25 June 2009, CX228983.

¹⁷⁹ "Media attacked in 'north and south'", *British Broadcasting Corporation (BBC)*, 25 June 2009, CX228983.

¹⁸⁰ 'Grenade attack on Tamil newspaper in Jaffna', *Reporters Without Borders*, 25 March 2009, CX228986.

¹⁸¹ 'Grenade attack on Tamil newspaper in Jaffna', *Reporters Without Borders*, 25 March 2009, CX228986.

¹⁸² 'Steadfast in Protest: Annual Report 2009', *The Observatory for the Protection of Human Rights Defenders*, 19 June 2009, CISLIB# 17509, p.351.

¹⁸³ 'Steadfast in Protest: Annual Report 2009', *The Observatory for the Protection of Human Rights Defenders*, 19 June 2009, CISLIB# 17509, p.352.

¹⁸⁴ 'Steadfast in Protest: Annual Report 2009', *The Observatory for the Protection of Human Rights Defenders*, 19 June 2009, CISLIB# 17509, p.353.

¹⁸⁵ '2008 Human Rights Report – Sri Lanka', *US Department of State*, 25 February 2009, CISNET

¹⁸⁶ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

DIAC-IN-CONFIDENCE

significant problem which have spread from the north and east to other parts of the country:

Enforced disappearances continued to be part of a pattern of abuse apparently linked to the government's counter-insurgency strategy. Enforced disappearances were reported in the north and east as well as previously unaffected parts of the country including in Colombo and the south. Many enforced disappearances took place inside high-security zones and during curfew hours.¹⁸⁷

A number of political and armed groups are responsible for human rights violations, including the Tamil Makkal Vidulthalai Pulikal (TMVP), the Eelam People's Democratic Party (EPDP) and armed groups allied to the government:

The government increasingly used allied armed groups to carry out its counter-insurgency strategy. At the Human Rights Council session in June, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions expressed concerns about the government relying extensively on paramilitary groups to maintain control in the East and, to a lesser extent in Jaffna, noting that there was evidence that these groups carried out extrajudicial executions.

The Tamil Makkal Vidulthalai Pulikal (TMVP), operating in the eastern provinces, continued to carry out unlawful killings, hostage-taking for ransoms, recruitment of child soldiers and enforced disappearances.

The Eelam People's Democratic Party (EPDP), operating in Jaffna Peninsula and the People's Liberation Organization of Tamil Eelam operating in Vavuniya District, were reportedly responsible for unlawful killings and enforced disappearances.¹⁸⁸

The TMVP, which had broken away from the LTTE and had been elected to political office in the east, was subject to attacks from the LTTE in the area and used armed militias, leading to increasing security and safety issues there as stated in this excerpt from an article in the *National Post* of September 2008:

“The east is no longer an active war zone but it has problems. Although a legitimate political party, the TMVP is still an armed faction with a militia that carries AK-47s. The TMVP has also been accused of election violations, forcible conscription of children and abductions of opponents.

In addition, the Tamil Tigers have re-infiltrated fighters back into the east to attack TMVP supporters and security officers.”¹⁸⁹

There have been serious restrictions on freedom of movement as a result of the conflict. In June 2007 the government attempted to expel several hundred Tamils from Colombo, which was halted by the Supreme Court.¹⁹⁰

The government reportedly engaged in the forced return of Tamil Internally Displaced Persons (IDPs) to insecure areas, and others were forced to move from 'high security zones' and 'special economic areas' in the north and east.¹⁹¹

¹⁸⁷ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

¹⁸⁸ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

¹⁸⁹ Stewart Bell, "Inside Sri Lanka: Your cash going to arms, say ex-rebels", *National Post*, 22 September 2008, CX210856.

¹⁹⁰ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

¹⁹¹ 'Freedom in the World Country Report Sri Lanka 2008', *Freedom House*, 2 July 2008, CX205329.

DIAC-IN-CONFIDENCE

Restrictions imposed by the LTTE made it extremely difficult for civilians to leave the Vanni for government areas. The LTTE required that the person leaving have a 'guarantor' – effectively a hostage – who remained in the LTTE-controlled area.¹⁹²

The LTTE forcibly recruited civilians within the Vanni, including children; in March 2009 the UN made a formal complaint to the LTTE for forcibly recruiting two of its local staff members and dependants including a 16 year old girl.¹⁹³

On 5 September 2008 the government advised that it could no longer guarantee the safety of aid workers in the Vanni and all international NGOs and the UN had to withdraw from the area.¹⁹⁴

In June 2009 the UN expressed concern over restrictions on freedom of movement of IDPs living in camps after the cessation of hostilities with the LTTE.¹⁹⁵

3.6 Property rights

Since August 2006 the emergency regulations have given security forces the power to seize property.¹⁹⁶ The Sri Lankan legal system recognises the right of married women to full ownership of property independent of their spouses.¹⁹⁷ According to the Women and Media Collective, state land distribution awards land to the male head of the household unless the man is dead or missing, which resulted in replacement houses for those lost in the tsunami being given to male heads of household in the east, even though Muslim women in the east owned almost 95 per cent of the properties that were destroyed.¹⁹⁸

3.7 War crimes

International human rights groups have called for an independent inquiry into war crimes allegedly committed by both sides during the final military battles in May 2009.¹⁹⁹ Human Rights Watch has claimed that there is 'very strong evidence' that the government committed war crimes in relation to firing on civilians in the last stages of the war.²⁰⁰

¹⁹² 'Human Rights Watch World Report Sri Lanka 2009', *Human Rights Watch*, 14 January 2009, CX218529.

¹⁹³ 'Thousands flee conflict-hit north', *Integrated Regional Information Network (IRIN) -United Nations*, 24 March 2009, CX228985.

¹⁹⁴ 'Steadfast in Protest: Annual Report 2009', *The Observatory for the Protection of Human Rights Defenders*, 19 June 2009, CISLIB# 17509, p.354.

¹⁹⁵ 'UN still concerned over "internment" of IDPs though 2,000 return north', *Internal Displacement Monitoring Centre (IDMC)*, 11 June 2009, CX228973.

¹⁹⁶ 'Privacy Goes Public in Sri Lanka', *Washington Post*, 3 March 2009, CX222348.

¹⁹⁷ 'Sri Lanka's Eastern Province: Land, Development, Conflict – Asia Report No. 159', *International Crisis Group*, 15 October 2008, CISLIB# 16622.

¹⁹⁸ 'Summary Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15 (C) of the Annex to Human Rights Council Resolution 5/1 - Sri Lanka', *United Nations Human Rights Council*, 25 March 2008, CISLIB# 15968.

¹⁹⁹ 'Sri Lanka Tamil Tigers say struggle for separate state will continue from exile', *The Times*, 17 June 2009, CX228292.

²⁰⁰ 'Sri Lanka says up to 5,000 civilians died in Tigers battle', *The Guardian*, 4 June 2009, CX228984.

3.8 Terrorist organisations

The LTTE are not listed as a terrorist organisation in Australia according to the Attorney-General's Department's listing published in May 2009.²⁰¹ The LTTE is however banned as a terrorist organisation in the USA, India, the European Union and Canada.²⁰²

According to the US State Department, during 2008

The LTTE attacked and killed a large number of civilians; engaged in torture, arbitrary arrest, and detention; denied fair, public trials; arbitrarily interfered with privacy; denied freedoms of speech, press, and assembly and association; and practiced extensive forced recruitment, including of children. The LTTE was active in areas, particularly in the south, that it did not control, attacking military and civilian targets, including public buses and trains, and conducting political assassinations.²⁰³

Since the conflict in Sri Lanka ended with a military defeat of the LTTE in May 2009, the remaining LTTE leaders have announced that the LTTE will continue as a separatist movement in exile and that a "provisional transnational government of Tamil Eelam" has been established.²⁰⁴

The Sri Lankan government has concerns that the LTTE will attempt to stage further terrorist incidents in Sri Lanka.²⁰⁵

According to Amnesty International, the Liberation Tigers of Tamil Eelam (LTTE) deliberately targeted civilians in the south in a string of attacks throughout 2008.²⁰⁶ Amnesty International reported that the LTTE or Tamil Tigers are responsible for a range of abuses towards civilians:

The LTTE increasingly carried out targeted attacks on civilians. According to the International Committee of the Red Cross, 180 civilians were killed and nearly 270 were injured in the first six weeks of 2008 in a series of attacks on civilian buses, railway stations and individuals in Colombo, Dambulla, Kebhitigollewa, Madhu, Okkampitiya and Welli Oya and Anuradhapura.

The LTTE imposed a strict pass system, hindering thousands of families from the Wannu region from moving to safer areas. They also sought to ensure that families returned to LTTE-controlled areas by forcing some family members to remain behind.

The LTTE punished those who resisted forced recruitment into the LTTE by holding them in detention centres. Child recruitment increased in LTTE-controlled areas of the Wannu region.²⁰⁷

²⁰¹ 'Listing of Terrorist Organisations', *Australia: Attorney-General's Dept (AGD)*, 20 May 2009, CX226917.

²⁰² '2008 Human Rights Report – Sri Lanka', *US Department of State*, 25 February 2009, CISNET

²⁰³ '2008 Human Rights Report – Sri Lanka', *US Department of State*, 25 February 2009, CISNET

²⁰⁴ 'Sri Lanka Tamil Tigers say struggle for separate state will continue from exile', *The Times*, 17 June 2009, CX228292.

²⁰⁵ "Tigers 'may cause incidents'", *BBC Sinhala*, 6 July 2009, CX229914.

²⁰⁶ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

²⁰⁷ 'Amnesty International Report 2009 - Sri Lanka', *Amnesty International*, 28 May 2009, CX227546.

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14 January 2009, CX218259.

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ATTACHMENT ONE: TIMELINE OF EVENTS

For a Timeline of Events see ‘Timeline: Sri Lanka conflict’, *The Guardian*, 18 May 2009, CX226549 and ‘Timeline: Sri Lanka’, *BBC News*, CX230045.²⁰⁸

²⁰⁸ ‘Timeline: Sri Lanka conflict’, *The Guardian*, 18 May 2009, CX226549; ‘Timeline: Sri Lanka’, *BBC News*, 18 May 2009, CX230045.

ATTACHMENT TWO: REGIONAL MAP

Source: UNHCR, <http://www.un.org/Depts/Cartographic/map/profile/srilanka.pdf>, accessed 16 July 2009. See also the same map of Sri Lanka showing provincial boundaries and provincial capitals at CISLIB# 15393.

