

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: LKA34697
Country: Sri Lanka
Date: 28 April 2009

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Questions

1. Deleted.
2. Deleted.
3. Is the TNA known to be sympathetic to the LTTE?
4. Is there any information about the treatment by the authorities (and the LTTE) of returned asylum seekers to Sri Lanka in general and returned Tamil asylum seekers in particular who had spent a considerable period in a western country?
5. A (brief) update of the conflict in Sri Lanka and any information about the greatest risk of persecution Tamils face at the moment (by the authorities or any other actors (such as the LTTE)).
6. Any information about the level of state protection afforded single Tamil women in Sri Lanka, if available.

RESPONSE

Preliminary Note

According to the latest analysis from *Reuters*, thousands of civilian lives are currently endangered as the Sri Lanka government troops wage war against the Tamil Tigers:

HOW MANY ARE TRAPPED?

That is the subject of great debate and confusion, but the International Committee of the Red Cross has said it is less than 50,000. The United Nations puts the number publicly at 50,000 and higher in private assessments. Sri Lanka's government estimates the number between 10,000 and 20,000. Diplomats say the number is immaterial with so many in harm's way. They are in a tiny strip of northern coast with the ocean to the east and a lagoon to the west, measuring no more than 13 square km (5 sq miles), according to the military.

...

HOW MANY HAVE ESCAPED?

By Friday, the military said it had registered more than 108,000 since the exodus began on Monday, when troops punched through an earthen barrier erected by the Tigers to block entry and exit. The government says more than 196,000 have left since the beginning of the year.

Doctors treating the wounded pouring out say they are suffering from horrific injuries from shelling and gunfire.

...

HOW ARE CONDITIONS FOR THOSE STILL TRAPPED?

Dangerous if not outright deadly. The Red Cross has said the situation was “nothing short of catastrophic” for those trapped and packed tightly into a tiny area. Food, water and medical care are in short supply, the Red Cross says. That is to say nothing of the fighting.

IF THINGS ARE SO BAD, WHY HAVEN'T THEY RUN?

The rebels have trapped them by shooting at those who try to escape, witnesses and a host of nations have said. The LTTE denies that. The government on Monday released video footage shot from an unmanned surveillance drone showing what it said were Tiger sentries firing at a packed group of several hundred people trying to escape along the beach (Hull, Bryson C. 2009, Q + A – Plight of civilians at end of Sri Lanka's war', *Reuters News* – Attachment 1)

Vulnerable civilians are attempting to escape to safety:

Tens of thousands of civilians trapped by fighting in Sri Lanka fled to safety today after the military smashed through one of the Tamil Tigers' last major defensive lines. Video footage released by the Sri Lankan defence ministry showed civilians pouring through a breach in an earth barrier which the rebels had been using to hold back the military onslaught.

The civilians waded through a lagoon towards the army's lines, some carrying possessions in bags on their heads.

The military clearly regards today's events as a major breakthrough in its stand-off against the last remnants of the Liberation Tigers of Tamil Eelam (LTTE), and is expected to step up its offensive after issuing a deadline of noon tomorrow for the rebels to surrender.

A senior UN official told the Guardian that the UN had been briefed by the Sri Lankan government to expect thousands more people to come out of the area in coming days.

But the UN children's fund, Unicef, warned that the civilians still trapped faced grave danger Chamberlain, G. 2009, (Thousands flee to safety as Sri Lanka breaks through Tamil Tigers' defence' 2009, *Guardian (Unlimited) (UK)*, 20 April – Attachment 2)

This is corroborated by the following report:

The US state department released satellite imagery on Tuesday night which appeared to show tens of thousands of civilians squeezed into the last small strip of land controlled by the Tamil Tiger rebels. It said the image showed about 25,000 tents packed into a coastal strip of about eight square miles (21 sq km).

Based on the number of tents, it estimated about 125,000 people were in the conflict zone before about 60,000 civilians escaped during the last two days, after the Sri Lankan military breached a major LTTE defensive position on Monday morning. UN officials also estimated yesterday that as many as 60,000 people remained inside the no-fire zone.

The Sri Lankan military also released new pictures yesterday showing civilians crossing sandy beaches holding rucksacks and bundles with their belongings on their heads. The pictures showed mothers holding children and others carrying sick relatives as they disembarked from boats after being escorted by the navy into government territory (Chamberlain, Gethin 2009, 'Hundreds of Sri Lankan civilians killed or wounded in no-fire zone, says Red Cross', *The Guardian*, 23 April

<http://www.guardian.co.uk/world/2009/apr/23/sri-lanka-tamil-tigers-war> – Accessed 23 April 2009 – Attachment 3)

1. Deleted.

2. Deleted.

3. Is the TNA known to be sympathetic to the LTTE?

Yes. In a recent report the Tamil National Alliance is referred to as:

TNA Tamil National Alliance, a coalition of smaller Tamil parties that support the LTTE, currently with 22 members in parliament, seven of whom represent the Eastern Province ('International Crisis Group 2009, 'Development assistance and conflict in Sri Lanka: Lesson from the Eastern Province', ICG website, 16 April, p.33 http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/ance_and_conflict_in_sri_lanka_lessons_from_the_eastern_province.pdf – Accessed 17 April 2009 – Attachment 6)

4. Is there any information about the treatment by the authorities (and the LTTE) of returned asylum seekers to Sri Lanka in general and returned Tamil asylum seekers in particular who had spent a considerable period in a western country?

A Research Response which addresses this issue is attached:

RRT Research & Information 2008, *Research Response LKA33109*, 20 March – Attachment 7)

5. A (brief) update of the conflict in Sri Lanka and any information about the greatest risk of persecution Tamils face at the moment (by the authorities or any other actors (such as the LTTE)).

The current situation is very tense:

The UN children's agency has raised concerns that the overcrowded internment camps to which civilians have been taken would be unable to cope with the influx of tens of thousands of people fleeing the fighting. Sarah Crowe, of Unicef, said it was facing a "human avalanche" and described the situation as being "on a knife edge".

...

The ministry of defence's website claimed that fighters of the Liberation Tigers of Tamil Eelam (LTTE) had fired on civilians attempting to cross out of the no-fire zone, while the rebels said 1,000 civilians died in a government raid on their territory which the military said freed thousands of noncombatants from the war zone. The military denied the accusation.

...

A Médecins sans Frontières team working at a ministry of health hospital in Vavuniya, near the no-fire zone, reported it had received more than 400 war wounded in the last 36 hours with surgeons working in "chaotic" conditions (Chamberlain, Gethin 2009, 'Refugee tide threatens to overwhelm camps in Sri Lanka, says UN', *The Guardian*, 21 April <http://www.guardian.co.uk/world/2009/apr/21/sri-lanka-refugee-camps> – Accessed 23 April 2009 – Attachment 8)

The LTTE fighters are expected to die to avoid surrender:

By the time Arulmathy and her fellow Tamil Tigers realised they were surrounded, it was too late. They had fallen asleep and now Sri Lankan soldiers were swarming into their bunker. Arulmathy watched aghast as 75 women she had fought beside for so many months reached

for their hand grenades, pulled the pins and blew themselves to pieces, as they had been ordered to do.

...

One UN worker described how a five-year-old boy was shot in the head as he tried to flee. Yesterday Sri Lankan forces claimed to have made further advances, killing 28 rebel fighters in fresh fighting on the edge of the no-fire zone. The military said 606 civilians managed to escape from the zone on Friday and the operation was continuing.

Doctors working in the no-fire zone say that over the past week they have treated hundreds of civilians, accusing the Sri Lankan government of shelling the zone; one claimed that about 50 civilians are dying every day. The government denies these charges and there is no way of proving the claims because independent media are barred from entering the area. The military says that, even when surrounded, many Tigers refused to surrender. Asked to explain how more than 500 Tigers had been killed in the most recent fighting, against an official military death toll of just 11, Brigadier Udaya Nanayakkara, the military spokesman, said the rebels had been cut off and were unable to get fresh supplies: "They were pretty much out of ammunition, but they were determined to fight to the end. It was hand-to-hand fighting" (Chamberlain, Gethin 2009, 'Sri Lanka conflict: 'Two of us fled. 75 other women killed themselves with grenades,' says Tamil Tiger' *The Guardian*, 12 April

<http://www.guardian.co.uk/world/2009/apr/12/sri-lanka-female-tamil-tigers>

Accessed 23 April 2009 – Attachment 9)

A TNA MP claims that the Sri Lankan army is deliberately targeting hospitals and internally displaced people ('Sri Lanka: Deliberate massacre, 'not crossfire' killing Tamil civilians – MP' 2009, Tamil net website, 4 February – Attachment 10)

Further analysis of the current situation for asylum seekers and their claims is contained in the following UK Home Office guidelines (UK Home Office 2009, '*Operational guidance note: Sri Lanka*', April – Attachment 11)

6. Any information about the level of state protection afforded single Tamil women in Sri Lanka, if available.

Although this recent report does not specifically address the issue of state protection for single Tamil women – it does outline the fact that state protection is not always effective in current times:

Where an asylum seeker is at risk of harm by a non-State actor, the analysis of the well-foundedness of his or her fear requires an examination of whether or not the State, including the local authority, is able and willing to provide protection...

the apparent impunity of which certain paramilitary groups are reportedly acting in areas under Government control, many asylum seekers from Sri Lanka will not have effective State protection from harm feared. In claims by individuals, including some ethnic Tamils from the North and East, politicians, journalists, human rights activists and others who do not support Government policies, even where the Government is not the agent of persecution, the possibility that State protection would be denied because of their individual profile, in particular, their ethnicity or real or imputed political views or affiliations, should be taken into consideration when assessing the risk of harm ('UN High Commissioner for Refugees 2009, 'UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka', UNHCR Refworld website, April, p.30 – <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April 2009 – Attachment 12).

List of Sources Consulted

Internet Sources:

Government Information & Reports

UK Home Office website <http://www.ind.homeoffice.gov.uk>

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

Immigration and Refugee Board Canada <http://www.irb-cisr.gc.ca/>

United Nations (UN)

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

Non-Government Organisations

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

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

International News & Politics

BBC News website <http://news.bbc.co.uk/>

The Guardian <http://www.guardian.co.uk/>

Le Monde <http://www.lemonde.fr/>

Region Specific Links

Tamil Net <http://www.tamilnet.com/>

Daily News <http://www.dailynews.lk>

The Sunday Times <http://www.sundaytimes.lk/index.html>

Search Engines

AlltheWeb search engine <http://www.alltheweb.com/>

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

Yahoo search engine <http://search.yahoo.com>

Copernic search engine

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

1. Hull, Bryson C. 2009, Q + A – Plight of civilians at end of Sri Lanka's war', *Reuters News*. ((FACTIVA))
2. Thousands flee to safety as Sri Lanka breaks through Tamil Tigers' defence' 2009, *Guardian (Unlimited) (UK)*, 20 April. (CISNET Sri Lanka CX224776)
3. Chamberlain, Gethin 2009, 'Hundreds of Sri Lankan civilians killed or wounded in no-fire zone, says Red Cross' *The Guardian*, 23 April <http://www.guardian.co.uk/world/2009/apr/23/sri-lanka-tamil-tigers-war> – Accessed 23 April 2009.
4. Deleted.
5. Deleted.

6. 'International Crisis Group 2009, 'Development assistance and conflict in Sri Lanka: Lesson from the Eastern Province', ICG website, 16 April
http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/ance_and_conflict_in_sri_lanka_lessons_from_the_eastern_province.pdf – Accessed 17 April 2009.
7. RRT Research & Information 2008, *Research Response LKA33109*, 20 March.
8. Chamberlain, Gethin 2009, 'Refugee tide threatens to overwhelm camps in Sri Lanka, says UN' *The Guardian*, 21 April
<http://www.guardian.co.uk/world/2009/apr/21/sri-lanka-refugee-camps> – Accessed 23 April 2009.
9. Chamberlain, Gethin 2009, 'Sri Lanka conflict: 'Two of us fled. 75 other women killed themselves with grenades,' says Tamil Tiger' *The Guardian*, 12 April
<http://www.guardian.co.uk/world/2009/apr/12/sri-lanka-female-tamil-tigers>
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10. 'Sri Lanka: Deliberate massacre, 'not crossfire' killing Tamil civilians – MP' 2009, Tamil net website, 4 February. (CISNET CX219969)
11. UK Home Office 2009, '*Operational guidance note: Sri Lanka*', April.
12. 'UN High Commissioner for Refugees 2009, 'UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka', UNHCR Refworld website,
April, – <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April 2009.