

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

- 1. Are elderly males and females, living in Colombo but originally from Jaffna, likely to come to the adverse attention of the Sri Lankan forces and authorities?**
- 2. Would they be imputed with a pro-LTTE profile?**
- 3. What avenues of complaint would such persons have if they were treated badly by the government authorities if they were to return to Sri Lanka?**
- 4. Would their departure from Sri Lanka have been possible in mid 2009?**
- 5. If so, what is likely to happen to them at the hands of the authorities?**

**RESPONSE**

**Relevant reports on Tamils in Colombo since May 2009**

On 14 October 2009 the Colombo post of Australia's Department of Foreign Affairs and Trade (DFAT) provided advice with regard to the situation of Tamils in Colombo (DIAC Country Information Service 2009, *Country Information Report No. 09/75 – Treatment of Tamils – Colombo airport, search operations, disappearances, checkpoints and residency*, (sourced from DFAT advice of 12 October 2009), 14 October – Attachment 1).

Over the period 23–29 August 2009 the UK Home Office undertook an advice gathering exercise on the situation for Tamils in Colombo since the conflict ended in May 2009. Sources include Sri Lankan government officials, NGOs, the UN High Commissioner for Refugees (UNHCR), the Australian High Commission, the Embassy of Switzerland and the International Organization for Migration (IOM). The subsequent report provides information

on: “Treatment of Tamils at Colombo Airport”; “Cordon and search operations since June 2009”; “Abductions and disappearances since June 2009”; “Checkpoints/road blocks in Colombo/Gampaha”; and “Feasibility of residency in Colombo after June 2009” (UK Home Office 2009, *Report of Information Gathering Visit to Colombo, Sri Lanka 23-29 August 2009*, August – Attachment 2).

The latest UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka are included here as Attachment 3. The guidelines were published in April 2009, before the end of the conflict. UNHCR released a further note regarding the continuing validity of the guidelines in July 2009, after the conclusion of the conflict. In this note UNHCR states: “Notwithstanding the end of the hostilities, the human rights situation in Sri Lanka remains of concern to UNHCR. UNHCR considers the observations and recommendations in the April 2009 Guidelines remain valid and should be taken into consideration when assessing the eligibility of asylum seekers from Sri Lanka under the 1951 Convention” (UN High Commissioner for Refugees 2009, ‘UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka’, UNHCR website, April <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April – Attachment 3; UN High Commissioner for Refugees 2009, *Note on the Applicability of the 2009 Sri Lanka Guidelines*, UNHCR Refworld website, July <http://www.unhcr.org/refworld/docid/4a6817e22.html> – Accessed 30 November 2009 – Attachment 4).

**1. Are elderly males and females, living in Colombo but originally from Jaffna, likely to come to the adverse attention of the Sri Lankan forces and authorities?**

Sources indicate that those most likely to come to the adverse attention of the Sri Lankan forces and authorities are young Tamil males originating from the north and east of the country. However, according to UNHCR, “Tamils who were born in the North or the East and are outside of the region, in particular those who reside in or seek to enter Colombo”, are also among those most likely to be suspected of LTTE affiliations, and are, therefore, at significant risk of suffering serious human rights violations (p. 22). UNHCR further states: “Given the wide range of profiles of the victims of reported incidents, it is not possible to identify particular categories of Tamils from the North who would not have a reasonable possibility of experiencing serious harm” (p. 29). UNHCR notes that human rights violations against Tamils in and from the North have affected men and women of all ages (p. 28). The UK Home Office fact-finding mission report indicates that in general young male Tamils originating from the north and east of the country are most likely to come to the adverse attention of Sri Lankan authorities. The report also lists other factors which would render a Tamil person in Colombo of interest to authorities including: those without employment or “legitimate” purpose for being in Colombo, those without ID, those recently returned from the West (UN High Commissioner for Refugees 2009, ‘UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka’, UNHCR website, April <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April – Attachment 3; UK Home Office 2009, *Report of Information Gathering Visit to Colombo, Sri Lanka 23-29 August 2009*, August, p. 6 – Attachment 2).

The UNHCR ‘Note on the Applicability of the 2009 Sri Lanka Guidelines’, dated July 2009, observed:

The country of origin information that UNHCR has considered indicates that Tamils from the North of Sri Lanka continue to face a significant risk of suffering serious human rights violations in the region (and elsewhere in the country) because of their race (ethnicity) or (imputed) political opinion (UN High Commissioner for Refugees 2009, *Note on the Applicability of the 2009 Sri Lanka Guidelines*, UNHCR Refworld website, July <http://www.unhcr.org/refworld/docid/4a6817e22.html> – Accessed 30 November 2009 – Attachment 4).

The UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka provides details of the then current situation in and around Colombo. UNHCR states that continuing LTTE attacks have placed Tamils in Colombo under suspicion, particularly those originating from the north:

As a result of the ongoing LTTE attacks on Government and civilian targets in the country, which have included suicide attacks by Tamil men and women, Tamils, in particular those originating from the North and East have been under suspicion. Wide scale arrests and detention of Tamils have been reported throughout the country. As in the North and the East, they are frequently associated with cordon and search operations and frequently follow bombings or other attacks by the LTTE. Tamils who are without proper identity documents are more likely to be arrested and detained in these operations.

In Colombo and the surrounding areas, heightened security measures have been implemented to prevent LTTE attacks. Cordon and search operations, roundups and arrests of Tamils, in particular Tamils from the North and East, are regularly reported in Colombo. In the fall of 2008, all citizens coming to Colombo and the Western Province from war affected regions, including all those who arrived within the past five years, were required to register with the police. The Colombo police have just announced a further registration for all residents from the North and East who were not registered in the earlier exercises and have stated that they intend to carry out a massive search operation after the deadline to identify and prosecute those who fail to register. The Government has stated that the registration exercises are necessary to ensure security in the capital, including the security of Tamils, and that all of the bombs and devices thus far intercepted have been located in Tamil areas of the capital.

The Government has been heavily criticized for the high number of Tamils who have been subjected to arrest and security detention, particularly on the basis of information gathered in registration exercises and questioning at cordons and road checkpoints in and around the capital. In October 2008, Sri Lanka’s Deputy Minister of Vocational and Technical Training, P Radhakrishnan, accused the police of arresting “five to 10 Tamil people” every day in Colombo and its suburbs using information from the registration exercises in Colombo. He claimed that there were over 1,000 Tamils already in security detention and that anybody carrying identity cards with addresses from rebel-held areas was immediately arrested (UN High Commissioner for Refugees 2009, ‘UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka’, UNHCR website, April, pp. 13-14 <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April – Attachment 3).

Further:

The significant majority of reported cases of human rights violations in Sri Lanka involve persons of Tamil ethnicity who originate from the North and East. These individuals are at risk within these regions, and in other parts of Sri Lanka, by Government actors, the TMVP and other pro-Government paramilitary groups as well as the LTTE, because of their race (ethnicity) and/or (imputed) political opinion.

In Government-controlled areas, Tamils who originate from the North and the East, which are, or have been under LTTE control, are frequently suspected as being associated with the LTTE. For this reason, Tamils from the North and the East are at heightened risk of human rights violations related to the implementation of anti-terrorism and anti-insurgency measures. While this risk exists in all parts of Sri Lanka, it is greatest in areas in which the LTTE remains active, and where security measures are heaviest, in particular the North and parts of the East, and in and around Colombo.

Because of the heavy reliance of the LTTE on support and assistance of Tamils in areas which they have administered or controlled, which has included mandatory military training and recruitment of men and women and children, the use of civilians, including women in suicide attacks, and the requirement that civilians provide financial and other support for LTTE activities, few Tamils from these regions are without ties to the LTTE. Those who are vulnerable to suspicion of having LTTE ties are, therefore, not limited to individuals who are presently actively engaged in LTTE activities and/or carrying out acts related to the armed conflict. Categories of Tamils from the North and East who are most likely to be suspected of LTTE affiliations, and are, therefore, at significant risk of suffering serious human rights violations, include, but are not limited to:

- Young Tamil males, in particular those who are not able to establish their affiliation with the TMVP, or one of the other pro-Government Tamil groups
- Tamils, male or female, who were trained by the LTTE, in particular those who have served with LTTE fighting forces
- Tamils who are not in possession of proper civil documentation, such as National Identity Cards
- Tamils who have had contacts with the political offices that the LTTE opened in several areas of the North and the East after the signing of the Cease Fire Agreement of 2002
- **Tamils who were born in the North or the East who and are outside of the region, in particular those who reside in or seek to enter Colombo** [researcher emphasis added] (UN High Commissioner for Refugees 2009, 'UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka', UNHCR website, April, pp. 21-22 <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April – Attachment 3).

UNHCR also states: “In Colombo there is a large population of ethnic Tamils who have been living in the area for generations. Tamils who originate from this region have also been subjected to greater scrutiny and suspicion and are at risk of human rights violations associated with the security and counter-terrorism measures described above” (UN High Commissioner for Refugees 2009, ‘UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka’, UNHCR website, April, p. 23 <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April – Attachment 3).

A report published in 2006 by the Hotham Mission Asylum Seeker Project notes that Tamils originally from Jaffna who are residing in Colombo are often imputed to be associated with the LTTE and face problems at checkpoints and during searches. The report gives the example of a long-term resident of Colombo:

One human rights group reported the case of a Tamil woman who had moved to Colombo 10 years ago, and bought her own home, living as a permanent resident there. However her ID card said that she is from Jaffna. She was caught in a generalised round up and taken to station with many others. All were scrutinised person by person. Eventually all of the Tamils caught were kept in custody, the others released. The woman’s family (including children) did not know where she was when she did not return home as expected, as they were not informed by police of her arrest as is the regulation. The woman’s sister, brother and children went looking for her at a number of police stations, asking if Tamil people had been rounded up there. The brother explained that the woman was a permanent resident. The police continued to suspect her because she was from an LTTE area (Hotham Mission Asylum Seeker Project 2006, *Hotham Mission field trip to Sri Lanka: Security, protection and humanitarian concerns and implications for Sri Lankan asylum seekers in Australia*, 15 November, p. 33 – Attachment 5).

According to information in the UK Home Office fact-finding mission report and the October 2009 advice from DFAT, security measures have not lessened in Colombo since the end of the conflict. The Emergency Regulations continue to be renewed and media articles continue to report on fears of terrorism in Sri Lanka, and associated searches and arrests especially in Tamil majority suburbs (UK Home Office 2009, *Report of Information Gathering Visit to Colombo, Sri Lanka 23-29 August 2009*, August – Attachment 2; DIAC Country Information Service 2009, *Country Information Report No. 09/75 – Treatment of Tamils – Colombo airport, search operations, disappearances, checkpoints and residency*, (sourced from DFAT advice of 12 October 2009), 14 October – Attachment 1; for a selection of recent media articles reporting fears of attacks and arrests of LTTE suspects, see: Tighe, P. 2009, ‘Sri Lanka says Emergency Rule Needed for “Shadows of Terrorism”’, *Bloomberg*, 13 November <http://www.bloomberg.com/apps/news?pid=20601091&sid=aYHx.g.gBtvQ#> – Accessed 30 November 2009 – Attachment 6; Tighe, P. 2009, ‘Sri Lanka Still Threatened by Separatist Forces, Rajapaksa Says’, *Bloomberg*, 20 October <http://www.bloomberg.com/apps/news?pid=20601091&sid=aA8imGnzZefo> – Accessed 30 November 2009 – Attachment 7; ‘Search for LTTE cadres planning terror attacks’ 2009, Official Website of the Government of Sri Lanka, 31 August [http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca200908/20090831search\\_for\\_ltte\\_cadres\\_planning\\_terror\\_attacks.htm#top](http://www.priu.gov.lk/news_update/Current_Affairs/ca200908/20090831search_for_ltte_cadres_planning_terror_attacks.htm#top) – Accessed 30 November 2009 – Attachment 8; Reddy, M. 2009, ‘Three attempts were made on Rajapaksa’s life: Army’, *The Hindu*, 13 June <http://www.hindu.com/2009/06/13/stories/2009061356351400.htm> – Accessed 30 November 2009 – Attachment 9).

## Other information

An article dated 18 July 2009 in *The National* reports on the situation for Tamils living in Wellawatte. The article describes a situation where Sinhalese and Tamils live “side by side in a state of amity” but also details the fears held by some Tamils in the community despite the end of the war (Samath, F. 2009, ‘After war, peaceful Tamils long for daily tensions to end’, *The National*, 18 July

<http://www.thenational.ae/apps/pbcs.dll/article?AID=/20090718/FOREIGN/707179745/1103/NEWS> – Accessed 30 July 2009 – Attachment 10. Also see: ‘Sri Lanka’s Tamils Voice Misgivings’ 2009, *New York Times*, 21 May

[http://www.nytimes.com/2009/05/21/world/asia/21lanka.html?\\_r=2](http://www.nytimes.com/2009/05/21/world/asia/21lanka.html?_r=2) – Accessed 30 July 2009 – Attachment 11).

For more information on the expulsion of elderly Tamils from Colombo in June 2007, see the Human Rights Watch statement dated 7 June 2009, included here as Attachment 12. A June 2007 article found on the *Counter Currents* website reports that a number of elderly Tamils were among those expelled from Colombo during the raids (‘Sri Lanka; End Expulsion of Tamils from Colombo’ 2007, Human Rights Watch website, 7 June <http://www.hrw.org/en/news/2007/06/07/sri-lanka-end-expulsion-tamils-colombo> – Accessed 30 November 2009 – Attachment 12; Sunil, W. 2007, ‘Hundreds of Tamils Forcibly Expelled From Colombo’, *Counter Currents*, 12 June <http://www.countercurrents.org/sunil120607.htm> – Accessed 30 November 2009 – Attachment 13).

## 2. Would they be imputed with a pro-LTTE profile?

The following information is in addition to that provided in Question 1. As noted in Question 1, both the UNHCR guidelines and the Hotham Mission report indicate that Tamils originating from the north are likely to be imputed with a pro-LTTE profile (UN High Commissioner for Refugees 2009, ‘UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka’, UNHCR website, April <http://www.unhcr.org/refworld/docid/49de0b62.html> – Accessed 15 April – Attachment 3; Hotham Mission Asylum Seeker Project 2006, *Hotham Mission field trip to Sri Lanka: Security, protection and humanitarian concerns and implications for Sri Lankan asylum seekers in Australia*, 15 November – Attachment 5).

A 10 August 2009 *BBC News* article reports that the government was screening everyone in the camps “except young children and the elderly, for possible links with the Tigers” (Haviland, C. 2009, ‘Colombo “must free” war refugees’, *BBC News*, 10 August <http://news.bbc.co.uk/2/hi/8194205.stm> – Accessed 30 November 2009 – Attachment 14)

A 2002 Immigration and Refugee Board of Canada issues paper reports on recruitment in LTTE-controlled areas. According to sources consulted by the Immigration and Refugee Board, there were no recent reports of elderly individuals being recruited by the LTTE, but the LTTE was providing training to older people:

The lawyer with the Institute of Human Rights stated that he was not aware of any recent reports of elderly individuals being recruited by the LTTE. However, the lawyer added that the LTTE is providing training to older people, particularly in the region of Batticaloa, so that they might serve as “home guards” in areas under its control. According to UNHCR,

recruitment of elderly persons appears limited to service in “border control units.” This has been going on for some time.

Furthermore, the treasurer of the Forum for Human Dignity stated that while LTTE recruitment activities are focussed on children, other individuals, including the elderly, are required periodically to undertake two or three days of volunteer labour. Individuals can either perform this work themselves, or pay someone else to do it on their behalf (Immigration and Refugee Board of Canada 2002, *Security and Human Rights Situation, Entry and Exit Procedures and Personal Documentation – Report on joint fact-finding mission to Sri Lanka – Danish Immigration Service Copenhagen, Denmark, May, Section IV, 1.3 – Attachment 15*).

### **3. What avenues of complaint would such persons have if they were treated badly by the government authorities if they were to return to Sri Lanka?**

A number of reports have been released since the cessation of the conflict discussing the ongoing problem of impunity for human rights violations in Sri Lanka. UNHCR states: “There are growing concerns regarding the rule of law, the administration of justice and the investigation and punishment of criminal acts, including serious violations of human rights” (p. 2). The guidelines include a subsection on impunity, which quotes a statement by a group of 10 UN independent experts in which they expressed their “deep concern at the deteriorating human rights situation in Sri Lanka, particularly the decreasing space for critical voices and the fear of reprisals against victims and witnesses which – together with a lack of effective investigations – has led to unabated impunity for human rights violations” (p. 20) (UN High Commissioner for Refugees 2009, ‘UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka’, UNHCR website, April <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April – Attachment 3. For other detailed reports discussing the problem of impunity and the state of the judiciary in Sri Lanka, see: International Crisis Group 2009, *Sri Lanka’s Judiciary: Politicised Courts, Compromised Rights*, Asia Report N° 172, 30 June – Attachment 16; International Bar Association 2009, ‘Justice in retreat: A report on the independence of the legal profession and the rule of law in Sri Lanka’, May <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=FOC40FB2-3035-4B20-86B7-F66AA00BC2D9> – Accessed 15 June 2009 – Attachment 17).

A *Far Eastern Economic Review* article dated 4 September 2009 discusses access to justice for Tamils and the state of the judiciary in Sri Lanka. The article states that “the Human Rights Commission has a mandate to investigate grievances against abuse by the state”. The article reports claims, however, that the HRC is ineffective as its independence has been compromised. The article states:

Ruki Fernando, a program coordinator at Colombo-based advocacy group Law and Society Trust, says that the HRC is ineffective because its independence has been compromised. It has denounced the LTTE’s abuses and investigated police abuse of Sinhalese Buddhists in the past, but has not made public statements about “blatant abuse” against Tamils. To his knowledge, there have been no major investigations or public reports about violations of the rights [of] Tamil people by the state (Shah, A. 2009, ‘Colombo’s Rough Justice for Tamils’, *Far Eastern Economic Review*, 4 September – Attachment 18).

Section 8 of the latest UK Home Office country of origin information (COI) report (June 2009) also contains relevant information. The section 'Avenues of Complaint' collates information from various sources including UNHCR, US Department of State (USDOS), Amnesty International and Human Rights Watch (HRW). All of these sources concur that impunity remains a serious problem. The subsection on the Human Rights Commission of Sri Lanka collates information from the USDOS and HRW, which concur that the HRC does not function effectively. There is also a subsection on 'Police abuses: investigations and prosecutions'. The sources cited include a 2008 HRW report which states that there is "systemic impunity enjoyed by members of the security forces and pro-government armed groups for abuses they commit" (UK Home Office 2009, *Country of Origin Information Report: Sri Lanka*, June, Section 8 – Attachment 19).

#### **4. Would their departure from Sri Lanka have been possible in mid 2009?**

No information was found to indicate that such persons would have been unable to depart Sri Lanka in July 2009, although reports were found of alleged LTTE operatives arrested at Colombo airport. The following information from the latest UK Home Office COI report may be useful.

The latest UK Home Office COI report has a section on exit-entry procedures. The section cites an August 2008 letter from the British High Commission (BHC) in Colombo which notes the lax security at Colombo Bandaranaike Airport and states that there are "concerns about corruption amongst staff at all levels, the quality of the staff conducting checks, screenings and searches, and the amount of training that they receive". The report has the following information on exit procedures:

33.03 The BHC letter of 28 August 2008 recorded that:

"For departing passengers, staff and visitors to the airport there is a permanent checkpoint manned by the Sri Lankan Air Force, positioned on the airport road leading to the terminal buildings... Departing passengers often have to produce confirmation of ticketing and/or a passport... During heightened security situations the number of checkpoints may increase along the roads leading to the airport, especially along the main A3 from Colombo. The police or the military can man these.

"The airport is split into two main terminal buildings, departure and arrivals areas. The departure area is restricted to departing passengers, staff, and visitors holding a 'day pass' issued from an adjacent ticket booth. Persons obtaining a 'day pass' have to produce a copy of their ID card or passport or driving licence, plus present the original document. Their details are recorded manually in a register. Before entering the departure terminal a security guard requires evidence of airline ticketing (and sometimes passports), staff ID cards or a day pass. Persons not holding these documents are not allowed into to [sic] the departure terminal... From the departure area there are two security gates to the check-in area... The security guards ask for either a staff ID card or evidence of ticketing and will only allow persons to pass who have produced these documents. Persons holding a 'day pass' are not allowed into the check-in area." [15u]

33.04 The BHC letter of 28 August 2008 continued:

“At the check-in desks, passengers have to produce their passports to airline staff and go through check-in procedures. Having checked-in, passengers then proceed to another security gate, where they produce their passport and boarding card in order to enter the Department of Immigration & Emigration area. All passengers must complete a departure card and then queue at an immigration officer’s desk. Passengers must present their passport, departure card and boarding pass to the immigration officer. The immigration officer will swipe the passport onto the IED Border Control System database... Having passed through the immigration control, passengers proceed to the main departure lounge. There are further security checks conducted when passengers arrive at the boarding gate... There is then a further boarding card check conducted by airline staff prior to entering the holding lounge. On many flights with European destinations and some with onward connections to Europe/N.America, Airline Liaison Officers from several overseas missions and/or trained airline document checkers make further checks on passenger’s passports to check their admissibility in their destination countries.” [15u]

33.05 The BHC letter of 28 August 2008 also recorded that:

“There is evidence to suggest that boarding card switches take place and what is quite disconcerting is the number of non-passengers appearing at departure gates. These regularly include off-duty staff members and members of the military and police, but often just accompanied and/or unaccompanied visitors. Transit passengers can spend several hours/days at the airport without any security checks whatsoever and are allowed to completely avoid border control agencies. Since a high profile security breach at the airport in October 2007, staff had been instructed not to escort persons through security and immigration controls, yet members of staff still routinely do this whilst escorting passengers joining connecting flights within the terminal. Furthermore, locked doors separating arriving and departing passengers on piers leading to airbridges often remain unlocked, enabling persons to walk unhindered past security checks and onto aircraft.” [15u]

33.06 A further letter from the BHC, Colombo, dated 1 October 2008 reported:

“As far as we have been able to establish, Immigration officers are notified [of bail/reporting conditions] only when court decides to impound the suspect’s passport or an arrest warrant is issued, and there is no other mechanism to ensure that the Immigration Officers are aware of such instances. Apart from these Court powers, Immigration Officers have no power in law to prevent persons embarking. The other method, which is rare and case specific, is that the State Intelligence Service (SIS) can inform Immigration Officers of individuals suspected of terrorist activity and those on a wanted list. Without court sanction the Immigration officers are powerless to put an individual in detention if they are otherwise satisfied that they have a right to enter or live in Sri Lanka” (UK Home Office 2009, *Country of Origin Information Report: Sri Lanka*, June, Section 33 – Attachment 19).

The latest UK Home Office information bulletin on Sri Lanka (October 2009) describes arrests of Tamils at Sri Lanka’s international airport in July/August. The individuals were believed to be active members of the LTTE (UK Home Office 2009, *Country of Origin Information Bulletin – Sri Lanka*, 13 October, Section 2.03 – 2.05 <http://www.homeoffice.gov.uk/rds/pdfs09/bulletin-sri-lanka-131009.doc> – Accessed 27 November 2009 – Attachment 20)

## 5. If so, what is likely to happen to them at the hands of the authorities?

DFAT provided advice on 12 October 2009 on the treatment of Tamils, including failed asylum seekers, arriving at Colombo airport (DIAC Country Information Service 2009, *Country Information Report No. 09/75 – Treatment of Tamils – Colombo airport, search operations, disappearances, checkpoints and residency*, (sourced from DFAT advice of 12 October 2009), 14 October – Attachment 1).

The UK Home Office fact-finding mission report provides information on treatment of Tamils arriving at Colombo airport (UK Home Office 2009, *Report of Information Gathering Visit to Colombo, Sri Lanka 23-29 August 2009*, August – Attachment 2).

The June 2009 UK Home Office COI report has a section on treatment of returned failed asylum seekers (UK Home Office 2009, *Country of Origin Information Report: Sri Lanka*, June, Section 33.09 – 33.17 – Attachment 19).

Also see the UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka (UN High Commissioner for Refugees 2009, ‘UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka’, UNHCR website, April <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April – Attachment 3).

### List of Sources Consulted

#### Internet Sources:

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

#### Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

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

RRT Library Catalogue

### List of Attachments

1. DIAC Country Information Service 2009, *Country Information Report No. 09/75 – Treatment of Tamils – Colombo airport, search operations, disappearances, checkpoints and residency*, (sourced from DFAT advice of 12 October 2009), 14 October. (CISNET Sri Lanka CX234989)
2. UK Home Office 2009, *Report of Information Gathering Visit to Colombo, Sri Lanka 23-29 August 2009*, August.
3. UN High Commissioner for Refugees 2009, ‘UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka’, UNHCR website, April <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April.

4. UN High Commissioner for Refugees 2009, *Note on the Applicability of the 2009 Sri Lanka Guidelines*, UNHCR Refworld website, July  
<http://www.unhcr.org/refworld/docid/4a6817e22.html> – Accessed 30 November 2009.
5. Hotham Mission Asylum Seeker Project 2006, *Hotham Mission field trip to Sri Lanka: Security, protection and humanitarian concerns and implications for Sri Lankan asylum seekers in Australia*, 15 November. (RRT Library General Papers)
6. Tighe, P. 2009, ‘Sri Lanka says Emergency Rule Needed for “Shadows of Terrorism”’, *Bloomberg*, 13 November  
<http://www.bloomberg.com/apps/news?pid=20601091&sid=aYHx.g.gBtvQ#> – Accessed 30 November 2009.
7. Tighe, P. 2009, ‘Sri Lanka Still Threatened by Separatist Forces, Rajapaksa Says’, *Bloomberg*, 20 October  
<http://www.bloomberg.com/apps/news?pid=20601091&sid=aA8imGnzZefo> – Accessed 30 November 2009.
8. ‘Search for LTTE cadres planning terror attacks’ 2009, Official Website of the Government of Sri Lanka, 31 August  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca200908/20090831search\\_for\\_ltte\\_cadres\\_planning\\_terror\\_attacks.htm#top](http://www.priu.gov.lk/news_update/Current_Affairs/ca200908/20090831search_for_ltte_cadres_planning_terror_attacks.htm#top) – Accessed 30 November 2009.
9. Reddy, M. 2009, ‘Three attempts were made on Rajapaksa’s life: Army’, *The Hindu*, 13 June  
<http://www.hindu.com/2009/06/13/stories/2009061356351400.htm> – Accessed 30 November 2009.
10. Samath, F. 2009, ‘After war, peaceful Tamils long for daily tensions to end’, *The National*, 18 July  
<http://www.thenational.ae/apps/pbcs.dll/article?AID=/20090718/FOREIGN/707179745/1103/NEWS> – Accessed 30 July 2009.
11. ‘Sri Lanka’s Tamils Voice Misgivings’ 2009, *New York Times*, 21 May  
[http://www.nytimes.com/2009/05/21/world/asia/21lanka.html?\\_r=2](http://www.nytimes.com/2009/05/21/world/asia/21lanka.html?_r=2) – Accessed 30 July 2009.
12. ‘Sri Lanka; End Expulsion of Tamils from Colombo’ 2007, Human Rights Watch website, 7 June  
<http://www.hrw.org/en/news/2007/06/07/sri-lanka-end-expulsion-tamils-colombo> – Accessed 30 November 2009.
13. Sunil, W. 2007, ‘Hundreds of Tamils Forcibly Expelled From Colombo’, *Counter Currents*, 12 June  
<http://www.countercurrents.org/sunil120607.htm> – Accessed 30 November 2009.
14. Haviland, C. 2009, ‘Colombo “must free” war refugees’, *BBC News*, 10 August  
<http://news.bbc.co.uk/2/hi/8194205.stm> – Accessed 30 November 2009.
15. Immigration and Refugee Board of Canada 2002, *Security and Human Rights Situation, Entry and Exit Procedures and Personal Documentation – Report on joint fact-finding mission to Sri Lanka – Danish Immigration Service Copenhagen, Denmark*, May.

16. International Crisis Group 2009, *Sri Lanka's Judiciary: Politicised Courts, Compromised Rights*, Asia Report N° 172, 30 June.
17. International Bar Association 2009, 'Justice in retreat: A report on the independence of the legal profession and the rule of law in Sri Lanka', May <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=F0C40FB2-3035-4B20-86B7-F66AA00BC2D9> – Accessed 15 June 2009.
18. Shah, A. 2009, 'Colombo's Rough Justice for Tamils', *Far Eastern Economic Review*, 4 September. (FACTIVA)
19. UK Home Office 2009, *Country of Origin Information Report: Sri Lanka*, June.
20. UK Home Office 2009, *Country of Origin Information Bulletin – Sri Lanka*, 13 October <http://www.homeoffice.gov.uk/rds/pdfs09/bulletin-sri-lanka-131009.doc> – Accessed 27 November 2009.