



Australian Government
Refugee Review Tribunal

Country Advice

Sri Lanka

Sri Lanka – LKA36049 – Colombo –
Tamils – Security situation – LTTE –
Abductions
5 February 2010

1 Can you provide an update on the current security situation for Tamils living in Colombo, particularly since the cessation of the war with the LTTE?

Presidential Elections

On 26 January 2010 Sri Lankans voted in the first election that took place since the Liberation Tamil Tigers of Tamil Eelam (LTTE) were defeated under the leadership of President Mahinda Rajapaksa. President Rajapaksa obtained 57.8% of the vote, whereas his opponent General Sarath Fonseka, the former head of the army, received 40%. General Fonseka has accused the government of trying to kill him by removing his personal security detail and has indicated that he will begin legal proceedings to have the election results annulled.

Colombo

The general atmosphere in Colombo, the capital city, is subdued and there were no reports of major incidents. Colombo voters favoured Fonseka over Rajapaksa. Tamils are reported to be dissatisfied with the elections results as they hold little hope of an improvement in their conditions. One source in Wellawata, a predominantly Tamil area in Colombo, states:

Sellar Yoganathan, 52, who works for an airport pick-up service, said: "Tamil people are not so satisfied with the result. For 30 years we had to face the war. The results coming in show that most of the Tamil areas voted for Sarath Fonseka – Jaffna, Batticaloa, Puttalam etc."¹

No recent LTTE activity in Sri Lanka

According to the latest assessment of 11 January 2010, by the International Crisis Group, there has been no evidence of recent LTTE militant activity since they were defeated by government forces in 2009:

Following their crushing military defeat, there has been no sign of renewed LTTE militancy. The killing of virtually the entire political and military leadership, combined with the August 2009 arrest of the LTTE's international leader, and would-be successor to Prabhakaran, S. Pathmanathan, or K.P., has crippled the organisation. The Sri Lankan military continues to discover large amounts of stockpiled weapons and explosives throughout the Northern Province, but the Tigers appear to have lost the command and control capabilities necessary for terrorist operations. (p14)²

¹ Fernando, S. and Tran, M. 2010, 'President Mahinda Rajapaksa wins Sri Lanka election', *The Guardian*, 28 January – Attachment 1

² International Crisis Group 2010, "Sri Lanka: Bitter Peace", International Crisis Group website, 11 January, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf - Accessed 28 January 2010 – Attachment 4

Collapse of the rule of law

There is marginal improvement in the human rights situation; however, the elections were held in an environment which favoured abuses of the rule of law. The State of Emergency regulations continue to be in force. The current repressive political climate is described by the International Crisis Group report:

C. AUTHORITARIANISM AND THE COLLAPSE OF THE RULE OF LAW

Elections will take place in a context where state officials and those working for them can violate the law with impunity and where the rule of law has largely collapsed. The Rajapaksa regime – in which the president's brothers Basil, his special adviser and de facto prime minister, and Gotabhaya, the defence secretary, play central roles – has shown it is willing to use extra-legal means to crush public dissent and weaken its political opposition. They have relied on emergency laws, popular fears of terrorism, and latent anti-Tamil sentiments to maintain their power and have continued to do so after the military victory. The human rights situation has slightly improved since the end of the war, with very few reports of extrajudicial killings, abductions and enforced disappearances received in the final months of 2009. Nonetheless, the structures that enable violations and impunity – chiefly the anti-terrorism regulations promulgated under the state of emergency and the Prevention of Terrorism Act – remain in place. (p17 -18) (see Footnote 2)

Targetting of Tamils

Tamils are also targeted for household checking, and a visitor residing in an unregistered household is liable to be taken into police custody - as is reported by Tamil Net, a pro-Tamil website:

The new Inspector General of Police (IGP), Mahinda Balasooriya, on his assumption of duty has reimposed checking of house holds of Tamil residents in Colombo. In a repetition as in the LTTE war period, police personnel have been instructed to question any visitor lodged in a residence not registered with the respective police station in the area and to take any person living in a household unregistered into police custody, sources in Colombo said.³

A recent Research Response (1 December 2009) is attached for your information⁴. It contains information on the situation for Tamils in Colombo, the heightened security measures currently in place in Colombo and how this affects Tamils in particular, as well as the overall risks which a Tamil person may incur.

³ 'Household checking by police in Colombo reimposed' 2009, Tamil Net website, 10 November <http://www.tamilnet.com/art.html?catid=13&artid=30584>
– Accessed 29 January 2010 - Attachment 3

⁴ RRT Research & Information 2009, *Research Response LKA35680*, 1 December 2009 - Attachment 4

2 Is there any recent country information about the risk to Colombo based Tamils from LTTE operatives, or of them being kidnapped or taken for money or ransom?

A search of available databases has failed to find evidence of abductions carried out by the LTTE.

Decrease in abductions

There has been a reported decrease of abductions as is indicated in the briefing provided by the International Crisis Group:

Abductions, forced disappearances and illegal detentions.

Disappearances and abductions – whether for ransom or to target those suspected of working with the LTTE – are much less frequent than in 2006-2008, though there have been reports of such cases since the war's end, primarily from the Northern and Eastern Provinces. To date, no one has been prosecuted for any of the thousands of enforced disappearances and extrajudicial killings known to have taken place from late 2005 onwards. In addition to the 11,000 or more alleged LTTE members held in special camps in the north, another 1500-2000 suspects continue to be held under emergency detention orders or other anti-terrorism legislation, some for years without charges. (p 18) (see Footnote 2)

The South Asia Terrorism Portal (SATP) has compiled a report of terrorism-related incidents in Colombo for 2009 on a month by month basis; although there are several references to LTTE activity, there were no reports of abductions by LTTE operatives in the past year.⁵

Recent abductions

However, according to Tamil Net, there were recent abductions of Tamils in Colombo. In the following incident which took place in December 2009, the perpetrators and the reason for this abduction are unknown:

Sinnappu Suhintha, 21, a resident of Jaffna, was abducted in Colombo, when she went out hospital where her mother was an in-patient, to buy food, according to a complaint lodged with the Maradana Police Friday by her relatives. Suhintha had come to Colombo to admit her mother Sinnappu Thavamany, 61, in the Colombo General Hospital for treatment.⁶

According to the same website, a Tamil engineer was abducted in September 2009 in Colombo and murdered by state agents:

Kathiravel Thayapararaja, a 28-year old Tamil Electrical Engineer, is feared to have been extra-judicially executed by Sri Lanka intelligent services, after being forcefully abducted sometime second week of September, informed sources in Colombo said. Thayapararaja's wife, Uthayakala, and the two children of her diseased sister who were under Uthayakala's care, have now been taken under the protection and care of a Church Organization in Colombo, after being left helpless with the disappearance of her husband, unconfirmed reports said.⁷

⁵ 'Terrorism-related Incidents in Colombo 2009', South Asia Terrorism Portal website, undated, <http://satp.org/satporgtp/countries/shrilanka/database/colombo.htm> - Accessed 28 January 2010 – Attachment 5

⁶ Jaffna Tamil girl abducted in Colombo' 2009, Tamil Net website, 20 December, <http://www.tamilnet.com/art.html?catid=13&artid=30842> – Accessed 27 January 2010

- Attachment 6

⁷ 'Tamil technologist feared extra-judicially executed in Colombo' 2009, Tamil Net website, 24 September, <http://www.tamilnet.com/art.html?catid=13&artid=30310> – Accessed 27 January 2010 – Attachment 7

Three Tamils civilians were abducted in three separate incidents in August 2009:

Three Tamil civilians have been reported missing since the last week of August from Wattala, Pettah and Moratuwa in separate incidents, according to complaints lodged by their relatives with the respective police stations and human rights groups in Colombo.

In Pettah, a group of persons arrived in a white van and took 33 year old Thambipillai Ravindran, a resident of Achchuveali in Jaffna district on August 27 evening while he was staying in a lodge, his wife V.R.Mahaledchumy said in her complaint to the Fort police.

Another Tamil civilian, 26-year-old Krishnan Kapildev of Jaffna, currently residing in Wattala was reported missing since he left his work place located in Dematagoda on August 28, according to complaints lodged by their relatives.

In the third incident unknown persons identified them as officials of the Criminal Investigation Department (CID) of Sri Lankan Police took a 27-year-old youth, Yogarajan Nirojan, on September 01 from his residence located along De Mel Lane in Moratuwa, according to complaints lodged by his relatives with the Moratuwa Police.⁸

A Country Advice (16 December 2009)⁹ on abductions in recent times is attached for your information.

List of Sources Consulted

Internet Sources:

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/>

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

Le Monde diplomatique www.monde-diplomatique.fr

Region Specific Links

South Asia Terrorism Portal <http://satp.org/>

Daily News http://www.dailynews.lk/2010/01/29/main_News.asp

Sunday Observer www.sundayobserver.lk

Daily Mirror www.dailymirror.lk

Lanka Page <http://www.lankapage.com/index.php>

Tamil Net www.tamilnet.com

Search Engines

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)

⁸ 'Sri Lanka: 3 Tamil civilians missing, abducted in Colombo' 2009, Tamil Net website, 10 September – Attachment 8

⁹ RRT Research & Information 2009, *Research Response LKA35772*, 16 December 2009 - Attachment 9

List of Attachments

1. Fernando, S. and Tran, M. 2010, 'President Mahinda Rajapaksa wins Sri Lanka election', *The Guardian*, 28 January. (FACTIVA)
2. International Crisis Group 2010, 'Sri Lanka: Bitter Peace', Update Briefing. Asia Briefing No.99 International Crisis Group website, 11 January, http://www.crisisgroup.org/library/documents/asia/south_asia/sri_lanka/b99_sri_lanka_a_bitter_peace.pdf - Accessed 28 January 2010.
3. 'Household checking by police in Colombo reimposed' 2009, Tamil Net website, 10 November <http://www.tamilnet.com/art.html?catid=13&artid=30584> - Accessed 29 January 2010.
4. RRT Research & Information 2009, *Research Response LKA35680*, 1 December 2009.
5. 'Terrorism-related Incidents in Colombo 2009', South Asia Terrorism Portal website, undated, <http://satp.org/satporctp/countries/shrilanka/database/colombo.htm> - Accessed 28 January 2010.
6. 'Jaffna Tamil girl abducted in Colombo' 2009, Tamil Net website, 20 December, <http://www.tamilnet.com/art.html?catid=13&artid=30842> - Accessed 27 January 2010.
7. 'Tamil technologist feared extra-judicially executed in Colombo' 2009, Tamil Net website, 24 September, <http://www.tamilnet.com/art.html?catid=13&artid=30310> - Accessed 27 January 2010.
8. 'Sri Lanka: 3 Tamil civilians missing, abducted in Colombo' 2009, Tamil Net website, 10 September. (CISNET Sri Lanka CX233243)
9. RRT Research & Information 2009, *Research Response LKA35772*, 16 December 2009.