



Australian Government
Refugee Review Tribunal

Country Advice

Sri Lanka

Sri Lanka – LKA36970 – Tamils – TMVP –
Eastern Province – Batticaloa – Extortion

18 July 2010

1. Please provide information about the activities of the TMVP in the East in the period after the defeat of the LTTE by the SLA (particularly in late 2009) and currently.

Note: The Tamil Makkal Viduthalai Puligal (TMVP) split into two factions in 2008. These groups, which are named after their respective leaders are referred to as the Karuna and Pillayan TMVP factions. The TMVP factions are the dominant government aligned paramilitary groups in the Eastern Province of Sri Lanka. For further background information on the TMVP please see the attached advice from the Department of Foreign Affairs and Trade (DFAT) dated 21 May 2010.¹

While the security situation has generally improved in Sri Lanka since May 2009, armed paramilitary groups, including TMVP factions have continued to commit extortion, abductions and violent crime. Government reports indicate impunity and government inaction in relation to illegal activity by paramilitary groups, including the TMVP. TMVP factions in the East of the country remain armed despite a ‘formal’ disarmament arrangement in July 2009.² Available information indicates that these armed TMVP factions have been linked to extortion and violent crime in the Eastern Province of Sri Lanka. Government reports indicate that the TMVP have continued to operate with some sections of the security forces in the East and were involved in the detention of LTTE sympathisers during 2009.³

The following reports provide information on the activity of the TMVP in the Eastern Provinces of Sri Lanka and the district of Batticaloa during the period of 2009 to 2010:

- On 25 June 2010 The Department of Foreign Affairs and Trade (DFAT) advised that local reports indicate continued human rights abuses by paramilitaries in parts of the east of Sri Lanka, including the district of Batticaloa. The report states that:

Reporting from local services indicates that cases of extrajudicial killings, disappearances and the use of torture continue to be recorded in certain areas, including northern Sri Lanka, **parts of the east (Batticaloa and Ampara)** and Colombo. Reporting suggests some of these incidents may have been connected to paramilitary groups, as well as criminal elements operating in these areas. There have

¹ DIMA Country Information Service 2010, ‘SRI LANKA: Paramilitary groups in post-war Sri Lanka’, (Sourced from DFAT advice of 20 May 2010), 21 May – Attachment 1

² UK Foreign and Commonwealth Office 2010, *Annual Report on Human Rights 2009*, March, p149 – Attachment 2; DIMA Country Information Service 2009, Country Information Report No. 09/88 – CIS Request No. LKA9899: Activities of paramilitary groups in Sri Lanka, (Sourced from DFAT advice of 18 November 2009), 18 November – Attachment 3; US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Sri Lanka*, March, Section 1a – Attachment 4; Amnesty International 2010, *Amnesty International Annual Report 2010 – Sri Lanka*, 28 May – Attachment 5.

³ DIMA Country Information Service 2009, Country Information Report No. 09/88 – CIS Request No. LKA9899: Activities of paramilitary groups in Sri Lanka, (Sourced from DFAT advice of 18 November 2009), 18 November – Attachment 3; DIMA Country Information Service 2010, ‘SRI LANKA: Paramilitary groups in post-war Sri Lanka’, (Sourced from DFAT advice of 20 May 2010), 21 May – Attachment 1; DIMA Country Information Service 2010, ‘SRI LANKA: Extrajudicial killings, disappearances and abductions’ (Sourced from DFAT advice of 24 June 2010), 25 June – Attachment 6

also been a number of allegations of Sri Lankan security forces involvement in incidents.⁴

- On 15 June 2010 DFAT advised that they are aware of instances in which Sri Lankan Tamils in the East have been threatened with extortion by the government aligned paramilitary groups, the Sri Lankan Army and the police. The report states that:

The dynamics of these threats vary from city to city and the frequency of reported cases varies; reports of such cases are currently fewer than was the case during much of the armed conflict. **In Trincomalee and Batticaloa in the east, threats have involved abduction for ransom and also threats of murder. In the East, the majority of cases involving extortion are understood to be carried out by paramilitary groups.** In the refugee camps in Vavuniya, Internally Displaced Persons known to have money and jewellery invested in banks have been targeted for extortion on threat of being labelled as members of the LTTE.

...Post is aware of instances in which Sri Lanka-based relatives of Sri Lankan Tamils living abroad have been abducted for ransom.⁵

The DFAT report also states that while Sri Lankan citizens can report incidences of extortion to the police a complaint may not be investigated “if the accused is a member of or aligned to the security forces or other figure holding public influence, or if the complainant fears drawing him or her self to the attention of the security forces”. The report also states that “it is also possible that a complainant could be asked to withdraw a case, or be threatened or intimidated to do so”.⁶

- On 28 May 2010, Amnesty International reported that “TMVP members and cadres loyal to the former TMVP leader, V. Muralitharan (known as Karuna), were accused by local parents of child recruitment in Batticaloa district”.⁷
- On 20 May 2010 DFAT provided the following information on the continued criminal activity of TMVP groups in the East of Sri Lanka:

A number of tamil political parties with paramilitary elements continue to operate in Sri Lanka, primarily in the north and east, one year after the conclusion of the military conflict. A number of these parties are formally allied to the UPFA Government and are understood to act at times in coordination with Government authorities. Incidents of abductions, disappearances and violent crime have been linked to paramilitary activity, although reports of such incidents appear to have declined since the end of the conflict, in most areas.

Domestic and international observers have connected both [TMVP] groups to incidents of violence in the east and both are reported to continue to work in coordination with elements of the security forces in some respects. Both the TMVP and Karuna Faction are predominantly based in the east, with the Karuna Faction reported to be particularly active in Batticaloa and Ampara Districts. Since the end of the military conflict, the Karuna Faction has developed a presence in Jaffna, Mannar, Vavuniya and the Vanni region. Currently, Karuna is understood to have about 1,000 active cadres supporting him. Pillayan is reported to have a party support base of around 1,000-1,500, with several hundred of these remaining armed.⁸

⁴ DIMA Country Information Service 2010, ‘SRI LANKA: Extrajudicial killings, disappearances and abductions’ (Sourced from DFAT advice of 24 June 2010), 25 June – Attachment 6.

⁵ DIMA Country Information Service 2010, Country Information Report No. 10/33 – CIS Request No. LKA10306: Sri Lanka Tamil Request, (Sourced from DFAT advice of 11 June 2010), 15 June – Attachment 7

⁶ DIMA Country Information Service 2010, Country Information Report No. 10/33 – CIS Request No. LKA10306: Sri Lanka Tamil Request, (Sourced from DFAT advice of 11 June 2010), 15 June – Attachment 7

⁷ Amnesty International 2010, *Amnesty International Annual Report 2010 – Sri Lanka*, 28 May – Attachment 5

⁸ DIMA Country Information Service 2010, ‘SRI LANKA: Paramilitary groups in post-war Sri Lanka’, (Sourced from DFAT advice of 20 May 2010), 21 May – Attachment 1.

- On 22 January 2010, Amnesty International reported that the TMVP in Eastern Sri Lanka have been “accused by local activists and observers of ballot rigging, intimidation and violence in Ampara and Batticaloa districts”.⁹
- In November 2009 DFAT advised that reports indicate continued illegal activities by paramilitary groups such as the TMVP in the Northern and Eastern Provinces of Sri Lanka. DFAT reported that while there has been some “overall reduction” in the activity of TMVP factions since the end of the war in May 2009, “incidents are still reported, especially from the eastern province and it is not possible to be sure of future trends”:

The majority of incidents seem to take place in the north and east. Although the security incidents perpetrated by these groups may have lessened, there is no guarantee that the activities will completely cease, especially where inter-party rivalry is concerned.

... There has been continued criticism for what many residents and observers, from the east and north in particular, call government inaction in the face of illegal activity by the TMVP, Karuna faction, EPDP and other groups. Many cases go unsolved.

...Although, the security situation in the east has improved over the past year, with some flare-ups in Batticaloa and Ampara Districts, the hostility between the Karuna and Pillayan faction has not ended. As noted above, affiliation to one party would considerably increase the risk to a person’s personal security from rival parties.¹⁰

- The US Department of State (USDOS) reported in March 2010 that during 2009 “the TMVP increasingly became a political organization but with armed and allegedly criminal elements”. The report provides the following information on the operations of the TMVP within the east during 2009:
 - TMVP assisting government military forces in the murder and assault of civilians.
 - Credible sources have linked the TMVP with the abduction Sankarapillai Shantha Kumar on 29 October 2009 in Ampara District in the Eastern Province of Sri Lanka. Sankarapillai Shantha Kumar is a member of the nongovernment organization consortium. The report states that “although family members filed a complaint with police, at year’s end he remained missing and there was no progress on the investigation”
 - TMVP and government checkpoints in the east impeded the free movement of residents, especially Tamils.
 - Armed paramilitaries in the East and North operated with government authorities in detaining and torturing individuals with LTTE connections.
 - Paramilitary groups in the east and north have also reportedly frequently harassed Tamil men.

⁹ Amnesty International 2010, ‘Sri Lanka must halt pre-election attacks on political activists’, 22 January <http://www.amnesty.org/en/news-and-updates/sri-lanka-must-halt-pre-election-attacks-political-activists-20100122> – Accessed 18 July 2010 – Attachment 8

¹⁰ DIMA Country Information Service 2009, Country Information Report No. 09/88 – CIS Request No. LKA9899: Activities of paramilitary groups in Sri Lanka, (Sourced from DFAT advice of 18 November 2009), 18 November – Attachment 3

- Paramilitary groups had conducted illegal seizures of private land and practised extortion with impunity¹¹
- A reported dated 28 December 2009 published by *The Colombo Times* indicates that some TMVP members were arrested for theft. According to the report six TMVP members and eight other individuals were taken into custody for “looting gold jewellery and money worth lakhs in several houses in Batticaloa and Kalkudah police areas”. The report states that “on information received by the suspects the Police have recovered T 56 firearms, hand bombs and a section of the robed gold jewellery”.¹²
- A report by the International Crisis Group, dated 16 April 2009, indicates that the TMVP has been involved in a high level of extortion in the area of Batticaloa in the past. The report states that:

Reports of extortion and theft are widespread in the Eastern Province, particularly in Batticaloa, the traditional stronghold of Karuna and the TMVP. According to one human rights lawyer, “All but the smallest businesses are forced to give a percentage to the TMVP, both factions”. “Construction, contractors, liquor, textiles – all are charged a 5 per cent tax”, says a Batticaloa businessman.

... With levels of fear so high, it is impossible to determine the extent of TMVP extortion and theft, but it is clearly causing eastern Tamils significant hardship and hurting economic and business development. “Today there are a lot of robberies and looting going on”, says one businessman, “but people are told to keep quiet or they’ll be killed. In this context, people don’t want to start businesses”. Says another, “Fear of threat, abduction, ransom demands over the phone, all this means that businesses shut early. We can’t succeed. We can’t get loans. We can’t complain because there is no law and order.”¹³

2. Is there any information to indicate that older Tamils in the Eastern province are less likely to have been subject to extortion demands and questioning by the TVMP and/or security forces?

No information was found in the sources consulted to indicate whether or not elderly or older Tamils are subject to extortion demands in Sri Lanka. In relation to harassment or questioning however, the reports suggest that security forces have primarily targeted young and middle aged Tamil men during the post war period.

The following recent reports provide information on the targeting and treatment of young Tamil men by security forces:

- On 5 July 2010 The United Nations High Commission for Refugees (UNHCR) reported that:

According to some reports young Tamil men, particularly those originating from the north and east of the country, may be disproportionately affected by the implementation of security and anti-terrorism measures on account of their suspected affiliation with the LTTE.¹⁴

¹¹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Sri Lanka*, 11 March, Section 1a, 1b, 1c, 2c, 2d – Attachment 4.

¹² ‘Six UPFA members in custody for theft’ 2009, *Colombo Times*, 28 December – Attachment 9.

¹³ International Crisis Group 2009, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province; Asia Report N°165*, 16 April 2009, p.3 [http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/165Development%20assistance and conflict in sri lanka_lessons from the eastern province.ashx](http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/165Development%20assistance%20and%20conflict%20in%20sri%20lanka_lessons_from_the_eastern_province.ashx) – Accessed 18 July 2010 – Attachment 10

¹⁴ UNHCR 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, Ref world website, 5 July <http://www.unhcr.org/refworld/pdfid/4c31a5b82.pdf> – Accessed 19 July 2010 – Attachment 11.

- A report dated 7 May 2010 published on the World Socialist website states that “security forces continue to detain thousands of people without trial under the state of emergency and the associated Prevention of Terrorism Act (PTA)”. The report states that the vast majority of ‘LTTE suspects’ in detention are young men.¹⁵

- On 11 March 2010, the USDOS reported that:

The government’s respect for human rights declined as armed conflict reached its conclusion. **Outside of the conflict zone, the overwhelming majority of victims of human rights violations, such as extrajudicial killings and disappearances, were young male Tamils,** while Tamils were estimated to be only 16 percent of the overall population.

Tamils throughout the country, but especially in the conflict-affected north and east, reported **frequent harassment of young and middle-aged Tamil men by security forces and paramilitary groups.**¹⁶

- An August 2009 report by the Foreign and Commonwealth Office states that “in general, young male Tamils originating from the north and east of the country were most at risk of being detained following cordon and search operations”.¹⁷

3. Please provide an update on the current situation for Tamils generally in the Eastern Province (Batticaloa area).

Reports from government sources and human rights organisations indicate that paramilitary and criminal groups continue to commit murders, abductions, torture, child recruitment and extortion in Batticaloa and the wider Eastern Province of Sri Lanka. DFAT has reported that there have been allegations that the Sri Lankan security forces have been involved in these incidents. Available information also indicates that young Tamil men in the East have been adversely affected by current government security measures and have been subject to frequent harassment by paramilitaries and security forces. The United Nations High Commission for Refugees (UNHCR) has also expressed concern in relation to sexual and gender based violence in the East.¹⁸

Batticaloa

- On 28 June 2010, The United Nations High Commission for Refugees (UNHCR) reported that it is planning on closing its office in Batticaloa. The UNHCR has stated that the Batticaloa office is scheduled for closure as the majority of Internally Displaced Persons (IDP’s) have returned to the area and have been receiving

¹⁵ Ratnayake, K. 2010, ‘Sri Lankan government extends state of emergency’, World Socialist website, 7 May – Attachment 12

¹⁶ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Sri Lanka*, 11 March – Attachment 4

¹⁷ UK Foreign and Commonwealth Office 2009, Report of Information Gathering Visit to Colombo, Sri Lanka 23-29 August 2009, August – Attachment 2

¹⁸ ‘UNHCR starts to scale back in eastern Sri Lanka, closing Batticaloa office’ 2010, Alert net website, 28 June – Attachment 14; DIMA Country Information Service 2010, ‘SRI LANKA: Extrajudicial killings, disappearances and abductions’ (Sourced from DFAT advice of 24 June 2010), 25 June – Attachment 6; DIMA Country Information Service 2010, Country Information Report No. 10/33 – CIS Request No. LKA10306: Sri Lanka Tamil Request, (Sourced from DFAT advice of 11 June 2010), 15 June – Attachment 7; DIMA Country Information Service 2010, ‘SRI LANKA: Paramilitary groups in post-war Sri Lanka’, (Sourced from DFAT advice of 20 May 2010), 21 May – Attachment 1; UNHCR 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, Ref world website, 5 July <http://www.unhcr.org/refworld/pdfid/4c31a5b82.pdf> – Accessed 19 July 2010 – Attachment 11; US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Sri Lanka*, 11 March, Section 1a, 1b, 1c, 2c, 2d – Attachment 4.

protection and assistance from UNHCR. The report provides the following relevant information.¹⁹

- On 25 June 2010 DFAT advised on continued reports of human rights abuses in parts of Sri Lanka, including Batticaloa. The report states that:

Reporting from local services indicates that cases of extrajudicial killings, disappearances and the use of torture continue to be recorded in certain areas, including northern Sri Lanka, parts of the east (Batticaloa and Ampara) and Colombo. Reporting suggests some of these incidents may have been connected to paramilitary groups, as well as criminal elements operating in these areas. There have also been a number of allegations of Sri Lankan security forces involvement in incidents.

DFAT also advised on continued problems of impunity in relation to human rights violations in Sri Lanka. The report states that “for the time being, we expect the problem of impunity around human rights violations will continue, so long as broader issues around weaknesses in the rule of law and oversight mechanisms continue”.²⁰

- A previously mentioned DFAT report, dated 15 June 2010 states that DFAT are aware of instances in Batticaloa in which extortion threats against Tamils “have involved abduction for ransom and also threats of murder”. The report states that extortion threats in the East are primarily carried out by paramilitary groups.²¹
- DFAT advice dated 20 May 2010, stated that the Karuna TMVP faction are particularly active in Batticaloa.²²

Eastern Province

In July 2010 the UNHCR published its latest *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*. The report states that “at the time of writing, the security situation in Sri Lanka had significantly stabilized, paving the way for a lasting solution for hundreds of thousands of internally displaced persons (IDPs) in the country’s north and east”. The report does however, include security concerns regarding the East and North of Sri Lanka in relation to:

- The impact of security measures on young Tamil men due to their suspected links with the LTTE.
- Continued sexual and gender based violence.
- The continued recruitment of children in the Eastern Province by commander Iniya Barrathi “who was part of the TMVP breakaway faction under Karuna’s leadership”.²³

The USDOS also reported in March 2010 that Tamil men in the East were adversely affected by post war security measures. The report states that:

¹⁹ ‘UNHCR starts to scale back in eastern Sri Lanka, closing Batticaloa office’ 2010, Alert net website, 28 June – Attachment 14.

²⁰ DIMA Country Information Service 2010, ‘SRI LANKA: Extrajudicial killings, disappearances and abductions’ (Sourced from DFAT advice of 24 June 2010), 25 June – Attachment 6.

²¹ DIMA Country Information Service 2010, Country Information Report No. 10/33 – CIS Request No. LKA10306: Sri Lanka Tamil Request, (Sourced from DFAT advice of 11 June 2010), 15 June – Attachment 7

²² DIMA Country Information Service 2010, ‘SRI LANKA: Paramilitary groups in post-war Sri Lanka’, (Sourced from DFAT advice of 20 May 2010), 21 May – Attachment 1

²³ UNHCR 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, Ref world website, 5 July <http://www.unhcr.org/refworld/pdfid/4c31a5b82.pdf> – Accessed 19 July 2010 – Attachment 11; Human Rights Watch 2010, *World Report 2010 – Sri Lanka*, January – Attachment 15; International Crisis Group 2010, *Sri Lanka: A Bitter Peace*, Asia Briefing no.99, 11 January, p.18 – Attachment 16; Amnesty International 2010, *Amnesty International Annual Report 2010 – Sri Lanka*, 28 May – Attachment 5.

Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-aged Tamil men by security forces and paramilitary groups.²⁴

Reports indicate that enforced disappearances and abductions have continued to occur in the Eastern and Northern Provinces of Sri Lanka, following the end of war in May 2009.²⁵

On 11 January 2010, *International Crisis Group* reported that while disappearances and abductions have become much less frequent “there have been reports of such cases since the war’s end, primarily from the Northern and Eastern Provinces”. The report states that “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”.²⁶ In January 2010 Human Rights Watch also reported that “enforced disappearances and abductions, a longstanding and widespread problem in Sri Lanka, continued, especially in the north and east”.²⁷

Attachments

1. DIMA Country Information Service 2010, ‘SRI LANKA: Paramilitary groups in post-war Sri Lanka, (Sourced from DFAT advice of 20 May 2010), 21 May. (CISNET Sri Lanka CX243874)
2. UK Foreign and Commonwealth Office 2010, *Annual Report on Human Rights 2009*, March. (CISLIB)
3. DIMA Country Information Service 2009, Country Information Report No. 09/88 – CIS Request No. LKA9899: Activities of paramilitary groups in Sri Lanka, (Sourced from DFAT advice of 18 November 2009), 18 November. (CISNET Sri Lanka CX236521)
4. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Sri Lanka*, 11 March.
5. Amnesty International 2010, *Amnesty International Annual Report 2010 – Sri Lanka*, 28 May.
6. DIMA Country Information Service 2010, ‘SRI LANKA: Extrajudicial killings, disappearances and abductions’ (Sourced from DFAT advice of 24 June 2010), 25 June. (CISNET Sri Lanka CX245431)
7. DIMA Country Information Service 2010, Country Information Report No. 10/33 – CIS Request No. LKA10306: Sri Lanka Tamil Request, (Sourced from DFAT advice of 11 June 2010), 15 June. (CISNET Sri Lanka CX244975)
8. Amnesty International 2010, ‘Sri Lanka must halt pre-election attacks on political activists’, 22 January <http://www.amnesty.org/en/news-and-updates/sri-lanka-must-halt-pre-election-attacks-political-activists-20100122> - Accessed 18 July 2010.
9. ‘Six UPFA members in custody for theft’ 2009, *Colombo Times*, 28 December.

²⁴ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Sri Lanka*, 11 March, Section 1a, 1b, 1c, 2c, 2d – Attachment 4

²⁵ Human Rights Watch 2010, *World Report 2010 – Sri Lanka*, January – Attachment 15; International Crisis Group 2010, *Sri Lanka: A Bitter Peace*, Asia Briefing no.99, 11 January, p.18 – Attachment 16; Amnesty International 2010, *Amnesty International Annual Report 2010 – Sri Lanka*, 28 May – Attachment 5; US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Sri Lanka*, 11 March, Section 1b – Attachment 4.

²⁶ International Crisis Group 2010, *Sri Lanka: A Bitter Peace*, Asia Briefing no.99, 11 January, p.18 – Attachment 16.

²⁷ Human Rights Watch 2010, *World Report 2010 – Sri Lanka*, January – Attachment 15

10. International Crisis Group 2009, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province; Asia Report N°165*, 16 April 2009
http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/165Development%20assistance_and_conflict_in_sri_lanka_lessons_from_the_eastern_province.ashx - Accessed 18 July 2010.
11. UNHCR 2010, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka, Ref world website, 5 July
<http://www.unhcr.org/refworld/pdfid/4c31a5b82.pdf> - Accessed 19 July 2010.
12. Ratnayake, K. 2010, 'Sri Lankan government extends state of emergency', World Socialist website, 7 May. (CISNET Sri Lanka CX245977)
13. UK Foreign and Commonwealth Office 2009, Report of Information Gathering Visit to Colombo, Sri Lanka 23-29 August 2009, August.
14. 'UNHCR starts to scale back in eastern Sri Lanka, closing Batticaloa office' 2010, Alert net website, 28 June. (CISNET Sri Lanka CX245641)
15. Human Rights Watch 2010, *World Report 2010 – Sri Lanka*, January.
16. International Crisis Group 2010, *Sri Lanka: A Bitter Peace*, Asia Briefing no.99, 11 January.