



COUNTRY OF ORIGIN INFORMATION REPORT

SRI LANKA

11 JUNE 2008

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 12 May 2008. The 'Latest News' section contains further brief information on events and reports accessed from 13 May to 1 June 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UKBA as below.

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Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UK Border Agency's country of origin information material. The APCI welcomes all feedback on the UKBA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk
- xii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html
- xiii Please note: It is not the function of the APCI to endorse any UKBA material or procedures. Some of the material examined by the Panel relates to

countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information:

Email: apci@homeoffice.gsi.gov.uk

Website: www.apci.org.uk

Latest News

EVENTS IN SRI LANKA, FROM 13 MAY TO 1 JUNE 2008

29 May A television reporter of Tamil origin was killed in the outskirts of the northern city of Jaffna in an area under the Government's military control. Reporters without Borders noted that "The government is exposing both its inability and its lack of political will to protect journalists".

Reporters without Borders, TV reporter hacked to death in Jaffna, 29 May 2008

http://www.rsf.org/article.php3?id_article=27233

Date accessed 10 June 2008

26 May The Sri Lankan military blamed the Tamil Tiger rebels for a bomb explosion on a train in the Colombo suburb of Dehiwala that left at least 8 people dead and more than 60 injured.

Reuters Foundation Alertnet, Seven killed in Sri Lanka train bombing, 26 May 2008

<http://www.alertnet.org/thenews/newsdesk/SP269399.htm>

Date accessed 26 May 2008

BBC News, Bomb rocks busy Sri Lankan train, 26 May 2008

http://news.bbc.co.uk/1/hi/world/south_asia/7420231.stm

Date accessed 26 May 2008

23 May Journalists protested in Colombo about the abduction and beating of Keith Noyahr, deputy editor of *The Nation*, who had been critical of the military. The Free Media Movement alleged that his assault was motivated by 'his independent writing and analysis of the war in the north'. The military denied the involvement of the security forces and the police said they were investigating the assault.

BBC News, Journalist in Sri Lanka kidnapped, 23 May 2008

http://news.bbc.co.uk/1/hi/world/south_asia/7416485.stm

Date accessed 26 May 2008

Sixteen civilians from an extended family were reportedly killed in a claymore mine explosion in LTTE-held Kilinochchi. The Deep Penetration Unit (DPU) of the Sri Lankan military were accused by the Tamil Tigers of carrying out the attack.

A government official and another civilian were reported killed in a similar attack on the Mankulam-Aellankulam Road on 22 May. The LTTE claimed that two civilians were also killed near to the Jaffna peninsula in a raid by the Sri Lanka Air Force. A military spokesman denied the involvement of the security forces in either incident.

BBC Sinhala, Civilians killed in Kilinochchi, 23 May 2008

http://www.bbc.co.uk/sinhala/news/story/2008/05/080523_claymore_kilinochchi.shtml

Date accessed 26 May 2008

- 22 May A curfew was imposed in Kaanththaankudi, Batticaloa District, in the east of Sri Lanka after five people, including two members of Tamil Makkal Viduthalai Pulikal (TMVP) Pillayan group, were killed.
- BBC Sinhala, Curfew in Kaanththaankudi, 22 May 2008
http://www.bbc.co.uk/sinhala/news/story/2008/05/080522_batticaloa.shtml
Date accessed 26 May 2008
- 20 May The Deputy Minister for Vocational Training and Industrial Education, P. Rathakrishnan, claimed to have received information that Sri Lanka Police personnel and Sri Lanka Army soldiers had been involved in several 'white van' abductions. The Deputy Minister decried the rising number of abductions, disappearances and arbitrary arrests. Between 16 January and 15 May 2008 he received complaints of 93 abductions, of which 12 cases were identified to be in police detention; 22 were released after being "tortured"; and the whereabouts of the remaining 59 were unknown. In addition to these abductees the Deputy Minister said that a total of 290 Tamils were still being detained by the authorities.
- Pro-LTTE website TamilNet, SLA, Police complicit in white van abductions- SL Minister, 20 May 2008
<http://www.tamilnet.com/art.html?catid=13&artid=25696#>
Date accessed 20 May 2008
- 19 May 2008 The Commission of Inquiry (Col) investigating serious human rights abuses said that due to a lack of funds it was not able to recruit independent lawyers and could only get assistance from government lawyers. The International Independent Group of Eminent Persons (IIGEP) criticised this situation and warned that the "transparency of investigations... [were] compromised by the [Attorney General] department's involvement". Two prominent lawyers were, however, reported to have accepted an invitation from the Col.
- BBC Sinhala, 'No funds' for independent lawyers, 19 May 2008
http://www.bbc.co.uk/sinhala/news/story/2008/05/080518_coi_lawyers.shtml
Date accessed 19 May 2008
- Asian Human Rights Commission (AHRC), Sri Lanka: Comments by Presidential Commission of Inquiry confirm IIGEP concerns, 19 May 2008
<http://www.ahrchk.net/statements/mainfile.php/2008statements/1540>
Date accessed 19 May 2008
- The Sri Lanka Army extended by two weeks an amnesty for deserters originally planned to end on 16 May 2008, as nearly 4,000 deserters had reported back to duty in the first two weeks of the amnesty announced on 2 May 2008.
- Those who have deserted the Army since 1 April 2005 would be able to re-join "with all the entitlements and rank the deserter enjoyed at the time of desertion." About 15,000 to 20,000 soldiers have deserted; during the last amnesty in November 2007 more than 4,000 deserters returned to the Army.
- Daily Mirror*, Army extends amnesty period for deserters by two weeks, 19 May 2008
http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=15143

Date accessed 19 May 2008

Approximately 60 Tamil Tigers and 15 soldiers were killed during clashes in Mannar on 18 May. According to analysts the Sri Lankan Government had "the upper hand in the latest phase of the long-running war, given superior air power, strength of numbers and swathes of terrain captured in the island's east. But they still see no clear winner on the horizon." The Sri Lankan military claimed 360 rebels had been killed in the fighting during May, with the loss of 41 soldiers. Recent battles have taken place in the districts of Vavuniya, Polonnaruwa and the north-western district of Mannar. Both sides claimed to have inflicted heavy casualties on the other but there was no independent verification of this.

Reuters Foundation Alertnet, Heavy fighting in Sri Lanka north kills 76, mostly rebels, 19 May 2008

<http://www.alertnet.org/thenews/newsdesk/COL261565.htm>

Date accessed 19 May 2008

BBC News, 'Heavy casualties' in Sri Lanka, 19 May 2008

http://news.bbc.co.uk/1/hi/world/south_asia/7408370.stm

Date accessed 19 May 2008

16 May

The leader of Tamil Makkal Viduthalai Pulikal, Sivanesanathurai Chandrakanthan alias Pilleyan, was sworn in as the Chief Minister of the Eastern Provincial Council. Mr Chandrakanthan obtained the highest number of votes for Batticaloa District in the Provincial Council elections.

The Official Website of the Government of Sri Lanka, Pilleyan sworn in as Chief Minister, 16 May 2008

http://www.news.lk/index.php?option=com_content&task=view&id=5871&Itemid=44

Date accessed 16 May 2008

At least nine people were reported to have been killed and 90 injured in a suicide attack blamed on Tamil Tigers in Colombo's Fort district. The bomber rammed his motorcycle into a bus near a police checkpoint. Security personnel were in the area in large numbers preparing for opposition demonstrations protesting against the recent provincial elections in the Eastern province.

BBC News, Suicide bomb in Sri Lanka capital, 16 May 2008

http://news.bbc.co.uk/1/hi/world/south_asia/7404147.stm

Date accessed 16 May 2008

A Colombo High Court Judge directed the prison authorities to produce the three Tamil suspects in the murder attempt on former President, Chandrika Kumaratunga, before the Colombo Judicial Medical Officer for medical examination. The suspects' lawyers claimed that they had been subjected to "severe torture and inhuman treatment" by members of the Terrorist Intelligence Division of the police at Boosa detention camp.

Pro-LTTE website TamilNet, Torture of Boosa Tamil detainees alleged, 16 May 2008

<http://www.tamilnet.com/art.html?catid=13&artid=25666>

Date accessed 16 May 2008

14 May The Supreme Court ordered the State to pay Rs.150,000 to a former prisoner who had been severely beaten while in custody. The Court ruled that the prison authorities' failure to protect the individual was in violation of his fundamental rights. Certificates by doctors at the Colombo national hospital and the Judicial Medical Officer were accepted as sufficient evidence.

BBC Sinhala, Prison guards 'violated FR', 14 May 2008
http://www.bbc.co.uk/sinhala/news/story/2008/05/080514_court_tony.shtml
Date accessed 16 May 2008

13 May The LTTE were blamed by the Ealam People's Democratic Party for the killing in Jaffna of Maheswari Velayudhan, a lawyer who had worked to protect the human rights of the Tamil community and advisor to Minister Douglas Devananda.

BBC Sinhala, Government advisor shot dead, 13 May 2008
http://www.bbc.co.uk/sinhala/news/story/2008/05/080513_maheswari.shtml
Date accessed 16 May 2008

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REPORTS ON SRI LANKA PUBLISHED OR ACCESSED BETWEEN 13 MAY AND 1 JUNE 2008

Amnesty International

Report 2008, Sri Lanka, undated (released on 28 May 2008)
<http://thereport.amnesty.org/eng/regions/asia-pacific/sri-lanka>
Date accessed 28 May 2008

Coalition to Stop the Use of Child Soldiers

Child Soldiers Global Report 2008, Sri Lanka, undated (released on 20 May 2008)
<http://www.childsoldiersglobalreport.org/content/sri-lanka>
Date accessed 21 May 2008

U.S. Department of State

Advancing Freedom and Democracy Reports - 2008, Sri Lanka, 23 May 2008
<http://www.state.gov/g/drl/rls/afdr/2008/104863.htm>
Date accessed 29 May 2008

International Committee of the Red Cross (ICRC)

Operational update - Sri Lanka: Clean water, sanitation and shelter for 125,000
displaced persons, 15 May 2008
<http://www.icrc.org/web/eng/siteeng0.nsf/html/sri-lanka-update-150508!OpenDocument>
Date accessed 15 May 2008

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Background Information

1. GEOGRAPHY

- 1.01 As recorded in the CIA World Factbook, Sri Lanka (website accessed on 15 February 2008), the Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, lies in the Indian Ocean, south of India. The country covers an area of 65,610 square kilometres. The capital is Colombo [Note: Sri Jayewardenepura Kotte is the legislative capital] which has a population of 20,926,315 (July 2007 estimate). There are eight provinces: Central, North Central, North Eastern, North Western, Sabaragamuwa, Southern, Uva and Western. [30] As recorded by the Sri Lanka Department for Census and Statistics (Statistical Abstract 2006, Population of principal towns by sex, census, years) (Table 2.4, website accessed on 10 September 2007) the principal towns are Colombo, Dehiwala-Mount Lavinia, Moratuwa, Sri Jaywardene Kotte, Negombo, Kandy, and Galle. [58a]
- 1.02 The Sri Lanka Department of Census and Statistics recorded in their Statistical Data Sheet 2007 (undated, website accessed on 10 September 2007) that the provisional estimated population for 2006 was 19,886,000 (10,060,000 females and 9,826,000 males). [58c]
- 1.03 The CIA World Factbook, Sri Lanka recorded that the population can be divided into the majority Sinhalese (73.8 per cent), Sri Lankan Moors [Muslims] 7.2 per cent, Indian Tamil 4.6 per cent, Sri Lankan Tamil 3.9 per cent, other 0.5 per cent, unspecified 10 per cent (2001 census provisional data) [30] However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2006, Chapter II, tables 2.10 - 2.11, undated, website accessed on 10 September 2007), based on a total population of 18,797,257 the population comprises: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor (7.9 per cent), Burgher (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent) (figures from the 2001 census). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts, in which the 2001 census enumeration was not completed, were not included. [58a]
- 1.04 As recorded in the US State Department Report for 2007 on Religious Freedom in Sri Lanka published on 14 September 2007, Buddhism, Hinduism, Islam, and Christianity are practised. Approximately 70 percent of the population is Buddhist, 15 percent Hindu, eight percent Christian, and seven percent Muslim. [2a] (Section I)
- 1.05 The CIA World Factbook Sri Lanka also recorded that three languages are spoken: Sinhala (official and national language) 74 per cent of the population, Tamil (national language) 18 per cent, and English (commonly used in Government and spoken competently by about 10 per cent of the population). Other languages are also spoken (8 per cent). [30]
- 1.06 As recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2006, Chapter II, table 2.10) the highest concentration of Sinhalese population is in the districts of Gampaha, Colombo, Kurunegala, Kandy and Galle. The districts of Colombo, Ampara, Gampaha, Kandy,

Puttalam and Nuwara Eliya have a high concentration of Tamils (figures from the 2001 census). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts, in which the 2001 census enumeration was not completed, were not included. [58a]

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MAP 1.07



<http://www.un.org/Depts/Cartographic/map/profile/srilanka.pdf> [6a]

For additional maps:

<http://www.unhcr.org/publ/PUBL/3dee2ccd0.pdf>

<http://www.unhcr.lk/statistics/index.html>

<http://www.unhcr.lk/offices/>

<http://ochaonline2.un.org/Default.aspx?tabid=6745>

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2. ECONOMY

- 2.01 As recorded in the CIA World Factbook, Sri Lanka (website accessed on 15 February 2008):

"In 1977, Colombo abandoned statist economic policies and its import substitution trade policy for more market-oriented policies, export-oriented trade, and encouragement of foreign investment. Recent changes in government, however, have brought some policy reversals. Currently, the ruling Sri Lanka Freedom Party has a more statist economic approach, which seeks to reduce poverty by steering investment to disadvantaged areas, developing small and medium enterprises, promoting agriculture, and expanding the already enormous civil service. The government has halted most privatizations. Although suffering a brutal civil war that began in 1983, Sri Lanka saw GDP growth average 4.5% in the last 10 years with the exception of a recession in 2001. In late December 2004, a major tsunami took about 31,000 lives, left more than 6,300 missing and 443,000 displaced, and destroyed an estimated \$1.5 billion worth of property...About 800,000 Sri Lankans work abroad, 90% in the Middle East. They send home more than \$1 billion a year. The struggle by the Tamil Tigers of the north and east for an independent homeland continues to cast a shadow over the economy." "GDP per capita: \$4,100 (2007 est.); Unemployment rate: 6.3% (2007 est.); Population below poverty line: 22% (2002 est.)." [30]

- 2.02 The Human Development Index (HDI) for Sri Lanka was 0.743 for 2005, giving Sri Lanka an HDI rank of 99 out of 177 countries. The GDP per capita was US\$ 4,380 for the same year. "The HDI provides a composite measure of three dimensions of human development: living a long and healthy life (measured by life expectancy), being educated (measured by adult literacy and enrolment at the primary, secondary and tertiary level) and having a decent standard of living (measured by purchasing power parity, PPP, income)." (UNDP, Human Development Report 2007/2008, Country Fact Sheet, Sri Lanka) [60a]

- 2.03 As noted in the Economist Intelligence Unit (EIU), Country Report Sri Lanka, Main report, January 2008, "Average consumer price inflation was estimated at 17.5% in 2007, with year-on-year inflation standing at 16.4% in December [2007]." [75a] (p7) "According to data released by the census and statistics department, real GDP expanded by 7% year on year in the third quarter of 2007, up from 6.4% in the second...Growth in January-September 2007 was broad-based, reflecting an expansion in all three key sectors of the economy." [75a] (p11) The actual real GDP growth for the year 2006 was 7.4 per cent, while the EIU estimate for the real GDP growth for 2007 was 6.5 per cent and their forecast for 2008 was 4.6 per cent. The EIU also gave the actual unemployment rate at 6.4 per cent in 2006; their estimate was 6.3 per cent for 2007 while their forecast was 6.2 per cent for 2008. [75a] (p8)

- 2.04 The Sri Lanka Department of Census and Statistics recorded in their Statistical Data Sheet 2007 (undated, website accessed on 10 September 2007) that in 2006, out of a total labour force of 7,598,762 (excluding Northern and Eastern provinces) there were 493,440 unemployed with an unemployment rate of 6.5 per cent (female 9.7 per cent; male 4.7 per cent). The mean household per month was in 2006 20,048,000 Sri Lankan rupees. [58c]

- 2.05 The approximate rate of exchange from xe.com Universal Currency Converter on 6 May 2008 was £1 = 212 Sri Lankan rupees. [33]
- 2.06 The 'Household Income and Expenditure Survey 2006/07, Summary Findings' issued by the Department of Census & Statistics Sri Lanka in February 2008 recorded that "The survey results reveal that the median household income per month for Sri Lanka is Rs. 16,735 [corresponding to approximately £78 in May 2008], which means 50 percent of the total households receive less than Rs. 16,735 per month. Among the districts the highest median household income is reported from Colombo district (Rs. 24,711) and the lowest median household income is reported from Nuwara Eliya district [in the central highlands] (Rs. 11,914)." [58f] (p1)
- 2.07 The Department of Census & Statistics. 'Sri Lanka Official Poverty line' (defined as 'Minimum Expenditure per person per month to fulfil the basic needs') at national level for March 2008 was Rs. 2,886 (Rs. 3,117 for Colombo). (Updated District official poverty lines, 3 April 2008) [58g]

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3. HISTORY

- 3.01 As recorded in the Foreign & Commonwealth Office (FCO) country profile of Sri Lanka (last reviewed on 30 March 2007):

“Following independence from Britain in February 1948, the political scene has been dominated by two parties: the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), which is now part of the People's Alliance (PA) ...A republican constitution was adopted in 1972 and the ruling coalition, led by Sirimavo Bandaranaike, gave itself an extra two years in power. The UNP returned to power in 1978 and adopted a new constitution based on an executive presidency. It introduced for the first time elections based on proportional representation.” [15j] (History and Recent Political History)

- 3.02 “The SLFP became part of the People's Alliance (PA) coalition which, headed by Mrs Chandrika Kumaratunga (the daughter of S W R D and Sirimavo Bandaranaike), won general elections in August 1994. Mrs Kumaratunga then went on to win a landslide victory in elections in November 1994 and 1999 and served as President until November 2005.” (FCO Sri Lanka country profile) [15j] (Recent Political History)

- 3.03 “The elections in April 2004 produced a new political order with the victory of the UPFA (SLFP and JVP alliance). Support for the traditional parties dropped, and smaller parties - JVP, TNA [Tamil National Alliance] and JHU [Jathika Hela Urumaya] gained significant numbers of seats. The UPFA formed a minority government.” (FCO Sri Lanka country profile) [15j] (Recent Political History)

- 3.04 “At the general election, which took place on 2 April 2004, the UPFA won 105 of the 225 seats, having taken 45.6% of the votes cast; Wickremasinghe's UNP retained 82 seats (with 37.8% of the votes), while the TNA won 22 seats (with 7%). In an unexpected development, the Buddhist Jathika Hela Urumaya (JHU—National Heritage Party) won nine seats. The LTTE had openly supported the TNA during the election campaign and described the large number of seats won by the alliance as an endorsement and recognition of the LTTE as ‘the sole representative’ of the Tamil population. Participation at the election was reported to have reached 75% of eligible voters. The poll concluded peacefully. However, there were claims of voter intimidation and electoral malpractice, particularly in the north and east of the country. The UPFA, which had not secured an outright majority of seats in Parliament, undertook negotiations with a view to forming a coalition administration. Meanwhile, Mahinda Rajapakse, a senior member of the UPFA and former fisheries minister, was sworn in as Prime Minister on 6 April.” (Europa World Online) [1a] (Recent History)

- 3.05 The final official results were published in the official website of the Department of Elections:

United People Freedom Alliance (UPFA)	105
United National Party (UNP)	82
Tamil National Alliance TNA	22
Jathika Hela Urumaya (JHU)	9
Sri Lanka Muslim Congress (SLMC)	5
Eelam People's Democratic Party (EPDP)	1

Up-Country People's Front (UCPF)
[39a]

1

3.06 Europa World Online, accessed 15 August 2007, stated

"Sri Lanka was one of the countries most seriously affected by the devastating tsunami caused by a massive earthquake in the Indian Ocean on 26 December 2004. More than 31,000 Sri Lankans were killed in the disaster, which also left thousands homeless and without livelihoods. The tourism industry was badly affected by the catastrophe, with many hotels and resorts being damaged or destroyed. It was initially hoped that the scale of the disaster would serve to ease tensions between the Government and the LTTE, particularly as the Tamil areas of the island were amongst those worst hit. However, conflicts soon surfaced over the distribution of aid; the LTTE claimed that the Government was restricting the flow of international aid into Tamil-controlled areas and demanded that it be delivered directly to them." [1a] (Recent History)

3.07 "On 17 November 2005 14 candidates contested the presidential election. Mahinda Rajapakse secured a narrow victory over his closest rival, Ranil Wickremasinghe, winning 50.29% of the vote, compared with 48.43% for Wickremasinghe. The election was notable for the low turn-out amongst the country's Tamil population, particularly in the LTTE-controlled northern and eastern areas; this was thought to have played a significant part in Wickremasinghe's defeat, as he had stressed his commitment to the ongoing cease-fire agreement during the electoral campaign. While the LTTE had stated that they would not prevent people from voting, there was widespread evidence that they had done so. Rajapakse subsequently nominated Minister of Agriculture, Public Security, Law and Order and of Buddha Sasana, Ratnasiri Wickremanayake, as Prime Minister. (Europa World Online) [1a] (Recent History)

3.08 "In January 2007 more than 20 dissident politicians from the opposition parties joined the Government, thus giving it a parliamentary majority. This, in turn, precipitated a cabinet reshuffle in which UNP defectors and SLMC members were allocated several portfolios." (Europa World Online) [1a] (Recent History) A further cabinet reshuffle took place in August 2007. (Keesing's Record of World Events, Sri Lanka, August 2007) [23c] The current list of Government ministers can be accessed from the official website of the Government of Sri Lanka. (<http://www.priu.gov.lk>, last updated on 8 April 2008) [44a]

3.09 The International Crisis Group (ICG) document 'Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus', Asia Report N°141, 7 November 2007 noted that:

"The government is not a coherent decision-making body but a coalition of widely divergent parties constructed to ensure that Rajapaksa has a majority in parliament. To that end, almost every member of the coalition has been given a job or title: 107 MPs have a portfolio of one sort or other but most government members have no control or influence over policy except for the very narrow sector they directly oversee...According to one estimate, some 75 per cent of government revenues are under the control of the president and his brothers." [76c] (p21)

- 3.10 “[On 23 January 2008] The Elections Commissioners Department recognised five more political parties in addition to the 53 Political Parties recognised as on December 31, 2007. The TMVP, the political wing of the LTTE breakaway faction led by ‘Colonel’ Karuna, is among the two new recognized Tamil political parties. Full and faithful implementation of the 13th Amendment to the Constitution, holding of provincial council elections in the east and establishment of an interim provincial council in the north are the key recommendations made by the APRC in its interim report submitted to President Mahinda Rajapakse.” (South Asia Terrorism Portal (SATP), Timeline, Year 2008) [37c]

THE INTERNAL CONFLICT AND THE PEACE PROCESS

- 3.11 The FCO country profile of Sri Lanka, updated 30 March 2007, observed that

“The ethnic conflict in Sri Lanka has been going on for over 20 years as the Liberation Tigers of Tamil Eelam (LTTE) fight for an independent homeland. Some 70 000 people are estimated to have been killed and some one million displaced. The roots of the conflict lie in the deterioration of relations between the Tamil and Sinhalese communities from the 1950s. By the late 1970s a number of armed groups were operating in the north and east of the island. In 1983 there were serious anti-Tamil riots in Colombo resulting in the lynching and killing of some 2000 Tamils. Some Ministers in the Government of Sri Lanka were implicated in the event. Many Tamils returned to traditional Tamil areas in the North and many others began to seek asylum abroad...In mid 1987 when a Government of Sri Lanka embargo of Jaffna began to result in severe hardship, the Government of India, pushed by public opinion in Tamil Nadu, forced the Sri Lankan Government to sign the Indo-Sri Lankan Accord. This provided for an Indian peacekeeping Force (IPKF) in the North and East. However relations between the IPKF and the LTTE broke down and there was heavy fighting and reports of human rights violations on both sides. President Premadasa negotiated the IPKF's withdrawal, which was completed in March 1990. During 1988, in part against the India intervention, among [sic] the Sinhalese community grew into a violent insurgency by the Janatha Vimukthi Peramuna (JVP) and a counter-terrorist campaign. The rebellion ended in 1989 after JVP leaders were murdered. The Sri Lankan army undertook a ruthless counter-insurgency campaign and tens of thousands were killed. There followed a period of relative peace before the situation in the North and East deteriorated in June 1990. After 18 months, negotiations fell apart and the LTTE again resorted to violence. They extended their control until they held the Tamil heartland: the Jaffna Peninsula and large areas of the North and East. The security forces succeeded in winning back most of the East, but the North remained outside their control.” [15j] (The Internal Conflict)

- 3.12 “In July 1995, the Sri Lankan army launched a military operation, culminating in the fall of Jaffna in December 1995 to Government forces. At the end of January 1996 the LTTE began a bombing campaign in Colombo...During 1996, the Sri Lankan army secured enough of the Jaffna Peninsula to allow the civilian population to return to Jaffna town. The LTTE reasserted themselves in the Eastern province and infiltrated back into the Jaffna Peninsula. LTTE inspired terrorist attacks continued in the south, including on the Temple of the Tooth in Kandy, the most sacred Buddhist site in Sri Lanka...Fighting in the North intensified in late 1999 and the Vanni (jungle

areas in the North) fell to the LTTE after some of the fiercest fighting since the conflict began. In April 2000 the LTTE carried out a major assault which led to the withdrawal of Sri Lankan troops from Elephant Pass (which links the Jaffna peninsula to the rest of Sri Lanka). With control of Elephant Pass, the LTTE continued further attacks into the Jaffna Peninsula. Fighting continued until December 2001 when the announcement of a new ceasefire by the LTTE was reciprocated by the newly elected UNF government. A Ceasefire Agreement was signed in February 2002 by the government and LTTE.” (FCO Sri Lanka country profile) [15j] (The Internal Conflict)

- 3.13 The BBC News Timeline: Sri Lanka (last accessed on 13 May 2008) recorded that during 2002 the Government lifted its ban on the Tamil Tigers, while the rebels dropped their demands for a separate Tamil state. It also noted that the de-commissioning of weapons began [9fo]
- 3.14 “In early March 2004 a rift within the LTTE appeared after a senior Tamil eastern regional commander declared his independence from the rest of the group. V. Muralitharan (commonly known as Col Karuna) withdrew his 6,000 fighters from the 15,000-strong LTTE in a dispute with the northern-based LTTE leader, Prabhakaran... Karuna, who accused northern Tamil groups of ignoring and discriminating against eastern groups, made it clear that he would not resume violence. However, he would not recognize the cease-fire agreement between the Government and Prabhakaran, and instead demanded a separate truce agreement with the Sri Lankan administration. Analysts feared that the schism might escalate into factional war; the split also raised questions about Prabhakaran's control over the LTTE and undermined the Tamil militants' claims that the main obstacle in the peace process was political divisions among Sinhalese political parties. The rift also adversely affected Norway's fresh attempt to revive the peace initiative. In late March [2004] the LTTE vowed to remove Karuna from Sri Lanka...On 9 April [2004] fighting between the two factions broke out. The conflict ended on 13 April [2004] with Karuna reported to have fled from his base and gone into hiding, his forces having dispersed and the LTTE assuming full control of the eastern areas.” (Europa World Online) [1a] (Recent History)
- 3.15 “From June 2004 onwards the cease-fire between the LTTE and the Government came under increasing pressure. During discussions with Hårgup Haukland, leader of the Norwegian team monitoring the ongoing peace process, the LTTE accused the Sri Lankan armed forces of sheltering Col Karuna and of assisting him in waging a campaign against them. The armed forces initially denied that they had helped Karuna to escape following the April [2004] conflict; however, later in that month the Minister of Ports and Aviation and of Information and Media, Mangala Saramaraweera, admitted that the army had helped Karuna to escape, while insisting that the plan had been carried out without government knowledge.” (Europa World Online) [1a] (Recent History)
- 3.16 “In August 2005 the peace process between the Government and the LTTE was seriously threatened when the Minister of Foreign Affairs, Lakshman Kadirgamar, was assassinated by unidentified gunmen at his home in Colombo. Although they denied responsibility, the LTTE were held responsible for the attack...In December 2005 violence in the country escalated...In February [2006] negotiators representing the LTTE and the Government convened in Geneva, Switzerland, to hold talks on how to control the recent

increase in violence. A joint statement issued following the conclusion of the talks committed both sides to uphold the cease-fire. The LTTE agreed to try and prevent further attacks on the security forces, while the Government pledged to try and disarm the Karuna faction of the LTTE, which was thought to have been acting on behalf of the armed forces against its erstwhile colleagues. However, prior to the second round of talks, scheduled to take place in Geneva in mid-April, the violence intensified once again...Later that month the LTTE stated that they would not attend talks, alleging that government forces had perpetrated attacks on Tamil civilians. In late April a suicide bombing believed to have been perpetrated by the LTTE at the army headquarters in Colombo killed at least 11 people and seriously injured the Chief of Staff of the Army, Lt-Gen. Sarath Fonseka.”(Europa World Online) [1a] **(Recent History)**

- 3.17 “The Government subsequently ordered a number of air strikes on alleged LTTE bases near Trincomalee, which, according to the LTTE, caused the displacement of approximately 15,000 people. The violence continued, further jeopardizing the ongoing cease-fire: in May [2006] Maj.-Gen. (retd) Ulf Henricsson of the SLMM acknowledged that a ‘low intensity war’ was taking place. At the end of the month the EU classified the LTTE as a terrorist organization, which entailed a suspension of LTTE fund-raising in EU member states, a ‘freeze’ on the organization’s assets and a ban on travel to the EU...Amid escalating violence the LTTE withdrew from peace talks planned for June. In mid-June fears about the intensification of the conflict were realized when landmine explosions killed some 64 civilians, including several children, on a crowded bus in Kebithigollewa. Despite the LTTE’s condemnation of the attack, the Government retaliated by launching air attacks on Kilinochchi. A new front in the fighting opened up over access to the Maavil-Aru waterway, which became the scene of a number of air and ground offensives in July. The violence spread to the town of Muttur, north of the waterway, forcing thousands of inhabitants, many of them Muslims, to flee in August.” (Europa World Online) [1a] **(Recent History)**
- 3.18 “Clashes between LTTE fighters and army troops continued in the north and east of the country, with rising death tolls of civilians, rebels and government forces...Little progress was made at peace talks held in Geneva at the end of October [2006], although both sides agreed to uphold the terms of the cease-fire agreement.” (Europa World Online) [1a] **(Recent History)**
- 3.19 On 1 December 2006 BBC News reported that President Mahinda Rajapakse’s brother [the Defence Secretary Gotabhaya Rajapakse] had escaped a suspected suicide bomb attack in Colombo and that the Government had blamed Tamil Tiger rebels for the explosion, which killed at least one person and hurt 14 others. [9k]
- 3.20 As reported by BBC News on 6 December 2006:
- “Sri Lanka’s cabinet has announced sweeping anti-terror measures after months of worsening violence between security forces and Tamil Tiger rebels. Ministers stopped short of banning the rebels but tightened existing emergency laws which have been dormant since a 2002 ceasefire that is now in shreds. Security forces will have wide-ranging powers to search, arrest and question...The government said the far-reaching measures, which do not mention the Tamil Tigers by name, would take effect immediately...Sri Lanka’s

government lifted its ban on the Tamil Tigers ahead of the [2002] ceasefire deal and peace talks brokered by Norway. The old Prevention of Terrorism Act was effectively suspended following the truce.” [9o]

Events in 2007

- 3.21 “The violence continued into 2007, with government forces reportedly securing the eastern town of Vakarai in January after a series of battles and the displacement of an estimated 30,000 people. According to SLMM estimates published in February [2007], the conflict had resulted in almost 4,000 fatalities over the preceding 15 months...In March there was a renewal of hostilities in eastern areas, reportedly as part of a larger government drive to secure the east of the country, as concerns mounted for the estimated 155,000 civilians left homeless by the fighting.In late March the strengthened capability of LTTE forces was demonstrated by an air attack on the government airbase at Katunayake, which was followed in late April by air bombings of fuel depots in the Colombo area.” (Europa World Online) [1a] (Recent History)
- 3.22 As reported by Keesing’s Record of World Events, February 2007, Sri Lanka:
- “The Sri Lankan Army (SLA) continued to apply pressure on districts held by the separatist Liberation Tigers of Tamil Eelam (LTTE) in the north of the country, including the Jaffna peninsula, and the east, in the areas around the coastal cities of Trincomalee and Batticaloa.” [23k]
- 3.23 During March 2007 there were also numerous reports of violence, fighting and confrontations between Government security forces and LTTE cadres, in the Jaffna, Ampara and Mannar districts (SATP Sri Lanka Timeline – Year 2007) [37d] with Government troops claiming continuing success in clearing eastern coastal areas of LTTE rebels and thousands of civilians fleeing the fighting. (BBC News Timeline: Sri Lanka, last accessed on 13 May 2008) [9fo]
- 3.24 “On 26 March 2007] The LTTE carried out their first ever air attack on the main Sri Lankan Air Force base in Katunayake, killing three air force personnel and injuring another seventeen at 12:45 am on, the military said. A light wing aircraft manned by the outfit dropped two bombs near the engineering section of the base. There were no damages to the fighter jets.” (SATP Sri Lanka Timeline – Year 2007) [37d]
- 3.25 Keesing’s Record of World Events, April 2007, Sri Lanka, recorded:
- “The separatist Liberation Tigers of Tamil Eelam (LTTE) mounted at least two further air raids during April, showing that the bombing of the main air base of the Sri Lanka Air Force (SLAF) in March was not a one-off exploit but the introduction of a new dimension into the conflict...The SLAF retaliated on April 29 by mounting its own air raids in Kilinochchi district of the Jaffna peninsula, apparently trying to hit the TAF airstrip.” [23m]
- 3.26 Armed clashes between the Sri Lankan Army and the LTTE were reported during the month of April 2007 in the northern districts of Mannar and Vavuniya; in the north-eastern district of Mullaitivu and in the eastern district of Batticaloa. Civilians were reported to have been targeted. (Keesing’s Record of World Events, April 2007, Sri Lanka) [23m]

3.27 On 28 May 2007, BBC News reported that:

“A blast near the Sri Lankan capital, Colombo, has killed six civilians and wounded 14 more and four police. The blast targeted a truck carrying police commandos near the suburb of Ratmalana, military spokesman Lt Col Upali Rajapakse said. He blamed the separatist Tamil Tigers for the attack. The Tigers have denied any involvement... This is the second bomb attack in and around Colombo in recent days. On Thursday [24 May] a blast hit an army bus near the capital's harbour killing one soldier and wounding three more. Three civilians were also hurt.” [9ac]

3.28 The SATP Sri Lanka Timeline for the year 2007 recorded clashes and confrontation between Sri Lankan troops and the LTTE in the districts of Jaffna and Batticaloa at the beginning of June 2007. [37d]

3.29 As recorded in Keesing's Record of World Events, October 2007, Sri Lanka:

“The separatist Liberation Tigers of Tamil Eelam (LTTE) on Oct. 2 [2007] mounted a combined air and land attack on a Sri Lankan Air Force (SLAF) base, the first time the Tamil Tigers had attempted such an operation. A combination of two Air Tiger Czech-made light aircraft dropping bombs and 21 Black Tiger suicide bombers attacked Anuradhapura air base, some 200 km north of Colombo (the commercial capital). After first playing down the damage caused in the attack, the government on Oct. 24 admitted that three helicopters, four training aircraft, and one surveillance aircraft had been destroyed and that 27 airforce and army personnel had been killed. Another SLAF helicopter crashed whilst pursuing the LTTE aircraft. The bodies of 20 Black Tiger commandos were found....In fighting throughout the month between the Sri Lankan Army (SLA) and the LTTE, in the northern areas of Wanni district and the Jaffna peninsula, the SLA claimed to have killed at least 100 LTTE fighters. The army had turned its attention to the north after claiming in July to have captured the last rebel base in Eastern province....A ceasefire of 2002 [see p. 44614] between the government and the LTTE now existed only on paper.” [23f]

3.30 “A bombing raid by the Sri Lankan Air Force (SLAF) on Nov. 2 [2007] on the separatist Liberation Tigers of Tamil Eelam (LTTE) northern stronghold of Kilinochchi, targeting a meeting of LTTE leaders, killed S.P. Thamilselvan, 40, leader of the LTTE political wing, and five other commanders. Formerly a front-line commander for the Tigers, Thamilselvan moved to a political role after being seriously injured in fighting in October 1993 and subsequently took part in every round of negotiations with the Sri Lankan government and foreign mediators...Analysts said that Thamilselvan's death, following that in December 2006 of political strategist and chief negotiator Anton Balasingham, made the prospect of a resumption of peace talks between the two sides more remote.” (Keesing's Record of World Events, November 2007, Sri Lanka) [23g]

3.31 Thamilselvan, who held an important position in the LTTE's hierarchy, was known as the militant group's public face, senior negotiator and key contact point between the Tigers and the external world. He was the the most senior Tamil Tiger leader to have been killed in recent years. (BBC News, 2 November 2007) [9b] [9p]; (Reuters, 2 November 2007) [4d] On the same day it was reported that the LTTE leader V. Prabakaran had appointed B. Nadesan

as the new political head. (Pro-LTTE website TamilNet, 2 November 2007) [38y]

- 3.32 “Bomb attacks on Nov. 28 [2007] blamed on the LTTE killed at least 18 people in Colombo. A parcel bomb at a suburban shopping centre [at Nugegoda junction] killed at least 17 people and injured 37, whilst an elderly, disabled female suicide bomber blew herself up outside the office of Social Services Minister Douglas Devananda, killing his secretary and wounding two others. Devananda, himself a Tamil and a frequent target of assassination attempts by the LTTE, was unharmed. Heavy fighting between the Sri Lankan Army (SLA) and the LTTE continued in northern districts of Sri Lanka, with a death toll in the month of at least 100, including at least 12 civilians.” (Keesing’s Record of World Events, November 2007, Sri Lanka) [23g]
- 3.33 During the month of December 2007 frequent armed clashes in the north were reported, mainly in the districts of Jaffna; Mannar and Vavuniya. (International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2007, undated, website accessed on 19 February 2008). [51b] (South Asia Terrorism Portal, Sri Lanka Timeline - Year 2007) [37d]
- 3.34 “[On 5 December 2007] 15 civilians were killed and 23 others injured in a LTTE-triggered remote controlled claymore mine explosion targeting a Ceylon Transport Board passenger bus at Abimanpura in the Padaviya area of Anuradhapura district.” (South Asia Terrorism Portal, Sri Lanka Timeline - Year 2007) [37d]
- 3.35 As noted in the IISS Armed Conflict Database, Sri Lanka, Military developments 2007 (undated, website accessed on 19 February 2008):

“With the collapse of the 2002 Ceasefire Agreement, fighting intensified throughout 2007 on the ground, at sea and in the air, with an estimated 4,500 fatalities. While the Sri Lankan military made significant gains and demonstrated its force superiority, vulnerabilities were also exposed and exploited by the Liberation Tigers of Tamil Eelam (LTTE). The government’s ground war against the LTTE made significant gains in the eastern regions around Batticaloa and Thoppigala, which was taken on 11 July, signifying the end of LTTE influence in the area. Soldiers on both sides used heavy weaponry including shells and mortars, while government troops were deployed in door-to-door sweeps designed to flush out Tamil Tiger forces seeking to merge into the civilian population. This was not the first time government forces had retaken the eastern regions. The Tigers were earlier routed in 1992, only to reinfiltate over the following months. However, in the previous case, the Tamil Tigers were able to exploit a power vacuum left by the Army as it reduced deployments in the area following the end of combat operations. This time the vacuum had already been filled by the Tamil Eela Makkal Viduthalai Pulikal [TMVP/Karuna faction] and other paramilitaries tolerated by the government. Military successes in the east shifted political and military attention to the LTTE’s last bastions in the north. Although weakened, the LTTE was not, however, a spent force, and analysts expected a resumption of suicide bombings and other attacks designed for political rather than military effect.” [51c]

- 3.36 As noted in the International Crisis Group (ICG) document 'Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus', Asia Report N°141, 7 November 2007:

"Sinhala nationalism, long an obstacle to the resolution of Sri Lanka's ethnic conflict, is again driving political developments on the island. Nationalist parties, opposed to any significant devolution of power to Tamil areas of the north and east and to negotiations with the Tamil Tigers, help set President Mahinda Rajapaksa's agenda... The search for a political solution to nearly 25 years of war has repeatedly foundered as a result of competition between mostly Sinhala parties in the south as well as excessive Tamil demands." [76c] (Executive Summary)

- 3.37 "Peace is a long way off. The LTTE has demonstrated a clear lack of interest in a negotiated settlement. The government is beholden to and sympathetic with forces that conceive of Sri Lanka as an essentially Sinhala and Buddhist nation. Denying the existence of legitimate grievances specific to Tamils and the need to accommodate their concerns in a settlement, the politically dominant forms of contemporary Sinhala nationalism assert that the central problem is a terrorist threat that needs to be crushed. Despite claims to be committed to a political solution, the decision to rely on hardline Sinhala nationalist parties with an ideological commitment to the unitary state has left the government with little option other than to pursue the LTTE's military defeat." (ICG, 'Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus', Asia Report N°141, 7 November 2007) [76c] (p27)

- 3.38 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that:

In the continuing conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), both sides show little regard for the safety and wellbeing of civilians—and violate international humanitarian law—by indiscriminately firing on civilian areas and unnecessarily preventing the delivery of humanitarian aid. Since the breakdown of the ceasefire and the resumption of major military operations in mid-2006, hundreds of civilians have been killed and over 208,000 persons remain displaced as of October 31 [2007]." [21b] (p1)

- 3.39 As noted in the ICG (International Crisis Group) document 'Sri Lanka's Return to War: Limiting the Damage', Asia Report N°146, 20 February 2008:

"There are no independent and reliable sources for statistics on killed and wounded since the CFA began to collapse. The figure cited most often in media reports – 5,000 troops and civilians killed – may well be too low. The military claims more than 6,000 combatants killed since the beginning of 2006. There are no accepted overall statistics for civilians over the past two years, but it is clear that hundreds have died in shelling and bombing. Many hundreds more have been deliberately targeted by the Tigers and the government's counter-insurgency campaign. A conservative estimate for total civilian deaths would be at least 1,500." [76d] (p9)

- 3.40 The USSD Country Reports on Terrorism, released on 30 April 2008, recorded that:

“Approximately 5,000 people were killed [during 2007] and many thousands more displaced as the conflict escalated between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), a designated Foreign Terrorist Organization. The Sri Lankan government took effective control of the Eastern Province in midyear [2007], but the LTTE continued to control much of the north and carried out attacks throughout the country. The Sri Lankan Army remained deployed across the country in all areas it controlled to fight the insurgency. The Special Task Force (STF) police were deployed both in the east and in strategic locations in the west.” [2e] (Chapter 2, Country Reports: South and Central Asia Overview, Sri Lanka)

Additional information on events in 2007 is available from the following weblinks: IISS Armed Conflict Database [51b]; and SATP Timeline 2007 [37d]

Events in 2008

- 3.41 As noted in the Economist Intelligence Unit (EIU), Country Report Sri Lanka, Main report, January 2008:

“On January 1st [2008] a UNP parliamentarian, T Maheswaran, was assassinated en route to a Hindu temple. Mr Maheswaran was killed just a few days after he had threatened to reveal information about alleged government involvement in recent abductions during a television interview; the government subsequently reduced his security. The day after his assassination, a claymore mine planted in the bar of a local hotel exploded in the Slave Island area of the capital, Colombo, killing four people and injuring 28, two of whom were army personnel; the area in which the device exploded housed a number of military installations. A government spokesman blamed the bombing on the Liberation Tigers of Tamil Eelam (LTTE, Tamil Tigers). Hours after the second explosion, the government annulled the ceasefire agreement with the LTTE that had been in place since February 2002. Signed by the then prime minister, Ranil Wickremasinghe of the UNP, the ceasefire had in any case been rendered effectively null and void by the increase in violence that occurred in 2006-07. The government insisted that there was little to be gained in adhering to an agreement that had been violated persistently by the LTTE. (The government has also been accused of numerous violations of the ceasefire by international observers).” [75a] (p9)

- 3.42 As announced on 3 January 2008 on the Official Website of the Government of Sri Lanka “The Cabinet yesterday (January 02) unanimously decided to withdraw from the Norwegian arranged Ceasefire Agreement entered with the LTTE in 2002... According to the Agreement, either party should give two weeks notification prior to the withdrawal from the Ceasefire to the Norwegian facilitators. With the government’s decision the Norwegian-led Nordic monitoring mission would end its assignment here.” [44c]

- 3.43 The EIU Report of January 2008 noted:

“The... JVP had repeatedly called on Mr Rajapakse to abrogate the agreement and defeat the Tamil rebels using military force. Tamil parties denounced the government’s move, warning that it heralded the death of the peace process. Sure enough, violence increased almost immediately: a mine blast [in the Ja-Ela town, 12 miles (19km) north of Colombo] on January 8th [2008] killed the minister for nation-building, D M Dassanayake, and according

to the military nearly 100 LTTE rebels and two soldiers were killed in intense fighting in mid-January, in the days preceding the visit to Sri Lanka of a Japanese delegation. (Both the Sri Lankan military and the LTTE habitually overstate the other side's losses and understate their own)." [75a] (p9-10)

3.44 "[On 5 January 2008] The Tamil Tiger's head of military intelligence 'Colonel Charles' is killed by a mine blast in the country's north whilst travelling with at least three other commanders who were also killed. Reports suggested the mine was planted by special units of the army." On 16 January 2008, the 2002 Ceasefire Agreement (CFA) between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), which had been abrogated by the Government on 2 January 2008, formally ended. Armed clashes continued throughout January 2008, mainly concentrated in the Jaffna peninsula; Vavuniya and Mannar. (International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Timeline 2008, undated, website accessed on 13 May 2008) [51a]

3.45 A press statement issued by the Sri Lanka Monitoring Mission (SLMM) on 16 January 2008 noted:

"Today, January 16 2008, marks the final day of the Ceasefire Agreement (CFA) period in Sri Lanka, that has lasted for almost six years. The Agreement signed by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam in February 2002 outlined the mandate for the Sri Lanka Monitoring Mission, as a tool to watch the CFA implementation. Thus, the abrogation of the CFA also implies the termination of the SLMM...During the first years of the CFA period, there was seemingly a general spirit of cooperation between the Parties. Violations were relatively few. But lack of progress on critical issues nurtured distrust between Parties, giving set backs in the peace process. Gradually the conflict level increased, involving more military activities, more violence affecting civilians, more signs of insecurity, and more displacement of people. Today, the ground situation displays a reality very far from what is outlined in the CFA...The purpose of SLMM presence in Sri Lanka has all the way been to support the peace process... The Sri Lanka Monitoring Mission has been appreciated and slammed, loved and hated, over these six years...The SLMM has been present in the North and the East of Sri Lanka, as well as in the capital, every single day for nearly six years. Through on the ground monitoring, we have learned to recognize and respect the complexity of the conflict. Based on this knowledge, the final report from the operation is this: The SLMM is absolutely convinced that this complex conflict can not be solved by military means." [22d]

3.46 Some violent incidents occurred during January 2008 both in the north and in the south. "[On 16 January] A claymore mine explosion followed by gunfire hits a civilian bus, killing 26 [in Buttala, approximately 240km (150 miles) south-east of Colombo]. A witness said militants hid waiting and killed anybody who fled from the bus's doors. Three soldiers were also injured in a similar blast in the same region [BBC News reported on that day that the second blast targeting an armed vehicle had taken place 'a short distance away from the first' leaving several soldiers wounded [9s]]...[On 18 January] Eight civilians and two policemen are shot dead in southern Sri Lanka by militants during an ambush. The incident took place in the village of Thanamakwila, 160 miles southeast of the capital Colombo...[On 29 January] A claymore mine attack on a school bus near Mannar kills 17 people, mostly

children, as they returned from a sports event. Both sides accused each other of carrying out the attack. The Tamil Tigers claimed the mine had been planted by a government deep penetration unit. The government denies its troops were operating in the area..." (International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Timeline 2008, undated, website accessed on 13 May 2008) [51a]

- 3.47 As reported by Reuters on 28 January 2008 after clashes on the Jaffna peninsula, the northern districts of Vavuniya and Polonnaruwa and the northwestern district of Mannar "While the government has had the upper hand in recent months, killing senior rebel figures including the Tigers' political wing leader and military intelligence chief, military analysts say the rebels have retained their strike capability and see no clear winner on the horizon." [4f]

See also Section 4 Annex A, B, E and F

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4. RECENT DEVELOPMENTS

- 4.01 On 13 February 2008 the International Committee of the Red Cross (ICRC) expressed its deep concern about "the growing number of civilian casualties, including children, resulting from the deteriorating security situation across Sri Lanka" and noted that the number of civilians affected by the violence has reached 'appalling levels'. More than 180 civilians were reported killed and almost 270 injured in a series of 'targeted and/or indiscriminate attacks' during the first six weeks of 2008. [34b]

- 4.02 As recorded in the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Timeline 2008, undated, (website accessed on 13 May 2008):

"[On 2 February 2008] Twenty people are killed by an bus explosion as it stands at Dambulla station [in the central province]. The civilian victims suffered severe blast, shrapnel and burn injuries. The privately owned bus was taking Buddhist pilgrims from the central town of Kandy to north central Anuradhapura town. The attack was the third against buses following the collapse of the CFA...[On 3 February 2008] A Tamil Tiger Suicide bomber kills eleven people, detonating her explosives in Colombo's packed train station. A further 92 people were also wounded. Security officials speculated the bomber may have diverted to the more accessible train station rather than the city's political heart due to numerous checkpoints set-up along the way...[On 4 February] Two bomb blasts kill 13 people including one soldier. Most fatalities occurred as militants targeted a bus in the Ethavatunuwawa area [near Anuradaphura] with a roadside explosive. In the second incident, a soldier was killed and two others injured by a mine detonation... [On 23 February] Another bus bombing injures at least 18 people close to Colombo. Passengers were being evacuated by the security forces when a suspicious package nearby detonated...[On 29 February] A Tamil Tiger suicide bomber blows himself up, injuring seven people at a lodge in the capital Colombo. Most of the victims were police officers who had been called to apprehend the man. A security spokesperson said the suicide bomber had been planning attacks in the

city...[On 6 March] An LTTE backed Member of Parliament, K Sivanesan is killed in the country's north. The Tamil Tigers claim Sivansen was assassinated with a claymore mine laid by government special forces. A government spokesperson denied involvement...[On 10 March] Suspected Tamil Tiger militants detonate a bomb hidden inside a flowerpot in Colombo, killing one and injuring six others. The man killed was reported to have been investigating the pot when it exploded." [51a]

- 4.03 "[On 11 March 2008] Local government elections end peacefully in the recently recaptured Batticaloa region with voter turnout registered at 56%. However, polling was marred by allegations of rigging and intimidation carried between rival supporters." (IISS, Sri Lanka, Timeline 2008, undated) [51a]
- 4.04 "[On 12 March 2008] The Tamil Tiger's leader, Velupillai Pirapakaran is charged together with five others with the assassination of Sri Lankan Foreign Minister Laxman Kadirgamar who was shot dead on 2005 12 August." (IISS, Sri Lanka, Timeline 2008, undated) [51a]
- 4.05 With regard to the election of March 2008, Irin noted on 20 March 2008 that:

"The overwhelming success of the Tamil Makkal Viduthalai Pulikal (TMVP), a breakaway faction of the Liberation Tigers of Tamil Eelam (LTTE), in the 10 March [2008] local government elections in the eastern Batticaloa District has prompted the group, backed by the Sri Lankan government, to seek additional victories at provincial level. The TMVP won majorities in all nine areas up for election and secured 76 of the 101 seats on offer with its coalition partner, the United People's Freedom Alliance, which holds power in parliament...The legitimacy of the election, however, has been disputed, with two of the largest opposition parties, the United National Party (UNP) and the Tamil National Alliance (TNA) boycotting it. Their absence paved the way for the TMVP landslide. The TMVP has been accused by the UN and other agencies of child recruitment, abductions and other violations. Election monitors, the People's Action for Free and Fair Election (PAFFREL), stated that despite no violence nor incidents of rigging being reported on polling day, there was a lot of pressure on candidates opposed to the TMVP to not stand." [55d]
- 4.06 During the months of February, March and April 2008 frequent armed clashes in the north were reported, mainly in the districts of Jaffna, Mannar, Vavuniya and Mullaitivu (from April 2008). (International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2008, undated, website accessed on 13 May 2008). [51c] (South Asia Terrorism Portal, Sri Lanka Timeline - Year 2008) [37c]
- 4.07 On 6 April 2008 Reuters reported that:

"A suspected Tamil Tiger suicide bomber killed Sri Lanka's highways minister and at least 13 other people attending a marathon race near the capital on Sunday. Television footage showed a ball of fire roaring towards the minister, Jeyaraj Fernandopulle, as he signalled the start of the race. K.A Karunaratne, a former top marathon runner, was among the dead. About 100 people, some of them runners in the race, were wounded. Fernandopulle, 55, was a member of the government negotiating team for failed peace talks with the Tamil Tiger rebels two years ago...Authorities immediately blamed the Liberation Tigers of Tamil Eelam (LTTE)...Fernandopulle was the second

minister to be killed since January. The minister for nation building, D.M. Dassanayake, died in a roadside blast in the same district, Gampaha. The Sri Lankan military has launched an offensive on the LTTE's northern strongholds in which at least 100 rebel fighters were killed last week, according to the military. The rebels have in the past hit back with bombings in Colombo and in the relatively peaceful south of the island when they have come under military pressure in the north and east. Sunday's attack took place in the town of Weliveriya, 30 km (19 miles) from Colombo." [4i]

- 4.08 On 25 April 2008 BBC News reported that "At least 24 people have been killed and about 50 wounded by a bombing on a bus in the outskirts of the Sri Lankan capital, Colombo, officials have said. The blast happened during rush hour while the bus stopped to pick up passengers in the city's southern suburb of Piliyandala, they added. A government spokesman blamed the Tamil Tiger rebel group. Violence in Sri Lanka has intensified since January, when the government pulled out of a ceasefire agreement." [9h]
- 4.09 "[On 3 May 2008] The SLA reports 33 to 38 LTTE fatalities over two days fighting in Mannar and Vavuniya districts. Claymore mines attacks cause at least one injury on the government side. According to government figures, 240 soldiers have been killed in 2008 compared to 245 during the whole of 2007. Over the same periods, respectively, fatalities for the LTTE are reported to be 3,300 and 2,500, according to the same source." (IISS, Sri Lanka, Timeline 2008, undated) [51a] Additional clashes were reported during the first part of May 2008 in the districts of Vavaunia and Mannar. (For further information see the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines, 2008 and the South Asia Terrorism Portal, Sri Lanka Timeline - Year 2008)
- 4.10 As reported by Reuters on 11 May 2008:

"Sri Lanka's ruling alliance won crucial elections in the island's war-ravaged east and hailed the result on Sunday as an endorsement of its war to defeat Tamil Tiger rebels. But election monitors and the opposition said the poll was marred by cheating, with armed former rebels now backed by the government accused of intimidating voters. The council elections, the first in the ethnically-mixed region for two decades, took place against a backdrop of violence blamed on the Liberation Tigers of Tamil Eelam (LTTE), who are fighting for an independent state in the north and east... President Mahinda Rajapaksa's ruling United People's Freedom Alliance (UPFA), allied with the TMVP, a grouping of Tiger defectors accused by rights groups of abductions and extrajudicial killings, won 20 seats in a 37-member provincial council. Rajapaksa says the poll was crucial to restore democracy to the eastern coastal region, held by the Tigers until last year, and allow development after 25 years of war. The elections were also part of the government's blueprint for devolution in minority Tamil areas, which it hopes will go hand-in-hand with its push to win the war, still raging in the north, in which tens of thousands of people have died." [4h]
- 4.11 "The TMVP, made up of fighters who defected from the mainstream Tigers in 2004 and helped the government evict their former comrades from the east of the island, were accused of election violence by monitors... Security was tightened for the polls in the eastern districts of Trincomalee, Ampara and Batticaloa, where nearly 1 million people voted for 1,342 candidates. The vote

underpins the ethnic Sinhalese-dominated government's twin strategy to defeat the rebels using both the ballot box and a current military offensive. Analysts saw the election as a referendum on the government's military strategy against the Tigers...The main opposition United National Party, which contested the election allied with the Sri Lanka Muslim Congress (SLMC), won 15 seats, and accused the government of trying to hand over the east to an armed group." (Reuters AlertNet, 11 May 2008) [4h]

- 4.12 The official results of the election of the Eastern Province Provincial Councils are available from this weblink with the Department of Government Information. [10d]
- 4.13 For additional information on developments in Sri Lanka between February 2008 and May 2008, please refer to Annex B and to the Useful sources for updates mentioned below.

See also Latest News, Annex A and E

USEFUL SOURCES FOR UPDATES

- 4.14 A list of some selected key sources of information on Sri Lanka is provided below, together with weblinks. These sources may be useful if additional up to date information is urgently required to supplement the material in this COI Report. For the full list of sources contained in this COI Report, please refer to Annex H – References to source material.

Alert Net	http://www.alertnet.org/db/cp/srilanka.htm
Amnesty International	http://www.amnesty.org/en/region/asia-and-pacific/south-asia/sri-lanka
BBC News	http://newssearch.bbc.co.uk/cgi-bin/search/results.pl?scope=newsukfs&tab=news&q=sri+lanka&go.x=32&go.y=8
BBC Sinhala	http://www.bbc.co.uk/sinhala/
Daily Mirror	http://www.dailymirror.lk/
European Country of Origin Information Network	http://www.ecoi.net/index.php?countrychooser_country=190162%3A%3ASri%20Lanka&step=1&command=showcountryhome
Free Media Sri Lanka	http://www.freemediasrilanka.org/
Human Rights Watch	http://www.hrw.org/doc?t=asia&c=slanka
International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Latest Timelines	http://acd.iiss.org/armedconflict/MainPages/dsp_ConflictTimeline.asp?ConflictID=174&YearID=1010
IRIN News Sri Lanka	http://www.irinnews.org/Asia-Country.aspx?Country=LK

Peace in Sri Lanka
(The Official website of the Government Secretariat for Co-ordinating the Peace
Process – SCOPP) <http://www.peaceinsrilanka.org/>

The Official Government News Portal of Sri Lanka
<http://www.news.lk/>

The Official Website of the Democratic Socialist Republic of Sri Lanka
<http://www.priu.gov.lk/>

Relief Web
<http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=lka>

South Asia Terrorism Portal
<http://www.satp.org/satporgtp/countries/shrilanka/databases/index.html>

Asian Human Rights Commission
<http://www.srilankahr.net/index.php>

The Lanka Academic <http://www.theacademic.org/>

UNHCR Sri Lanka <http://www.unhcr.lk/>

UNICEF Sri Lanka <http://www.unicef.org/srilanka/>

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5. CONSTITUTION

- 5.01 "The Constitution of the Democratic Socialist Republic of Sri Lanka was approved by the National State Assembly (renamed Parliament) on 17 August 1978, and promulgated on 7 September 1978...The Constitution guarantees the fundamental rights and freedoms of all citizens, including freedom of thought, conscience and worship and equal entitlement before the law." (Europa World Online, Sri Lanka: Government and politics, The Constitution) [1a]
- 5.02 "Amendments to the Constitution require endorsement by a two-thirds' majority in Parliament. In February 1979 the Constitution was amended by allowing members of Parliament who resigned or were expelled from their party to retain their seats, in certain circumstances. In January 1981 Parliament amended the Constitution to increase its membership from 168 to 169. An amendment enabling the President to seek re-election after four years was approved in August 1982. In February 1983 an amendment providing for by-elections to fill vacant seats in Parliament was approved. An amendment banning parties that advocate separatism was approved by Parliament in August 1983. In November 1987 Parliament adopted an amendment providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit). In December 1988 Parliament adopted an amendment affording Tamil the same status as Sinhala, as one of the country's two official languages." (Europa World Online, Sri Lanka: Government and politics, The Constitution) [1a]
- 5.03 The Seventeenth Amendment to the Constitution was published as a Supplement to Part II of the Gazette of the Democratic Socialist Republic of Sri Lanka of October 5, 2000. It introduced the Constitutional Council; the Public Service Commission; the Election Commission; the Judicial Service Commission and the National Police Commission. (The official website of the Government of Sri Lanka, The Constitution) [44i]

For the full text of the Constitution and of the Seventeenth Amendment:
<http://www.priu.gov.lk/Cons/1978Constitution/Introduction.htm> [44i]

See also Section 8 on Avenues of complaint

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6. POLITICAL SYSTEM

- 6.01 “A presidential form of government was adopted in October 1977 and confirmed in the Constitution of September 1978. The Constitution provides for a unicameral Parliament as the supreme legislative body, its members being elected by a system of modified proportional representation. Executive powers are vested in the President, who is Head of State. The President is directly elected for a term of six years and is not accountable to Parliament. The President has the power to appoint or dismiss the Prime Minister and members of the Cabinet; may assume any portfolio; and is empowered to dismiss Parliament. Sri Lanka comprises nine provinces and 25 administrative districts, each with an appointed Governor and elected Development Council. In November 1987 a constitutional amendment was adopted, providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit). A network of 68 Pradeshiya Sabhas (district councils) was inaugurated throughout the country in January 1988.” (Europa World Online, Sri Lanka: Government) [1a] The President is Mahinda Rajapakse; Prime Minister is Ratnasiri Wickremanayake. (Europa World Online, Sri Lanka) [1a]
- 6.02 As noted in the position paper of Transparency International Sri Lanka entitled ‘Mega Cabinets in Sri Lanka (Report No 1) Perceptions and Implications’ (undated):
- “The Cabinet of Sri Lanka under Executive President Mahinda Rajapakse was sworn in on 23rd November 2005 with 26 Ministers. With subsequent reshuffles it has expanded to more than four times its original number within the last two years to a total of 108 Ministers at present. This involves 52 Cabinet Ministers, 36 Non-Cabinet Ministers and 20 Deputy Ministers with the Executive President himself holding 6 ministerial portfolios including that of Finance and Planning.” [36a] (p2)

See also Sections 15: Political Affiliation; and 18: Corruption

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Human Rights

7. INTRODUCTION

- 7.01 As noted in the U.S. State Department (USSD), Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

"The government's respect for human rights continued to decline due in part to the escalation of the armed conflict. While ethnic Tamils composed approximately 16 percent of the overall population, the overwhelming majority of victims of human rights violations, such as killings and disappearances, were young male Tamils. Credible reports cited unlawful killings by government agents, assassinations by unknown perpetrators, politically motivated killings and child soldier recruitment by paramilitary forces 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 religious freedom, infringement of freedom of movement, and discrimination against minorities. There were numerous reports that the army, police, and progovernment paramilitary groups participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity. The situation deteriorated particularly in the government-controlled Jaffna peninsula. By year's [2007] end extrajudicial killings occurred in Jaffna nearly on a daily basis and allegedly perpetrated by military intelligence units or associated paramilitaries. There were few arrests and no prosecutions as a result of these abuses, although a number of older cases continued to make slow progress through the judicial system. Government security forces used the broad 2005 emergency regulations to detain civilians arbitrarily, including journalists and members of civil society." [2f] (Introduction)

- 7.02 "The LTTE, which maintained control of large sections of the north, continued to attack civilians and engage in torture and arbitrary arrest and detention; denied fair, public trials; arbitrarily interfered with privacy; denied freedoms of speech, press, and assembly and association; and forced recruitment, including of children. The LTTE was also active in areas it did not control and during the year [2007] carried out at least one politically motivated killing in Trincomalee, a politically motivated suicide attack in Colombo, a suicide attack against a government army base near Batticaloa, a bombing of civilian shoppers in a suburb of Colombo, and bombings of civilian buses in the south." (USSD 2007) [2f] (Introduction)

- 7.03 The Asian Human Rights Commission (AHRC) 'The state of human rights in eleven Asian nations in 2007, Sri Lanka', (released on 10 December 2007) reported that:

"The situation of human rights, the rule of law and the independence of the judiciary deteriorated further during the year 2007... There were no improvements in any of the areas relating to human rights and the rule of law, in fact, even the discourse on human rights suffered a serious setback as the Sri Lankan government refused to engage in any meaningful discourse about the improvement of the situation with the local human rights groups, international human rights groups, the Human Rights Council and with Louise

Arbour, the High Commissioner for Human Rights who visited Sri Lanka in October this year.” [47g] (p1)

- 7.04 In October 2007 the High Commissioner for Human Rights Louise Arbour visited Sri Lanka. In a press statement issued on 13 October summing up her visit she noted inter alia:

“I regret that time did not permit me to visit the Eastern Province. I also regret that I did not have the opportunity to visit Killinochchi, where I would have liked to convey directly to the LTTE my deep concern about their violations of human rights and humanitarian law, including the recruitment of children, forced recruitment and abduction of adults, and political killings. I am very concerned by the many reports I have also received of serious violations by the TMVP and other armed groups. I was struck in my discussions by the fact that broader human rights issues affecting all communities on the island have largely been eclipsed by the immediate focus on issues related to the conflict. These include issues of discrimination and exclusion, gender inequalities, the low participation of women in public and political life, the rights of migrant workers and press freedom. These challenges will remain before and after any peace settlement, and they are deserving of greater and more focussed attention.” (A Press Statement from Ms. Louise Arbour, UN High Commissioner for Human Rights forwarded by the Asian Human Rights Commission) [47e]

- 7.05 Ms Arbour continued

“Sri Lanka has many of the elements needed for a strong national protection system...However, in the context of the armed conflict and of the emergency measures taken against terrorism, the weakness of the rule of law and prevalence of impunity is alarming. There is a large number of reported killings, abductions and disappearances which remain unresolved... While the Government pointed to several initiatives it has taken to address these issues, there has yet to be an adequate and credible public accounting for the vast majority of these incidents. In the absence of more vigorous investigations, prosecutions and convictions, it is hard to see how this will come to an end. While Sri Lanka has much of the necessary human rights institutional infrastructure, critical elements of protection have been undermined or compromised. The application of treaties in domestic law has been questioned by the Supreme Court in the Singarasa case. The Government’s proposed legislation to address this problem, tabled this week in Parliament only partially addresses the issues and risks confusing further the status of different rights in national law...In my view the current human rights protection gap in Sri Lanka is not solely a question of capacity. While training and international expertise are needed in specific areas, and I understand would be welcomed by the Government, I am convinced that one of the major human rights shortcomings in Sri Lanka is rooted in the absence of reliable and authoritative information on the credible allegations of human rights abuses.” (A Press Statement from Ms. Louise Arbour, UN High Commissioner for Human Rights forwarded by the Asian Human Rights Commission) [47e]

- 7.06 In a press statement issued on 4 September 2007:

“Amnesty International urges the United Nations Human Rights Council to call on the government of Sri Lanka to address ongoing failures to respect human

rights in the context of the armed conflict between government forces, the Liberation Tigers of Tamil Eelam (LTTE) and other armed groups. Grave violations of human rights and international humanitarian law by all parties to the conflict characterize the hostilities which have escalated since April 2006. Unlawful killings, abductions and enforced disappearances of civilians are daily occurrences in Sri Lanka. Several hundred cases of enforced disappearances and several hundred unlawful killings have been registered in the first six months of 2007. Amnesty International is also concerned about a rising incidence of killings of journalists by unidentified armed men, and tightened restrictions on freedom of expression." [31]

7.07 The Amnesty International press statement of 4 September 2007 continued:

"There is an urgent and ongoing need for sustained and effective protection for civilians...Amnesty International is gravely concerned that civilians have not just been 'caught in crossfire', but have also been deliberately targeted by the security forces, the LTTE and other armed groups. Amnesty International remains particularly concerned over the failure to protect civilians in the north and east of the country. The number of reported unlawful killings and enforced disappearances has increased amid a continued failure to identify and bring to justice those responsible for human rights violations...Many internally displaced persons (IDPs) continue to live in fear, sustained in part by the LTTE's continued involvement in widespread human rights abuses including unlawful killings and abductions. In addition to the threat of LTTE reprisals, many IDPs report that they are reluctant to return to their places of origin because of the threat of forced LTTE recruitment of both adults and children. Amnesty International has repeatedly raised its concerns on this issue with the LTTE and urged the organization to fulfil its pledge to release all child soldiers. The Karuna faction, a breakaway group from the LTTE, continues to recruit children in government-controlled areas particularly in Batticaloa District."

"The number of attacks on journalists, particularly those considered part of the Tamil media, has escalated...There are grounds to fear a return to a pattern of the security forces involvement in extrajudicial killing of journalists and others...Amnesty International remains concerned at the restrictions placed on civil and political rights under the Emergency Regulations which were made more restrictive in 2006 after their reintroduction in August 2005."

"As human rights abuses in the context of the conflict have increased, Amnesty International is gravely concerned about a persistent climate of impunity reported by human rights activists and other civil society actors in Sri Lanka. A need for systematic monitoring and prompt, impartial and effective investigations remains acute, made all the more necessary by an extremely small proportion of these human rights violations ever having proceeded to trial or conviction of perpetrators in the past." (AI public statement, 4 September 2007) [31]

7.08 As noted in The International Crisis Group document 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007:

"The resumption of war between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) has been accompanied by widespread human rights abuses by both sides. While the LTTE has continued its deliberately provocative attacks on the military and Sinhalese

civilians as well as its violent repression of Tamil dissenters and forced recruitment of both adults and children, the government is using extra-judicial killings and enforced disappearances as part of a brutal counter-insurgency campaign.” [76a] (Executive Summary)

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8. SECURITY FORCES

8.01 The security forces comprise the 65,000-member police force (which included the 5,850-strong paramilitary Special Task Force) (U.S. State Department, Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008: USSD 2007) [2f] (Section 1d); the 150,900-strong armed forces (including recalled reservists and comprising: army 117,900, navy 15,000, air force 18,000), and paramilitary forces of around 88,600 (including 13,000 Home Guard, an estimated 15,000 National Guard and a 3,000-strong anti-guerrilla unit). (Europa World Online, Defence) [1a]

8.02 The Human Rights Watch (HRW), World Report 2008, Sri Lanka, January 2008, covering events in 2007, noted that:

“Government security forces are implicated in extrajudicial killings, enforced disappearances, forcibly returning internally displaced persons (IDPs) to unsafe areas, restricting media freedoms, apparent complicity with the abusive Karuna group, and widespread impunity for serious human rights violations. Hundreds of people have been detained under newly strengthened Emergency Regulations that give the government broad powers of arrest and detention without charge. The regulations have been used to conduct mass arbitrary arrests of ethnic Tamils in the capital Colombo, as well as to detain political opponents, journalists, and civil society activists.” [21b] (p1)

POLICE

8.03 As noted in the USSD report 2007:

“Following the 2005 presidential election, the government eliminated the Ministry of Internal Security and placed control of the 65,000 member police force, including the 5,850 strong paramilitary Special Task Force, under the Ministry of Defense. Senior officials in the police force handled complaints against the police. Few police officers serving in Tamil majority areas were Tamil and generally did not speak Tamil or English. Impunity, particularly for cases of police torture and disappearances of civilians within HSZs [High Security Zones], was a severe problem. Several NGOs claimed that corruption was also a problem in the police force. An October assessment by the AHRC revealed the government's tolerance of the pervasive corruption and incompetence of the police force as a major reason for the institution's incapacity to investigate and prosecute cases effectively.” [2f] (Section 1d)

8.04 As noted in the report of the UN Special Rapporteur on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006:

“Significant levels of police brutality and impunity were reported to me by a wide range of sources. The underlying causes are not difficult to discern. In the course of more than three decades of civil strife and violence, the police force has been transformed into a counter insurgency force. More than two thirds of today's police officers belong to the ‘reserve’ rather than the regular force and most of these have never received significant training in criminal detection and investigation...To make matters worse, police operations during the armed conflict were subject to ‘emergency’ legislation that permitted

prolonged detention without habeas corpus, the admission into evidence of confessions which would be inadmissible under the ordinary law of evidence, and the disposal of the bodies of persons killed by the armed forces or the police without a formal inquest. It is regrettable that many of these provisions are now back in force in emergency regulations promulgated since the assassination of Foreign Minister Kadirgamar. Today, too many police officers are accustomed to 'investigating' by forcibly extracting confessions and to operating without meaningful disciplinary procedures or judicial review." [6x] (Paragraph 50)

8.05 BBC Sinhala reported on 9 October 2006:

"The judiciary in Sri Lanka has ordered the police authorities to invalidate appointments offered to those accused of human rights violations. The Appeals Court ruled that a circular issued by Inspector General of Police (IGP) promoting suspended officers was null and void. The officers suspended as they were accused of human rights violations during the 'era of terror' in late 80s. The circular was issued in January 2001 by then Deputy Inspector General (DIG) Victor Perera on behalf of the IGP. Victor Perera was appointed as the new IGP by President Mahinda Rajapaksa last week. Appeals Court judge S Sriskandharajah issued the ruling after considering a petition by the relatives of those disappeared during late 80s. The court ruled that the circular was contradictory to the promotions code." [9n]

8.06 As recorded on the website of the Sri Lanka Police Service:

"The Special Task Force [STF] is the Para military arm of the Sri Lanka Police, deployed essentially for counter Terrorist and Counter Insurgency operations within the country. They are also deployed in the close protection Units providing security for VVIP's [sic] and at Key Installations... The nucleus of the Special Task Force (STF) was formed in 1983, drawing on Policemen already in service and having them trained by the Army in the handling of Infantry weapons and given basic training in 'jungle operations'. The first few Platoons formed were deployed mainly to provide support for Police Station [sic] in the North of Sri Lanka... As the STF grew in numbers, they took on the added responsibilities of providing protection to Key Installations in the Colombo District and providing personnel for the protection of the President, Prime Minister and several Ministers of the Cabinet." [7]

8.07 On 15 June 2007, SCOPP (the Sri Lankan Government's Secretariat for Co-ordinating the Peace Process) reported that the Special Task Force in the Eastern Province had moved to enhance its programme to teach Tamil to its officers:

"The STF which was set up in 1983/84 and began by taking over operations in the East from the Sri Lanka Army, found from the outset that the work was severely handicapped due to a grave communication problem,' [the STF commandant] Lewke said, explaining the rationale for the introduction of a comprehensive language training programme for officers who are not conversant in Tamil... In 2003, Tamil was included in the curriculum as a compulsory subject at the STF Training School and today, out of 3600 officers deployed in Batticaloa, 45% have been taught Tamil. This is in addition to 18-20% of the total cadre who belong to the Muslim and Malay communities whose first language is Tamil and a further 12% of Sinhalese who are from

villages adjacent to Tamil villages and who are therefore conversant in this language. Every year approximately 250 STF officers take 3-month Tamil language courses. Forty officers are due to receive Tamil language training beginning in August this year.” [41a]

8.08 In addition to the Special Task Force, police divisions include: Mounted Police; Traffic Police; Human Rights Division; Women & Child Bureau; Police Narcotics Bureau and Tourist Police. The Inspector General of Police (IGP) controls both the Functional Command and the Territorial Command. (Website of the Sri Lanka Police Service Special Information, accessed on 13 September 2006) [7]

8.09 As recorded in Jane’s Sentinel Country Risk Assessments, Country Report Sri Lanka (last accessed 4 January 2008):

“Policemen are poorly paid and susceptible to corruption at lower levels. Senior police officials are recruited more on a basis of class than ability. (Sri Lanka is a highly class-conscious society.) Human rights organisations have been highly critical of the Sri Lankan police, whose rapid expansion and poor training have contributed to lack of professionalism...Policing is conducted through over 300 police stations located throughout the country. Police stations are graded into six categories and are under the charge of officers in the rank of chief inspectors, inspectors and sub-inspectors, depending on the grade of the station. Police stations are further grouped into 132 territorial districts, each under the charge of a superintendent/assistant superintendent of police. These districts are in turn grouped into 35 police divisions. Each division is under the charge of a senior superintendent of police/superintendent of police.” [5a] (Security and foreign forces, 22 January 2007)

8.10 “The Sri Lankan police recruits personnel directly at three levels - probationary assistant superintendent of police, probationary sub-inspector of police, and police constable. There is little if any chance of promotion from constable to senior rank. A six-month training programme is intended to impart traditional police skills as well as providing instruction in the role of the police in the community and the criminal justice system. Induction training includes: origin and nature of police work; general police responsibilities; elements of organisation and administration; ethics; operations and patrol systems (techniques, tactics and patrol), and the handling of public disorder. The US is increasingly involved in the police training process and in September 2004 provided further funding and assistance for programmes.” [5a] (Security and foreign forces, 22 January 2007)

8.11 In the second half of August 2007 the Government announced a mass recruitment drive of Tamils and Muslims to join the police in the Batticaloa district with more than 500 applications being received and the plan to open more than 50 police stations in the recently captured areas in the east. (South Asia Terrorism Portal, Sri Lanka Timeline - Year 2007, 19 August) [37d]

Police in LTTE-held areas

8.12 “The ‘Tamil Eelam Police’, with its headquarters at Kilinochchi was formed in [the] year 1993, and reportedly has several wings, including traffic, crime prevention, crime detection, information bureau, administration and a special force. LTTE cadres collect taxes, its courts administer their version of justice

and the entire law and order machinery is LTTE-controlled.” (South Asia Terrorism Portal, Terrorist Groups, Liberation Tigers of Tamil Eelam (LTTE) [37a])

Arbitrary arrest and detention

8.13 As noted in the USSD report 2007:

“The law prohibits arbitrary arrest and detention; however, such incidents occurred in practice. Under the relaxed arrest and detention standards imposed by the emergency regulations, the law is unclear as to what constitutes an arbitrary arrest. The government refused to release statistics on the number of arrests made during the year under the emergency regulations. Several thousand individuals were detained at least temporarily, the majority of whom were released within 24 hours of their arrest.” [2f] (Section 1d)

8.14 On 19 August 2007 BBC News reported that the police had detained three ethnic Tamils incommunicado in Colombo (having arrested them upon arrival from Thailand after their asylum applications had been refused by the UNHCR). The police had refused to disclose where the detainees were kept. [9c] An Amnesty International (AI) statement of 17 August 2007 noted that detentions in Sri Lanka were becoming ‘increasingly arbitrary’ and went on to comment that ‘[i]n many cases, no receipts or records of detention had been provided to family members of those who had been arrested, despite a Presidential warrant of July 2006 requiring this’. AI also stated that the uncertainty on where significant numbers of detainees were held put them ‘at increased risk of torture and enforced disappearance’. [3h]

8.15 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 recorded that:

“Over the past 18 months, the Rajapaksa government has detained an undetermined number of people reaching into the hundreds under the regulations. The primary targets are young Tamil men suspected of being LTTE members or supporters, but the government has recently cast a wider net, arresting non-Tamils for allegedly supporting the LTTE. The overbroad and vaguely worded regulations allow for the detention of any person ‘acting in any manner prejudicial to the national security or to the maintenance of public order, or to the maintenance of essential services.’ The authorities may search, detain for the purpose of a search, and arrest without a warrant any person suspected of an offense under the regulations.” [21f] (Summary)

8.16 The HRW report of August 2007 further noted:

“The number of people arrested under the Emergency Regulations remains unclear. In March 2007 the government announced it was holding 452 persons under the Emergency Regulations (372 Tamils, 61 Sinhalese, and 19 Muslims), among them 15 soldiers, five policemen, one former policeman, and three military deserters. Human Rights Watch requested updated figures in June [2007], as well as the status of cases and the locations of detention, but the government failed to provide the information requested.” [21f] (Summary)

8.17 “According to Sri Lankan lawyers and human rights activists, the typical profile of a detainee under the Emergency Regulations is an ethnic Tamil man

between the ages of 18 and 40. But since late 2005, arrests under the regulations have expanded beyond the Tamil community. By February 2007, at least 11 Sinhalese civilians had been arrested and detained under the Emergency Regulations charged with being LTTE supporters from areas such as Matale, Ratnapura, and Galle.” (HRW, ‘Return to War, Human Rights under Siege’, 6 August 2007) [21f] (Section VII, The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005)

8.18 The HRW report of August 2007 added that:

“According to Sri Lankan lawyers and human rights activists, detainees under the Emergency Regulations are kept in regular prisons as well as police stations and other detention facilities, including those run by the Terrorism Investigation Division...The government has failed to provide complete lists of those detained, the charges they face, and the locations where they are being held....The use of unauthorized places of detention has become a source of enormous anxiety for the families of detainees. Often families don’t know where a relative is being held and the authorities are reluctant to give information. Under the Emergency Regulations, there is no requirement to publish the places where people are held...Human Rights Watch asked the Sri Lankan government where it was holding those arrested under the Emergency Regulations. The government did not provide this requested information, saying it was being tabulated by the police.” [21f] (Section VII, The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005) The same question – but related to the additional set of emergency regulations promulgated in December 2006 – produced exactly the same reply by the government. [21f] (Section VII, Emergency Regulation (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) No. 7 of 2006)

8.19 As reported in a letter from the BHC, Colombo dated 25 January 2008, “We spoke to Mr. Benedict Silva, secretary of Human Rights Commission who confirmed it was difficult to get the data of people arrested, their current location and the other information. He confirmed that there were a few reported cases of torture under detention, but not large numbers of cases.” [15f]

8.20 On 27 February 2008 BBC Sinhala reported that the Supreme Court had ordered the Attorney General (AG) to take steps to release LTTE suspects if no evidence was found against them. The Chief Justice Sarath Nanda Silva was reported to have observed that it was ‘unacceptable’ that these suspects were kept in remand for periods as long as 12 months. [9a]

8.21 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007, noted that “...arrests under the Emergency Regulations are sometimes hard to distinguish from enforced disappearances, as when non-uniformed government agents arrest people without announcing under what authority they are acting, the reason for the arrest or where the arrested person is being taken.” [76a] (p13)

See also Sections 12, 28 and 31

Cordon and search operations

- 8.22 The Minority Rights Group International briefing 'One year on: counter-terrorism sparks human rights crisis for Sri Lanka's minorities', dated December 2007 noted:

"Using these [counter-terrorism] laws, the military routinely conducts search operations in predominantly Tamil neighbourhoods across the country. These searches involve a number of armed officers cordoning off a particular area, screening ID cards, and intensely searching through personal properties including bedrooms. Women are particularly at risk when such search operations occur. In some cases, the men in a village are first rounded up and then the houses are checked leaving women extremely vulnerable. Search operations also occur at specific checkpoints or intermittently at ad-hoc check points across the country. The counter-terrorism measures are not just limited to the war-torn areas. In the capital, Colombo, Tamil neighbourhoods are often cordoned off for search operations and people are taken in for questioning." [62b] (p4)

- 8.23 The Human Rights Watch (HRW) report 'Return to War, Human Rights under Siege', published on 6 August 2007 noted that "Large-scale arrests of Tamil youth under the Emergency Regulations are particularly common after attacks attributed to the LTTE..." The report continued that "The police take advantage of the powers granted them under the regulations to arrest all those suspected in any way of supporting the LTTE..." And further stated "Also problematic is that the 2005 Emergency Regulations allow joint operations between the army and the police, with no clarity on responsibility. Lawyers working on cases of arrests under the regulations say that the police often round up alleged suspects in cordon and search operations in conjunction with the military and then tell lawyers and family members that they must speak to the military because the police have no information about the arrest." [21f] (Section VII, The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005)

- 8.24 The International Crisis Group (ICG) report, 'Sri Lanka's Human Rights Crisis', of 14 June 2007 noted that:

"The Emergency Regulations are the legal framework for the government's counter-terrorism and counterinsurgency strategy. Since their re-enactment following the assassination of Foreign Minister Kadirgamar in August 2005, they have been used to detain hundreds, mostly Tamils. Suspects are often arrested in mass 'cordon and search' operations in Tamil neighbourhoods and often purely on suspicion. No warrants or evidence of terrorist involvement is required. Many are quickly released once their identity is proven but hundreds have remained in prison for long periods. The Emergency Regulations allow detention without charge for 90 days, following which a suspect can be charged and held without bail indefinitely. Suspects can also be held for up to a year under 'preventive detention' orders issued by the defence secretary." [76a] (p13)

- 8.25 A letter from the BHC, Colombo, dated 24 August 2006, reported that:

"The Sri Lankan authorities often require households in predominantly Tamil areas to register all residents. These lists are then used in cordon and search operations to identify people who the police consider need to give a fuller explanation of why they are residing or travelling in a location. Lists of failed

asylum seekers could form part of this, although the areas covered by cordon and search operations (normally a few blocks) would not yield very many. Normally the police detain those who have not registered, for further questioning... In July [2006] the government published large advertisements in the press reminding security officials of their responsibilities when they detain anyone. This is a partial response to complaints that those detained in cordon and search operations were not being treated according to the law." [15h]

See also Section 28

Incidents in 2008

8.26 As reported by the *Daily Mirror* (Sri Lanka) on 7 January 2008:

"The police yesterday launched a massive search operation in Colombo City and arrested 198 persons on suspicion along with eight vehicles. The search was conducted in several selected places of the Western Province including the Colombo City where police searched around 75, 000 persons and 28, 000 vehicles. Senior DIG in charge of Western Province N K Illangakoon told the *Daily Mirror* yesterday that the search was conducted as a routine part of the city's security which started around 8.00am and lasted till 11.30am. They were arrested on suspicion for various offences including terrorists and underworld activities as well as failing to prove their identity... This was the first search operation in the New Year and the latest one after the Supreme Court decision to withdraw permanent roadblocks and checkpoints in the city, where such a mass arrest was made." [11u] Reporting on the arrests, the pro-LTTE website Tamilnet noted on 6 January 2008 that:

"The arrested included several young women. Although civil society sources speculated that more than 300 Tamil civilians were arrested during this operation, the police claimed that only 198 were arrested. Deputy Minister R.Rathakrishnan has contacted the Senior Deputy Inspector General of Police M.K.Ilangakone and requested him to release those arrested without any valid reasons. Mr.Rathakrishnan also visited some police stations where the arrested Tamils are being detained. Meanwhile, the parents of the arrested Tamil youths met the Deputy Minister and requested his assistance to get their children released." [38aa]

See also Section 28 on Check-points

8.27 On 29 January 2008, the pro-LTTE website TamilNet reported that "Forty Tamils arrested following the [8] January claymore explosion in Ja-ela that killed Mr.D.M.Dassanayake, Nation Building Minister in the cabinet of President Mahinda Rajapakse, are still being detained by the police and are being interrogated by the Terrorist Intelligence Division, according to Peliyagoda police." [38z]

8.28 As noted in a letter from the BHC, Colombo dated 25 January 2008:

"On 7th January 2008, the Supreme Court of Sri Lanka ordered the Defence secretary not to carry out search operations between 2100 and 0600 at residences, unless if [sic] there are specific reasons. Security forces (excluding police) are prohibited from searching houses between 2100 and 0600. If any searches are to be made during this time, security forces should

be accompanied by a police officer from the appropriate police division. According to an official who did not wish to be identified from the Centre for Human Rights and Development, approximately 1500 persons have been arrested at street checkpoints in Colombo recently and most of them were released after 2-3 days. Of the rest about 103 were sent to Boossa detention centre near Galle and a few were kept in [the] Terrorists Investigation Department (TID) office at Chaitytaya Road, Colombo 1. Most have been released after investigation as ordered by the Supreme Court in response to a Fundamental Rights Case filed by Ceylon Workers' Congress. We understand the general population of prisoners detained at Boossa detention camp and TID office in Colombo is about 550 at present." [15f]

- 8.29 As reported on 25 April 2008 by the pro-LTTE website TamilNet, "About two hundred civilians were taken into custody in Dehiwala in a search operation conducted from Tuesday dusk to Wednesday dawn. Except 42 Tamil civilians others were released after preliminary inquiries. Others were detained as they failed to prove their identity and provide satisfactory reason for their stay in the location, police sources said." [38ad] On 3 May 2008 the same source reported that:

"More than one thousand residences, with natives from Jaffna, Batticaloa, Ampaa'rai and Up-Country, were subjected to thorough search by the Police and the SLA from 4:30 a.m. till 11:00 a.m. Saturday. Around 300 persons were brought to the Jinthuppiddi ground for 'failing to provide valid reason for their stay in Colombo'. 84 of them were finally taken to police station...According to latest update, 15 of the 84 persons taken to the police have been detained there for further interrogations." [38ae]

- 8.30 On 11 May 2008 the pro-LTTE website TamilNet reported that:

"About 61 Tamil civilians arrested in Colombo in several cordon and search operations last few weeks are still being detained in several police stations in Colombo, civil society sources said. 25 are being detained in police stations at Dehiwala, Wellawatte and Kohuwela, 15 at Weliveriya, and 21 are held in Kotahena. All detainees had valid national identity cards, but were taken into custody because of their Tamil nationality, media reports said quoting complaints forwarded by their relatives to P.Radhakrishnan, Colombo district parliamentarian representing the Upcountry Peoples Front (UPF)... Meanwhile, 254 Tamil civilians including women, majority of them upcountry Tamils, are now being detained in Boosa detention centre for nine months to one year, said Mr.Radhakrishnan." [38u]

- 8.31 A letter from the BHC Colombo dated 16 May 2008 noted:

"During cordon and search operations in Colombo/Gampaha, a majority of persons who were arrested fell into 3 categories; those who had failed to produce their national identity cards; those who had failed to give a satisfactory reason as to why they were in the area if they emanated from another part of the country; and those arrested under Prevention of Terrorism Act/Emergency Regulations if they were suspected of being associated to the LTTE. Tamils form a vast majority of those arrested, although several Muslims were also detained. There were no reports of Sinhalese being detained. The Government has allegedly 400 persons detained in Boosa detention camp, and another 300 held in police stations in Colombo and surrounding suburbs

at any one time. These figures vary depending on the current security situation.” [15r]

8.32 The same letter continued:

“Invariably, the police target Tamils in the Colombo/Gampaha district given the present security situation. One must assume that they profile likely suspects based on risk assessment, e.g. male, Tamil, aged between 17-35, residing in low-budget, multi-occupancy housing etc. Frequent cordon and search operations, and swoops on lodgings are all centred on Tamils. However, there was at least one crackdown in Gampaha during 2006, when there was a reported chase of the Sinhala Tigers. The police have also reported that it was a Sinhalese woman accompanied by her mother who carried out the Dambulla bus bombing on 2nd February 2008, and that investigations showed that Ruwanwelisaya [temple] was the intended target.” [15r]

See also Section 28: Freedom of Movement

Incidents in 2007 and previous years

8.33 On 12 January 2007 the pro-LTTE website TamilNet reported that “Tamil civilians arrested by the Sri Lanka's forces under the newly introduced Prevention of Terrorism (PTA) Act are now sent to Boosa detention camp located in Galle in the south of the island due to lack of space in Colombo jails.” [38f]

8.34 On 13 January 2007, the pro-LTTE website TamilNet reported that:

“Sri Lanka Security forces assisted by Police arrested 209 youths in Gampaha, 36 in Nittambuwa, 22 in Minuwangoda, and 7 in Borelesgamuwa Friday and Saturday during separate cordon and search operations, sources in Colombo said. Many were released after proving their identity, and others were detained for further questioning, sources said. Majority of the arrested youths are Tamils. Most of the youths are natives of Trincomalee, Killinochchi, Jaffna, Batticaloa, and Upcountry, and have been working in factories and other worksites in Sinhalese dominated areas, according to sources.” [38e] On 20 January 2007, the same source reported that 145 persons (majority of them Tamils) had been arrested during a combined cordon and search operation by the Sri Lanka army and police in the district of Puttalam in the north-west province.” [38g]

8.35 BBC Sinhala reported on 24 January 2007:

“The President of Sri Lanka, Mahinda Rajapaksa, has ordered the police to take immediate steps to release detained Tamil youths of Indian origin. In a meeting held with union leaders of plantation workers, Mr. Rajapaksa has ordered the police to produce those accused of any wrongdoings before the courts...Nearly 400 Tamils of Indian origin were arrested by the security forces during the last few weeks, Deputy Minister for Vocational Training Radhakrishnan told BBC Sandeshaya. 116 of those arrested - 108 boys and eight girls - have been sent to the ‘infamous’ military detention camp in Boossa, the minister said...Police authorities, meanwhile, accused the minister of ‘exaggerating’ the figures.” [9e] As noted on the following day by the pro-LTTE website TamilNet “Of the 116 held in Boosa camp, inquiry against

74 suspects have been completed and 33 of them are expected to be released soon as no evidence has been found against them involving in any illegal activity, sources said.” [38h]

8.36 On 4 February 2007, the pro-LTTE website TamilNet reported that:

“More than 300 persons, majority of them Tamils, were arrested during a combined cordon and search operation conducted by Sri Lanka security forces in Fort and Pettah areas in Colombo, [ahead of Independence Day celebrations] Sunday [4 February] morning. Police said the suspects were been [sic] arrested when they failed to prove their identities and the reasons for their presence in their location. These persons are being held in police stations and being interrogated. Also on Saturday [3 February 2007], 266 Tamils were arrested in Fort area in Colombo city. Of them about 70 are being detained in police station and the rest were released after inquiry, police said.” [38c]

8.37 On the following day the same source noted that:

“Government security forces in two-day cordon and search operations arrested more than six hundred Tamil civilians including about one hundred women, majority of them natives of North East. They were taken into custody allegedly for failing to prove their identity and reasons for their stay in Colombo. Majority of them were staying in lodges at that time of arrest, police said. Most of the arrested have been detained in about nine police stations in Colombo police division. They were produced in court Monday [5 February 2007] and police moved that they be sent to Boosa detention camp until the inquiry is completed. Police told court that some of the suspects had been involved in terrorist activities according to preliminary investigation conducted so far, sources said. Police said these suspects would be released only after intensive investigation.” [38i]

8.38 A letter from the BHC, Colombo, dated 10 April 2007, noted that:

“There seems to be a link between large scale Cordon and Search Operations and the environment created by the ERs. We are not aware of the total number of arrests – many of whom are only detained briefly, but ICRC reports that about 900 people have been registered as detained for longer periods since September 2006 and have been visited by them. Our assessment of the profile of the detainees is similar to that reported in the media. They are overwhelmingly Male, Tamil (either Sri Lankan or Hill Tamil) and generally young. Most are detained because they [are] unable to produce ID, or unable to explain the reason for being in a particular area. Migrant and casual workers are therefore particularly vulnerable. Some of the largest Cordon and Search operations have taken place in the Hill Country near Nuwraya Eliya.” [15a]

8.39 The letter dated 10 April 2007 from the BHC continued:

“We spoke to a senior officer in Boosa detention centre who said that at 0930 on 10 April there were 110 people in security detention in Boosa. These are almost all Tamils (there are also 150, mainly Sinhalese, drug suspects in another part of Boosa) and the bulk are detained following Cordon and Search operations. The numbers have varied over the last few months between 100

and 150. There is quite heavy churn of detainees as investigations come up blank or the courts order releases and new detainees arrive. We have no independent confirmation on conditions. The ICRC have access, which provides a safeguard, but it would compromise their neutrality to ask them to share information on their findings. I am not aware of former Boosa detainees complaining about conditions.” [15a]

- 8.40 The pro-LTTE website TamilNet reported a number of large-scale arrests of civilians in Colombo between May and July 2007. “Sri Lankan armed forces Thursday and Friday [3 and 4 May] arrested thirty-five civilians, majority of them Tamils, in cordon and search operations conducted in Wellawatte, and Vaalaithoddam in Colombo city. Five have been remanded on the orders of the Colombo Magistrate and the others are detained in police station and are being interrogated, police sources said.” (TamilNet, 4 May 2007) [38i] “More than sixty Tamils were arrested during a cordon and search operation carried out by Sri Lanka Police between midnight Friday and early morning Saturday [2 June 2007] in Mt Lavinia, Ratmalana, Wellawatte, Bambalapitiya, Mattakuliya, Kirilapone and Kohuwela... Those who proved their identity and provided satisfactory reasons for their stay in the location were released after preliminary inquiry, police sources said. Forty-three of them are now being detained in police stations and are being interrogated, sources said.” (TamilNet, 2 June 2007) [38m] “About three hundred civilians were taken into custody in a cordon and search operation conducted by the Sri Lanka Army (SLA) and Sri Lanka Police from midnight Tuesday till the dawn of Wednesday in Welikada division in Colombo district...Majority of them are Tamil civilians, and residents of north and east and upcountry...Police sources said they were taken into custody as they failed to prove their identity with valid documents and give valid reason for their stay in the location.” (TamilNet, 27 June 2007) [38p] “Sri Lanka Army (SLA) and Police, in a joint pre-dawn cordon and search operation, arrested 39 civilians, many of them Sinhalese, in Mount Lavinia, a suburb of Colombo on Sunday [8 July 2007]...Many of the arrested did not have identity cards, the Police claimed.” (TamilNet, 9 July 2007) [38q]
- 8.41 In a letter dated 13 August 2007, the BHC in Colombo noted that “The cordon and search operations seem to target Tamils with casual employment and temporary accommodation. While most detained are released quickly, a proportion end up in more long term detention.” [15e]
- 8.42 As reported by the pro-LTTE website TamilNet on 28 August 2007 “About 220 Tamils, men and women are being still detained in the Boosa detention camp in the Galle town in the southern province under the Prevention of Terrorism Act (PTA). A Tamil woman of Dematagoda in Colombo city was released Sunday after 86 days in Boosa detention centre without any charge.” [38b] In September 2007 the number of Tamil PTA detainees in Boosa was reported to be 118. “The Tamil detainees, including five women, were arrested in the districts of Colombo, Monaragala, Trincomalee, Jaffna, and Batticaloa, and have been held for several months without investigation.” (TamilNet, 8 September 2007) [38d]
- 8.43 The International Crisis Group (ICG) report, ‘Sri Lanka’s Human Rights Crisis’, of 14 June 2007 noted that:
- “Following two suicide bomb attacks in late November 2007 the government arrested some 1,000 Tamils in Colombo and other southern towns. According

to a statement by Tamil MP Mano Ganeshan, who is also the Convenor of the Civil Monitoring Commission, the military bundled Tamils into busloads regardless of age and sex, and took them for questioning. Some were detained in special counter-terrorism detention centres. Figures and details of those arrested are difficult to obtain, and international human rights groups have warned that due process is rarely met when these arrests and detentions occur... Many of the government detention centres are out of bounds and there is very limited information on the numbers of those arrested and detained under counterterrorism laws. Information on the status of the detainees is hardly ever made available. The country's forces are also known to use methods of torture against detainees. Recent media reports have quoted a government minister as saying he was trying to get a number of people who were detained without proper charges in a special counterterrorism detention centre in Boosa, in the southern town of Galle, released as soon as possible. The report estimated that this camp alone, in southern Sri Lanka, had 118 people detained, almost all of whom were Tamils." (Minority Rights Group International, 'One year on: counter-terrorism sparks human rights crisis for Sri Lanka's minorities', December 2007) [62b] (p4-5)

8.44 As reported by the pro-LTTE website TamilNet on 2 December 2007:

"Sri Lankan armed forces have arrested around 1,500 Tamil men and women in wide scale cordon and search operations within the last 48 hours in Colombo and other districts in South, Tamil parliamentarians told media in Colombo on Sunday. 351 of the arrested persons in Colombo, currently detained at Boosa detention camp, complained that many of them were arrested despite documenting their identity and that they have not been provided proper food and drink for the last 48 hours. 51 of the detainees, at Boosa, were females... Tamil civilians were arrested in Modara, Grandpass, Gampaha, Ratmalana, Chilaapam (Chilaw). Arrests were also reported in Kotagala and Pusallawa areas in the Up-Country." [38ab]

8.45 On 6 December 2007, the government-controlled *Daily News* reported that:

"Only around 100 people out of the 2,554 arrested by Security Forces on Sunday still remain in custody, Prime Minister Ratnasiri Wickremanayake told Parliament yesterday. Prime Minister Wickremanayake said links have been bared between these detainees and the LTTE. Among the 100, 87 were from Jaffna and the rest from the upcountry... 'Powers have been vested to safeguard law and order and public properties in the Constitution. We have taken 2,554 into custody and 1,959 people have been released. Three hundred and ninety two people were released within two to three hours of being taken in for questioning by the Police. One hundred who could not prove their identity and whereabouts were produced before Courts.'..Chief Government Whip Minister Jeyaraj Fernandopulle said 2,554 were taken into custody after more than 100,000 people were checked. 'If those in custody are found not to have LTTE connections, they will be released without delay,' Fernandopulle said. Fifty four per cent of the Tamil population live in the South and more than 100,000 live in Colombo and the suburbs of the Western Province, Fernandopulle said." [16g]

8.46 The South Asia Terrorism Portal (SATP), Sri Lanka Timeline - Year 2007 recorded that on 11 December 2007 "12 of the over 2000 Tamils arrested in

Colombo and its suburbs on December 1 and 2 in one of the largest security crackdown are confirmed hardcore LTTE militants.” [37d]

8.47 As reported by BBC Sinhala on 12 December 2007:

“The Supreme Court in Sri Lanka has ordered authorities to report on measures taken to release Tamil suspects on bail. A bench headed by the Chief Justice (CJ) ordered the Attorney General (AG) to take steps to release the suspects on bail as soon as possible if they are no longer required for questioning. The AG, in a report submitted to the court, said 361 Tamil suspects are being detained under Detention Orders in detention centres... Another 102 suspects, the report said, are remanded in custody by the judiciary.” [9an]

8.48 The ICRC Sri Lanka Bulletin No. 18 of 20 December 2007 (covering the ICRC activities between 20 November and 20 December 2007) reported that:

“Following the two bomb blasts in Colombo on 28 November [2007] and the subsequent mass arrests of more than 2,000 people in the capital and other parts of the country, many of whom have been released in the meantime, the ICRC visited 469 of the recently arrested detainees at Boosa prison, south of Colombo, registering 372 of them for individual follow-up. The ICRC provided the detainees with hygiene kits and clothing. It also assessed the conditions of detention and the treatment of detainees held by the Terrorist Investigation Department, the Criminal Investigation Department and police stations in Colombo and across the country.” [34a]

8.49 The USSD 2007 report recorded that “By year’s [2007] end only 12 of the 372 arrestees held in the Boossa detention camp were still in custody.” [2f] (Section 1d)

8.50 A letter from the BHC Colombo dated 16 May 2008 noted:

“In the wake of the Nugegoda bomb blast, in November/December 2007 the GoSL carried out a rigorous search operation in Colombo and surrounding areas. More than 3000 Tamils; men, women and children, were indiscriminately arrested, loaded into buses, and taken to police stations. It was claimed that out of 2554 arrested, 2350 have been released, 102 have been served with detention orders, and 100 have had cases filed against them. There are unsubstantiated reports however that there are still over 400 Tamils in detention. Those charged face allegations of terrorist activities/connections and threats to national security. Those served with detention orders are investigated by the TID (Terrorist Investigation Department), and magistrates review their detention every two weeks. In reality persons detained under the Emergency Powers in TID can remain there for many months, or even years, without appearing in Court or being charged.” [15r]

8.51 As for the situation at the end of 2005 and the beginning of 2006, in a letter from the BHC, Colombo, dated 13 February 2006, it was observed that:

“The Sri Lankan authorities had launched a number of ‘cordon and search’ operations in recent weeks. Of these the largest, in Colombo on 31 December [2005], had been called Strangers Night III. About 1000 people had been

arrested, most had been detained briefly, but released after fingerprinting or photographs had been taken. The HRC had summoned the Inspector General [of] Police, Defence Secretary, Attorney-General, the Police Deputy Inspector General in charge of the operation and the Deputy Inspector General in charge of the Criminal Investigation branch to explain the purpose of these operations. They had initially argued that the operations were aimed at ordinary criminals, but also caught some security suspects. The HRC disagreed, the ethnic balance of the suspects show it was a security operation i.e. most arrested were Tamil. The HRC reminded the police that they could not simply round up hundreds of suspects. If they were operating under normal law they must first demonstrate reasonable suspicion, they could not detain and then begin to investigate. If the arrests were part of a security operation (i.e. Prevention of Terrorism Act or the Emergency Regulations) then the police had to inform the HRC within 48 hours even if the suspect had been released in the interim.” [15c]

8.52 The letter from the BHC dated 13 February 2006 continued:

“The Attorney General told the HRC he concurred with this analysis and accepted there had been some lapses. He said that during the ceasefire the security forces had got out of practice of complying with Human Rights regulations as they had not been conducting security operations. More broadly the HRC said they did not oppose these type [sic] of operations, they were a necessary part of security. The Security Forces had an obligation to protect the state and its citizens, during the ceasefire the LTTE had abused the lower security presence to transport arms, ammunition and operatives to Colombo. The HRC described conditions of detention to me as ‘broadly OK’. Most terrorist suspects would be kept in Police stations or at the Terrorist Investigation Branch HQ away from other prisoners. There was no evidence of torture in any of the cases they had investigated since the current outbreak of violence.” [15c]

See also Sections 12: Arrest and Detention Legal Rights; 28: Freedom of Movement; and 31 Citizenship and Nationality

Disappearances/Abductions

8.53 As noted in the HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008, “The resumption of major military operations between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) in mid-2006 has brought the return of a haunting phenomenon from the country’s past—the widespread abduction and ‘disappearance’ of young men by the parties to the conflict.” [21d] (p2)

8.54 “Enforced disappearances have again become a salient feature of the conflict. Figures released by various governmental and nongovernmental sources suggest that more than 1,500 people were reported missing from December 2005 through December 2007. Some are known to have been killed, and others have surfaced in detention or otherwise have been found, but the majority remain unaccounted for. Evidence suggests that most have been ‘disappeared’ or abducted... ‘Disappearances’ have primarily occurred in the conflict areas in the country’s north and east—namely the districts of Jaffna, Mannar, Batticaloa, Ampara, and Vavuniya. A large number of cases have

also been reported in Colombo.” (HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, March 2008) [21d] (p4)

- 8.55 “In the great majority of cases documented by Human Rights Watch and Sri Lankan groups, evidence indicates the involvement of government security forces—army, navy, or police...Relatives frequently described uniformed policemen, especially members of the Criminal Investigation Department (CID), taking their relatives into custody before they ‘disappeared.’...The involvement of the security forces in ‘disappearances’ is facilitated by Sri Lanka’s emergency laws, which grant sweeping powers to the army along with broad immunity from prosecution. Several provisions of the two emergency regulations currently in force create a legal framework conducive to ‘disappearances.’” (HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, March 2008) [21d] (p4-5)
- 8.56 “No matter who is responsible for the ‘disappearances,’ the vast majority of the victims are ethnic Tamils, although Muslims and Sinhalese have also been targeted. The security forces appear to target individuals primarily because of their alleged membership in or affiliation with the LTTE. Young Tamil men are among the most frequent targets, including a significant number of high school and university students.” (HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, March 2008) [21d] (p6-7)
- 8.57 “Instead of making a diligent effort to investigate and prosecute enforced disappearances, the government of President Mahinda Rajapaksa continues to downplay the scope of the problem...Despite the hundreds of alleged ‘disappearances’ reported over the last two years to the Human Rights Commission, it has issued no public reports on the matter, has refused to provide statistics on the complaints it has received, and has tried to downplay the scale of the problem. The monitoring and investigative authority of the Human Rights Commission has also been effectively negated by the obstructive attitude of the security forces and lack of support from the government.” (HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, March 2008) [21d] (p9-10)

See also Section 8 on Police abuses: investigations and prosecutions

- 8.58 The USSD 2007 report recorded that:

“The Sri Lanka Human Rights Commission (SLHRC), reportedly acting on instructions from senior government officials, did not provide statistics on the number of disappearances in the current year [2007], but it reported 345 instances countrywide of politically motivated disappearances in 2006 by the state security forces, progovernment paramilitary groups, or the LTTE. According to NGOs, the number of disappearances sharply increased during the year. For example, the Foundation for Coexistence reported 880 disappearances. Witnesses and potential victims identified the perpetrators of abductions as Tamil-speaking armed men using white vans without license plates. The government generally failed to investigate allegations of abductions by armed men in white vans on the grounds that white vans are too common for these incidents to be effectively investigated.

In response to a list of 350 abductees in the previous 12 months presented to President Rajapaksa in March, the government reported by year's [2007] end that authorities had traced 21 persons who were still alive and identified the remains of four other victims whose cases were now considered murders. The government had not been able to resolve the remaining 325 cases and requested foreign government assistance in obtaining details of 105 cases which had not been reported to police. Human rights organizations have noted that the relatives of human rights victims, particularly in Jaffna, often did not contact the police for fear of reprisals against other family members." [2f] (Section 1b)

- 8.59 On 18 February 2008, the pro-LTTE website TamilNet reported that the Civil Monitoring Committee (CMC) had received 115 complaints regarding missing persons in 2007 for Colombo alone. The number of abductions had apparently declined at the start of 2008 but increased in February. [38n] On the same day – as reported by BBC Sinhala - the police denied accusations that they were abducting Tamil people in the capital, noting that the police could launch investigations upon receiving complaints by relatives of people who were taken to custody without informing their next of kin. [9f] In a different report on 18 February 2008, BBC Sinhala reported that according to MP Mano Ganeshan, of the Civil Monitoring Committee, police were abducting Tamil civilians 'like dogs'. He was reported as saying that "'since 12th February seven people... [have been] kidnapped by white van in Colombo'". [9g]

- 8.60 As reported by the pro-LTTE website TamilNet on 4 April 2008:

"The number of persons reported missing has reached 740 during the period from December 2005 up to the present, according to complaints registered with the Human Rights Office (HRC) in Jaffna. The number of persons disappeared is more than 740 as many parents and family members of the disappeared persons do not complain at the HRC Jaffna for fear of falling victims to Sri Lanka Army (SLA) troops and SLA-backed paramilitaries, alleged to be the abductors, sources in Jaffna said.

Residents in many cases register complaints only at their local police stations, and thus the true figure of the number of persons abducted in Jaffna peninsula is more than what is revealed in the HRC records...Forced disappearances in Jaffna peninsula do continue though the number of such incidents have fallen in recent times, the sources added." [38v]

- 8.61 On 17 April 2008 the same source reported:

"More than 300 Tamil youths from areas ranging from Poththuvil to Vaazhaichcheanai have been abducted in Batticaloa district in the past, allegedly by Special Task Force (STF) commandos and paramilitary groups, according to figures registered with Batticaloa Human Rights Commission (HRC) by the relatives of the missing. Of the 300 reported cases, eleven persons in January [2008], eleven in February and fourteen in March are reported missing this year, HRC sources said...Armed men who come to houses in the nights have taken away persons saying they are to be interrogated while persons who had gone out to work or on personal errands have mysteriously disappeared, local residents said...The police in Batticaloa do not conduct investigations of the abductions reported to them and are

disinterested, the complainants said The abductions had escalated sharply since STF forces were posted in Batticaloa, the residents said [sic].” [38af]

8.62 A letter from the BHC Colombo dated 16 May 2008 noted:

“Police investigations into reported disappearances/abductions in the [Colombo/Gampaha] district are reportedly slow. It appears to be deemed a necessary evil in the broader context of the campaign to eliminate terrorism, and groups carrying out the abductions are in effect given their blessing. Indeed, the UNP opposition party went as far as to name in parliament a senior police officer, Deputy Inspector General Rohan Abeywardena, believed to be involved in these abductions. The subsequent investigation did not substantiate these claims.

The High Commission has been provided with a list compiled by the Civil Monitoring Commission of 224 persons reported as being abducted/missing between January 2006 and March 2008. A majority of these persons disappeared in the Colombo/Gampaha region. The CMC state however that this is ‘only the tip of the iceberg’ and as the list includes only those where a complaint has been made to them and verified against police records, the actual figure may be ten times higher.” [15r]

8.63 In August 2007 Amnesty International reported that there were 5,749 outstanding cases of enforced disappearance in Sri Lanka being reviewed by the UN Working Group on Enforced or Involuntary Disappearances and that since 2006, hundreds of people had reportedly been abducted and forcibly ‘disappeared’ by the security forces or armed groups (including the Liberation Tigers of Tamil Eelam and the Karuna group) in the north and east of the country, as well as in Colombo. AI also mentioned the case of the vice-chancellor of Eastern University, Sivasubramaniam Raveendranath, (reportedly abducted while at a conference in Colombo, on 15 December 2006 and had not been heard from since) noting that when he disappeared he was in an area of the capital tightly controlled by the army and it was therefore likely that his captors were military agents. (Amnesty International, Whereabouts unknown - thousands still missing worldwide, The Wire, August 2007) [3k]

8.64 On 23 August 2007 the Government-controlled *Daily News* reported that:

“The People’s Action for Free and Fair Election (PAFFEREL) yesterday said there is a drastic drop in abductions, disappearances and other acts of Human Rights violations over that reported a few months earlier in the country. The PAFFEREL in an interim report on abductions, disappearances, indiscriminate arrests and assassinations [not available in English] said there appears to be a significant decrease in arrests, disappearances and abductions during July-August [2007] compared to the figures during May -June...PAFFEREL Chairman Kingsley Rodrigo said the setting up of a one man Commission to receive complaints of abductions and a special desk at the Presidential Secretariat directing investigations of such complaints have contributed in some way to this situation. Police have arrested certain groups of persons allegedly involved in abduction and extortions. Such effective measures have an impact, the report stated.” [16e]

- 8.65 A joint press release by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement, issued on 23 August 2007, reported that 396 persons disappeared during the period January to June 2007. "As with killings, Tamils suffered disproportionately from abductions – 64.6%, compared with 3% Sinhalese and 3% Muslims. Men represented nearly 98% of all missing persons. By district, Jaffna was again worst affected by disappearances (49.5%). However Colombo was next worst affected, at 17.7%, underlining the concern expressed by many local NGOs at the situation with respect to this particular violation." [13a] A further press release issued by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement on 31 October 2007 reported that the total number of persons disappeared between January and August 2007 was 540 (civilians only). Tamils were now reported to represent 84 per cent of the victims of disappearances. The press release also noted that more than half of reported disappearances took place in Jaffna ("Approximately 22% of all reported disappearances from January to August – one in five – affected young, male Tamils in Jaffna."), followed by Colombo (14.4 per cent) and Mannar and Batticaloa (7 per cent each). [13b]
- 8.66 The Human Rights Watch (HRW) report 'Return to War, Human Rights under Siege', published on 6 August 2007 recorded that:
- "Human Rights Watch conducted interviews with the family members of 109 people who said their relative had been abducted or 'disappeared' since 2006. These included cases from Jaffna, Colombo, Vavuniya, Mannar, Trincomalee, and Batticaloa. The cases can largely be grouped into two basic types: those by the state in the name of counterinsurgency, and those by allied armed groups or the LTTE to eliminate rivals, recruit fighters, or extort funds. In the lawlessness that has grown in the past two years, criminal elements also appear to have committed some of the abductions. Over the course of late 2006 and 2007 scores of abductions were accompanied by huge ransom demands and the victims were mostly businessmen from the minority Tamil community. By May-June 2007, members of the Muslim community, particularly in the eastern district of Ampara, were targeted as well." (HRW, 'Return to War, Human Rights under Siege', 6 August 2007) [21f] (Summary)
- 8.67 As noted in the International Crisis Group document 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007:
- "While many people were simply killed, primarily by shooting, the practice of abduction and enforced disappearance has perhaps been more common. The number of 'disappeards' [sic] over the last eighteen months is hard to determine with certainty. Various reliable sources suggest there have been more than 1,500 complaints of enforced disappearance in 2006 and 2007, with at least 1,000 still unaccounted for, meaning they have not returned, been discovered in detention or that their bodies have not been found. These figures do not include children abducted by the LTTE or the TMVP." [76a] (p10)
- 8.68 "Given the hidden and violent nature of involuntary disappearances, it is difficult to gather a full picture of the motives behind specific cases. Some turn out in fact to be extrajudicial killings done in secret, perhaps after the victim was interrogated; others are meant to allow the victim to be interrogated more freely and with deniability, without risk to the interrogator's identity. Often the abduction and detention are intended to place the victim in limbo and produce

a particular form of terror in the victim, the family and the community at large. Like those being killed, most of those targeted have been young Tamils suspected of working with the LTTE, although as usual many people with no connection to militant politics have also been 'disappeared'. In Jaffna, the military, sometimes with assistance from former Tamil militants, is the prime suspect. In the Eastern province the TMVP is suspected in the bulk of abductions, either with the active support or passive complicity of the military. Despite vehement denials by government and military officials, there is eyewitness evidence that at least some of those who later disappeared were initially abducted or arrested by the police or military." (International Crisis Group, 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007) [76a] (p11)

8.69 "The government has been particularly quick to downplay disappearances and abductions, not only dismissing the possibility of involvement by state agents but also arguing that many are carried out by the LTTE or are simple mistakes, caused by young people eloping or going abroad for employment. In a meeting with newspaper editors and media officials on 27 March [2007], President Rajapakse is reported to have presented a list of 116 cases of reported disappearances from six police divisions, from September 2006 through February 2007. Of these, he claimed, 95 had returned home, two had been killed and one abducted. In a recent case, the president was reported to have said, a Tamil woman alleged to have been abducted was found to be on honeymoon. At a meeting with relatives in late May 2007, the president announced that 90 per cent of all abductions and disappearances had been solved. These figures are very different from those presented to the president by the Civil Monitoring Commission, which arranged the meeting." (International Crisis Group, 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007) [76a] (p18)

8.70 The International Crisis Group report of June 2007 added that:

"Since mid-2006, there has been a wave of abductions for ransom in Colombo, generally targeting Tamil but lately also Muslim business owners. Few victims have anything to do with politics; in most cases the abductions seem to have been designed to extract money to fund Tamil militant groups, primarily the TMVP. Most remain missing; some have been found dead; others were released after paying large ransoms. Given that many of the abductions are done in the day amid very tight security, the assumption is that most are committed with the knowledge or connivance of security forces." [76a] (p11)

8.71 As announced on the the Official Government News Portal of Sri Lanka on 27 June 2007:

"Under the direction of the President Mahinda Rajapaksa, the Government has established [a] center to gather information about the abductions that occur in Colombo and the in the suburb[s]...In [the] last week [sic] the Government initiated two special operation cells to collect information and take immediate action on complaints of abductions and extortions in Colombo and suburbs. These two units will function 24 hours of the day and are operated from Presidential Secretariat and from the Police." [10j]

- 8.72 As noted in the UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka dated December 2006 “Tamils in Colombo are especially vulnerable to abductions, disappearances and killings. Such actions are allegedly conducted by the paramilitary ‘white vans’ suspected to be associated with the security forces, as well as by the Karuna faction and the LTTE...Young Tamil professionals including several women, businessmen, as well as Tamil political figures and activists with a pro-Tamil stance can be specifically targeted.” [6b] (Paragraph 25)
- 8.73 A letter from the British High Commission in Colombo, dated 10 April 2007, noted that:
- “According to victims families reports to the Civil Monitoring Committee since August 2006 there have been 84 disappearances in Colombo. Of these 80 are Tamil, 2 Muslim, 2 Sinhalese. 23 of the victims are business people and 61 appear to be political crimes. Victims are generally males and the political actors tend to be young – although there are exceptions. In addition about 50 other business people have been abducted for ransom and then released but have asked the Civil Monitoring Groups not to reveal their identities or consider them among the disappeared. There are three other hotspots of disappearance activity, Jaffna, Vavuniya and Batticaloa.” [15a]
- 8.74 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2007 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2002 – 2006, (undated, website accessed on 2 May 2008) recorded that in 2006 there were in total 1,190 cases of abduction/kidnapping . The figures for 2002, 2003, 2004 and 2005 were respectively: 739; 829; 868; 953. [58d]

See also Section 8 on Avenues of complaint and on Police abuses: investigations and prosecutions

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Torture

- 8.75 As noted in the USSD report 2007:
- “The law makes torture a punishable offense but does not implement several provisions of the UN Convention Against Torture. If convicted of torture, the law mandates a sentence of not less than seven years’ imprisonment. However, in the few publicized torture convictions since 2004, the individuals were released on bail pending an appeal rather than serving the minimum seven-year sentence. Human rights groups maintained that while torture is prohibited under specific circumstances, it was allowed under others. According to credible sources, including UN Special Rapporteur (UNSR) on Torture Manfred Nowak, the use of torture by police and security forces to extract admissions and confessions was endemic and conducted with impunity. In addition, the emergency regulations make confessions obtained under any circumstance, including by torture, sufficient to detain a person until the individual is brought to court. On October 29 [2007], following his one week assessment mission to the country, Nowak attributed the lack of convictions for torture to the absence of effective investigation, inadequate protection for victims and witnesses of torture, and an excessive minimum sentence for torture. He stated also that the police used threats of violence or

fabrication of criminal cases to prevent the victims of torture by police officers from filing complaints. Nowak added that detainees reported that the magistrates did not provide them an opportunity to complain about police torture while the perpetrators often accompanied the victims to courts and remained present during medical examinations.” [2f] (Section 1c)

- 8.76 “Methods of torture and abuse reportedly included beatings, often with sticks, iron bars or 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. Detainees reported broken bones and other serious injuries as a result of their mistreatment.” (USSD 2007) [2f] (Section 1c)
- 8.77 “On October 27, an Asian Human Rights Commission (AHRC) study of 48 police torture cases in the south revealed that the reasons for torture included obtaining bribes, favoring a second party, preventing a complaint that may lead to a criminal inquiry, failing to comply with traffic rules, and asking a police officer a question.” (USSD 2007) [2f] (Section 1c)
- 8.78 “In the conflict-affected north and east, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions were followed by severe interrogations, frequently including 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 re-arrest or with death if they divulged information about their detention. Some were killed by masked gunmen on motorcycles immediately after leaving these military facilities on foot. As UNSR Nowak reported, the military denied holding detainees at its facilities and did not grant him access to investigate claims of torture by military forces. The government instructed SLHRC officials not to provide information to foreign embassies or other inquirers concerning alleged human rights violations. As a result, there were no accurate, publicly available statistics on reported torture cases, and no public information of any torture cases under investigation. The government did not publish a report of pending charges, convictions, or sentences of those accused of committing torture.” (USSD 2007) [2f] (Section 1c)
- 8.79 The Asian Human Rights Commission (AHRC) ‘The state of human rights in eleven Asian nations in 2007, Sri Lanka’, (released on 10 December 2007) reported that:
- “Torture: the AHRC has continued to observe the human rights violations at the police stations in the government controlled areas of the south. In the past the AHRC has made several reports on this issue. The year 2007 did not see any improvement of the situation regarding the elimination of torture; in fact, the situation regarding the state investigation mechanisms into allegations of torture significantly deteriorated. The Urgent Appeals desk of the AHRC received 47 cases of allegations of torture. This is a very small fraction as the source from which the AHRC obtains its information is still limited to some areas in the country.” [47g] (16)
- 8.80 The AHRC report of December 2007 continued:

“According to the narratives given in these cases the injuries to persons in most instances have been extremely serious warranting hospitalization. Beatings with hands, boots and poles are frequent in all these narratives. In some cases the suspects have been taken to hospital by the police themselves, perhaps after the intervention of superior officers. However, there are also several instances in which the police merely take a person to a Judicial Medical Officer or District Medical Officer and get some papers signed without the doctor properly examining the victim or prescribing treatment. However, a marked feature in the cases recorded this year is that in several instances the victims have told the doctors about their assaults. In the past the victims used to be more afraid in making complaints fearing that they may be assaulted even more after returning from the medical examination. This year also, there were several cases of such assaults due to making such allegation to the doctor. In one instance the person was assaulted in front of the doctor himself.” [47g] (18)

8.81 The AHRC report further noted that:

“Quite regularly reports appear in the press of persons in police custody, having tried to attack the police with grenades or other weapons, being shot dead... In all these cases the magistrates accepted the versions given by the police and entered verdicts of justifiable homicide. The magistrates decided the correctness of the versions given by the police before the cases had been brought to trial at a High Court and before all the evidence was examined. Such deaths which have become quite a common occurrence indicate that the police higher authorities approve of such practices. The fact that the government or the parliament has not taken any visible or effective action to question this practice also suggests that there is direct or indirect political approval of such killings. The former Inspector General of Police (IGP) quite publicly approved this practice and the present IGP has spoken of stopping crime by 'hook or by crook'. Neither was taken to task by the government or parliament.

“It appears that now if a person is killed by way of torture at a police station this is also portrayed as a case where the person had tried to attack the officers and therefore the police took the necessary measures to protect themselves. In this way even the possibility that there was in the for [sic] investigations into custodial deaths have become even more difficult as these are presented as deaths that occurred outside police stations and particularly in scenes of investigations into crime. The present practice of accepted self defense by the police as the reason for a killing by the magistrates in several courts makes it even more difficult to identify the place of death as well as the circumstances surrounding it.” [47g] (p19-20)

8.82 The Medical Foundation for the Care of Victims of Torture document 'Torture once again rampant in the Sri Lanka conflict', undated (released on 31 October 2007) highlighted that:

“The scale of the resumption of torture in Sri Lanka following the breakdown of the cease-fire between Tamil insurgents and government forces is revealed in the growing number of cases seen recently by the Medical Foundation. A survey of 130 Sri Lankans referred to the MF in the past year, of whom 41 received MF services, shows that all parties to the conflict have reverted to

human rights abuses after a lull of several years in which torture was reported to be largely confined to police investigating criminal matters.” [40] (p4)

- 8.83 “The overwhelming majority of Sri Lankan clients seen by the Medical Foundation in the past year were Tamil, with just three giving their ethnicity as Sinhalese... The majority of clients referred to the MF were fleeing areas where fighting between Sri Lankan authorities and the LTTE has been fiercest, including around the town of Trincomalee in the east and the Kilinochi district in the north which is under the control of the LTTE. Thirty one came from Jaffna, where the government retains control but where much of the human rights violations have been centred. The majority of clients (85) were male. However, a third (45) were female. Most were captured and detained at a relatively young age. Sixty clients were aged between 20 and 29, while 57 were aged between 30 and 39. Only one client was below 19 and 15 were over 40... Some said they were targeted by the Sri Lankan authorities as LTTE suspects, often because of the activities of spouses or relatives. Several women who were detained by security forces or paramilitary groups while seeking to find their husbands were raped by the very authorities they had sought help from. Others reported being coerced into working for the LTTE as an alternative to having family members ‘conscripted’”. (Medical Foundation for the Care of Victims of Torture, ‘Torture once again rampant in the Sri Lanka conflict’, released 31 October 2007) [40] (p4)
- 8.84 “Out of 115 where the perpetrator was named, in 79 cases the perpetrators were the Sri Lankan Army, with the Sri Lankan navy named in a further 14... Out of the 130 cases reviewed, 55 clients reported being beaten with implements ranging from truncheons to electric cable, 30 reported being burnt with cigarettes, and 20 said they were partially suffocated by a plastic bag soaked in petrol being placed over the head. Suspension by the ankles was also common, with 22 reported incidents. At least 12 clients said they were held naked in their cells and there were 14 incidents in which clients were held in solitary confinement. Falanga, the beating of the soles of the feet, occurred in 10 incidents, with a number of clients reporting that they were bound by the feet and arms and laid face down on a bench during the torture. The prevalence of rape as a method of torture was widespread among the recent group of arrivals to the UK, with at least 24 female clients and 22 male clients reporting they were raped.” (Medical Foundation for the Care of Victims of Torture, ‘Torture once again rampant in the Sri Lanka conflict’, released 31 October 2007) [40] (p5)
- 8.85 “A significant number of clients seen by the Medical Foundation during 2006/7 also testify that they were held in the Colombo CID headquarters, in the feared ‘fourth floor interrogation room’. Here, clients reported being suspended by chains from the ceiling, were beaten by groups of officers, witnessed others being beaten with implements and saw other detainees bloodied by torture. Similar methods were used by Sri Lankan authorities in prisons in nearby Negombo, also Kandy police station and Welikade prison, all referred to on a number of occasions by other clients.” (Medical Foundation for the Care of Victims of Torture, ‘Torture once again rampant in the Sri Lanka conflict’, released 31 October 2007) [40] (p6)
- 8.86 In a statement issued on 29 October 2007 after his visit to Sri Lanka from 1 to 8 October 2007 the UN Special Rapporteur on Torture Manfred Nowak noted:

“Though the Government has disagreed, in my opinion the high number of indictments for torture filed by the Attorney General's Office, the number of successful fundamental rights cases decided by the Supreme Court of Sri Lanka, as well as the high number of complaints that the National Human Rights Commission continues to receive on an almost daily basis indicates that torture is widely practiced in Sri Lanka. Moreover, I observe that this practice is prone to become routine in the context of counter-terrorism operations, in particular by the TID [Terrorist Investigation Department]. Over the course of my visits to police stations and prisons, I received numerous consistent and credible allegations from detainees who reported that they were ill-treated by the police during inquiries in order to extract confessions, or to obtain information in relation to other criminal offences. Similar allegations were received with respect to the army. Methods reported included beating with various weapons, beating on the soles of the feet (falaqa), blows to the ears (‘telephono’), positional abuse when handcuffed or bound, suspension in various positions, including strappado, ‘butchery’, ‘reversed butchery’, and ‘parrot’s perch’ (or dharma chakara), burning with metal objects and cigarettes, asphyxiation with plastic bags with chilli pepper or gasoline, and various forms of genital torture. This array of torture finds its fullest manifestation at the TID detention facility in Boossa.” [31d]

- 8.87 As noted in the Report on civil and political rights (including the question of disappearances and summary executions) of the UN Special Rapporteur, Philip Alston on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006:

“The other [in addition to the shooting of criminal suspects taken into custody] main cause of deaths in police custody is torture. (Deaths are an inevitable side-effect of the widespread use of torture.) Government officials were generally candid in recognizing that torture is widespread. While some officials said that the problem’s magnitude had been exaggerated, they did not dispute that in Sri Lanka’s police stations physical mistreatment is frequently used to extract confessions from suspects, sometimes resulting in death. However, this recognition of torture’s prevalence was often accompanied by a complacent and fundamentally tolerant attitude. One high-ranking official acknowledged to me that torture was widespread and problematic but then proceeded to note that while he could understand why police tortured ‘in the line of duty’, he felt it was completely inexcusable for police to torture in pursuit of private ends. This casual acceptance of torture is highly problematic. It also downplays the systemic nature of the problem. There is a nationwide pattern of custodial torture in Sri Lanka, and the Government has a legal responsibility to take measures to bring that pattern to an end. The vast majority of custodial deaths in Sri Lanka are caused not by rogue police but by ordinary officers taking part in an established routine. It is essential that government officials accept that disrupting this pattern of custodial torture is a necessary step not only in ensuring the human rights of those arrested but of retaining public trust and confidence.” [6x] (Paragraph 54)

Extra-judicial killings

- 8.88 As noted in the USSD 2007 report:

“There were numerous, credible reports that the government or its agents committed arbitrary or unlawful killings. During the year [2007] approximately 1,000 of the estimated 3,200 deaths associated with the hostilities between government security forces and the LTTE were civilians, according to public sources. International organizations have documented approximately one-third of these. The casualties occurred in part as a result of artillery fire into populated areas, aerial bombings, land mines, and other military action, but international organizations noted that most of the civilian casualties occurred in ‘individual incidents,’ such as extrajudicial killings. Reliable statistics on such killings were not available, since this crime often goes unreported by families who fear reprisals if they file complaints. The numbers reported by different organizations therefore vary widely. In addition, it is likely that the majority of those reported as ‘disappeared,’ about whom there has been no further information, died.

The Consortium of Humanitarian Organizations (CHA), an umbrella group of indigenous nongovernmental organizations (NGOs), reported that the killings occurred disproportionately in predominantly Tamil areas. For example, CHA recorded 35 civilian conflict-related deaths in Colombo, which comprises approximately eight percent of the country's population with roughly equal numbers of Sinhalese, Tamils, and Muslims. In comparison, there were an estimated 200 such deaths in Tamil dominated Jaffna, which accounts for only 3.5 percent of the population.” [2f] (Section 1a)

- 8.89 “In August [2007] the Supreme Court held that the public and the international community are generally not entitled to obtain information about pending human rights cases. Therefore, the government rebuffed efforts to obtain official information on the status of 2006 killings allegedly involving police, military personnel, or progovernment paramilitary groups.” (USSD 2007) [2f] (Section 1a)
- 8.90 On 6 January 2008 BBC Sinhala reported that the man who had been arrested on suspicion of shooting dead Tamil parliamentarian T. Maheswaran had worked for the state security forces. The Defence Affairs spokesman Minister Keheliya Rambukwella was reported to have told BBC that the suspect had worked in the security contingent of EPDP leader, Minister Douglas Devananada, as well as for the murdered MP Maheswaran. While admitting that the suspected killer had worked for the state, Minister Rambukwella was also reported to have said that the LTTE's infiltration into the security forces needed to be investigated without, however, accusing the LTTE of the killing. [9t] On 11 January 2008 opposition leader, Ranil Wickramasinghe, was reported to have expressed strong reservations over investigations on the killing of Maheswaran, in particular about the way witnesses were called to identify the suspect, noting that many of them had been threatened. Wickramasinghe was also reported to have accused the Government of being responsible for the killing. (BBC Sinhala, 11 January 2008) [9u]
- 8.91 As noted in a statement issued by the Asian Human Rights Commission on 2 January 2008:
- “The year 2008 began, for Sri Lanka with the assassination of the Tamil opposition UNP Member of Parliament, T. Maheshwaran... Political assassinations... by politicians and their family members are now a normal

way of life in Sri Lanka...The Member of Parliament, T. Maheshwaran was assassinated after he made a public statement in a television interview that he would reveal the names of those who are engaged in kidnappings, abductions and murders in the north and east of the country... making such revelations is considered to be an offence in Sri Lanka now, justifying summary capital punishment. Threats are made to anyone who makes or plans to make any revelation about the criminal acts done by political leaders through the police and military as well as paramilitary groups. The paramilitary groups are the executioners who carry out the crimes but those who want the crimes to be committed and sanction such actions remain behind the scenes. After every such crime the president of the country makes a declaration that there will be an impartial inquiry. Sometimes the declaration even goes further to the effect that if the local inquiry fails foreign experts will be called in to conduct further inquiries. Such promises are forgotten within a few days. The same political authorities that directly or indirectly sanction such murders and other crimes also ensure that no inquiries are conducted into these matters."

[47h]

- 8.92 A joint press release by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement, issued on 23 August 2007, reported that 547 persons were killed during the period January to June 2007.

"The largest proportion of people killed in the first six months of 2007 were Tamil – 70.7% across the island, as compared with 9.1% Sinhalese and 5.9% Muslims. The gravity of this situation becomes even more pronounced when considered against the fact that the Tamil people make up only 16% of the total population. Men were killed in much larger numbers than women – 89.9% vs. 9.7%. By district, Jaffna was worst affected by killings (23.2%), followed by Batticaloa and Vavuniya (21.5% and 21.3 respectively)." [13a]

- 8.93 A further press release issued by the Law & Society Trust, the Civil Monitoring Commission and the Free Media Movement on 31 October 2007 reported that the total number of persons killed between January and August 2007 was 662 (civilians only). Tamils were now reported to represent 78 per cent of the victims of killings. The press release also noted that 28 per cent of reported killings took place in Jaffna, followed by Batticaloa (20 per cent) and Vavuniya (18 per cent) [13b]

- 8.94 As noted in the International Crisis Group document 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007:

"The response of the military to LTTE terror has been to resort to its own dirty war. As there has been no adequate investigation into any cases in which government forces and their proxies are implicated, it is hard to be definitive about the identity of the culprits. But it is clear that the problem goes beyond a few undisciplined soldiers or out-of-control paramilitaries and is part of a policy devised and conducted by senior military officials. As noted, on 25 December 2005 Tamil National Alliance (TNA) parliamentarian Joseph Pararajasingham was murdered in Batticaloa. On 10 November 2006 another TNA member, Nadarajah Raviraj, was murdered in broad daylight in Colombo. Most suspicions point to progovernment paramilitary groups in both cases. Beyond these high-profile murders, hundreds of alleged LTTE sympathisers or supporters have been killed, particularly in Jaffna, Vavuniya, and Batticaloa districts." [76a] (p9-10)

- 8.95 "In the Eastern province, the military has primarily used the TMVP paramilitaries to carry out its dirty work. Killings have also targeted LTTE sympathisers, particularly those termed 'messengers', who take food and supplies to the rebels, and those who may report on military movements or other strategic information. But in many cases, this campaign has become repression against anybody who goes against the TMVP, which is carrying on the LTTE tradition of eliminating those who protest its excesses. In Jaffna, where the TMVP is not active, the killings seem to be the work of what one analyst calls 'hybrid groups', which comprise military intelligence cadres with Tamil militants, some of whom may be from the EPDP. Other sources suggest these are former, but no longer active, members of the EPDP now working closely with the military. Either way, there is little doubt the security services are actively involved in these extra-judicial killings. Shadowy gunmen from these groups seem able to travel around the city after the night curfew, unfazed by the ubiquitous roadblocks and patrols... There seemed to be a lull in the killings in May 2007, raising hopes that international pressure had brought some change in tactics. But in early June there were further reports of unexplained murders in Jaffna." (International Crisis Group, 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007) [76a] (p10)
- 8.96 As recorded in Keesing's Records of World Events, November 2006 – Sri Lanka:
- "Prominent Tamil legislator Nadarajah Raviraj, a former mayor of Jaffna city, was shot dead on Nov. 10 in Colombo by gunmen on a motorcycle. Raviraj was an MP for the Tamil National Alliance (TNA), a group of small parties acting as the unofficial political representatives of the LTTE in the legislature. He was an outspoken campaigner against extra-judicial killings and other human rights abuses for which the security forces were held responsible, but he had also recently criticised the LTTE leadership." (Keesing's Records of World Events, November 2006 – Sri Lanka) [23j] As reported by the *Daily Mirror* (Sri Lanka) on 11 November 2006, during the previous few months, Raviraj had participated in the Civil Monitoring Committee (CMC), working with Mano Ganesan and others to monitor extra judicial killings, abductions and disappearances mainly in Colombo. On the day before the attack he had taken part in a TNA protest campaign condemning the killing of civilians in Vakarai and in a live TV interview where he had spoken on the rights of Tamils." [11c]
- 8.97 As noted in the Report of the UN Special Rapporteur, on his Mission to Sri Lanka, published on 27 March 2006, "Extrajudicial executions are a singularly important element in the exacerbation of the conflict... Almost none of these extrajudicial executions has been effectively investigated. Police and military investigations into the killing of Tamils or the broader range of deaths in custody have too often been poorly handled and remarkably few convictions have resulted." [6x] (Summary)
- 8.98 The UN Special Rapporteur further commented:
- "The issue of killings, in many respects, provides an important window into many facets of the overall situation in Sri Lanka. They are symptomatic of the widespread use of police torture, of the failure to rein in abuses committed or tolerated by the military, and of the systematic efforts by various armed

groups, and particularly the LTTE, to kill Tamils who refuse to support the LTTE and to provoke military retaliation.” [6x] (Paragraph 3)

- 8.99 “The police are now engaged in summary executions, which is an immensely troubling development. Reports, unchallenged by the Government, show that from November 2004 to October 2005 the police shot at least 22 criminal suspects after taking them into custody. It is alleged that the use of force became necessary when, after having been arrested, presumably searched, and (in most cases) handcuffed by the police, the suspects attempted either to escape or to attack the officers. In all cases the shooting was fatal, and in none was a police officer injured. The Government confirmed that in none of these cases had an internal police inquiry been opened. The reason proffered was that no complaints had been received. The pattern of summary executions that emerges demands a systematic official response that brings those responsible to justice and discourages future violations.” (UN Special Rapporteur, report dated 27 March 2006) [6x] (Paragraph 53)

See also Section 4: Recent Developments and Section 8 on Avenues of complaint

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ARMED FORCES

- 8.100 “As assessed at November 2006, the armed forces totalled 150,900 (including recalled reservists): army 117,900, navy 15,000, air force 18,000. There were also paramilitary forces of around 88,600 (including 13,000 Home Guard, an estimated 15,000 National Guard and a 3,000-strong anti-guerrilla unit). Defence expenditure for 2006 was budgeted at Rs 70,000m. Military service is voluntary.” (Europa World Online, Defence) [1a]

- 8.101 As recorded in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka (last accessed 4 January 2008):

“Certain factors have tended to act upon the army as constraints on maintaining motivation, commitment and efficiency among its cadres. Foremost among these is the stark reality that the overwhelming majority of personnel in the army’s lower ranks are from the lowest income strata of civilian society whose presence in the force is due largely to their inability to find other employment. There has never been an indoctrination of an ideological fervour comparable in intensity and effect to the ethno-nationalist indoctrination of its cadres by the Tamil Tiger leadership. There is certainly no impulse for the soldiers to die as martyrs, emulating the suicide bombers among the Tigers. There has hardly ever been a risk of punishment for deserters. Instead, some of them reap enormous benefits by engaging in crime, often under the patronage and protection of politicians. There is a sense of frustration and cynicism generated by the waywardness of military policy, and the corruption that is believed to prevail both at the higher levels of the army hierarchy as well as among the civilians who control policy matters.” [5a] (Army, 17 October 2007)

- 8.102 “Unlike in the early post-independence decades, the army, navy and the air force are now almost exclusively Sinhalese institutions. In consequence the army is regarded by most northern and eastern Tamils as a foreign force. Their excesses, especially in operations that have involved confrontations with guerrilla fighters who found shelter among civilians, have had the effect of reinforcing this perception. There have been attempts to improve civilian-military relations in the northeast, although these are yet to have a perceptible impact. In the past few years, however the government has cracked down hard on military personnel accused of crimes committed against the civilians.” (Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka (last accessed 4 January 2008) [5a] (Armed Forces, 24 August 2007)

Arbitrary arrest and detention

- 8.103 See Section on Police since many reports refer to ‘security forces’ in general

Torture

- 8.104 See Section on Police since many reports refer to ‘security forces’ in general

Extra-judicial killings

- 8.105 See Section on Police since many reports refer to ‘security forces’ in general

AVENUES OF COMPLAINT

- 8.106 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that:

“The Sri Lankan government fails to hold members of the security forces and nonstate armed groups accountable for abuses. Key parts of the criminal justice system, such as the police and the Attorney General’s Office, have not effectively investigated human rights violations or brought perpetrators to justice. Victims of abuses by security forces and non-state armed groups are apprehensive about complaining to the authorities for fear of retaliation, especially in the absence of functioning victim and witness protection mechanisms. A draft witness protection bill is still pending....Independence of the Human Rights Commission and other constitutional bodies has been undermined since 2006, when Sri Lankan President Mahinda Rajapaksa directly appointed commission members, contrary to the constitution.” [21b] (p3-4)

- 8.107 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“There are supposed to be a number of independent institutions to act against abuses. However, they have lost much of their independence because of the president’s handling of a complex problem relating to the seventeenth amendment to the constitution. According to this amendment, passed unanimously by parliament in 2001, the Constitutional Council is to nominate members of several bodies, notably the Human Rights Commission, the National Police Commission [see website], the Public Service Commission and the Bribery Commission.” [76a] (p19)

- 8.108 The Human Rights Watch (HRW) report 'Return to War, Human Rights under Siege', published on 6 August 2007 recorded that:

"Impunity for human rights violations by government security forces, long a problem in Sri Lanka, remains a disturbing norm. As the conflict intensifies and government forces are implicated in a longer list of abuses, from arbitrary arrests and 'disappearances' to war crimes, the government has displayed a clear unwillingness to hold accountable those responsible for serious violations of international human rights and humanitarian law. Government institutions have proved inadequate to deal with the scale and intensity of abuse. One barrier to accountability lies in the failure to implement the 17th amendment to the constitution, which provides for the establishment of a Constitutional Council to nominate independent members to various government commissions, including the Human Rights Commission. Ignoring the amendment, the president has directly appointed commissioners to the bodies that deal with the police, public service, and human rights, thereby placing their independence in doubt. The 17th amendment [\[see text\]](#) has been similarly bypassed in the unilateral appointment of the attorney general, which undermines the independence of that office." [21f] (Summary)

- 8.109 As reported by the government-controlled *Daily News* on 19 March 2008:

"Prime Minister Ratnasiri Wickramanayaka yesterday told Parliament that President Mahinda Rajapaksa has decided not to appoint the Constitutional Council (CC) until he receives the report of the Parliamentary Select Committee that is going into the matter... The Prime Minister said various allegations were levelled during the past regarding the appointment of the CC and the implementation of the 17th Amendment." [16i] No additional information on further developments could be found.

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Human Rights Commission of Sri Lanka (HRCSL)

- 8.110 The USSD 2007 report noted that:

"By statute the SLHRC has wide powers and resources and may not be called as a witness in any court of law or be sued for matters relating to its official duties. However, according to many human rights organizations, the SLHRC often was not as effective as it should have been. For example, since August 2006 there were no actions taken to follow up or investigate the more than 200 cases reported to the Jaffna Branch of the SLHRC. The SLHRC did not have enough staff or resources to process its caseload of pending complaints, and it did not enjoy the full cooperation of the government. The SLHRC had a tribunal like approach to investigations and declined to undertake preliminary inquiries in the manner of a criminal investigator. In 2004 the SLHRC established a torture prevention monitoring unit to implement its zero tolerance torture policy. SLHRC provided extra training for officers assigned to this unit and established a policy of quick investigation for torture complaints. To ensure its sustainability, SLHRC urged the treasury to cover costs of the

monitoring unit. The unit did not function in the last two years because of a lack of funding. In October [2007] investigative visits to police stations recommenced after UNSR Nowak raised the issue during his visit to Sri Lanka.” [2f] (Section 4)

- 8.111 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 noted that:

“When the terms of office of the members of the Human Rights Commission expired in April 2006, the president appointed new members directly, arguing that this was required due to the non-functioning of the Constitutional Council...Since its appointment in May 2006, the present Human Rights Commission has issued no reports on high-profile human rights violations, disappearances, the Emergency Regulations or any other matter. It has occasionally published some figures on complaints but these are incomplete or contradictory. The commissioners downplay the many reports of disappearances and abductions received, arguing that in the majority of cases the person has returned and that media reports are ‘highly exaggerated, unfounded, and malicious’ and are ‘being made to tarnish the image of the country’. Commissioner Jayawickrama claims that since May 2006, there have been ‘no cases of torture’ by the police. This contradicts the Commission’s own statistics, which show 528 complaints of torture in 2006 and another 159 through April 2007.” [76a] (p20)

- 8.112 As noted in a letter from the British High Commission, Colombo dated 11 September 2007:

“You asked about the SLHRC which has been the subject of controversy and concerns over its performance following the end of the previous Commissioners terms in mid 2006 and their replacement by Commissioners directly appointed by the President, not by the Constitutional Council, in contravention of Sri [Lankan] Law. As I mentioned before the formal position of the SLHRC remains strong, appointed by an all party selection committee (the Constitutional Council) and with extensive legal powers to summon witnesses and demand information – but the practice rarely reflects the theory. There have been extensive discussions between the SLHRC and the UN who have been the main capacity builders and between the UN and the diplomatic community who have previously provided much of the funding. There are widely differing views with some members of the International Community believing that the SLHRC remains relevant and others believing that civil society groups provide a better answer to SL’s human rights issues.” [15p]

- 8.113 “There are some clear themes that emerge. Among the successes was the implementation of a ‘Zero Tolerance’ policy on torture, along with police station visits and awareness-raising, the Help Desk to receive complaints from the public and on-going police liaison; fact-finding missions to the East and North; the Committee on Disappearances in Jaffna, and the National Database on Disappearances; tsunami disaster relief monitoring, especially the consultation process; monitoring generally, including ‘surprise’ visits to institutions; liaison in the North and East on IDP and Child Rights issues, supported by UNHCR and UNICEF; staff training programmes, especially in 2003 and the role of United Nations Volunteers in some regional offices. However, despite these successes, many core activities have not been achieved. This especially applies to those relating to improving the efficiency

and effectiveness of the Commission as an organisation – for example, the complaints system is chaotic. Additionally the remit of SLHRC extends to include areas that might be handled by public administration ombudsman in other countries, such as resolving disputes over pensions or benefits payments or employment in the public sector.” (Letter from the British High Commission, Colombo, 11 September 2007) [15p]

8.114 The letter from the BHC of September 2007 further noted that:

“The monitoring of legislation for human rights implications has lapsed. The Commission’s institutional links with NGOs have faded, so when SLHRC encountered problems it had already lost the confidence of a significant part of the NGO community. No annual ‘state of human rights’ report (a mechanism for both accountability and awareness-raising) has been published since 2003. There was a general failure to harness state media in any awareness-raising role and, in recent months, the Commission’s high profile has been lost. The Commission’s credibility has been impaired by 17th amendment controversy and the low profile of the new Commission, although this is less so in the regions. In both Jaffna and the east the Commission enjoys more respect. In Jaffna the local office has worked well under pressure from all sides and its interventions, if unorthodox, have provided a degree of protection to those seeking help.” [15p]

8.115 “The deterioration in the climate for speaking out against human rights violations both reinforces the need for the Commission to defend human rights publicly and increases the risks involved in doing so. Following the tragic aerial bombing of a facility in LTTE controlled territory in 2006 in which over 50 people lost their lives, the SLHRC carried out a[n] investigation which was so weak as to virtually replicate government propaganda. This was a real lost opportunity as many observers were genuinely uncertain about the merits of this case and whether the government or LTTE version of events was more correct. International support to the Commission has waned pending resolution of the appointment issue. The GoSL is providing insufficient support to the Commission and its work. Official championing of the well run and funded, but government controlled, Ministry of Disaster Management and Human Rights has undermined the Commission. The GoSL has failed to strengthen the Commission as it undertook to do during its candidacy for the UN Human Rights Council and has failed to address the Commission’s budgetary problems. In summary the SLHRC is a vehicle with real powers that has the potential to provide genuine human rights interventions and be the basis of a domestic human rights architecture that provides real protection. But, despite the odd glimmer of hope, the reality is very different. We cannot expect the Commission to address serious human rights concerns with vigour, particularly when the government is the agency alleged to have carried out the abuse.” (Letter from the British High Commission, 11 September 2007) [15p]

8.116 As recorded in a letter from the BHC in Colombo dated 29 October 2007:

“Since the beginning of the 2007, the Sri Lanka Human Rights Commission (HRC) have recorded 294 abductions and 118 political murders in Jaffna. We understand that the local office have also given protective custody to about 130 people, although instructions from the centre now prevent regional HRC offices reporting directly to diplomatic missions. Disappearance victims’ families expressed helplessness and frustration as the security forces failed to

investigate effectively complaints. Key human rights actors in the peninsula told us that the victims do not have any redress. NGO's were deeply concerned about protecting witnesses and victims. Although the army cannot obtain the names of people making complaints to the Human Rights Commission, they could find them out through other ways including through the magistrate's court. NGO's also find the Army reluctant to engage with them - often the military simply assert that human rights violations do not exist in Jaffna... The Army will not normally allow entire families to leave Jaffna. The majority do not want to report any abuses for fear of reprisals. As a result of the loss of income, alcoholism and gender based violence is high. Child abuse also goes unreported" [15q]

See also section 8 on Protective custody

- 8.117 As reported by Human Rights Watch (HRW), Sri Lanka: Human Rights Commission Downgraded, on 18 December 2007:

"Recently the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights – the international body that regulates national human rights institutions – reduced Sri Lanka's NHRC [National Human Rights Commission] to the status of an 'observer' because of government encroachment on its independence... The international coordinating committee downgraded the Sri Lankan NHRC on two grounds: first, because of concerns that the appointment of its commissioners was not in compliance with Sri Lankan law, which meets international standards; and second, because of doubts that the commission's practice was not 'balanced, objective and non-political, particularly with regard to the discontinuation of follow-up to 2,000 cases of disappearances in July 2006.'.. The NHRC has failed to adequately address the hundreds of reported cases of new 'disappearances' in Sri Lanka over the past two years. In a note dated June 29, 2006, the secretary of the commission said that it had decided to stop inquiring into these complaints 'for the time being, unless special directions are received from the government.' An internal NHRC circular dated June 20, 2007 imposed a maximum time period of three months in which complaints must be filed with the commission, even though no there is no such limitation in existing laws or regulations. More than three months after an incident, the commission will only investigate complaints at its discretion." [21g]

- 8.118 The HRW, World Report 2008 [2007 events], Sri Lanka, January 2008 noted that "Sri Lanka's Human Rights Commission is of limited capacity and political weight, and unable to investigate specific incidents and make recommendations for redress, primarily for lack of cooperation from the government." [21b] (p3-4)

Protective custody

- 8.119 On 30 September 2007 *The Sunday Times* (of Sri Lanka) reported that:

"The Government is to set up a rehabilitation centre in Jaffna to accommodate people who seek protection at the Human Rights Commission (HRC). In the wake of increasing number of surrendeers at the Jaffna HRC, Justice and Social Services ministries sought approval for such a centre. At present, the surrendeers are sent to the Jaffna prisons where some 100 such people are housed. Social Services Minister Douglas Devananda said the new centre will

give the inmates job training and find them employment locally and abroad.”
[11n]

- 8.120 As recorded in the SLMM [Sri Lanka Monitoring Mission] Weekly monitoring report 1 – 7 October 2007 “Security concerns in Jaffna continued, and 12 people asked for protective custody during the week. It was revealed that the new courthouse to be opened on 25 October would serve as shelter for those asking [the Human Rights Commission] for protective custody.” [22a] Four men asked for protective custody in Jaffna during the week 22 – 28 October 2007. (SLMM Weekly monitoring report 22 – 28 October 2007) [22c]
- 8.121 On 17 October 2007 it was reported that the Chief Justice (CJ) of the Supreme Court had issued a special order to the Government agent to move to the High Court’s building in Kurunagar more than one hundred civilians who had sought the HRC protection and were kept in protective custody in Jaffna prison. (TamilNet 17 October 2007) [38r] On 27 October 2007 the CJ directed the authorities to relocate the men held in protective custody in Jaffna prisons to the Rehabilitation Centre in Kaarainakar. (TamilNet 17 October 2007) [38s]
- 8.122 As reported by the pro-LTTE website TamilNet on 11 January 2008:

“212 civilians in Jaffna peninsula who sought protection with Human Rights Commission (HRC) due to death threats by Sri Lanka Army (SLA) troops and SLA-backed paramilitaries, and placed in the protective custody of Jaffna prison, are uncertain of their future in after [sic] the Sri Lanka Monitoring Mission (SLMM) in Jaffna ceasing to function in Jaffna, legal society sources in Jaffna said. The relatives of the said 212 civilians in Jaffna prison have sought the assistance of Jaffna Magistrates Court and attorneys to secure the safety of the inmates. Some of them are languishing in Jaffna prison, for more than an year, which lacks basic health facilities besides being over crowded. The initial attempts by Minister Mahinda Samarasinghe to establish a rehabilitation centre in Karainakar to shelter the civilians in protective custody have been abandoned indefinitely, the sources added.” [38ac]

See also section 8 on Human Rights Commission of Sri Lanka (HRCSL)

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Ad hoc commissions of inquiry

- 8.123 As noted in the ICG (International Crisis Group) document ‘Sri Lanka’s Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008, “None of the many ad hoc commissions of inquiry appointed by the president to look into disappearances and other violations have made any headway against impunity. Not one has published findings or recommended prosecutions to the attorney general.” [76d] (p14)

Presidential Commission of Inquiry to investigate and inquire into serious violations of human rights

- 8.124 As noted by Amnesty International on 17 November 2006:

“On 4 September 2006 the President of Sri Lanka announced that the government would invite an international independent commission to probe abductions, disappearances and extra-judicial killings in all areas of the country. Amnesty International welcomed the Government of Sri Lanka’s commitment to address past human rights violations. On 6 September 2006 the President, instead announced that he would invite an International Independent Group of Eminent Persons (IIGEP) to act as observers of the activities of the Commission which will investigate alleged abductions, disappearances and extra judicial killings. The eight Sri Lankan commissioners were formally announced on 6 November with a mandate to inquire into fifteen specific incidents [a further case was added at a later stage] that have occurred since August 2005 and the possibility of broadening their investigations to include cases arising during their inquiries and complaints received by the commission on other serious violations.” [3b]

- 8.125 As announced on the the Official Government News Portal of Sri Lanka on 11 January 2007:

“The Commission of Inquiry to probe into the recent allegations of human rights violations [officially called Presidential Commission of Inquiry to investigate and inquire into serious violations of human rights] has begun its hearing of evidence...The eight-member Commission is headed by former Supreme Court Judge Nissanka Udulagama. According to him the International Independent Group of Eminent Persons’ (IIGEP), will be monitoring the investigations of the commission as pre scheduled. Initially the commission has focused attention on fifteen major incidents...Apart from these specific cases the committee has a provision to broaden their investigations on cases arising during the inquiries and on complaints received to the commission from public on other serious violations of human rights, based on the opinion of the commission. The IIGEP headed by the former Chief Justice of India P.N. Bhagwathie will observe the investigations and inquiries conducted by this Commission of inquiry. The IIGEP is authorised to over see the mode of operation of the commission’s inquiries is in par with the international norms and standards.” [10e]

- 8.126 On 3 June 2007 the Official Government News Portal of Sri Lanka reported that “...the President has appointed a committee to look into extra judicial killings and abductions. The Committee headed by the Minister of Human Rights and Disaster Management Mahinda Samarasinghe will look into issues of disappearances and abductions.” [10i]

- 8.127 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 noted that:

“In the face of this explosion of political crimes and rights violations, law enforcement agencies and the judicial system have failed almost completely. There have been almost no credible police investigations and very few arrests or indictments in any of the hundreds of killings, abductions, and disappearances over the past year and a half of sustained violence. Of the sixteen high-profile cases to be investigated by the Presidential Commission of Inquiry into Serious Human Rights Violations, for instance, the police have filed indictments in only one – the assassination of Lakshman Kadirgamar. The public position of the police and the attorney general’s department is that there are no suspects or insufficient evidence in the other cases. The

government claims to have arrested some soldiers and police under the Emergency Regulations in connection with recent abductions and disappearances but it has given no information about the arrests, and no charges have been filed.” [76a] (p16)

8.128 The ICG report of June 2007 further noted that:

“After an agonisingly slow start, the Col [Commission of Inquiry] began work in May 2007, having spent six months dealing with innumerable bureaucratic and procedural issues, such as hiring staff, translating documents and devising policies and procedures. Given the urgency of the cases, the delay seems inexcusable, but more worrying are issues relating to its freedom of action, ability to protect witnesses and impact on the broader human rights situation.” [76a] (p24)

8.129 “In order to forestall calls for a fully international enquiry, the government agreed to the present hybrid, with an observer group of independent ‘eminent persons’ attached to the Col...Its limited mandate, however, poses major challenges. It is not permitted to conduct its own investigations, only to observe the Col’s and report to the president on them. The IIGEP does in principle have access to all documents that come to the Col and has a limited right to interview witnesses... On 11 June [2007], the IIGEP released its first public statement, summarising its first quarterly report submitted to the President ten days earlier.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p25)

8.130 The International Independent Group of Eminent Persons (IIGEP) noted in their first statement issued on 11 June 2007: “We remain concerned that current measures taken by the Government of Sri Lanka and the Commission to address issues such as the independence of the Commission, timeliness and witness protection are not adequate and do not satisfy international norms and standards.” [59b]

8.131 As noted in the IIGEP’s second public statement released on 15 June 2007:

“Further to our previous public statement of 11 June 2007, we, the International Independent Group of Eminent Persons (IIGEP) are concerned that the conduct of the President’s Commission of Inquiry to Investigate and Inquire into Alleged Serious Violations of Human Rights (the Commission) is inconsistent with international norms and standards. Failure to take corrective action will result in the Commission not fulfilling its fact-finding mandate in conformity with those norms and standards. Central to our concerns is the role of the Attorney General’s Department in the Commission...The Commission does not seem to have taken sufficient corrective measures to ensure that its proceedings are transparent and conform with international norms and standards of independence, impartiality and competence.” [59c]

8.132 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 recorded that:

“The Commission of Inquiry has serious deficiencies, and it remains to be seen whether it can effectively promote accountability where state institutions have failed. First, the commission does not appear to have made much headway in the 16 serious cases it has the mandate to investigate, while

additional atrocities by all sides continue to occur. Second, the commission can only recommend to the government the steps to take, so its findings will not necessarily result in prosecutions. Third, investigations are stymied by an inadequate witness protection program that would encourage rightly fearful victims and witnesses to testify about abuses by government security forces. Fourth, the attorney general's office has a direct role in commission investigations — a potential conflict of interest that may undermine the commission's independence. Finally, the head of the commission is limiting the work of the international experts to a narrow observer-only role, which would prohibit them from conducting investigations and speaking with witnesses." [21f] (Summary)

8.133 As noted in their third public statement issued on 19 September 2007:

"The IIGEP remains concerned about the speed of the Commission's investigation proces...While recognizing the practical steps taken by the Commission to accelerate the investigation phase, the IIGEP considers that the Commission is unlikely to have completed any case before the expiry of the Commission's mandate in early November 2007...The IIGEP reiterates its opposition to the leading role of the officers of the Attorney General's Department in the Panel of Counsel to the Commission, which involves serious conflicts of interest. This situation lacks transparency and compromises both national and international standards of independence and impartiality that are central to the credibility of and public confidence in the Commission...The IIGEP is also concerned that the Commission does not have sufficient financial independence enabling it to exercise direct control of its resources and avoid delays to its operations...The IIGEP is concerned that the Commission still has no functioning Victim and Witness Assistance and Protection Unit...Taking into account the areas of concern identified in this public statement, the IIGEP concludes that the investigation and inquiry process to date fails to comply effectively with international norms and standards." [59d]

8.134 As reported by Reuters on 19 December 2007:

"Sri Lankan President Mahinda Rajapaksa's office has interfered with a commission probing civil war rights abuses and murders that include some blamed on state security forces, international observers said on Wednesday [19 December 2007]. The International Independent Group of Eminent Persons (IIGEP) says the presidential probe into abuses, including a massacre of 17 aid workers last year that Nordic truce monitors have blamed on security forces, lacks transparency and fails to meet international standards... The panel said the president's office wrote to the commission last month clarifying that it was not necessary to probe the conduct of the Attorney General or his department regarding investigations relevant to the probe. 'The IIGEP ... questions the need for this specific clarification and is of the opinion that this statement at the very least constitutes an interference in the independence of the commission,' the panel said in a statement. It noted that the commission had shown no intention to question the officers of the Attorney General's department on the investigations into rights abuses following the instructions from the president's office. 'In the circumstances, this communication from the President's office erodes the independence and neutrality of the commission, and could impede the search for the truth,' the panel said...The eminent persons group is also concerned at the lack of

witness protection legislation, and says the presidential commission has not properly shared information. The presidential commission countered the criticism with a statement of its own, accusing the panel of experts of failing to properly observe its work and of lacking transparency itself. The two bodies have been at loggerheads for months.” [4g]

- 8.135 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that:

“Given their limited resources and mandate, and lack of support from government agencies and the security forces, the Presidential Commission of Inquiry and the International Independent Group of Eminent Persons (IIGEP) have been ineffectual in investigating the 15 incidents of grave human rights abuses selected for inquiry. In its first statement in August 2007 [actually June 2007], the IIGEP noted that the Commission of Inquiry and the IIGEP are not a substitute for robust, effective national and international human rights monitoring to address the country’s broader human rights problems. In early November [2007] the president extended the term of the Commission of Inquiry by an additional year, but determined that the body cannot examine practices of the Attorney General’s Office.” [21b] (p4)

- 8.136 As recorded in the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, Timeline 2008, undated (website accessed on 13 May 2008):

“[On 16 April 2008] The International Independent Group of eminent Persons (IIGEP) concludes a legal observer mission started in February 2007, stating Colombo has severely lacked the will to investigate thoroughly, cases calling into question the conduct of its armed forces. Grievances include lack of witness and victim protection, timeliness of proceedings and transparency, financial independence of the Commission of Inquiry (Col) investigating cases. Initially invited by the government, the IIGEP voluntarily closed down its mission, admitting to little success. The Col, set up in November 2006, has a warrant to over 16 cases of alleged human rights violations dating back to 2005-2006.” [51a] A public statement issued by the IIGEP on 14 April 2008 contains exhaustive information on its role and its reasons ‘to terminate its mission before the conclusion of the proceedings of the Commission of Inquiry’. [24a]

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Special Commission on Disappearances (a.k.a. Tillekeratne [Tilakeratne] Commission)

- 8.137 As noted in the HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008:

“On June 28, 2007, the chairman of the Presidential Commission on abductions, disappearances, and killings, Judge Tillekeratne, told the media that 2,020 abductions and ‘disappearances’ were reported to his commission between September 14, 2006, and February 25, 2007 (1,713 cases of ‘disappearances’ and 307 abductions). According to Tillekeratne, 1,134 persons were later ‘found alive and reunited with their families,’ but the fate of

the rest remains unknown. Although Judge Tillekeratne presented the figures as proof that the majority of the 'disappeared' had returned to their homes, it shows in fact that at least 886 people 'disappeared' without a trace in less than 12 months." [21d] (p41-42)

See also Section 8 on Police, Disappearances/Abductions

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Police abuses: investigations and prosecutions

8.138 The USSD 2007 report noted that:

"In the majority of cases in which security force personnel possibly committed human rights abuses, the government did not identify those responsible or bring them to justice. Human rights organizations noted that some judges were hesitant to convict on cases of torture because of a seven year mandatory sentence. At year's [2007] end there was no functioning witness protection program. According to human rights organizations, obtaining medical evidence of torture was difficult, since there were fewer than 25 forensic specialists, and medical practitioners untrained in the field of torture assessment examined most torture victims. In some cases police intimidated doctors responsible for collecting the evidence. The SLHRC investigated the legality of detention in cases referred to it by the Supreme Court and by private citizens." (Section 1d)

8.140 As noted in the HRW report 'Recurring Nightmare - State Responsibility for 'Disappearances' and Abductions in Sri Lanka', released in March 2008:

"A critical factor contributing to continuing 'disappearances' in Sri Lanka is the systemic impunity enjoyed by members of the security forces and pro-government armed groups for abuses they commit... Figures on accountability released by the government show how little has been done to bring perpetrators to justice... The only known arrests for recent abductions were of former Air Force Squadron Leader Nishantha Gajanayake and another two policemen and an air force sergeant in June 2007. Although Sri Lankan authorities widely publicized these arrests as proof of their resolute action against the abductors and promised to promptly bring the perpetrators to justice, in early February 2008 the suspects were released; it is unclear whether charges against them were dropped." [21d] (p8)

8.141 A letter from the BHC Colombo dated 16 May 2008 noted that "Even when complaints [of police abuses] are made it is not routine for police investigations to be conducted; rather those individuals took action in the form of rights petitions against the police and at least two cases received publicity after being referred to the Supreme Court. Neither the Government nor the police will admit to police torture and the Governments' normal response to allegations is to cite the process of rights petitions." [15r]

8.142 The Asian Human Rights Commission (AHRC) 'The state of human rights in eleven Asian nations in 2007, Sri Lanka', (released on 10 December 2007) reported that:

"In all these 47 cases [the 47 cases of allegations of torture received by the AHRC Urgent Appeals desk] complaints were made by the victims themselves as well as human rights organisations on their behalf. Human rights organisations have made complaints to the Inspector General of Police, the Attorney General's Department and the Human Rights Commission of Sri Lanka. In some instances complaints are also made to the National Police Commission. However, the Asian Human Rights Commission is not aware of any serious investigations into any of these allegations leading to prosecutions under the CAT Act, Act No. 22 of 1994. In previous years there had been more investigations by the Special Inquiry Unit (SIU) of the Criminal Investigation Division (CID) however, the Asian Human Rights Commission is not aware of any inquiries into allegations of torture in cases reported in 2007. As for the Human Rights Commission it has lost its credibility even further this year as a competent body capable of investigation into these allegations." [47g] (p18)

- 8.143 In a statement issued on 29 October 2007 after his visit to Sri Lanka from 1 to 8 October 2007 the UN Special Rapporteur on Torture Manfred Nowak noted:

"Intimidation of victims by police officers to refrain from making complaints against them was commonly reported, as were allegations of threats of further violence, or threatening to fabricate criminal cases of possession of narcotics or dangerous weapons. Detainees regularly reported that habeas corpus hearings before a magistrate either involved no real opportunity to complain about police torture given that they were often escorted to courts by the very same perpetrators, or that the magistrate did not inquire into whether the suspect was mistreated in custody. Medical examinations were frequently alleged to take place in the presence of the perpetrators, or directed to junior doctors with little experience in documentation of injuries." [31d]

- 8.144 The UN Special Rapporteur on Torture further noted:

"I appreciate that by enacting the 1994 Torture Act, the Government has implemented its obligation to criminalize torture and bring perpetrators to justice. I am also encouraged by the significant number of indictments filed by the Attorney General under this Act. However, I regret that these indictments have led so far only to three convictions. One of the factors influencing this outcome is reportedly because of the Torture Act's high mandatory minimum sentence of seven years; it is effectively a disincentive to apply against perpetrators. Other factors are the absence of effective ex-officio investigation mechanisms in accordance with Art 12 CAT [Convention Against Torture], as well as various obstacles detainees face in filing complaints and gaining access to independent medical examinations while still detained. Given the high standards of proof applied by the Supreme Court in torture related cases, it is regrettable that the facts established do not trigger more convictions by criminal courts." [31d]

- 8.145 The Human Rights Watch (HRW) report 'Return to War, Human Rights under Siege', published on 6 August 2007 noted that:

"Since the beginning of Sri Lanka's civil war more than two decades ago, successive governments have consistently failed to adequately investigate or prosecute those in the security forces responsible for serious violations of human rights and international humanitarian law. In cases of enforced

disappearances, torture, indiscriminate attacks, and targeted killings, successive Sri Lankan governments have consistently failed to hold accountable members of the police or military who commit serious crimes.” [21f] (Section X, Impunity for Rights Violations)

- 8.146 The HRW report of August 2007 further referred to a ‘culture of impunity’ and to “the government’s lack of political will to prosecute soldiers, police, and other government officials and agents implicated in wrongdoing. Even when there is overwhelming evidence of government forces responsibility for abuse, successive governments have rarely conducted an investigation resulting in a successful prosecution.” [21f] (Section X, Impunity for Rights Violations)
- 8.147 “The Sri Lankan government claims that it prosecutes abusive members of these security forces to the fullest extent of the law. It said that in 2006 the attorney general issued 10 indictments against security force personnel, followed by seven indictments in 2007. In addition, the government said that the military took disciplinary action against six members of the military in 2006, and the police did the same against 26 members of that force. The government has not provided details on any of these cases.” (HRW, ‘Return to War, Human Rights under Siege’, 6 August 2007) [21f] (Section X, Impunity for Rights Violations)
- 8.148 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 noted that:
- “The failure of the police and judiciary is not simply the result of inadequate training or lack of resources. It is the direct result of a lack of political will and a refusal by the government to acknowledge the extent of the problem. Throughout 2006–2007, the official response to allegations of abuses has been denial, obfuscation, ad hominem attacks on its critics and threats against activists and journalists. In an attempt to counter international pressure, the government has established a number of institutions to investigate human rights abuses but these have been singularly ineffective.” [76a] (p18)
- 8.149 In a statement issued by the Asian Human Rights Commission (AHRC) on 24 July 2007 it was reported that an Inspector of Police (IP) and a Police Constable (PC) who had been accused of torturing a woman in December 2000, were sentenced to seven years of ‘rigorous imprisonment’ and a fine of Rs. 10,000. However the report noted that though illegal only a few officers have been punished for using torture and its practice was believed to be widespread. [47a]
- 8.150 As noted in a press release by the Asian Human Rights Commission issued on 9 November 2006:
- “The Attorney General yesterday (November 8, 2006) filed an appeal against the acquittal of Sub Inspector Kaluhandi Gervin Premalal Silva by the High Court judge of Kalutara on two counts of torture, one of assaulting Palitha Thissa Kumara with a cricket pole and hands causing serious physical injuries and the second of getting a tuberculosis patient to spit into his mouth. The High Court judge in his judgement stated that the police officer used unnecessary force and caused serious injuries, as mentioned in the medical report, but that it was not sufficient to prove a charge of torture under Sri Lankan law. He acquitted the accused on both charges on the basis that the

prosecution had not proved their case beyond reasonable doubt. The Attorney General has filed the appeal on the basis that the High Court judge has erred in law and fact in coming to that conclusion. Earlier Palitha Thissa Kumara also filed papers seeking leave to appeal against the same judgement. His appeal gives twenty two counts on which the High Court judgement is being challenged. On the same incident the Supreme Court earlier held that the police officer had violated the rights of Palitha Thissa Kumara by torturing him and ordered the police officer to pay Rs. 5000= in compensation and the state to pay a further Rs. 20,000=." [47d]

- 8.151 As noted in the Report of the UN Special Rapporteur, on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006:

"The lack of investigative capacity is due to a lack of police training and resources, ineffective forensics, and an unwillingness to ensure the security of witnesses. The Judicial Medical Officers (JMOs) who carry out most autopsies typically lack the requisite vehicles, equipment and specialized training. The range of obstacles to a prompt and effective examination means that too much evidence simply bleeds out onto the floor. Investigations are also impeded by the lack of effective witness protection. This makes witnesses especially reluctant to provide evidence on crimes committed by police officers, and led several interlocutors to joke that it would be better to be a victim than a witness. Inadequate investigations result in evidence insufficient to sustain a conviction. Various police and forensic training programmes have been supported through development assistance initiatives. In the absence of any detailed evaluations, my impression is that they have been worthwhile but regrettably limited in scope." [6x] (Paragraph 56)

- 8.152 "The frequent failure to prosecute police accused of responsibility for deaths in custody is due partly to deficiencies in internal investigation. Complaints about police misconduct are received by the Inspector General of Police (IGP), who selects either the Special Investigations Unit (SIU) or the Criminal Investigation Department (CID) to carry out an internal investigation. Internal investigations into serious incidents typically last from two to four years, and it seems likely that by no means all such complaints are investigated at all. When grave misconduct, such as torture or murder, has been alleged, the investigation is generally conducted by CID. The primary role of CID is assisting local police, and for it to also conduct internal investigations undermines both their actual effectiveness and outside perceptions of impartiality. Reform is needed, and it may be hoped that this can be spearheaded by a strong National Police Commission." (UN Special Rapporteur, report dated 27 March 2006) [6x] (Paragraph 57)

- 8.153 "Cases that are referred to the Attorney-General seldom lead to convictions. This is partly due to the lack of evidence gathered, and partly to a judiciary that moves cases along slowly, sometimes tolerating years of delay preceding verdicts. One government official suggested that the judiciary was so overloaded that judges would seize on any plausible excuse to allow a postponement and cut the caseload. He pointed out that if indictments reliably resulted in interdiction, as the law requires, police officers and other government officials would be less likely to seek dilatory adjournments. I regret that I did not have the opportunity to meet with judges, but I note the widespread perception that the courts manage cases inefficiently. Prosecutors must also share the blame for the low conviction rates. The Attorney-General

has become increasingly active in prosecuting police torture cases, and he informed me that there have been 64 indictments, 2 convictions, and 2 or 3 acquittals (most cases are pending). Time will tell whether this is the beginning of accountability or a further exercise in shadow boxing.” (UN Special Rapporteur, report dated 27 March 2006) [6x] (Paragraph 58)

See also Section 17: Human Rights institutions, organisations and activists

Witness protection

- 8.154 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 noted that:

“A key problem in prosecuting cases is the lack of a witness protection law or program, which discourages cooperative individuals from giving evidence against members of the security forces. Without adequate protection, the risk of retaliation for some remains too high. According to Sri Lankan lawyers and human rights activists, witnesses in criminal cases who implicate members of the security forces have been targeted in the past with threats, harassment, and violence.” [21f] (Section X, Lack of witness protection) The HRW World Report 2008 [2007 events], Sri Lanka, January 2008, highlighted again “the absence of functioning victim and witness protection mechanisms” and noted that a draft witness protection bill was still pending. [21b] (p3)

See also Section 8 on Ad hoc commissions of inquiry

- 8.155 The Asian Legal Resource Centre’s written statement of 17 February 2005 commented:

“This murder [of Gerald Pereira] has raised serious concerns about the future of cases under the Convention against Torture Act of Sri Lanka (Act No. 22 of 1994). If a chief witness were killed before a trial takes place, then it would be virtually impossible to proceed with the criminal trial as required under this act. The result might be that more alleged perpetrators accused in criminal cases, particularly those involving torture, may resort to the killing of key witnesses in the hope that trials against them will be withdrawn. Indeed, there have been other cases where there have been attempts at murder and serious torture of victims for a second time with the expectation that legal proceedings will be terminated due to a lack of evidence.” [49a]

- 8.156 The Asian Legal Resource Centre’s statement continued:

“Though serious representations have been made to the Inspector General of Police, Attorney General and other relevant state agencies to implement a witness protection programme, there has been no attempt to bring about such a programme through the law. Although regrets are expressed over deaths, no positive attempt has been taken to introduce a witness protection programme and to provide resources for it....Under these circumstances victims of torture who take cases to trial are faced with serious danger. On the one hand they wish to have the perpetrators of torture punished. On the other hand they are afraid of jeopardising the life and freedom of their family members and also themselves. Many torture victims have relocated to other areas in search of security.” [49a]

Position on UN Human Rights Committee recommendations

8.157 On 29 September 2006, the AHRC noted in a statement that:

“The Sri Lankan government has consistently failed to respect or to take any measures to implement the view expressed by the [UN] Human Rights Committee although Sri Lanka became a signatory to the Optional Protocol in 1997. Since then there have been many communications filed by Sri Lanka’s [sic] before the Committee and the Committee has expressed its views and made recommendations in six cases...The government of Sri Lanka has paid no respect for [sic] any of these views of the Committee and has not done anything to implement the recommendations...The situation of the state party’s disregard of the Human Rights Committee’s views reached an even more critical level due to a case which came up before the Supreme Court of Sri Lanka, Nallaratnam Singarasa vs. The Hon. Attorney General (S.C. Spl(LA) No. 182/99). An application was filed on behalf of Nallaratnam Singarasa by way of review and/or revision of the earlier judgment of the court affirming the prison sentence against him on the basis of error in law. Lawyers on behalf of the prisoner requested the court to use the Human Rights Committee’s view as a persuasive authority and to revise the earlier judgment on that ground and several other grounds. A five bench judgment led by the Supreme Court without going into the issues of law raised instead decided that the accession of Sri Lanka to the ICCPR in 1980 has no internal implications for Sri Lanka and that the signing of the Optional Protocol in 1997 by the president is ultra vires and unconstitutional. This judgment of the Supreme Court virtually sealed off the possibility of implementation of any of the recommendations of the [UN] Human Rights Committee [sic] in the future in Sri Lanka...The failure of [the] state party to respect its international obligations and also the failure to implement the Human Rights Committees views and recommendations of UN human rights bodies has placed the citizens in an extremely helpless situation. It is commonly admitted even by the state authorities that the rule of law situation is at its lowest ebb at the moment.” [47n]

See also Section 8 on Police

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9. MILITARY SERVICE

- 9.01 Military service is voluntary. (Europa World Online, Defence) [1a] As recorded by War Resisters International in their document 'Refusing to Bear Arms: A worldwide survey of conscription and conscientious objection to military service, 1998-2005 (Sri Lanka Country Report dated 27 July 1998, website accessed on 28 June 2005), conscription does not exist. The legal recruitment age for the armed forces is 18. There is no known legal provision for conscientious objection. [36]
- 9.02 War Resisters International also reported that desertion is punishable under article 103 of the Army Act by up to three years' imprisonment. Although desertion has been widespread, because of the paucity of recruits, the punishment of deserters rarely occurs. Amnesties for deserters have been announced several times, usually in the context of recruitment drives. According to these amnesties, deserters are allowed to return to their units without facing further penalties. Deadlines for amnesties are often extended as not all deserters apply in time to meet the initial deadline. [36]
- 9.03 As announced on the the Official Government News Portal of Sri Lanka on 12 January 2007:
- "Government has declared another amnesty period for Army deserters from January 20 to January 31 of this year, Sri Lanka Army Headquarters stated in a media release. Accordingly the Army personnel who deserted the service after December 31, 2003 are requested to take this opportunity and re-join to the service by reporting for duty at their respective Regiment Centres... They will be reinstated in the same ranks they held and are assured that they will not be subjected to any punishment for absconding. The period of this amnesty will not be extended." [10f]
- 9.04 On 9 November 2007, the Government-controlled *Daily News* reported that the army had declared an amnesty to take place between 12 and 25 November 2007 for all deserters, those 'Absent Without Official Leave' and those who left the army during training. The amnesty applied to soldiers who had left the army on or after 1 November 2004. Those affected would not face punitive action and could re-join the army at the rank held when they deserted. [16f] On 26 November 2007 the *Daily Mirror* (Sri Lanka) reported that more than 1500 army deserters had rejoined the army during the amnesty period and the defence secretary Gotabhaya Rajapaksa had said in the previous week that more than 20,000 youths had joined the armed forces during 2007. [11v]

See also Section 8: Armed Forces; and Section 10: Abuses by Non-Government Armed Forces; Forced conscription

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10. ABUSES BY NON-GOVERNMENT ARMED FORCES

- 10.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted that:

“The government used paramilitary groups to assist its military forces in fighting the LTTE and intimidate its critics in the media and in parliament. The Tamil Makkal Viduthalai Pulikal (TMVP or Karuna group), led by breakaway LTTE eastern commanders Karuna Amman and Pillaiyan, operated mostly in the east. The Eelam People's Democratic Party (EPDP), led by government Minister of Social Services and Social Welfare Douglas Devananda, operated in Jaffna.” [2f] (Section 1a)

“The LTTE, which maintained control of large sections of the north, continued to attack civilians and engage in torture and arbitrary arrest and detention; denied fair, public trials; arbitrarily interfered with privacy; denied freedoms of speech, press, and assembly and association; and forced recruitment, including of children.” [2f] (Introduction) The report also added that “the LTTE used excessive force and committed abuses against civilians, while violating the CFA”. [2f] (Section 1g)

- 10.02 “In Jaffna, the progovernment paramilitary EPDP used a network of informants to discover suspected LTTE sympathizers or operatives. Credible reports indicate that EPDP worked with military intelligence and other government security forces to identify, abduct, and kill the alleged sympathizers. The Karuna group used a similar network of informants in the east to discover and eliminate possible LTTE operatives or sympathizers.” (USSD 2007) [2f] (Section 1f)

- 10.03 “The Karuna group, the Pillaiyan group, and the EPDP reportedly ran extortion rings. Both groups killed civilians, in many cases following abductions. According to numerous, credible reports, the government provided protection, intelligence, and military aid to Karuna, Pillaiyan, and EPDP cadres who committed extrajudicial killings, abductions, extortion, and torture. However, the government publicly denied any connection to the paramilitary groups.

“In the east, the Karuna group and the Pillaiyan group often operated without hindrance in internally displaced persons (IDP) camps under government control and restricted humanitarian access. Abductions and forced recruitment by the Karuna group took place in IDP camps in Batticaloa and Trincomalee districts. According to SLMM, the Karuna and Pillaiyan groups were responsible for numerous abductions of male children and adults in Ampara and Batticaloa districts. The LTTE allegedly used civilians as human shields. Suspected LTTE presence among the IDPs led the Sri Lanka Army (SLA) to attack some IDP camps and safe havens, killing a number of civilians.” (USSD 2007) [2f] (Section 1g)

- 10.04 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that:

“In areas under its control, the LTTE continues to forcibly conscript children and adults, control the media, and suppress freedoms of expression, association and assembly. In contested areas, the LTTE continues to conduct targeted killings of perceived political opponents. On November 28 [2007], two

bombings attributed to the LTTE killed 18 civilians in Colombo. The Karuna group, which has been aligned with government forces since breaking away from the LTTE in 2004, openly engaged in child recruitment, extortion, abductions for ransom, and political killings.” [21b] (p1)

- 10.05 The Minority Rights Group International briefing ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, dated December 2007 reported that:

“In the past year, the LTTE has been responsible for widespread abuses including killings of opponents and child abductions. The LTTE also has a reputation for using civilians as human shields and obstructing civilians trying to flee battle zones... Since late November [2007] the LTTE has stepped up bomb attacks in Colombo and in other parts of the country killing several innocent civilians and sparking condemnation from international and local human rights groups. The Tigers are not the only militant group engaging in human rights abuses. Other groups, such as the EPDP, EPRLF and EROS and the Karuna group (a rebel splinter group of the Tigers), have also been accused of large-scale abuses including killings and enforced disappearances.” [62b] (p6)

- 10.06 The same report continued:

“Despite continuous government denials, the Karuna group clearly appears to be enjoying State backing. Its cadres are armed and they openly move around the main towns in eastern Sri Lanka. Their offices are often adjacent to police stations or military camps... Based on a series of recent reports and civilian interviews, it appears that human rights abuses by the Karuna group are linked to the military in two ways. Firstly, the military turns a blind eye to the abuses perpetrated by the group including killings, abductions and extortions. The Karuna group kills opponents, or in some cases, innocent civilians suspected of supporting the Tigers. The militants also brazenly engage in extortion, harassment and intimidation in the east. Tamils, mainly those involved in businesses, suffer systematic extortion. In most cases, businesses have to provide a monthly percentage of their income, irrespective of the profit... Secondly, the military supports or colludes with the Karuna group [in the abductions and forced recruitment of children].” (Minority Rights Group International, ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, December 2007) [p6]...Despite the arrest of the leader of the Karuna group in London [in November 2007], the cadres continue their reign of terror in eastern Sri Lanka, engaging in human rights abuses.” [62b] (p10)

See also Annex B and F

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ARBITRARY ARREST AND DETENTION

- 10.07 The USSD report 2007 stated that “During the year the LTTE continued to detain civilians, often requiring individuals to fight government security forces against their will. Credible sources also alleged that the LTTE required individuals to purchase the right to leave LTTE controlled territory.” [2f] (Section

1b) “The LTTE reportedly held political prisoners, although the number was impossible to determine because of the secretive nature of the organization; the LTTE refused to allow the ICRC access to these prisoners.” [2f] (Section 1e)

- 10.08 The SLMM [Sri Lanka Monitoring Mission] Weekly monitoring report 17 – 23 September 2007 recorded that:

“In addition to the reported involvement in abductions, the TMVP/Karuna group remained visible in the ER [Eastern Region]. The TMVP/Karuna group reportedly operate a parallel legal system, summoning people to their offices and taking them into custody. Persons in TMVP/Karuna group custody are often severely physically abused and threatened with death. The TMVP/Karuna group continued to extort money from local businesses, and was reportedly involved in general harassment of civilians. The SLMM received several complaints of persons being summoned to TMVP offices, threatened or harassed...All in all, the TMVP/Karuna group activities added to a situation of general insecurity for the civilian population.” [22b]

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DISAPPEARANCES/ABDUCTIONS

- 10.09 As noted in the HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008:

“The LTTE has been implicated in abductions in conflict areas under the government’s control, though the numbers reported to human rights groups and the Human Rights Commission are comparatively low...In part, the LTTE abduction numbers are low because it is not the LTTE’s primary tactic; the LTTE prefers to openly execute opponents, perhaps to ensure a deterrent effect on the population. LTTE abductions may also be underreported because the family members of the victims and eyewitnesses are often reluctant to report the abuses, fearing LTTE retribution.” [21d] (p6)

- 10.10 “Also implicated in abductions and ‘disappearances’ are pro-government Tamil armed groups acting either independently or in conjunction with the security forces.” HRW reported in particular that the Karuna group and the EPDP (Eelam People’s Democratic Party) have been implicated by relatives of the ‘disappeared’ and eyewitnesses and noted that “Both groups cooperate closely with Sri Lankan security forces. The military and police frequently use native Tamil speakers, often alleged to be Karuna group or EPDP members, to identify and at times apprehend suspected LTTE supporters.” (HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, March 2008) [21d] (p6)

- 10.11 “Particularly in Colombo, and in the eastern districts of Batticaloa, Trincomalee, and Ampara, the lines between politically motivated ‘disappearances’ and abductions for ransom have blurred since late 2006, with different groups taking advantage of the climate of impunity to engage in abductions as a way of extorting funds. While criminal gangs are likely behind some of the abductions, there is considerable evidence that the Karuna group and EPDP have taken up the practice to fund their forces, while the police look

the other way.” (HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, March 2008) [21d] (p7-8)

10.12 The USSD report 2007 recorded that:

“Reports indicated that in Karuna Amman's absence, his deputy Pillaiyan assumed operational control of the Karuna group. On November 18 [2007], the government withdrew police security from the homes of several opposition Tamil members of parliament (MPs) from the east, while cadres loyal to Pillaiyan broke into their homes, abducted a relative of an MP, and threatened to kill the hostage if the MP voted against the government's budget. Pillaiyan reportedly personally telephoned one of the MPs and repeated the death threats hours before the budget vote. On December 11, the Pillaiyan group abducted three family members and associates of Tamil MPs in Batticaloa, again threatening to kill the hostages if the MPs voted against the budget. The three MPs concerned abstained in the budget vote, in which the government's survival was at stake, and the hostages were later released. However, the government publicly denied its involvement with paramilitary groups. A culture of impunity enabled paramilitaries to operate, often against civilians suspected of being LTTE sympathizers.” [2f] (Section 1a)

10.13 “In addition to politically motivated abductions, there were dozens of kidnappings for ransom, with payment demands ranging from \$20,000 (2.25 million rupees) to \$750,000 (60.6 million rupees). Although initially the problem appeared limited to the Tamil business community, in June and July dozens of Muslim businessmen were kidnapped for ransom, the vast majority of whom were released after ransom was paid. However, less than half of Tamil businessmen kidnapped for ransom were released after the ransom was paid.” (USSD 2007) [2f] (Section 1b)

10.14 The Human Rights Watch (HRW) report ‘Return to War, Human Rights under Siege’, published on 6 August 2007 noted that:

“Over the past two years the Karuna group has been implicated in numerous abductions resulting in summary killings. Most of the victims are alleged supporters of the LTTE...The Karuna group has also engaged in kidnappings for ransom of wealthy, predominantly Tamil, businessmen to raise money. Such kidnappings, which one journalist called an ‘industry,’ have happened in Colombo and other towns, most recently Vavuniya. A few businessmen have been killed, apparently because they or their families refused or were unable to pay, or perhaps as a message to others that they should comply. According to the Civil Monitoring Commission, out of 78 cases of reported abductions of Tamil businesses in Colombo in late 2006-early 2007, 12 abductees have been murdered, 15 released after the ransom had been paid, and 51 are still missing. Media reports have suggested that security forces were implicated in these abductions, either directly facilitating them or providing a cover and not taking any action against them.” [21f] (Section V, Karuna group)

10.15 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007, “While most of the current wave of disappearances are carried out by pro-government forces, the LTTE, which has a long history of ‘disappearing’ its political opponents – often abducting and detaining and then killing them in its secret prisons – is clearly

still in the business.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p11)

See also Section 8 on Disappearances/Abductions

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TORTURE

- 10.16 The Medical Foundation for the Care of Victims of Torture document ‘Torture once again rampant in the Sri Lanka conflict’, undated (released on 31 October 2007) reported that out of 115 cases where the perpetrator was identified “The Karuna group was named in 11 cases, and the LTTE implicated in 15. In a number of cases, once targeted by one faction, victims reported that they subsequently fell under suspicion from other groups because of speculation about what they might have said while being held.” [40] (p5)
- 10.17 The USSD report 2007 in its introductory section noted that the LTTE engaged in torture. [2f]

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EXTRA-JUDICIAL KILLINGS

- 10.18 The USSD report 2007 recorded that “During the year [2007] there were numerous killings of civilians by unknown actors suspected of association with the Karuna group or the EPDP...During the year media reports and observers implicated the LTTE in attacks on high profile political opponents and civilians...The LTTE is suspected of having used claymore mines to attack buses in Sinhalese areas, including some carrying civilians...The SLN [Sri Lanka Navy] reported that the LTTE used suicide boats to attack naval outposts and vessels.” [2f] (Section 1a)
- 10.19 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“The LTTE has from its inception used assassination of its Tamil opponents as a way of suppressing rival nationalist movements. It also has a long history of assassinations and attempted assassinations against political and military leaders. On 12 August 2005 Foreign Minister Lakshman Kadirgamar was killed at his home by a sniper. Exactly a year later, the deputy secretary general of the government’s Peace Secretariat, Kethesh Loganathan, was shot dead. He was a former member of a rival Tamil political party and a well-known human rights activist and critic of the LTTE, which was widely suspected in both killings. In December 2006 the LTTE tried to kill Gotabhaya Rajapakse, the defence secretary, with a suicide attack. It has continued a string of murders in the north and east, primarily targeting those it accuses of collaboration with the military.” [76a] (p9)

- 10.20 The USSD Country Reports on Terrorism, released on 30 April 2008, recorded that:

“On November 28 [2007], an LTTE suicide bomber attempted to assassinate Minister for Social Services and Welfare Douglas Devananda. (This was at least the 11th attempt on the Tamil leader's life.) On the same day, a parcel bomb killed at least 19 in a shopping area in southern Colombo. The likely perpetrator was the LTTE, although there is some public speculation that this may have been a criminal, rather than LTTE, attack. Other major LTTE attacks included attacks on the Anuradhapura Air Base (October); the first-ever LTTE attacks by air of Katunayake Airport and a gas storage facility in Colombo (March), the Palaly Air Force Base in Jaffna (April), and parcel bombings of two intercity buses in southern Sri Lanka (January). Many of these attacks appeared to have been reprisals for offensive actions taken, or at least alleged to have been carried out, by the Government of Sri Lanka, such as attacks on busses and villages and the air raid on November 2 that killed LTTE political chief S.P. Tamilchelvan. A breakaway group from the LTTE, the Karuna Faction, was also responsible for extrajudicial killings and attacks against the LTTE and its alleged civilian supporters in eastern Sri Lanka.” [2e] (Chapter 2, Country Reports: South and Central Asia Overview, Sri Lanka)

See also Annex F

- 10.21 As noted in the ‘UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka’, dated December 2006 “The LTTE has proven on numerous occasions that it can track down its opponents throughout the country, and kill them, as illustrated by the number of targeted killings and the increased number of claymore and other explosive devises discovered and detonated in Colombo and elsewhere in government-controlled areas.” [6b] (Paragraph 16)
- 10.22 As noted in the report of the UN Special Rapporteur, on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006, “On the rebel side, the LTTE regularly issues unconvincing denials of responsibility for various killings but fails to denounce any of those which suit their purposes. The ‘Karuna group’, who split from the LTTE in the Eastern Province in March 2004, have killed and terrorized LTTE cadres and suspected supporters.” [6x] (Summary) “The Government has failed to effectively investigate most political killings. This is due both to the police force’s general lack of investigative ability and to other impediments. [6x] (Paragraph 34)
- 10.23 The UN Special Rapporteur further noted:

“Post-ceasefire killings of members of these groups have continued, and most circumstantial evidence points to the LTTE. While some killings may have been motivated by the quest for military advantage, many appear to have been aimed only at upholding the LTTE’s proclaimed role as the ‘sole representative’ of the Tamil people. Members of these groups are justifiably concerned that CFA article 2.1, prohibiting hostile acts against the civilian population, has not provided greater protection to them.” [6x] (Paragraph 13)

“One of the most disturbing aspects of post-ceasefire violence has been the use of killing to control the Tamil population...the LTTE and, to a lesser extent, other groups have elected to reinforce their political and financial support from

the Tamil population through the use of violence. The LTTE's classification of its political opponents within the Tamil community as 'traitors' and its efforts to enforce obedience with killings constitute fundamental violations of human rights." [6x] (Paragraphs 21- 22)

- 10.24 As noted in the 'UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka', dated December 2006, "Apart from alleged state-sponsored paramilitary groups, the army, the LTTE, armed elements of the Eelam People's Democratic Party (EPDP, a Tamil opposition party with associations with the security forces), and the Karuna faction have also been implicated in abductions, disappearances, extrajudicial killings." [6b] (Paragraph 16)

See also Annex B, E and F

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FORCED CONSCRIPTION

- 10.25 As noted in the 'UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka', dated December 2006:

"Young Tamil men and women continue to be at risk of forced recruitment by the LTTE and/or Karuna faction in the North and East of the country... Although both the LTTE and the Karuna faction deny allegations of forced recruitment, there is considerable pressure on every family to contribute at least one fighter. Since the escalation of hostilities in the East, there has been an increase in open recruitment by the Karuna faction, including in displacement sites. Families of those forcibly recruited are often afraid to report these abductions for fear of reprisals. Many people have fled the North and East to escape competing pressures from both the LTTE and the Karuna faction and in fear of retaliation if they do not comply. Retaliation could be of a severe nature, which may include torture and other forms of human rights abuses of sufficient severity as to amount to persecution... Children, in particular, are at risk of violation of their human rights through military recruitment. Underage recruitment is reported to take place in both LTTE and government-controlled areas, the latter allegedly by the Karuna faction." [6b] (Paragraph 18)

- 10.26 The USSD report 2007 observed "The LTTE instituted a 'one family, one fighter' policy, forcing each family to provide at least one member, including children, to the LTTE. By year's [2007] end most sources indicated that the 'one family, one fighter' policy targeted those 18 years or older." [2f] (Section 1g)

Child soldiers

- 10.27 The USSD report 2007 recorded that "Both the LTTE and the Karuna group (also known as TMVP, or Pillaiyan group) used minors in battle. The Karuna group and the LTTE also continued to recruit child soldiers forcibly, while intimidating and using violence against civilians." [2f] (Section 1g)

LTTE

10.28 As noted in the USSD report 2007:

"The UN Children's Fund (UNICEF) noted a significant reduction in reported child recruitment by the LTTE. While the trend indicated that the LTTE was eliminating the recruitment and use of child soldiers, it had not complied with the promise to end the use of all minors by year's end. UNICEF reported that the LTTE forcibly recruited (or rerecruited) 160 children during the year with an average age of 16 years. At year's end 205 children remained in LTTE custody, including 1,224 who were recruited as children but were over 18 at year's end." [2f] (Section 1g)

10.29 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, dated 21 December 2007, noted that "In 2007, concerns were raised about the massive recruitment of people, including children, into LTTE through a family quota system, according to which every family is required to contribute a family member to LTTE." [6e] (p2)

10.30 "From 1 November 2006 to 31 August 2007, the United Nations Children's Fund (UNICEF) received reports of 262 children recruited by LTTE, including 32 who were re-recruited. This represents a significant reduction in the rate of reported recruitment of children by LTTE, as compared to the previous reporting period... From 1 November 2006 to 31 August 2007, 41 per cent of the children reported to have been recruited or re-recruited (109 children) were from Batticaloa district, followed by Kilinochchi, with 27 per cent of reports received of children recruited from the district (71 children). Jaffna experienced the lowest reports of child recruitment among the north and east districts, with one child recruited, one child re-recruited and one child released during the period, which reflects a substantial reduction in the rate of reported recruitment as compared to the previous 12-month reporting period. This may reflect a positive aspect of the closure of the forward defence line by the Sri Lankan security forces since 11 August 2006 and the operation of strict curfews in Jaffna during the night.

"...of the total number of children recruited, 169 were boys and 61 were girls." (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p4)

10.31 "LTTE indicated a change in its policy on the minimum age of recruitment on 15 October 2006, establishing 17 years as its minimum age in contravention of applicable international and national legal standards. As a result of continued advocacy and pressure from the international community, LTTE affirmed its commitment to change its current policy and raise its minimum age of recruitment to 18 years on 15 October 2007.

"...the average age of children recruited by LTTE is 15.78 years.

"From 1 November 2006 to 31 August 2007, 203 children were verified by UNICEF to have been released by LTTE. Most of the children were released from Kilinochchi district, followed by Mullaitivu and Batticaloa districts.

"In February, March, June, July and August 2007, for the first time since the UNICEF underage recruitment database was established in 2002, the monthly figure of children released exceeded that of children reported as recruited in

the month.” (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p5-7)

- 10.32 A document by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, September 2007 recorded that:

“Although the LTTE may no longer be conscripting children in large numbers, the threat to children living in areas under LTTE control has not necessarily decreased, impacting the return plans of IDP families. The LTTE has introduced a quota policy whereby one person per family has to join the group, and children are at risk of losing a parent or the family breadwinner. Under the one-person-per-family system, Tamils from 17 to 30 are at the highest risk of being recruited. Early marriages are on the rise with many under 17 marrying to escape recruitment although the average marriage age for Tamils is over 20.” [54b] (p22)

- 10.33 The UNICEF ‘Monitoring and Reporting’, 30 April 2008, recorded that:

“At the Oslo round of Peace Talks in November 2002, UNICEF was given a mandate to monitor child rights violations of the ceasefire agreement. As part of this mandate UNICEF compiles and verifies data on child recruitment, as reported usually by family members, and makes this information available regularly to partners, working with them to advocate against child recruitment. According to UNICEF data-bases, as of 30 April 2008, there are 1410 outstanding cases of under age recruitment by the LTTE. Of these, 146 are under the age of 18, and 1264 were recruited while under 18 but have now passed that age...UNICEF continuously checks its database on under age recruitment to ensure its accuracy. UNICEF only withdraws recruits from its database when it is able to verify their release through an official letter of release, or by establishing that the child is reunited with his or her parents. UNICEF estimates that its database only reflects a third of the actual number of children recruited.” [53a]

- 10.34 As noted in a public statement issued by Amnesty International on 10 July 2007:

“Prior to the 2002 ceasefire agreement, the LTTE routinely used children in combat, including high profile battles in which children often suffered high rates of casualties. Over the last two and a half decades of conflict, families living in the conflict areas of the North and East of Sri Lanka have been targeted for recruitment by the LTTE. In the past the LTTE have enforced a ‘one family, one child’ policy in areas under its control instructing Tamil households that each family was obliged to provide a son or a daughter for ‘the cause.’” [3g]

- 10.35 “In June 2003, the Government of Sri Lanka and the LTTE jointly signed the Action Plan for Children Affected by War. One of the commitments made by the LTTE under the Action Plan was that they would stop recruiting children into its ranks, whether voluntarily or through coercion. Throughout 2004 UNICEF issued press statements saying that the LTTE were not living up to their commitments to stop recruiting children. The 2002 ceasefire effectively collapsed last year. As hostilities between the Government of Sri Lanka and the LTTE intensified in 2006, Amnesty International received reports of

intensified recruitment in the Vanni, the area to the south of the Jaffna peninsula largely controlled by the LTTE. In April 2007 Amnesty received reports that the LTTE were active in recruiting children in Madhu in Mannar District in preparation for future military battles in the North.” (AI statement of 10 July 2007) [3g]

- 10.36 On 15 August 2007, the *Daily Mirror* (Sri Lanka) reported that according to human rights sources in the north, youths fleeing the LTTE and surrendering to the Human Rights Commission (HRC) in Jaffna had been handed over to the police, produced before a magistrate and sent to the Jaffna prison as the government had not yet put in place a mechanism for victims to undergo a process of rehabilitation.” [11m]

See also Section 8 on Protective custody

Karuna group

- 10.37 As noted in the USSD 2007 report:

“The Karuna group continued to recruit children, some forcibly after abduction. Karuna cadres used coercion, extortion, rape, and murder to force children and adults to join their ranks. Karuna operatives often bribed parents to allow their children to join the Karuna group, and punished parents or children if they resisted. Unlike the LTTE, UNICEF statistics indicated that child recruitment by the progovernment Karuna group did not decline. The UNSR on Children and Armed Conflict reported and cited evidence that government forces were at times complicit in the recruitment of children. During the year [2007], UNICEF reported that the Karuna group recruited and rerecruited children for use as child soldiers, especially in Batticaloa district for a total of 251. This was more than in 2006, although the rate of recruitment was down from its peak in late 2005. Some previously recruited child soldiers reached 18 years of age while continuing to serve in the Karuna group. UNICEF figures show that at the end of the year, 160 children were still serving in the Karuna forces, and 69 who were recruited as children were now over age 18.” [2f] (Section 1g)

- 10.38 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, dated 21 December 2007, noted that: “[The Karuna faction] continued to recruit and re-recruit children throughout the reporting period, in particular in Batticaloa district, where UNICEF received 78 per cent of the reports of children being recruited.” The report added that “...from 1 November 2006 to 31 August 2007, UNICEF received reports of 207 children recruited by the TMVP/Karuna faction, including 45 who were re-recruited. This represents an increase in the rate of reported recruitment by the TMVP/faction, as compared to the previous 12-month reporting period. The majority of children were abducted and recruited by the TMVP/faction in Batticaloa, followed by Ampara, Trincomalee and Polonnaruwa districts.” [6e] (p7-8)
- 10.39 “From 1 November 2006 to 31 August 2007, 71 children were verified by UNICEF to have been released by the TMVP/Karuna faction, mainly from Batticaloa district; another 65 are known to have escaped. Although 23 children were released by the TMVP/faction in the current reporting period, which represents an increase in the numbers released, as compared to the previous 12-month reporting period, 10 were re-recruited from 1 November

2006 to 31 August 2007. For example, on 4 February 2007, the TMVP/Karuna faction released eight boys in the presence of UNICEF and by 12 February 2007, three of them had been rerecruited and remain with the TMVP/faction...the average age of the children recruited by the TMVP/faction was approximately 16 years during the reporting period...All except one of the children recruited were boys." (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p8)

- 10.40 "A further disconcerting trend has been the payment of monthly allowances to some of the children recruited upon completion of military training by the TMVP/Karuna faction. This may have the effect of stifling reports by impoverished families, who may actually encourage underage recruitment. Reports have been received that families or recruits are receiving a monthly allowance ranging from SL Rs 6,000 to SL Rs 12,000 (approximately \$60 to \$120). UNICEF has recorded 36 cases of recruited children who are receiving payments in Batticaloa district alone. An additional concern is the targeting of children previously associated with LTTE by the TMVP/Karuna faction in eastern Sri Lanka. Families of children who returned home from LTTE have been requested to report to the TMVP offices with their children. Reports were received that on several occasions, TMVP refused to release these children, claiming that they were holding them for inquiries. In a number of cases, this has resulted in the re-recruitment of children by the TMVP/Karuna faction." (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p9)
- 10.41 "Abduction and recruitment of children by the TMVP/Karuna faction continued to take place from the streets, temples, homes and internally displaced persons camps in the east, mainly in Government-controlled areas. Reports were also received that children were recruited and abducted in areas in close proximity to Sri Lankan security forces offices and checkpoints. All of the TMVP/Karuna faction abduction cases involved forced recruitment, in some cases by armed men who identified themselves as members of the faction." (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p10)
- 10.42 "Engagement with the TMVP/Karuna faction has become less frequent following an internal split in the faction with a separate faction, reportedly led by Commander 'Pillayan', moving with cadres from their base in Batticaloa to Trincomalee. The split of the group, however, was not acknowledged by the political leader in Trincomalee...Despite initial engagement on an action plan, the TMVP/Karuna faction demonstrated bad faith on a number of occasions, including leading the United Nations to a falsified training camp in Batticaloa and re-recruiting children within days of releasing them in the presence of UNICEF. As of September 2007, the TMVP/Karuna faction has not demonstrated a full commitment to stop recruiting children and has not released all children within their ranks. Indeed, the faction has continued to abduct and recruit children throughout the reporting period. Of additional concern is the opening of at least 15 TMVP political offices in Batticaloa and five offices in Ampara, in which armed children are regularly sighted." (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p16-17)

- 10.43 “There has been no evidence to date that any measures have been instituted by the police or the security forces to secure the release of the children abducted, recruited and used by the TMVP/Karuna faction despite clear knowledge of the same by the police or the security forces...Many families have visited their children in TMVP/Karuna faction military bases in Theevuchenai, Welikanda, Karupalai, Muthukkal camps and Sewanapittiya areas in Polonnaruwa, requiring passing through military checkpoints. Many families reportedly informed the Sri Lankan Army and the police that they were travelling to visit their children in the TMVP/Karuna faction military bases. In addition, a few TMVP political offices are in very close proximity to the police and Sri Lankan Army checkpoints, such as in the Batticaloa Town and Morakaddanchenai TMVP offices.” (UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka, 21 December 2007) [6e] (p18)
- 10.44 The UNICEF ‘Monitoring and Reporting’, 30 April 2008, recorded that “As of 30 April 2008 there are 144 outstanding cases of under age recruitment by the Karuna group. Of these, 76 are under the age of 18, and 68 were recruited while under 18 but have now passed that age.” [53a]
- 10.45 On 9 May 2008 Irin reported that:
- “The Karuna faction, the Tamil Tiger breakaway group, which has been transforming itself from an armed military group into a political party, released 39 underage recruits in April 2008. The group, officially known as the Tamil Makkal Viduthalai Pullikal (TMVP), released 28 children on 24 April [2008] after 11 were let go on 11 April... UNICEF has intensified its monitoring mechanism recently, according to the agency’s officials in Colombo. UNICEF officials personally visited and interviewed families of child recruits remaining with the TMVP to verify each case.” [55c]
- 10.46 As noted in a HRW document entitled ‘Sri Lanka: Karuna Group and LTTE Continue Abducting and Recruiting Children’, dated 29 March 2007:
- “There is strong evidence that government forces are now openly cooperating with the Karuna group despite its illegal activities, Human Rights Watch said. ...Independent sources have provided detailed information on abductions and recruitment of children by the Karuna group and the LTTE. In February [2007] the UN special advisor on children and armed conflict, Allan Rock, reported to the Security Council on Karuna abductions of children with state complicity and on child recruitment by the LTTE, based on his visit to Sri Lanka in November [2006]...Karuna has denied allegations that his forces are abducting or recruiting children...In January the TMVP released regulations for its military wing, stating that 18 was the minimum age for recruitment, and specifying penalties for members who conscript children.” (Human Rights Watch, ‘Sri Lanka: Karuna Group and LTTE Continue Abducting and Recruiting Children’, 29 March 2007) [21a]
- 10.47 As noted in the HRW document entitled ‘Complicit in Crime - State Collusion in Abductions and Child Recruitment by the Karuna Group, January 2007 (released on 23 January 2007):
- “Children are not the only targets. The Karuna group has also abducted and forcibly recruited hundreds of young men between ages 18 and 30. The

pattern and intensity of the abductions reveal a coordinated effort to increase the numbers of Karuna's force. At least since June [2006], and probably before, the Sri Lankan government has known about the abductions. The areas where they have taken place are firmly under government control, with myriad military and police checkpoints and security force camps. No armed group could engage in such large-scale abductions, and then hold and train the abductees for combat in established camps, without government knowledge and at least tacit support." [21c] (Summary)

10.48 "The government and the Karuna group have repeatedly denied any coordination between them...But for residents of Sri Lanka's eastern districts, government complicity in Karuna abductions is an obvious fact. Tamil and Muslim civilians in Ampara, Batticaloa, and Trincomalee districts say they have seen Karuna members working with the army and police at checkpoints to check IDs, and that armed Karuna cadre walk freely through villages and towns in areas under government control...The Sri Lankan police are also complicit due to their unwillingness to seriously investigate complaints filed by the parents of abducted boys and young men. In some cases the police reportedly refused to register a parent's complaint. In other cases the police registered the complaint but failed to undertake what the family considered a proper investigation. In no known case did the police secure the child's release. Some families did not report the abduction to the police, either out of fear or because they doubted the police would do anything to help their case." (Human Rights Watch, 'Complicit in Crime - State Collusion in Abductions and Child Recruitment by the Karuna Group, January 2007) [21c] (Summary)

10.49 As noted in the HRW report of August 2007:

"On June 18, 2007, Human Rights Watch asked the Sri Lankan government to explain the status of the government's investigation into state complicity in abductions by the Karuna group. The government provided no information on the investigation, stating that it 'has no complicity with the Karuna group in any allegations of child recruitment or abduction.' However, the HRW report of August 2007 recorded that "In Batticaloa district the Karuna group now abducts and uses child soldiers with blatant complicity of the Sri Lankan military and police. In February Human Rights Watch observed armed children guarding Karuna political offices in plain view of the Sri Lankan army and police." [21f] (Section IX)

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11. JUDICIARY

- 11.01 “Sri Lanka's legal system is based upon a combination of English criminal law and Roman-Dutch civil law. Civil law relating to inheritance, marriage and divorce in certain parts of the country and among certain communities also bear the strong imprint of indigenous legal traditions. The Supreme Court, headed by the chief justice, constitutes the apex of the court hierarchy. In addition to being the highest appellate court in the country, the Supreme Court has exclusive jurisdiction in litigation on fundamental rights.” (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka; Internal Affairs, updated 4 December 2007, accessed 4 January 2008) [5a]

ORGANISATION

- 11.02 As recorded in Europa World Online:

“The judicial system consists of the Supreme Court, the Court of Appeal, the High Court, District Courts, Magistrates' Courts and Primary Courts. The last four are Courts of the First Instance and appeals lie from them to the Court of Appeal and from there, on questions of law or by special leave, to the Supreme Court. The High Court deals with all criminal cases and the District Courts with civil cases. There are Labour Tribunals to decide labour disputes. The Judicial Service Commission comprises the Chief Justice and two judges of the Supreme Court, nominated by the President. All judges of the Courts of First Instance (except High Court Judges) and the staff of all courts are appointed and controlled by the Judicial Service Commission. The Supreme Court consists of the Chief Justice and not fewer than six and not more than 10 other judges. The Court of Appeal consists of the President and not fewer than six and not more than 11 other judges.” [1a] (Government and Politics, Judicial System)

- 11.03 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted that “The president appoints judges to the Supreme Court, the High Court, and the Courts of Appeal. A judicial service commission, composed of the Chief Justice and two Supreme Court judges, appoints and transfers lower court judges. Judges may be removed for misbehavior or incapacity but only after an investigation followed by joint action of the president and the parliament.” [2f] (Section 1e)

LTTE courts

- 11.04 As noted in the USSD report 2007:

“During the year [2007] the LTTE continued to operate its own court system composed of judges with little or no legal training. LTTE courts operated without codified or defined legal authority and essentially as agents of the LTTE rather than as an independent judiciary.” [2f] (Section 1e)

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INDEPENDENCE

- 11.05 The USSD report 2007 stated that “The law provides for an independent judiciary, and the government generally respected this provision in practice.” [2f] (Section 1e)

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FAIR TRIAL

- 11.06 The USSD report 2007 noted that:

“In criminal cases, juries try defendants in public. Defendants are informed of the charges and evidence against them, and they have the right to counsel and the right to appeal. The government provides counsel for indigent persons tried on criminal charges in the High Court and the Courts of Appeal, but it does not provide counsel in other cases. Private legal aid organizations assisted some defendants. The legal aid commission offered legal aid to assist those who could not afford representation; however, some sources reported that its representatives extorted money from beneficiaries. Juries are not used in cases brought under the PTA. Defendants are presumed innocent, and confessions obtained by various coercive means, including torture, are inadmissible in all criminal proceedings except PTA cases. Defendants bear the burden of proof to show that their confessions were obtained by coercion. Defendants in PTA cases have the right to appeal. Subject to judicial review in certain cases, defendants may spend up to 18 months in prison on administrative order waiting for their cases to be heard. Once their cases came to trial, decisions were made relatively quickly.” [2f] (Section 1e)

- 11.07 Despite the law calling for court proceedings and other legislation to be available in English, Sinhala, and Tamil, most court proceedings outside of Jaffna and the northern parts of the country were conducted in English or Sinhala, which, due to a shortage of court appointed interpreters, restricted the ability of Tamil speaking defendants to receive a fair hearing. Trials and hearings in the north were in Tamil and English. While Tamil speaking judges existed at the magistrate level, only four High Court judges, one Appeals Court judge, and one Supreme Court justice spoke fluent Tamil. Few legal textbooks existed in Tamil, and the government did not comply with legislation requiring that all laws be published in English, Sinhala, and Tamil.” (USSD 2007) [2f] (Section 1e)

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12. ARREST AND DETENTION – LEGAL RIGHTS

- 12.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted that:

“Under the [ordinary] law, authorities must inform an arrested person of the reason for arrest and bring that person before a magistrate within 24 hours, but in practice, detained persons generally appeared within a few days before a magistrate. A magistrate may authorize bail or continued pretrial detention for up to three months or longer. Police do not need an arrest warrant for certain offenses, such as murder, theft, robbery, and rape. In the case of murder, the magistrate must remand the suspect, and only the High Court may grant bail. In all cases suspects have the right to legal representation. Counsel is provided for indigent defendants in criminal cases before the High Court and the Courts of Appeal, but not in other cases.” [2f] (Section 1d)

- 12.02 “Under the emergency regulations, in addition to police forces, the armed forces also had the legal authority to arrest persons, but they were required to turn suspects over to the police within 24 hours. Police can detain a person for a period of not more than one year under detention orders issued by a deputy inspector general of police or by the secretary of defense. Numerous NGOs and individuals complained that the armed forces and their paramilitary allies arrested suspected LTTE sympathizers, especially in Jaffna, and did not turn them over to the police, blurring the line between arrests and abductions. Credible reports alleged that security forces and paramilitaries often tortured and killed those arrested rather than follow the legal safeguards. Under the emergency regulations, individuals arrested may be detained for up to a year without trial.” (USSD 2007) [2f] (Section 1d)

- 12.03 The HRW report ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, released in March 2008 highlighted “...the lack of public information on detention facilities, which facilitates secret detention and prevents monitoring. The 2005 Emergency Regulations do not require officials to publish a list of authorized places of detention, in violation of international standards. The absence of this legal requirement in effect negates the ability of the Human Rights Commission to monitor the detention facilities.” [21d] (p35-36)

- 12.04 “The problem of secret detention is exacerbated by the fact that under the emergency laws, arrest and detention can be carried out by police, the armed forces (army, navy, or air force), or jointly. Given that security forces have conducted operations with non-state armed groups...it is often impossible to establish which unit was responsible for the arrest and to which detention facility the individual apprehended was taken.” (HRW, ‘Recurring Nightmare - State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka’, March 2008) [21d] (p36)

- 12.05 As noted in the International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“Under regular law, a suspect must be produced before a magistrate within 24 hours but a suspect detained under the Emergency Regulations can be kept incommunicado for up to 30 days. Places of detention are at the discretion of

relatively low-level police officers and do not have to be made public. The normal laws relating to inquests and disposal of dead bodies are also inapplicable. Not only police officers and soldiers, but also other 'public officers' and those specifically authorised by the president are allowed to make arrests under the Emergency Regulations. The military have also been given police powers, a move that Tamil political leaders warn could lead to even more widespread abuses." [76a] (p13)

12.06 "In principle, some safeguards exist against abuse. For some forms of detention under the Emergency Regulations, police officers and members of the security forces are required to issue receipts to family members. The Human Rights Commission must be informed of all detentions and has legal authority to visit detainees wherever they are held. Recently republished 'directives' from the president to the police and security forces require that detentions under the Emergency Regulations follow certain safeguards and reaffirm the powers of the Human Rights Commission. These directives, however, have no independent legal force and carry no penalties for noncompliance, and there continue to be numerous reports of arrests and detentions that have not followed the stated procedures." (International Crisis Group, 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007) [76a] (p13-14)

12.07 In a letter dated 25 January 2008, the BHC, Colombo reported the outcome of a conversation with the secretary of the Human Rights Commission (HRC)

"If a person is arrested under Prevention of Terrorism Act or Emergency Regulations, they should be produced before magistrate before 48 hours. Police should inform the HRC within 24 hours, although generally this took up to 48 hours. According to him, the HRC acts on information about an individual being arrested by immediately visiting the police station and as soon as they become involved in a case the procedure are followed correctly." The BHC also referred to information provided by an official from the Centre for Human Rights and Development, adding "There is no specific time limit to detain a person under Emergency Regulations (ER) and Prevention of Terrorism Act (PTA). When a person is arrested under ER or PTA the Defence Secretary issue Detention Order for 03 months at the 1st instance and then extends the period of detention at the expiration of the 03 months. Practically, after 03 months, most of the detainees are produced before a Magistrate and if the Magistrate orders the accused are transferred from police or security force custody into judicial (prison system) custody. Following transfer into prison custody, some are remanded for between 1 and 2 years. Every 2 weeks they are produced before a magistrate and the order to remand is extended for a further period, usually another 02 weeks. The Attorney General's department is responsible to indict or charge a person in remand prison. The case files of all detainees are with the Attorney General department for further action, but no action has been taken on most of the cases even if the relevant persons are in remand prison for a longer period. On some occasions the Magistrate visits the Remand Prison and extends the order of remand of suspects instead of being them produced at the Magistrate Court." [15f]

12.08 On 18 July 2007, BBC Sinhala reported that the Supreme Court had ordered the police to produce Tamil Tiger suspects before local courts rather than transferring them to the capital. The Chief Justice was reported to have made the order after considering a Fundamental Rights (FR) petition filed by six

LTTE suspects arrested in Muttur, Trincomalee, under Prevention of Terrorism Act (PTA) who had argued that they would have faced hardships as a result of being transferred to Colombo. [9i]

- 12.09 On 5 July 2006 the Sri Lankan Government's Secretariat for Co-ordinating the Peace Process (SCOPP) reported on the human rights guidelines issued by the president:

"I, Mahinda Rajapaksa, President, Commander-in-Chief of the Armed Forces and Minister of Defence, Public Security, Law and Order being of opinion that it is necessary to issue directions to the Heads of the Armed Forces and the Police Force to enable the Human Rights Commission of Sri Lanka (herein after referred to as 'the HRC') to exercise and perform its powers, functions and the duties and for the purpose of ensuring that fundamental rights of persons arrested or detained are respected and such persons are treated humanely, do hereby, direct the Heads of the Armed Forces and of the Police as follows:

1. Every member of the Armed Forces and of the Police Force shall assist and facilitate the HRC and any person authorized by the HRC in the exercise of its powers, duties and functions and also ensure that the fundamental rights of persons arrested or detained are respected.
2. No person shall be arrested or detained under any Emergency Regulation or the Prevention of Terrorism Act No. 48 of 1979 except in accordance with the law and proper procedures and by a person who is authorized by law to make such arrest or order such detention.
3. At or about the time of the arrest or if it is not possible in the circumstances, immediately thereafter as circumstances permit:
 - (i) the person making the arrest or detention shall identify himself to the person arrested or any relative or friend of such person upon inquiry being made by name and rank.
 - (ii) every person arrested or detained shall be informed of the reason for the arrest.
 - (iii) the person making the arrest or detention shall issue, to the spouse, father, mother or any other close relation as the case may be a document in such form as specified by the Secretary to the Ministry of the Minister in charge of the subject of Defence, acknowledging the fact of arrest. The name and rank of the arresting officer, the time and date of arrest and the place at which the person will be detained, shall also be specified. It shall be the duty of the holder of such document to return the same to, or produce the same before, the appropriate authority when the person so arrested or detained is released from custody.
 Provided that, where any person is taken into custody and it is not possible to issue a document as set out above, it shall be the duty of the arresting officer, if such officer is a police officer, to make an entry in the Information Book giving reasons as to why it is not possible to so issue a document, and if the arresting officer is a member of the Armed Forces to report the reasons why it is not possible to issue a document to the officer in charge of the police station, whose duty it shall be to make an entry of such fact along with the reasons therefore in the Information Book.
 - (iv) the person arrested shall be afforded reasonable means of communicating with a relative or friend to enable his whereabouts being [sic] known to his family.

4. When a child under 12 years or a woman is sought to be arrested or detained a person of their choice should be allowed to accompany such child or woman to the place of questioning. As far as possible, any such child or woman so sought to be arrested or detained should be placed in the custody of a Women's Unit of the Armed Forces or the Police Force or in the custody of another woman military or police officer.
5. A statement of a person arrested or detained should be recorded in the language of that person's choice who should, thereafter, be asked to sign the statement. A person who desires to make a statement in his or her own handwriting should be permitted to do so.
6. (i) The members of the HRC or any person authorized by it should be permitted access to the person arrested or detained under the Prevention of Terrorism Act No. 48 of 1979 under a Regulation made under the Public Security Ordinance (Chapter 40), and should be permitted to enter at any time any place of detention, police station or any other place in which such person is detained in custody or confined.
(ii) Every officer who makes an arrest or order of detention as the case may be, shall forthwith, and in any case not later than forty eight hours from the time of such arrest or detention inform the HRC or any person specially authorized by the HRC of such arrest or detention as the case may be and the place at which the persons so arrested or detained is [sic] being held in custody or detention." [41k]

- 12.10 On 25 April 2007, the Sri Lankan Government's official news portal announced that the Government of Sri Lanka had taken steps to re-circulate the Presidential directives of 7 July 2006 on the protection of the Fundamental Rights of persons arrested and/or detained. [10k] However, on 12 October 2007, BBC Sinhala reported that

"An advisory panel to Sri Lanka government has accused the authorities of not implementing 'at least the minimum safeguards' to protect human rights in the island. Nimalka Fernando, a member of the panel, said Sri Lanka police have even failed to implement a presidential decree on arbitrary arrests. Nimlaka Fernando, Sunila Abeysekara, Dr. Pakysothy Saravanamuttu and Rohan Edirisinghe, on Friday tendered their resignations protesting government's lack of commitment to protect human rights. 'We continuously appealed to the minister to provide us with a list of detainees so that we could pass the information to the relatives,' Nimalka Fernando told BBC Sandeshaya. However, minister in charge of human rights, Mahinda Samarasinghe, could not provide that information despite repeated requests, she added. 'We think either the government did not have a system in place,' Fernando said, 'Or if statistics were gathered, government would have to clarify them in front of the international community.'" [9a]

- 12.11 On 6 December 2006 the Government announced the introduction of revised tough emergency regulations [the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations, No. 7 of 2006] giving the security forces "wide-ranging powers to search, arrest and question". (BBC News, 6 December 2006) [9o] (New Regulations to Combat Terrorism, SCOPP Report, 6 December 2006) [41n]
- 12.12 As recorded on the website of the Sri Lankan Government's Secretariat for Co-ordinating the Peace Process (SCOPP) on 6 December 2006:

"The Government has promulgated Regulations as of December 6, 2006, to combat acts of terrorism in the country...Terrorism has been defined as unlawful conduct which

1. involves the use of violence, force, coercion, intimidation, threats, duress, or
2. threatens or endangers national security, or
3. intimidates a civilian population or a group thereof, or
4. disrupts or threatens public order, the maintenance of supplies and services essential to the life of the community, or
5. causing destruction or damage to property, or
6. endangering a person's life, other than that of the person committing the act, or
7. creating a serious risk to the health or safety of the public or a section of the public, or
8. is designed to interfere with or disrupt an electronic system and which unlawful conduct is aimed at or is committed with the object of threatening or endangering the sovereignty or territorial integrity of Sri Lanka.

Any person who acts in contravention of these Regulations shall be guilty of an offense and shall on conviction by a High Court be sentenced to a term of imprisonment of not less than 10 years and not exceeding 20 years." The SCOPP website provided a link to "The Gazette of the Democratic Socialist Republic of Sri Lanka No. 1474/5 – Wednesday, December 06, 2006" which published the full text of these regulations officially known as 'the Emergency (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) Regulations No. 07 of 2006.' [41n]

12.13 On 6 December 2006, the pro-LTTE website TamilNet noted that:

"Sri Lanka's Prime Minister Rathnasiri Wickramanayake, announcing a cabinet decision, Wednesday said the Prevention of Terrorism Act (PTA) would be implemented in full force. The PTA, introduced in 1979 as a temporary measure, and permanently enacted in 1982, was not applied following the February 2002 Cease Fire Agreement (CFA) between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE). The cabinet decision, viewed as a major breach of the CFA, gives excessive powers of arrest and detention to the Sri Lankan armed forces. 'The Government decision pushes for strong curbs on terrorist activities, which will involve LTTE activities and all persons who in anyway help them,' Mr. Rathnasiri Wickramanayake said, announcing the decision... Thousands of Tamil men, women and children were indiscriminately arrested, tortured and detained for indefinite periods under the PTA until [sic] Colombo agreed to temporarily suspend the application of the act under the provisions of the CFA. Clause 60 of the Emergency Regulations (ER) and Clause 18 of the PTA Act allow the Police to use confessions of the suspects against them...Several Tamil youths were indicted under Section 5 of the PTA on their own confession made to the Police, for 'failing to provide information' about the movements of LTTE cadres in their respective areas had been indicted under Section 5 of the PTA, liable for minimum five years imprisonment if found guilty after trial or on pleading guilty." [38k]

12.14 As reported by the Sri Lanka Department of Government Information on 7 December 2006:

“They [the far-reaching measures introduced to curb terrorism and terrorist activities] prohibit the wearing, display, hoisting, or possessing of any uniform, dress, symbol, emblem relating to terrorism or terrorist activities; the summoning, convening, conduct or participation in a meeting relating to terrorism and terrorist activities; harbouring, concealing or assisting a member or cadre of an organisation engaged in terrorism, or terrorist activities; or participating in any activity even relating to terrorism or terrorism related activities... The prohibitions under the new regulations also extend to any transaction including contributions, providing, donating, selling, buying, hiring, leasing, receiving, making available, funding, distributing or lending materially or otherwise to any person, group, associate or cadre engaged in terrorism or any terrorism related activities... The prohibitions under these regulations also extended to the providing of any information detrimental of prejudicial to national security to any person or group of persons engaged in or known to be engaged in terrorism or terrorism related activities. The implementation of these regulations will come under a Competent Authority appointed by the President. There is provision in the regulations for any person aggrieved by a decision of the Competent Authority to appeal against such decision to a special tribunal appointed for the purpose. Contravention of these regulations carries penalties imposed by a High Court, varying from imprisonment from 10 to 20 years and of five to 10 years, depending on the nature of the offence. Those responsible for causing offenses under these regulations, other than individuals and groups of individuals, include corporate bodies, partnerships, and unincorporated bodies.” [10c]

- 12.15 A letter from the British High Commission in Colombo, dated 10 April 2007, noted that “The implementation [of the Emergency Regulations] has been patchy. The courts have remained willing to get involved in some individual cases of people being arrested to force their release.” [15a]

See also Section 4: Recent Developments; and Section 8: Security Forces

BAIL/REPORTING CONDITIONS

- 12.16 As noted in a letter from the British High Commission in Colombo dated 22 November 2006:

“It is common practice to be released on bail without being charged. Reporting conditions are usually issued when bail is granted. Anyone flouting reporting conditions is liable to be served with a warrant for arrest. As far as we have been able to establish Immigration officers are notified only when court decides to impound the suspect’s passport or an arrest warrant is issued. This apart there is no other mechanism to make sure that the Immigration Officers are aware of such instances. The other method which is rare and case specific is that the NIB (National Investigation Bureau) informing the Immigration officers of individuals suspected of terrorist activity and those on the 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.” [15m]

ARREST WARRANTS

- 12.17 As noted in a letter from the British High Commission in Colombo dated 21 January 2007:

“Formally it is difficult for the accused to be able to obtain a copy of his/her own arrest warrant. When an arrest warrant is issued, a copy is kept on the legal file and the original is handed to the police. An accused cannot apply for copies of the arrest warrant to the relevant court. However in practice forged documents are easily obtainable throughout Sri Lanka. Additionally given ongoing and well documented concerns over corruption in the police it would probably not prove difficult to obtain a copy of an arrest warrant, although it would probably require prior contacts within the police service.” [15n]

- 12.18 The USSD report 2007 recorded that “The HRC investigated the legality of detention in cases referred to it by the Supreme Court and by private citizens.” [2f] (Section 1d)

See also Sections 8 and 28

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13. PRISON CONDITIONS

- 13.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted that:

“Prison conditions did not meet international standards due to acute overcrowding and lack of sanitary facilities. Prisons designed for 8,200 inmates held as many as 28,000 prisoners, according to the October assessment by UNSR Nowak. In some cases juveniles were not held separately from adults. Pretrial detainees were not held separately from those convicted...Female prisoners are held separately from male prisoners and in generally better conditions. However, some rights groups alleged that isolated incidents of degrading treatment, including overcrowding, maltreatment, or abuse of female prisoners occurred.” [2f] (Section 1c)

- 13.02 The same source continued:

“The government permitted visits by independent human rights observers, including UNSR [UN Special Rapporteur] Nowak and the International Committee of the Red Cross (ICRC). The ICRC reported receiving unrestricted access to government and LTTE controlled prison facilities and detention centers, while the government granted Nowak unrestricted access only to government prisons and police detention facilities. However, the government did not provide access to any detention facilities operated by military intelligence, stating that none existed. There were widespread reports of secret government safe houses where suspected LTTE sympathizers were taken, tortured, and often killed. The government denied the existence of such facilities and denied that civilians were tortured or killed. The ICRC was also not allowed to visit illegal detention facilities operated by the Karuna group, including at its main base at Welikanda, near Polonnaruwa...Nowak noted the absence of an independent institution responsible for monitoring conditions in detention facilities, holding private interviews and conducting medical evaluations of detainees.” [2f] (Section 1c)

- 13.03 The ICRC Operational update of 17 April 2008 reported that:

“With the cooperation of both government officials and the LTTE, the ICRC has been visiting a growing number of people arrested for security reasons. The aim of the visits is to monitor treatment and conditions of detention. On nearly 60 visits to 40 places of detention, ICRC delegates met with almost 730 detainees and provided them with recreational items, clothing and toiletries. The families of more than 400 detainees recently received financial assistance to visit their loved ones in various places of detention. More than 30 released detainees received funds to return home via public transportation.” [34e]

- 13.04 In a statement issued on 29 October 2007 after his visit to Sri Lanka from 1 to 8 October 2007 the UN Special Rapporteur on Torture, Manfred Nowak, stated that during his visit he had had unrestricted access to prisons and police detention facilities and he was able to carry out unannounced visits and conduct private interviews with detainees. He visited the following facilities: Welikada Prison, Colombo Remand Prison, the New Magazine Prison (Female Ward), the Criminal Investigation Department (CID), the Terrorist Investigation Department (TID), Mt. Lavinia Police Station, Ratmalana Police

Post, and Panandura South Police Station, the TID detention facility at Boossa, Trincomalee Prison, Trincomalee Police Headquarters (including CID), China Bay Police Station, Kantale Police Station, Polonnaruwa Police Station, and Polonnaruwa Prison, Bogambara Prison, Katugastota Police Station and Wattegama Police Station. (ReliefWeb, quoting the United Nations Human Rights Council) [31d]

13.05 The UN Special Rapporteur on Torture noted:

“That poor conditions of detention can amount to inhuman and degrading treatment is well established in the jurisprudence of several international and regional human rights mechanisms. In Sri Lanka the combination of severe overcrowding with antiquated infrastructure of certain prison facilities places unbearable strains on services and resources, which for detainees in certain prisons, such as the Colombo Remand Prison, amounts to degrading treatment in my opinion. The lack of adequate facilities also leads to a situation where convicted prisoners are held together with pre-trial detainees in violation of Sri Lanka's obligation under Art 10 of the International Covenant on Civil and Political Rights. Although the conditions are definitely better in prisons with more modern facilities, such as Polonnaruwa and the Female Ward of the New Magazine Prison, the prison system as a whole is in need of structural reform.” (ReliefWeb, quoting the United Nations Human Rights Council) [31d]

13.06 “During my visit of various police stations I observed that detainees are locked up in basic cells, sleeping on the concrete floor and often without natural light and sufficient ventilation. While I am not concerned about such conditions for criminal suspects held in police custody for up to 24 hours, these conditions become inhuman for suspects held in these cells under detention orders pursuant to the Emergency Regulations for periods of several months up to one year. This applies both for smaller police stations, such as at Mt. Lavinia, and especially for the headquarters of the CID and TID in Colombo, where detainees are kept in rooms used as offices during the day-time, and forced to sleep on desks in some cases.”

“I appreciate the recent abolition of corporal punishment in Sri Lanka, however, in Bogambara Prison I received disturbing complaints of cases of corporal punishment corroborated by medical evidence. I am pleased to report that the Government has initiated an inquiry to look into this matter.” (ReliefWeb, quoting the United Nations Human Rights Council, Special Rapporteur on torture concludes visit to Sri Lanka, 29 October 2007) [31d]

13.07 The Prison Brief for Sri Lanka produced by the International Centre for Prison Studies (website accessed on 25 February 2008) recorded a total prison population of 25,537 at 31 July 2007 (including pre-trial detainees/remand prisoners amounting to 49.4 per cent of total) against an official capacity of the prison system of 10,692 (in 2004). The prison population rate (per 100,000 of national population) was 121 (based on an estimated national population of 21.1 million at end of July 2007). In 2005 there were 59 establishments/institutions comprising “3 closed prisons, 18 remand prisons, 2 open prison camps, 8 work camps, 2 correctional centres for young offenders, 1 training centre for young offenders, 25 prison lock-ups).” [65]

- 13.08 The Department of Census and Statistics Sri Lanka in its Statistical Abstract 2007 – Chapter XIII - Social Conditions, Convicted persons by ethnic group and sex, 1999 – 2006/Unconvicted persons by ethnic group and sex, 1999 - 2006: undated, website accessed on 2 May 2008, noted that in 2006 the number of unconvicted prisoners totalled 89,190 (60,116 Sinhalese; 17,552 Tamils). In the same year the total figure for convicted prisoners was 28,732 (19,207 Sinhalese; 4,478 Tamils). [58e]
- 13.09 On 12 May 2008, the pro-LTTE website TamilNet reported:
- “68 Tamil detainees... were verbally abused, tortured and subjected to sexual abuse at the notorious Boosa Prison in Galle, according to complaints made by the parents to Tamil parliamentarian Chandrakanth Chandraneheru... The TID interrogators stripped the detainees... naked abusing them verbally and subjected many of the victims for torture, sexual harassment and subjected them to sexual abuse, according to reliable allegations, the Tamil National Alliance parliamentarian had told media in Colombo. He questioned the need for the intervention by the Terrorist Investigation Department while the cases of the detainees were being heard at the Courts. Vajira Wijegunawardene [Sri Lanka's Commissioner General of Prisons] who dismissed the allegation has said that the detainees were transferred to Boosa and Mahara prisons for ‘security reasons’.” [38o]
- 13.10 “Tamil detainees in Welikade 'maximum security' prison and the detainees in high security Magazine prison (named Magazine as British colonialists used the facility for storing ammunition) have been repeatedly urging the Tamil parliamentarians to bring their concerns to the International Community and exert pressure on the Sri Lankan government to expedite their cases that have been postponed fortnightly and not been heard for more than a year. 86 detainees in Welikade prison launched a fast-unto-death and demanded the authorities to let them meet UN High Commissioner for Human Rights, Louise Arbour, who visited Sri Lanka on a fact finding mission last October. The detainees called off the fast as Ms. Louise Arbour met five representatives of the detainees and promised to look into their plight.” (TamilNet, 12 May 2008) [38o]

See also Section 8 on Cordon and search operations

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14. DEATH PENALTY

14.01 The Amnesty International Report 2007 on Sri Lanka (covering events from January – December 2006) recorded that “A number of high profile murder cases fuelled demands for an end to the moratorium on executions. According to the Director General of Prisons, at least 12 death sentences were passed. Approximately 167 people remained on death row. No executions were reported.” AI considers Sri Lanka “abolitionist in practice”. [3u] (Death penalty)

14.02 As recorded in the Amnesty International ‘Death Penalty News’ of December 2004:

“The Office of the President of Sri Lanka announced on 20 November [2004] that ‘the death penalty will be effective from today for rape, murder and narcotics dealings’. The statement followed the murder of a High Court judge, Honourable Sarath Ambepitiya, and a police officer who was providing security for him, both of whom were shot on 19 November. A moratorium on executions has been in effect in Sri Lanka since June 1976 when the last execution took place. Successive presidents since then have automatically commuted all death sentences.” [3j]

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15. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 15.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, stated that:

“The law provides citizens with the right to change their government peacefully... The EU Election Observation Mission described the 2005 presidential election as generally satisfactory. The LTTE enforced boycott of the polls and seven grenade attacks in the north and east marred the election, however, and allowed less than one percent of voters in the north to exercise their right to vote. There were repeated media allegations, supported by claims of former supporters of President Rajapaksa, that his campaign paid large sums of money to induce the LTTE to suppress Tamil votes in the north and east during the 2005 presidential election. The government denied the allegations. Three of the most vocal supporters of the allegations stated that they also played a role in the denial of voting rights on behalf of President Rajapaksa. In October parliament opened an investigation into the allegations. At year's end there was no resolution.” [2f] (Section 3)

- 15.02 As noted in the ICG (International Crisis Group) document ‘Sri Lanka’s Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008:

“Political power is concentrated in the hands of the president, his three brothers, a few close supporters and the military leadership. An uncompromising attitude has taken hold of many senior officials and officers. In the name of patriotism, and out of a mix of Sinhala nationalism and determination to retain power, dissent is increasingly equated with treason. Publicly questioning government policies has become dangerous. Under the 1978 constitution, the president has extraordinary powers and is difficult to remove from office. Rajapaksa has taken the defence, finance and nation-building portfolios. His brother, Gotabhaya, is defence secretary and runs that ministry’s day-to-day operations; brother Basil, a parliamentarian and presidential adviser, manages the nation-building ministry; brother Chamal is minister for irrigation and water management and ports and aviation. Two thirds of the national budget comes under ministries controlled by the four brothers.” [76d] (p15)

- 15.03 The ICG report of February 2008 further noted:

“The opposition is also targeted. In late 2007, the TMVP kidnapped relatives to prevent TNA parliamentarians from voting against the government budget. They abstained and the budget passed. “The pressure and threats ... were well beyond what can be tolerated in a democratic setup”, a Western diplomat said. “The government is making liberal use of death threats to keep people in line”. A Tamil parliamentarian who led the campaign against disappearances and abductions went into self-imposed exile after his police security detail was cut.” [76d] (p16)

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FREEDOM OF ASSOCIATION AND ASSEMBLY

15.04 As noted in the USSD report 2007:

“The law provides for freedom of assembly, and the government generally respected this right in practice; however, some restrictions existed. For example, the 2005 emergency regulations give the president the power to restrict meetings, assemblies, and processions. The law states that rallies and demonstrations of a political nature cannot be held when a referendum is scheduled; however, the government generally granted permits for demonstrations, including those by opposition parties and minority groups.” [2f] (Section 2b)

15.05 “On January 9 [2007], a mob of more than 50 men led by the Deputy Minister for Labor Mervyn Silva attacked participants at the first public assembly of the United People's Movement, an antiwar group composed of NGOs, opposition MPs, and their supporters. The rally promoted proposals calling for devolution of power to minority communities within a united country. In addition to attacking and severely injuring two journalists, Silva's mob disbanded the rally. Media sources and the rally organizers alleged that the order to attack came from the Presidential Secretariat. The government denied involvement. No charges were brought against Minister Silva or his men. On October 5, police used tear gas to disrupt a peaceful demonstration by several hundred students protesting the country's recent economic performance, the increase in inflation, and the lack of job prospects for recent graduates. According to media sources, police injured several students while breaking up the protest.” (USSD 2007) [2f] (Section 2b)

15.06 “The law provides for freedom of association, and the government generally respected this right in practice; however, some restrictions existed, such as those under the emergency regulations. The government often used informants to target individuals for arrests and interrogation based on their association. The LTTE did not allow freedom of association in the areas it controlled and reportedly forced people to attend its rallies.” [2f] (Section 2b)

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

15.07 As noted in the International Crisis Group document ‘Sri Lanka's Human Rights Crisis, Asia Report N°135’, 14 June 2007:

“On 9 February 2007 Foreign Minister Mangala Samaraweera and his colleague Sripathi Sooriyarachchi were dismissed by President Rajapakse. Both men subsequently accused the political leadership of corruption, human rights abuses and nepotism. Sooriyarachchi claimed to have knowledge of a secret deal between the government and the LTTE to allow the president to win the November 2005 election. In response, the presidential administration conducted a political witch hunt against Samaraweera's business and political network. On 26 February [2007], the financial director of the Sinhala language weekly Mawbima, Dushantha Basnayake, was arrested by the Terrorism Investigation Division (TID) of the police. The Emergency Regulations were

used to freeze the paper's bank accounts, forcing it and its English language sister paper to close on 28 March. The paper is owned by Tiran Alles, a businessman and political ally of Samaraweera. Sooriyarachchi was then arrested on politically motivated charges and remanded to prison. On 30 May [2007], after unsuccessful negotiations with Samaraweera to return to the cabinet, Tiran Alles was arrested by the TID on charges of financing terrorism. This repression of political opponents fits into a pattern of growing authoritarianism. Opposition parliamentarians have reported death threats... The use of abusive language to describe those who opposed the war or are concerned about human rights is now commonplace." [76a] (p14-15)

- 15.08 As reported by BBC Sinhala on 18 June 2007 "The Supreme court in Sri Lanka has accused Mahinda Rajapaksa government of harrasing political opponents. Chief Justice Sarath N Silva said political reasons are seem to be behind the arrest of Rajapaksa's former close associate, Tiran Alles. Sri Lanka's Supreme Court on Monday granted leave to proceed to a Fundamental Rights (FR) petition filed by Alles." [9ag]
- 15.09 In June 2007 Mangala Samaraweera and Sripathi Sooriarachchi announced that they were leaving the Sri Lanka Freedom Party (SLFP) to form a breakaway party, the Sri Lanka Freedom Party - Mahajana Wing (SLFP - M), (The Keesing's Record of World Events, June 2007, Sri Lanka) [23b] The SLFP – M later signed a memorandum of understanding with the UNP and their first public rally took place on 26 July 2007 in Colombo, when thousands of protesters marched against the Government. (BBC Sinhala, 26 July 2007) [9ak]
- 15.10 On 10 February 2008, the government-controlled *Sunday Observer* reported that "Former Minister Sripathi Sooriyarachchi MP and his two bodyguards were killed yesterday when the jeep in which they were travelling veered off the road and crashed on to a tree in Thambuttegama, Anuradhapura. Sooriyarachchi was on his way to participate in a conference organised by the University students of the Sri Lanka Freedom Party's Mahajana Wing, Chief Organiser Ruwan Ferdinands told the Sunday Observer. Former Minister Mangala Samaraweera also attended the conference, he said." [16h]
- 15.11 A letter from the BHC Colombo dated 16 May 2008 noted:
- "Regarding the detention of individuals for political reasons, the only arrest of a senior figure we are aware of was the late Sripathy Sooriyarachchi. He was arrested and detained on 17th March 2007, following his removal from the Cabinet by President Rajapakse earlier that month. He had attended a CID office in order to make a statement, but was taken into custody on suspicion of misusing government property, namely a vehicle. He was not charged, but was remanded in custody by Kaduwela Magistrates. Avissawela High Court released him from custody on 30th April 2007." [15r]
- 15.12 The letter from the BHC Colombo further reported that:
- "There is no evidence to suggest that non-state actors, such as the LTTE, have targeted political groups during 2007. All Tamils and LTTE supporters are vulnerable to be targeted by the police and military. High profile politicians remain top targets, and any assassination attempts are normally immediately attributed to the LTTE, although perpetrators are rarely caught and in the

aftermath, rumours abound and the press point accusations at other groups. In the case of D.M.Dassanayake [killed by a bomb blast on 8 January 2008], later press reports stated that the Sinhala Tigers have been linked to his murder. Tamil MP Thiagarajah Maheshwaran was probably shot dead by pro-government paramilitaries, and another high profile Tamil MP, Mano Ganeshan, was forced to leave the country following threats. In both cases their government security had been reduced a few days prior to attacks/threats.” [15r]

15.13 “According to the police, they do respond to complaints from individuals of mistreatment on account of their political opinion or activity, although no statistics are readily available. Similarly, we were unable to obtain statistics for those arrested/prosecuted for mistreating members of political groups. Regarding accusations of discrimination by the police against members of particular political groups, it does not appear openly, but generally SLFP and allied groups receive extensive physical protection. Other MPs may receive protection, but this is subject to the whim of the government. Security is often withdrawn from MPs who are perceived to be disloyal or too vocal, particularly from the minority communities. There is nothing to suggest that members of political groups cannot live in Colombo/Gampaha region. All political parties are registered in Colombo.” (BHC letter, 16 May 2008) [15r]

15.14 As reported by BBC Sinhala on 12 December 2007:

“Sri Lanka Muslim Congress leader, Rauf Hakeem says that the security provided to him by the state has been stripped as soon as he crossed over to the opposition... He said considering his capacity as a party leader and also as a minority leader from the east, special security arrangements were made for him by the government even when he was in the opposition. When he was in the opposition, there were twelve officers attached to his security but the number has now reduced to two which is alarming, he said. Sri Lanka Muslim Congress (SLMC) Leader Rauff Hakeem, General Secretary Hasan Ali, Chairman Basheer Cegu Dawood and MP Faisal Cassim have crossed over to the opposition. They resigned from their portfolios and crossed over to the opposition in parliament two days before the third reading of the budget.” [9am]

See also Section 4: Recent Developments; and Annex C

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16. FREEDOM OF SPEECH AND MEDIA

- 16.01 As noted in the Freedom House, 'Freedom of the Press 2008, Draft Country Reports', Sri Lanka, released on 29 April 2008:

"Media freedom continued to decline in 2007, as media outlets faced increased censorship and other restrictions on reporting, and journalists faced a heightened level of attacks and intimidation, particularly in the war-torn north and east of the country. Although freedom of expression is provided for in the constitution, a growing number of laws and regulations restrict this right. The Official Secrets Act bans reporting on information designated 'secret.' Those convicted of gathering secret information can be sentenced to up to 14 years in prison; although no journalist has ever been charged under the act, it has been used to threaten them." [46a] (p197)

- 16.02 Freedom of the Press 2008 also recored that:

"While numerous privately owned newspapers and broadcasters scrutinize government policies and provide diverse views, private outlets have become more polarized, shrinking the space for balanced coverage. The Colombo-based Free Media Movement has noted that state-run media—including Sri Lanka's largest newspaper chain, two major television stations, and a radio station—are heavily influenced by the government, citing cases of pressure on editors, several unwarranted dismissals of high-level staff, and biased coverage. Cases of overt financial pressure on critical outlets were reported during the year." [46a] (p197)

- 16.03 Freedom House considered the press in Sri Lanka as 'not free' and ranked the country 150 out of 195 countries. (Freedom of the Press 2008, Table of Global Press Freedom Rankings) [46b]

- 16.04 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, stated that "The law provides for freedom of speech and of the press. Although the media was generally free to criticize the government, media freedom deteriorated in the conflict-affected north and east, especially in Jaffna, where many journalists were killed, abducted, and intimidated, while others reportedly practiced self-censorship." [2f] (Section 2a)

- 16.05 "Although the government owned the country's largest newspaper chain, two major television stations, and a radio station, private owners operated a variety of independent, privately owned newspapers, journals, and radio and television stations. Several foreign media outlets operated in the country. 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 treason and often pressured them to run stories that portrayed them in a positive light. However, the government imposed no political restrictions on the establishment of new media enterprises." (USSD 2007) [2f] (Section 2a)

- 16.06 "The LTTE tightly restricted the print and broadcast media in areas under its control. There were reports of LTTE intimidation of Colombo based Tamil

journalists, and self censorship was common for journalists covering LTTE controlled areas.” (USSD 2007) [2f] (Section 2a)

- 16.07 The Amnesty International report ‘Sri Lanka: Silencing Dissent’, 7 February 2008 noted that “Since the resumption of armed conflict in Sri Lanka in 2006, threats to the media and media freedom have become very serious.” [3a] (Introduction) With regards to the LTTE-held areas, AI noted that “Civilians living in LTTE-held areas have been denied access to a variety of print and broadcast media for most of the conflict’s history...Given the history of LTTE intimidation of critics who challenge their claim to be the sole representative of the Tamil population, it is unlikely that anyone living in the Vanni area would issue reports that were contrary to official LTTE positions.” [3a] (Section 5.1)

- 16.08 A letter from the British High Commission in Colombo, dated 10 April 2007, noted that:

“The most immediate impact [of the revised Emergency Regulations] has been on the media which has become less likely to criticise the government and feels under pressure to submit its stories to the Media Centre for National Security to have the facts substantiated – this has encouraged a fairly clear self censorship. The government has used the Emergency Regulations to search the property of those who oppose the regime, in particular Young Asia TV and the Secretary to a dissident former minister.” [15a]

JOURNALISTS

- 16.09 The USSD 2007 report noted that:

“By year’s end there were fewer functioning independent press or media outlets in Jaffna; some were forced to close due to threats against journalists and media workers. Four journalists were killed in Jaffna and Vavuniya by unknown perpetrators believed to be linked to pro-government paramilitaries... The government temporarily imprisoned several journalists in the south, and senior members of the Rajapaksa administration reportedly threatened others. The government censored conflict-related reporting, while the security forces directly interfered with media coverage. Some prominent journalists sought temporary refuge abroad because of threats to their security. There were reports that journalists practiced self censorship due to pressure from both the security forces and the LTTE.” [2f] (Section 2a)

- 16.10 “There were no indictments, prosecutions, trials or convictions resulting from 2006 crimes involving journalists or government restrictions of freedom of the press, including: the January [2007] killing of Tamil journalist Subramaniam Sugitharajah; the May killing of two Uthayan newspaper employees Suresh Kumar and Ranjith Kumar; the May killing of Aiyathurai Nadesan, an independent Tamil correspondent in Batticaloa; the July killing of a Sinhalese journalist Sampath Lakmal, the defense correspondent of the independent Sinhala newspaper Sathdina; the August killing of Sathasivam Baskaran, a driver attached to Uthayan; the August arson that destroyed the Uthayan office in Jaffna; the October destruction by Air Force jets of the ‘Voice of Tigers’ broadcasting towers in Kilinochchi, injuring two workers; and the October burning of 10,000 copies of the Tamil daily newspaper Virakesari by Karuna cadres.” (USSD 2007) [2f] (Section 2a)

- 16.11 The Amnesty International report 'Sri Lanka: Silencing Dissent', 7 February 2008 noted that:

"There have been reports that at least ten media workers have been the victims of unlawful killings since the beginning of 2006; two have allegedly disappeared in the custody of the security forces; while others have been tortured and arbitrarily detained under emergency regulations (ERs) which grant the government sweeping powers. The right to life of media workers, particularly Tamil journalists, is under severe threat from the security forces and others. In some cases attacks have been carried out by Tamil armed groups apparently acting with the consent of the security forces. These Tamil armed groups include the Eelam People's Democratic Party (EPDP) and the Tamil Makkal Viduthalai Pulikal (TMVP) also referred to as the Karuna faction, an armed breakaway group from the Liberation Tigers of Tamil Eelam (LTTE). For its part, the LTTE, an armed separatist opposition group that has been fighting for an independent state for minority Tamils in the north and east since the 1980s, does not allow any independent local media in the territories it controls, and closely monitors and restricts the work of journalists. Lack of accountability for the perpetrators of human rights violations remains a serious concern." [3a] (Introduction)

- 16.12 The AI report of February 2008 further noted that "Despite demands by media associations and others for investigations into the unlawful killings of media workers there has been little progress even when suspects have been identified by reliable witnesses." and added that "To date, Amnesty International is unaware of any investigation that has led to those believed responsible for human rights violations against journalists and other media workers being brought to justice." [3a] (Introduction)

- 16.13 "While most of the members of the media who have been targeted are from the Tamil community, since 2006 government officials and pro-government Tamil armed groups are increasingly targeting journalists of the majority Sinhalese community who speak out against the conflict and in favour of a political settlement or who criticize the government's policies in other respects. Measures to curb the media include the closure of newspapers; the blocking of a website; arbitrary arrests and detention under the ERs; censorship and intimidation." (AI, 'Sri Lanka: Silencing Dissent', 7 February 2008) [3a] (Introduction)

- 16.14 AI further reported that "Journalists from all communities have been arrested in connection with articles critical of Government policies in relation to the conflict or more widely" and went on to mention the specific cases of three journalists:

"On 21 November 2006 Parameshwari Munusamy, a Tamil woman journalist with the Sinhalese newspaper Mawbima [owned by Tiran Alles who is known to be associated with Mangala Samaraweera, former Foreign Minister, see Also Section 15 on Opposition groups]. [3a] (Section 7.7)], was arrested by Special Task Force (STF) personnel and was detained at the 'Terrorist Investigation Division' (TID) headquarters under the ERs on suspicion of having links with the LTTE. At the time of her arrest Parameshwari Munusamy was not told details of the grounds and legal basis she was held under. Detained without charge for four months, she was released on 22 March 2007. She was known for reporting on issues related to the Tamil community and

had investigated reports of abductions and disappearances in Colombo. Amnesty International believes that she was detained in connection with her articles, published in Mawbima concerning such human rights violations.

“Arthur Wamanan Swarnalingam, a Tamil journalist working for the Sunday Leader was arrested by the Criminal Investigations Department (CID) on 24 October 2007. Reports say that his arrest was connected to a telephone call Arthur Wamanan made to Government Minister Mano Wijeratne in order to get the Minister’s comments on a story that appeared in The Sunday Leader on 21 October 2007 entitled ‘Minister gets Gem Authority to pay wife’s roaming charges.’ In addition to concerns that Arthur Wamanan was arrested due to reported pressure by Minister Mano Wijeratne, the Sunday Leader expressed concern about his treatment in custody: ‘Having identified Arthur as a Tamil, they wrote down his statement in Sinhala despite him asking that it should be written down in Tamil or English. They then forced him to sign it. What is more, he was not permitted to have a lawyer present.’ Arthur Wamanan Swarnalingam filed a Fundamental Rights case in November 2007 at the Supreme Court challenging the legality of his arrest.” [3a] (Section 7.7)

16.15 “On 26 February 2007 officers from the TID arrested Dushyantha Basnayake, a Director of Standard Newspapers Private Limited in Colombo, under the PTA. The reason given for his arrest was suspected links with the LTTE. According to Standard Newspapers they believe his arrest is more likely linked to a crackdown on their newspaper which prior to the time of his arrest was raising questions about the nature of the conflict; see below ‘Targeting and Silencing of Mawbima.’ Dushyantha Basnayake was subsequently released without charge.” [3a] (Section 4.3)

16.16 The Reporters Sans Frontières (RSF) Sri Lanka - Annual report 2008 issued on 12 February 2008 noted that “In the capital Colombo, the government, allied to ultra-nationalists of the right and the left, cracked down on independent press groups, closing a radio network and publications in Sinhala. Officials have made frequent statements hostile to press freedom activists and investigative journalists, forcing the best known of them, Iqbal Athas, to temporarily flee the country.” [27a] (Introduction)

16.17 The RSF Annual report 2008 also noted that:

“The northern Jaffna Peninsula, where Tamils are in the majority and which the army directly administers, has become a nightmare for journalists, human rights activists and civilians in general. A wave of murders, kidnappings, threats and censorship has made it one of the most dangerous places in the world for the press. Two journalists were killed there during the year, two more kidnapped and at least three media have been the victims of direct attacks on them. Scores of journalists have fled the region and others have chosen to abandon the profession altogether.” [27a] (Terror in Jaffna)

16.18 RSF further reported that:

“Sri Lanka holds the record for the greatest number of disappearances reported to the UN. Among them are two Jaffna journalists: Subramaniam Ramachandran, a journalist on Thinakural, who has not been seen since February [2007] after being arrested by the army; and Vadivel Nimalarajah, a sub editor on Uthayan, who was abducted from the street, after spending the

night working at his office. Neither of these disappearances has been seriously investigated, despite government promises and the identification of some suspects. Similarly, the killing of two staff in a bloody attack on the offices of Uthayan in May 2006, went un-investigated by police, even though the paper's management provided the authorities with the name of a suspect, Valluvan, a militant in the pro-government EPDP militia. However witnesses, quoted by Uthayan, saw Valluvan in 2007 in the administration offices in Jaffna." [27a] (Two journalists disappeared)

- 16.19 "Throughout the year, the government and its allies have tried to block the flow of independent sources of news in Tamil. Those living in the north and east of the country, already isolated by the war, have also been gradually deprived of media not affiliated either to the government or an armed group. For their part, the LTTE increased their surveillance of Tamil journalists, threatening those who dare to criticise them openly. And the media in the areas in which they control are forced to relay the movement's belligerent propaganda." (RSF, Sri Lanka - Annual report 2008, 12 February 2008) [27a] (Tamils deprived of independent news)

- 16.20 As reported in the Committee to Protect Journalists (CPJ) 'Attacks on the press in 2007, Asia, Sri Lanka', undated (website accessed on 5 February 2008):

"Ethnic Tamil journalists faced the direst threats, with local and less prominent journalists the most likely to be targeted, Sunanda Deshapriya, a leader of the press freedom group Free Media Movement, told CPJ. In August [2007], CPJ conducted a research mission to Sri Lanka, speaking with journalists about the extent and nature of the threat. Swept up in a 24-year-long conflict between the Sinhalese-dominated government and Tamil separatists, the nation is among the world's deadliest for the press. CPJ recorded the deaths of five journalists in 2007, all ethnic Tamils...Tamil-language media have taken the brunt of the government-led assault on the press, particularly in the north and east, where Tamil separatist groups have sought territory.

"Threats, abductions, and attacks on journalists come from all sides. In the Tamil conflict areas, armed men from the government or rival Tamil groups, both in and out of uniform, operate with virtual impunity. In the capital, Colombo, roving government agents and paramilitaries are usually behind the violence. Their vehicles of choice are often vans with tinted side glass and no license plates, driven by men in plain clothes.

"In areas of conflict, publications that supported negotiated peace with the government were labeled traitorous and threatened by militant groups such as the LTTE. It was common for journalists to back away from their jobs and go into hiding, particularly when their families had been threatened." [57a]

- 16.21 On 7 January 2008 the Free Media Movement (FMM) reported that:

"A number of journalists in Sri Lanka have received credible information that underworld gangs have been ordered to threaten, harass and even kill them for their involvement in protests held in response to the outrageous behaviour of Government MP Mervyn de Silva recently... The FMM is now deeply disturbed to hear that instead of immediate and stern disciplinary measures taken against the Minister, of which to date there has been none, underworld

gangs in collusion with senior politicians are planning to intimidate and even murder some journalists involved in this incident... We note with great concern that the SLRC incident and its aftermath proves beyond an iota of doubt the President's and his government's complete and utter disregard for the Rule of Law and democracy. This despicable culture of impunity and State sponsored terror places journalists who report on the gross abuse of power in untenable positions of having to fear for their lives and those of their loved ones." [12a]

- 16.22 Additional information on recent attacks against journalists is available from the following weblink: CPJ (Committee to Protect Journalists), Asia 2008, Sri Lanka [57b]

INTERNET FREEDOM

- 16.23 As noted in the Freedom House, 'Freedom of the Press 2008, Draft Country Reports', Sri Lanka, released on 29 April 2008:

"Access to the internet and to foreign broadcasts is generally not restricted, but only 1.4 percent of the population used the internet in 2006 because of the high costs involved. However, in June [2007] the government reportedly ordered the country's two largest internet service providers (ISPs) to restrict access to TamilNet, a pro-LTTE news Web site, a ban which lasted through year's end. In October [2007], several Sinhala-language websites were singled out for criticism by government politicians, and later that same month, unidentified gunmen wounded internet journalist Kumudu Champika Jayawardana of ethalaya.org, which is linked to the Sinhala-language Sirasa TV channel." [46a] (p198)

- 16.24 The USSD report 2007 reported that:

"In June [2007] the government ordered the country's two largest Internet service providers (ISPs) to restrict access to TamilNet, a pro LTTE news Web site. By year's end access was not restored. The government denied ordering the block. However, media sources reported interviews with employees from the ISPs alleging that they were acting on government orders. Beginning on April 17 [2008], unknown perpetrators purporting to be leaders of the Karuna group's 'intelligence unit' sent a series of e-mails to the Consortium of Humanitarian Agencies and various UN organizations threatening harm if information was not provided about the NGOs' personnel and operations. The Karuna group denied involvement, and the government has not identified those responsible for the e-mails. On October 30, unknown gunmen in Colombo shot and wounded Internet journalist Kumudu Champika Jayawardana of ethalaya.org, which was linked to a Sinhala-language Sirasa TV channel. A week before this incident, government politicians made a series of statements criticizing Sinhala-language news Web sites. According to the Free Media Movement, one of the Web sites mentioned by name, LankaeNews.com, received subsequent threats." [2f] (Section 2a)

- 16.25 "Individuals and groups could generally engage in the expression of views via the Internet, including via e-mail. Because of the 2005 violent death of former editor of TamilNet Dharmaratnam Sivaram the editing and hosting of the Web site relocated to Geneva. However, several Web sites calling for the killing of 'traitors to the Sinhala nation' were hosted in the country without government

harassment. On April 22, the main opposition party, the United National Party, launched a Web site critical of the government.” (USSD 2007) [2f] (Section 2a)

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

- 17.01 As noted in the US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

“A number of domestic and international human rights groups continued to operate despite increasing government restrictions, investigating and publishing their findings on human rights cases. The government continued to allow the ICRC unrestricted access to declared detention facilities. The ICRC provided international humanitarian law training materials and training to the security forces. During the year the ICRC also delivered health education programs in LTTE controlled areas in the north and east and provided materials, such as hygiene products, clothes, and recreational items, to prison detainees.” [2f] (Section 4)

- 17.02 The USSD report 2007 further reported that:

“There were numerous killings of those employed by NGOs and other humanitarian assistance workers. UN Under-Secretary-General for Humanitarian Affairs John Holmes estimated that approximately 30 NGO workers died in the past two years, although NGO sources estimated the figure to be approximately 44. On June 3 [2007], for example, men dressed in police uniforms abducted two Tamil employees of the Sri Lanka Red Cross from the Colombo train station, a high security area. The Red Cross employees' bodies were discovered the following day approximately 100 kilometers away in Ratnapura. The Criminal Investigation Department (CID) arrested Nishantha Gajanayake, a retired Air Force squadron wing commander and former executive assistant of former Air Force commander (and current chief of defense staff) Donald Perera. As Sri Lankan media widely reported, opposition politicians alleged in parliament that Gajanayake acted under the direction of Defense Secretary Gothabaya Rajapaksa and Colombo Police Deputy Inspector General (DIG) Abeywardena. Gajanayake's arrest led to the arrests of several others, including four police officers and two military officers. The government charged Gajanayake and the others with conducting political abduction, kidnapping for ransom, and murder. There was no government investigation of the allegations against involvement by senior officials. At year's [2007] end there was no progress towards a trial. On December 14, unidentified gunmen abducted and killed a 43-year old Sri Lanka Red Cross member Sooriyakanthi Thavarajah in Jaffna. On December 16, his decapitated body was found.” [2f] (Section 1a)

- 17.03 As recorded in the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka, undated, (website accessed on 13 May 2008) “[On 20 April 2008] Father Karunaratna, chairman of the NorthEast Secretariat on Human Rights (NESoHR), is killed in an extra-judicial claymore attack in Vannivilankulam, Mallavi, within the LTTE controlled territory. NESoHR was set up in July 2004 as part of the Norwegian-facilitated peace process, and had already seen two of its eleven founders killed in 2005. Government and LTTE reject on each other the responsibility for the assassination while many foreign governments voice their condemnation of the killing.” [51a]

- 17.04 A letter from the British High Commission in Colombo, dated 10 April 2007, noted that “The regulations and the atmosphere they [the revised Emergency

Regulations] generate has added to the pressure on International NGOs and NGO staff who are being compelled to get clearance from the Defence Ministry to employ local staff. Foreign Staff are subject to stringent checks from the Defence Ministry before being given work permits.” [15a]

- 17.05 A document produced by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled ‘Civilians in the way of conflict: Displaced people in Sri Lanka’, dated September 2007 recorded that:

“The ‘humanitarian space’ in Sri Lanka has been steadily shrinking since 2006 and it has become increasingly difficult for agencies to respond to the needs of IDPs and other vulnerable groups. Aid workers are finding themselves being increasingly targeted in the brutal conflict...Furthermore, the policy of restricting agencies for security reasons has led many members of the humanitarian community to question why areas that are deemed unsafe for some NGO staff are at the same time considered suitable for IDP returns.” [54b] (p26)

- 17.06 The CPA (Centre for Policy Alternatives) ‘Policy Brief on Humanitarian Issues’. dated December 2007, noted that:

“Access to areas by humanitarian actors has been restricted largely on security grounds by various armed actors. This has been particularly pertinent with regard to the LTTE-controlled areas. As military operations have intensified in particular areas, access was restricted to areas such as Sampur, Vaharai, Western Batticaloa and Wanni. With regards to LTTE-controlled Wanni for instance the Government granted entry only to twenty agencies. With the commencement of hostilities including artillery exchanges, aerial bombardment, ground troop movements and shifting lines of control, only a handful of agencies are willing to operate, and only a fraction of them, usually the ICRC, are allowed to do so by the military and the LTTE.” [28c] (p17)

- 17.07 “The restrictions on humanitarian actors have also been extended to areas which have been recaptured and are being resettled by the Government such as Sampur, Vaharai and Western Batticaloa. Initially the military claimed that due to security concerns access could not be permitted. Each of these areas has been subsequently opened up to particular humanitarian agencies that have been granted permission by the relevant military authority. Agencies involved mainly or solely on protection issues are not among those agencies that are allowed early access.” (Centre for Policy Alternatives, ‘Policy Brief on Humanitarian Issues’, December 2007) [28c] (p17)

- 17.08 The report continued

“Over the course of the last two years aid agencies and workers have increasingly become victims and targets of various forms of violence... The killing of 17 personnel from the international agency Action Contre La Faim (ACF) in Muttur in August 2006 is the most notorious example. However, it is one case in a series of violations and threats. In 2006 it is estimated that 39 humanitarian agency workers were killed or disappeared in Sri Lanka. In 2007 the figure as of December 17 2007 stands at 22...Looking at incidents of killings and disappearance alone, the figures for Sri Lanka are comparable to some of the statistics from other conflict areas such as Iraq, Afghanistan and

Sudan.” (Centre for Policy Alternatives, ‘Policy Brief on Humanitarian Issues’, December 2007) [28c] (p18)

- 17.09 “All of the victims of these killings and abductions are locals, making it clear that they are most under threat. It needs to be noted that it is mostly young Tamil males who are victims, reflecting the general pattern of the conflict. Some of these killings may be due to humanitarian workers getting ‘caught in the crossfire’ of the conflict, such as the victims of claymore attacks. It is also clear that in certain situations the killings have been targeted in execution type killings. The killings could be the result of multiple factors such as the targeting of particular I/NGOs, as well as other factors such as ethnicity and individual reasons such as the political associations of the victims, personal disputes. All the incidents - especially of killings and disappearances - demonstrate a clear disregard by the armed actors’, including the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), for International Humanitarian Law (IHL), including the provisions guaranteeing the protection and neutrality of humanitarian actors...The violence against and the attacks on humanitarian agencies have resulted in the agencies curtailing their movement, suspending projects and even withdrawing from particular areas which has a direct impact on affected communities. Both the Government and the LTTE have condemned specific incidents but in none of the cases have the perpetrators of the crimes been prosecuted.” (Centre for Policy Alternatives, ‘Policy Brief on Humanitarian Issues’, December 2007) [28c] (p18-19)
- 17.10 The Human Rights Watch (HRW), World Report 2008 [2007 events], Sri Lanka, January 2008 noted that “Human rights defenders, community leaders, and humanitarian workers in Sri Lanka have particularly come under attack. The government tries to silence those questioning or criticizing its approach to the armed conflict or its human rights record. It has dismissed peaceful critics as ‘traitors,’ ‘terrorist sympathizers,’ and ‘supporters of the LTTE.’” [21b] (p6)
- 17.11 On 23 April 2007, the International Commission of Jurists (ICJ) released the report of its observer on the inquest into the killings of 17 aid workers killed in August 2006 in Muttur. According to the report, there were “significant flaws” in the investigation carried out by the Sri Lankan police and the Criminal Investigation Department (CID). [45a]
- 17.12 As noted on the website of the ICRC (accessed on 21 May 2008):
- “The ICRC has maintained a constant presence in Sri Lanka since 1989, acting as a neutral intermediary in the conflict between the government and the Liberation Tigers of Tamil Eelam (LTTE) and providing assistance to those affected by fighting and natural disaster. The ceasefire agreement of early 2002 officially ended in mid-January 2008, though fighting between the LTTE and the Sri Lankan Army had resumed in mid-2006 along the east coast and on the edges of the Vanni. The number of casualties among civilians has been sharply increasing. There has been a dramatic increase in the number of alleged IHL and human rights violations and of mass population displacements in the north and east. In collaboration with the Sri Lanka Red Cross Society, the ICRC distributes shelter material and other emergency relief items to the newly displaced, improves water and sanitation facilities and provides support for medical services. The security of ICRC and National Society staff remains a serious concern, with three Sri Lankan Red Cross

workers abducted and murdered during 2007.” In 2008, the ICRC personnel in Sri Lanka comprised 589 staff including 69 expatriates [34c]

See also Section 8: Security Forces; Avenues of complaint

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18. CORRUPTION

- 18.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, stated that:

“According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem. There was corruption in all three branches of government, as well as various bureaucratic agencies. Transparency International (TI) identified nepotism and cronyism in the appointment of officials to government and state owned institutions. The tendering and procurement process for government contracts was not transparent, leading to frequent allegations of corruption by the losing bidders. Senior officials served as corporate officers of several newly established quasi-public corporations, including Lanka Logistics and Technologies, which the government designated as the sole procurement agency for all military equipment. Critics questioned the propriety of certain defense contracts, alleging that large kickbacks were paid in the transactions. The government also used state pension funds to set up a new loss-making budget airline, Mihin Air, with many of the same officials serving as corporate officers. TI also noted that corruption was a problem in high value tender processes, including the establishment of business operations. The Commission to Investigate Allegations of Bribery or Corruption received 3,984 complaints, of which 1,340 were under investigation at year's end. There was no law providing for public access to government information.” [2f] (Section 3)

- 18.02 As noted in the position paper of Transparency International (TI) Sri Lanka entitled ‘Mega Cabinets in Sri Lanka (Report No 1) Perceptions and Implications’ (undated), “A jumbo cabinet [with a total of 108 ministers] can have a chilling effect on the doctrine of separation of powers and eventually on democracy through the lack of transparency and accountability of its members with regard to how they utilise public resources. This is because, the large number of ministerial portfolios is indicative of the fact that a majority of the Legislature forms part of the Executive branch.” [63a] (p5)

- 18.03 TI Sri Lanka further noted that “The first COPE (Committee on Public Enterprises) report (January 2007) was much welcomed by the general public as it identified persons responsible for corruption in public institutions that were investigated. However, to date no action has been taken on the findings of this report, thus exemplifying how the traditional procedures of checks built into the Parliamentary system are being undermined in Sri Lanka.” [63a] (p6)

- 18.04 As noted in a TI press release issued on 20 February 2008:

“Transparency International Sri Lanka, part of the global coalition against corruption is shocked to learn that the President has transferred the present Director General of the Commission to Investigate Allegations of Bribery and Corruption (the only anti corruption body). The Act No.19 of 1994 was introduced by parliament to ensure independent anti corruption commission without interference by the President or any other executive arm of the government. However, the instant transfer has definite adverse impact on the independent working of the Commission. It is not only unusual and questionable but also setting an irreversible bad precedence on the anti corruption works in the country.” [63a]

- 18.05 The TI urgent position paper, 'Transfer of the Director General of the Commission to Investigate Allegations of Bribery or Corruption' issued on 28 February 2008 highlighted "The present crisis created as a result of the removal of the Director General of the Commission to Investigate Allegations of Bribery or Corruption..." [63d] (Introduction) and noted:

"Notwithstanding the systemic problems, with the appointment of the present commissioners in March 2005 the Commission became more visible in the public eye... The last annual report of the Commission states that there is certainly an upward trend in successful investigations and number of prosecutions. The Commission has to some extent developed necessary infrastructure and given vital exposure to some of the staff members specially those in the legal branch. Following the global experience, the Commission has also linked up with civil society organizations and other professional bodies with a view to minimizing corruption in Sri Lanka thus seeking wider support for its anti corruption efforts from various segments of the society." [63d] (Background)

"The absence of contemporaneous public statement from the President's office suggests that there may not be sufficient grounds to remove the Director General... The transfer letter has indicated that the transfer is to facilitate restructure of the Commission and that Ms. Luxmi Jayawickrama has been appointed to act as Director General. If the restructure of the Commission was legitimate the Commission should have played a key role in this regard... As far as TISL is aware there is no move to restructure the Commission immediately. TISL is however not aware whether there was in fact any breakdown in the Commission due to internal administration." [63d] (Is Transfer Mala Fide?)

- 18.06 Sri Lanka was placed 94 out of 179 countries in the 2007 CPI (Corruption Perception Index), released on 26 September 2007. [63b]

- 18.07 As reported by the Government-controlled *Daily News* on 17 May 2007:

"The number of complaints on corruption cases received by the Commission to Investigate Bribery or Corruption has increased by 35 per cent this year with the majority of complaints received against politicians and high-ranking Government officials. Director Investigations of the Bribery Commission SSP Neville Guruge told the *Daily News* that there are 600 corruption cases pending for investigations out of which more than 100 were against politicians. 'Our Investigation officers, so far have arrested 37 Government officials when they were receiving bribes and arrested seven others on corruption complaints, he added... However, he said, investigations into corruption cases has been delayed due to shortage of investigation officers available with the Commission. The Commission has to depend on 103 employees with only 80 officials deployed as investigation officers.'" [16b]

See also Section 6: Political System; and 15: Political Affiliation

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19. FREEDOM OF RELIGION

INTRODUCTION

- 19.01 The US State Department Report for 2007 on Religious Freedom in Sri Lanka, published on 14 September 2007, observed that:

“The Constitution accords Buddhism the ‘foremost place,’ but Buddhism is not recognized as the state religion. The Constitution also provides for the right of members of other faiths to freely practice their religion. While the Government publicly endorses this right, in practice there were problems in some areas. There was no change in the status of respect for religious freedom by the Government during the period covered by this report... Since late 2003, the country has witnessed a spate of attacks on Christian churches and on pastors and congregants. More than 300 attacks have been alleged since 2003, with several dozen confirmed by the U.S. Embassy. In response, major political and religious leaders have publicly condemned the attacks, and police have arrested and prosecuted approximately a dozen persons in connection with the incidents. There were sporadic attacks on Christian churches by Buddhist extremists and some societal tension due to ongoing allegations of forced conversions and debate on anticonversion legislation.” [2a] (Introduction)

- 19.02 The USSD International Religious Freedom Report 2006 observed

“Parliament has not taken action on anti-conversion legislation first introduced in 2004. In May 2004, the Jathika Hela Urumaya Party (JHU) presented to Parliament a bill that would criminalize ‘unethical’ conversions and on May 6, 2005, the JHU presented the bill for a second reading, despite a Supreme Court ruling that some sections of the bill were unconstitutional. Subsequently, the proposed bill was referred to a special parliamentary committee, which met for the first time in April 2006. The bill remained under consideration within the committee at the end of the period covered by this report.” [2a] (Introduction)

- 19.03 “Buddhism, Hinduism, Islam, and Christianity are practiced. Approximately 70 percent of the population is Buddhist, 15 percent Hindu, 8 percent Christian, and 7 percent Muslim. Christians tend to be concentrated in the west, with much of the east populated by Muslims and the north almost exclusively by Hindus. Most members of the majority Sinhala community are Theravada Buddhists. Most Tamils, who make up the largest ethnic minority, are Hindu. Almost all Muslims are Sunnis; there is also a small minority of Shi’a, including members of the Borah community. Almost 80 percent of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in the cities. Seventh-day Adventists, Jehovah’s Witnesses, Methodists, Baptists, Dutch Reformed, Anglicans, Pentecostal, and the Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership is still small.” (USSD, International Religious Freedom Report 2006) [2a] (Section I)

- 19.04 “The Ministry of Religious Affairs has four departments, one each to deal with Buddhist, Hindu, Muslim, and Christian affairs. According to the legislation defining their mandates, each department should formulate and implement programs that inculcate religious values and promote a virtuous

society...Despite the constitutional preference for Buddhism, a number of major religious festivals of other faiths are celebrated as national holidays. These include the Hindu Thai Pongal, New Year, and Deepawali festivals; the Muslim Hadji and Ramzan festivals and the Prophet Muhammad's birthday; and Christian Good Friday and Christmas...Religion is a mandatory subject in the public school curriculum. Parents and children may choose whether a child studies Buddhism, Islam, Hinduism, or Christianity. Students of other religious groups can pursue religious instruction outside of the public school system, since no instruction is provided for other religions. Schools teach religion from an academic point of view. Most private schools follow curricula similar to public schools because all students must take national exams administered by the government. Matters related to family law, including divorce, child custody, and inheritance, were adjudicated according to the customary law of the concerned ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who continued to follow their customary religious practices of girls attaining marrying age with the onset of puberty and men when they are financially capable of supporting a family. The application of different legal practices based on membership in a religious or ethnic group may result in discrimination against women." (USSD, International Religious Freedom Report 2007) [2a] (Section II)

- 19.05 "During the reporting period [September 2006 to September 2007], human rights abuses were committed against individuals at places of worship in the north and east. While these incidents had an impact on religious freedom, they were not religiously motivated; instead, they were a product of the conflict situation." (USSD, International Religious Freedom Report 2007) [2a] (Section III)

HINDUS

- 19.06 The US State Department Report for 2007 on Religious Freedom in Sri Lanka noted that 15 percent of the population is Hindu. "Most Tamils, who make up the largest ethnic minority, are Hindu." The report also added that the north was almost exclusively populated by Hindus." [2a] (Section I)

- 19.07 The USSD 2007 International Report on Religious Freedom reported that:

"On June 17, 2006, in Pesalai, government troops were accused of storming a church, Our Lady of Victory, and opening fire where hundreds of civilians, including both Christian and Hindu Tamils, were seeking shelter from an exchange of fire between the Government and the LTTE. On May 6, 2006, eight Tamil men were abducted from a Hindu temple in the north; this incident was also likely politically motivated. The men had been decorating the temple for a religious festival; they were reported missing on May 7, 2006, and their whereabouts were unknown at the end of the period covered by this report. Eyewitnesses said Army personnel were in the temple from early morning on May 7, and they had seen the eight men being taken away by Army personnel. Next-of-kin of the eight abducted men have registered complaints with the Human Rights Commission in Jaffna, the UN Special Rapporteur for Extra-Judicial Killings, and Amnesty International but no action has been taken." [2a] (Section II)

- 19.08 "In February 2007 BBC News reported Hindu priest Selliah Parameswar Kurukkal Parameshwara was taken from his home in eastern Batticaloa and

killed. Only a few days before, he had met the President Rajapaksa in Vakarai and blessed him in the Hindu tradition in a public ceremony. Government security forces had taken Parameshwara to Vakarai to greet the President following the military's defeat of LTTE forces there. The LTTE were suspected in his death, and there was no evidence that this killing was religiously motivated." (USSD, International Religious Freedom Report 2007) [2a] (Section II)

MUSLIMS

19.09 As stated in the USSD Religious Freedom Report 2007:

"Almost all Muslims are Sunnis, with a small minority of Shi'a, including members of the Borah community." [2a] (Section II)

"In 1990 the LTTE expelled some 46,000 Muslim inhabitants - virtually the entire Muslim population - from their homes in the northern part of the island. Most of these persons remained displaced and lived in or near welfare centers. Although some Muslims returned to the northern town of Jaffna in 1997, they did not remain there due to the continuing threat posed by the LTTE. There were credible reports that the LTTE warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict was over. It appears that the LTTE's actions against Muslims were not due to Muslims' religious beliefs, but rather that they were part of an overall strategy to clear the north and east of persons unsympathetic to the LTTE. The LTTE made some conciliatory statements to the Muslim community, but many Muslims viewed the statements with skepticism. The LTTE continued to encourage Muslim internally displaced persons (IDPs) in some areas to return home, asserting they would not be harmed. Although some Muslim IDPs returned home, the vast majority did not and instead waited for a government guarantee of safety in LTTE-controlled areas. Since the 2002 Ceasefire Agreement, the LTTE also carried out a number of attacks in the east in which Muslims have been killed. No arrests were made in these cases by the end of the period covered by this report." [2a] (Section II)

19.10 The USSD Religious Freedom Report 2007 further noted that:

"Some minority Islamic sects also faced discrimination, harassment, and threats on places of worship and on persons from some members of the majority Sunni Islamic community in Sri Lanka. Police generally provided protection for these groups at their request. On May 18, 2007, the Ahmadiyya Muslim community in Negombo asked for and received local police protection at their mosque following threats from Sunni Muslims to take over the mosque, and Friday prayers passed without incident. On May 11, 2007, a group of Sunni Muslims had come to the Ahmadi mosque in Negombo and held prayers there, barring the Ahmadi group from entering. Police were present on the scene but reported they did not want to use force to disperse the crowd inside the mosque. In October 2006 the Ahmadiyya community had reported that the Sunni group had instructed the State media not to give any publicity to the minority Ahmadis, accusing them of being apostates. The Ahmadiyya group lodged complaints against a Sunni group for allegedly killing one of their members on October 14, 2006, and assaulting Pakistani Ahmadi Muslims in Negombo on October 9. Local police did not take any action on any of these cases during the reporting period." [2a] (Section III)

- 19.11 The International Crisis Group (ICG) document 'Sri Lanka's Muslims: Caught in the Crossfire', 29 May 2007 recorded that the country's Muslims, "see themselves as a separate ethnic group". **[76b] (Executive Summary and recommendations)** The report added that "Unlike the Tamils and Sinhalese, who have an ethnic identity based on language and history, the Muslims claim a separate ethnicity based predominantly on their adherence to Islam. In the national census they are listed separately, as 'Moors', reflecting European colonial usage." **[76b] (Section 1A)**
- 19.12 "In formal terms, Muslims enjoy considerable freedoms within the Sri Lankan state. There are no restrictions on religious worship, and major Muslim religious holidays are celebrated as public holidays. Muslims have the right to use quazi courts to rule on family matters under Sharia law, although Muslims also have the right to seek redress through secular courts. Muslims likewise enjoy separate (state-funded) schools in which Islam is taught in addition to the standard national curriculum. There are Muslims in all political parties, and there are no restrictions on Muslim political parties. There are several such, although most of the smaller ones have just one representative in parliament, and their influence is somewhat limited by a proportional representation system that forces them to run in alliance with larger parties. There are many Muslim parliamentarians, and in May 2007 there were at least seventeen Muslim members of the government, albeit in a somewhat bloated administration of 107 ministers and deputy ministers. Nevertheless, many Muslims complain of discrimination in the recruitment practices of state structures, claiming that well-qualified co-religionists are often passed over for jobs in key revenue bureaucracies, in particular, such as customs and income tax. They are substantially under-represented overall in state and semi-state structures." (ICG, 'Sri Lanka's Muslims: Caught in the Crossfire', 29 May 2007) **[76b] (Section 1 B)**
- 19.13 "Since the conflict restarted on a major scale in August 2006, most fighting has been in the Eastern province, where Muslims are particularly vulnerable... The Muslim community has suffered less [than eastern Tamils] but has still been a victim of the renewed fighting and the emergence of the TMVP." (ICG, 'Sri Lanka's Muslims: Caught in the Crossfire', 29 May 2007) **[76b] (Section VI)**
- "Almost inevitably, the TMVP's attempt to fill the vacuum left by the LTTE has led to conflict with the Muslim community. Karuna was in command of the LTTE in the east in 1990 when some of the worst violence against Muslims took place. Since the split with the northern LTTE, it has occasionally made more placatory statements towards Muslims but reality on the ground has appeared to be at odds with the rhetoric...In January 2007 serious tensions emerged between the TMVP and the Muslim community of Kattankudi, which lies between two predominantly Tamil areas...Serious problems have also occurred in Pottuvil, a majority-Muslim village with a small Tamil population. Muslims were unhappy with the TMVP office, which opened in the centre of the town, and claimed there have been clashes between TMVP cadres and local youths. In March senior Colombo politicians reportedly rebuffed attempts to address the issue." **[76b] (Section VI B)**
- 19.14 The IGC report of May 2007 also noted that:

“While the main issue of Muslims with regard to the conflict has been relations with the Tamil community, there are also conflicts among Muslims themselves that have important implications for political stability... There have always been traditional differences among Muslims in Sri Lanka over issues of faith, most of which have not provoked serious conflict and have been accepted by religious leaders as part of a broader tolerance in the community. However, since the late 1980s there has been a strong growth in ultra-orthodox interpretations of Islam that have provoked conflicts with other sects, notably Sufism.” [76b] (Section VII A)

- 19.15 The ‘UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka’, dated December 2006 stated:

“Muslims are particularly vulnerable to human rights abuses from parties to the conflict. For example, certain Muslims are targeted by the LTTE, such as those suspected of being government informers and those who are perceived as opposed to the LTTE. Furthermore, Muslims residing near LTTE-controlled areas, or areas contested by the LTTE, in Eastern Sri Lanka are at risk of forced displacement, threats and killings due, in particular, to being caught in the cross-fire during armed hostilities. Those who flee generalized violence in LTTE-controlled areas have the possibility to move to government-controlled areas, however, there may be difficulties encountered in finding means of transport and safe routes.” [6b] (Paragraph 27)

See also Section 20: Ethnic Groups; and 29: Internally Displaced People

CHRISTIANS

- 19.16 As stated in the USSD Religious Freedom Report 2007, eight per cent of the population is Christian and Christians tend to be concentrated in the west of the country. “Almost 80 percent of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in the cities. Seventh-day Adventists, Jehovah’s Witnesses, Methodists, Baptists, Dutch Reformed, Anglicans, Pentecostal, and the Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership is still small.” [2a] (Section I)
- 19.17 “Some Christian denominations resisted greater government involvement in their affairs; as a result, they were allowed to register through acts of parliament or as corporations under domestic law.” (USSD, International Religious Freedom Report 2007) [2a] (Section II) The same report added “The police investigated many incidents of attacks and harassment against Christians when complaints were made. Occasionally the police were reluctant to pursue criminal charges against the suspected perpetrators, some of whom were Buddhist monks. Law enforcement officials believed that a majority of the attacks were conducted by a small number of extremist Buddhists.” [2a] (Section II)
- 19.18 “During the period covered by this report, Christians, both of mainstream denominations and evangelical groups, sometimes encountered harassment and physical attacks on property and places of worship by some local Buddhists who believed they were threatened by these groups and were opposed to conversion. Some Christian groups occasionally complained that the Government tacitly condoned harassment and violence aimed at them. In

some cases police response was inadequate, and local police officials reportedly were reluctant to take legal action against individuals involved in the attacks.” (USSD, International Religious Freedom Report 2007) [2a] (Section II)

- 19.19 “The National Christian Evangelical Alliance of Sri Lanka (NCEASL) stated that during the reporting period, there were 39 attacks on Christian churches, organizations, religious leaders, or congregants, 90 percent of which were reported to the police. Credible sources confirmed some of these attacks. Allegations by Buddhist extremists of Christian involvement in ‘unethical’ or forced conversions continued to be a source of tension between the two communities. Christians denied this charge, responding that people undergo conversion of their own free will. There were reports that members of some evangelical groups made disparaging comments about Buddhism while evangelizing. Some groups also alleged that Christians engaged in aggressive proselytism and took advantage of societal ills such as general poverty, war, and lack of education. Christians countered that their relief efforts were not targeted at converting aid beneficiaries.” (USSD, International Religious Freedom Report 2007) [2a] (Section II)

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20. ETHNIC GROUPS

20.01 The CIA World Factbook, Sri Lanka, accessed 12 February 2008, recorded that the population can be divided into the majority Sinhalese (73.8 per cent), Sri Lankan Moors [Muslims] 7.2 per cent, Indian Tamil 4.6 per cent, Sri Lankan Tamil 3.9 per cent, other 0.5 per cent, unspecified 10 per cent (2001 census provisional data). [30] However, as recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2006, Chapter II, tables 2.10 - 2.11), based on a total population of 18,797,257 the population comprises: Sinhalese (82 per cent), Sri Lankan Tamil (4.3 per cent), Indian Tamil (5.1 per cent), Moor (7.9 per cent), Burgher (0.2 per cent), Malay (0.3 per cent), Sri Lankan Chetty (0.1 per cent) and other (0.1 per cent) (figures from the 2001 census). However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included. [58a]

20.02 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, recorded that "[In 2007] There were multiple reports of rising tensions between members of the Muslim and Tamil communities in the east, largely as a result of the intimidation and harassment of Muslims by the Karuna group."

"There were 34 Tamils and 24 Muslims in the 225 member parliament. There was no provision for or allocation of a set number or percentage of political party positions for women or minorities." [2f] (Section 3)

20.03 As recorded in Jane's Sentinel Country Risk Assessments, 'Country Report, Sri Lanka' "...the tension in relations between the Sinhalese and Sri Lankan Tamils has been the most prominent political trend in Sri Lanka since independence (1948)...In contrast to the confrontational strategies of Sri Lankan Tamils, the Muslims and Indian Tamils adopted political stances of 'qualified collaboration' with one or the other of the main Sinhalese-dominated political parties." [5a] (Internal Affairs, 4 December 2007, Post-Independence ethnic tension)

20.04 The International Crisis Group (ICG) document 'Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus', Asia Report N°141, 7 November 2007 noted that:

"While Tamil nationalists generally argue that the state is irredeemably racist, in response Sinhala nationalists question the reality of Tamil grievances and argue that it is Tamil nationalism that is racist and mono-ethnic... Central to Sinhala nationalism is the denial that Tamils are a distinct nation or people deserving political recognition that requires a restructured state. The concept of Tamils as a separate nation is generally associated with their claims to an exclusive territory or homeland – 'We have our own territory so we are a nation', Tamil nationalists say. This explains Sinhala nationalists' strong resistance to 'federalism' or any proposals that would grant significant political autonomy to the north and east. To recognize Tamil rights to determine their own affairs, even within a united Sri Lanka, would be, they say, to accept the right of full self-determination." [76c] (p15)

20.05 As recorded in Keesing's Records of World Events, October 2006 – Sri Lanka:

“The Supreme Court ruled on Oct. 16 [2006] that the merger of Sri Lanka's northern and eastern provinces, where most Tamils lived, was illegal and unconstitutional. The two provinces were merged under the Indo-Sri Lankan agreement of 1987, paving the way for the deployment of an Indian Peace Keeping Force (IPKF) on the island...However, the merger was intended to be temporary and subject to a local referendum within a year on whether to make it permanent. Although the population in the Northern Province was almost wholly Tamil, the Eastern Province was mixed, with significant Muslim and Sinhalese minorities. The judgment was significant because the current North-East Province was the geographical basis of the LTTE's claim to a Tamil homeland, whether independent or autonomous. The ruling came in response to a petition from two legislators of the Sinhala-nationalist Janatha Vimukthi Peramuna (JVP) party, until recently a partner in government with the ruling Sri Lankan Freedom Party (SLFP).” [23i]

20.06 As reported by BBC News on 17 October 2006:

“The merger of the two provinces, claimed by the Tamils as an historic homeland for Tamil-speaking people, was a key demand of most Tamil parties...The referendum was deemed necessary as the east was a more multi-ethnic region when compared to the north...Whereas most hardline Sinhalese politicians are likely to welcome the ruling [of the Supreme Court], many Tamil people are worried about it... Meanwhile Muslims of the east, who have always had a difficult relationship with the Tamil Tigers, have been uneasily trying to reconcile themselves to living under a unified administrative structure that would ensure a dominant role for Tamil parties.” [9m]

20.07 On 2 January 2007 the *Daily Mirror* (Sri Lanka) reported that the eastern governor (and acting governor for Northern Province) had said that the administrative operations of the newly de-merged northern and eastern provinces had started in separate offices in Trincomalee town. [11e]

SINHALESE

20.08 With between 73.8 and 82 per cent, the Sinhalese ethnic group constitutes the majority of the Sri Lankan population. (The CIA World Factbook, accessed 12 February 2008) [30] (Sri Lankan Department of Census and Statistic - Statistical Abstract 2006, Chapter II, tables 2.10 - 2.11) (figures from the 2001 census). [58a] “Sinhalese constitute the majority in seven out of the nine provinces into which the country is divided...The mother tongue of the Sinhalese is Sinhala. 93 per cent of their total are Buddhists.” (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka (last accessed 4 January 2008): Demography, 17 October 2007) [5a]

20.09 The State of the World's Minorities 2007 (Events of 2006), published by Minority Rights Group International in March 2007, Sri Lanka Flash Point, (dated November 2006) reported that “The Sinhalese Buddhists, who make up 70 per cent of Sri Lanka's population, control the state machinery – the military as well as the government.” [62a] (p21)

TAMILS

- 20.10 Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, Demography, updated 17 October 2007, accessed 4 January 2008 observed that
- “...Tamils comprise approximately 90 per cent of the population in the Northern Province and approximately 40 per cent of the population in the Eastern Province. Although these two provinces are considered by the Sri Lankan Tamils as constituting the traditional Tamil homeland in Sri Lanka, just under 50 per cent of Tamils actually live outside the Northern and Eastern provinces (although excluding the Indian Tamils, only 33 per cent live outside the two provinces)... The overwhelming majority of Tamils speak Tamil and are Hindus.” ([5a]
- 20.11 In Colombo district there were 247,739 Sri Lanka Tamils and 24,821 Indian Tamils out of a total population of 2,251,274 (figures from the 2001 census). The districts of Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya also had a high concentration of Tamils. However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included. (Sri Lankan Department of Census and Statistics (Statistical Abstract 2006, Chapter II, tables 2.10 - 2.11)) [58a]
- 20.12 The USSD report 2007 noted that:
- “Both Sri Lankan and Indian origin Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the government. According to the SLHRC, Tamils also experienced discrimination in housing. 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.” [2f] (Section 5)
- 20.13 The ICG (International Crisis Group) document ‘Sri Lanka's Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008 noted that “With the collapse of the ceasefire, the LTTE's return to terror attacks and the government's counter-terrorism measures, fear and inter-ethnic tension have grown significantly. Tamils increasingly see themselves, not the Tigers, as the government's target.” [76d] (p10)
- 20.14 The State of the World's Minorities 2007 noted that “The Tamils – the majority of whom are Hindus – are ethnically distinct and speak their own language. The rebel movement, the Tamil Tigers, want to carve out a separate state for minority Tamils in the north and east of the country. [62a] (p21)
- “During the conflict, Tamil moderates have found themselves doubly victimized. Vulnerable to rebel reprisals, they are also attacked by government forces, who believe them to be rebels or supportive of the Tamil Tigers. Under the terrorism laws, the ill-treatment of Tamils, subjected to illegal detention and torture, is well-documented. Moreover, Tamils in lower-class groups face routine harassment – something that has become more pronounced over the past few months.” [62a] (p23-24)
- 20.15 “The ethnic conflict [between Sinhalese and Tamils] in Sri Lanka has been going on for over 20 years as the Liberation Tigers of Tamil Eelam (LTTE)

fight for an independent homeland.” (FCO Sri Lanka Country Profile) [15j] **(The Internal Conflict)**

- 20.16 As recorded in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka:

“Until the early 1980s this process [the tension in relations between the Sinhalese and Sri Lankan Tamils] was primarily political and was defined by sustained agitation by parties and groups representing the interests of the Sri Lankan Tamils against successive Sinhalese-dominated governments, interspersed with periodic outbursts of communal violence in areas of mixed ethnicity at which Tamils suffered at the hands of rampaging Sinhalese mobs...Tamil grievances at this stage were focused mainly on the theme of economic deprivation and political alienation and focused upon campaigning for a due share of political power, access to resources and economic opportunities, and entitlement to the benefits of development. Over time, there emerged within the Tamil community the idea that it constitutes a distinct 'national group', primarily in response to state alienation and exclusion, and that the Tamil community had been arbitrarily unified with the 'Sinhalese nation' in the creation of 'British Ceylon'. This notion formed the ideological and political basis of a secessionist movement committed to the objective of establishing an independent Tamil state ('Eelam') encompassing the northern and eastern parts of the island of Sri Lanka

“Several factors contributed to the supremacy acquired by the LTTE over other Tamil groups. The most basic among these has been their success in mobilising disgruntled Tamil youth and their capacity to command absolute obedience from among the ranks. The ferocity with which the LTTE has dealt with renegades, its rivals or any other force that stood in its way was another factor that contributed to its meteoric rise.” [5a] **(Internal Affairs, 4 December 2007, Post-Independence ethnic tension)**

- 20.17 The 'UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka', dated December 2006 noted:

“In addition to the situation of widespread insecurity and the impact of the armed conflict in the North and East, Tamils in and from these regions are at risk of targeted violations of their human rights from all parties to the armed conflict. Harassment, intimidation, arrest, detention, torture, abduction and killing at the hands of government forces, the LTTE and paramilitary or armed groups are frequently reported to be inflicted on Tamils from the North and East. Individuals suspected of having LTTE affiliations are at risk of human rights abuses by the authorities or allegedly government sponsored paramilitary groups. In the same manner, those who refuse to support the LTTE and those who are perceived as supporters or sympathizers of the Government, risk serious violations of human rights from the LTTE.” [6b] **(Paragraph 14&15)**

- 20.18 As noted in a press statement by the Ministry of Constitutional Affairs and National Integration posted on the official website of the Sri Lankan Government’s Secretariat for Co-ordinating the Peace Process (SCOPP) on 30 June 2006:

“Even though Tamil was made the second official language in 1987 through the 13th Amendment to the Constitution of Sri Lanka, benefits of these constitutional provisions never reached the Tamil-speaking people....This decision [on the bilingualisation of public services] caters to the needs of the Tamil-speaking people outside the North/East Provinces and also the Sinhala-speaking people in the North/East...It is noted that 52% of the Tamil people and 61% of the Tamil-speaking people in Sri Lanka live outside the Northern and Eastern Provinces.” [41f]

20.19 On 18 May 2007 the Official Government News Portal of Sri Lanka reported that “Police will recruit retired government servants as Tamil interpreters as there is an acute shortage of Tamil interpreters at police stations. Inspector General of Police Victor Perera has instructed all senior police officers to immediately recruit, on a temporary basis, retired government servants who can speak Tamil, to the police force... This step is expected to remedy the difficulties faced by Tamil public due to lack of Tamil interpreters at police stations.” [10h]

20.20 As reported by the Government-controlled *Daily News* on 14 June 2007:

“With a view to ‘bilingualise’ the public service, the Government has decided to make proficiency in both official languages mandatory for persons newly recruited to the service with effect from next month. Accordingly, proficiency in Tamil will be made compulsory for all Sinhala speaking persons recruited to State institutions from July 1 while those speaking Tamil will also be required to prove their proficiency in Sinhala...The Minister [of Constitutional Affairs and National Integration, D. E. W. Gunasekera] pointed out that although 25 per cent of the country’s population are Tamil speaking (nearly 61 per cent of them living outside the North and the East), only six per cent of the employees in the public service and 16 per cent in the provincial public service are conversant in Tamil.” [16c]

See also Sections 3:, 4, 7, 8 and Annex C

UP-COUNTRY TAMILS

20.21 As noted in the USSD report 2007:

“There were approximately one million Tamils of Indian origin, the so called Hill, Tea Estate, or Indian Tamils, whose ancestors originally were brought to the country in the 19th century to work on plantations. In the past approximately 300,000 of these persons did not qualify for citizenship in any country and faced discrimination, especially in the allocation of government funds for education. In 2003 parliament passed a bill granting full citizenship to more than 460,000 Tea Estate Tamils. In 2004 UNHCR began awareness campaigns to alert Tamils to the new legislation. At year’s [2007] end approximately 70,000 registrations remained unconfirmed.” [2f] (Section 5)

See also Section 31

MUSLIMS

20.22 The the Minority Rights Group International report, *State of the World’s Minorities 2007*, reported that:

“After Tamils, Muslims are the second largest minority in Sri Lanka – numbering nearly a million. They have suffered tremendously in the conflict but they are often the ‘forgotten minority’ and their plight is rarely acknowledged. Sri Lankan Muslims are scattered across the country, but a majority live in the coastal areas... Their dominance in eastern Sri Lanka – in some small towns they form the majority – and their insistence on their separate and unique identity has brought them into conflict with the Tamil Tigers, who see the Muslim presence as a hindrance to their homeland claim”. [62a] (p23-24)

- 20.23 The International Crisis Group (ICG) document ‘Sri Lanka’s Muslims: Caught in the Crossfire’, 29 May 2007 recorded that “Throughout much of the 25-year Sri Lankan conflict, attention has focused on the confrontation between the majority Sinhalese and the minority Tamils. The views of the country’s Muslims, who are 8 per cent of the population and see themselves as a separate ethnic group, have largely been ignored. [76b] (Executive Summary and recommendations)

“Unlike the Tamils and Sinhalese, who have an ethnic identity based on language and history, the Muslims claim a separate ethnicity based predominantly on their adherence to Islam. In the national census they are listed separately, as ‘Moors’, reflecting European colonial usage.” [76b] (Section 1A)

See also Sections 19: Freedom of Religion, Muslims; and 29: Internally Displaced People

INDIGENOUS PEOPLE

- 20.24 The USSD report 2007 recorded that “The country’s indigenous people, known as Veddhas, numbered fewer than 1,000. Some preferred to maintain their traditional way of life and are protected by the law. There are no legal restrictions on their participation in political or economic life. Vedda communities complained that they were pushed off their lands, and the creation of protected forest areas deprived them of traditional livelihoods.” [2f] (Section 5)

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

- 21.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted "The law criminalizes homosexual activity but was not enforced." [2f] (Section 5)
- 21.02 The Amnesty International 'Sexual Minorities and the Law: A World Survey' (last updated July 2006) recorded that in Sri Lanka homosexuality is illegal for males (while females are not mentioned in law) and that it is imprisonable for ten years. As for transgender the document mentioned that the situation was unclear since there were no data or information on the legal situation. [3d]
- 21.03 Sodomy Laws, 'Laws around the world, Sri Lanka' (last edited 16 July 2004, website accessed on 8 January 2008) quoted Section 365a of the Penal Code:
- "365A. Any person who in public or in private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any person of, any act of gross indecency with another person, shall be guilty of an offense, and shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both and where the offense is committed by a person over 18 years of age in respect of any person under 16 years of age shall be punished with rigorous imprisonment for a term not less than ten years and not exceeding twenty years and with a fine and shall also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offense was committed for the injuries caused to such person." [50]
- 21.04 The International Lesbian and Gay Association (ILGA) document 'State-sponsored Homophobia - A world survey of laws prohibiting same sex activity between consenting adults', dated April 2007 confirmed that both Male/Male and Female/Female sexual acts are illegal. [29]

GOVERNMENT ATTITUDES

- 21.05 The website Utopia-Asia.com, Country Listings, Sri Lanka, recorded that the law prohibiting homosexuality is not being currently enforced. [72a] The USSD report 2007 confirmed that the law which criminalises homosexuality was not enforced. [2f] (Section 5)
- 21.06 The USSD report 2007 further noted that "Some NGOs working on lesbian, gay, bisexual, and transgender issues did not register with the government. As in recent years, human rights organizations reported that police harassed, extorted money or sexual favors from, and assaulted gay men in Colombo and other areas." [2f] (Section 5)
- 21.07 As noted in 'Human Rights?' a publication by the Sri Lankan organisation Equal Ground:

“For too long now, the Lesbian, Gay, Bisexual and Transgender community of Sri Lanka has suffered silently, denied their basic human rights. Under Section 365A of the Sri Lanka Penal Code, homosexuality is condemned as a criminal offence. Although this law, a relic of Colonisation has not been enforced in many, many years, it still serves as a reminder that in this country, not everyone is equal. Its vicious shadow is the threat of blackmail and continuing Police harassment.” [73a] (p16)

SOCIETAL ILL-TREATMENT OR DISCRIMINATION

21.08 As recorded on the website Utopia-Asia.com, Country Listings, Sri Lanka, “While the law [prohibiting homosexuality] is not being currently enforced, its existence has allowed for official discrimination and societal stigma towards homosexuals. Local gay activists are working to bring the law into the 21st century.” [72a]

21.09 As noted on the website of the Sri Lankan gay organisation Women’s Support Group, undated:

“The Women's Support Group has worked since 1999 for the rights of lesbians, bisexual women and transgendered persons (LBT). Our work has been diverse and at times very difficult. The stigma and discrimination that the gay, lesbian, bisexual, and transgendered (LGBT) community faces is validated by section 365 of the Penal Code of Sri Lanka. The Sri Lankan legal system makes it extremely difficult for our community to live openly. The Penal Code, based on 19 th century British law, states that homosexual sexual activity is a crime. Up till 1995, the subject of this law was only men. However, the 1995 amendment to the Penal Code made it ‘gender-neutral’ and now the Penal Code criminalizes both male and female homosexual sexual activity. This law and a homophobic social environment create a smothering atmosphere for the LGBT people. They are subject to discrimination on many fronts. They face blackmail by others, they face threats to their family, career, and their life. Some have been thrown out of their homes and others have lost their jobs. The legal system and the stigma associated with being homosexual, bisexual or transgendered in our society makes it difficult for members of the LGBT community to live their lives fully and openly. Around you there are many people who hide their sexual and gender identity from those around them due to the fear of what may happen to them if their identity is known.” [74a]

21.10 As reported in one BBC News article dated 20 May 2005:

“Companions on a Journey is a drop-in centre in Colombo that's become a lifeline for Sri Lanka's gay community.... When he [Sherman de Rose, the founder of Companions on a Journey] started the group last year, he used to receive death threats. It got so bad, he says, he had to leave the country for a while until religious groups, political leaders, and some sections of the media, the most vehement opponents to his organisation, calmed down. ‘But attitudes have begun to change,’ he says.... One of the most difficult things for gay men and women in Sri Lanka is simply coming to terms with their homosexuality. Given the social intolerance, it is very difficult, Sherman says.... Companions now have two more drop-in centres in Sri Lanka, one in Kandy and one in Anuradhapura. They put out a monthly newsletter and every full moon they organise a big party... Working with a network of lawyers, they are trying to

persuade lawmakers to change Sri Lanka's criminal code, which outlaws homosexuality. 'There is still a lot of opposition,' he says, 'and we still aren't even close to Europe or the United States when it comes to gay rights.'" [9f]

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22. DISABILITY

- 22.01 As noted in the US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

"The law forbids discrimination against any person on the grounds of disability; however, there were instances of discrimination against the disabled in the areas of employment, education, and provision of state services. The law does not mandate access to buildings for persons with disabilities, and such facilities were rare. The Department of Social Services operated eight vocational training schools for persons with physical and mental disabilities and sponsored a program of job training and placement for graduates. The government also provided financial support to NGOs that assisted persons with disabilities. Such assistance included subsidizing prosthetic devices, making purchases from suppliers with disabilities, and registering 74 NGO run schools and training institutions for persons with disabilities. The Department of Social Services selected job placement officers to help the estimated 200,000 work eligible persons with disabilities find jobs. Despite these efforts, persons with disabilities faced difficulties due to negative attitudes and societal discrimination." [2f] (Section 5)

- 22.02 "The government declared the year [2007] as the 'Year of Accessibility.' As part of this campaign, the Department of Social Services educated planners, architects, and engineers on new regulations on accessibility passed by parliament. The Department of Social Services provides housing grants, self employment grants, and medical assistance to persons with disabilities. During the year the department began offering a monthly allowance of approximately \$27 (3,000 rupees) to families of the disabled. At year's end 2,128 families received this grant." (USSD 2007) [2f] (Section 5)

- 22.03 As noted on the website of Disability Information Resources (DINF) of the Japanese Society for Rehabilitation of Persons with Disabilities (JSRPD) (website accessed on 26 February 2008):

"The government has introduced a policy of in every workforce, 3% of the employees must be people with disabilities. Although all major companies have been made aware of this the policy is not enforced and as a result it is largely ignored...The building of separate schools for children with special needs was stopped over 20 years ago. The Ministry of Education hopes to build special units into all schools so children with special needs can be integrated into mainstream education with the help of specially trained teachers (also underway)...The Government of Sri Lanka has no formal policy on accessibility to buildings for those who have mobility problems...In Sri Lanka the Ministry of Social Services has used the data obtained from ongoing programmes and estimates that between 4 and 5% of the population as a whole have some kind of disability. The government has no official policy on disability and rehabilitation but sectional policies attempt to keep up with international developments...The causes of the disabilities in Sri Lanka are varied but conflict related disabilities seem disproportionately high. These come from landmines, attacks on border villages, fighting or being caught in the crossfire during fighting and, in areas such as Colombo, injuries from the explosions detonated by suicide bombers. Further causes include problems at birth or prior to birth, especially among older women or those suffering from

poor health or malnutrition combined with an overstretched [sic] Health Service. Poor health and malnutrition in children can cause disabilities as they get older. Another factor is Polio although the government has now taken steps to eliminate the problem leading to a negligible number of (occurrence) Polio victims.” [70]

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23. WOMEN

23.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, noted that although “the law provides for equal rights for all citizens, and the government generally respected these rights in practice”, there were instances where women faced discrimination. [2f] (Section 5)

23.02 “Since 1983, Sri Lanka has experienced a civil ethnic conflict in the Northern and Eastern provinces that has resulted in life-threatening and traumatic experiences for women; loss of life, rape and being searched by armed groups are daily occurrences. Large numbers of women have participated as combatants in the conflict, and many civilian women are now household heads...” (UNIFEM, Gender Profile of the Conflict in Sri Lanka, updated 31 July 2006) [66a] (Introduction)

“There are an estimated 40,000 war widows in Sri Lanka. The loss of male breadwinners has created a new group of women vulnerable to economic hardship. There are approximately 30,000 female-headed families in the north and east of Sri Lanka.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka [66a] (The Impact of the conflict on women in Sri Lanka)

“Relative to the rest of South Asia, Sri Lankan women have traditionally enjoyed good levels of literacy, life expectancy, and access to economic opportunities...Female adult literacy levels are at 83.8% compared to male adult literacy at 90%. The female youth literacy rate is 96.6%...Unemployment among women is high and it is double that of men, even though the constitution guarantees equal opportunity employment.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka) [66a] (Economic security and rights)

23.03 A letter from the British High Commission (BHC), Colombo dated 29 October 2007 recorded that “With many able bodied men either the victims or fleeing the abuses, a quarter of all households [in Jaffna] are now female-headed.” [15q]

23.04 Women were particularly vulnerable to domestic and sexual violence in

“both tsunami and conflict IDP camps reported by Amnesty International. Internally displaced women face loss of family members and male spouses, increased responsibility to provide for and protect children and family members, threats to physical safety, psychological insecurity, and more general issues of social marginalisation and lack of power. In Vavunyia District, a NGO indicated that 60 percent of IDP families were female-headed households (FHH). There are numerous Land and Property issues facing women both in ‘Welfare Centres’ and upon return.” (IDMC/Norwegian Refugee Council, ‘Sri Lanka: escalation of conflict leaves tens of thousands of IDPs without protection and assistance. A profile of the internal displacement situation’, 16 November 2006) [54a] (Vulnerable groups)

LEGAL RIGHTS

23.05 As noted in the USSD report 2007:

“Women have equal rights under national, civil, and criminal law; however, questions related to family law, including divorce, child custody, and inheritance, were adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who may follow their customary marriage practices and marry at the age of 15. Women were denied equal rights to land in government assisted settlements, as the law does not institutionalize the rights of female heirs. Different religious and ethnic practices often resulted in uneven treatment of women, including discrimination.” [2f] (Section 5)

23.06 “The 1948 Citizenship Act is the primary central legislation on citizenship. The act was amended in 2003 to allow both parents to confer citizenship upon their children. Prior to the amendment, only a father could pass Sri Lankan citizenship to his children...Changes to regulations under the act have also been recently approved by the Cabinet of Ministers; these changes permit foreign spouses of Sri Lankan women to obtain citizenship on the same basis as foreign spouses of Sri Lankan men.” (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p220)

23.07 “The body of law relating to marriage consists of the general law, customary law and personal law. Tamils are governed by the general law in most marriage-related matters, whereas Kandyan Sinhalese can choose to be governed by the general law or their customary laws. Muslims are governed by Muslim personal law... The Marriage Registration Ordinance and the Civil Procedure Code constitute the general law on divorce. The provisions of the ordinance firmly establish divorce as faultbased [sic] and case law has reaffirmed this concept. Grounds for divorce under the ordinance are the following:

- adultery;
- malicious desertion; and
- incurable impotence at the time of marriage.

Cruelty is not a ground for divorce, although it may be a factor in determining malicious desertion. Physical illtreatment [sic] per se is also not a ground for divorce under the general law, but it is a cause for legal separation... The Civil Procedure Code constitutes the general law on judicial separation. The code provides that either party may petition for separation ‘on any ground on which by the law applicable to Sri Lanka such separation may be granted.’...The 1999 Maintenance Act is the general law on maintenance during marriage... The act requires any spouse with sufficient means to maintain the other spouse, if such individual is unable to maintain him or herself...The principles of custody are thus governed by the residuary Roman-Dutch law. The predominant feature of the common law is the preferential custodial right given to the father, which may be denied only in instances of danger to the ‘life, health and morals’ of the children. A mother who seeks custody therefore has the onus of displacing the father’s right.” On most of these matters there are also more specific laws governing in particular, Muslims, Tamils and Kandyan Sinhalese. (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p220-225)

- 23.08 As recorded in the UNICEF document 'The state of the world's children 2007, South Asia edition' published in December 2006, "Sri Lanka represents an exception in the region to this trend of child marriage, with an average age of first marriage for women of 25. This dramatic shift was led by legislative reforms that require that all marriages are registered and the consent of both marriage partners is recorded." [53b] (p6)

POLITICAL RIGHTS

- 23.09 In 1931 Sri Lanka became one of the first countries in Asia, Africa, and Latin America to permit women to vote. In 1960, Sirimavo Bandaranaike became the first female Prime Minister of a modern nation. Chandrika Kumaratunga was elected Sri Lanka's first female president in 1994, and won a second term in office in elections in December 1999. Sri Lanka has a vibrant women's movement." (UNIFEM, Gender Profile of the Conflict in Sri Lanka, updated 31 July 2006) [66a] (Introduction)

However, "Women are severely underrepresented at the political and decision-making levels in Sri Lanka. Elections held on 2 April 2004 elections resulted in the formation of a new government and saw less than 5% of women elected to parliament." (UNIFEM, Gender Profile of the Conflict in Sri Lanka [66a] (The Impact of the conflict on women in Sri Lanka)

- 23.10 The USSD report 2007 recorded that "There were 11 women in the 225 member parliament, three women in the cabinet, and two women out of 11 justices on the Supreme Court...There was no provision for or allocation of a set number or percentage of political party positions for women or minorities." (USSD 2007) [2f] (Section 3)
- 23.11 The UNICEF document 'The state of the world's children 2007, South Asia edition', published in December 2006, noted that, "Despite having low rates of child marriage, high level of girls' education and a record of elected women leaders in the highest seats of political power, Sri Lanka continues to have very few women in its national legislature, the proportion of women never having been higher than 5 per cent." [53b] (p24)

SOCIAL AND ECONOMIC RIGHTS

- 23.12 As noted in the USSD report 2007:

"The law provides for equal employment opportunity in the public sector; however, women had no legal protection against discrimination in the private sector, where they sometimes were paid less than men for equal work. They often experienced difficulty in rising to supervisory positions and faced sexual harassment. Even though women constituted approximately half of the formal workforce, according to the Asian Development Bank, the quality of employment available to women was less than that available to men, as the demand for female labor was mainly for casual and low paid, low skill jobs in the formal and informal sectors. Women's participation in politics was around four percent in the parliament and approximately 1.4 percent in local political institutions." [2f] (Section 5)

- 23.13 "There are no laws or policies that require individuals to accept family planning measures...The National Health Policy calls for the government to ensure the

right of men and women to be informed about and have access to their choice of safe, effective, affordable, and acceptable methods of family planning...The Women's Charter issues several directives to the state with regard to women's right to family planning. It enjoins the state to ensure:

- women's right to control their reproduction and their equal access to information, education, counselling, and services in family planning, including the provision of safe family planning devices and the introduction and enforcement of regulations relating to their safety; and
- family planning policies are equally focused on men and women.

There are currently some 14,000–15,000 women who undergo sterilization per year...The government does not regulate sterilization through any laws...Abortion, which is illegal in Sri Lanka, is the single most important reproductive health problem in the country...Abortion is a criminal offense under the penal code, except to save the woman's life...Legal abortions are usually performed in the government sector...Abortions are carried out in the informal and private sector by private physicians or by clandestine abortion providers." (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p 212-213 & 216-217)

- 23.14 The United Nations Population Division, Department of Economic and Social Affairs, World Abortion Policies 2007, (undated, website accessed on 26 February 2008) recorded that in Sri Lanka abortion is permitted only to save the woman's life. [6f] (Wall chart) Their Global Review, Country profiles: Sri Lanka, undated (last modified 23 November 2005) provided additional details on the issue of abortion:

"Abortion is generally illegal in Sri Lanka under the Penal Code of 1883, which is based on the Indian Penal Code. Section 303 of the Penal Code provides that anyone voluntarily causing a woman with child to miscarry is subject to up to three years' imprisonment and/or payment of a fine, unless the miscarriage was caused in good faith in order to save the life of the mother. The penalty is imprisonment for up to seven years and payment of a fine if the woman is 'quick with child', a term which, while not defined in the Code, refers to an advanced stage of pregnancy when there is perception of foetal movement, as opposed to 'woman with child', which simply refers to 'being pregnant'. A woman who induces her own miscarriage is subject to the same penalties. If the miscarriage is caused without the consent of the woman, whether or not she is quick with child, the person causing it is subject to up to 20 years' imprisonment and payment of a fine (Section 304). The same penalty is imposed if the woman's death results from any act carried out with intent to bring about a miscarriage, whether or not the offender knew that the act was likely to cause death (Section 305)." [6d]

- 23.15 "Despite rigid statutory provisions, Sri Lankan women from higher income households who desire to terminate their pregnancies find little or no difficulty in doing so. They often consult a psychiatrist for severe mental depression combined with suicidal tendencies. The psychiatrist may advise an abortion in order to save the life of the mother, and the pregnancy may then be terminated in a private or government hospital by a qualified medical practitioner. Women from middle-income and lower income households, however, must often resort to abortions performed by 'back-door abortionists'

under primitive and unhygienic conditions, resulting in high maternal mortality and chronic ill health. Although any abortion wilfully induced without the specific intent to save the life of the mother constitutes illegal abortion in Sri Lanka, in practice, indictments for criminal abortion rarely occur and convictions are even rarer. The incidence of abortion is believed to be considerably higher than is commonly acknowledged. A rural survey suggests that 54 abortions per 1,000 population are performed each year.” (UN ESA, Abortion Policies) [6d]

- 23.16 As recorded in the Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter:

“Roman-Dutch law forms the bedrock of the general law on property in Sri Lanka. The 1923 Married Women’s Property Ordinance constitutes the general law on matrimonial property rights. Under the ordinance, a married woman is capable of holding, acquiring and disposing of any movable or immovable property or of contracting as if she were a femme sole, without the consent or intervention of her husband. This applies to all property belonging to her at the time of marriage and property acquired or devolved to her after marriage. She also has the same remedies and redress by way of criminal proceedings for the protection and security of her separate property. The 1876 Matrimonial Rights and Inheritance Ordinance constitutes the general law on inheritance rights. The ordinance provides for equal rights to inheritance for male and female spouses: upon the death of either spouse, the surviving spouse inherits half of the deceased spouse’s property. The extent of the general law’s application has been limited by legislation, judicial decisions and the system of customary laws that are operative in the island. The matrimonial property and inheritance rights of Kandyan Sinhalese and Tamils are governed by their own systems. Muslims are governed by Muslim personal law.” (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p225)

- 23.17 A letter from the British High Commission in Colombo, dated 17 July 2007, noted that:

“Rural Tamil communities are deeply conservative. Acknowledged birth out of wedlock is unusual and would carry a stigma. I don’t know of any reliable statistics, but I have never met anyone openly pregnant outside of marriage. There has been some academic research carried out on the back ground on those seeking abortions in Sri Lanka which suggests that pregnancy outside marriage is relatively rare...Raising a child alone would be unusual in the extreme. I doubt it makes much difference whether you are in an LTTE controlled or government area – although Colombo might be marginally more liberal.” [15b]

- 23.18 “According to a Consultation organized by International Alert in June 2003, widows are considered bad luck in much of Sri Lanka. As a result, war widows or wives of the missing face discrimination vis a vis housing, employment and other rights.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka) [66a] (Economic security and rights)

VIOLENCE AGAINST WOMEN

23.19 As outlined in the USSD report 2007:

“The law prohibits domestic violence, but it was not strictly enforced. Sexual assault, rape, and spousal abuse continued to be serious and pervasive problems. The law specifically addresses sexual abuse and exploitation, and contains provisions in rape cases for an equitable burden of proof and stringent punishments. Marital rape is considered an offense only in cases of spouses living under judicial separation. While the law may ease some of the problems faced by victims of sexual assault, many women's organizations believed that greater sensitization of police and the judiciary was necessary. The Women and Children Bureau within the Police has conducted awareness programs in schools and at the grassroots level, causing women to come forward and lodge complaints. However, the government has not yet focused on increased recruitment of female police officers to help alleviate the problem. The Bureau for the Protection of Children and Women received 995 complaints of grave violent crimes and 2,247 minor crimes against women in the first half of the year [2007], representing a significant increase over 2006 levels.” [2f] (Section 5)

23.20 “There is anecdotal evidence that the resumption of the conflict has led to an increase in gender-based violence perpetrated by the security forces. Statistical corroboration is lacking, because few, if any, charges were filed in such incidents. For example, human rights groups in northern districts allege that the wives of men who have ‘disappeared’ and who suffer economic deprivation as a result often fall prey to sexual exploitation by paramilitaries and members of the security forces... There were widespread reports that security forces sometimes ordered men in the IDP camps [in the east] to report to security forces bases to spend the night, leaving the female displaced population vulnerable to sexual exploitation and abuse. The displaced population had declined significantly by year's end, but documented reports persisted noting that spouses and daughters of men temporarily detained by security forces in formerly LTTE-controlled areas in western Batticaloa district were subject to sexual abuse.” (USSD 2007) [2f] (Section 5)

23.21 “According to the Bureau for the Protection of Children and Women, there were 278 reported incidents of rape through November [2007], representing a decrease from 2006 levels. Services to assist victims of rape and domestic violence, such as crisis centers, legal aid, and counseling, were generally limited. A high suicide rate among women which some attributed to gender-based violence appeared to be declining. However, there was no evidence linking this trend to specific actions taken by the government.”

“Sexual harassment is a criminal offense carrying a maximum sentence of five years in prison; however, these laws were not enforced.” (USSD 2007) [2f] (Section 5)

23.22 The ICG (International Crisis Group) document ‘Sri Lanka's Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008 noted that:

“Women are particularly disadvantaged by displacement and the return to war. Those in conflict areas and refugee camps in the north and east have regular complaints of increased sexual violence and enforced sex work from soldiers and armed men. There is also evidence of more domestic violence due to the highly militarised environment. The reduced economic opportunities for

women living in refugee camps and conflict affected areas add to their vulnerability to abuse and violence, as many are forced to trade their bodies for money or needed commodities. Single women heading households, widows, and women caring for the disabled have gender-related needs which are not adequately recognised or addressed by the government and non-governmental organisations (NGOs). The same is true for the health needs of women and adolescent girls. The increases in arrests and detentions under emergency regulations have brought particular dangers for women. Safeguards to protect those in custody are widely ignored; women wardens or police are not often available, and forced sex with prison guards is a common complaint. Chronically inadequate facilities for women and girls in detention are under further stress.” [76d] (p9-10)

- 23.23 “Sri Lankan women have experienced rape, detainment, harassment at checkpoints and other violations of their personal security in the two decades of civil war.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka, updated 31 July 2006) [66a] (The Impact of the conflict on women in Sri Lanka)

“The former Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, reported that rape was used in in Sri Lanka's conflict, and that violent crimes increased against the backdrop of ongoing conflict.” (UNIFEM, Gender Profile of the Conflict in Sri Lanka [66a] (Human Rights Violations, including violence against women))

- 23.24 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2007 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2002 – 2006 (undated, website accessed on 2 May 2008) recorded that in 2006 there were 1,463 cases of rape/incest. The figures for 2002, 2003 2004 and 2005 were respectively: 1,247; 1,371; 1,432; 1,540. [58d]

- 23.25 As recorded on the website of the Ministry of Justice and Law reforms of Sri Lanka (Legislation passed by Parliament in 2005, Prevention of Domestic Violence Act, No. 34 of 2005):

“Violence against women and particularly violence within the domestic environment has become a serious social issue. The above Act provides for the issue of Protection Orders by court. The objective of the Act is not to create new offences but to provide for the issue of Protection Orders by a Magistrate's Court to prevent an aggressor from inflicting harm to persons within the home environment. The Act makes provision for the issue of Protection Orders against acts of physical violence which constitute offences already recognized in Chapter XVI of the Penal Code, of Extortion and Intimidation and of Emotional Abuse having the effect of causing severe traumatic emotional pain. Protection Orders can be sought against persons in specified degrees of relationships. A Protection Order may prohibit the aggressor from committing acts of domestic violence and entering the victim's residence and may impose other prohibitions. In imposing prohibitions the court is required to take into account the accommodation needs of the victim and of the children and any hardship that may be caused to the aggressor thereby. The Act provides a civil remedy. The issue of a Protection Order will have no bearing on the normal criminal law jurisdiction. Thus where an offence has been committed, the normal criminal justice process of investigation, prosecution and punishment will follow.” [43b]

- 23.26 On 30 September 2007, *The Sunday Times* (of Sri Lanka), reporting on the implementation of the Prevention of Domestic Violence Act noted that:

“The law not only provides for a Protection Order but also for a 14-day interim Protection Order to safeguard the victim. While commending the law, Dr. Deepika Udagama, Head of the Dept. of Law of the University of Colombo, explains that it has a lot of potential – for the first time a law deals with domestic violence, especially between spouses...’But,’ she concedes, ‘there are a few areas which need strengthening, especially with regard to monitoring.’ Even well-entrenched laws, sometimes face obstacles in their implementation, according to her. Monitoring, particularly by officials such as the police, is poor. For some police officers enforcement of a Protection Order would be way down the list of priorities, compared to their other duties such as fighting crime.” [11p]

- 23.27 “Pointing out a few of the weaknesses of the Prevention of Domestic Violence Act, Sumithra Fernando of Women in Need (WIN) says while there is no mandatory provision and also no mechanism for the observance of an interim Protection Order, the lack of a Protection Officer and support structure to implement and also monitor the observance of a Protection Order are a major challenge. WIN, an organization which has been championing battered women and children for over 20 years, runs many crisis centres across the country and also has a shelter for survivors. So far it has obtained 33 Protection Orders under this law. Adds Dr. Udagama: ‘Some police officials still consider domestic violence within a marriage to be a personal problem which has now been forced into the public arena. It may be necessary to get the parties to report to the police or to court itself, because if someone violates the Protection Order it is contempt of court.’” (*The Sunday Times*, 30 September 2007) [11p]

- 23.28 “Conceding that fingers were pointed at the state that there was no support system for battered persons though there have been counselling centres in operation for about three years now, the Secretary to the Ministry of Child Development and Women’s Empowerment, Indrani Sugathadasa says the lack of a shelter was seen as a major shortcoming. ‘We have now opened a shelter alongside the counselling centre at Kalutara and are in the process of installing a matron there. We convinced the Treasury of this need and were passed funding in the 2006 budget but finding suitable places has taken time,’ she says, adding that shelters have to be located in secure quiet places that are not heavily populated, while being in close proximity to the hospital, police and transport service.” (*The Sunday Times*, 30 September 2007) [11p]

- 23.29 As recorded in the Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter:

“Under the penal code, provisions relating to murder, miscarriage, hurt, wrongful confinement, assault, sexual harassment, rape or grave sexual abuse, and criminal intimidation may be invoked to prosecute acts of domestic violence...The penal code criminalizes sexual harassment, defined as assault or the use of criminal force, words or actions to cause ‘sexual annoyance or harassment’ to another person. The offense is punishable with imprisonment and a fine, and a defendant may additionally be ordered to pay compensation to the victim. The burden of proof rests on the prosecution, which must prove its case beyond a reasonable doubt... The practice of female circumcision on

newborns is fairly widespread among the Muslim community in Sri Lanka; the practice is not prohibited or regulated by law.” (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p230-231)

- 23.30 As stated on the website of the Sri Lankan NGO (non-governmental organisation) Home for Human Rights (HHR) (undated, website last accessed on 11 October 2007:

“HHR created its Women Desk to oversee HHR’s work with women and ensure that we never ignore the needs of this often vulnerable population... HHR’s Documentation Desk is active in collecting, coding, and reporting violations of women’s human rights...HHR provides several legal services that cater to the specific needs of women and children. These services include representation for victims of domestic or sexual abuse, displaced women and children, and children forced into illegal labour. While our Legal Department provides most direct services, the Women’s Desk maintains community networks to ensure that women around the country are aware of our services and can avail of them when required...HHR’s Women’s Desk provides several critical community-based services geared towards women. We provide social services and counseling for survivors of sexual and domestic violence. We have also organized self-help groups for single mothers in the Northern and Eastern provinces where women gather monthly to discuss their unique problems and share ideas on how to address them. HHR also provides counseling services and moral support to women affected by human rights violations, such as visiting hospitalized victims of assault, rape, or domestic violence and accompanying them back to their communities. The Women’s Desk has also helped displaced women and children return home or adapt to their new surroundings.” [26a]

- 23.31 According to an undated list on the website of the online forum South Asian Women’s Network (SAWNET) (last accessed on 20 September 2006) several organisations dealing with problems faced by women exist in Sri Lanka. [17] This is confirmed by an undated list of local NGOs available from the website PeaceWomen (Women’s International League for Peace and Freedom) (last accessed on 2 August 2007). [77]

- 23.32 As noted in a letter from the British High Commission in Colombo, dated 17 July 2007:

“Provision of assistance for Rape victims is weak, although there are some signs of improvement. The country has acknowledged it has a problem and the women’s and child bureau of the police maintains a presence around the country to deal with complaints. They are trained in how to record a complaint sympathetically and how to refer a victim to a suitably equipped hospital. After this there does not seem to be long term assistance given to rape victims. A couple of NGOs provide pastoral care in Colombo – although they focus on victims of domestic abuse.” [15b]

- 23.33 On 11 October 2007 the IPS news agency reported that:

“Sri Lankan women battered by their spouses have been seeking refuge in a law enacted two years ago to tackle domestic violence, but activists say they need far closer protection...The PO [protection order] is a vital element of the

Prevention of Domestic Violence Act introduced in 2005. Any person who fears domestic violence can seek such a PO -- issued for a period of 12 months by a magistrate -- which bars the 'aggressor' from committing acts of domestic violence and entering the victim's residence among other prohibitions. More than 60 percent of women across Sri Lanka are victims of domestic violence while 44 per cent of pregnant women are also subjected to harassment, according to a 2006 survey by the Ministry of Child Development and Women's Empowerment. While the enforcement of the PO is a major challenge, there are nevertheless instances where it has worked, according to Sumithra Fernando of Women in Need (WIN), an organisation that has helped battered women and children for over 20 years... WIN runs many crisis centres across the country and has a shelter for survivors. So far it has obtained 33 POs and in some cases, Fernando says, the spouses have reconciled and come together under a process of mandatory counselling." [18a]

23.34 The IPS further reported:

"Deepika Udagama, who had the law department at the University of Colombo, believes that the law has a lot of potential as it deals specifically with domestic violence, especially between spouses. Until its passage women getting battered was considered a 'home issue' and even if the victim had the courage to make a complaint she was advised by police to go home...'But,' Udagama concedes, 'there are a few areas which need strengthening, especially with regard to monitoring.' But she admits that monitoring, particularly by officials such as the police, is poor. "For some police officers enforcement of a PO would be way down the list of priorities, compared to their other duties such as fighting crime.'...Activists say among the deficiencies in the law are the uncertain interpretation of what constitutes domestic violence. It does not include economic violence and deprivation of rights, intimidation and harassment...Indrani Sugathadasa, secretary in the Ministry of Child Development and Women's Empowerment, believes one of the biggest challenges towards containing domestic violence is having a proper support system for battered persons. 'We have now opened a shelter alongside the counselling centre at Kalutara (southern Sri Lanka) and are in the process of installing a matron there,' she said, adding that plans are also afoot to open 14 more centres across the island." [18a]

See also Sections 24: Children; 25: Trafficking; and 29: Internally Displaced People

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24. CHILDREN

GENERAL INFORMATION

24.01 As recorded in the UNHCR Treaty Body Database, Ratifications and Reservations, Status by Country, (undated, website accessed on 16 May 2008), Sri Lanka has ratified the following UN treaties on children: CRC-Convention on the Rights of the Child (12 July 1991); CRC-OP-AC-Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (8 September 2000) and CRC-OP-SC-Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (22 September 2006). [6g]

24.02 As noted in the US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

“Many NGOs attributed the problem of exploitation of children to the lack of law enforcement rather than inadequate legislation. Many law enforcement resources were diverted to the conflict with the LTTE, although the police's Bureau for the Protection of Children and Women conducted investigations into crimes against children and women. However, AHRC documented numerous cases of child abuse, including by teachers, which the government did not investigate. Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labor or illegal activities or in any act contrary to compulsory education regulations. It also broadens the definition of child abuse to include the involvement of children in war. The National Child Protection Authority (NCPA) included representatives from the education, medical, police, and legal professions and reported directly to the president. During the year the Bureau for the Protection of Children and Women received 2,010 complaints of violent crimes against children and 425 cases of sexual abuse of children.” [2f] (Section 5)

24.03 “The government pushed for greater international cooperation to bring those guilty of pedophilia to justice. Although the government does not keep records of violations, the 2006 Penal Code Amendment Act prohibits sexual violations against children, defined as persons less than 18 years, particularly in regard to child pornography, child prostitution, and the trafficking of children. Penalties for violations related to pornography and prostitution range from two to five years of imprisonment. The penalties for pedophilia range from five to 20 years imprisonment and an unspecified fine. According to the attorney general's office, through September [2007] the government opened 1,487 files, of which 799 resulted in indictments for pedophilia, including statutory rape and 159 were dismissed. At year's [2007] end the remaining cases were pending.” (USSD 2007) [2f] (Section 5)

24.04 “Following the 2004 tsunami, the NCPA launched a successful awareness campaign to protect orphaned or displaced children from pedophiles. Commercial sexual exploitation of children remained a problem in coastal resort areas, however. Private groups estimate that there are approximately 6,000 children exploited for commercial sex in the country. However, UN estimates of child prostitutes ranged as high as 40,000. Sri Lankan citizens committed much of the child sexual abuse in the form of commercial sexual

exploitation of children; however, some prostituted children were boys who catered to foreign tourists. The International Labor Organization (ILO) and UNICEF estimated of the number of boys exploited by foreign nationals in commercial sex ranged from 5,000 to 30,000, some of whom were forced into prostitution. The Department of Probation and Child Care Services provided protection to child victims of abuse and sexual exploitation and worked with local NGOs that provided shelter. The tourist bureau conducted awareness raising programs for at risk children in resort regions prone to sex tourism." (USSD 2007) [2f] (Section 5)

- 24.05 On 20 February 2008, Irin reported that "Children in Sri Lanka are increasingly being killed and injured and having their education disrupted as bomb attacks blamed on the Liberation Tamil Tigers of Eelam (LTTE) as well as government security forces drive families from their homes in search of safety. At least 21 children are known to have died since the beginning of this year in assaults in the northern and southern parts of the island. Most were killed after the government called off a 2002 ceasefire with the Tamil Tigers on 16 January." [55a]
- 24.06 As recorded on their website (last accessed on 9 November 2007), "The National Child Protection [Authority] was created as the first governmental organization dedicated to work to secure the rights of children in Sri Lanka" with the following mission:
- "In relation to child abuse and exploitation, to create awareness and improve knowledge, undertake training and skills development, recommend legal reform and monitor law enforcement, undertake special investigations and provide legal support, strengthen the infrastructure to prevent abuse in families, communities, schools and institutions, establish a comprehensive data base including a cyber-watch, undertake relevant research and coordinate the key sectors involved in child abuse and exploitation namely Probation and Child Care Services, Justice and Law Enforcement authorities, Defence, Health, Education and Samurdhi as well as the NGO and INGO networks." [52b]
- 24.07 "On October 1st, 2002 a Special Investigations Police Unit was established at the NCPA. While prior to this date the NCPA had two officers attached to it, the new Unit consists of a total of 16 officers. This Police Unit, which operates under the Deputy Inspector General of Police - Crimes and Operation, handles all cases of child abuse that are reported to the NCPA. In terms of the NCPA Act, No. 50 of 1998, the NCPA has been monitoring the progress of all investigations and criminal proceedings relating to child abuse." (NCPA website, Police Unit) [52a]
- 24.08 A letter from the BHC Colombo dated 16 May 2008 noted that "The police have...improved their support of the victims of domestic violence and sexual abuse. They have specialist units from the Police Child & Women's Bureau working with the National Child Protection Authority, and the issue of child exploitation has also been addressed." [15r]
- 24.09 The Sri Lanka Department for Census and Statistics (Statistical Abstract 2007 – Chapter XIII - Social Conditions, Grave crimes by type of crime, 2002 – 2006, undated, website accessed on 2 May 2008) recorded that in 2006 there were 362 cases of cruelty to children and sexual exploitation of children. The

figures for 2002, 2003, 2004 and 2005 were respectively: 338; 463; 471; 451. [58d]

- 24.10 The age of consent for male-female sex in Sri Lanka is 16. (Avert, Worldwide age of consent, undated, website accessed on 16 May 2008) [64a]
- 24.11 The USSD report 2007 recorded that:
- “The minimum age for employment is 14, although the law permits the employment of younger children by their parents or guardians in limited family agriculture work or to engage in technical training. An amendment to the Employment of Women and Youth Act prohibits all other forms of family employment of children below 14. There were no recent surveys on child labor in the country...Persons under age 18 may not be employed in any public enterprise in which life or limb is endangered. There were no reports that children were employed in the EPZs, the garment industry, or any other export industry, although children sometimes were employed during harvest periods in the plantation sectors and in non plantation agriculture. Sources indicated that many thousands of children were employed in domestic service in urban households, although this situation was not regulated or documented. Some child domestics reportedly were subjected to physical, sexual, and emotional abuse. Employment of children commonly occurred in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops.” [2f] (Section 6d)
- 24.12 “The NCPA is the central agency for coordinating and monitoring action on the protection of children. The Department of Labor, the Department of Probation and Child Care Services, and the police are responsible for the enforcement of child labor laws. The Bureau of Child Protection of the Sri Lanka Police reported 106 complaints of child employment during the year, a fourfold increase over 2006. Information on litigation was not available. Penalties for employing minors were increased from approximately \$9 (1,000 rupees) and/or six months' imprisonment to \$93 (10,000 rupees) and/or 12 months' imprisonment.” (USSD 2007) [2f] (Section 6d)
- 24.13 “The law does not specifically prohibit forced or compulsory labor by children”. (USSD 2007) [2f] (Section 6c)
- 24.14 On 1 April 2007, the Government-controlled *Sunday Observer* reported that in the two months from 1 January to 28 February 2007, over 349 children below the age of 18 had been subjected to crimes such as murder, rape, serious injuries and kidnapping in Sri Lanka. According to statistics produced by the Women's and Children's Bureau (WCB), over 116 girls were raped and 77 were sexually abused. Forty-two children were kidnapped; 22 had been subjected to cruelty. Six children had been sexually abused by their fathers and uncles; four children were killed and five were seriously injured. [16d]
- 24.15 As noted in a letter from the British High Commission in Colombo dated 17 July 2007:
- “Sri Lankan law treats ‘legitimate’ and ‘illegitimate’ children slightly differently and the Constitution does not prohibit discrimination on the basis of birth. The Sri Lankans told the Commission on the Rights of the Child in 2002 that they had removed the different rules applying to maintenance for illegitimate

children (whose mothers can now claim from the father on the same basis as divorced women) and were in the process of establishing whether an other rules needed changing to ensure that their was no discrimination. They made clear their opposition to discrimination on the basis of birth. Nonetheless some civil society groups have suggested a need to equate the lot of illegitimate and legitimate children as birth outside marriage still carries a great social stigma. As far as we can establish there are no legal obstacles to receiving state assistance (education, welfare etc), despite the social stigma attached to illegitimacy. Given Sri Lanka's high literacy, school enrolment and health record, I doubt this is a serious problem." [15b]

- 24.16 Key demographic data about children in Sri Lanka can be obtained from the website of UNICEF, Sri Lanka. [53c]

See also Sections 9: Military Service; 19: Freedom of Religion (Introduction); 13: Prison Conditions; 23: Women; and 25: Trafficking

EDUCATION

- 24.17 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka dated 21 December 2007 noted that:

"Attacks on schools by the parties to the conflict have detrimentally affected children's education in multiple ways. Two hundred sixty-one schools have been recorded by education authorities as physically damaged or destroyed during the entire period of the conflict. Although the extent of the damage varies from minor to total destruction, all physical damage to schools impacts upon children's access to education." [6e] (p11)

- 24.18 The USSD report 2007 recorded that "The law requires children between the ages of five and 14 to attend school, and the government demonstrated its commitment to children through extensive systems of public education and medical care. Approximately 85 percent of children under the age of 16 attended school. Education was free through the university level. Health care, including immunization, was also free." [2f] (Section 5) The female youth literacy rate is 96.6%. (UNIFEM, Gender Profile of the Conflict in Sri Lanka) [66a] (Economic security and rights)

- 24.19 As reported by Save the Children on 23 June 2006:

"Seventy per cent of school children in tsunami-affected areas of Sri Lanka continue to suffer extremely difficult conditions at school, research by Save the Children in Sri Lanka has revealed. A lack of teachers, serious gaps in basic resources such as water and working toilets and shortages of books, desks and chairs are just some of the difficulties identified by the research. Save the Children in Sri Lanka also found that in many cases, children are forced to attend classes being held under hot and noisy zinc-sheet roofs. Another discovery was that despite the prohibition of corporal punishment in Sri Lankan schools, it is estimated that this method of punishment is still favoured by up to 55% of teachers working in the areas covered by the research. These findings come from the first phase of a research project called 'Children's Consultation on Education', conducted throughout March and April 2006. Nearly 1,500 children from areas worst-affected by the tsunami were consulted as part of the project. " [19a]

- 24.20 The Sri Lanka Department of Census and Statistics recorded in their Statistical Data Sheet 2007 (undated, website accessed on 10 September 2007) that in 2006 there were 9,714 Government schools; 93 private schools and 653 Pirivenas [Buddhist monastic colleges] with a total number of pupils close to 4 million in 2006. There were also 15 universities with a total of 65,206 students. [58c]
- 24.21 The UN Security Council Report of December 2007 mentioned six cases of attacks on schools in the districts of Batticaloa, Trincomalee, Jaffna and Vavuniya during the period from 1 November 2006 to 14 September 2007 and the “small but significant number of schools” in the Jaffna district which were occupied by the Sri Lanka security forces. The report went on to mention that “At the height of the conflict in Batticaloa, in April 2007, 105 schools were temporarily closed for several weeks and sometimes months, impacting more than 30,000 children” and that “Many schools in Ampara, Mannar, Trincomalee, Kilinochchi and Mullaitivu were also affected by hosting displaced families since November 2006. Regular attendance of children at school was also affected by the multiple displacements of students, teachers and communities in the Vanni and the eastern districts.” [6e] (p11-12)

See also Section 23: Women

CHILD CARE

- 24.22 As noted in the Save the Children document ‘Home Truths, Children’s Rights in Institutional Care in Sri Lanka’ dated 28 February 2006:
- “Children enter care for a variety of reasons often associated with poverty and family breakdown, offending and abuse. Only 8% of children in voluntary institutions, often labelled ‘orphanages’ were without both parents. And 50% of children admitted to institutions were there due to poverty. There was patchy and limited use of services to enable children to stay with their parents and families and little use of alternative forms of care such as fostering. This was due to a range of issues including lack of availability or knowledge of current schemes; the limited range of alternative services available in most areas; bureaucratic barriers to the use of alternatives and beliefs among probation officers and communities that residential care is the only viable option... Conditions in institutions were inconsistent in voluntary homes and, with a few notable exceptions, conditions for children in state run institutions were extremely poor. In many state institutions there was poor sanitation, inadequate sleeping arrangements and children were not provided with a nutritious diet. The emotional needs of children were rarely met and some fundamental rights were violated. Conditions in voluntary homes were variable with examples of good practice alongside poor conditions similar to those in state institutions. Children strongly resented the lack of privacy, and felt they were not allowed dignity and individuality. Minimum standards exist for voluntary homes but are not adequately monitored and there are no standards for state institutions.” [19b]
- 24.23 As recorded in a letter from the British High Commission in Colombo, dated 17 July 2007, “I spoke to a Tamil contact of mine who recently adopted two Tamil children. His view and his reported view of the local adoption services was that most Tamils have extended families who generally would rally round and

provide a level of support – but they would expect the couple to be married or for the child to be offered for adoption or fostering with a relative.” [15b]

24.24 As reported by Irin on 3 September 2007:

“In Sri Lanka today institutional care is the fate of many children who have been abandoned by their parents. According to UNICEF, out of over 21,000 children in orphanages in Sri Lanka, one or both parents of over 19,000 of them are still alive. UNICEF says in most cases it is a family member who leaves the child at an orphanage...There are currently 488 voluntary children’s homes in Sri Lanka. Most are found in Batticaloa District which has 66, followed by Colombo with 60. Living conditions for children in some of these homes is less than idyllic. According to the UNICEF report [entitled ‘Out of Sight - Out of Mind’, of 24 July 2007], only 12 children’s homes are found to be fully compliant with current standards of care. Most homes are overcrowded and lack sufficient staff to provide the individual attention children need... Many children’s homes in Sri Lanka do not even have sufficient basic facilities such as beds, clean water or adequate sanitation facilities...According to the UNICEF report, 136 orphanages said they did not have a sufficient number of beds: many of the children ended up sleeping on mats on the floor.” [55b]

24.25 “Although many homes allow parents to visit, these visits are often deliberately kept brief and highly supervised, according to the National Child Protection Authority (NCPA). This, observers claim, is so the children do not have the opportunity to complain of staff abuse to a parent who might subsequently lodge complaints against them with the protection authority. Communication with parents and relatives - including letters written home by the children and those received by them - is often closely monitored by orphanage authorities, according to the Women and Children’s Bureau of the Sri Lanka Police Department. The bureau, one of whose functions is to investigate child abuse, is concerned that many children are confined in these orphanages with restricted communication with parents and relatives and often with inadequate supervision or living conditions.” (Irin, Sri Lanka: Orphanages used as last resort by parents of 19,000 children, 3 September 2007) [55b]

24.26 A comprehensive list of NGOs for children operating in Sri Lanka is available from the website of CRIN (Child Rights Information Network) [14]

See also Section 23: Women

CHILD SOLDIERS

24.27 See Section 10 on Abuses by non-government armed forces, Forced conscription.

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25. TRAFFICKING

- 25.01 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, recorded that:

"The law prohibits trafficking in persons, and the legal penalties for trafficking in women include imprisonment for two to 20 years and a fine. For trafficking in children, the law allows imprisonment of five to 20 years and a fine. However, the country was a point of origin and destination for trafficked persons, primarily women and children trafficked for the purposes of forced labor and sexual exploitation...In 2004 the NCPA adopted, with ILO assistance, a comprehensive national plan to combat the trafficking of children for exploitative employment. With the NCPA, police began work on children's issues, including trafficking in children. The programs continued at year's end. The government operated rehabilitation centers for abused children, including those that were trafficked, in Negombo and Kalutara. The centers provided shelter, career guidance, counseling, and legal assistance for victims. The Probation Department worked to reintegrate children with their families. The government also conducted awareness campaigns to educate women about trafficking; however, most of the campaigns, with support from the Bureau of Foreign Employment, were conducted by local and international NGOs. Government programs to monitor immigration with computer programs designed to identify suspected traffickers or sex tourists continued, as did a cyber watch project to monitor suspicious Internet chat rooms." [2f] (Section 5)

- 25.02 The US Department of State's 'Trafficking in Persons Report' released on 12 June 2007, noted:

"Sri Lanka is a source and destination country for men and women trafficked for the purposes of commercial sexual exploitation and involuntary servitude. Sri Lankan men and women migrate legally to the Middle East, Singapore, Hong Kong, Malaysia, and South Korea to work as construction workers, domestic servants, or garment factory workers. However, some have found themselves in situations of involuntary servitude when faced with restrictions on movement, threats, physical or sexual abuse, and debt bondage that is, in some instances, facilitated by large pre-departure fees imposed by recruitment agents...Children are trafficked internally for commercial sexual exploitation, as well as for forced labor. The U.S. government-designated Foreign Terrorist Organization, Liberation Tigers of Tamil Eelam (LTTE), recruited child soldiers in areas outside of the Sri Lankan government's control...Reports also indicate that women from Thailand, the People's Republic of China, and Russia and other countries of the Newly Independent States are trafficked into Sri Lanka for commercial sexual exploitation." [2i] (Sri Lanka Section)

- 25.03 "The Government of Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Sri Lanka is placed on Tier 2 Watch List for its failure to provide evidence of increasing efforts to address trafficking over the previous year, especially in its efforts to punish trafficking for involuntary servitude. Though the government began prosecuting two suspects under its April 2006 anti-trafficking statute, it did not convict anyone for trafficking crimes." (USSD, Trafficking in Persons Report, June 2007) [2i] (Sri Lanka Section)

25.04 “The government did not undertake investigations of immigration officers who may have been complicit in trafficking. There were no public officials arrested for facilitating trafficking, nor were there substantiated reports that any officials were involved trafficking...The Sri Lankan government's efforts to provide protection for trafficking victims improved slightly. While the government relies primarily on NGOs to provide victim protection services, it actively refers victims to these organizations. The police also encourage victims to assist in investigations against their traffickers, and allow foreign victims to obtain employment pending their testimony. For Sri Lankan victims trafficked overseas, the government provides funding to operate shelters in diplomatic missions. For Sri Lankan female victims of trafficking who return to Sri Lanka, only minimal aid is offered in terms of shelter, counseling, and medical care. Sri Lanka does not have a formal procedure to identify victims of trafficking from among vulnerable groups such as women arrested for prostitution; as a result, some victims of sex trafficking may have been jailed or fined for prostitution...Sri Lanka markedly improved its trafficking prevention efforts. The Tourist Board partnered with UNICEF to launch a National Action Plan Project to eradicate child sex tourism. The government broadcast the ‘zero tolerance’ for child sex tourism policy through TV and radio ads, billboards, banners, car stickers, flyers, and in-flight magazines. Sri Lanka has not ratified the 2000 UN TIP Protocol.” (USSD, Trafficking in Persons Report, June 2007) [2i] (Sri Lanka Section)

See also Sections 23: Women; 24: Children; and 29: Internally Displaced People

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26. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT

26.01 As reported in a letter from the BHC, Colombo, dated 25 January 2008:

“We contacted the State Pharmaceutical Co-operation, the chair person of SPC, Mr Ranjith Maligaspe, who said that in Sri Lanka presently, medical care is affordable for the average person. Most conventional medicines are available in Sri Lanka. Government hospitals provide drugs free of charge, unless prescribed outside. Drugs are cheaper at SPC than in the private sector. The SPC deal with 3000 drugs and surgical items, while the private sector supplies about 700 items. Also he added, in comparison most drugs would be cheaper than in the United Kingdom for prescription and dispensing charges. The Healthcare and Nutrition Ministry has banned the prescription of Drugs by their trade names instead insisting on the use of their generic names as of 1st January 2008. This new law applies to doctors in government service as well as in private settings. Objective of this sudden change is, to support the National Drugs Policy of late Professor Senaka Bibile, and to 'ease the burden on the public' and give them 'a quality healthcare service'. The State Pharmaceutical Corporation (SPC) markets drugs under the Generic name and is most of the time very cheaper [sic] than the Branded versions. Thus drugs sold under Generic name are usually cheaper than those sold under the Brand name...For an example drugs that are prescribed by doctors for high blood pressure range from Rs. 7.00 to Rs. 100 each but under the present regulations a drug which has the same effect and quality can be purchased at Rs. 7.00 each.” [15f]

26.02 The WHO (World Health Organisation) Country Health System Profile Sri Lanka (undated, website accessed on 19 May 2008) provides potentially useful general information on the health resources in Sri Lanka. As noted in this document:

“A wide disparity in the regional distribution of health personnel is evident. The Colombo district has a high concentration of most categories of health personnel except public health staff. In 2001, 35 percent of the specialists were concentrated in the Colombo district.” [68b] (Section 4.1)

“The government health sector takes care of healthcare needs of the vast majority of the population. The private sector in health had been small in terms of service provisions and financing. It is only recently that the private sector has been growing mostly in urban areas. The private sector contribution has been mainly in urban areas.” [68b] (Section 4.2)

“Adequate emphasis is given in the past in building physical infrastructure, including facilities and equipment, as a means of developing national healthcare system. This has lead to a countrywide, comprehensive network of health centres, hospitals and other medical institutions.” [68b] (Section 4.2)

26.03 “Almost 60% of Sri Lanka's population relies on the public health-care system. Some 95% of inpatient health care is provided by the public sector. Health care in the public sector comprises both Western and Ayurvedic systems of medicine, though the majority of the population seeks treatment from Western

medicine...Three tiers of public medical institutions provide curative health care. District hospitals, peripheral units, rural hospitals, central dispensary and maternity homes, and central dispensaries provide primary health care. District hospitals are typically the largest of these facilities. Central dispensary and maternity homes are the smallest facilities with inpatient services, whereas central dispensaries are the smallest outpatient facilities. There are some 156 157 district hospitals, 102 peripheral units, 167 173 rural hospitals, 6583 central dispensary and maternity homes, and 404 385 central dispensaries. Within the category of rural hospitals, there are some 15 estate hospitals, most of which do not function effectively because they lack adequate facilities and equipment.

“Provincial and base hospitals provide secondary health care. There are some seven provincial hospitals and 39 base hospitals. These facilities are located in large towns and most are managed by the provincial ministries of health, though the central Department of Health Services manages a few of these hospitals.

“Teaching and specialty hospitals provide tertiary health care. There are some 18 teaching hospitals, including one specializing in Ayurvedic medicine, which is managed by the central Ministry of Indigenous Medicine. The largest hospital in the country is the National Hospital of Sri Lanka in Colombo, which provides specialized health care not including pediatrics, obstetrics, ophthalmology, and dental surgery. For these services, there are separate children’s, maternity, eye, and dental hospitals also located in Colombo.

“There is currently no functioning medical referral system.

“In addition to the three-tiered public health-care system of curative health services, there are 26,552 health units headed by medical officers that deliver preventive health services...Private health practitioners provide mostly curative care. At least half of outpatient curative health care in urban and suburban areas is provided by the private sector. Although there are some full-time, private general practitioners, the majority of doctors in the private sector are also government doctors who work from home, clinics or private hospitals. There are also a number of traditional practitioners in the private sector, mostly in Ayurvedic medicine, and a small number of homeopathic practitioners.” (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p208-209)

- 26.04 A detailed (undated) list of government hospitals, Ayurvedic centres and private hospitals is published on the website Sri Lanka Health (accessed on 21 September 2006). The following government hospitals exist:

Ayurveda General Hospital – Colombo
 Colombo North General Hospital
 Colombo South Hospital – Kalubowila, Dehiwela
 Cancer Institute – Maharagama
 Dental Hospital – Colombo
 Castle Street Hospital for Women – Colombo
 De Soysa Hospital for Women – Colombo
 Eye Hospital – Colombo
 General Hospital – Colombo

General Hospital – Galle
 General Hospital – Kandy
 Lady Ridgeway Hospital for Children – Colombo
 General Hospital – Peradeniya
 General Hospital – Kalutara
 General Hospital – Jaffna
 Sri Jayewardenepura General Hospital – Kotte

[25a]

- 26.05 In addition to these hospitals, the website Sri Lanka Health recorded that further government hospitals exist in the district of Colombo:

National Hospital of Sri Lanka (NHSL) – Colombo
 Teaching Hospital Colombo South (THCS)
 Teaching Hospital Colombo North (THCN)
 Medical Research Institute (MRI) – Colombo
 Mental Hospital – Mulleriyawa
 Mental Hospital – Angoda
 Military Hospital – Colombo
 Chest Hospital – Welisara

[25a]

- 26.06 As noted in the CPA (Centre for Policy Alternatives) document entitled 'HIV/AIDS in Sri Lanka, A Profile on Policy and Practice', dated July 2007

"Health care is financed by the Government as well as by private persons through direct out-of-pocket payments. In recent times, there has been a surge in the use of private hospitals due to overcrowding, long waits and queues at public hospitals. However, since most of the population cannot afford the high private hospital charges, they continue to rely on public hospitals for services, many of which have insufficient resources, infrastructure and staff." [28a] (p3)

- 26.07 The ICRC Operational Update of 17 April 2008 reported that:

"By agreement with Sri Lanka's health ministry, the International Committee of the Red Cross (ICRC) is providing hospitals in Anuradhapura, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu and Vavuniya districts with medical equipment and supplies for the treatment of sick and war-wounded people...Jaffna residents cannot obtain certain health-care services on the peninsula. To ensure that appropriate levels of health care are nevertheless available to them, the ICRC airlifts patients between Jaffna and Colombo twice a week. In March [2008] alone, 54 patients requiring specialized surgery, medical tests or treatment, accompanied by 35 caretakers and 10 medical staff from the Jaffna Teaching Hospital, were transported to Colombo on ICRC-chartered flights. In addition, medical equipment, vaccines prescribed for children through the national immunization programme and drugs for pregnant women were routinely transported on Jaffna-bound flights." [34e]

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 26.08 The CPA report dated July 2007 noted that:

“Although the official number of cases of Sri Lankans living with HIV is 862, the actual figure is much higher as a result of the stigma, discrimination and fear associated with HIV/AIDS. Furthermore, there are probably countless others who are simply unaware that they are infected. Therefore, the actual number of people living with HIV/AIDS is estimated by UNAIDS to be 5,000. UNAIDS/WHO has classified Sri Lanka as a low HIV prevalence country in the South Asia region, with an estimated adult prevalence rate of less than 0.1%... Despite the current low prevalence rate, Sri Lanka is vulnerable to an impending epidemic due to a number of risk factors: the country has large numbers of at risk groups such as sex workers, migrant workers, military personnel, Internally Displaced Persons (IDPs), refugees and drug users and a high incidence of unsafe sexual practices, which includes low condom use and escalating rates of STDs.” [28a] (p4)

26.09 “One of the key problems facing the NSACP [National STD and AIDS Control Programme] is that many STD [Sexually Transmitted Diseases] clinics have inadequate infrastructure, human resources and skilled professionals to manage STDs and HIV/AIDS. For example, in Jaffna there is no doctor trained to deal with STDs and HIV/AIDS. Furthermore, there is no consultant specialising in HIV/AIDS in Kandy, and it is the general practitioners who are treating STD patients. Even at the Infectious Diseases Hospital (IDH), the lab and X-Ray facilities are inadequate. As a PLWHA [People living with HIV/AIDS] stated, ‘presently, only the Colombo hospital is providing ARV treatment, but it would be very easy if they could provide the medicine in at least two or three more hospitals in the country. Upgrading of the facilities is also essential. Some of the main hospitals such as the IDH do not have all the facilities needed, so we have to go to other hospitals to get our tests done which is very problematic for us’. As a result of the ongoing conflict, the North and East Provinces have been severely affected in terms of health care and infrastructure. There is a dearth of trained health staff based in Jaffna and basic facilities such as adequate testing equipment are lacking with reconstruction and development efforts progressing at a slow pace. The STD Clinics have not limited their activities to treatment but also include prevention work through raising awareness. Various actors, including the STD Clinic itself and individual health professionals, have carried out awareness programmes.” (Centre for Policy Alternatives, ‘HIV/ AIDS in Sri Lanka, A Profile on Policy and Practice’, July 2007) [28a] (p15)

26.10 “The World Bank is the major donor to the HIV/AIDS Prevention and Control Programme 2002-2006, funding the NHAPP [National HIV/AIDS Prevention Project] as well as the other programmes within the MOH [Ministry of Health].” [28a] (p22)

“Under [the ARV Treatment Component of] this grant, there is provision for 100 recipients to receive free ARVs [Antiretroviral medication]. The present guidelines followed by the STD Clinic for the provision of ARVs stem from a ‘Guide to Anti-Retroviral Therapy’ by the MOH and World Bank issued in January 2005. According to the guidelines used by the STD Clinic, advice and counselling is provided prior to ARV treatment... One of the main problems encountered by the ARV treatment programme is that many PLWHA are reluctant to come forward to receive treatment. Stigma and discrimination against PLWHA is very high in Sri Lanka, and fears of being ostracised force affluent PLWHA to access treatment outside the country. Furthermore, since free ARVs are provided only by a few STD clinics, particularly in Colombo,

Kolubowila and Kandy many have difficulty in gaining access.” (Centre for Policy Alternatives, ‘HIV/ AIDS in Sri Lanka, A Profile on Policy and Practice’, July 2007) [28a] (p23)

26.11 The CPA report further noted that:

“Organisations such as Nest, Salvation Army, Lanka +, Companions on a Journey and YMCA have programmes for care and support such as providing hospice services, counselling, assisting in obtaining medicine and dry rations, and providing financial support. People from a cross section of society and from across Sri Lanka are being cared for & supported by these organisations. However, many of the organisations providing care and support services are solely funded by private donors. It is also notable that many people in rural areas have difficulty in accessing such care. For example, there are few care and support services in the conflict-affected North and East of Sri Lanka. Many organisations could travel to areas outside Colombo to provide care and support if not for funding constraints. While the work done by these organisations are commendable, filling a vacuum that is essential in the response to HIV/AIDS, several of these organisations lack the capacity in planning and monitoring their programmes to ensure the services are sustainable and have the necessary funding.” [28a] (p21)

26.11 A letter from the British High Commission in Colombo dated 25 January 2007 mentioned that they had contacted a consultant at the National STD/AIDS Control Programme to discuss availability of HIV/AIDS drugs.

“He said that they have all drugs recommended by the WHO. The government provides first grade treatment for HIV patients meeting WHO standards. Drugs for countering opportunistic infections are widely available in pharmacies. Generally prices in pharmacies are lower than in the UK. If an infected person one [sic] admits themselves for treatment in any of the Government medical institutions treatment is free of charge. The World Bank is funding a National STD/AIDS Control Programme.” [15o]

26.12 As noted in the USSD report 2007, “There was no official discrimination against those who provided HIV prevention services or against high risk groups likely to spread HIV/AIDS, although there was societal discrimination against these groups.” [2f] (Section 5)

CANCER TREATMENT

26.13 As stated in information provided to the Home Office by the SCIS (Source Country Information System) Sri Lanka of the ICMPD (International Centre for Migration Policy Development) in November 2004, surgery, chemotherapy and radiotherapy treatments are available in the public sector in Colombo, Kandy, Galle, Jaffna, Vavuniya and Anuradhapura and all kinds of cancer can be treated. In the private sector, surgery, chemotherapy and radiotherapy treatments are available in Colombo, Kandy and Galle and all kinds of cancer can be treated. [69c]

See also Section on Overview of availability of medical treatment and drugs

KIDNEY DIALYSIS

- 26.14 On 9 March 2006 the Government-controlled *Daily News* reported a statement by the Sri Lanka Association of Nephrology and Transplantation (SLANT). As noted in this statement:

“In Sri Lanka the prevalence of ESKD [end-stage kidney disease] is 350 persons/million population adding upto [sic] a total of 6300 persons requiring regular dialysis or transplant... Sadly both the private [sector] and the state together have only 70 dialysis machines operating throughout the country. Of them only 3 institutes (National Hospital, Sri Jayawardenapura and Kandy hospital) are the ones that offer this service for persons suffering from Chronic Kidney disease. It is estimated that at least dialysis machines are required to provide adequate dialysis facilities to those who are already in ESKD. Of transplants, only about 1000 have been performed since the programme was initiated by a team headed by Professor Rezvi Sheriff Professor of Medicine, Faculty of Medicine Colombo University in 1986. There are only 6 fully qualified nephrologists (Specialists in the field of Kidney diseases) in the State sector of Sri Lanka’s health services, reflecting the great paucity of persons available to meet the needs of all those suffering from various stages of kidney disease.” [16a]

MENTAL HEALTH

- 26.15 As noted in the ‘Mental Health Policy for Sri Lanka 2005’ (website of the Ministry of Health, Nutrition and Uva Wellassa Development accessed on 28 June 2005):

“Sri Lanka has one of the best Primary Care Services of its type in the world and is committed to achieving equally high standards in mental health care... Mental illness is extremely common. It has been estimated that some 376,000 Sri Lankans suffer from serious debilitating mental illnesses including bipolar illness, major depression and schizophrenia at any given time. Serious mental illness primarily affects people when they are young. About 10% of the population is thought to suffer from other mental illness such as phobic states, obsessional disorders, somatoform disorders, mood disorders and other forms of delusional disorders. More women than men suffer from depression. Sri Lanka has one of the highest suicide rates in the world. Other key issues which will affect the mental health of the population include the last 20 years of civil conflict and the recent tsunami. Between 20,000 to 40,000 people affected by the tsunami are expected to go on to develop mental illness, most notably depression and medically unexplained symptoms.... The current mental health services in Sri Lanka find it difficult to meet the clinical demands placed upon them. Because more than 90% of the mental health services are concentrated in Colombo and a few major urban cities, the majority of people have to travel long distances to obtain basic services. Such inequities in distribution primarily affect the poor. Most psychiatric facilities offer only a limited range of clinical services.” [67a] (p2)

- 26.16 The Ministry of Health ‘Mental Health Policy 2005’ continued:

“Although Sri Lanka began to decentralize its mental health services long ago, this process has been unduly slow and a major portion of patients are still treated in centrally placed large hospitals. 15 Districts have no inpatient provision... The most important issue to be addressed to ensure

implementation of the national mental health policy is the urgent innovation required to address significant shortages of skilled mental health staff. There are no psychiatric nurses, 13 occupational therapists and only 8 psychiatric social workers and few psychologists. In many countries about 10% of all community staff will be community mental health staff. In Sri Lanka there are none outside just a few areas. A major constraint for mental health services in Sri Lanka is a shortage of psychiatrists. Only 41 Ministry of Health and University psychiatrists are currently available for the whole country. These are unevenly distributed. 11 of the 25 districts have no psychiatrist. It must, therefore be a priority to appoint at least one psychiatrist in every District.” [67a] (p3)

26.17 The Ministry of Health ‘Mental Health Policy 2005’ further noted:

“Natural disasters [like the Indian Ocean Tsunami of 26 December 2004] take a heavy toll on mental health of those affected and can significantly increase the risk of distress, psychological symptoms and mental disorders. Between 30% - 50% of those involved may experience some level of mental distress and/or psychological problems. Between 5 to 10% are likely to develop a recognizable mental disorder. There is also substantial evidence that loss of employment and livelihood, particularly sudden loss, very frequently gives rise to anxiety and depressive disorders. On the basis of the above figures, acute stress is likely to affect some 130,000 to 220,000 people. Of these, about 22,000 to 44,000 people are likely to develop recognizable mental health problems and will need sustained help over the longer term. In the aftermath of trauma, post traumatic stress disorder, depressions, suicidality, addiction, medically unexplained symptoms, or anxiety and dissociative disorders arise (Gersons 2005). The most frequent diagnoses made include depressive and anxiety disorders, somatization disorders, acute stress disorder, and post traumatic stress disorder (PTSD). In addition and especially when families and loved ones are lost suddenly or if there is uncertainty as to their whereabouts, grief reactions may be prolonged and take longer to resolve. However these figures may well be an underestimate given the scale of the tragedy. There will also be many people with pre-existing serious psychiatric disorders where sudden discontinuation of health care including medication will present problems. There may be as many as 6,000 people affected this way in the disaster areas.” [67a] (p7)

26.18 The Ministry of Health ‘Mental Health Policy 2005’ continued:

“Sri Lanka has three major mental hospitals in the Western Province: Angoda (1,700 patients), Mulleriyawa 1 and 2 (1000 patients) and Hendala (300 patients). In addition, the National Hospital situated in Colombo and 11 other General hospitals in urban centers provide specialist facilities for mentally ill patients. Beds provided for mentally ill patients constitute only 4.6 % of total beds in all government hospitals in the country. Rehabilitation of chronically ill patients has been just started and there are centers in several districts. These centers are manned by untrained staff and the resources are also very limited... There are no approved cadres of psychiatrists other than general psychiatrists.... [67a] (p7-8) There are several important NGOs including, Sahanaya in Colombo, Shanthiham in Jaffna and Basic Needs in various districts, Niwahana in Kandy, Nest in many areas and Richmond fellowship. These organizations provide psychiatric assessment and treatment, psychological interventions, rehabilitation for both individuals and families.

Sahanaya, Nest and Shanthiham also have undertaken mental health training programs for medical staff and other health and social care professionals. There are also several International NGO's involved with Sri Lanka such as VSO, IMC, MdM, and IOM who provide essential services.... All the patients receiving mental health services from the government sector receive the services and drugs free of charge. All hospitals with psychiatric services provide drugs identified in the essential drugs list." [67a] (p9-10)

- 26.19 As recorded in the WHO (World Health Organisation) Mental Health Atlas – 2005: Country Profile Sri Lanka (website accessed 17 June 2005), the following therapeutic drugs are generally available at the primary health care level of the country: Carbamazepine, Ethosuximide, Phenobarbital, Phenytoinsodium, SodiumValproate, Amitriptyline, Chlorpromazine, Diazepam, Carbidopa, Levodopa. [68]
- 26.20 As stated in information provided by SCIS (Source Country Information System) Sri Lanka in February 2005, all treatments for acute psychological/psychiatric problems and disorders (severe depression and in particular potential suicide cases) can be provided in the public sector at Angoda and Mulleriawa mental hospitals in addition to the University Unit in the Colombo National Hospital at no cost. Anuradhapura General Hospital, Galle General Hospital and Jaffna Thellippalla Hospital can also provide treatment at no cost. Treatments are limited in the private sector because they are not normally willing to admit this type of patient. SCIS Sri Lanka stated that the total number of psychologists working in the public sector in the country was about 30, while there were 31 psychiatrists (21 in Government hospitals and ten in university units). Figures for psychologists and psychiatrists working in the private sector were respectively four and eight although it was noted that most psychiatrists in the public sector simultaneously worked in the private sector. [69b]
- 26.21 Information provided by SCIS Sri Lanka of the ICMPD in December 2004 noted that treatment for PTSD is available in all private hospitals and clinics in Colombo. Private sector hospitals for this treatment are Nawaloka Hospital, Asiri Hospital, Asha Central Hospital, Durdans Hospital and Apollo Hospital. In the public sector, treatments are available in all teaching and general hospitals in Colombo. Treatments are also available in all teaching hospitals as well as in all private hospitals and clinics in Kandy, Anuradhapura and Jaffna. However, it was noted that there are no regular basic treatments in Sri Lanka for PTSD but only consultation with a psychiatrist. [69a]

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27. HUMANITARIAN ISSUES

- 27.01 A document produced by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled 'Civilians in the way of conflict: Displaced people in Sri Lanka', dated September 2007 recorded that:

"The humanitarian situation of those living in some IDP camps in the eastern districts of Batticaloa and Trincomalee presents cause for concern. Fact-finding missions by human rights groups revealed that the unexpected influx had led to poor conditions in some of the larger camps, with overcrowding and shortages in shelter and toilets. Additionally, IDPs living outside the camps with host families faced hardships as they were wholly reliant on their host families for support in the absence of any schemes to ensure that they were receiving rations from the government... In March 2007, the World Food Programme (WFP) reported that the recent neardoubling of the IDP population had created a major humanitarian challenge for the agency. Nutrition surveys by the government and international agencies showed rising levels of acute malnutrition in the northern Jaffna district as a result of conflict-related disruption of livelihoods and markets, the closure of the A9 highway, and security-related restrictions on farming and fishing. Food assistance for the internally displaced and other vulnerable groups was in short supply for months after the A9 closure, since WFP was only able to transport 20 per cent of the required rations to Jaffna." [54b] (p13)

- 27.02 As noted in a letter from the British High Commission (BHC), Colombo dated 29 October 2007:

"There are now 130,000 IDPs – about 25- 30% of the total population of Jaffna. The majority of IDPs have been forced from their homes when these areas were subsumed by increased high security zones. Some IDPs have been in temporary welfare centres for 12 years or more. Access to these IDPs and other vulnerable groups are hampered by the daily military convoys, which block the essential roads for up to 4 hours. Emergency food supplies are stable. No-one is starving. UN Agencies are busy trying to boost supplies in preparation for the monsoon when offloading supplies will be more difficult. The speed of distribution is not adequate for the needs. UN Agencies are ensuring that 96,000 school children receive one meal a day, an incentive for attendance." [15q]

- 27.03 The BHC letter of 29 October 2007 further reported:

"The cost of living has increased by 100% whereas the food production has decreased by 80%. The ensuing conflict has caused key livelihoods to come to a halt (almost) resulting in no purchasing power for civilians. Fishing is severely restricted to a few hours a day. Some fishermen have to do labour around the army camps before they are given permission to fish. The escalating price of cement and fertiliser has severely hampered construction work and farming production." [15q]

- 27.04 As reported by Irin on 10 March 2008:

"The A-9 closure has been the key date that changed life in Jaffna,' Mirak Raheem, a human rights researcher from the Colombo-based Centre for

Policy Alternatives (CPA), told IRIN. 'Everything else that followed stemmed from the closure.' Jaffna's 632,000 civilian population now depends on the limited number of ships and aircraft for commodities and other essentials such as medicine, according to the Jaffna Food Security Bulletin, January 2008, released by the World Food Programme (WFP), the International Labour Organisation (ILO), UN Children's Fund (UNICEF) and the Food and Agriculture Organization (FAO) on 18 February. However, compared with 2006, the situation on the peninsula has improved. 'The very good cooperation between local authorities and international agencies working in the peninsula has meant there is a wide availability of food and shelter material,' Neil Buhne, the UN Resident Coordinator in Sri Lanka, who recently toured Jaffna, told IRIN." [55e]

See also Sections 28: Freedom of Movement; and 29: Internally Displaced People

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28. FREEDOM OF MOVEMENT

- 28.01 As noted in the US State Department Report 2007 (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

"The law grants every citizen 'freedom of movement and of choosing his residence' and 'freedom to return to the country.' However, the government severely restricted this right on multiple occasions...The war with the LTTE prompted the government to impose more stringent checks on travelers from the north and the east and on movement in Colombo. Tamils were subject to onerous restrictions on fishing in Jaffna and Trincomalee. The government required Tamils, especially those living in Jaffna, to obtain special passes issued by security forces to move around the country. Citizens of Jaffna were required to obtain permission from the army's Civil Affairs unit, or in some cases from the EPDP, in order to leave Jaffna. According to several sources, the waiting list was over five months long. Curfews imposed by the army also restricted the movement of Jaffna's citizens." [2f] (Section 2d)

- 28.02 "The government maintained its closure of the A 9 highway from Kandy to Jaffna. The road closure restricted the movement of passengers and supplies through the LTTE controlled Vanni region, including LTTE headquarters in Kilinochchi. On November 29 [2007], the defense secretary issued a verbal directive prohibiting civilians from traveling from LTTE to government-controlled areas at the A-9 crossing point at Omanthai without special clearance from the government agents in the Tiger-held Vanni. Commercial flights to the Vanni remained suspended, and the LTTE refused to guarantee the safety of civilian flights and of passenger and supply ships operated by the ICRC or the government." (USSD 2007) [2f] (Section 2d)

- 28.03 "Limited access continued to certain areas near military bases and HSZs, defined as areas near military camps, barracks, or checkpoints where civilians could not enter. HSZs extended up to a four kilometer radius from the fences of most military camps. Some observers claimed the HSZs were excessive and unfairly affected Tamil agricultural lands, particularly in Jaffna. In Trincomalee, the president announced the creation of a new HSZ on the land previously inhabited by Tamils before fighting between government security forces and the LTTE caused the Tamils to abandon their homes. The Supreme Court dismissed lawsuits challenging the Trincomalee HSZ under the rationale that allowing them to proceed would inspire more lawsuits than the government could reasonably handle. In addition, the court held that government security measures could not be the subject of a private lawsuit. By year's [2007] end, no plan for compensation existed." (USSD 2007) [2f] (Section 2d)

- 28.04 A letter from the British High Commission (BHC) in Colombo, dated 29 October 2007, noted that:

"The Jaffna] peninsula has been cut off from the rest of Sri Lanka since August 2006, when fighting caused the closure of the only overland link – the A9 road - to the rest of the island. Since then Jaffna has been accessible by civilians only by boat from Trincomalee or aircraft from Colombo... There about 500000 people in the peninsula, which is controlled by about 40,000 government troops. Jaffna town is littered with government checkpoints and surrounded by high security zones. A curfew operates between 1900 and

0430 each night. Compared to the rest of Sri Lanka there is a tighter control over people's every day life. Mobile phones and even bicycles need to be registered with the army. A new family photo ID card has been introduced. During army checks of households, people present who are in addition or absent to the normal household are then treated with suspicion. Several interlocutors reported that each day assailants on motorbikes shoot one or two civilians in broad daylight whilst, after the curfew (1900 to 0430), abductions and robberies take place often close to army checkpoints." [15q]

- 28.05 As recorded in a document by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled 'Civilians in the way of conflict: Displaced people in Sri Lanka', September 2007:

"Freedom of movement - despite being enshrined in the Constitution of Sri Lanka – has been severely restricted as a result of the renewed conflict and the climate of insecurity. In several instances in 2006-2007, restrictions were placed on the right of people to seek safety in other parts of the country. In violation of the Constitution, international human rights standards and the Guiding Principles on Internal Displacement, both government and LTTE policies have prevented people from fleeing their places of origin even when their lives were threatened. However, it is likely that this has in fact encouraged civilians to flee for fear of being trapped in the midst of fighting. It also validates widespread concerns that IDPs are coerced into returning to areas which observers suggest are still unsafe." [54b] (p16)

- 28.06 "The August 2006 closure by the government of the A9 highway linking Jaffna peninsula to the rest of the country paralysed much of the travel in and out of Jaffna. Most of the 600,000 residents of the peninsula were stranded in the face of shelling, widespread abductions and disappearances, and severe shortages of food, medicines and basic supplies. Long curfews were also imposed by government authorities in Jaffna from August 2006 onwards, preventing many people from earning a living. Movement in and out of Jaffna is still only possible by sea or air. Civilians who want to leave the peninsula have to obtain permission from the army's civil affairs unit. In June 2007, at least 15,000 people were waiting to board government ships to leave Jaffna for the relative safety of Colombo." (IDMC/Norwegian Refugee Council, 'Civilians in the way of conflict: Displaced people in Sri Lanka', September 2007) [54b] (p16-17)

- 28.07 "The LTTE continues to maintain draconian restrictions on people living in the Vanni. Each person exiting the LTTE-controlled area has to leave family members behind as a guarantee of their return. The group also only issues passes on the day of travel, limiting the movement of civilians and supplies."

"The freedom of movement remains limited near military bases and 'high security zones' (HSZs) set up by the government to protect strategic installations. The HSZs extend up to four kilometres from the fences of most military camps. Some observers claim the HSZs unreasonably impact Tamil agricultural lands, particularly in Jaffna, where an estimated 18 HSZs have led to many farmers losing access to their lands and livelihoods." (IDMC/Norwegian Refugee Council, 'Civilians in the way of conflict: Displaced people in Sri Lanka', September 2007) [54b] (p17)

- 28.08 On 7 November 2007 the pro-LTTE website, TamilNet, reported that the Sri Lanka Police had introduced new regulations restricting periods of temporary stay for Tamil civilians visiting Colombo from the north and east provinces. To travel to Colombo Tamils would now require letters from the local Grama Sevakar (officers at village level) stating the reason for the visit and they must register their presence. According to TamilNet, some Divisional Secretaries were reported to have instructed the Grama Sevakar officials not to issue letters to persons who wish to travel to Colombo and the new restrictions had already caused difficulties for Tamils travelling to Colombo to attend medical examinations, interviews and wishing to make arrangements to go abroad. [38x]
- 28.09 The CPA (Centre for Policy Alternatives) 'Policy Brief on Humanitarian Issues', dated December 2007, recorded that:
- "Sri Lanka has witnessed several incidents where a citizen's movement has been restricted on the basis of security. The violence and the security restrictions have made movement in and around the North and East in particular extremely difficult. Movement is affected at multiple levels: within the community, in particular localities, within districts, and between districts and regions. As illustrated above, this has a direct impact on lives and livelihoods, increasing the vulnerability of displaced and affected populations... Severe restrictions on movement to LTTE-controlled areas and Jaffna have been imposed over the course of the last two years. In August 2006 the A-9 was closed at Muhamalai and Omanthai. While the Omanthai check point has been opened it is subject to severe restrictions and frequent closures. Similarly, roads entering Vaharai were shut in late 2006 and most recently the entry point to Mannar West and Madhu, the Uliankulam point of entry has been regularly closed with the intensification in fighting in 2007. The Jaffna Peninsula is currently cut off by land, and can only be accessed by air or sea." [28c] (p13)
- 28.10 "Just as movement across the lines of control has become more difficult, so has moving within and to and from the North and the East. In the previous phase of the war in the 1990s and early 2000, the movement of Sri Lankan citizen's movements from the North and East was curtailed through the practice of issuing a pass for civilians to move from the North and East to the South. Though this was established as a security measure, this created massive hardships to the affected communities. In November 2001 and January 2002 fundamental rights petitions challenging the pass system in operation in Vavuniya were filed in the Supreme Court. The Supreme Court held that the practice of the pass system was a violation of one's right of movement and ordered the authorities to do away with it. Currently, there is no pass system but vehicles from the North and East have to obtain a vehicle pass and to undergo security checks." (CPA, 'Policy Brief on Humanitarian Issues', December 2007) [28c] (p14)
- 28.11 The UN Security Council, Report of the Secretary-General on children and armed conflict in Sri Lanka dated 21 December 2007 noted that "LTTE also imposed strict restrictions on the freedom of movement of civilians, prohibiting people from leaving the Vanni [the Vanni refers to Kilinochchi, Mulaitivu and the 'uncleared' areas of Mannar and Vavuniya districts] unless they are provided with an authorized pass." [6e] (p3)

28.12 A letter from the BHC, Colombo, dated 25 January 2008, noted that:

“Travelling to east became quite normal, but the LTTE pass system to travel from LTTE controlled areas to government controlled areas still exists. Especially, Villakku Vaiththan kulam, 1 to 1.5 KM, from Oomanthai check point, whoever travels out of it or enter into Oomanthai are being asked to fill forms, and obtain passes from LTTE. If [asked] to explain it further, between Muhamalai and Oomanthai –(Villakku vaiththan kulam) people who enter are been [sic] asked to fill a form, which consist of questions where they are going, where they are going to stay where they are coming from and the reason. Then they will have to take passes from the LTTE and they can enter. While they exit Muhamala, Oomanthai, they will have to produce the passes that they obtained on their entrance, should be submitted to the LTTE. If anyone is going in vehicles, vehicle passes should be obtained separately. There is a separate pass system for people who are within Vanni area. Security forces don’t accept these passes. Since east is freed by the security forces, this system seems no longer exist in east.” [15f]

See also Section 29: Internally Displaced People

28.13 As noted in the UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka dated December 2006:

“Tamils in Colombo and its outskirts, where there are large Tamil communities, are at heightened risk of security checks, arbitrary personal and house to house searches, harassment, restrictions on freedom of movement, and other forms of abuse since the imposition of new security regulations in April and December 2006. Under emergency regulations, the police are empowered to register all persons within the jurisdiction of each police station. These regulations, which were enacted during the height of the conflict in the 1990s, remain in place and require all residents to register with their local police station. Such registration, which is taking place in Colombo, enables the police to have accurate information on the ethnicity and location of all inhabitants of Colombo.” [6b] (Paragraph 23&24)

28.14 “Tamils [from the North or East] who are able to reach Colombo could be vulnerable to the arbitrary arrests, detention and other forms of human rights abuses Tamils have faced there. It may be noted that Tamils originating from the North and East, in particular from LTTE-controlled areas, are perceived by the authorities as potential LTTE members or supporters, and are more likely to be subject to arrests, detention, abduction or even killings.” (UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka, December 2006) [6b] (Paragraph 34 (a) iv)

POLICE REGISTRATION

28.15 A letter from the British High Commission in Colombo, dated 24 August 2006, noted that:

“The Sri Lankan authorities often require households in predominantly Tamil areas to register all residents. These lists are then used in cordon and search operations to identify people who the police consider need to give a fuller explanation of why they are residing or travelling in a location...Normally the police detain those who have not registered, for further questioning. After a big

push in November and December 2005, when police registration forms were distributed throughout Colombo and which culminated in Operation Strangers Night II, the authorities have become more relaxed about this. In June [2006] there was public discussion about implementing police registration island wide as was done in the past, but nothing has come of this.” [15h]

- 28.16 A further letter from the BHC Colombo, dated 31 August 2006, provided additional information:

“There is no uniformity in the implementation of the police registration. After the new Government took over in Nov 2005, police visited households and issued forms to be completed by the head of the household, asking them to take full responsibility for the information provided and the persons on the list. The form also included questions such as when did you buy the house?, from whom did you buy the house, what was the purchase price?, did you buy the house with the help of a broker?, if so provide details of the broker etc. This form was issued to almost all houses in the Tamil concentrations in the city and suburbs. Generally the police do not say that they are targeting only Tamil households, but collection of completed forms / booklets are only strictly enforced when it comes to Tamil concentrations. The main purpose of these booklets is to assist the Police, when they launch cordon and search operations, to identify visitors or undeclared persons in the area.” [15i]

CHECK-POINTS

Colombo and Government-controlled areas

- 28.17 As recorded by the Immigration and Refugee Board of Canada in their Responses to Information Requests LKA101784.E, dated 22 September 2006:

“News sources from 2006 report an increase in the number of checkpoints and roadblocks in the capital city of Colombo (Xinhua 15 Aug. 2006; AFP 2 June 2006; The Press Trust of India 27 Aug. 2006), as part of an effort to prevent LTTE bomb attacks (ibid.; AFP 2 June 2006). In late August 2006, road blocks were reportedly set up on all the main roads leading to Colombo (TamilNet 28 Aug. 2006), and every vehicle entering and leaving the city was checked (ibid.; The Press Trust of India 27 Aug. 2006). Other security measures in Colombo include parking restrictions along busy roads (Xinhua 15 Aug. 2006), increased military personnel patrolling the streets (Canada 15 Aug. 2006), and body searches of individuals wishing to enter public buildings and shopping centres (AFP 2 June 2006). According to an official at the Canadian High Commission in Colombo, Sri Lanka, some visible [security] measures [implemented since December 2005] include new checkpoints, more frequent searches of vehicles at checkpoints and [a] complete check of intercity buses entering Colombo, forcing passengers to [get off] and vouch for their luggage (Canada 15 Sept. 2006).” [42a]

- 28.18 On 5 June 2007 the pro-LTTE website TamilNet reported that:

“The Sri Lanka’s defence establishment introduced a new security plan for Colombo city with effect from Monday. Colombo city has been divided into three security zones and additional troops from the Sri Lanka Army (SLA) and Sri Lanka Navy (SLN) have been deployed to check all vehicles and movement of civilians....Each key junction in Colombo has been manned by

SLA and SLN troops. Heavy vehicles are subjected to severe checks. The military and police are directed to not allow loitering on roads and junctions without any reason.” [38r]

28.19 On 10 June 2007 Reliefweb (quoting AFP), reported that:

“Tamils, whose national identity cards are written in Tamil, are instantly segregated at check points for a sometimes lengthy grilling. Members of the majority Sinhalese community have an easier time from the Sinhalese-dominated security forces. Tamil visitors to Colombo also need to register with police, who are fearful of Liberation Tigers of Tamil Eelam (LTTE) suicide bombers or assassins infiltrating the city of around 650,000 people... Tamil populated neighbourhoods in Colombo are also periodically cordoned off and swept by security forces, and Tamils have complained of mass arrests.” [31a]

28.20 The Minority Rights Group International briefing ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, dated December 2007 noted that:

“Military checkpoints have mushroomed across the east and the security forces play an active role in most of the civil administration, including the process of resettlement and development of newly captured areas... This is not a phenomenon only seen in the east of Sri Lanka. New reports emerging from the northern Tamil city of Jaffna indicate that a military ID card system is being adopted here too. A record is kept of every person entering into and/or leaving the city. Jaffna has been militarised since it was taken over from rebel control in 1995. During the four-year cease-fire, towns such as Jaffna in northern Sri Lanka and Trincomalee and Batticaloa in eastern Sri Lanka showed some signs of a return to normalcy, with less security checks and military scrutiny. However the past year has seen a complete reversal of this.

“Military checkpoints have emerged across all the main roads in the capital, and whilst undergoing checks, Tamils can be subjected to harassment. In such search operations or at military checkpoints it is quite common for people to be taken in for questioning or arrested on suspicion of involvement with the rebels.” [62b] (p3)

28.21 As reported in a letter from the BHC, Colombo dated 25 January 2008:

“The Supreme Court of Sri Lanka ordered the defence secretary to remove all permanent roadblocks in the city of Colombo. The Supreme Court issued the order after hearing a Fundamental Rights petition filed by a civilian. This unexpected court verdict which was the cause of an extensive debate, has been implemented and most (if not all) permanent checkpoints in Colombo were removed soon after the Supreme Court’s verdict. The court also said permanent checkpoints could not be put up on the roads and after discussing with the local authorities, said at least one side of the road should be reserved for parking of vehicles. The removal of roadblocks has minimised the disturbances caused to civilian life. But after the removal of these permanent roadblocks, there has been an increase in violence. An MP from the United National Party, was shot and killed on January 1 [2008] in Colombo followed a few days later by the murder of Minister D.M. Dassanayake, and two small bomb explosions in Colombo. After a pause, the government has reassessed the security threat; and some checkpoints and cordon and search operations

have restarted although the scale appears smaller than before the ruling. 'Military Spokesperson Brigadier Udaya Nanayakkara confirmed that checkpoints are back.' 'We have 80 checkpoints in Colombo,' he said and emphasised that they are now called snap roadblocks or mobile checkpoints. The Brigadier also said that searching of houses will take place during a certain time and not in the nights. 'We all know that we are under some threat. We ought to take action to protect the people. We are doing our best to prevent any break-in, which may cause harm to the general public. This is all in the name of security,' pointed out Brigadier Nanayakkara. 'If there were no checkpoints then anyone can go anywhere with a bomb. It would be easy for the LTTE to pass their bombs in and around Colombo,' said a source who did not wish to be identified.' (http://lankadissent.com/index.php?option=com_content&task=view&id=3044&Itemid=72). [15f]

- 28.22 The USSD report 2007 recorded that "After the government assumed effective control of the east, both the government and the Karuna group operated checkpoints which impeded the free movement of residents, especially Tamils." As well as that "Security forces at Army checkpoints in Colombo frequently harassed Tamils." [2f] (Section 2d)

Entry/exit points between Government-controlled and LTTE-controlled areas

- 28.23 As recorded on the official website of the Sri Lankan Government's Secretariat for Co-ordinating the Peace Process (SCOPP) on 10 November 2006:

"The A9 highway is the main thoroughfare that links the Jaffna peninsula with the South of Sri Lanka. The highway starts from Jaffna and passes through the LTTE dominated Wanni through to Kandy the hill capital of the country. The A9 highway was closed from 1995 to 2002. At the time, two entry/exit points that regulated movement into the uncleared areas of the Wanni were established. One was the gateway to the government controlled Jaffna peninsula at Muhamalai in the north and the other at Omanthai 98 km away, was the entry point into Wanni from the south. The A9 has remained opened since 2002 and contrary to the misconception propagated by the LTTE, the only part of the highway that is temporarily closed since 11 August 2006 is the entry/exit checkpoint at Muhamalai. The Omanthai checkpoint has remained open and facilitates the movement of goods and people to and from the LTTE dominated areas to the south." [41m]

- 28.24 As noted in the UNHCR position paper of December 2006:

"Following the suicide attack on the Army Commander Lieutenant-General Sarath Fonseka on 25 April 2006, the authorities have returned to pre-ceasefire security arrangements. As a result, many checkpoints have been re-instated on the main roads and in the towns in the North and East or in Colombo, making it particularly difficult for Tamils to travel in government-controlled areas. For those who were born in LTTE-controlled areas (this is indicated on the National Identity Card), it is difficult to cross the checkpoints and they face varying levels of harassment...Apart from the insecurity related to the armed conflict, the LTTE has also restricted movements of civilians out of the LTTE-controlled areas, thus preventing them from moving into government-controlled areas. Even if an individual reaches government-

controlled areas, it does not necessarily mean that she/he will be able to secure the protection of the authorities, particularly if the individual is being targeted for attack by the LTTE, given the LTTE's capacity to track down and target its opponents throughout the country." [6b] (Paragraph 20&22)

- 28.25 The ICRC Sri Lanka Bulletin No. 16 of 3 September 2007 reported that "The Omanthai crossing point, which is on the A9 highway is the main source of access to Kilinochchi and Mullaitivu districts and the northern areas of Vavuniya. The only other point of entry to LTTE-controlled areas is the Uyilankulam crossing point in Mannar on the west coast [closed at a later stage]." [34d]

"The [Omanthai] crossing point, which is manned by government forces on one side and the LTTE on the other, is about 1 km long. This includes the stretch of no-man's land in the middle where members of the ICRC's staff are positioned. Civilians and vehicles carrying goods are checked by both sides before they are allowed to go across... While the crossing point meets a number of humanitarian needs such as family reunions, access to medical services and free passage for ambulances, it also enables vehicles carrying goods to come and go and creates commercial opportunities for the enterprising... The crossing point remains an invaluable conduit for those on either side of it." [34d]

- 28.26 As reported on 19 October 2007 by the *Daily Mirror* (Sri Lanka):

"The military and the LTTE yesterday gave an assurance to the ICRC that there would be no further fighting near the Omanthai crossing point. Earlier, fighting had erupted leading to the closure of the crossing point -- completely cutting off the Vanni from the rest of the country... LTTE controlled areas in the Vanni were in danger of being completely shut off from the rest of the country, indefinitely, after the ICRC announced it had withdrawn from the Omanthai entry/exit point as a result of a security related incident which occurred in the area on Wednesday evening... The crossing point, situated along the A9 highway, which was kept open 5 days a week to facilitate civilian and humanitarian assistance, was the only remaining entry route open to the Vanni after the closure of the Uyilankulam route last month, and also Muhamalai, since fresh fighting erupted in the north... This year, an average of 25,000 people and 4,000 vehicles have passed through the crossing points each month." [11k]

- 28.27 A letter from the British High Commission (BHC) in Colombo, dated 29 October 2007, noted that:

"The check point at Muhumalai on the northern part of the A9 which controls access from government controlled Jaffna for people and goods to and from the LTTE controlled Vanni is likely to remain closed for some time, the area remains subject intense and unpredictable fighting. Controlled access is possible from the south of the Vanni into Government controlled southern Sri Lanka -- although both the checkpoints, at Omanthai (Vavuniya District) and near Mannar are subject to sudden short term closures." [15q]

- 28.28 The ICRC Sri Lanka Bulletin No. 18 of 20 December 2007 (covering the ICRC activities between 20 November and 20 December 2007) reported:

“In the past four weeks, ICRC staff have maintained a constant presence at Omanthai crossing point. Acting as a neutral intermediary, the ICRC has facilitated the crossing of 16,460 civilians and 4,389 vehicles. In addition, 110 trucks transporting fertilizer to farmers in the Vanni region were able to cross on Saturdays thanks to this extended presence of the ICRC following a request by both the Government and the LTTE. After the bomb attacks in Colombo, temporary restrictions on civilian movements from north to south through the Omanthai crossing point were imposed by the Sri Lankan authorities. The restrictions also affected ambulances, humanitarian agencies and cargo trucks. They were lifted on 5 December. There were no restrictions at Omanthai on civilian and other movements from south to north.” [34a]

- 28.29 The Amnesty International report ‘Sri Lanka: Silencing Dissent’, 7 February 2008, noted that:

“Until recently, the LTTE had de facto control over a number of areas in both the north and east of the country. However, following a military offensive by Sri Lankan forces in the east, in the first half of 2007, the areas under LTTE control are now only in parts of the Jaffna peninsula and in the Vanni (south of the Jaffna peninsula). The LTTE has its headquarters in Kilinochchi, in the Vanni, where it has its own ‘police force’ and ‘courts’. A person needing to enter LTTE-controlled areas from Vavuniya must go through a series of checkpoints, first those run by the Special Task Force (STF) and then by the LTTE. Movement between this frontline is closely monitored by both sides, and access has been highly restricted since large-scale combat operations resumed in the north on 11 August 2006.” [3a] (Section 5.1)

- 28.30 The USSD report 2007 recorded that “The LTTE occasionally disrupted the flow of persons exiting the Vanni region through the two established checkpoints. The LTTE regularly taxed civilians traveling through areas it controlled.” [2f] (Section 2d)

- 28.31 The ICRC Operational update of 17 April 2008 reported that:

“ICRC staff are on hand six days a week at Omanthai crossing point to facilitate the smooth passage of vehicles and civilians between areas controlled by the government of Sri Lanka and those controlled by the Liberation Tigers of Tamil Eelam (LTTE). In March [2008], the ICRC ensured the safe passage through the crossing point of over 3,000 vehicles and 33,000 civilians, including more than 170 ambulances and almost 900 patients crossing in both directions.” [34e]

See also Section 31 on Identity cards and travel documents

LODGES IN COLOMBO

- 28.32 As reported by the pro-LTTE website TamilNet on 13 March 2007:

“The law enforcement authority under the direction of Sri Lanka Defence Ministry has formulated a scheme to closely monitor the activities of lodges and boarding houses to strengthen the security in Colombo city. As a first step the Ministry is suspending the registration of new lodges, and is planning to order closure of lodges which fail to provide basic facilities, and to identify lodges which are suspected of having close links with undesirable persons.

The first phase is to be implemented shortly. Under the second phase, lodges assisting terrorist activities would be acquired by the government, and persons running these lodges would be prosecuted in courts under the Prevention of Terrorism Act (PTA) for harbouring terrorists. All lodges and boarding houses would be routinely monitored and checked by special police teams once a week, according to the new security plan.” [38a]

- 28.33 The International Crisis Group document ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007 recorded that:

“In late May 2007, following a claymore attack in southern Colombo, police visited small hotels and guesthouses (‘lodges’) where short- and long-term visitors stay, and told Tamils they would have to leave immediately. The police told one manager that henceforth Tamils would have to do their business in the capital and depart the same day. The government initially tried to claim the expulsions only applied to visitors with no explanation of their business. The informal ban appeared to apply equally, however, to up-country Tamils, who have never previously been involved in any violent attacks. Some Muslims also were told that they had to restrict their visits.” [76a] (p15)

- 28.34 “On 7 June [2007], police swept through Tamil areas of Colombo, rounded up 376 residents without “proper” identification or ‘valid reasons’ for their stay and sent them on buses north to Vavuniya and east to Trincomalee. These forced expulsions provoked local protest and international condemnation; human rights activists and opposition members of parliament accused the government of engaging in ‘ethnic cleansing’. Acting quickly in response to a civil suit filed by an advocacy group, the Supreme Court halted the expulsions on 8 June and ordered the government to return the lodge-dwellers to Colombo. Over the next few days, the majority of those expelled returned to Colombo. The prime minister made an unprecedented public expression of regret and promised there would be no repeat of the expulsions but the damage to the government’s reputation among Tamils was already done.” (International Crisis Group, ‘Sri Lanka’s Human Rights Crisis, Asia Report N°135’, 14 June 2007) [76a] (p15)

- 28.35 In July 2007, the Supreme Court granted leave to proceed to a fundamental rights application to challenge the mass-scale eviction Tamils from lodges in Colombo in June 2007. The court allowed the challenge because it said the anti-torture clauses of the constitution may have been breached. It was announced the hearing would take place in November. (Centre for Policy Alternatives (CPA), Supreme Court grants leave to proceed to case filed by CPA on the eviction of Tamils from Colombo, 26 July 2007) [28b] (BBC News, Tamil eviction appeal to be heard, 26 July 2007) [9d]

- 28.36 As noted in a statement issued on 8 May 2008, “The Centre for Policy Alternatives (CPA) welcomes the Supreme Court order stating that future evictions should not take place unless in accordance with the law and with a judicial order...The petition [to the SC by CPA] held that the evictions violate the fundamental rights of those persons who were so evicted, guaranteed by Article 11, 12 (1), 12(2), 13(1), 13(2) and 14(1)(h) of the Constitution.” [28d]

- 28.37 As reported in a letter from the British High Commission in Colombo dated 13 August 2007:

"291 Tamils were evicted from Colombo District and 83 from Gampaha District just to the north." With regard to the issue of how easy it was to return to Colombo for those who decided to go back by their own means at a later stage the BHC noted that "Legally everyone is entitled to travel to any part of the country – although in practice the security forces are suspicious of any recently arrived Tamil who cannot give a 'valid reason' for their presence. Travelling into Colombo is time consuming and intimidating for Tamils who come from the North and East. There are numerous checkpoints – although anecdotally the situation is more relaxed for those coming from the east following the assertion of government control. If you are coming from government controlled Jaffna you need Security clearance from the military to get a travel pass to Colombo. Tamils from the government controlled east and Jaffna travelling to Colombo will be photographed. If you are coming from LTTE controlled areas, you will be photographed and your details will be collected." [15e]

28.38 The BHC letter of 13 August 2007 further noted that:

"Staying in Colombo is difficult for Tamils who don't have adequate Sinhala language skills. Without Sinhala, if a Tamil person is stopped at a check point he cant [sic] express the reason for staying in Colombo, so they can be easily picked up & harassed. The cordon and search operations seem to target Tamils with casual employment and temporary accommodation. While most detained are released quickly, a proportion end up in more long term detention...Under the law anyone can stay in Colombo without giving any prior notice to the Police or Security forces. The eviction of Tamils was justified by the IGP (Inspector general of police) who said that 'We evicted the people who are staying in Colombo without a valid reason'. But there is no legislation to support that except the High Security Zone rules, which would tend to exclude all civilians from certain areas. People who come to Colombo for administrative issues such as applying for visas, passports or taking exams stay in lodges, because its [sic] cost effective. The export processing zones also require large numbers of casual workers who tend to stay in places of multiple occupation to save money." [15e]

28.39 As reported by the *Daily Mirror* (Sri Lanka) on 29 November 2007:

"When the fundamental rights violation petitions filed against the eviction of Tamil lodgers from Colombo came up in Court, Counsel for the petitioners agreed to consider the court's suggestion [for an amicable resolution] in this matter, since the Prime Minister had tendered an apology. It was also explained that an interim order is in existence preventing the removal of persons without reasonable suspicion and a valid reason...Leave to proceed has already been granted for the alleged infringement of freedom from torture, right to equality and equal protection of the law as well as discrimination on the grounds of race, religion, language, place of birth etc, freedom from arbitrary arrest and detention and freedom of movement and of choosing his or her residence within Sri Lanka. The Supreme Court had already issued an Interim Order directing the IGP not to take any steps to evacuate Tamil persons from Colombo or to prevent them from entering and staying in any part of Colombo. The petitioners are seeking relief and effective redress in respect of infringement of the fundamental rights of a large section (Tamils) of the Sri Lankan society who have been and are being further discriminated against and gravely prejudiced." [11x]

- 28.40 A letter from the BHC Colombo dated 16 May 2008 expanded on the the issue of eviction of Tamils from lodges in Colombo:

“In June 2007, Inspector General of Police Victor Pereira said, ‘Tamils who were loitering in Colombo were given transport to return home unless they had proof of employment there’. However, many people from the north, east and other regions of Sri Lanka who had checked-in at the lodges, were in Colombo for a variety of reasons. Many were coming to look for employment, or undertake studies, or to receive medical treatment, or intending to travel abroad, plus people came to obtain official documents like identity cards or passports. But heavily armed police officers had entered the lodges in the Wellawatte, Kotahena, Pettah and Wattala areas of Colombo and a total of 376 persons were evicted, 291 males/85 females. Only 186 have since returned. It remains that Tamils living in Colombo for short periods of time, particularly in multiple-occupancy residencies, are subject to intense police scrutiny. (Source of a majority of the above was Mr Kandaramy, Executive Director of the Centre for Human Rights Development – CHRD).” [15r]

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29. INTERNALLY DISPLACED PEOPLE (IDPs)

- 29.01 As noted in the US State Department Report 2007 (USSD), Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008:

"The UN High Commissioner for Refugees (UNHCR) reported in December [2007] that there were currently approximately 456,000 IDPs in the north and east. Of these, 312,000 were displaced prior to 2006 by the conflict and the 2004 tsunami, and 208,000 became displaced since the resumption of the conflict in 2006. There is an overlap between the two groups of approximately 65,000 IDPs who have been displaced more than once. An estimated 353,000 IDPs (old and new) live with host families, usually relatives. Since March about 120,000 IDPs have returned to their places of origin in the east. Among the long-term displaced were tens of thousands of Muslims evicted from Jaffna in 1990 by the LTTE, many of whom are still in camps in Puttalam. The government has not permitted other recent IDPs, primarily Tamils, to return home because their places of origins were declared HSZs." [2f] (Section 2d)

- 29.02 "Numerous credible sources reported that the government forced resettlement of thousands of Tamil IDPs to areas other than their original homes. Forced resettlement also resulted in the separation of families, including children separated from parents. In March [2007] UNHCR formally disassociated itself from the government's resettlement efforts in the east, citing forced resettlement of IDPs. UNHCR subsequently resumed cooperation with the government, noting an improvement in its practices, while stating that "some deficiencies remained." According to multiple reports the SLA occupied housing vacated by IDPs in the Trincomalee area. On May 30, the president established an HSZ in the Muttur East area to protect military bases from LTTE attacks, thus denying thousands of Tamil IDPs access to their homes in the village of Sampur and nearby." (USSD 2007) [2f] (Section 2d)

- 29.03 "The UNHCR found sexual abuse to be endemic in IDP camps and engaged in a number of initiatives with local and international NGOs to address the problem. In addition to sexual abuse, numerous credible accounts noted that the Karuna group conducted forced recruitment of children and young adults in IDP camps...Fighting between the LTTE and government forces continued to threaten the safety of IDPs in the north." (USSD 2007) [2f] (Section 2d)

- 29.04 The CPA (Centre for Policy Alternatives) 'Policy Brief on Humanitarian Issues' dated December 2007 noted:

"Communities have been forced into displacement largely due to the violence as military operations and attacks against civilians have intensified... Displacement takes multiple forms. Official recognition as a displaced person requires the registration of that person by the Government. Through official registration the IDP gains access to government food rations, and is in a more advantageous position to be accepted as a beneficiary by humanitarian agencies. There are various categories of persons who sometimes fall through the 'cracks' of official displacement. While many displaced end up in sites such as public buildings or transitional sites which are treated as welfare camps, displaced persons also seek shelter with host families, including friends and relatives... Displaced families living with host families do not always get registered and therefore cannot access humanitarian assistance.

“Another common form of displacement that is not always identified or addressed is ‘night time’ displacement. This is where communities do not move out of their villages or towns but find shelter and security at night communally in public buildings or in particular houses...In addition to being displaced from their homes, communities and local areas, there are also instances where affected families have been separated due to the speed and nature of flight, human security threats and other reasons...Similarly, in addition to force being used to resettle IDPs, there were also reports of families being separated in the speed with which IDPs were taken to transitional sites.” [28c] (p5-6)

29.05 “Displaced families and communities have faced various forms of insecurity... In some instances affected communities have not been able to flee from areas under attack. Civilians in LTTE-controlled Wanni are trapped, as the LTTE is not allowing the free movement of civilians even when the entry/exit points are open. Further, humanitarian agencies have to provide a guarantee that their local staff members will return to the Wanni if they make a visit out. There are also specific incidents where the LTTE has obstructed the flight of civilians. It was reported that the LTTE prevented civilians moving and furthermore, fired at civilians who attempted to flee Vaharai. If civilians do manage to flee LTTE-controlled areas, their security is not guaranteed as the Security Forces and the Paramilitaries view them as LTTE suspects. Tamils from the North and East are finding it increasingly difficult to find refuge in the South of Sri Lanka.” (CPA, ‘Policy Brief on Humanitarian Issues’, December 2007) [28c] (p7)

29.06 The Minority Rights Group International briefing ‘One year on: counter-terrorism sparks human rights crisis for Sri Lanka’s minorities’, dated December 2007 reported that:

“In the immediate aftermath of the capture of the east, the government began returning some displaced Tamil families to their homes. Contravening international law, the displaced were packed in busloads and forced back to damaged homes in deserted villages with no means of supporting themselves and amidst huge security concerns. Local human rights groups have been heavily critical of the forcible return that occurred whilst, in some cases, the military offensive was ongoing, and shelling in nearby villages could still be heard. Nearly four months later, in November 2007, according to a UNHCR statement, forcible return is continuing in the east with local authorities threatening to withdraw their assistance if people do not go back to their homes. But the human rights abuses do not end with forced return. They continue, deeply woven into the everyday lives of minority Tamils and Muslims in the east – carried out by government security forces in the name of fighting terrorism. Returnees are put through intense security measures and face routine checks by the Sri Lankan military.” [62b] (p2-3)

29.07 “Another aspect of the government’s counter-terrorism strategy has been to provide Identity Cards (ID) to all the people who have returned to their homes. This is in addition to the national identity card that all Sri Lankans carry. This new ID has a photograph and basic details of the person including their ethnicity. The ID is meant to prevent rebel infiltration into the villages. However, villagers have expressed their nervousness about the system, fearing it would restrict family visitors, mobility and schooling of children who travel out of their neighbourhood. Another visible feature of the ‘liberated’

areas in the east is heavy militarisation. In the main cities of Trincomalee and Batticaloa, the civil administration has been de facto superseded by the military. [62b] (p3)

See also Section 28 on Freedom of Movement

- 29.08 As recorded in a document by the Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council entitled 'Civilians in the way of conflict: Displaced people in Sri Lanka', September 2007:

"The unexpectedly large number of people displaced has created many humanitarian challenges and protection problems at the IDP camps and welfare centres. Nevertheless, many IDPs have not wanted to go back to their homes unless the insecurity that compelled them to leave is fully resolved... Many of the IDPs who have returned home to eastern and north-eastern areas during the last year, whether voluntarily or involuntarily, have experienced difficulties due to the general security situation, and continue to face the risks of death, injury, loss of shelter and livelihoods and conscription into armed groups. IDPs who have returned to insecure areas cannot be considered to have found a durable solution to their displacement." [54b] (Executive summary)

"It is difficult to determine the exact numbers of internally displaced people in Sri Lanka today due to the overlap between those displaced by the conflict and the 2004 tsunami, and between those displaced by the conflict before and since 2006." [54b] (p11)

- 29.09 "Lack of documentation has proved to be a hindrance for many IDPs. Frequently IDPs fled their homes during shelling or fighting with no time to collect the documents needed to navigate through numerous security checkpoints, and to access relief provisions. The process of acquiring duplicate documentation was complicated by the need to first obtain clearance from the displaced persons' areas of origin, where in some cases the civil machinery had collapsed during the conflict." (IDMC/Norwegian Refugee Council, 'Civilians in the way of conflict: Displaced people in Sri Lanka', September 2007) [54b] (p15)

- 29.10 The International Crisis Group document 'Sri Lanka's Human Rights Crisis, Asia Report N°135', 14 June 2007 reported that:

"Once the IDPs reach the camps run by the government and NGOs [in Eastern Sri Lanka], their ordeal is not always over. Government forces have often worked closely with the Tamil paramilitary group, the Tamil Makkal Viduthalai Pulikal (TMVP), led by V. Muralitharan (better known by his alias 'Karuna'), whose forces have been used to screen incoming refugees and identify those suspected of being escaping LTTE cadres. The TMVP has been given complete access to some government-controlled camps. There have been numerous cases of children abducted by both Karuna's forces and the LTTE from IDP camps in their respective areas of control. Finally, there are several reports of internally displaced people IDPs being forced to return to their homes by government agencies and security forces, in violation of the UN Guiding Principles on Internal Displacement, to which the government has pledged its adherence." [76a] (p8)

See also Section 17: Human Rights Institutions, Organisations and Activists

- 29.11 The UNHCR Statistical Summary of IDP Movements in North-East Sri Lanka for the period 7 April 2006 – 31 March 2008, undated, recorded a total figure of 187,999 IDPs in those areas. [6c]
- 29.12 As noted in the UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka dated December 2006 “In August 2006, 50,000 civilians, including Muslims and Tamils, fled Muttur due to heavy fighting in the area. According to reports, Muslims fleeing from Muttur were subjected to a number of serious human rights violations during flight.” [6b] (Paragraph 29)
- 29.13 “Groups of displaced Muslims have come under particular pressure from community leaders and politicians, as well as senior government officials and security forces to return to their places of origin as quickly as possible. This was illustrated when Sampoor was taken by government forces in early September 2006, precipitating a sudden rush by community and political leaders to return the displaced to Muttur just days after the shelling between the LTTE and government forces had ended and before the situation was sufficiently stabilized. Police officers and government officials toured the displacement sites making public announcements promoting return. Government buses were provided to transport Muslims back to Muttur and deadlines for return were issued by government authorities. The displaced populations were told that displacement sites would be closed, food and water cut and basic assistance stopped, giving them no option but to return. While most Muslim families returned willingly to Muttur, some had serious reservations. Muslims who wished to remain in displacement sites for safety purposes faced opposition from government officials and security forces. UNHCR received some reports of individuals who were physically forced by government officials and security forces to return.” (UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka, December 2006) [6b] (Paragraph 29)
- 29.14 On 4 June 2007 BBC News reported that over the previous 18 months more than 18,000 Tamil civilians had faced a dangerous sea journey from Northern Sri Lanka through the Palk Straits to reach the safety of Tamil Nadu.

“Once they reach India, refugees have a sense of freedom and hope for a better life - but those dreams soon turn into despair. They are accommodated in the main refugee camp near the town of Rameswaram, about 600km (375 miles) south of the state capital, Madras (Chennai). After a few months they are sent to camps in other parts of Tamil Nadu. The camps provide them with food and shelter, but the first few days in the main camp at Mandapam are for most a trying experience. Upon landing, refugees are questioned by police to establish their identities. They try to find out whether they have any links with the Tamil Tigers, which is a banned organisation in India. While many families register without any trouble, some young men accuse police of using a high-handed approach during their investigations, treating most adult males as possible Tiger suspects... If the police suspect that some of the refugees may have links with the rebels, they are sent to designated special camps. ‘The special camps are nothing but prisons,’ says Professor Gladstone Xavier, a social worker operating among the refugees. ‘The special camp inmates are not allowed to go out of the camp at any time. Only by agreeing to leave the country can they leave.’... At present, more than 72,000 thousand refugees

live in over 120 camps across Tamil Nadu. In addition to this, about 22,000 Sri Lankan Tamils are living outside the designated camps. All of them should have registered with the local police.” [9ag]

See also Section 27: Humanitarian Issues

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30. FOREIGN REFUGEES

30.01 As noted in the US State Department (USSD) Report 2007, Sri Lanka:

“The law does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol. The government has not established a system for providing protection to refugees; however, the government cooperated with the UNHCR and other humanitarian organizations in assisting IDPs and refugees. There were no reports of refoulement, the forced return of persons to a country where there is reason to believe they feared persecution. According to UNHCR, 3,559 citizens fled to India during the year. There were reported incidents of child and adult deaths as a result of SLN attacks on boats with refugees in the Palk Strait between Sri Lanka and India.” [2f] (Section 2d)

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31. CITIZENSHIP AND NATIONALITY

- 31.01 As specified on the website of the Department for Immigration and Emigration (accessed on 26 February 2008), ex-Sri Lankans now holding foreign Citizenship or Sri Lankans qualified for grant of Citizenship of a foreign country, who have contributed to the socio-economic development of Sri Lanka are eligible for citizenship. "Provisions were introduced to the Citizenship Act No: 18 of 1948 by the Citizenship (Amendment) Act No: 45 of 1987 for the resumption/retention of Dual Citizenship of Sri Lanka by ex-Sri Lankans/Sri Lankans qualified for grant of foreign Citizenship." [71a]
- 31.02 On 8 March 2004, the Government-controlled *Daily News* reported that a Citizenship (Amendment) Bill had been passed in Parliament. Under the terms of the new legislation, the right of a mother to pass her Sri Lankan citizenship to her child is now identical to that of a father. Hitherto, only a father could pass citizenship to his children. Those over 22 years of age and who have assumed citizenship of another country will be recognised as Sri Lankan citizens upon application made to the Ministry of Interior. Such persons have the option to obtain dual citizenship or may renounce citizenship of the other country and assume Sri Lankan citizenship. [16p] "Changes to regulations under the act have also been recently approved by the Cabinet of Ministers; these changes permit foreign spouses of Sri Lankan women to obtain citizenship on the same basis as foreign spouses of Sri Lankan men. Previously, foreign spouses of male citizens of Sri Lanka were able to obtain citizenship after meeting a one-year prerequisite of residency in the country, while the citizenship or visa applications of foreign nationals married to female citizens of Sri Lanka were considered on a case-by-case basis." (Centre for Reproductive Rights, Women of the World: South Asia, Sri Lanka chapter, undated, website accessed on 19 September 2006) [32] (p220)
- 31.03 As reported by the *Daily Mirror* (Sri Lanka) on 21 September 2007:
- "The government has decided to amend the Citizenship Act, to enable persons of Indian origin and Sri Lankans who fled to India due to war situation, to easily obtain Sri Lankan citizenship. 'The Cabinet has decided to amend the act, as refugees who are living in India are not entitled to become citizens of Sri Lanka under the act since they have been living out of the country,' Media Minister Anura Priyadarasana Yapa told the media yesterday. He said that there were about 80,000 Sri Lankans who have fled to India as refugees due to the 1983 July disturbances and the internal conflict which arose thereafter. 'It is now reported that about 28,500 of them are Sri Lankans of Indian origin and some of them have not yet obtained Sri Lankan citizenship,' the minister said. Minister Yapa also said that a considerable number of them are desirous of returning to Sri Lanka, but they have been unable to obtain the required travel document legally to enter Sri Lanka since they do not have Sri Lankan citizenship. The Cabinet of Ministers have given approval to the memorandum submitted in this regard by the Prime Minister." [11o]
- 31.04 The US State Department (USSD) Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008, recorded that:
- "The 2003 Grant of Citizenship to Persons of Indian Origin Act provides stateless persons, particularly Hill Tamils, the opportunity to gain nationality.

The government took steps to naturalize and provide citizenship documentation to most stateless persons. However, by year's end documentation efforts had not reached some populations which remained vulnerable to arbitrary arrest and detention. According to political parties representing Hill Tamils, there may still be roughly 70,000 Hill Tamils without adequate documentation of their Sri Lankan citizenship." [2f] (Section 2d)

See also Section 20 on Up-country Tamils

IDENTITY CARDS AND TRAVEL DOCUMENTS

- 31.05 The website of the Registration of Persons Department (last accessed on 26 February 2008) specifies what is required in order to apply for identity cards for the first time:

"The applicant should be a lawful resident of Sri Lanka and should have completed [sic] 16 years of age. Documents to be attached with the applications for an identity cards [sic] for the first time. Duly perfected Birth Certificate or presumptive age certificate. If the birth certificate or presumptive age certificate is not available, a nil statement of register of birth and an affidavit should be submitted along with possible documents stated below: School leaving certificate. Baptismal certificate. Copies of children's birth certificates indicating the birth of application [sic]. Birth extract. Citizenship Certificate (if date of birth is indicated). Estate leaving certificate (if date of birth is indicated). Certified copies of relevant pages in the Passport. Record of birth or registration card issued by estate superintendent...Five copies of colour photographs (1 3/8" x 7/8"). Stamp fees...Documents to be furnished to prove residence. Residential certificate issued by the Grama Niladhari. In the absence of such certificate one or more of the following documents should be produced. Certified extract of the electoral list. Certified copy of monthly statement of bank Accounts. Certified copy of telephone bills. Certified copy of electricity bills. Certified copy of the deed pertaining to the ownership of the land or house. If the house is leased or rented, relevant agreement and receipts for payments of rates. Temporary residents should forward the copy of the letter which provided information to the police along with above documents." [48a]

- 31.06 The website of the Registration of Persons Department (last accessed on 26 February 2008) also provides details of the documents to be attached to the application for duplicates for lost identity cards:

"Certified copy of the complaint made to the police regarding the loss of the identity card. Birth certificate or alternative documents mentioned in the above section. Certificate of employment, (if employed) obtained within three months. Number of the lost identity card. Stamps to the value of Rs.15.00. Certificate of residence or other documents mentioned in the above section. Five colour photographs (1 3/8" x 7/8"). Documents to prove that the number has been used...When applying for a duplicate of the lost identity card, the very same particulars in the lost identity card should be indicated in the application." [48b]

- 31.07 A letter from the BHC, Colombo, dated 11 April 2008, reported that:

"I have recently visited the Department of Registration of Persons and the Commissioner A.G.Dharmadasa and his colleagues explained the identity

card application process to me. The Department is the central issuing office for the whole of Sri Lanka and receives up to 3000 applications for ID cards per day. There are also regional branch offices in Jaffna, Kandy and Nugegoda who are able to process applications. Applications must be made in person. There are three types of application:

- First time applications, normally for children on reaching 16
- Persons requiring changes to their ID cards e.g. names, addresses, marital status
- Persons seeking replacements for ID cards that have been lost

Returned failed asylum seekers would in many cases fall into the last category. The procedure for issuing a duplicate for a lost identity card are explained fully on the Registration of Persons Department website at www.rpd.gov.lk

The documents required to support such an application are:

- A police report, or certified copy, regarding the loss of the previous identity card.
- Birth certificate or an alternative document from the following list: presumptive age certificate, school leaving certificate, Baptismal certificate, birth extract, citizenship certificate, certified copies of relevant pages in the passport.
- Documents to prove residence – a residential certificate issued by the Grama Seveka (see below). In the absence of this, the following documents or certified copies should be produced of one or more of: a certified extract of the electoral list, ownership deeds, house lease or rental documents, utility bills.
- Certificate of employment (if employed) obtained within the last 3 months.
- Documents showing the number of the lost identity card and proving that this number has been used.
- Five colour photographs

...Having visited personally the RPD Front Office in Colombo, I can confirm that it provides a fairly quick service to individuals in need of identity documents, because it recognises that many persons travel into Colombo from all over the country for this purpose.” [15g]

31.08 The BHC letter of April 2008 further noted:

“According to the Attorney General's Department, under the Registration of Person's Act it is a legal requirement to produce ID upon request by a Commissioner or any prescribed officer. Failure to produce ID without reasonable excuse can result in the arrest of that person under the Emergency Powers Act. In the Colombo/Gampaha region there are frequent checkpoints where police or military ask to see an identity card. There is also in particular a major checkpoint at Medawachchiya, on the main road north from Kandy where the road splits to Mannar and Jaffna. The ability to travel without an ID card in Sri Lanka though varies in which part of the country you are travelling, how you are travelling and the security situation at a given time. As an example of the importance of an ID card, the Government of Sri Lanka refuses to recognise unmarried partners of UK based staff at the British High Commission and will not issue them diplomatic ID cards. As a result of this the

High Commission has to issue their own identity card to enable them to travel freely. Against this though is the fact that there are huge numbers of so called Hill Tamils residing in the country, possibly up to 300,000 according to UNHCR, who are totally undocumented and many of whom are regarded as stateless by the authorities, yet still manage to live and work here.” [15g]

- 31.09 With regards to the assertion that UNHCR – apparently concerned with the situation faced by Sri Lankan citizens who do not have ID cards - were issuing unofficial, makeshift ID cards, the BHC letter of April 2008 reported that “On 7th April 2008 we contacted UNHCR in Colombo regarding this practice and we were told emphatically that this was not the case and they were not issuing ID cards.” [15g]

- 31.10 The BHC letter of April 2008 concluded:

“The Government of Sri Lanka is very aware of the problems they have in the country regarding identity documents. As they state on the RPD website, the national identity card is ‘the sole document that establishes the identity of persons in order to assist in maintenance of law and order in the country to meet the challenges of the 21st century’. It remains the base document for the issue of a national passport. Both the Registration of Persons Department and the Registrar General’s Department have introduced mobile services to travel around the country in order to issue identity cards and birth/marriage/death certificates to those persons who have previously failed to register or apply for such documents, or require replacements.

The Government of Sri Lanka is also working very closely with the International Organisation for Migration in introducing integrated computerised databases. Previous paper databases relating to Registrar’s records, Grama Seveka records, identity card and passport applications and the Department of Immigration & Emigration records are being inputted onto computer in order to simplify process and ease verification. They have also announced the introduction of a new biometric identity card. They have recently invited tenders from companies looking to produce this document and we await the results of this, but it is envisaged that the new card would hold both photographic and fingerprint data.” [15g]

See also Section 32 on Treatment of returned failed asylum seekers

- 31.11 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 26 February 2008), in Sri Lanka there are five types of travel documents: Diplomatic Passports; Official Passports and Ordinary Passports valid for all countries; Emergency Certificates valid for India and Nepal; Identity Certificates valid for All Countries issued to a person living in Sri Lanka, whose nationality is not established and Non Machine Readable Passports issued by Sri Lanka Missions abroad under special circumstances. “If Travel Document is lost a complaint should be made at the nearest Police Station and with a certified copy of the entry the matter has to be informed to the issuing authority. This document is required when applying for a new Travel Document in place of a lost one.” [71b]
- 31.12 As stated on the website of the Sri Lanka Department of Immigration and Emigration (accessed on 26 February 2008):

“Following are punishable offences. If found guilty upon prosecution imprisonment from 6 months to 5 years and a fine of Rs. 50,000 to Rs. 200,000 can be imposed. Submission of falsified or forged document/s to obtain a Travel Document. Applying for a Travel Document while in possession of such a document and / or possession of more than one valid Travel Document at a time. Despatch of a Sri Lanka Travel Document through the post, courier or another person from / to Sri Lanka without the prior approval of the Controller. For approval written request [in duplicate], Courier letter [in duplicate] and the Passport should be forwarded to the 3rd floor #41 Ananda Rajakaruna Mw Colombo 10 Sri Lanka.” [71b]

- 31.13 As announced on the website of the Official Government News Portal of Sri Lanka on 31 October 2007:

“The Department of immigration and emigration issues about 2000 to 2500 passports a day...In order to reach the out station passport seekers more conveniently the Department has been decentralized with three provincial centers at Anuradhapura, Kandy and Matara. Passports could be obtained at these points under the normal issuing scheme, within five days on the payments of the required fee, mentioned Commissioner of Immigration and Emigration P.B.Abeykoon. There is provision to obtain a passport within 24 hours on the payment of a special fee, otherwise it takes about ten working days to obtain a new passport...The Bribery Commission, the CID and Foreign Employment Bureau were cooperating with the Department in the prevention of forged documents being submitted for passports and visas and the Department had the authority to deactivate any passport issued at any time.” [10b]

- 31.14 A letter from the BHC, Colombo, dated 25 January 2008, reported that:

“The Sri Lankan Department of Immigration and Emigration are introducing a new ‘N’ series passport later this month [January 2008], which contains more safeguards. Several years ago, the Government introduced a ‘same day issue’ service for passport applications. This has proved excellent value for LKR 7,500 (£35), so much so that it is estimated that 85% of all issues are by this process and it is alleged that they can process up to 1000 applications per day. The success of this service has however degraded the issue of the documents. The ALO [the UK Airline Liaison Officer] states that she can identify a ‘same day issue’ passport at a glance, as the speed at which they are issued result in laminates being applied to the details page before the ink is dry, which actually ruins some of the safeguards. Furthermore, in order to meet the deadline, checks are not conducted into the veracity of the supporting documents.” [15f]

- 31.15 The BHC letter of January 2008 further noted:

“Unfortunately, passports are only as good as the issuing officers, or the base documents supplied to support the passport application. Whilst safeguards may reduce the risk of forgery, they do not eradicate the possibility of documents being fraudulently obtained. The government website (www.immigration.gov.lk/html/passports) lists the documents required to accompany a passport application are: an application form, 3 colour photographs, an original birth certificate, personal identity card and a previous travel document if applicable. The Registration of Person’s Department

website (www.rpd.gov.lk) states that the National Identity Card is 'the sole document that establishes the identity of persons'. It is unfortunate therefore that the issue of an identity card is based mainly on the production of a birth certificate." [15f]

- 31.16 "There are measures that the government is taking to address registration issues. The website of the Registrar General's Department (www.rgd.gov.lk) indicated that there are obvious problems in persons registering. On 14th November [2007] they announced that an 'island wide' mobile service would be available for the registration of births, marriages and deaths to facilitate people who have still not obtained their birth, marriage or death certificates. On 2nd January 2008 the same website heralded an E-Population Registry Project aimed at 'providing every citizen a unique identification number at birth which will store basic information about the individual and will be updated at important occasions of an individuals [sic] life'". (BHC Letter, dated 25 January 2008) [15f]

See also Sections 18: Corruption; 29: Internally Displaced People; and 32: Exit – Entry Procedures

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32. EXIT/ENTRY PROCEDURES

32.01 As noted in a report by the Government-controlled *Daily News* published on 25 June 2004, according to a former Assistant Controller of the Immigration and Emigration Department, the Immigration and Emigration Section at the [Colombo] Bandaranaike International Airport had sophisticated equipment and ultraviolet scanning to detect forged passports. He added that a birth certificate was a very vital document for the issue of a passport and that the application form to obtain a passport should be filled in using the applicant's own handwriting. He also said that all particulars in a passport were fed into the computer system and the person who was in charge of the computer placed his signature on the documents of the passport. Furthermore, the embarkation and disembarkation forms should be filled in by the passport holder and that those forms are retained by the Immigration and Emigration authorities at the airport. [16bi]

32.02 On 15 April 2004, the Government-controlled *Daily News* reported, that the Criminal Investigations Department (CID) was probing a massive racket at the Bandaranaike International Airport [Colombo] where several persons had left the country on forged passports.

"Investigations reveal that an organised gang with the assistance of several employees at the BIA have assisted persons with forged passports to leave the airport without their details being included in the computers of the Immigration and Emigration Department. A senior investigator said that these organised gangs used a method to avoid the 'Ghost Image' on the passport to go through the normal immigration channel. The gangs' modus operandi was to get the 'facilitator' introduce the passenger to a minor employee at the BIA and direct the passenger to the counter with the minor employee. The forged passport holder acts according to instructions of the "facilitator" and goes through the Immigration barrier with the normal stamping on the passport.... It was revealed that earlier there was an officer of the National Intelligence Bureau (NIB) sitting next to the Immigration and Emigration Officer at the BIA counter. But during the recent past there has seen no NIB officer next to the Immigration Officer." [16bj]

32.03 As recorded by the Immigration and Refugee Board (IRB) of Canada in their 'Responses to Information Requests (RIRs) LKA102359.E', dated 22 December 2006:

"According to 19 December 2006 correspondence sent to the Research Directorate by an official at the Canadian High Commission in Colombo, the Sri Lankan authorities do not systematically collect statistics concerning the prevalence of forged identity documents such as passports, visas, birth certificates, marriage certificates and death certificates...An article in the November 2006 issue of the Colombo-based magazine *Adoh* reports on the prevalence of human trafficking, forged travel documents and corruption among Sri Lankan authorities. The article, written by an investigative journalist, indicates that government officials and airport security are reportedly bribed to allow persons to depart Sri Lanka using forged documents (*Adoh* Nov. 2006, 7). According to the article, forged visa stickers are often used to leave Sri Lanka illegally and can be purchased at a cost ranging from 3,000 Sri Lankan rupees (LKR) [approximately CAD 32 (XE.com 20 Dec.

2006a)] to LKR 12,000 [approximately CAD 128 (ibid. 20 Dec. 2006b)] (Adoh Nov. 2006, 7). The article also notes that forged passports can be purchased from officials at Sri Lanka's Immigration and Emigration Department for a sum ranging from LKR 20,000 [approximately CAD 214 (XE.com 20 Dec. 2006c)] to 25,000 LKR [approximately CAD 267 (ibid. 20 Dec. 2006d)], more than 10 times the regular passport fees (Adoh Nov. 2006, 8).” [42c]

32.04 The IRB document of 22 December 2006 continued:

“In correspondence sent to the Research Directorate, the Official at the Canadian High Commission in Colombo stated that [f]orged visas are routinely identified by foreign control authorities or airlines at Colombo airport and at transit or destination points connected with Sri Lanka. [It is estimated] that hundreds of persons with some type of forged document are moved monthly through Colombo Airport by criminal syndicates. (Canada 19 Dec. 2006)... According to a Bernama Daily Malaysian News article, in April 2006, Colombo International Airport launched a new fraud detection unit to prevent passengers using forged travel documents from boarding flights (28 Apr. 2006). Correspondence from an official at the Canadian High Commission in Colombo indicates, however, that travel using forged documents continues to increase (Canada 19 Dec. 2006). The Official stated that [f]rom discussions with Gulf state immigration authorities and visa offices using biometrics in Colombo, the identification of improperly issued genuine Sri Lankan documents is growing significantly. This is most visible at the airport by the ever increasing numbers of same day deportees from Gulf States [that use] biometrics on arriving prospective foreign workers. The deportees are invariably those who [have] obtained a passport in a new identity. (ibid.) [42c]

32.05 The IRB document of 22 December 2006 further recorded that:

“The Official [at the Canadian High Commission in Colombo] also indicated that it was possible to obtain valid travel documents and National Identity Cards (NICs) by fraudulent means (ibid.). The Official noted that [a]ccording to sources with knowledge of such matters, forged birth certificates can be acquired for as little as USD 5.00, while genuine, but improperly issued birth certificates can be acquired for as little as USD 20.00 each. With these types of birth certificates, genuine NICs can be issued and afterwards genuine passports. (ibid.)...In 19 December 2006 correspondence, the Official at the Canadian High Commission in Colombo provided information concerning the security features of identity documents. The Official stated that [t]here are no security features in Sri Lankan birth, marriage or death certificates. The Sri Lankan passport contains various security features which, to our knowledge, have not been made public. Sri Lankan seals, visas and foreign visas issued to Sri Lankans do contain a variety of security features which, to our knowledge, have not been made public. (Canada 19 Dec. 2006).” [42c]

32.06 In January 2008, the BHC, Colombo, commenting on the information provided by the IRB that forged and improperly issued birth certificates could be acquired for between US\$5 - \$20 stated that “There is nothing to suggest that this is still not the case.” [15f]

32.07 A letter from the BHC, Colombo, dated 25 January 2008, reported that:

“The UK Airline Liaison Officer (ALO) spends several days a week at Bandaranaike International Airport (BIA), Colombo. She has provided the following information regarding security/embarkation procedures: There are security checks and searches conducted on persons arriving at the airport terminal building. Furthermore, there are ticket checks before persons are allowed into the check-in area. However, persons other than passengers can obtain entry to this area if they obtain a ‘day pass’, which are issued and recorded manually in a register. There appears to be no strict criteria for who actually qualifies for these passes. Following check-in, passengers have to go through further security checks and an immigration embarkation control. There is then a further gate check conducted and hand baggage is searched, although, this is dependent on individual airlines. The ALO expressed concerns about the quality of the staff conducting screenings and searches and the amount of training that they had received. Also, she queried the accuracy of the metal detectors that appeared to be calibrated differently from day to day. Although she had no evidence to suggest that boarding card switches were taking place, she was perturbed by the number of non-passengers appearing at the departure gate. These regularly included off-duty staff members, cleaners, and members of the military and police. Also, members of staff routinely escort passengers joining connecting flights within the terminal. Since an incident involving a senior staff member at BIA in October 2007 (see below), staff had been instructed not to escort persons through security and immigration controls. In reality however, it appeared that nothing had changed. Both the UK and Germany have ALOs who regularly attend BIA. Canada, Australia and the US have compliance officers who occasionally attend. All attempt to influence the Airport & Aviation Authority, and the Department of Immigration & Emigration with regard to embarkation and security procedures.” [15f]

- 32.08 “On 24th October 2007 the UK ALO carried out a gate check on embarking passengers bound for London. She identified two Sri Lankan Tamils who presented forged documentation to her. The two men were as a result detained by the Criminal Investigations Department (CID) at the airport and questioned. They disclosed that they had paid two hundred pounds to Mr Shalitha Wijesundera, the Deputy Chairman of the Airport and Aviation Authority of Sri Lanka, who had facilitated their clearance through the immigration control and told them to wait in the Lotus Lounge until their flight was called. CID was conducting enquiries into the incident and Mr Wijesundera had been asked to tender his resignation. (Source: ALO and The Sri Lankan Sunday Times - 28th October 2007) The ALO has advised that Mr Wijesundera has neither resigned, nor been convicted of any offences.” (Letter from the BHC, Colombo, 25 January 2008) [15f]

See also section 31: Citizenship and Nationality, subsection Identity Cards and Travel Documents

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TREATMENT OF RETURNED FAILED ASYLUM SEEKERS

- 32.09 On 21 March 2002, a Home Office delegation was told in a meeting in Sri Lanka with the Director of the CID that “There are computerised records in the

South of the country only. Details of arrests etc. are sent from the North of the country, and are then transferred to computer. Paper-based records are held in the North. There are no photographs of wanted persons at the airport, only computerised records.” [35b] However, a letter from the BHC, Colombo dated 25 January 2008, noted that “The BHC Risk Assessment Officer has recently visited the headquarters of CID in Colombo, and the ALO [Airline Liaison Officer] works closely with CID at Bandaranaike Airport. Both RAO and ALO recall that they have never seen any CID officers use a computer, and comment that neither their HQ nor airport offices has computers installed. The ALO added that CID officers at the airport record details in a notebook, whilst the RAO stated that officers in Colombo had typewriters on their desks.” [15f] The BHC Colombo had previously reported that “The Sri Lankan authorities have a good IT system to track arrivals and departures at the main airport and are able to track, in most cases, whether an individual is in the country or not. (Letter from the BHC Colombo dated 24 August 2006) [15h]

- 32.10 As reported on the official website of the Government of Sri Lanka on 7 June 2004:

“Sri Lanka signed a Readmission Agreement with the European Community (EC) June 4, in Colombo. This is the first formal Agreement Sri Lanka has entered into concerning the combating of illegal immigration. The Agreement provides a quick procedure for re-admission not only for one’s nationals, but also third country nationals, on the basis of agreed items listed in the Agreement. The Joint Declaration on the Facilitation of Law Enforcement Cooperation, which constitutes an integral part of the Agreement, recognizes the need for the two parties to take measures to combat organized criminal activities, including human trafficking, migrant smuggling and financing for terrorist purposes, which have become grounds for growing concern.” [44d]

- 32.11 A UNHCR position paper entitled ‘Returns of Tamil Asylum Seekers with scars’ dated 1 January 2005, stated:

“UNHCR maintains its position...that ‘Tamil asylum seekers with scars, should they be returned to Sri Lanka, may be more prone to adverse identification by the security forces and taken for rigorous questioning and potential ill-treatment’...Please note that UNHCR’s comments are strictly limited to the risk of adverse identification, rigorous questioning, and potential ill-treatment of returned persons with scars upon their arrival at the airport, not the potential risk of arrest subsequent to the initial interrogation at the airport.” [6r]

- 32.12 As noted in a letter from the British High Commission in Colombo, dated 26 September 2005:

“We have spoken to the International Organisation of Migration locally about returns. They say that to their knowledge most returns are detained briefly and then released to their families. Our Airline Liaison Officer has contacted the Canadian, Australian and German Missions here, to ask about their experiences with returns. All of their experiences are similar. In August [2005] a charter plane returned approximately 40 failed asylum seekers from Germany. The Sri Lankan Police (CID) have told us that these were processed by them ‘in a few hours’. In general, the Sri Lankan Immigration services and CID are informed in advance of the passenger’s arrival. The passenger is handed over to Immigration who briefly interview them and then

hand them to CID. In most cases a record is kept by both of the returnees arrival and they are then allowed to proceed. Usually family are at the airport to meet them. In a few cases CID have detained people where there was an existing warrant for their arrest when they left Sri Lanka. DII (Directorate of Internal Intelligence) may also have an interest in these individuals and keep records on them. There is no reason to think that they have any information regarding asylum claims in the UK or elsewhere. There does not appear to be any involvement in the process by the Sri Lankan Army.” [15d]

32.13 The letter from the BHC of 26 September 2005 continued:

“The role of scarring is extremely difficult to assess, I have not found any detailed reports, but anecdotal evidence is that it can play a part in rousing suspicion. The key issue is not what triggers suspicion, but how suspects are treated. Membership of the LTTE and fundraising for the organisation are no longer criminal offences in Sri Lanka (although they are in the UK) so even if the authorities acted on their suspicion Sri Lankan law gives them limited powers to act. Unarmed members of the LTTE are permitted to operate in government areas under the 2002 ceasefire agreement.” [15d]

32.14 A letter from the BHC in Colombo, dated 24 August 2006, noted that:

“There is strong anecdotal evidence that scarring has been used in the past to identify suspects. In my own conversations with the police and in the media the authorities have openly referred to physical examinations being used to identify whether suspects have undergone military style training. A UK based member of staff who was present during the processing of two recent returns at Colombo airport on 04/08 and 23/08 [2006] reported however that no such examinations took place, and that the returnees, both ethnic Tamils from the north of Sri Lanka were able to make onward journeys with little delay. His observations support more recent claims from contacts in government ministries that this practice has either ceased or is used less frequently. At the very least it appears to only take place when there is another reason to suspect the individual rather than a routine measure for immigration returnees.” [15h]

32.15 The letter from the BHC Colombo dated 24 August 2006 continued:

“Our own experience of the return of failed asylum seekers and the shared information of other missions, particularly the Canadians, and the International Organisation of Migration is quite clear. As we have reported earlier [26 September 2005] the vast majority are questioned for a short period of time to establish identity and possibly on security issues and then released. Normally only when there is an outstanding arrest warrant are individuals detained for longer periods.” [15h]

32.16 As recorded by the Immigration and Refugee Board (IRB) of Canada in their Responses to Information Requests (RIRs) LKA102038.E, dated 22 December 2006:

“In 19 December 2006 correspondence to the Research Directorate, an official at the Canadian High Commission in Colombo provided corroborating information [with regards to the letter from the British High Commission in Colombo dated 26 September 2005] on the return of failed asylum seekers to

Sri Lanka, stating that '[r]eturnees, if identified to the airlines as such by immigration authorities who are removing them to Sri Lanka, have an established process awaiting them upon arrival. First, the Chief Immigration Officer (arrivals) documents the arrival of the person, takes a statement, and determines whether the returnee should be granted entry as a Sri Lankan national. Next an officer of the State Intelligence Service (SIS) documents the arrival and takes a statement. Finally, an officer of the Criminal Investigation Department (CID) of the Sri Lanka Police documents the arrival, checks for outstanding warrants and takes a statement. If there is an outstanding warrant for arrest, the returnee may be arrested. Otherwise, the returnee is free to go.'" [42b]

32.17 The IRB LKA102038.E of 22 December 2006 further recorded that:

"An October 2006 report published by Hotham Mission's Asylum Seeker Project (ASP), an Australian non-governmental organization (NGO) that 'works with asylum seekers in the community' (Hotham Mission n.d.), similarly notes that persons returning to Sri Lanka who have had previous problems with the government of Sri Lanka may be detained by the police upon their arrival (47). According to the report, persons who have been detained or questioned in the past are more likely to be arrested and, because of the state of emergency and ongoing conflict in the country, 'may face further human rights violations, such as torture' (Hotham Mission Oct. 2006, 47). The report also notes that Sri Lanka's National Intelligence Bureau keeps records on people dating back more than ten years and, since 2004, has been using a national computerized database (ibid.)." [42b]

32.18 "The October 2006 Hotham Mission report cites information obtained during consultations with the Sri Lanka Monitoring Mission (SLMM), a body of international observers that monitors the ceasefire agreement between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) (SLMM n.d.), concerning the return of failed asylum seekers (47). The SLMM indicates that if a person returning to Sri Lanka has any previous affiliation with the LTTE, they may be targeted by the police (ibid.). The organization also notes that if a person has previous affiliations to certain individuals or political groups, they may be targeted by the LTTE (ibid.). The SLMM provides the example of persons who have been members of the People's Liberation Organisation of Tamil Eelam (PLOTE), an inactive Tamil militant organization (SATP n.d.), who were still being targeted by the LTTE in Sri Lanka at the time the Hotham Mission report was published (Hotham Mission Oct. 2006, 47)." (Immigration and Refugee Board (IRB) of Canada, LKA102038.E, 22 December 2006) [42b]

32.19 An Amnesty International statement of 17 August 2007 noted that the police Criminal Investigations Division (CID) in Colombo was holding incommunicado three ethnic Tamils who had been arrested on arrival to Sri Lanka after their asylum application in Thailand had been refused by UNHCR. The three men were thought to have been detained on suspicion of having links with the LTTE because they had served prison sentences in Thailand for illegal possession of firearms and were believed by AI to be in 'grave danger of torture'. [3h]

32.20 A letter from the BHC, Colombo, dated 25 January 2008, noted that "The Government of Sri Lanka's decision to abrogate the ceasefire agreement will

reduce further the provision [of] information regarding the treatment of returnees. Ceasefire monitors from Norway and the Sri Lankan Monitoring Mission (SLMM) will have no further role and will be unable to provide any information regarding returnees.” [15f]

- 32.21 “The International Organisation for Migration (IOM) have advised the High Commission that whilst they monitor the persons who return from the UK under the Voluntary Assisted Return Programme (VARP) for up to 2 years, they do not monitor those who are forcibly returned. I was advised that even amongst the VARP returnees there were 2 cases in the last year where individuals have been arrested and detained. The first was a young Tamil male from Jaffna who was going through a reintegration programme in Colombo. Some 6 months after his return, he was stopped at a police checkpoint and detained, as he could provide no evidence of family in the capital. He was held at Boossa prison for one month before release, but is now back in the reintegration programme. The 2nd case also involved a Tamil male who was in the reintegration programme in Colombo. The circumstances of his arrest were somewhat different in that he had travelled to India on forged documentation and was apprehended by CID on his return to Colombo and detained. It could therefore be argued that there might have indeed been justification for this.” (BHC letter, 25 January 2008) [15f]
- 32.22 “IOM have also become involved with returnees who have forcibly been removed from the UK, providing post-arrival assistance. Ostensibly, this is to provide travel assistance to a chosen address. At time of writing IOM had been notified of 32 potential removals under this arrangement, of which they received only 8 returnees. Whilst a majority of the ones that did not arrive undoubtedly earned last minute reprieves in the UK by one means or another, IOM could not be 100% certain that some were not detained on arrival at Colombo Airport. IOM are under instructions not to approach these returnees until they have gone through all of the arrival procedures. FCO Migration Directorate has recently installed a Migration Delivery Officer at the High Commission in Colombo. His role will include liaison between the UK Border & Immigration Agency, the Sri Lankan Department of Immigration & Emigration and IOM, and will assist in the monitoring of such persons following their removal from the UK.” (BHC letter, 25 January 2008) [15f]
- 32.23 As noted in a letter from the BHC, Colombo, dated 11 April 2008:
- “I am aware that a so called ‘catch 22’ situation has been referred to by returned failed asylum seekers. It is claimed that persons arriving in Colombo without a national identity card require such a document to enable them to travel to their areas of origin, in order to obtain documents to support an application for a replacement. It is further claimed that without an ID card a person faces a serious risk of problems or arrest at a checkpoint or as part of a cordon and search operation by police...Were a Sri Lankan national to arrive at Colombo Airport having been removed or deported from the United Kingdom, they would be in possession of either a valid national Sri Lankan passport, or an emergency travel document/temporary passport, issued by the Sri Lankan High Commission in London. The holder of a valid passport would have the document endorsed by the immigration officer on arrival and handed back to him/her. A national passport contains the national ID card number on the laminated details page. I have made enquiries with the Department of Immigration & Emigration at Colombo Airport, and with the International

Organisation for Migration who meet certain returnees at the airport, and both have confirmed that a person travelling on an emergency travel document is dealt with similarly. They too have the document endorsed by the immigration officer on arrival and returned to them. Before issuing an emergency travel document, the Sri Lankan High Commission in London will have details of an applicant confirmed against records held in Colombo. I have been informed that Sri Lankan passports and emergency travel document are acceptable as means of identification for presentation to police officers, whether at checkpoints or at police stations. If a returnee subsequently wishes to obtain a national identity card, they would have to follow the procedures above [see Section 31 on Identity cards and travel documents] and produce the documents listed.” [15g]

32.24 The BHC letter of April 2008 continued:

“Persons who have been abroad and require a birth certificate are able make an application for a replacement birth certificate at the Registrar General’s Department in Colombo. Applicants are required to complete an application form, and whilst it assists if you are able to provide an original birth certificate number or date of registration, for an additional fee (Rs 25) the Department will do a full search of their records. The application forms can be downloaded from a website and applications can be submitted by post. For confirmation of these procedures see www.rgd.gov.lk

In the absence of a birth certificate it is noted that ‘certified copies of relevant pages in a passport’ would suffice in an application for an ID card. A returnee would have an original passport in his/her possession. This would also satisfy the other criteria regarding the number of the previous identity card and whether it had been used, as it would be recorded on the passport.

I am advised that the certificate of the Grama Seveka is required to confirm residence only and takes the form of a letter that is endorsed by an official stamp. They do not confirm identity. A person who for example had been residing abroad for several years could in theory approach any Grama Seveka, and it would depend on an individual interview as to whether a certificate would be issued. It may be that a person, who is in Colombo, but originally resided in Jaffna prior to going to the UK, may be instructed to go to Jaffna to obtain the certificate from the Grama Seveka there. It appears though that there is no hard or fast rule and each application is dealt with on an individual basis and, if that person remained in Colombo at a fixed address for a period, they may be able to obtain a certificate from there. In any event, I am assured that the possession of a passport would enable that person to travel to Jaffna, if required, to obtain the necessary documentation.” [15g]

See also Section 12 on Bail/Reporting conditions and Section 31 on Identity cards and travel documents

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33. EMPLOYMENT RIGHTS

- 33.01 As noted in the US State Department Report 2007 (USSD), Country Reports on Human Rights Practices 2007, Sri Lanka, issued on 11 March 2008,:

"The laws allow workers to form and join unions of their choice without previous authorization or excessive requirements, and the country has a strong trade union tradition. Any seven workers may form a union, adopt a charter, elect leaders, and publicize their views, but in practice such rights were subject to resistance by the management of individual factories and administrative delays by the government in registering the unions. Nonetheless, approximately 20 percent of the seven million person work force nationwide and more than 70 percent of the plantation work force was unionized. In total, there were more than one million union members. Approximately 15 to 20 percent of the nonagricultural work force in the private sector was unionized. Unions represented most workers in large private firms, but workers in small scale agriculture and small businesses usually did not belong to unions. Public sector employees were unionized at very high rates." [2f] (Section 6a)

- 33.02 "Most large unions were affiliated with political parties and played a prominent role in the political process, although major unions in the public sector were politically independent. The Ministry of Labor Relations and Manpower is authorized by law to cancel the registration of any union that does not submit an annual report, the only grounds for the cancellation of registration. Employers found guilty of discrimination must reinstate workers fired for union activities but may transfer them to different locations. Anti union discrimination is a punishable offense liable for a fine of \$176 (20,000 rupees)." (USSD 2007) [2f] (Section 6a)

- 33.03 "The law allows unions to conduct their activities without interference, and the government generally protected this right. The law provides for the right to collective bargaining; however, very few companies practiced it. Approximately 44 companies belonging to the Employers' Federation of Ceylon (EFC), the leading employers' organization, had collective agreements with workers. All collective agreements must be registered at the Department of Labor. Data on the number of registered collective agreements were not available. About half of EFC's 500-strong membership had a unionized workforce. All workers, other than police, armed forces, prison service, and those in essential services, have the right to strike. By law, workers may lodge complaints with the commissioner of labor, a labor tribunal, or the Supreme Court to protect their rights. The president retains the power to designate any industry as an essential service. The law prohibits retribution against strikers in nonessential sectors; however, in practice employees were sometimes fired for striking. The Supreme Court recently intervened to stop public sector trade union actions when they threatened business or government operations." (USSD 2007) [2f] (Section 6b)

- 33.04 "While there is no national minimum wage, 43 wage boards established by the Ministry of Labor Relations and Manpower set minimum wages and working conditions by sector and industry. The wage boards began to increase and harmonize minimum wages in the industries under their supervision. Consequently, the minimum wage in 31 trades increased to \$44 (5,000 rupees) per month in May [2007]. In sectors where there is a daily wage, the

minimum wage is set at \$1.80 (200 rupees). These minimum wages did not provide a decent standard of living for a worker and family. The law prohibits most full time workers from regularly working more than 45 hours per week (a five and a half day workweek). Regulations limited the maximum overtime hours to 15 per week. Several laws protect the safety and health of industrial workers, but the Ministry of Labor's small staff of inspectors was inadequate to enforce compliance. Health and safety regulations did not meet international standards. Workers have the statutory right to remove themselves from dangerous situations, but many workers were unaware or indifferent to such rights and feared that they would lose their jobs if they removed themselves from the work situation." (USSD 2007) [2f] (Section 6e)

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Annex A: Chronology of major events

See also Annex B

- 1948** Ceylon gains independence from the United Kingdom.
- 1956** Sri Lanka Freedom Party wins the general election; Solomon Bandaranaike becomes Prime Minister.
- 1959** Bandaranaike is assassinated. His widow Sirimavo Bandaranaike succeeds him as SLFP leader and Prime Minister.
- 1972** The country becomes known as Sri Lanka.
- 1976** The Liberation Tigers of Tamil Eelam (LTTE) are formed
- 1977** General election is held, won by the UNP. Junius Jayawardene becomes Prime Minister. Civil unrest between Sinhalese and Tamils.
- 1978** New Constitution of the Democratic Socialist Republic of Sri Lanka comes into force.

Jayawardene becomes the country's first executive President. The Tamil language is recognised in the Constitution.
- 1979-1984** Continuing ethnic violence; State of Emergency and mounting Tamil terrorist activity.
- 1985** First attempt of peace talks between the Government and the LTTE fails
- 1986** Violence in the north of Sri Lanka and bomb attacks in Colombo.
- 1987** **29 July:** Indo-Sri Lankan peace accord signed. Indian Peace Keeping Force (IPKF) arrives.
October: IPKF attack the LTTE and regain control of Jaffna. Re-emergence of the JVP which launched an anti-accord campaign.
- 1988** Presidential elections won by the UNP candidate, Ranasinghe Premadasa.
- 1989** State of Emergency, in force since May 1983, repealed. The UNP win the February general elections. IPKF begins its withdrawal from Sri Lanka. State of Emergency re-imposed in June in response to renewed JVP violence.
- 1990** **March:** the last troops of the IPKF leave Sri Lanka. LTTE hostilities renewed and Government offensive launched against Tamil strongholds in the Jaffna peninsula.
- 1991** Further violence and bomb attacks. Assassination of the senior cabinet minister, Wijeratne.
LTTE proscribed in India following the assassination of Rajiv Gandhi, the former Indian Prime Minister.

- 1993** Assassination of President Premadasa killed in LTTE bomb attack.
- 1994** **16 August:** General election and defeat of UNP Government. Chandrika Bandaranaike Kumaratunga appointed Prime Minister, leading the People's Alliance (PA).
9 November: Presidential election. Mrs Kumaratunga is elected, and her mother, Sirimavo Bandaranaike, is appointed Prime Minister.
- 1995** Peace talks held with the LTTE, but they soon break down. Major offensives launched in the Jaffna peninsula and the town of Jaffna is recaptured by the Government.
- 1998** **26 January:** The Government bans the LTTE after a bomb attack on the Temple of the Tooth in Kandy.
4 August: State of Emergency imposed on the whole country
- 1999** **November:** Heavy fighting between LTTE and Government forces. Hundreds killed and LTTE recaptures territory previously lost.
December: President Kumaratunga survives an assassination attempt and is re-elected President three days later.
- 2000** **April-May:** LTTE capture the strategic Elephant Pass and close in on Jaffna.
May-September: The Sri Lankan Army prevent the LTTE from capturing the whole of the Jaffna peninsula and go on the offensive.
10 October: General Election held. The PA retains power but falls short of a majority. The PA forms a coalition Government after support from the EPDP and NUA. Ratnasiri Wickremanayake is sworn in as Prime Minister for a second term, having replaced Mrs Bandaranaike in August 2000.
21 December: The LTTE announces a unilateral month-long cease-fire from midnight of 24 December.
- 2001** **28 February:** The LTTE are among 21 militant groups proscribed in the United Kingdom.
23 April: The LTTE announce the end of their four-month cease-fire, blaming the Government for the failure of peace efforts.
July: The Emergency Regulations (ERs) are lapsed.
24 July: The LTTE attack Katunayake Air Force Base and the adjacent Bandaranaike International Airport. 14 LTTE cadres and 7 military personnel are killed, and military aircraft and passenger planes destroyed.
July-September: President Kumaratunga suspends Parliament after the PA coalition loses its majority.
5 December: General Election held. The UNP obtains 109 seats, thereby defeating the ruling PA who come second with 77 seats. As leader of the UNP, Ranil Wickremasinghe becomes Prime Minister with Chandrika Kumaratunga continuing as President.
24 December: The Sri Lankan Government announces a month-long cease-fire, reciprocating an earlier unilateral declaration by the LTTE.
- 2002** **February:** Sri Lankan Government and LTTE sign a cease-fire agreement with the mediation of Norway. Government lifts ban on LTTE who in turn drop their demand for a separate state.
April: The strategic A9 highway is opened for the first time in 12 years, linking the Jaffna peninsula with the rest of the country.

July: Another vital road opens, the A5 connecting Kandy with Batticaloa, which had been closed since 1995.

4 September: The Government lifts the ban on the LTTE, which had stood since 1998.

16-18 September: The first formal peace talks for seven years between the Sri Lankan Government and the LTTE take place in Thailand.

3 November: Second round of peace talks

November: Velupillai Prabhakaran states that the LTTE were ready to drop their long-standing demand for independence, and would settle for provincial autonomy and self-rule in Tamil-dominated areas in the east and north. However he warned that the Tamils would resume their struggle for a separate state if a political solution could not be reached in the ongoing peace process.

December: At the end of the third round of peace talks it is announced that the two sides had agreed to share power in a federal system. They had agreed on "internal self-determination based on a federal model within a united Sri Lanka".

2003 April: The LTTE suspend participation in the peace talks

November: The LTTE released their proposals for an Interim Self-Governing Authority (ISGA).

President Kumaratunga suspends Parliament and dismisses the ministers of defence, interior and mass communications and assumes those portfolios herself because of what the President termed a "deterioration of the security situation" during the course of the peace process.

2004 February: President Kumaratunga dissolves Parliament paving the way for snap elections, four years ahead of schedule.

March: Renegade Tamil Tiger commander, known as Colonel Karuna, leads split in rebel movement and goes underground with his supporters. The LTTE regain control of the east with a short offensive.

2 April: Early general elections held. Coalition led by President Kumaratunga (UPFA) wins 105 of 225 parliamentary seats, falling short of overall majority. M. Rajapakse sworn in as prime minister a few days later.

April: President Kumaratunga invites Norway to resume its role as a negotiator between the Government and the LTTE.

7 July: Suicide bomb blast in Colombo, the first such incident since 2001

26 July: Norwegian deputy foreign minister V. Helgesen states he had failed to achieve a breakthrough in the stalled peace talks.

26 December: More than 30,000 people killed when massive waves, generated by a powerful undersea earthquake (Tsunami) off the coast of Indonesia, devastate coastal communities in the North, East, South and South West. Hundreds of thousands forced from their homes. National disaster is declared by Government.

2005 June: Deal reached between the Government and the Tamil Tiger rebels to share nearly \$3bn in tsunami aid among Sinhalese, Tamils and Muslims (a.k.a. P-TOMS). Marxist party JVP pulls out of coalition in protest. A subsequent Constitutional Court ruling in July suspends the application of the P-TOMS

August: State of Emergency is declared after foreign minister Lakshman Kadirgamar is assassinated.

November: Mahinda Rajapakse, at the time prime minister, wins presidential elections.

- 2006**
- February:** At talks in Geneva, GOSL and Tamil Tiger rebels declare their respect for the 2002 ceasefire.
- April:** Explosions and rioting in Trincomalee. The main military compound in Colombo is attacked by a suicide bomber (at least eight people are killed). The army launches air strikes on Tamil Tiger targets.
- June:** 64 people are killed in a mine attack on a bus in Anuradhapura district. A few days later, more than 30 people are killed in a battle between Government forces and Tamil Tiger rebels in the Mannar district.
- August:** Clashes between Tamil Tiger rebels and Government forces in the north-east, considered the worst fighting since the 2002 ceasefire. Hundreds of people are killed and the UN says tens of thousands have fled.
- September:** The Government says it has captured Sampur (in the Trincomalee district) in an action seen as the first major capture of enemy territory by either side since the 2002 ceasefire.
- October:** A suicide bomber attacks a military convoy, killing more than 90 sailors. The southern city of Galle is attacked by Tamil Tigers. Peace talks resume in Geneva but fail over the LTTE's demand that the Government re-open the key A9 highway.
- November:** Prominent Tamil MP Nadarajah Raviraj, a former mayor of Jaffna, is shot dead in Colombo by gunmen.
- December:** the Government announces revised though emergency regulations.
- 2007**
- January:** After weeks of heavy fighting the military announces the capture of the Tamil Tiger stronghold of Vakarai, in the east. Tens of thousands of civilians flee the area. President Rajapakse's Government secures a parliamentary majority after 25 opposition MPs defect to its ranks.
- March:** Government troops claim continuing success against the Tamil Tigers rebels in coastal areas in the east. Thousands of civilians flee the fighting. Tamil Tigers launch their first air raid, hitting a military base next to the Katunayake Colombo international airport.
- June:** Police evict hundreds of Tamils from lodges in Colombo, citing security concerns, but the Supreme Court orders an end to the expulsions.
- July:** Government declares it has gained control of Thoppigala – the LTTE's last jungle stronghold in the east.
- 22 October:** The LTTE launch a joint ground and air attack against the Government air force base at Anuradhapura, resulting in the destruction of eight aircraft. 20 members of the 'Black Tigers' suicide squad were reported killed with 9 victims from the Government forces.
- 2 November:** The leader of the Tamil Tiger rebel political wing S.P. Thamilselvan is killed in a raid by the Sri Lanka Air Force.
- 2008**
- 1 January:** Main opposition United National Party (UNP) MP T. Maheshweran is shot dead in a Hindu temple in Colombo.
- 2 January:** the Government decides to abrogate the six-year-old ceasefire agreement (CFA) with the Tamil Tigers.
- 8 January:** Nation Building Minister D.M. Dassanayake is killed by a roadside bomb planted by suspected Tamil Tiger rebels, 19 km north of Colombo.
- 16 January:** the CFA officially ends.
- March:** The IIGEP (the International panel to monitor investigations into alleged human rights abuses), announces that it is leaving the country.
- April:** Highways Minister J. Fernandopulle is killed in an explosion near Colombo blamed on Tamil Tiger rebels.

Dozens of soldiers are reported killed in clashes between Government troops and Tamil Tigers in the north.

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Annex B: Timelines

SATP (SOUTH ASIA TERRORISM PORTAL) SRI LANKA TIMELINE FOR THE PERIOD 1 FEBRUARY – 12 MAY 2008)

The section of the South Asia Terrorism Portal (SATP) Sri Lanka timeline reproduced below covers the period 1 February – 12 May 2008 [37c] For incidents prior to February 2008 go to the SATP website. [37i]

- February 1**
- Troops killed 10 LTTE militants and neutralized 10 of their bunkers in an attack at the Muhamalai FDL in Jaffna district. Two soldiers were killed six others were injured in the incident.
 - At least eight LTTE militants were killed when the troops attacked a group of the outfit's militants in the Andankulam area of Vavuniya district.
 - Troops attacked two LTTE bunkers in the Janakapura and Kokkuthuduvai areas of Vavuniya district and killed four militants.
 - Troops in the Sirukulam and Chettukulam areas of Mannar district during an encounter killed three militants.
 - Two civilians were killed by the LTTE militants in the Kachchai and Kodikamam areas of Jaffna district.
 - Troops recovered the dead bodies of four LTTE militants lying in shrubs in the Vavuniya district.
 - Five soldiers were injured due to the explosion of an LTTE booby trap at Mullikulam in the Mannar district.
 - Three soldiers were injured due to the explosion of an anti personnel mine at Mullikulam and Kokkuthuduvai in the Vavuniya district.
 - Nine LTTE militants surrendered to the troops at Murunkan in the Mannar district. Eight of those militants were active in the jungles surrounding Mannar while the remaining one was active in the Vavuniya district.
 - The Sri Lanka Navy Commander Wasantha Karannagoda claimed that the LTTE leader Velupillai Prabhakaran was not capable of leading his organization due to immense pressure from the armed forces. With reference to intelligence reports the Commander said that Prabhakaran is either injured or indisposed, adding, "The victory is coming soon but I don't want to indicate an exact time frame."
- February 2**
- At least 20 passengers aboard a bus were killed and 50 others injured when the LTTE militants detonated an explosive device at Dambulla bus stand in the Matale district. The bus was to play on the

Kandy - Anuradhapura road. Initial reports quoting Dambulla police said that many Buddhist devotees on a pilgrimage to the sacred Anuradhapura city were among the dead and injured.

Troops killed 16 LTTE militants during separate confrontations in the Sirukulam, Andankulam and Kokkuthuduvai areas of Vavuniya. Two soldiers sustained injuries during the confrontation at Kokkuthuduvai.

10 LTTE militants were killed during confrontations with the troops in the Parappakandal and Vannakulam areas of Mannar district. Troops also neutralized three bunkers of the outfit.

Eight LTTE militants were killed by the troops during an encounter in the Villattikulam area of Vavuniya district.

During another confrontation between the two sides in the Periyapanchurichchan and Navakkulam areas of Vavuniya district, troops killed seven LTTE militants.

Five LTTE militants were killed by the troops in the Kallikulam area of Vavuniya district. One soldier was also injured during the confrontation.

February 3

At least 12 persons were killed and around 100 injured, 10 of them critically, when an LTTE female suicide militant blew herself inside the Colombo Fort Railway Station. The bomber who apparently arrived at the railway station in a train blew herself opposite the station cafeteria on platform number three at 2.10pm. The head of the suicide cadre was lying on the platform along with a cellular phone connected to a handsfree kit. "They (LTTE) would have targeted Security Forces personnel who were returning to their bases after rehearsals at the Galle Face Green," an unnamed military official said.

Earlier in the day, at least seven civilians, including two children, were injured in a low intensity grenade explosion inside the Dehiwala Zoological Garden on the outskirts of Colombo.

Troops attacked a LTTE bunker line in the Koilmoddai area of Mannar district and killed eight militants. One of the outfit's bunkers was also destroyed in the incident.

Three LTTE militants were killed and three of their bunkers were neutralized by the troops during two separate attacks in the Muhamalai area of Jaffna district.

Three LTTE militants and a soldier were killed during a gun battle in the Periyapanchurichchan area of Vavuniya district.

Troops launched an attack on an LTTE bunker in the Kallikulam area of Vavuniya district and killed four militants.

In the Kokkuthuduvai area of Vavuniya district, troops killed four militants.

Four more LTTE militants were killed by the troops during an encounter in the Madu area of Vavuniya district.

Troops killed four LTTE militants who were roaming in the jungle areas of Karampaikkulam and Adampan in the Mannar district.

Troops on a search operation shot dead four LTTE militants in the Koilmoddai area of Mannar district.

At least three LTTE militants were killed and three of their bunkers destroyed by the troops during two separate clashes in the Muhamalai area of Jaffna district.

February 4

At least 13 persons were killed and 17 others injured when LTTE militants detonated a claymore mine targeting a civilian bus, plying from Parakaramapura to Janakapura, at Kobbekaduwa junction in Welioya, 200-metres away from the 223 Brigade headquarters. The dead include five soldiers and two women.

Three soldiers were injured in a LTTE-triggered claymore mine at Galge in the Buttala area of Badulla district. One of the injured soldiers died later.

An explosion occurred at Dandeniyawatta in the Moratuwa area of Colombo District. Separately, an IED that had been planted at the foot of an electricity transformer at Wijesiriwardane Mawatha in the Mt Lavinia went off damaging the transformer. However, no casualties were reported in the incidents.

Troops in a series of clashes with the LTTE militants at Andankulam in the Vavuniya district killed at least 12 of them.

Troops killed at least six LTTE militants during clashes in the Andankulam, Kaddutaddamalai and Kokkutoduvai areas of Vavuniya district. One soldier was injured during the clashes.

LTTE militants opened fire towards the troops in the Periyapanndivirichchan area of Vavuniya district and in the ensuing gun-battle, two soldiers and a militant were killed while another soldier sustained injuries.

February 5

The troops confronted a group of LTTE militants in the Janakapura area of Vavuniya district and killed nine of them and injured nine others.

During an encounter in the Kokkuthuduvai area of Vavuniya district, four militants and three soldiers were killed while 14 soldiers sustained injuries.

During a clash between the two sides at Janakapura in the Vavuniya district, the troops shot dead at least six militants. One soldier sustained injuries during the clash.

At Umayarathuwankulam in the Vavuniya district, troops attacked and captured a LTTE bunker killing five militants.

The troops stormed the LTTE trench line in the Periyathampane area of Vavuniya district and killed four militants.

Two soldiers and a militant were killed when clashes erupted between the two sides at Adampan in the Mannar district.

Three LTTE militants were killed by the troops in the Kaduthodamalai area of Vavuniya district.

February 6

12 LTTE militants were killed when the troops deployed at the FDLs in the Nagarkovil area of Jaffna district stormed the outfit's bunkers at about 5.30am. Five soldiers were also injured during the clash. Troops with the assistance of T-55 battle tanks completely destroyed 30 bunkers - four in the Nagarkovil area, 10 in the area north of A-9 and 16 in the Kilaly area.

At least 10 LTTE militants were killed and several others wounded when troops confronted a group of militants in the Welioya and Kokkuthuduvai areas of Vavuniya district.

Six SLN personnel were killed and one was rescued when the Sea Tigers [cadres of the sea wing of the Liberation Tigers of Tamil Eelam (LTTE)] attacked the SLN vessel in the seas off Thalaimannar.

Two groups of soldiers who were on an ambush in the Periyapanndivirichchan area of Vavuniya district shot dead four LTTE militants and injured at least nine others.

At Kokkuthuduvai, the troops killed four more LTTE militants during another clash.

Army snipers killed three LTTE militants in two separate incidents in the Parappanikulam and Sirukulam areas of Mannar district.

February 7

Troops confronted a group of LTTE militants in the Umayaratuvankulam area of Vavuniya district and killed at least 10 of them.

Five LTTE militants, including an area leader, were killed and 10 others injured by the troops during an encounter in the Muhamalai and Nagarkovil areas along the A-9 road in the Jaffna district. One soldier was killed and five others sustained injuries during the clash.

At Periyapanndivirichchan in the Vavuniya district, the troops attacked a LTTE bunker and killed four militants while injuring six others. Two soldiers were also wounded in the incident.

Two LTTE militants and a soldier were killed during a gun-battle between the two sides in the Janakapura area Vavuniya district. 10 militants and a soldier were injured in the incident.

An army captain, a soldier and a Buddhist monk were arrested for having close links with a top LTTE leader named Ramesh alias Charles, who was reportedly involved in the recent bomb blasts in Colombo and the suburbs.

February 8

The Army captured a one-square kilometer area to the south of Adampan Tank in the Mannar district after clashes with the LTTE militants. 12 militants and two soldiers were killed during the clashes. Five more soldiers sustained injuries in the operation.

Eight LTTE militants were killed by the troops in an ambush in the Sinnapantrichurichchan area of Vavuniya district.

Eight LTTE cadres were killed by the troops during a gun-battle between the two sides at Andankulam area of Vavuniya district. Three soldiers were injured in the incident.

Five LTTE militants were shot dead by the troops in the Sirukulam, Kallikulam and Adampan areas of Mannar district.

February 9

15 LTTE militants and three soldiers were killed during a gun-battle between the two sides at Periyapantrichurichchan in the Vavuniya district. Seven soldiers were also injured.

Six militants were killed during three separate incidents at Mullikulam in the Mannar district.

The troops launched an attack towards a group of LTTE militants constructing a bunker line in the Muhamalai area of Jaffna district and killed five militants.

Troops killed four LTTE militants during separate encounters in the Chettukulam, Ittikandal and Nedunkandal areas of Vavuniya district.

During an encounter at Kokkuthuduvai in the Vavuniya district, the troops killed three militants.

Three LTTE militants were shot dead by the troops during separate encounters in the Koilmoddai and Navakkulam areas of Vavuniya district.

The troops shot dead three LTTE militants in the Periyapantrichurichchan and Umayaratuvarankulam areas of Vavuniya district.

The troops launched two separate attacks on the LTTE militants at Periyapantrichurichchan areas of Vavuniya district and killed three militants.

Three separate attacks launched by the troops at LTTE militants operating in the Muhamalai and Nagarkovil areas of Jaffna district caused the death of three militants.

The LTTE chief Velupillai Prabhakaran had no option but to give up arms and join the political mainstream as the Sri Lankan forces were marching ahead remarkably against the outfit, Army Chief Sarath Fonseka said. "LTTE leader V. Prabhakaran should realize that he cannot go ahead with his military campaign. They have no option other than to give up their struggle and enter the political mainstream," he told the state-run Sunday Observer.

February 10 11 LTTE militants were killed during separate clashes with the troops in the Sirukulam, Karampaikkulam, Adampan and Parappakandal areas of Mannar district.

The troops killed eight LTTE militants and destroyed two of their bunkers at Kallikulam in the Vavuniya district.

Six LTTE militants were killed by the troops in the Janakapura area of Vavuniya district.

Troops operating ahead of the Mullikulam FDL in the Mannar district confronted a group of LTTE militants and killed six of them.

Troops opened fire towards a tractor carrying LTTE militants in the Sivarayankulam area of Vavuniya and killed three militants.

February 11 Six LTTE militants were killed by the troops during two separate encounters between the two sides in the area south of A-9 in the Muhamalai region of Jaffna district.

At least 13 LTTE militants and 10 soldiers were killed during a gun-battle between the two sides in the Andankulam area of Vavuniya district. The troops destroyed 12 LTTE bunkers and also injured an unspecified number of militants. 25 soldiers were reportedly injured in the incident.

At Udayanathankulam in the Vavuniya district, troops attacked and neutralised a LTTE bunker, killing at least eight militants.

The troops killed five LTTE militants during an encounter at Periyapandirichchan in the Vavuniya district.

The troops opened fire towards a group of LTTE militants in the Sirukulam, Karampaikkulam and Nedunkandal areas of Mannar district and killed five of them.

The troops during a raid on an LTTE bunker in the Kallikulam area of Vavuniya district killed four militants.

At Kokkuthuduvai in the Vavuniya district, during a clash with the LTTE cadres the troops killed four militants while destroying one of their bunkers.

- During a clash that erupted between the two sides at Mullikulam in the Mannar district, the troops killed three LTTE militants. One soldier was wounded in the incident.
- February 12 During an encounter between the two sides at Villattikulam in the Vavuniya district, the troops killed at least seven LTTE militants and subsequently recovered the dead body of one of the slain militants.
- Six soldiers were killed and 10 others injured when LTTE militants fired artillery shells at the densely populated Thalladi town damaging the St. Sebastian Church in Mannar.
- Four LTTE militants were killed when the troops opened fire towards them in the Andankulam area of Vavuniya district.
- At Kokkuthuduvai in the Vavuniya district, the troops clashed with some infiltrating LTTE militants killing at least three of them while injuring six others.
- The LTTE are reportedly among six blatant violators of human rights singled out by the UN for recruiting underage children in armed conflict and using rape and other forms of sexual violence against them. The UN Security Council criticised the continuing recruitment and use of children in armed conflict and deplored the systematic use of rape and other forms of sexual violence against them.
- February 13 At least 13 LTTE militants were killed by the troops in the Parikariperiyakulam and Umayaratavarankulam areas of Vavuniya district. A soldier was injured during the incident.
- The troops clashed with the LTTE militants in the Periyathampane area of Vavuniya district and killed at least seven militants.
- Four LTTE militants were killed by the troops when clashes erupted between the two sides in the Thaddankulam area of Mannar district.
- Three LTTE militants were killed and three of their bunkers destroyed when the troops stormed the LTTE bunker line in the Sirukulam area of Mannar district.
- The troops killed three LTTE militants and injured nine others in the Andankulam area of Vavuniya district.
- Addressing a media briefing in Colombo the military spokesman Brigadier Udaya Nanayakkara said in the period between January 30 and February 12, 475 LTTE militants were killed and many more injured during the fighting between the SFs and the militants in the North. He put SFs losses at 39 killed and 178 injured. 46 civilians were also killed during the two-week period while 179 civilians sustained injuries.
- The ICRC said it was deeply concerned about the growing number of civilian casualties, including children, as the security situation across Sri Lanka deteriorates due to indiscriminate LTTE attacks on civilian

targets. Issuing a statement, the ICRC said that in the first six weeks of 2008, more than 180 civilians were reported killed and almost 270 injured in a series of attacks on civilian buses, railway stations and individuals in Colombo, Dambula, Kebhitigollewa, Madhu, Okkampitiya and Welli Oya.

February 16 Reacting to the frequent claims by the Sri Lankan government that the LTTE Chief Velupillai Prabhakaran has been injured in a military raid, the outfit's political head B. Nadesan told the Tamil daily *Thinakkural* in an interview, "A false propaganda saying our leader Prabhakaran is injured is being carried. Nobody can approach our leader. People of Sri Lanka will realise the futility of such a claim in times to come."

February 18 Troops advancing into the LTTE held areas in the eastern part of Mannar district, captured an area of about 600 square metre with an LTTE defence line and a strongly-built bund in the Andankulam area. 10 militants were killed and an equal number of them sustained injuries in the attack. One soldier was also killed while four others were wounded in the fighting.

February 19 Troops foiled an LTTE attempt to dislodge the consolidating troops in the newly captured Sirukulam area in the Mannar district. In the gun-battle that started around midnight and continued for about four hours troops inflicted heavy casualties on the militants forcing them to retreat. The exact details of the casualties are, however, yet to be ascertained, though it is believed at least 35-40 militants have either been injured or killed.

Sri Lanka has said a proposal for providing a safe haven for the LTTE leader Velupillai Prabhakaran has been there "for some time", but felt he would be apprehended by India the moment he leaves the island country. "Yes, that is his problem. If he (Prabhakaran) leaves Kilinochchi, then India will get him for sure," Foreign Secretary Palitha Kohona told *Asian Tribune*.

The Sri Lankan government said that it would open a 'gateway' for trapped civilians in the Wanni area to crossover to the government controlled areas. "We would open an escape rout for civilians in the Wanni area and would give necessary accommodation," said Minister Keheliya Rambukwella.

February 20 At least 13 LTTE militants were killed and five others injured during encounters with the troops in the areas west of Parappakandal and north of Pallikuli in the Mannar district. Two soldiers were also killed in the LTTE attacks.

At least 13 LTTE militants were killed when the troops launched an attack towards a group of militants in the Janakapura area of Vavuniya district. One soldier was also killed while five others sustained injuries in the incident.

The troops attacked a group of LTTE militants in the area north of Villattikulam area of Vavuniya district and killed eight of them. Three militants and a soldier were injured in the gun-fight.

At Kallikulam in the Vavuniya district, the troops neutralized a LTTE bunker and killed six militants.

Three soldiers were killed when the LTTE militants opened fire on an Army picket point at Dambakote in the Buttala district. Troops retaliated and injured at least one militant.

February 21

At least eight LTTE militants were killed when the troops neutralised a bunker of the outfit in the Mullikulam area of Mannar district. Three soldiers were also injured while three T-56 weapons and one Icom radio set were recovered from the incident site.

During an attack launched by the troops targeting a heavily fortified LTTE bunker in the Karampaikkulam area of Mannar district, four militants were killed while several others were injured. Two soldiers were also killed while four more sustained injuries in the gun fire.

Five LTTE militants were killed by the troops in two different attacks in the Periyapantrichurichchan area of Vavuniya district.

Four LTTE militants were killed as a group of outfit's militants attempting to infiltrate newly captured areas in the Parappakandal area of Mannar district were attacked by the troops.

Troops attacked another group of LTTE militants moving in the Mullikulam area of Mannar district and killed three of them.

The troops attacked a few LTTE bunkers in the Mantota area of Mannar district and killed three militants.

Three LTTE militants were killed by the troops in separate encounters in the Kokkuthuduvai and Adampan areas of Mannar district.

February 22

A fierce gun battle erupted between the two sides when the troops assaulted a group of LTTE militants who were manning a bunker in the Kallikulam area of Vavuniya district. At least seven militants were killed and three others were injured in the incident.

Six LTTE militants were killed when a fierce gun battle erupted between the two sides in the area north of Welioya sector in the Vavuniya district. Subsequently, the troops recovered dead bodies of the six slain militants along with a Multi Purpose Machine Gun, five T-56 weapons and two radio sets.

In the Mankindamulai area of Vavuniya district, troops over ran a line of LTTE bunkers while killing at least five militants. One soldier also died in the incident.

Troops attacked an LTTE bunker line in the Andankulam area of Vavuniya district and killed four militants. One soldier was injured in the incident. Another attack on a LTTE bunker line in the Andankulam area of the same district area by the troops resulted in the death of four militants.

Troops in the Mantota area of Mannar district launched an attack on a LTTE camp in the jungle and shot dead four militants.

President Mahinda Rajapakse asserted that following the local government elections due to be held shortly in the East, his government will also take steps to establish democracy and rights to all communities in the land, inclusive of those in the North.

February 23

The troops stormed an LTTE bunker line ahead of them in the Koilmoddai area of Mannar district and killed at least 11 militants while destroying three bunkers. Five soldiers were reportedly injured in the incident.

At least eight LTTE militants were killed when the troops stormed one of the outfit's camps in the jungle north of Janakapura in Vavuniya district.

The troops launched several attacks on a LTTE bunker line at Mullikulam and killed seven militants while neutralising a number of their bunkers.

The troops stormed a line of LTTE bunkers in the Palamoddai area of Vavuniya district and killed seven militants. One soldier was injured in the incident.

The troops confronted a group of LTTE militants on two occasions in the Andankulam area of Vavuniya district and killed four militants.

Four LTTE militants were killed and one of their bunkers was neutralised by the troops in the Perankulam area of Mannar district. One T-56 weapon was also recovered from the area.

The troops during an encounter in the Adampan area of Mannar district killed four LTTE militants.

At Mullikulam in the Mannar district, the troops attacked LTTE bunkers ahead of them and killed two militants. One soldier who sustained injuries in the incident died later.

Troops operating in the Muhamalai area of Jaffna district shot dead three LTTE militants.

Troops confronted another group of LTTE militants and killed three of them in the Periyapanndivirichchan area of Vavuniya district.

February 24

The troops operating in the Mannar battle front advanced further into the LTTE-held territory on three fronts from Thiruketheeshvaran, Uyilankulam and Pallikuli, an unnamed senior Army official said. "At

least 15 to 20 Tiger cadres were killed in these confrontations," the official added.

At least 17 LTTE militants were killed when the troops overran their line of bunkers in the Parappakandal area of Mannar district. Six soldiers were killed and 16 others sustained injuries in the clashes.

The Naval intelligence revealed that three senior Sea Tiger [sea wing of the LTTE] women leaders, including self-styled 'Lt. Colonel Kalai Arasi', a woman Sea Tiger instructor and six others had been killed in the air raids carried out by the Sri Lanka Air Force fighter jets targeting women's Sea Tiger training camp at Kiranchi in the Kilinochchi district.

The troops launched an operation to capture LTTE bunkers in the Andankulam area of Vavuniya district and killed five militants and injured two others.

Five LTTE militants were killed during clashes that erupted between the two sides in the Villattikulam, Chanakakulam and Periyapanndivirichchan areas of Vavuniya district.

Two TMVP cadres were killed as a LTTE suicide cadre blew himself opposite the Kali Kovil (Temple) in the Kalawanchikudi area of Batticaloa district. The suicide cadre had apparently jumped onto the motor bike on which the two persons were traveling near Satyavilan road, some 17- kilometers from Batticaloa town.

Foreign Secretary Palitha Kohona in an interview to Asian Tribune said that there is no group left that could be described as Karuna Group because they have splintered into many factions over the last year.

February 25 At least six LTTE militants were killed by the troops during clashes in the Udayanathankulam area of Vavuniya district.

During a clash that erupted between the two sides when the troops launched an attack on three LTTE bunkers at Koilmoddai in the Mannar district, five militants and a soldier were killed. Two soldiers and two militants were also injured.

Three LTTE militants were killed during clashes between the two sides in the Muhamalai area of Jaffna district.

February 26 Five LTTE militants were killed by the troops during intermittent clashes that erupted between the two sides in the Muhamalai area of Jaffna district. Troops also neutralized at least six bunkers of the outfit.

The United Nations and Non Governmental Organisations working in the conflict-ridden north and east are warning of a mounting humanitarian toll in 2008 due to the escalation in hostilities. Agencies should be prepared to assist "up to 500,000 conflict-affected individuals comprising IDPs, returnees and economically affected

- persons", according to the CHAP 2008, prepared by the Inter Agency Standing Committee country team for Sri Lanka and released on 22 February.
- February 27 During clashes between the two sides in the Perankulam, Parappakandal, Karukkakulam, Adampan and Mannar town areas of Mannar district, the troops killed at least 14 LTTE militants.
- At Kokkuthuduvai in the Vavuniya district, the troops neutralised LTTE bunkers and killed eight militants.
- The troops confronted a group of LTTE militants in the Karampaikkulam area of Mannar district and killed at least four militants. One soldier is reported to have died in the incident.
- The military said that since 2006, a total of 6,486 LTTE militants, 1196 military personnel and 982 civilians have been killed, estimating there are now only around 5,000 militants still alive.
- February 28 The troops captured the Sinnaodaippu sluice gates and its adjacent areas north of Giant Tank in the Mannar district after an encounter erupted between the security forces and LTTE militants. At least 14 militants were killed and six T-56 weapons were recovered during the incident. Two soldiers sustained injuries in the incident.
- Seven LTTE militants were killed in three separate attacks carried out by the troops in the Navakkulam and Periyapantrichurichchan areas of Vavuniya district.
- February 29 Seven LTTE militants were killed by the troops during clashes in the Muhamalai area of Jaffna district.
- The troops neutralized four LTTE bunkers in the Kokkuthuduvai and Andankulam areas of Vavuniya district and killed four militants.
- The troops killed four LTTE militants during an encounter at Vallaikulam in the Vavuniya district.
- The troops launched an attack on an LTTE bunker line at Muhamalai in the Jaffna district and destroyed eight bunkers killing five militants.
- Troops neutralized eight newly-erected LTTE bunkers in the Muhamalai area of Jaffna district and killed five militants.
- March 1 Nine LTTE militants were killed by the troops during encounters between the two sides in the Navakkulam, Mullikulam and Kallikulam areas of Vavuniya district.
- The troops confronted a group of LTTE militants in the Kilaly, Muhamalai and Nagarkovil areas of Jaffna district and killed five militants. One soldier was also killed during the incident.

- During a clash between the two sides in the Janakapura area of Vavuniya district, the troops killed two LTTE militants. One soldier was killed while another sustained injuries during the incident.
- The troops attacked an LTTE strong point in the area north of Janakapura in the Vavuniya district and killed two militants. During the exchange of fire, one soldier was killed while four others were wounded.
- March 2 Eight LTTE militants were killed by the troops in a clash in the general area of Kokkuthuduwai in the Vavuniya district. Two soldiers were killed while 10 others sustained injuries during the clash.
- The troops at Kallikulam in the Mannar district attacked a LTTE hideout with Rocket Propeller Grenades and killed at least six militants. One soldier was also killed in the incident.
- Troops attacked a group of militants in the Kovilmadu area of Vavuniya district and killed five of them. At least nine more militants were reportedly wounded in the incident.
- President Mahinda Rajapakse reiterated that until such time every inch of land is captured and the last terrorist is neutralised, his government will not cease its liberation operations against the LTTE.
- Sri Lankan authorities urged the British government to ban fund-raising activities of what they described as LTTE's front organisations alleging that the money collected by these groups "ostensibly" for charitable purposes went into the "coffers" of the outfit.
- March 3 The troops neutralized a LTTE bunker in Chettikulam in the Vavuniya district and killed five cadres. Four soldiers are reported to have been wounded in the incident.
- March 4 Army troops took under control Pallaikuli east and a LTTE cross-loading point on the Uyilankulam-Andankulam road in Mannar district (about 2.5 sq km in total). Troops reportedly broke into the LTTE dominated Pallaikuli east area and killed seven militants, including three women cadres, and injured five others.
- The troops attacked a LTTE bunker in the Palaimodai area of Mannar district and killed at least three militants.
- The troops neutralized another LTTE bunker in the Vilattikulam area of Vavuniya district, killing three militants.
- March 5 The troops attacked an identified LTTE bunker in the Manthota area of Mannar district and killed five militants. One soldier was also killed while three more sustained injuries in the incident.
- The troops attacked another LTTE bunker in the Periyapantichchan area of Vavuniya district and killed five more militants. One soldier was injured in the incident.

The troops killed four LTTE militants during an encounter in the Karampaikulam area of Vavuniya district. Two soldiers sustained injuries during the clash.

During an encounter between the two sides at Andankulam in the Vavuniya district, the troops killed three LTTE militants. One soldier was injured in the incident.

The Sri Lanka government said that more than 100 soldiers were killed and 800 were wounded in the fighting against the LTTE during February 2008. Health Minister Nimal Siripala de Silva told Parliament, "The number of security personnel killed last month was 104, while another 822 soldiers and police were wounded. Some 80 civilians were killed and 201 wounded in February."

March 6

The TNA parliamentarian K. Siwaneshan, representing the Jaffna district was killed in an explosion in the Kanagarayankulam area on the Mankulam-Mallavi road of Kilinochchi district. The pro-LTTE Website Tamil Net alleged that he was killed in a claymore mine attack carried out by the Sri Lanka Army's Deep Penetration Unit. His driver was also killed in the attack. The military, however, said no operations were being carried out there at that time.

At least 12 LTTE militants were killed during a gun-battle between the two sides in the Kokkuthuduvai area of Vavuniya district. Two soldiers were also killed while 10 others sustained injuries.

12 more LTTE militants were killed and their trench line destroyed by the troops during an operation to capture Parappakandal in the Mannar district.

The troops killed seven LTTE militants in the Periyapantrichurichchan, Kallikulam and Mundimurippu areas of Mannar district.

Four LTTE militants and two soldiers were killed when the troops confronted a group of LTTE militants in the Andankulam area of Vavuniya district. Two soldiers were injured during the clash.

The troops attacked and destroyed one LTTE bunker ahead of their FDL (at Nagarkovil in the Jaffna district and killed three militants.

March 7

Six LTTE militants were killed during sporadic clashes in the Veddankulam, Karampikulam, Madhu camp area, Periyawalandykulam, Tiruketishwara in the Mannar district.

Four LTTE militants were reported killed during an attack by the troops at Kollmoddai in the Vavuniya district.

March 8

The troops killed 13 LTTE militants during clashes in the Udayanatankulam, Karampaikkulam, Palaimoddai, Palaikuli, Periyavalayankaddukulam and Perankulam areas of Vavuniya district.

10 LTTE militants were killed during a gun-battle with the troops in the Manthai area of Mannar district. Two soldiers were also killed and four others were wounded in the incident.

Seven LTTE militants were killed by the troops in the Kilaly and Muhamale areas of Jaffna district. Two soldiers sustained injuries during the encounters.

Three soldiers were killed during clashes with the LTTE militants at Udayanatankulam, Sulainamarutamadu and Ampan areas of Mannar district.

Three LTTE militants were killed and one of their gun positions and two bunkers were neutralized by the troops in the Muhamalai and Nagarkovil areas of Jaffna district.

March 9 At least 15 LTTE militants were killed by troops during clashes in the Umayarathuwarankulam, Vilathikulam, Venkalacheddikulam, Adampan, Pulmoddai, Ilantaivan and Janakapura areas of Vavuniya district. Five soldiers were also killed during the clashes.

The LTTE released two pictures of its leader Velupillai Prabhakaran paying his respects to the TNA parliamentarian K. Sivanesan, who was killed in an explosion on March 6, at an undisclosed destination in the outfit's-controlled Wanni area.

March 10 In a pre-dawn attack on an LTTE bunker line in the Ilanthaivan area of Mannar district, the troops killed 10 militants and injured an equal number of them. Troops also captured eight bunkers. Three soldiers were also killed while 12 others were injured.

Intelligence sources have revealed that the LTTE is attempting to poison VIPs as they are unable to reach them, said Prime Minister Ratnasiri Wickremanayake.

At least 26 LTTE militants, mostly females, were killed and three others injured by the troops during clashes in the Puliyanakulam area of Mannar district. One soldier was also killed while 13 others were wounded during the clashes.

The troops attacked a LTTE camp in the Karampaikulam area of Mannar district and neutralized two of their bunkers and cleared a few trenches. Ground troops confirmed that four soldiers were killed while two others sustained injuries during the clash.

The LTTE militants directed 60-mm mortar fire on troop positions in the Vilattikulam area of Vavuniya district, injuring two soldiers. In the retaliatory fire, the troops killed at least four militants.

March 11 The TMVP, a breakaway faction of the LTTE, won eight out of nine local councils while the ruling UFPA won the Batticaloa Municipal Council with 11 out of 19 seats. Polling for the local body elections in

Batticaloa went off peacefully on March 10, though there were some allegations of vote rigging. There were nine political parties and 22 independent groups fielding 831 candidates for 101 posts in nine Pradeshiya Sabhas (local councils) and the Batticaloa town municipality.

The troops operating ahead of the Maruthamadu FDL in the Vavuniya district killed five LTTE militants.

The troops in a pre-dawn attack captured the immediate surroundings adjacent to the Sinnaodaippu sluice gates under their control after advancing about 500 meter to the east. Four militants were killed while three soldiers sustained injuries in the incident.

The troops attacked a LTTE bunker in the Umayaratuvarankulam area of Vavuniya district and killed three militants, including the team leader Tallavan.

Three LTTE militants were killed by the troops during an encounter in the Karampaikkulam area of Vavuniya district.

A case was filed against LTTE chief Velupillai Prabhakaran, its Intelligence wing leader Pottu Amman and another three former cadres before the Colombo High Court in connection with the former Foreign Minister Laxman Kadirgamar assassination.

March 12

Nine LTTE militants were killed and an equal number of them injured when the troops attacked three bunkers of the outfit in the Udayanathankulam area of Vavuniya district. Three soldiers sustained injuries in the incident.

The troops fired on a tractor carrying LTTE militants in the Karampachchikulam area of Vavuniya district and completely destroyed the tractor, killing six militants.

Four LTTE militants were killed by the troops in the Kokkuthuduvai area of Vavuniya district.

The troops killed three LTTE militants during an encounter in the Karampachchikulam area of Vavuniya district.

At Janakapura in the Vavuniya district, the troops neutralized a LTTE bunker and killed three militants.

March 13

11 LTTE militants were killed during several encounters between the troops and militants in the Karukkakulam, Nedunkandal, Vannakulam and Ilantaivan areas of Mannar district.

Six LTTE militants were killed by the troops in the Karampaikkulam area of Vavuniya district. One soldier was also injured in the incident.

Six LTTE militants were killed by the troops when clashes erupted between the two sides in the Villattikulam area of Vavuniya district.

- March 14 The troops during two separate attacks captured four LTTE bunkers and killed four militants in the Kallikulam and Malikaittidal areas of Vavuniya district. Two soldiers were injured during the clashes.
- March 15 Six LTTE militants were killed by the troops during a clash in the Mullikulam area of Mannar district.
- Four soldiers were killed and three others injured during an encounter with the LTTE militants at Kokkuthuduvai in the Vavuniya district.
- The troops killed four LTTE militants during clashes in the Adampan and Malikaittidal areas of Mannar district. One soldier also sustained injuries in the Malikaittidal incident.
- The troops killed four LTTE militants in the Navakkulam and Kirchudankulam areas of Vavuniya district.
- Three LTTE militants were killed by the troops at Kiriibbanwewa area of Vavuniya district. One soldier was injured in the incident.
- March 16 At least 12 LTTE militants were killed by the troops during separate clashes in the Pandivirichchen, Villattikulam, Kallikulam, Kappankulam and Nedunkandal areas of Vavuniya and Periyakulam area of Mannar district. A few LTTE bunkers used for artillery, RPG and mortar firing were also destroyed during the clashes.
- The troops attacked and captured a LTTE camp in the Andankulam area of Vavuniya district, killing five militants and injuring 20 others. Two soldiers were also killed during the clashes while eight others sustained injuries.
- The troops foiled two infiltration attempts by the LTTE towards the second line of the defense of the troops in the Muhamalai area of Jaffna district and killed three militants.
- Three militants were killed as clashes erupted between the troops and a group of LTTE militants in the Janakapura area of Vavuniya district.
- March 17 Troops killed two LTTE militants during an encounter in the Navakkulam area of Vavuniya district.
- The Sri Lanka Defence Ministry said it had opened a green channel for the doctors at the main roadblock at Madavachchiya from March 17-onwards. "The measure has been taken to reduce the delays and complexities faced by the doctors traveling to Mannar and Vavuniya," it said.
- At least five LTTE militants, including a close ally of an LTTE leader, Jeyam, were killed and another sustained injuries during an encounter in the Munkilmurichchan area of Vavuniya district.

- Four LTTE militants were killed during an encounter in the Kokkuthuduvai area of Vavuniya district.
- The troops attacked and neutralised a LTTE bunker in the jungles northwest of Kallikulam in the Vavuniya district, killing three militants, identified as Kuilan, Virasailan and Kuvilmaran.
- One soldier was killed while two others sustained injuries when the LTTE militants triggered a claymore mine explosion targeting a foot patrol of the troops in the Murunkan area of Mannar district.
- At Kaduthodamalai in the Vavuniya district, the troops killed a LTTE militant and injured two others during an encounter.
- March 18 At least four LTTE militants were killed when the troops neutralised a bunker in the Kallikulam area of Vavuniya district.
- The troops attacked two LTTE camps in the Kokkuthuduvai area of Vavuniya district and killed four militants while injuring another.
- The troops recovered decomposed dead bodies of nine LTTE militants, including five females, from dense jungles in the Periyapanndivirichchan area of Vavuniya district.
- President Mahinda Rajapakse announced that democracy given to the people in the Eastern Province will soon be given to the North as well.
- March 19 11 LTTE militants were killed and two of their bunkers destroyed in an ambush carried out by the Army Special Infantrymen at Kottakkarankulam in the Vavuniya district.
- The troops repulsed an attack by the LTTE in the Kallikulam area of Vavuniya district and killed three militants while injuring an equal number of them.
- The troops ambushed a group of LTTE militants in the Andankulam area of Vavuniya district and killed three of them.
- March 20 The troops attacked a LTTE bunker in the Pandivirichchen area of Vavuniya district and killed at least four LTTE militants.
- During an attack in the Villattikulam area of Vavuniya district, the troops killed at least four LTTE militants.
- The troops ambushed a group of LTTE militants and killed four of them while injuring three others in the area of north of Janakapura. Two soldiers were also injured in the incident.
- Three LTTE militants were killed while two others sustained injuries by the troops in the Veddayamurippu area of Mannar district.

- The LTTE chief Velupillai Prabhakaran has reportedly ordered its proxy political party, the TNA, not to contest the forthcoming Provincial Council elections in the Eastern Province.
- March 21 The troops attacked and captured a LTTE camp and bunker complex north of Janakapura in the Vavuniya district, killing three militants. Six soldiers were injured in the incident.
- Three LTTE militants were killed and 22 others injured during a clash between the two sides in the Janakapura and Kiriibbanwewa areas of Vavuniya district.
- March 22 At least 25 LTTE militants were killed and an equal number of them injured as the troops successfully responding to heavy resistance by the militants moved forward and captured an area of about one square kilometre in the Periyakulam and Ilantaivan regions, north of Uyilankulam in the Mannar district. Four soldiers were also killed while 16 others sustained injuries.
- At least 13 LTTE militants were killed by the troops in the areas southwest of Madhu and Kallikulam in Mannar district.
- Seven LTTE militants were killed and 10 others injured by the troops during clashes between the two sides in the Kiriibbanwewa area of Vavuniya district. Three soldiers were killed while seven others sustained injuries during the incident.
- During two separate encounters, the troops killed four LTTE militants in the Nagarkovil area of Jaffna district.
- At Kokkuthuduvai and Janakapura in the Vavuniya district, the troops killed three LTTE militants.
- March 23 10 LTTE cadres were killed by the troops during clashes in the Kallikulam area of Vavuniya district. Six of the slain militants were inside a bunker when the Rocket Propeller Gun fire completely destroyed it.
- The troops killed at least six LTTE militants during intermittent fighting that erupted in the Janakapura, Kokkuthuduvai and Kiriibbanwewa areas of Vavuniya district.
- The troops killed five LTTE militants in the Periyakulam area of Mannar district.
- Two LTTE militants trying to launch an attack on the troops were shot dead in the Kathankulam area of Vavuniya district.
- March 24 The troops killed seven LTTE militants in the area south of Madhu in the Mannar district.
- The Colombo High Court Judge, Kumuduni Wickremesinghe issued notices to the LTTE chief Velupillai Prabhakaran, Intelligence Wing leader Pottu Amman, Charles Master and Komadee Manimekala in

connection with the assassination (August 12, 2005) of former Foreign Minister Lakshman Kadirgamar.

According to the Defence Ministry, over 2500 LTTE militants have been killed by the military since January 1, 2008. More than 7200 militants have been killed since December 2005.

Prime Minister Ratnasiri Wickremanayake stated that the LTTE maintains links with international terrorist groups such as the PKK and certain affiliates of al Qaeda. He also said that certain reports mentioned about Tamil youths receiving training in Palestinian camps in Syria and Lebanon.

The Elections Department said that all measures had been finalized to receive nominations for the Eastern Province election from March 27. The deadline for filing nominations is April 3. All major political parties are expected to join the fray in a contest where 37 members which includes two bonus seats, would be chosen out of a total of 44 from three districts, namely Batticaloa (11), Trincomalee (10) and Ampara (14) for the Provincial Council of the de-merged East.

The TULF has urged Sri Lankan leaders to disarm all militant groups before the eastern provincial council elections. In a letter to President Mahinda Rajapakse, TULF leader Veerasingham Anandasangaree said the existence of armed groups in the east is an obstacle to free and fair elections.

Three LTTE militants were killed by the troops during an encounter in the Karampaikkulam area of Vavuniya district. Four soldiers were injured in the incident.

March 25

The 11 sailors, who went missing when a locally-built fast attack craft of the Sri Lanka Navy was caught in a LTTE-triggered sea mine explosion in the Nayar Sea off Mullaitivu coast on March 22, have reportedly died.

Five LTTE militants were killed by the SFs during an encounter in the Adampan area of Mannar district.

The troops neutralized a LTTE bunker in the jungles north of Janakapura in the Vavuniya district, killing at least four militants who were inside the bunker.

Air Force Wing Commander Andrew Wijesuriya reiterated that intelligence sources confirmed three LTTE militants were killed and eight others injured in an air raid carried out by the SLAF at the Sea Tiger Coordinating Centre located in the Puthukudirippu area of Mullaitivu district on March 22.

Brigadier Udaya Nanayakkara informed that more than 501 LTTE militants have been killed in the last 20 days and that an unknown number of militants and 223 soldiers have been injured in clashes from March 5 to March 24. 50 soldiers died during this period. Nanayakkara also said military operations were continuing in the

Mannar, Vavuniya and Jaffna district's Muhamalai area. "The Security Forces have been successful in capturing 31 square kilometres of territory south of the A14 road in Mannar," he added. He said so far this year some 115 bodies of militants have been handed over with 11 more bodies to be delivered to the International Committee of the Red Cross.

The Sri Lanka Government said that all IDPs in the Eastern Province will be resettled before the coming provincial council election. There are over 6000 IDPs still sheltered in welfare camps in the Eravur, Pattu and Kiran areas. Resettlement of IDPs from the Trincomalee district started on March 25. Some 464 people belonging to 132 families from the Pallikudiruppu and Muttur area have been resettled. Meanwhile, there are IDPs from five more villages in the Muttur area still living in welfare camps in the Batticaloa district, sources said.

The UNP has decided to contest the EP elections, UNP Secretary General Tissa Attanayake said. The SLMC has also decided to independently contest the polls, SLMC General Secretary Hussan Ali said.

Muslim civilians who survived mass ethnic cleansing campaigns by the LTTE during 1990s and who are living in refugee camps in the Puttalam district at present plan to form a political party. Sources said that this measure is intended to find a solution to the problems faced by the large number of Muslims living in the refugee camps or with their relatives for the past 18 years.

Prime Minister Ratnasiri Wickremanayake told a gathering in Jerusalem in Israel that "India will never allow a separate independent state for Tamils in Sri Lanka because such a development will have a disastrous effect in India. India has always been committed to Sri Lanka's territorial integrity," he added and claimed that the LTTE leader Velupillai Prabhakaran wanted to create a Tamil state by "including certain parts of India as well."

March 26

The troops ambushed a group of LTTE militants in the Janakapura area of Vavuniya district and killed seven of them. One soldier sustained injuries in the incident.

Four soldiers were killed and eight others sustained injuries following accidental explosions of APMs in the Sulanamaruthamadu, Adampan and Koilmoddai areas of Mannar district.

At Kiriibbanwewa in the Vavuniya district, the troops confronted two groups of LTTE militants and killed at least two of them. Two soldiers were killed while three others sustained injuries during the clashes.

The SFs retaliated and rescued eight fishermen when they detected a group of people trying to come out of a jungle patch three-kilometer east of Omanthai in the Vavuniya district under heavy small arms fire by the LTTE militants. Three of the escapees were killed while another three sustained injuries in the LTTE attack.

- The troops shot dead three LTTE militants at Janakapura in the Vavuniya district.
- March 27 At least nine LTTE militants were killed by the troops when clashes erupted between the two sides in the area north of Janakapura in the Vavuniya district. One army officer was also killed while three soldiers were injured in the incident.
- The troops neutralised an LTTE hideout in the Janakapura area of Vavuniya district, killing four militants. One soldier was also killed while three others sustained injuries in the incident.
- Five LTTE militants were killed when the troops neutralised an LTTE bunker in the Janakapura area of Vavuniya district. One soldier was injured in the incident.
- The troops retaliated to an LTTE attack in the Nagarkovil area of Jaffna district and killed at least three militants. Two of the outfit's bunkers were also destroyed in the operation.
- March 28 Nine militants were killed during two clashes in the Kaduruvitankulam and Periyathampane areas of Vavuniya district.
- During two encounters in the Nagarkovil and Eluttumadduwal areas of Jaffna district, the troops killed seven militants. A female militant was among the slain militants, troops at Eluttumadduwal stated.
- March 29 At least 11 LTTE militants were killed during separate clashes with the troops in the Madhu area of Mannar district. One soldier was also killed while four others were injured in these clashes.
- Approximately 10 LTTE militants were killed as the troops captured an area of about 700-metre in the Ilantaivan region of Mannar district. Two of the outfit's bunkers were also neutralised in the incident.
- Three soldiers were killed and four others injured during clashes with the LTTE militants in the Janakapura and Kiriibbanwewa areas of Vavuniya district. One militant was also killed while an unspecified number of them sustained injuries during the clashes.
- Four militants were killed by the troops in the Navathkulama area of Vavuniya district.
- The Deputy Chairman of the Moneragala local council, Dr. A. Muththulingam, was shot dead by unidentified gunmen in his clinic in the Moneragala town.
- March 30 Six LTTE militants were killed by the troops during three separate encounters in the Malikaittidal, Veddayamurippu and Adampan areas of Mannar district.

- March 31 A tractor carrying LTTE militants was fired upon by the troops in the Mundimurichchikulam area of Vavuniya district. Troops confirmed that six militants were killed in the incident.
- Four militants were killed by the troops when clashes erupted between the two sides in the Janakapura area of Vavuniya district. One soldier was also killed while another sustained injuries in the incident.
- At Andankulam in the Vavuniya district, at least four female LTTE militants were killed by the troops.
- The troops captured two LTTE bunkers in the Malikaiddal area of Mannar district, killing two militants.
- April 1 At least 21 LTTE militants were killed and 12 soldiers wounded when the troops attacked a bunker line of the outfit at Pikkulam in the Mannar district.
- 21 LTTE militants were killed during clashes with the troops at Puthukulam in the Mannar district.
- The troops in the Sulanamaruthamadu and other areas of Vavuniya and Mannar district killed 12 LTTE militants. Five soldiers were also injured due to the explosion of LTTE laid booby traps.
- The SFs neutralised LTTE bunkers in the Malikaiddal area of Vavuniya district and killed at least five militants.
- During an encounter between the two sides in the area north of Manthai in the Mannar district, the troops killed four LTTE militants.
- A pro-LTTE Website claimed that the outfit's chief Velupillai Prabhakaran met his "elite" Black Sea Tigers suicide squad before they triggered an explosion on a Sri Lankan Navy craft that killed 10 sailors in Mullaitivu on March 22. The three militants identified by the Website as 'Lt' Anbumaran, 'Major' Niranjana and 'Major' Kananeela were photographed with Prabhakaran before the operation.
- April 2 The troops advanced another 800 meters into the LTTE-held territory neutralizing the outfit's FDLs in the Kaliaddanchan village of Mannar district, said military spokesman Brigadier Udaya Nanayakkara. "The fierce fire fight lasted for an hour and a half and troops advancing on the LTTE frontlines gained 800 meters of Tiger territory in the confrontation. Thirteen Tiger cadres were injured in the confrontation", he added. One soldier was also killed while 12 others were injured during the clashes.
- The SFs in the newly captured Sinapandivirichchan area of Vavuniya district foiled an attempt by the LTTE to re-capture one of their bunkers in the area. In retaliatory action, the troops killed at least 11 militants and injured five others. Two soldiers were also killed while 15 others sustained injuries during the encounter.

- The troops attacked an LTTE bunker in the Nikawewa area of Vavuniya district and killed four militants while injuring two others.
- Three militants were either killed or injured by the troops when they attacked an LTTE hideout in the area north of Kiriibbanwewa area of Vavuniya district.
- Suspected LTTE militants killed a man and his son when they had gone to collect firewood in the Anuradhapura district.
- April 3 At least 11 LTTE militants were killed by the troops during clashes in the Navathkulama area of Vavuniya district.
- During a clash between the two sides in the Janakapura and Kiriibbanwewa areas of Vavuniya district, the troops killed four LTTE militants. One soldier also died of gunshot injuries while four others sustained injuries.
- The troops shot dead three LTTE militants near the Omanthe Entry/Exit point area of Vavuniya district.
- April 4 The troops neutralised an unspecified number of LTTE bunkers at Kallikulam in the Vavuniya district and killed eight militants.
- A. M. Razick, secretary to the Ministry of Re-settlement, said that over 50,000 families displaced in clashes in the east during 2006 have now been resettled. "During the last 10 months we have managed to resettle 17,938 families in Trincomalee and 31,343 families in Batticaloa," Razick said, adding, this represents over 150,000 individuals. Over 8,000 families are yet to be resettled, he stated. The government's resettlement of the internally displaced people began after it secured the entire Eastern Province from the LTTE in July 2007.
- April 5 The troops clashed with several groups of LTTE militants in the areas north of Kiriibbanwewa and Janakapura in the Vavuniya district and killed at least 14 militants. Four soldiers were injured in these clashes.
- 11 LTTE militants were killed by the troops during clashes in the Palampiddi, Madhu, Mundipurippu, Nedunkerni and Thirukethiswaram areas of Mannar district. Five soldiers sustained injuries in these clashes.
- April 6 Highway Minister and Chief Government Whip Jeyaraj Fernandopulle and 13 persons were killed and 90 persons injured in a suicide attack carried out by the LTTE at a sporting event in the Weliweriya area, about 25-km north of capital Colombo, of Gampaha district.
- At least 21 LTTE militants were killed and nine others injured by the troops during clashes between the two sides in the Kallikulam area of Vavuniya district.

The troops killed eight LTTE militants in the Adampan, Manikilmarichchi, Kallikulam and Malikaittidal areas of Vavuniya and Mannar districts.

Four LTTE militants, including two females, and a soldier were killed in clashes between the two sides in the Madhu camp area of Mannar district. One soldier was injured during one of the clashes.

The troops neutralised three LTTE bunkers and killed four militants in the Malikaittidal area of Vavuniya district.

During an encounter between the two sides, the SFs killed three LTTE militants in the Chanakakulam area of Vavuniya district.

April 7

The Washington Times reported that the LTTE's political wing has established its branches in at least 12 countries, including the United States. Citing federal law-enforcement authorities, the report said that the LTTE have quietly established a presence in the US to help bankroll and equip its secessionist campaign in Sri Lanka. "As part of a global expansion to purchase millions of dollars worth of anti-aircraft weapons, automatic rifles, grenade launchers, ammunition and other military equipment, the LTTE has set up its branches," it reported, adding, the expansion includes operations in Maryland, New York and New Jersey.

Four LTTE militants were killed by the troops in an ambush in the Palampiddi area of Mannar district.

In another ambush at Chennmaniattuaru, the troops killed four LTTE militants.

The troops killed three LTTE militants, including one female, in two separate incidents at Thirukethiswaram and Perankulam areas of Mannar district.

The SFs killed three LTTE militants in the Kiriibbanwewa area of Vavuniya district.

April 8

Seven LTTE militants, including two females, were killed by the SFs in the Madhu, Adampan and Veddayamurippu areas of Mannar district.

Two soldiers and a civilian were killed and one soldier was wounded when a team of army soldiers on a patrol were wrongly identified to be LTTE militants and fired upon by the STF personnel at Komari in the Ampara district.

The Colombo magistrate has allowed police to detain a Singapore national suspected of having links with the LTTE until May 7. The magistrate also ordered the police to produce the suspect, Muttusamy Ilangovan, believed to be a senior leader of the LTTE's international naval operations.

- April 9 The troops killed at least seven LTTE militants during clashes in the Janakapura jungles and Kiriibbanwewa.
- During another encounter between the two sides in the Adampan and areas north of Parappakandal in the Mannar district, the security forces (SFs) killed at least four LTTE militants. Three soldiers sustained injuries in the clashes.
- Election to the Eastern Provincial Council would be held as scheduled on May 10 and the Election Commission has agreed to a request by political parties to invite representatives from foreign countries to monitor it. Dayananda Dissanayake, Commissioner of Elections, told representatives of registered parties that the election would not be postponed. The Commission has also declared April 28 and 29 as the dates for postal voting.
- April 10 Five LTTE militants were killed when the troops neutralised outfit's bunkers at Udaiyadi in the Mannar district.
- During another confrontation between the two sides in the Janakapura and Kiriibbanwewa areas of Vavuniya district, the SFs neutralised an unspecified number of outfits' bunkers, killing three militants while injuring 14 others. Five soldiers sustained injuries in the clashes.
- The SFs clashed with a group of LTTE militants in the Ilampiddi area of Mannar district and killed three militants while injuring seven others.
- The troops attacked an LTTE bunker line in the Muhamalai area of Jaffna district and killed three militants. Three more militants got injured in the incident.
- Two more LTTE bunkers were neutralised by the troops in the Veddayamurippu area of Mannar district, killing three militants.
- April 11 The troops ambushed a group of LTTE militants in the Andankulam area of Vavuniya district and killed three of them.
- Norway does not support the formation of an independent Tamil State in Sri Lanka, Norway's special envoy to Colombo, Jon Hanssen-Bauer, told the United National Party (UNP) Member of Parliament (MP) Jayalath Jayawardene and to two leading Sinhalese and Buddhist monks from Sri Lanka on the sidelines of an international conference that ended in Oslo on April 11. "Norway will not support the establishment of Tamil Eelam," the MP quoted Hanssen-Bauer as saying.
- April 12 The troops extended their defence line in the areas north of Giant Tank, north Kathankulam, south east of Adampan and Periyakulam in the Mannar district after fierce clashes with the LTTE. At least 66 militants were killed while over 50 others sustained injuries in the clashes. 10 soldiers were also killed and 20 others got injured in the incident.

Five LTTE militants were killed and eight others injured in clashes with the SFs in the Villattikulam, Vinayagapuram, north of Madhu and Chinnavalayankulam areas of Vavuniya and Mannar districts. Two soldiers were wounded in the incident.

April 14

More than 25,000 people, including 6,000 students, in the LTTE-held areas in the north-western region of the Mannar district face displacement due to the intensified fighting, according to A. Nicholaspillai, the Mannar District Collector. "The entire population of the LTTE-held Madhu and Manthai west assistant government agent division, numbering over 25,000, face displacement due to recent fighting in the area," he said. According to him, the people have moved further north into LTTE-held Kilinochchi.

The SFs launched attacks on a few LTTE hideouts in the area east of Madhu in the Mannar district. Seven militants were killed in one of these attacks.

During a clash between the two sides in the area north of Janakapura and north of Kiriibbanwewa in Vavuniya district, five LTTE militants were killed while 11 others were injured. Two soldiers were also killed and seven others sustained injuries in the incident.

April 15

Six LTTE militants were killed by the troops during clashes in the Paleipperumalkadu, Kaddupulan, Vettukkuly, Veddayamurippu and Veppankulam areas of Mannar district. One soldier sustained injuries in one of the clashes.

Three militants were killed when the troops clashes with LTTE militants in the Navakkulam, Narrikkulam and east of Madhu areas of Vavuniya district. Two soldiers were injured during the clashes.

The United States Agency for International Development announced that it has awarded a five-year \$12 million contract to support regional Government in Sri Lanka's eastern and north central provinces.

April 16

The troops killed six LTTE militants and injured nine others during clashes in the Andankulam, Palampiddi, Vinayakankulam, Palamoddai, Kanne Karappu and Periyakulam areas of Vavuniya district. One soldier was also killed while eight others sustained injuries in the clashes.

The SFs killed five LTTE militants while injuring 47 others during clashes in the Janakapura, Kiriibbanwewa and Andankulam areas of Vavuniya district. Nine soldiers were also wounded during the clashes.

During clashes between the two sides in the Kaliaddanchan, Manthotam and VEDIYA Murippu areas of Mannar district, the SFs killed four LTTE militants and injured three others. Two soldiers were injured in these incidents.

- April 17 The troops during clashes with the LTTE in the Andankulam east area of Vavuniya district killed four militants and injured eight others. Two soldiers were also killed while five more sustained injuries in the clashes.
- Six LTTE militants were killed by the troops in the Andankulam east area of Vavuniya district.
- During an encounter between the two sides at Kokkuthuduvai in the Vavuniya district, the SFs killed at least four militants. One trooper was also killed while another sustained injuries in the clash.
- Four more LTTE militants, including two female cadres, were killed by the troops in the Kattikulam and Tenvadaian areas of Mannar district.
- The Sri Lankan Government said that it will be ready for talks with the LTTE if they eschewed terrorism but has not made any formal contact with the Norwegian peace facilitators on resuming the process of stalled negotiations.
- April 18 13 militants were killed and three others injured as the troops launched attacks on LTTE hideouts at Kathankulam and Malikaattidal in the Mannar district. One soldier was wounded in the incident.
- The troops clashed with LTTE militants in the area east of Madhu and killed 12 of them while injuring eight others.
- Three LTTE militants and a soldier were killed and 21 militants were wounded during clashes in the area north of Janakapura, north of Kiriibbanwewa and Andankulam in the Vavuniya district.
- The French relief organization - Action contre la Faim (ACF or Action against Hunger) - that operated in conflict areas in Sri Lanka and lost 17 of its local workers in a single incident at Muttur in the Trincomalee district on August 4, 2006 has decided to withdraw, a statement from the organization said. The AFC cited the slow progress of the investigations carried out by the Presidential commission for its decision to pull out.
- April 19 Four militants were killed when clashes erupted between the LTTE and SFs in the Muhamalai and Nagarkovil areas of Jaffna district.
- April 20 13 LTTE militants were killed during separate encounters with the troops in the Kathankulam, Veddayapiru, Veddayampuramkulam, Adampan and Malikaattidal areas of Mannar district.
- MI 24 fighter helicopters of the SLAF neutralised an LTTE mortar location and one of the outfit's forward command posts in the area east of Adampan in the Mannar district. 12 militants were killed and an equal number of them were wounded in the attack.

- The troops captured two LTTE trenches and shot dead at least five militants during clashes in the Andankulam and Puttankulam areas of Vavuniya district.
- April 21 The troops in a pre-dawn attack captured the LTTE main operation base in Mannar, codenamed "Lima-3", located east of Kathankulam. A stretch of about 1,300 meters also came under the troops' control while seven militants were killed in the operation. Four soldiers were wounded in the incident.
- Six LTTE cadres, including two female militants, were killed during clashes with the troops in the Palampiddi, Kathankulam and Mantota areas of Mannar district.
- The troops attacked an LTTE bunker in the Janakapura area of Vavuniya district and killed two militants while injuring two others.
- The troops attacked a LTTE bunker in the Janakapura area of Vavuniya district, killing one militant and injuring two others.
- April 22 The SFs killed six LTTE militants at different places in the Welioya area of Vavuniya district. Over 20 militants and five soldiers were injured in these clashes.
- April 23 169 militants and 43 soldiers are reported to have died in a fierce gun-battle between the SFs and the LTTE cadres in and around Muhamalai FDL in the Jaffna district. While 120 soldiers were wounded in the encounter, 33 soldiers were reported missing. "LTTE terrorists came and attacked our forward line this morning, we have retaliated and captured about 400 to 500-metres of LTTE area in Muhamalai," said military spokesman Brigadier Udaya Nanayakkara.
- At least 16 LTTE militants were killed and more than 31 others injured during encounters in the area north of Janakapura and Kiriibbanwewa in the Vavuniya district. One soldier was also killed while five others sustained injuries during the incidents.
- Five LTTE militants were killed during separate encounters in the Navakkulam, Thachchanamarudamadu, Kirichchuddan and Palampiddi areas of Vavuniya and Mannar districts.
- Nine militants were killed and three others were wounded during encounters in the Veddayamurippu, Mantota, Mankadu and Pullekyarkulam areas of Mannar district.
- April 24 At least 27 militants were killed and 12 others injured as heavy fighting erupted between the LTTE and the troops in the Malikaittidal area of Mannar district when the troops attacked and captured outfit's fortified bunker line and a trench line. Three soldiers were killed and seven more injured in the clashes.
- At Parayanakulam in the Mannar district, the SFs attacked a LTTE bunker with small arms and killed four militants.

- Three LTTE militants were killed and 12 others wounded during clashes with the troops in the area north of Kiriibbanwewa and Andankulam in the Vavuniya district. Three soldiers were injured in these incidents.
- Aril 25 26 civilians, including seven women, were killed and 40 others injured when the LTTE detonated a bomb inside a Ceylon Transport Board bus parked at the public bus stand in Piliyandala suburb of Colombo, at around 7:00 pm.
- At least 19 LTTE militants were killed and several others wounded when the troops attacked several LTTE hideouts and captured their trench lines at different places in the Mannar and Vavuniya districts.
- April 26 21 militants and seven soldiers were killed when the troops retaliated to an LTTE attempt to storm the SFs defence lines in the area north of Janakapura in Vavuniya district.
- At least 25 militants were killed when clashes erupted between the troops and the LTTE militants at several places in the Vavuniya and Mannar districts. 11 soldiers were wounded in the clashes.
- The troops killed four LTTE militants who were moving ahead of the security forces FDLs in the areas south of Muhamalai and Nagarkovil in Jaffna district.
- The troops attacked a group of LTTE militants in the area north of Kiriibbanwewa in Vavuniya district and killed three of them.
- April 27 An LTTE light aircraft bombed military FDLs in Welioya, the military said. Military spokesman Brigadier Udaya Nanayakkara said three bombs were dropped by the LTTE at the military FDLs in Welioya but caused no damages to property or personnel. "At about 1:35 a.m. they came and dropped three bombs on the Welioya Forward Defence line. Nobody was hurt, and no damage to any property," he stated.
- At least 14 LTTE militants were killed during clashes between the troops and militants at several places in the Vavuniya and Mannar districts. Two soldiers were also killed while four of them sustained injuries.
- Security forces killed five militants in the area north of Janakapura, Kiriibbanwewa and Andankulam in the Vavuniya district area and recovered a large number of anti-personnel mines and improvised explosive devices. 12 soldiers were injured in these clashes.
- Five LTTE militants, identified as Yavili, Malarini, Wellappan, Malarmadhi and Manalan, were killed by the troops in the Veddayamurippu area of Mannar district.

- The troops in an ambush in the Palampiddi area of Mannar district killed four LTTE militants.
- April 28 Three LTTE militants were killed by the in the Kaddupulan and Kattikulam areas of Mannar district.
- April 29 Seven LTTE militants, including six senior cadres, were killed when the troops neutralised two of the outfit's bunkers in the Manipullaukulam area of Mannar district.
- The SFs attacked an LTTE camp in the Muttlamadittakulam area of Vavuniya district and killed six militants while injuring four others.
- The troops clashed with a group of LTTE militants in the Muttlamadittakulam area of Vavuniya district and killed four of them. One soldier was also killed while another sustained injuries in the exchange of fire.
- At Navathkulama in the Vavuniya district, the troops neutralized an LTTE bunker and killed three militants.
- London's Metropolitan Police arrested three suspects in London and Wales for allegedly supporting the LTTE in Sri Lanka as a part of an investigation into the funding of the terrorist group.
- April 30 At least 40 LTTE militants, including a leader, were killed and several others wounded as the troops captured the outfit's 18-Base in the Veppankulam and Kallikulam areas of Mannar district. Six soldiers were injured in the operation. Subsequently, two MI-24 fighter crafts of the Sri Lanka Air Force providing aerial cover to the advancing ground troops bombed two LTTE camps in the Karukkakulam and Chalampaikulam areas.
- 11 militants were killed and 21 soldiers were injured in fighting between the two sides in the LTTE-held areas of Periyakulam, Karukkakulam and Kathankulam in the Mannar district.
- May 1 Troops captured the LTTE-held Karukkakulam town in the Mannar district, killing at least 15 militants. One soldier was also killed in the incident.
- The SFs neutralized four LTTE bunkers and killed 11 militants while injuring an equal number of them during attacks in the Navathkulama, Muttiramadittakulam and Palampiddi areas of Vavuniya district.
- During an encounter in the area north of Janakapura and Kiriibbanwewa, the SFs killed five militants.
- At Veddayamurippu in the Mannar district, the troops destroyed a LTTE bunker line killing five militants and injuring at least seven others.

Three LTTE militants were killed by the troops in the Karukkakulam, Nedunkandal and Veddayamurippu areas of the Vavuniya and Mannar districts.

President Mahinda Rajapakse said that the LTTE domination in the northern part of the country would end soon. "The security forces are advancing step by step in the northern theatre too. Soon the people there too would be liberated," Rajapakse said in his May Day rally at Dehiattakandiya in Ampara district of eastern Sri Lanka.

May 2

An unspecified number of LTTE bunkers in the Veddayamurippu, Allikulam, Palamoddai, Manthai and Malikaittidal areas of Vavuniya and Mannar districts were captured by the troops during clashes in which 19 militants were killed and 15 others were injured. Two soldiers were killed while three others sustained injuries in the clashes.

May 3

At least 15 LTTE militants, most of whom were from the "Imran Pandian regiment" – said to be LTTE's most acclaimed regiment - were killed in an offensive launched by the troops in the Chettiyarkattaiadampan area of Mannar district.

12 LTTE militants were killed and 10 others were injured during clashes with the troops in the Palampiddi, Adampan and Nedunkandal areas of the Mannar and Vavuniya districts. One soldier was also killed while six others sustained injuries in the clashes.

The troops captured about 1.5 sq km stretch of land in the LTTE-held territory of Periyakulam in the Mannar district killing 10 militants while injuring 10 others. Two soldiers were wounded during the clashes.

During an encounter between the two sides in the area north of Janakapura in Vavuniya district, the SFs killed seven militants while more than 20 others were injured. Two soldiers were killed and four others sustained injuries in the incident.

The SFs clashed with several groups of LTTE militants in the Ethawatunuwewa, Kokkuthuduvai, north of Janakapura and Kiriibbanwewa areas of Vavuniya district and killed four of them. Five soldiers were also killed in the incidents while three others were wounded.

May 4

During clashes between the SFs and LTTE militants in the Navakkulam and Palampiddi areas of Vavuniya district, the SFs killed three militants.

The military said that approximately 245 soldiers were killed in clashes with the LTTE in 2007 while over 240 lost their lives in the four months of this year, military spokesman Udaya Nanayakara. He added that 2500 LTTE cadres were killed during 2007. According to the military, over 3300 LTTE militants and over 240 soldiers have been killed in fighting till April this year.

Despite the Sri Lankan Navy's claim that it had destroyed all 10 arms ships of the LTTE, the country's intelligence agencies have revealed that the outfit has unloaded at least three shiploads of military hardware in the last two months.

May 5

10 LTTE militants, including two area leaders, were killed and 52 others injured by the SFs in an encounter at the Muhamalai FDL of Jaffna district. Two soldiers were killed and 14 others sustained injuries in the LTTE attack. One soldier, meanwhile, was reported missing [37c]

May 6

The troops captured about 400-600 square metres stretch of land in the LTTE-held territory of Alankulam in the Mannar district and killed seven militants while injuring 10 others. Five soldiers were also injured in the operation. Also, the troops foiled an LTTE attempt to re-enter into the same area later and during the ensuing encounter killed six more militants.

The troops opened fire towards a tractor carrying LTTE militants through a jungle path in the area north of Periyamadu in Vavuniya district killing six militants aboard the vehicle.

The SFs attacked a line of LTTE bunkers in the Palampiddi area and neutralised six bunkers. Six militants were killed and a soldier injured during the incident.

The SFs in the Manthotam area of Mannar district in two separate attacks destroyed three LTTE bunkers killing five militants. 10 militants and two soldiers were reported wounded in the confrontation.

In the area north of Janakapura in the Vavuniya district, SFs opened fire towards a tractor carrying three militants and killed all of them. One LTTE bunker was also neutralised in the area.

The troops captured the Palampiddi Bridge in the LTTE-held area of Palampiddi in the Vavuniya district following a fierce gun-battle. Providing support to the ground troops the Sri Lanka Air Force fighter jets bombed an LTTE target located one-km north of Palampiddi junction in the same area. Citing intercepted LTTE communication, defence sources said the outfit suffered heavy casualties though the details are yet to be ascertained.

Arunachalam Chrishanthakumar alias A. C. Shanthan (51), the de-facto leader of the LTTE in the United Kingdom, was re-arrested in connection with terrorist funding and procurement activities.

The RCMP counterterrorism investigators in Toronto have seized a letter signed by the LTTE chief Velupillai Prabhakaran directing Canadian Tamils to send him Canadian \$3-million, according to police files released on May 6 by the Federal Court.

Speaking in the Parliament, Prime Minister Ratnasiri Wickremanayake said 120 SF personnel from the Army, Navy and the Air force were killed and another 945 were injured in clashes during April 2008. He also said 56 civilians were also killed while 145 others were injured.

President Mahinda Rajapakse challenged the LTTE leader Velupillai Prabhakaran to 'clash with him directly' and declared that his Government would continue in its bid to flush rebels out of their stronghold in the north.

May 7 During intermittent clashes between the two sides in the areas north of Parappakandal, Kathankulam, Alankulam, Chalampaikkulam, Nedunkandal and Adampampekkulam in the Mannar district, the SFs killed 12 militants. Six soldiers sustained injuries in the clashes.

Three LTTE militants were killed by the SFs in the Palampiddi area of Vavuniya district.

May 8 10 LTTE militants were killed as the Army captured a two square kilometer stretch of land in the LTTE-held territory, about 5-6 km south of Adampan town in the Mannar district. One soldier was also killed while another was wounded in the incident.

During clashes with the LTTE militants in the Vedamakilam, Alkaddivalikulam, Palampiddi, Villiyakulam and Palamoddai areas of Vavuniya district, the troops killed three militants while injuring five others.

Three LTTE militants were killed and nine others wounded by the troops in the Janakapura, Andankulam and Kiriibbanwewa areas of Vavuniya district.

The British police have charged four men with conspiring to support the LTTE, Scotland Yard said. The four were arrested under anti-terrorism laws and are accused of owning computers, radio equipment and high-power magnets for terrorist purposes, AFP reported from London. The four men were identified as Arunachalam Chrishanthakumar alias AC Shanthan, 51; Jegatheswaran Muraleetharan alias Muralee Tharan, 46; Jeyatheswaran Vythyatharan alias Vithy Tharan, 39; and Murugesu Jegatheeswaran alias M Jegan, 33.

May 9 Military spokesman Brigadier Udaya Nanayakkara said that the SFs captured one square km. area in Alankulam of Mannar. "33 LTTE cadres were killed and 40 injured in the confrontation", Nanayakkara stated. One soldier was killed and five others wounded in the clashes. Five soldiers were reported missing in action.

The troops captured the strategic Adampan town in Mannar district. "At least 15 LTTE cadres were killed and many others injured when troops marched forward and confronted the Tiger cadres resulting in the capture of the Adampan junction and it's liberation from the LTTE's grip at around 8.30 a.m.", military spokesman Brigadier

Udaya Nanayakkara said. Two soldiers were killed and seven others injured in the incident.

14 LTTE militants were killed in the general (area under Government control) of Vavuniya district.

11 persons, including two women, were killed and 29 others injured in a bomb blast at the City Cafe Hotel near the Ampara Clock tower in Ampara town.

During an encounter between the two sides in the areas north of Janakapura and Kiriibbanwewa, the SFs killed 12 militants. Three soldiers were reportedly injured in the clashes.

In Mannar, clashes erupted between the two sides in the Manipullkulam, Nedunkandal and Mantota areas in which 11 militants were killed and five wounded. Troops also captured two bunkers connected to LTTE trenches during clearing operations in the Manipullkulam.

Vinayagamoorthy Muraleetharan alias Karuna Amman, founder of the TMVP, a break way faction of the LTTE, was released following his imprisonment for possessing false documents, contrary to Section 25 of the Control of Identification Documents (offences) Act 2005. He now remains under immigration detention powers, a British High Commission statement said.

May 10 18 LTTE militants were killed when the troops attacked the outfit's hideouts in the areas north of Palampiddi, Vedamakilam, Kurukkandai, north of Janakapura and Kiriibbanwewa in the Vavuniya district.

Voting in the elections for the Eastern Provincial Council in Sri Lanka ended at 4.00pm (local time) amid accusations of violence, attacks and rigging. Elections officials said the estimated voter turnout was approximately 65% in Ampara, 55% in Batticaloa and 60% in Trincomalee.

May 11 10 LTTE militants were killed and more than five others injured during clashes with the troops in the Palamoddai, Palampiddi and Periyamadu areas of Vavuniya district.

Four LTTE militants were killed by the troops during encounters in the Kiriibbanwewa and Janakapura areas of Vavuniya district. One soldier sustained injuries during the clash in Janakapura.

The UPFA won the first ever Provincial Council Election in the East, securing 20 (18+02 bonus seats) out of 37 seats on offer, while polling 52.21 per cent of the total votes. The UNP which obtained 42.38 per cent of the total valid votes got 15 seats while the Janatha Vimukthi Peramuna and the Tamil Democratic National Alliance secured one seat each. The UPFA won two out of the three districts, - Batticaloa and Ampara while the Trincomalee district was won by the UNP. A total number of 591,676 (65.78 per cent) voters exercised

their franchise out of a total of 982,721. However, the number of rejected votes was quite high with 54,780 (8.47 per cent) getting annulled.

May 12

Five militants were killed in the Palampiddi area of Vavuniya district as the troops destroyed four LTTE bunkers.

SFs killed five LTTE militants in the Periyamadu area of Vavuniya district.

All the SATP timelines for the years 2000-2007 and (less in detail) the period 1931-1999 can be accessed from the following link:

<http://www.satp.org/satporqtp/countries/shrilanka/timeline/index.html> [37i]

Additional details on events in Sri Lanka are available from the website of the International Institute for Strategic Studies (IISS) Armed Conflict Database, Sri Lanka (undated), Latest timelines [51a] (**Latest Timelines**). The weblink also gives access to timelines for 2007 and previous years. [51b]

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Annex C: Political organisations

Akhila Illankai Tamil United Front (AITUK)

Founded in 2006; Tamil; advocates federal solution to ethnic conflict. [1a]

All Ceylon Tamil Congress (ACTC)

Founded in 1944. It contested the December 2001 and the April 2004 elections as part of TNA. [8] (p563) (See also TNA)

Ceylon Workers' Congress (CWC)

The CWC is both a trade union (with its main strength being among Tamil workers of Indian origin on tea plantations), and a political party seen as representing the community of Indian descent. [8] (p437)

The party joined the ruling UFPA in August 2006." (Keesing's Record of World Events, August 2007, Sri Lanka) [23c]

Communist Party of Sri Lanka (CPSL)

Founded in 1943 and advocates the establishment of a socialist society. It supports the national unity of Sri Lanka. The party contested the April 2004 election as part of the winning coalition UPFA (United People's Freedom Alliance) winning only one seat. [8] (p560)

Democratic People's Liberation Front (DPLF)

Has operated as a national political party since 1988 and is the political wing of the People's Liberation Organisation of Tamil Eelam (PLOTE). [8] (p560)

Democratic United National Front (DUNF)

Formed in 1992 by a dissident group of UNP politicians. Supports the People's Alliance coalition. [8] (p561)

Democratic Workers' Congress (DWC)

Formed in 1939 as a trade union and in 1978 as a political party. Aims to eliminate discrimination against the Tamil-speaking Sri Lankans of recent Indian origin. [1a]

Deshapriya Janatha Viyaparaya (DJV)

(Patriotic People's Movement) Militant Sinhalese group associated with the JVP. [1a]

Desha Vimukthi Janatha Party (DVJP)

(National Liberation People's Party) Has operated as a national political party since 1988. [1a]

Eelavar Democratic Front (EDF)

Founded in 1989 by a majority of Eelam Revolutionary Organisation (EROS), which joined the LTTE. [56]

Eelam National Democratic Liberation Front (ENDLF)

Tamil; supports 1987 Indo-Sri Lankan peace accord; has operated as a national political party since September 1988. [1a]

Eelam People's Democratic Party (EPDP) <http://www.epdpnews.com/>

A Tamil group formed in 1986 as a split from ERPLF. [56] The party gained one seat at the 2 April 2004 elections for the National Assembly and supported the Government subsequently formed by the UPFA. [8] "Led by Douglas Devananda, the Eelam

People's Democratic Party (EPDP) broke away from the Eelam People's Revolutionary Liberation Front (EPRLF) in approximately 1988. Since 1990 it has fought alongside the Sri Lankan Army against the Liberation Tigers of Tamil Eelam (LTTE). Since 1994, the EPDP has been the most significant force in electoral politics in Jaffna, although voter turnout has been exceptionally low. The EPDP has generally been supportive of People's Alliance/UPFA government policy on the war and peace process. Although EPDP armed cadres may only be a few hundred strong, they retain a reputation for human rights abuses. Devananda has a cabinet portfolio and is currently the minister for social services and social welfare. However, his public profile is limited by the fact he is extremely high on the LTTE list for assassination." (Jane's Sentinel, Country Risk Assessments, Country Report, Sri Lanka last accessed 4 January 2008) [5a] (Internal Affairs, last updated 4 December 2007)

Eelam People's Revolutionary Liberation Front (EPRLF)

The EPRLF now functions as two groups – the Suresh wing (on the TNA list) and the Varatharaja wing (on the EPDP list. [8] (See also TNA)

Eelam Revolutionary Organisation (EROS)

Founded in 1990 by a minority of the original EROS, led by Shankar Raji, the party supported EPDP in the parliamentary election of 2 April 2004. [56]

"EROS remains the most radically nationalist of the constitutional Tamil groups, but is not militarily active." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, Internal Affairs, last accessed 4 January 2008) [5a] (Internal Affairs, 4 December 2007, Non-parliamentary Tamil parties)

Illankai Tamil Arasu Kachchi (ITAK) See TNA

Jathika Hela Urumaya (JHU)

"The JHU is a Buddhist-Sinhalese political party led by Buddhist monks, formed in February 2004 with the specific intention to compete in that year's parliamentary elections. Although initially founded by the secular Sinhalese nationalist party Sihala Urumaya, all of the JHU's members of parliament are Buddhist monks.

"The JHU's creation and the unprecedented entry of saffron-clad monks into parliament has caused debate over whether monks should be entering politics at all both within and outside the party. However, the party's strong representation in the 2004 elections has encouraged the party to continue campaigning for Buddhist and Sinhalese issues in Sri Lanka." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka) [5a] (Internal Affairs, last accessed 4 January 2008)

Jathika Nidahas Peramuna (JVN) See below

Janatha Vimukthi Peramuna (JVP) <http://www.jvpsrilanka.com/> (People's Liberation Front)

Founded in 1964; banned following a coup attempt in 1971, regained legal status in 1977, banned again in 1983, but regained legal status in 1994; Marxist; Sinhalese support. [1a] For the April 2004 election, the JVP entered into an alliance with President Kumaratunga's a member of the United People's Freedom Alliance (UPFA) and gained 40 seats. [8] "The JVP was the second largest party within the UPFA, and follows a hybrid Marxist-Sinhalese nationalist platform...As such, the JVP holds a powerful position in the ruling coalition, amply demonstrated by the party's decision to temporarily leave the coalition in June 2005 as a protest against then-president Kumaratunga's policy of agreeing a Post-Tsunami Operating Management Structure (P-TOMS) with the LTTE. Agreement with Rajapakse over the future course of the

peace process during his campaign prior to the November 2005 presidential election ensured that the JVP remained in opposition following Rajapakse's victory, but with conditional support for the government. Since his election in November 2005, Rajapakse has had an uneasy relationship with the JVP, and has worked steadily to reduce his political dependence on them in parliament... The JVP has since broken ranks with Rajapakse, but is strongly in support of his military policy towards the ethnic conflict with the LTTE." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka) [5a] (Internal Affairs, last accessed 4 January 2008)

On 12 May 2008 it was reported that "A dissident Janatha Vimukthi Peramuna (JVP) parliamentarian, Nandana Gunatillake, on Monday handed over particulars of a new political party under the name Jathika Nidahas Peramuna (National Freedom Front) to the Sri Lankan Commissioner of Elections. Wimal Weerawansa, the former propaganda secretary of the JVP, who left the party with ten other parliamentarians last month, would be the president of the JNP." (TamilNet, 12 May 2008) [38ag]

Liberation Tigers of Tamil Eelam (LTTE) <http://www.eelam.com>
<http://www.eelamweb.com/ltte/>

LTTE front organisations include:

World Tamil Association (WTA)

World Tamil Movement (WTM)

Federation of Associations of Canadian Tamils (FACT)

The Ellalan Force

"Founded in 1976, the LTTE is the most powerful Tamil group in Sri Lanka and uses overt and illegal methods to raise funds, acquire weapons, and publicize its cause of establishing an independent Tamil state. The LTTE began its armed conflict with the Sri Lankan Government in 1983 and relies on a guerrilla strategy that includes the use of terrorist tactics. The group's elite Black Tiger squad conducts suicide bombings against important targets, and all rank-and-file members carry a cyanide capsule to kill themselves rather than allow themselves to be caught. The LTTE is very insular and highly organized with its own intelligence service, naval element (the Sea Tigers), and women's political and military wings... Headquartered in the Wanni region, LTTE leader Velupillai Prabhakaran has established an extensive network of checkpoints and informants to keep track of any outsiders who enter the group's area of control... Approximately 10,000 armed combatants in Sri Lanka; about 3,000 to 6,000 form a trained cadre of fighters. The LTTE also has a significant overseas support structure for fundraising, weapons procurement, and propaganda activities." (FAS, Intelligence Resource Program, Liberation Movements, Terrorist Organizations, Substance Cartels, and Other Para-State Entities, Liberation Tigers of Tamil Eelam (LTTE), undated) [61]

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka: "The group's strength was estimated between 8,000 and 10,000." [5a] (Non-State Armed Groups, last accessed 4 January 2008)

As highlighted in the South Asia Terrorism Portal (SATP):

"Under the Prevention of Terrorism Act, 2002 (POTA) in India, the LTTE is a proscribed organisation. On October 4, 2003, the United States re-designated the LTTE as a Foreign Terrorist Organisation (FTO) pursuant to Section 219 of the US Immigration and Nationality Act. The LTTE has been proscribed, designated or banned as a terrorist group by a number of governments – India, Malaysia, USA, Canada, UK, Australia – countries where the LTTE has significant terrorist infrastructure for

disseminating propaganda, raising funds, procuring and shipping supplies to support their terrorist campaign in Sri Lanka... The LTTE leadership is organized along a two-tier structure: a military wing and a subordinate political wing. Overseeing both is a central governing committee, headed by the LTTE chief, Velupillai Prabhakaran... This body has the responsibility for directing and controlling several specific subdivisions, including, an amphibious group (the Sea Tigers headed by Soosai), an airborne group, (known as the Air Tigers), an elite fighting wing (known as the Charles Anthony Regiment, named after Anthony, a close associate of Prabhakaran and is headed by Balraj), a suicide commando unit (the Black Tigers headed by Pottu Amman), a highly secretive intelligence group and a political office headed by Thamilselvan and Anton Balasingham, widely regarded to be the political advisor and ideologue of the LTTE. [Thamilselvan was killed in November 2007 – see Section 4 and Balasingham died in London in December 2006] The central governing committee also has an International Secretariat, which is in charge of the outfit's global network... The LTTE has also set up a parallel civil administration within its territory by establishing structures such as a police force, law courts, postal services, banks, administrative offices, television and radio broadcasting station, etc.” [37a]

In the UK the LTTE is one of the proscribed organisations under Part II of the Terrorism Act 2000 [35c] The (undated) 'List of proscribed terrorist groups' is available from the Home Office website (accessed on 20 November 2007). [35d]

As noted in the report of the UN Special Rapporteur on his Mission to Sri Lanka (28 November to 6 December 2005), published on 27 March 2006:

“The LTTE plays a dual role. On the one hand, it is an organization with effective control over a significant stretch of territory, engaged in civil planning and administration, maintaining its own form of police force and judiciary. On the other hand, it is an armed group that has been subject to proscription, travel bans, and financial sanctions in various Member States. The tension between these two roles is at the root of the international community's hesitation to address the LTTE and other armed groups in the terms of human rights law. The international community does have human rights expectations to which it will hold the LTTE, but it has long been reluctant to press these demands directly if doing so would be to ‘treat it like a State’.” [6x] (Paragraph 26)

“Ministers of the EU on May 29 [2006] formally added the LTTE to a list of banned terrorist organisations, which meant a bar on LTTE fundraising and that the group's financial assets would be frozen in all 25 EU member states. LTTE officials would also be prevented from visiting the EU.” (Keesing's Records of World Events, May 2006 – Sri Lanka) [23d] On 24 April 2007 the the Official Government News Portal of Sri Lanka reported that the European Union had taken the decision to keep the LTTE on the 'black list' of international terrorist groups. [10g]

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last update 21 November 2007:

“The heightened global concern over terrorist activities since 2001 has reduced the international community's level of tolerance and, in April 2006, the Canadian government became the latest previously tolerant government to proscribe the LTTE. The European Union followed suit in May 2006... Nevertheless, the LTTE remains the only Tamil organisation that maintains the capacity for pressuring and intimidating the government of Sri Lanka into granting significant concessions towards the demand for autonomy for the northeast of the country. Much more important, the LTTE has

oligopolised the monopoly of force in Sri Lanka. If the peace process is to succeed according to the wishes of the government, the LTTE will have to be persuaded to relinquish control over the 'uncleared' areas. This is a far from likely scenario, which makes a political solution somewhere along the federalist-separatist continuum the only realistic outcome." [5a] (Internal Affairs, last updated accessed 4 January 2008, Tamil Militancy and the LTTE's rise to supremacy)

For the Karuna faction, see under TMVP.

See also Annex B and E

Mahajana Eksath Peramuna (MEP)

Founded 1956; Sinhalese and Buddhist support; left-wing; advocates economic self-reliance. [1a]

Nava Sama Samaja Party (NSSP)

(New Equal Society Party) A Trotskyist party founded in 1977. [1a]

People's Alliance (PA) aka Podujana Eksath Peramuna (PEP)

Formed in 1993 as a left-wing alliance which includes the LSSP, the SLFP (President Kumaratunga's party) and the SLMP. [8] (p438) This was the ruling party in Sri Lanka from August 1994 until December 2001. (See also UPFA)

Peoples Front of Liberation Tigers (PFLT)

Formed in 1989, it is the political party of the Liberation Tigers of Tamil Eelam (LTTE). [9] It took part in the election for the Eastern Province Provincial Councils held on 10 May 2008 but did not gain any seats. [10d]

People's Liberation Organisation of Tamil Eelam (PLOTE)

Formed in 1979 as a split from the LTTE. [56] (Introduction) Its political wing is the Democratic People's Liberation Front (see above). [8] (p560)

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last update 21 November 2007, "The PLOTE originated as an LTTE splinter group, but it was never well armed and its military activities remained low key. In time, internal feuds and a souring of relations with its Indian sponsors fuelled the PLOTE's slow demise and the group was largely wiped out by the LTTE in 1986. After the [1987] Indo-Lanka Accord, the PLOTE renounced its armed rebellion against the Sri Lankan government, but maintains armed cadres to this day." [5a] (Internal Affairs, 4 December 2007, Non-parliamentary Tamil parties)

Sri Lanka Freedom Party (SLFP)

"Founded in 1951, the SLFP campaigned for the attainment of republican status for Sri Lanka prior to adoption of the 1972 constitution. With a democratic socialist orientation, the party advocated a non-aligned foreign policy, industrial development in both the State and private sectors, and safeguards for national minorities. One family has led the party throughout its history. S.W.R.D. Bandaranaike (originally a leading figure in the United National Party) was the party's founder and first Prime Minister from 1956 until his assassination in September 1959. His widow, Sirimavo Bandaranaike, in 1960 became the world's first woman Prime Minister, holding this post until 1965 and again from 1970-1977. Following the party's return to power after 17 years in the August 1994 elections, she was again Prime Minister (the post by now being largely ceremonial) from November 1994 until her death in October 2000. Chandrika Bandaranaike Kumaratunga, the daughter of S.W.R.D. and Sirimavo, was Prime Minister from August – November 1994, becoming the elected President in November

1994, and is the leader of the SLFP. The SLFP returned to power in August 1994, heading the People's Alliance (PA) coalition. The PA secured another victory in general elections in October 2000, but lost power in the December 2001 general elections." In January 2004 it formed an electoral pact with JVP dubbed the UNPFA [see below] [8] (p561-562)

"President Mahinda Rajapakse was on June 28 [2006] elected president of the ruling Sri Lanka Freedom Party (SLFP) without a contest, replacing former President Chandrika Kumaratunga. He was the first leader of the party from outside the Bandaranaike-Kumaratunga family since the SLFP was founded in 1951 by Kumaratunga's father, and it was reported that the former president had resisted being ousted by Rajapakse, even though she was currently domiciled in the UK." (Keesing's Records of World Events, June 2006 – Sri Lanka) [23e]

Sri Lanka Freedom Party – Mahajana Wing (SLFP – M)

The Keesing's Record of World Events, June 2007, Sri Lanka recorded that "Former Foreign Minister Mangala Samaraweera and former Port Development Minister Sripathi Sooriarachchi on June 22 [2007] announced that they were leaving the Sri Lanka Freedom Party (SLFP), the lead party in the ruling United People's Freedom Alliance (UPFA), to form a breakaway party the Sri Lanka Freedom Party--Mahajana Wing (SLFP--M), which would sit with the opposition in Parliament." [23b]

Sri Lanka Muslim Congress (SLMC)

The SLMC was formed to represent the Tamil-speaking Muslim population of the Eastern province and was organised as an all-island party in 1986. Led by Rauf Hakeem. At the 2 April 2004 elections for the National Assembly the party won five seats. [8] (p562)

Tamil Eelam Liberation Organisation (TELO) <http://www.telo.org/>

Formed in 1974, it is on the TNA list. [56] It has operated as a national political party since 1988. [1a] "The TELO currently has three members of parliament and is the second largest party in the LTTE-backed Tamil National Alliance." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 4 January 2008) [5a] (Internal Affairs, last accessed 4 January 2008) In February 2008 it was reported that the party had split into two. "Members of the breakaway faction said they were not prepared to accept the leadership of parliamentarian Selvam Adaikalanathan and would function as a separate party. This faction is being led by Ramesh considered a TELO militant and a new political office was opened at Kurumannadu in Vauniya..." (Daily Mirror, 19 February 2008) [11j] (See also TNA)

Tamil National Alliance (TNA)

"The Tamil National Alliance (TNA) or Sri Lanka Tamil Government Party (Illankai Tamil Arasu Kachchi) is a political alliance of several Tamil parties formed in 2001 just before the 2001 elections. The alliance was formed by the All Ceylon Tamil Congress, Eelam People's Revolutionary Liberation Front (Suresh), Tamil Eelam Liberation Organisation and Tamil United Liberation Front (formerly the Federal Party). Since its formation, the TNA has acted in close co-operation with the rebel LTTE, and has frequently behaved as its advocate and political wing in parliament. In the April 2004 election, in which the SLFP and JVP alliance led by President Kumaratunga came to power, the TNA led by R Sampanthan won 6.9 per cent of the popular vote and 22 out of 225 seats in the Sri Lankan parliament." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka, last accessed 4 January 2008) [5a] (Internal Affairs, last updated 4 December 2007)

Tamileela Makkal Viduthalai Pulikal (Tamil People's Liberation Party) (TMVP)/Karuna faction

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka:

"TamilEela Makkal Viduthalai Pulikal (TVMP: Tamil Eelam Peoples Liberation Tigers) is the political wing of the paramilitary group formerly known as the 'Karuna group'. It was formed by breakaway LTTE leader V. Muralitharan (alias 'Colonel Karuna'), who led a split in the LTTE in 2004, leading to the secession of a large chunk of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province. Human rights reports in 2007 have alleged that the Karuna group recruits under-age youths as fighters, and furthermore, that these recruits are forcibly abducted and coerced into joining. The Karuna group is also alleged to be behind the spate of kidnappings of wealthy Tamils in Colombo since mid-2006. In mid-2007, press reports suggested that there was a split within the Karuna group between Karuna himself and one of his key lieutenants. In October 2007, news emerged that Karuna had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences. He is currently being held in detention in the UK. The future of the TMVP without Karuna is unclear, but it remains a critical element in the military strategy of the Sri Lankan armed forces in retaining control of the east." [5a] (Internal Affairs, last accessed 4 January 2008)

In May 2007 there were reports of a split within TMVP further to an alleged dispute between Karuna and a group headed by Pillayan which was eventually settled with the agreement that Karuna would remain as the leader. (*Daily Mirror*, 14 May 2007) [11g] However, on 1 October 2007 it was reported that former TMVP commander Pillayaqn was set to lead the group "in the wake of Karuna Amman fleeing to Britain in the midst of the deepening internal rift between Pillayan and Karuna owing to alleged financial mismanagement and tit-for-tat killings [between the respective supporters]." (*Daily Mirror*, 1 October 2007) [11q]

On 24 October 2007 it was reported that, further to a series of suspect LTTE attacks on the outfit, the government had increased the security provided to the eastern political cadres of the TMVP. "The SLMM said the TMVP appeared to be concentrating its resources in Batticaloa." (*Daily Mirror*, 24 October 2007) [11t]

The new TMVP [Tamil People's Liberation Party] leader Pillayan was reported to be "continuing to extend his control over the party by appointing his close allies to some of the top posts with reports that cadres loyal to Karuna Amman had vacated their offices in Ampara and some 35 others were under 'house arrest' in Batticaloa." (*Daily Mirror*, 10 November 2007) [11f] Clashes between the Pillayan and Karuna faction were reported in the district of Batticaloa in December 2007. (*Daily Mirror*, 8 December 2007) [11w]

TMVP was amongst the five additional political parties (in addition to the 53 Political Parties recognised as on 31 December 2007) recognised by the Elections Commissioners Department on 23 January 2008] (SATP Timeline, Year 2008) [37c]

As of April 2007, TMVP was repored to operate 20 political offices in the east including Batticaloa, Trincomalee and Ampara and one office in Colombo. (*Daily Mirror*, 17 April 2007) [11h]

An IGC report of February 2008 noted that “The Tamil Makkal Viduthalai Puligal (TMVP), which broke from the Tigers and is now led by the ex-Colonel Karuna’s former deputy, Pillayan, continues to rule Batticaloa and other parts of the east through terror and crime, with tacit police, military and Colombo approval. Still seen by the government and military as useful to block a Tiger re-emergence in the east, its reign of abductions, child recruitment, robberies and repression of dissent is extensively documented. The TMVP is blatantly intimidating political rivals in an attempt to rig the elections [in Batticaloa which they later won]. The TNA and Sri Lanka Muslim Congress (SLMC) have both complained of harassment...”(ICG, ‘Sri Lanka’s Return to War: Limiting the Damage’, Asia Report N°146, 20 February 2008) [76d] (p12)

See also Section 4 on Recent developments and Annex F

Tamil United Liberation Front (TULF)

Founded in 1976 following the merger of the All Ceylon Tamil Congress and Federal Party. [1a] It contested the April 2004 general election as part of TNA. (See also TNA)

United National Party (UNP) <http://www.unp.lk/portal/>

The conservative UNP was founded in 1947. It advocates the development of the country through free markets and inter-communal co-operation. The UNP formed the Government from 1947-1956 and again from 1965-1970. In 1977 it secured a landslide victory under J.R. Jayawardene, holding office for the following 17 years. The party lost power in 1994, but regained power in the December 2001 elections. It came second (with 82 seats) in the April 2004 general election. [8] (p563)

United People’s Freedom Alliance (UPFA)/People’s Alliance

Founded in 2003, it is an alliance of Sri Lanka Freedom Party (SLFP), JVP, LSSP, CPSL, SLMP, DVJP, MEP and National Unity Alliance (NUA). It won 105 seats in the April 2004 general election. [56] It reverted to original founding name of People’s Alliance in April 2007. President: Ratnasiri Wickremanayake. [1a] (Political organisations) “The UPFA is the coalition holding the single largest share of seats within the Sri Lankan parliament... However, the composition of the government benches of parliament has undergone significant changes in the three years since the elections. The two most important movements have been the departure of the second largest constituent, the Janatha Vimukthi Peramuna (JVP) by early 2007, and the arrival of new members who had defected from the opposition UNP.” (Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka, last updated accessed 4 January 2008). [5a] (Internal Affairs, last accessed 4 January 2008)

Up-Country People’s Front

Represents the interests of workers, mainly of Indian Tamil origin, on tea plantations. [1a] At the 2 April 2004 elections for the National Assembly it gained one seat [39a]

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Annex D: Prominent people

Bogollagama Rohitha

Minister of Foreign Affairs [44a]

KARUNA Colonel (nom de guerre of Vinayagamoorthi Muralitharan, aka Karuna Amman)

As highlighted by BBC News in a profile of 5 March 2004, Colonel Karuna was once a bodyguard of the LTTE leader Velupillai Prabhakaran.

“He joined the militant outfit in 1983 and, within a few years, became the top commander in his native eastern province.... Colonel Karuna’s importance in the Tamil Tiger hierarchy became clear when rebel leader Velupillai Prabhakaran elevated him to the rank of special commander for the eastern Batticaloa-Amparai districts in 2003...Prabhakaran later made Colonel Karuna part of the team that negotiated with the Sri Lankan government during several rounds of peace talks in Bangkok, Oslo and Tokyo...He felt his personal promotion was not enough for the east and has been seeking better representation for eastern cadres within the Tamil Tiger hierarchy.” [9cr] On 4 March 2004, BBC had reported that Colonel Karuna, had broken ranks after facing the threat of disciplinary action. “He was thought to be unhappy that the bulk of the rebel fighters come from the east and yet all the top leadership comes from the north of Sri Lanka.” [9bs] According to BBC News reports of 12 and 13 April 2004, he was reported to have fled after his troops were defeated and dispersed by the LTTE main faction in April 2004 in the east. [9bl] [9bm] As noted in BBC News reports dated 21 and 24 June 2004 and 1 July 2004, Tamil Tigers rebels had accused the Sri Lankan security forces of aiding and abetting Colonel Karuna but President Kumaratunga had rejected allegations that the government had authorised military activities in the Eastern Province in support of the Karuna faction. [9bp] [9bq] [9bbr]

As recorded in Jane’s Sentinel Country Risk Assessments, Country Report, Sri Lanka V. Muralitharan (alias ‘Colonel Karuna’):

“led a split in the LTTE in 2004, leading to the secession of a large chunk of the organisation in the Eastern Province of Sri Lanka. Much of the breakaway group was wiped out and disbanded during 2004 in a military counter-offensive by the mainstream LTTE. However, it was rebuilt during 2004-05 by Karuna and his close associates, under the support of the Sri Lankan military. Between late 2006 and early 2007, the Karuna group fought together with the Sri Lankan armed forces against the LTTE in the Eastern Province. In October 2007, news emerged that Karuna had been expelled from the TMVP, and that he had been forced to seek refuge in another country. Karuna subsequently resurfaced in the UK in November 2007, where he was arrested for immigration offences. He is currently being held in detention in the UK.” [5a] (Internal Affairs, last accessed 4 January 2008)

“[On 25 January 2008] Renegade LTTE leader Vinayagamoorthy Muralitharan alias ‘Colonel’ Karuna was sentenced to nine-month imprisonment by a UK Court for identity fraud. He was arrested in London on November 2, 2007, for carrying an apparently genuine Sri Lankan diplomatic passport issued under a false name. Karuna told the Isleworth Crown Court in West London that he had received the false diplomatic passport from the Sri Lankan Government. He said Defence Secretary Gotabaya

Rajapakse, who is also the brother of President Mahinda Rajapakse, had arranged the documents for him. Karuna, who founded the Tamil Makkal Vidhuthalai Pullikal (TMVP), was sentenced to nine months in jail under the Identity Cards Act after he pleaded guilty.” (SATP Timeline, Year 2008) [37c]

As noted in comments posted on 12 May 2008 on the website of the British High Commission, Colombo:

“A British High Commission spokesperson said ‘Vinayagmoorthy Muralitharan (aka Karuna Amman) was released yesterday following his imprisonment [in the UK] for possessing false documents, contrary to Section 25 of the Control of Identification Documents (Offences) Act 2005. He now remains under immigration detention powers. We have made clear our concerns at the circumstances by which Karuna travelled to the UK. We are deeply concerned that Karuna and his faction have allegedly been responsible for murder and abductions and are still believed to be involved in intimidation and child recruitment. The Crown Prosecution Service has advised the Metropolitan Police Service that there is insufficient evidence to provide a realistic prospect of conviction for any criminal offences in the UK.’” [15]

See also Section 3: History; and Annex C and F

KUMARATUNGA Chandrika Bandaranaike

President of Sri Lanka between 1994 and 2005. [1a]

See also Section 3

Nadesan (alias Balasingham Mahendran)

Considered a confidant of the LTTE leader Prabhakaran he was formerly in charge of the Tiger police, known as ‘Kaaval thurai’, before being appointed as the new head of the LTTE political section following the demise of S. P. Tamilselvan, killed in December 2007 [38y] [20a]

Pillayan (alias Sivanethurai Chandrakanthan)

Former allied of Colonel Karuna and, from October 2007, new leader of the TMVP [11r] [9]

See also Latest news and Annex C

PRABHAKARAN (PIRAPAHARAN) Velupillai

Leader of the Liberation Tigers of Tamil Eelam (LTTE). As outlined in a BBC News profile dated 25 November 2003:

“From a secret jungle base in the north-east of Sri Lanka, Velupillai Prabhakaran heads the Liberation Tigers of Tamil Eelam (LTTE). He has a reputation as a fearless and ruthless guerrilla leader, and under his leadership, the LTTE, or Tamil Tigers, have become a highly-disciplined and highly-motivated guerrilla force.... To his followers, he is a freedom fighter struggling for Tamil emancipation from Sinhala oppression. To his adversaries he is a megalomaniac with a brutal disregard for human life...His movements between his various jungle hideouts are the subject of great secrecy, and he is reported to have narrowly avoided assassination or capture on numerous occasions.... He soon became heavily involved in the Tamil protest movement, and in 1975 was accused of being responsible for the murder of the mayor of Jaffna....The killing of the mayor of Jaffna is not the only high-profile murder for which Mr Prabhakaran is the prime suspect. He has also

been accused by India of playing a key role in the murder of the former prime minister, Rajiv Gandhi, in 1991.... Despite the conflicting views surrounding Mr Prabhakaran, there is one point on which both the Sinhala and Tamil communities agree: he is the dominating force in the rebel movement, and without his consent peace in Sri Lanka will never be attainable.” [9ae]

Rajapaka Gothabaya

Defense Secretary and brother of the President Mahinda Rajapakse (USSD 2007) [2f] (Sections 1a; 2a)

RAJAPAKSE Mahinda

President. “On 17 November 2005 14 candidates contested the presidential election. Mahinda Rajapakse secured a narrow victory over his closest rival, Ranil Wickremasinghe, winning 50.29% of the vote, compared with 48.43% for Wickremasinghe.” (Europa World Online) [1a] (Recent History)

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka:

“Mahendra Percy 'Mahinda' Rajapakse was born on 18 November 1945 in the Hambantota district of southern Sri Lanka...Rajapakse hails from a well-known and influential family in southern Sri Lanka, of which several members have figured prominently in politics. His father was a founder member of the Sri Lanka Freedom Party (SLFP) and a close associate of late, former prime minister SWRD Bandaranaike (former president Bandaranaike's husband and former president Kumaratunga's father). It was as the representative of the parliamentary constituency of Hambantota District which his father had represented from 1947 to 1960 that Mahinda Rajapakse first entered parliament in 1970 at the age of 25...Rajapakse was one of the most active and articulate members of the SLFP throughout their long period in opposition between 1977- 94. In the faction-ridden SLFP of that time, Rajapakse aligned himself with Anura Bandaranaike, who was then considered the heir apparent to his ageing mother and party leader Sirimavo Bandaranaike. However, Anura ultimately lost the party leadership to his sister, Chandrika, who went on to become president from 1994-2005. During this period, Rajapakse remained an important party member, but his relationship with Chandrika Kumaratunga was poor, and he was appointed to relatively less prominent ministerial positions such as those of labour and vocational training, and fisheries. Rajapakse made considerable headway in his standing within the party during the tenure of the United National Front (UNF) government (2001-04), often remaining neutral in inner-party disputes. After the elections of April 2004, Rajapakse was able to muster a broader spectrum of support to assume the position of prime minister. His appointment strengthened his position within the party as successor to Kumaratunga for the presidential elections of 2005. By August 2005 it was apparent that Rajapakse had gained the backing of his party, despite Kumaratunga's clear hostility to him. Rajapakse was elected president in November 2005 by a slim margin over rival candidate Ranil Wickremasinghe. Rajapakse's victory owed much to an election boycott of the Tamil vote enforced by the LTTE. As the overwhelming majority of Tamils were hostile to Rajapakse's Sinhala nationalist campaign allies, the LTTE boycott effectively robbed Wickremasinghe of the votes which would have clinched him a winning margin.” [5a] (Political Leadership, last accessed 4 January 2008, President Mahinda Rajapakse)

SAMARAWEEERA Mangala

Leader of the SLFP 'Mahajana wing' (SLFP –M)

See also Section 15 on Opposition groups and political activists and Annex C

WICKREMASINGHE Ranil

Leader of the main opposition party, United National Party (UNP)

"As leader of the UNP, he again became Prime Minister in December 2001 after his party's victory in the general election. "However, Wickremasinghe survived just over two years of his five year term as his government was dismissed and fresh elections ordered in April 2004, which he subsequently lost. Despite this electoral defeat, Wickremasinghe remained the most obvious UNP candidate for the Sri Lankan presidency following the end of Kumaratunga's reign. He narrowly lost the 2005 presidential contest, but remains leader of the UNP as virtually all of his strong internal rivals defected to the government in late-2006 and early 2007." (Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka) [5a] (Political Leadership, last accessed 4 January 2008, Opposition leader Ranil Wickremasinghe)

WRIKEMANAYAKE Ratnasiri

Prime Minister [1a]

As recorded in Jane's Sentinel Country Risk Assessments, Country Report, Sri Lanka:

"He was sworn in as prime minister of Sri Lanka by President Mahinda Rajapakse on 21 November 2005. The decision to appoint Ratnasiri Wickremanayake as the prime minister appears to have been taken at the last minute, as his name did not appear in the context of potential candidacy until the night of his appointment. However, this is not the first time Wickremanayake has held the post of prime minister. His first tenure (August 2000-December 2001) came about as he succeeded the late Sirimavo Bandaranaike after she resigned from the position at the age of 84. He is also a senior vice-president of the ruling Sri Lanka Freedom Party (SLFP)... After the SLFP won the 2004 parliamentary elections, Wickremanayake was appointed minister of Buddhist affairs, public security, and law and order, and deputy minister for defence. He held both posts until being made prime minister in 2005 upon the election to president of the incumbent prime minister, Mahinda Rajapakse. Wickremanayake is seen by many as taking a hard line on the ethnic conflict in Sri Lanka. During his previous term as prime minister, he refused to consider talks with the main Tamil militant group, the Liberation Tigers of Tamil Eelam (LTTE), until they unambiguously renounced terrorism. He has called for Sri Lanka's family planning policies to be modified, to encourage people to have more children and thereby produce more recruits for the Sri Lankan Army. As an opposition politician, he also spoke against the 2002 ceasefire agreement at the time." [5a] (Political Leadership, last accessed 4 January 2008, Prime Minister Ratnasiri Wickremanayake)

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Annex E: Fatalities by district

The following charts produced by SATP (South Asia Terrorism Portal) cover the number of fatalities divided by district for 2008 (with data until 5 May 2008) and the year 2007.

A) Fatalities District-Wise 2008

http://www.satp.org/satporqtp/countries/shrilanka/database/fatilitiesdisticwise_2008.htm [37h]

State	Civilians	SFs	Terrorists	Total
Ampara	7	2	6	15
Anuradhapura	19	2	2	23
Badulla	0	1	0	1
Batticaloa	4	6	9	19
Colombo	46	2	2	50
Galle	0	0	0	0
Gampaha	14	0	0	14
Hambantota	0	1	0	1
Jaffna	12	65	551	628
Kalutara	0	0	0	0
Kandy	0	0	0	0
Kegalle	0	0	0	0
Kilinochchi	3	0	11	14
Kurunegala	0	0	0	0
Mannar	17	97	1324	1438
Matale	20	0	0	[sic] [20]
Moneragala	43	3	0	46
Mullaitivu	0	11	0	11
Matara	0	0	0	0
Nuwara Eliya	0	0	0	0
Pollonaruwa	0	0	0	0
Puttalam	0	1	0	1
Ratnapura	0	0	0	0
Trincomalee	2	0	8	10
Vavuniya	17	124	1511	1652
Total	204	315	3424	3943

*Data 5 May 2008

B) Fatalities District-Wise 2007

http://www.satp.org/satporqtp/countries/shrilanka/database/fatilitiesdisticwise_2007.htm [37g]

State	Civilians	SFs	Terrorists	Total
Ampara	35	16	46	97
Anuradhapura	23	26	21	70
Badulla	3	0	0	3
Batticaloa	89	55	426	570
Colombo	34	8	0	42

Galle	16	0	0	16
Gampaha	7	0	0	7
Hambantota	2	7	4	13
Jaffna	102	66	720	888
Kalutara	0	0	0	0
Kandy	0	0	0	0
Kegalle	0	0	0	0
Kilinochchi	0	0	82	82
Kurunegala	0	0	0	0
Mannar	34	61	676	771
Matale	0	0	0	0
Moneragala	0	2	19	21
Mullaitivu	0	0	24	24
Matara	0	0	69	69
Nuwara Eliya	0	0	0	0
Pollonaruwa	9	3	9	21
Puttalam	9	0	16	25
Ratnapura	2	0	0	2
Trincomalee	52	22	104	178
Vavuniya	108	234	1136	1478
Total	525	500	3352	4377

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Annex F: Incidents of violence between the LTTE and the Karuna faction

The following chart produced by SATP (South Asia Terrorism Portal) covers incidents between the LTTE and the Karuna faction for the period 9 April 2004 – 24 February 2008)

Incidents of violence between the LTTE and Tamil National Front (rebel faction led by Vinayagamoorthy Muralitharan alias 'Colonel' Karuna) since March 2002
<http://www.satp.org/satporgtp/countries/shrilanka/database/violenceincidents.htm>
 [37e]

Date	Place and District	Description	Fatalities-LTTE	Fatalities-Karuna faction
April 9, 2004	Verugal River, Batticaloa	LTTE launches attacks against the forward positions of 'Colonel' Karuna	0	22
April 25, 2004	Vavunithivu, Batticaloa	LTTE cadres are shot dead by the Karuna faction inside an area under the former's control	4	0
July 5, 2004	Batticaloa town	LTTE's political wing leader for Batticaloa town, Senadhi, is shot at and wounded	0	0
July 5, 2004	Batticaloa town	LTTE cadre, Murunkan Mama, is shot dead by the Karuna group	1	0
July 14, 2004	Punanai, Batticaloa	A Karuna group cadre is killed during an ambush by one of LTTE's special jungle warfare units	0	1
July 15, 2004	Batticaloa	Two Karuna faction cadres are killed in an attack by a LTTE cadre inside the Batticaloa prison	0	2
July 23, 2004	Kandaladi, Batticaloa	LTTE cadre, Seenithamby Mahalingam, is shot dead by the Karuna faction	1	0
July 25, 2004	Kottawa, Colombo	Seven suspected Karuna cadres and a Sinhalese person are shot dead by the LTTE	0	7
August 10, 2004	Kaluwaanchikudy, Batticaloa	Senithamby Yogarajan of the Karuna group is shot dead by the LTTE	0	1
August 11, 2004	Kiran, Batticaloa	Sivrajah Sivaseelan of the Karuna faction is shot dead by the LTTE	0	1
August 20, 2004	Valaichchenai, Batticaloa	Two LTTE leaders are shot dead and two cadres sustain injuries during an ambush by the Karuna group	2	0
August 24, 2004	Akkaraipattu Batticaloa	A Karuna group cadre is shot dead inside the Akkaraipattu court premises	0	1
September 23, 2004	Illuppachchenai Batticaloa	LTTE cadres kill Reggie, elder brother of 'Colonel' Karuna	0	3
September 29, 2004	Vakarai sector, Batticaloa	Karuna cadres fire rocket propelled grenades targeting a LTTE sentry point	5	0
October 1, 2004	Vakaneri, Batticaloa	Ruben, a Karuna cadre, is shot dead by a LTTE special jungle warfare unit	0	1
October 2, 2004	Omadiyamadu, Batticaloa	LTTE cadres of the Jeyanthan Regiment attack a group of heavily armed Karuna cadres	0	2
October 11, 2004	Nagastenne, Batticaloa	Two Karuna cadres are killed and six others sustain injuries during an attack by the LTTE special forces group	0	2

October 19, 2004	Iyankerny, Batticaloa	LTTE supporter, Kathirgamathamby Ganeshamoorthy, is killed by cadres of the Karuna faction	1	0
October 20, 2004	Anpuvallipuram, Trincomalee	The LTTE kills a suspected Karuna faction cadre	0	1
October 25, 2004	Wellawatte, Colombo	A Karuna faction cadre is killed and two others sustain injuries as suspected LTTE cadres open indiscriminate fire	0	1
November 17, 2004	Valaichenai, Batticaloa.	A political worker of the LTTE is shot dead by suspected Karuna faction cadres	1	0
November 25, 2004	Akkaraipattu Batticaloa.	An LTTE political activist, identified as Umakanth, is killed by suspected Karuna group cadres	1	0
December 22, 2004	Arasady Junction Batticaloa.	A LTTE cadre is killed by suspected Karuna faction gunmen at Pioneer Road	1	0
February 7, 2005	Poonani, Batticaloa	LTTE's Eastern Political wing leader, Kaushalyan, his deputy Nedimaran and three other LTTE cadres are killed in an ambush by the rival Karuna faction	5	0
February 12, 2005	Mannar	One civilian is killed and two persons, including an LTTE activist, are wounded when suspected Karuna faction cadres lobbed a grenade targeting the LTTE's office	0	0
February 20, 2005	Muththukkal, Polonnaruwa	Suspected LTTE cadres kill a Karuna faction cadre and injure another in an ambush	0	1
March 5, 2005	Welikanda, Polonnaruwa	Six persons are shot dead by the LTTE. Among the dead is a suspected cadre of the Karuna faction and four Muslims	0	1
March 5, 2005	Vanthaarumoolai, Batticaloa	A Karuna group cadre, identified as Mylvaganam Pulenthiran, is shot dead by the LTTE	0	1
March 5, 2005	Batticaloa district	A LTTE cadre, 'Major' Pushparaj, is shot dead by cadres of the Karuna faction. Two others were injured in the attack	1	0
March 14, 2005	Karapola, Polonnaruwa	Two LTTE cadres, Sinnaturai Selvanaathen and Subramaniam Gunasekaram, are shot dead by suspected Karuna faction cadres	2	0
March 21, 2005	Welikanda, Polonnaruwa	Two LTTE cadres are killed during a factional clash	2	0
March 26, 2005	Tharavai, Batticaloa	Five LTTE cadres are killed by the rival Karuna faction	5	0
March 28, 2005	Vavuniya	Suspected Karuna group cadres throw grenades targeting a LTTE office, wounding at least three people	0	0
April 8, 2005	Poonagar, Trincomalee	Two LTTE cadres are killed in an attack at a LTTE checkpoint by cadres of the Karuna faction	2	0
April 14, 2005	Welikanda, Polonnaruwa	Nine Karuna faction cadres are killed in an attack on their camp by the LTTE	0	9
April 21, 2005	Kanjikudichcha Aaru, Ampara	Five LTTE cadres are killed and seven others sustain injuries in a pre-dawn attack by the Karuna faction	5	0
April 21, 2005	Valaichenai, Batticaloa.	LTTE cadres kill a suspected Karuna group cadre	0	1
April 25, 2005	Karapola, Polonnaruwa	One Karuna faction cadre is killed while one of his colleagues is abducted	0	1
May 6, 2005	Welikanda, Polonnaruwa	Two LTTE cadres, believed to be 'intelligence operatives', are killed during a clash with the	2	0

		Karuna faction		
May 23, 2005	Manampitiya, Polonnaruwa	A LTTE cadre is shot dead by suspected gunmen of the Karuna faction	1	0
June 5, 2005	Aalankulam, Batticaloa	A Karuna group cadre is killed by rival LTTE cadres	0	1
June 8, 2005	Sangamankandy, Batticaloa	Two LTTE cadres are killed in an explosion triggered by the Karuna faction	2	0
June 21, 2005	Muttur, Trincomalee	A Karuna faction cadre is shot dead by suspected LTTE cadres.	0	1
July 6, 2005	Batticaloa	Suspected LTTE cadres kill, Selvaraja, a 'Colonel' Karuna group cadre	0	1
July 10, 2005	Trincomalee	Four LTTE cadres, including two top leaders Dikkan and Sinnavan, are killed by rival 'Colonel' Karuna faction.	4	0
July 26, 2005	Colombo	A suspected LTTE cadre, identified as Krishnapillai Kiribarithnam, is shot dead by a member of a rival 'Colonel' Karuna faction.	1	0
August 15, 2005	Polannaruwa	Suspected LTTE cadres shot dead, Mahathevarajah, a 'Colonel' Karuna group cadre.	0	1
September 2, 2005	Wennappuwa, Puttalam	Suspected LTTE cadres shot dead a former member of the 'Colonel' Karuna group.	0	1
September 4, 2005	Kaluwanchikudy, Batticaloa	Cadres of the 'Colonel' Karuna group lob a hand grenade towards the LTTE political office and subsequently shot dead a LTTE cadre, identified as K. Arulnesan.	1	0
October 26, 2005	Polonnaruwa	Two cadres of the LTTE are killed by the 'Colonel' Karuna faction.	2	0
November 14, 2005	Akkaraipattu, Ampara	Cadres of the 'Colonel' Karuna faction abduct and subsequently kill two top leaders of the LTTE, including Amparai district 'military commander' of the outfit, identified as Suresh.	2	0
December 5, 2005	Siyambalanduwa, Ampara	Four cadres of the 'Colonel' Karuna faction, including a senior commander identified as Iniyabarathy alias Barathy, are killed by the LTTE.	0	4
December 15, 2005	Kudapokuna, Polonnaruwa	Suspected cadres of the LTTE shot dead a cadre of the breakaway 'Colonel' Karuna faction, identified as Sivapulandu Passirasa alias Thran.	0	1
January 26, 2006	Vadamunai, Batticaloa	At least 10 LTTE cadres are killed and an unspecified number are injured when 'Colonel' Karuna faction cadres attacked a vehicle carrying LTTE cadres.	10	0
January 26, 2006	Vadamunai, Batticaloa	A senior LTTE cadre, 'Major' Kavilan, is allegedly killed by cadres affiliated to 'Colonel' Karuna.	1	0
February 22, 2006	Pulipaynthakal, Batticaloa	Six suspected 'Colonel' Karuna cadres shot dead a LTTE 'National Auxiliary Force' cadre, identified as Shanthakumar Narayanapillai.	1	0
April 5, 2006	Panichchankerni, Batticaloa	Two 'Colonel' Karuna faction cadres, including a key operative Chooty, are injured in a counter-attack by the LTTE.	0	0
April 13, 2006	Vakaneri, Batticaloa	Two LTTE cadres are killed and four others wounded in an ambush by cadres belonging to the 'Colonel' Karuna faction.	2	0
April 18, 2006	Kiran, Batticaloa	The LTTE announces that they had killed three paramilitary cadres and captured another in the LTTE-controlled area.	0	3
April 30.	Welikanda,	The LTTE raided three camps of 'Colonel' Karuna	0	20

2006	Polannaruwa	faction.		
May 2, 2006	Batticaloa	Cadres of the 'Colonel' Karuna faction attack the LTTE camp, killing eight of the outfit's cadres.	8	0
May 7, 2006	Sampoor and Ravulkulee, Trincomalee	'Colonel' Karuna faction cadres kill 12 cadres of the LTTE in an attack at the outfit's camp.	12	0
May 19, 2006	Sampur, Trincomalee	Cadres of the 'Colonel' Karuna group in the district kill five LTTE cadres.	5	0
May 21, 2006	Batticaloa and Trincomalee	Cadres of the breakaway 'Colonel' Karuna faction in the Batticaloa district kill a top 'commander' of the LTTE, identified as Ramanan. A spokesperson for the Karuna group, T. Thuyavan, claims they killed Ramanan who was deputy head of the LTTE 'Military wing' of the Batticaloa district. He also claimed that their cadres attacked an LTTE camp near Trincomalee, killing at least 10 cadres of the outfit.	11	0
May 26, 2006	Pattiaddy, Trincomalee	A counter-ambush commando unit of the LTTE killed three 'Colonel' Karuna faction cadres and captured two others, when it allegedly launched an attack on the infiltrating five-member Karuna group from the Sri Lanka Army camp.	3	0
June 7, 2006	Muttur, Trincomalee	At least 15 cadres of the LTTE are killed in an attack by the breakaway faction of 'Colonel' Karuna.	15	0
June 20, 2006	Trincomalee	Eight LTTE cadres are killed during an overnight clash with the 'Colonel' Karuna group cadres in the Trincomalee district.	8	0
June 27, 2006	Vakarai, Batticaloa	Four LTTE cadres are killed in an attack by the breakaway faction of 'Colonel' Karuna in the Vakara area of Batticaloa district.	4	0
July 24, 2006	Ampara	Two LTTE cadres are killed when a group of 'Colonel' Karuna faction cadres attacked them at an outfit-held village.	2	0
July 28, 2006	Vavunathivu, Batticaloa	The Sri Lanka Broadcasting Corporation reports that 30 LTTE cadres are killed in a suicide attack launched by the breakaway faction led by 'Colonel' Karuna.	Unconfirmed	0
August 29, 2006	Sittandy, Batticaloa	A woman, allegedly with the 'Colonel' Karuna faction, is shot dead by cadres of the LTTE near Murugan Kovil in the Sittandy area of Batticaloa district.	0	1
September 5-6	Kanchankudi, Ampara	Heavy fighting erupts between LTTE and its breakaway faction led by 'Colonel' Karuna in the jungles in the Kanchankudi area of Ampara district in which six LTTE camps, including the Kanchikudichchuaru, Pavata and 73 Camp, are overrun by hundreds of Karuna cadres.	0	0
October 26	Chenkalady-Badulla road, Batticaloa	Three cadres of the TMVP, a LTTE breakaway faction led by 'Colonel' Karuna, are killed and eight others sustain injuries in a LTTE attack on the TMVP political office on the Chenkalady-Badulla road in Batticaloa.	0	3
December 19	Ampara	LTTE cadres lob a hand grenade at the Kalmunai political office of the TMVP in the Ampara district, the political wing of the outfit's breakaway faction led by 'Colonel' Karuna, killing two of the TMVP	0	2

		cadres and injuring another.		
December 20	Vavuniya	At least three cadres of the LTTE breakaway faction led by 'Colonel' Karuna are killed in a clash with the LTTE in Vavuniya district.	0	3
2007				
January 9	Valaichenai/Batticaloa	Armed men ambushed two camps belonging to the breakaway faction of the LTTE led by 'Colonel' Karuna, killing several cadres of the Karuna faction. The LTTE claimed that unidentified assailants killed at least 10 members of the breakaway Karuna faction and wounded four more in the ambush. An official at the Defence Ministry in Colombo confirmed the attacks, but said only two Karuna faction members died and that two were wounded	0	2
February 5	Kaluthavalai, Batticaloa	At least two civilians were killed and another wounded in an encounter between the LTTE cadres and the Karuna faction in Kaluthavalai in the Batticaloa district.	0	0
March 4	Batticaloa	At least four civilians received injuries when LTTE cadres triggered a claymore mine and destroyed TMVP political office of LTTE (Karuna faction) in Batticaloa. The claymore explosion completely destroyed the office injuring one of the party supporters inside the office	0	0
April 14	Chenkaladi/Batticaloa district.	The LTTE cadres shot dead a member of the TMVP, political wing of the LTTE breakaway faction led by 'Colonel' Karuna, at the TMVP Chenkaladi office in the Batticaloa district.	0	1
June 10	Mawadivembu/Batticaloa	LTTE cadres shot dead a cadre of its breakaway faction led by 'Colonel' Karuna, identified as Manoraj, while he was in his residence at Mawadivembu in the Batticaloa district.	0	1
August 29	Ambivelipuram, Trincomalee	Suspected LTTE cadres shot dead a Tamil youth, identified as Nadarasa Kumanan alias Murali, at Ambivelipuram in the Trincomalee district. He was a supporter of the TMVP, the political wing of the LTTE breakaway faction led by 'Colonel' Karuna.	0	1
September 22	Alliadiwembu, Ampara	Suspected LTTE cadres shot dead a supporter of the TMVP and injured two others at Alliadiwembu in the Ampara district.	0	1
September 22	Wellaweli, Batticaloa	One youth, identified as Ariyaratnam Selvakumar, a relative of a TMVP supporter was shot dead by LTTE cadres at Wellaweli in the Batticaloa district.	0	1
October 25	Mavadiwembu Batticaloa	A 19-year-old youth, Sivalingam Chandrakumar, working at the TMVP, the political wing of the LTTE breakaway faction led by 'Colonel' Karuna, political office in Chenkaladi was shot dead by 'pistol gang' cadres of the LTTE in the Mavadiwembu area of Batticaloa district.	0	1
October 29	Kaththankudi, Batticaloa	Two 'pistol gang' cadres of the LTTE shot dead a cadre of the TMVP, identified as Vettivel Sudhakar, at Kaththankudi in the Batticaloa district.	0	1

December 25	Sandiveli Batticaloa	A cadre of the TMVP, identified as Karunakaran Udayakumar, was shot dead by LTTE gunmen at Sandiveli in the Batticaloa district.	0	1
2008 February 24	Kalawanchikudi Batticaloa	Two TMVP cadres were killed as a LTTE suicide cadre blew himself opposite the Kali Kovil (Temple). The suicide cadre had apparently jumped onto the motor bike on which the two persons were travelling near Satyavilan road, some 17- kilometres from Batticaloa town. The police spokesman Senior Deputy Inspector General of Police N.K. Ilangakone said that police confirmed the persons have been killed due to a suicide blast. "A woman passing by was also admitted to the hospital after sustaining injuries in the incident," said military spokesman Brigadier Udaya Nanayakkara said.	1	2

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Annex G: List of abbreviations

AHRC	Asian Human Rights Commission
AI	Amnesty International
BHC	British High Commission
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CID	Criminal Investigations Department
CPJ	Committee to Protect Journalists
ERs	Emergency Regulations
EU	European Union
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
GOSL	Government of Sri Lanka
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRC	Human Rights Commission
HRW	Human Rights Watch
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NESOHR	North East Secretariat on Human Rights
NGO	Non Governmental Organisation
NPC	National Police Commission
NCPA	National Child Protection Authority
OCHA	Office for the Coordination of Humanitarian Affairs
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PTA	Prevention of Terrorism Act
RSF/RWB	Reporters sans Frontières (Reporters without Borders)
SCOPP	Sri Lankan Government's Secretariat for Co-ordinating the Peace Process
SLA	Sri Lanka Army
SLAF	Sri Lanka Air Force
SLMM	Sri Lanka Monitoring Mission
STC	Save The Children
STD	Sexually Transmitted Disease
STF	Special Task Force
TB	Tuberculosis
TI	Transparency International
TID	Terrorist Investigation Department
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees

UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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