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Sri Lanka: Whether military service is compulsory and if so, for how long; whether there are contractual arrangements made in the military for determined periods of time; penalties faced by deserters if they are caught; whether there is a public list of deserters; whether the army issues arrest warrants against deserters (2002 - 2007)

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Military service in Sri Lanka is voluntary (Sri Lanka 4 July 2007; *Defense & Foreign Affairs Handbook* 2006, 1873; US 31 May 2007). The minimum age of recruitment is 18 years (*ibid.*; The Coalition to Stop the Use of Child Soldiers 2004). The National Cadet Corps, which provides pre-military training, is reportedly open to persons aged 16 years and older, although its cadets cannot be called to active military service (*ibid.*).

Contractual periods of service

In a 4 July 2007 interview, a representative of Sri Lanka's High Commission in Ottawa indicated that Sri Lanka's army, navy, and air force have different requirements regarding terms of service. For the Sri Lanka Army (SLA), soldiers and lieutenants serve a contractual period (Sri Lanka 4 July 2007). The length of time that a soldier or lieutenant is required to serve depends on the basic training and courses taken by the person at the expense of the SLA: if many courses are taken, the person may owe more time (*ibid.*). According to the Representative, it is possible to leave the SLA early, but the person would have to repay the Army for the training costs (*ibid.*).

The Representative further noted that professionals, such as doctors and lawyers, start at higher-level positions in the army (e.g., captain, colonel, and brigadier) depending on their experience; however, professionals do not need to serve for specific periods of time (*ibid.*).

In 20 July 2007 correspondence, obtained through the Sri Lankan High Commission in Ottawa, a former high ranking official in the SLA indicated that men and women in Sri Lanka are recruited into the SLA under two categories: "Officers" and "Other Ranks." With respect to the contractual period for "Officers," the former SLA Official stated that

[o]n joining, the person has to enter into a bond with the Military. If the person leave[s] the military during [the] training period, he/she will have to reimburse the cost of training. After completion of the training, [the] person will be

commissioned as an Officer and the Officer Service Regulations apply from there onwards. As per the regulations, an Officer may apply to resign his or her commission [at] any time. Such requests must be approved by the President. (Sri Lanka 20 July 2007)

Regarding contractual periods for "Other Ranks," the former Official indicated that an

[i]nitial contract for anyone joining as an 'Other Rank' is 5 years. He/she can [make a] request for an extension for a further period of 7 years after completion of the initial 5 years. After completion of 12 years of service (5 + 7), he/she, if [he/she] wishes, can be re-engaged for another period of 10 years. If a person wants to continue beyond 22 years as an Other Rank, a yearly extension could be requested up to a maximum of [a] further 10 years or till the person reaches the age [of] 55 years. In other words, an Other Rank could serve a maximum of 32 years or till the age of 55 years. (ibid.)

News sources consulted by the Research Directorate also suggest that the minimum period of time to be served in the SLA before retirement is 12 years (BBC 29 Apr. 2002; AFP 12 July 2006). According to a 29 April 2002 British Broadcasting Corporation (BBC) article, due to "poor enlistment and heavy casualties," many soldiers in the SLA have been unable to get a discharge after completing their minimum 12 years' of service. A 12 July 2006 Agence France-Presse (AFP) article reports that the Ministry of Defence is developing a "special" Colombo security unit. Cited in the article, Sri Lanka's Ministry of Defence spokesman stated that the recruitment campaign for the unit would involve enlisting new soldiers as well as "calling for those who retired from the army after 12 years of service to rejoin" (AFP 12 July 2006).

Concerning whether service periods in the SLA vary by rank or position, the former SLA Official stated that

there is a maximum period an Officer could serve in a particular rank. If the Officer does not get promoted to the next higher rank before completion of the maximum period in a particular rank, that officer is compelled to retire. No extension is possible. Maximum periods for each rank [are]: Lieutenant - 6 years; Captain - 11 Years; Major - 10 years; Lieutenant Colonel - 8 years; Colonel - 5 years; Brigadier - 4 years; Major General - 3 years.

Other Ranks must retire on completion of 32 years service or [upon] reaching the age of 55, whichever comes first. No extensions [are] possible. (Sri Lanka 20 July 2007)

When asked whether the SLA requires an officer to continue to serve beyond his or her maximum years of service, the former Official responded that, due to shortages of personnel, the SLA has introduced a scheme whereby officers can serve beyond the age of 55 years on a contract basis, renewable yearly (ibid. 21 July 2007). This contract work is apparently only for officers who wish to continue in the SLA and only if there is a need for their services (ibid.). However, the former SLA Official noted that

there have been instances where applications by Officers to retire prematurely have been rejected. Particularly Junior Officers who want to resign after a few years of service are generally discouraged unless the Officer has a very good

reason. (ibid.)

Nevertheless, the former Official noted that most applications for retirement by senior officers, generally majors with several years of service, are approved (ibid.).

With respect to "Other Ranks," to which the 29 April 2002 BBC article refers, the former Official indicated that

[i]n certain instances they were not allowed to retire [after their minimum 12 years of service] and had to continue due to shortage of manpower. However, they were allowed to retire on completion of 15 years. At present, too, sometimes Other Ranks who apply to retire after completing 12 years are not allowed and their services are extended on a yearly basis. Some are allowed [to retire] after the first extension, some after two extensions, etc. It all depends on the commitments the military has at that particular time. (ibid.)

Desertion lists

The Sri Lanka Army (SLA) has high levels of desertion (EIU 22 Jan. 2007; Reuters 12 Jan. 2007; TamilNet 1 Apr. 2005; AP 26 Sept. 2005). Sources report that there are about 50,000 to 70,000 army deserters still at large (ibid. Reuters 12 Jan. 2007; TamilNet 1 Apr. 2005).

The SLA maintains a list of deserters (Sri Lanka 4 July 2007; *Daily News* 1 Apr. 2006; AP 26 Sept. 2005). In a 4 July 2007 interview, the Representative at the Sri Lankan High Commission in Ottawa indicated that this list of deserters is not made publicly available (i.e., it is not posted on the Internet or published in newspapers). According to the Representative, the list is handed over to the Sri Lankan police and warrants are then issued for the arrest of the deserters (Sri Lanka 4 July 2007). The Representative noted however, that Sri Lanka is not highly computerized yet and therefore a person with a warrant out for his or her arrest may not face problems leaving the country (ibid.).

De-listing of deserters and amnesties

The SLA has made several offers to de-list deserters without penalty (TamilNet 1 Apr. 2005; *Daily News* 1 Apr. 2006). According to an article in the Colombo-based *Daily News*, during a de-listing campaign in April 2006, army deserters were able to check deserters' lists to verify whether they owed the government or the SLA any money [e.g., repayments for training costs (Sri Lanka 4 July 2007)] (*Daily News* 1 Apr. 2006). The article notes that if a person was unable to settle the amount that he or she owed, the money could be deducted from the balance of his or her "welfare fund" (ibid.). Information on the "welfare fund" could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The *Daily News* article, citing a press release by Sri Lanka's Ministry of Defence, further notes that soldiers wishing to de-list must settle their debts with their regimental headquarters, as well as "bring along all army belongings, two [P]hotostat copies of their bank savings pass book, three copies of a passport sized ... photograph and the NIC [National Identity Card], driving licence or ... passport" (1 Apr. 2006).

The SLA also occasionally announces amnesty periods during which times

deserters can rejoin the forces without penalty (Sri Lanka 4 July 2007; *ibid.* 12 Jan. 2007; Reuters 12 Jan. 2007; Xinhua 1 Feb. 2007; *The Hindu* 1 Feb. 2007). During such amnesties, deserters are permitted to retain the ranks they held prior to deserting (*ibid.*; Sri Lanka 12 Jan. 2007; Xinhua 1 Feb. 2007). In 2007, the SLA announced an amnesty for soldiers who had gone absent without leave since 2003 (*ibid.*; Reuters 12 Jan. 2007); this amnesty apparently resulted in the reinstatement of approximately 1,400 deserters (Xinhua 1 Feb. 2007).

Penalties for desertion

Cited in a 1 April 2005 article by TamilNet, a Web site that reports on "Tamil Affairs," a retired senior police officer in Colombo stated that "[a]rmy deserters cannot find jobs legally. They have no civil status as long as they are considered as absconding from duty."

A 12 January 2007 Reuters article notes that the Sri Lankan military has caught "several hundred" deserters since the civil war against the Liberation Tigers of Tamil Eelam (LTTE) began in 1983. According to the article, penalties for desertion can range from a pay cut with demotion to jail time (Reuters 12 Jan. 2007). Under Section 103 of Sri Lanka's Army Act, desertion is punishable by up to three years' imprisonment (Sri Lanka n.d.).

According to the Representative of the Sri Lankan High Commission in Ottawa, penalties for desertion are determined on a case-by-case basis (4 July 2007). The Representative indicated that if, for example, a soldier deserts with the weapon that was issued to him or her, or other weapons such as grenades or assault rifles, then the person will be tried and could go to jail (Sri Lanka 4 July 2007; see also TamilNet 1 Apr. 2005). The Representative further noted that if a person has committed a crime (e.g., murder) in addition to desertion, he or she would have to face charges for both desertion and the other crime; however, if a person deserts the army for personal or family reasons (e.g., sickness in the family), then sometimes a pardon will be granted (Sri Lanka 4 July 2007). Regular absentees, on the other hand, are placed in jail (*ibid.*).

In 20 July 2007 correspondence, obtained through the Sri Lankan High Commission in Ottawa, a former high ranking official in the SLA wrote the following:

Generally the punishment given for AWOL/Deserters is 'forfeiture of service' for the period of absence and the person is taken back. However, in cases of long absence or if the person has [been] involved in any criminal acts during the period of absence, the person is discharged.

There have been few cases of passing prison sentences on deserters after court martial proceedings in the past. This was done mainly to discourage people deserting at a time when the Army faced a severe shortage of manpower.

[The] Army has also announced General Amnesty periods from time to time for deserters to report back and rejoin or obtain their discharge.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list

of additional sources consulted in researching this Information Request.

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