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12 February 2009

LKA103057.E

Sri Lanka: Recourse available to Jaffna Tamils who have been victims of human rights violations, including places where complaints can be lodged (2006 - Jan. 2009)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

A report on a fact-finding mission to Jaffna conducted by the Sri Lankan-based Centre for Policy Alternatives (CPA) and the INFORM Human Rights Documentation Centre indicates that Jaffna residents "have doubts regarding any investigations conducted by the police into human rights abuses" (18 - 21 Feb. 2008, Sec. 2.2). According to the report, Tamil residents of Jaffna claim that the police are "afraid ... to carry out investigations" and that they are hindered by the language barrier (CPA/INFORM 18 - 21 Feb. 2008, Sec. 2.2). The report further indicates that residents fear reporting violations, since "people who are active and vocal within their communities are marked for reprisal" (ibid., Sec. 2.4).

In a February 2008 report, the Tamil Information Centre indicates that many civilians, journalists and human rights defenders who have been threatened by the military seek safety in the Jaffna prison (1 Feb. 2008, Sec. 4.2). The CPA/INFORM report outlines the process for seeking out protective custody in Jaffna:

[t]he process for placing someone in protective custody is clearly defined. The person goes to the office of the National Human Rights Commission (NHRC) and says she/he fears for his/her safety. The NHRC officials hand over the person to the Police, who in turn produce the person before a Magistrate who then commits the person to custody in the prison. This process, however, cannot be reversed by any of these actors. The Gazette notification that created the category of 'surrendees' places them directly and completely under the control of the Commissioner General for Rehabilitation, Mr. Suhada Gamlath, Secretary to the Ministry of Justice. Any intervention on their behalf must be initiated by him. (CPA/INFORM 18 - 21 Feb. 2008, Sec. 2.3)

During the period of the fact-finding mission, there were 376 surrendees in the Jaffna prison (ibid.). Additionally, the report indicates that surrendees are held alongside convicted criminals (ibid.).

Further information specifically related to recourse available to Jaffna Tamils who have been victims of human rights violations, including places where complaints can be lodged, could not be found among the sources consulted by the Research Directorate; however, the following information on recourse available to Sri Lankans in general may be of interest.

According to the Sri Lanka Police Service website, there is a police human rights division that is responsible for human rights cases, including maintaining records of local violations; however, the website does not include information on how or where to lodge a human rights complaint (15 Jan. 2008). According to Amnesty International

(AI), "throughout 2007, the Sri Lankan police were criticized for their inaction and failure to identify perpetrators of violent crimes" (2008).

The National Police Commission is responsible for investigating complaints lodged against a police officer or the police service and receives complaints in writing; according to the Commission's website, complainants must submit a brief explanation of their complaint, addressing it to the Director (Public Complaints) at a specified Colombo address or e-mail address (Sri Lanka n.d.). However, in a February 2008 report, the Asian Legal Resource Centre (ALRC) states that the National Police Commission is "politicized and defunct" (Sec. 2.3).

According to Minority Rights Group International (MRG), in Sri Lanka "[t]here is currently no proper monitoring, recording or investigating of alleged human rights violations" (2008). MRG also indicates that there is "a great sense of impunity in the country with virtually no police investigations or judicial scrutiny of human rights cases" (MRG 2008). In 2007, the ALRC issued 47 appeals regarding cases of "torture" of civilians by the police (Feb. 2008, Sec. 2.2). Complaints were lodged with the police, the Inspector General of Police, the Human Rights Commission of Sri Lanka, the Attorney General's Department and sometimes the National Police Commission; however, both the ALRC and its sister organization, the Asian Human Rights Commission (AHRC), are not aware of any investigations that have resulted in prosecution (ALRC Feb. 2008, Sec. 2.2). The ALRC further indicates that many incidents are not reported due to, among other factors, "the lack of a credible complaint mechanism, [and] the absence of witness protection" (ibid. Sec. 2.1).

Several sources indicate that the National Human Rights Commission (NHRC) in Sri Lanka has "failed to adequately monitor human rights violations and to investigate abuses" (Tamil Information Centre 1 Feb. 2008, Sec. 7.1; MRG Feb. 2008; ALRC Feb. 2008 Sec. 2.3). Additionally, AI states that the NHRC has "lost credibility" (2008). In an interview with the Geneva-based magazine *Human Rights Tribune*, the Executive Director of INFORM stated that in the absence of effective national mechanisms there is a need for a United Nations (UN) field office in the north and east of Sri Lanka to record and investigate complaints of human rights abuses and provide a neutral body where people can report abuses without fear (*Human Rights Tribune* 24 Sept. 2007).

The Sri Lanka Monitoring Mission (SLMM), a group of Norwegian and Icelandic observers of the cease-fire agreement (CFA) between the government and the Liberation Tigers of Tamil Eelam (LTTE), who observed and reported on "acts of war and violations of the CFA," including human rights abuses, had to leave the country when the Sri Lankan government abrogated the CFA in January 2008 (NRC 17 Jan. 2008).

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 sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Oral sources: Attempts to contact Amnesty International (AI), the Tamil Information Centre, the Centre for Policy Alternatives (CPA), the Asian Centre for Human Rights (ACHR), INFORM Human Rights Documentation Centre, the National Police Commission of Sri Lanka, and the Sri Lanka Police Service were unsuccessful.

Internet sites, including: Asian Centre for Human Rights (ACHR), Asian Human Rights Commission (AHRC), *Asian Survey*, *Daily News* [Colombo], Consortium of Humanitarian Agencies, *Forced Migration Review*, *Far Eastern Economic Review*, Internal Displacement Monitoring Centre (IDMC), International Crisis Group, South Asians for Human Rights (SAHR), Tamil Insight, TamilNet, United Nations (UN) Human Rights Council, UN Integrated Regional Information Networks (IRIN), UN Refworld, UN Relief Web, University of Minnesota Human Rights Library, United States (US) Department of State.

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