



Immigration and
Refugee Board of Canada

Commission de l'immigration
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31 May 2010

LKA103510.E

Sri Lanka: Whether police reports include arrests and detentions or whether they are limited to convictions; whether citizens can obtain fraudulent police reports
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information on the above-mentioned topic was scarce among the sources consulted by the Research Directorate. The Sri Lanka Police Service website indicates that Police Headquarters consults the following reports when compiling a police clearance certificate:

- Reports from the officer in charge of the police station (relevant police stations)

- Criminal Investigation reports

- State Intelligence Service report

- Commissioner of the Registration of the persons' Department report. (Sri Lanka n.d.)

In 25 May 2010 correspondence, the High Commission of Canada in Sri Lanka provided the following information on police reports. When asked whether police reports in Sri Lanka list arrests and detentions, or whether they are limited to convictions, an Official at the High Commission of Canada in Sri Lanka stated that "Sri Lankan police reports only list convictions," which "could include suspended sentences and other penalties or fines related to a charge."

On the subject of fraudulent police reports, the Official indicated that

[f]raudulent police reports have been identified by many of the western missions located in Sri Lanka. A more common form of fraud is a person omitting places of historic residence. Sri Lanka does not currently have a centralized police records system so applicants must request checks from each district that they have resided. If a person does not provide an accurate account to the police of where they lived when requesting a certificate then there are chances that their activities will not be reflective on the certificate.

In contrast, a KPMG International report written for the United Kingdom's Centre for the Protection of National Infrastructure (CPNI), described as "the government authority that provides protective security advice to businesses and organizations across the national infrastructure" (UK n.d.), states that "in Sri Lanka, a centralised database of criminal records is maintained by the Criminal Records Division (CRD) in Colombo" (ibid. Mar. 2009, 58). The report also states that "the local police station is responsible for forwarding the request to the [CRD]" (ibid., 59). The section on criminal records in Sri Lanka from the CPNI report, attached to this Response, includes detailed information on application procedures and the types of criminal convictions disclosed in police reports (ibid., 58-64).

In 31 May 2010 correspondence, the Official from the Canadian High Commission in Colombo forwarded information provided by the Sri Lankan police, who offered clarification on centralized and non-centralized police records in Sri Lanka. The police representative stated that when a person commits a crime, the investigation, arrest and recording of statements are conducted by the local police station (Canada 31 May 2010). Depending on the nature of the crime, the matter is then referred to the courts (ibid.). Once a person is convicted and if it is a finger printable offence under the Preventive Crime Act, finger prints are obtained and sent to the CRD in Colombo, along with the details of the case (ibid.). When a Police Clearance Certificate is requested, the police headquarters Clearance Department sends a request to local police stations in every case (ibid.). CRD records are not requested, since receiving them "can take a long time" (ibid.). A criminal offence committed by an applicant appears only if the records are available at the local police station (ibid.). In extreme cases, when further investigation is warranted, the CRD records are requested (ibid.).

The Official provided three examples of police reports, entitled police clearance certificates, which are attached to this Response (Sri Lanka 2 Dec. 2008; ibid. 17 Dec. 2009; ibid. 16 Dec. 2009). In 25 May 2010 correspondence, he also provided the following description of the physical appearance of police reports:

Sri Lankan Police Certificate

Quick Check Features In a Police Certificate [PC]:

P.O Box no : Should always be 517 in all PCs.

Police HQ telephone # : should always read 2421111

SL government Logo : A logo of the Sri Lanka Government is printed at the top centre in between the P O Box No: and Telephone number on the left and My No. and Your No. on the right. The Logo is printed in Black. A magnified version of the Logo is found on the centre of the Certificate - printed in yellow. This is not a water mark. But there are Police Certificates where the imprint may not be as dark as it is on some.

My No : Reference number from the Police Headquarter's file and every police certificate should have one. Eg. A11(i)/2041/06. The number always starts with A11 (i)/; the centre digits (2041 in this case) is the serial number; the final two digits is the year of issue.

Your No : The number the applicant mentions on the Police Certificate Clearance form. eg B0481..... [may] not be available all the time.

Police HQ address: Police Headquarters, Colombo 1, Sri Lanka

Date : Date of issue.

Addressee on PC : must always be The High Commission of Canada.

Full Name of the applicant : The name is printed according to what the applicant mentions on the application form. This can be verified by comparing with the birth certificate, NIC and/or the passport.

Most of the names are either Sinhala or Tamil in its original, and therefore there is room for difference in spellings because of the transliteration of the names.

NIC Number: This is the National Identity Card number.

On a rare occasion, the passport number of the holder is mentioned. Non-Sri Lankans are not issued National Identity Cards. Therefore the Police Certificate of a Non-Sri Lankan resident in Sri Lanka for a considerable period of time might include his/her passport number.

Address : The address of the applicant on the PC is usually the mailing address i.e. the mailing address provided by him/her to the Police Headquarters. On most instances this address matches with the residential address provided to us and therefore can be checked with our application forms.

Contents of the PC : (Copies of Police Certificates attached)

Signature block :

-Name, rank, designation of signatory and address: Police Headquarters, Colombo 01, Sri Lanka for Inspector - General of Police must be stated. Below that a part of the Police Certificate Number /2041/06 (from the earlier example) together with the time the PC was printed must be mentioned.

Rubber Stamp :

-A rubber stamp of the signatory setting out Name, rank, designation of signatory and address: Police Headquarters, Colombo 01, must also appear on the PC.

P.H.Q No: A six digit number in Red must [appear] at the right hand bottom corner [Please note that there is no P.H.Q number on the 2 Dec. 2008 attachment]. (Canada 25 May 2010)

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

Canada. 31 May 2010. High Commission of Canada in Sri Lanka, Colombo. Correspondence from an official.

_____. 25 May 2010. High Commission of Canada in Sri Lanka, Colombo. Correspondence from an official.

Sri Lanka. N.d. Sri Lanka Police Service. "Instructions Regarding the Issuance of the Police Clearance Certificate."
<http://www.police.lk/divisions/clearance_instructions.asp> [Accessed 26 May 2010]

United Kingdom (UK). March 2009. Centre for the Protection of National Infrastructure (CPNI). "Sri Lanka." *Disclosure of Criminal Records in Overseas Jurisdictions*. (Report prepared by KPMG) <http://www.cpni.gov.uk/Docs/Criminal_Records_Disclosure-CountriesR-U-March09.pdf> [Accessed 26 May 2010]

_____. N.d. Centre for the Protection of National Infrastructure (CPNI). "Welcome."
<<http://www.cpni.gov.uk/default.aspx>> [Accessed 26 May 2010]

Additional Sources Consulted

Oral sources: The Bar Association of Sri Lanka (BASL), the Embassy of Sri Lanka in Washington DC, the High Commission of Sri Lanka in Ottawa, Interpol, the Inspector General of Police in Sri Lanka, and Law & Society Trust (LST) in Colombo could not provide information within the time constraints of this Response. The Magistrate Court Police Post in Sri Lanka could not provide information.

Internet sites, including: Asian Human Rights Commission (AHRC), Australia - Refugee Review Tribunal (RRT), Bar Association of Sri Lanka (BASL), European Country of Origin Information Network (ecoi.net), Factiva, KPMG International, Sri Lanka - Attorney General's Department, Sri Lanka - Department of Immigration and Emigration, Sri Lanka - Embassy in Ottawa and Washington DC, Sri Lanka - Ministry of Justice and Law Reform, Sri Lanka Police Service, Transparency International (TI), United Kingdom (UK) Home Office, United States (US) Department of State.

Attachments

Sri Lanka. 17 December 2009. Police Headquarters. "Police Clearance Certificate."

_____. 16 December 2009. Police Headquarters. "Police Clearance Certificate."

_____. 2 December 2008. Police Headquarters. "Police Clearance Certificate."

United Kingdom (UK). March 2009. Centre for the Protection of National Infrastructure (CPNI). "Sri Lanka." *Disclosure of Criminal Records in Overseas Jurisdictions*. (Report prepared by KPMG International)

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