



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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12 July 2011

### LKA103782.E

Sri Lanka: Whether there has been increased surveillance, arrests and detentions of Tamil citizens since February 2011; forced registration of Tamil citizens in the north and east of Sri Lanka  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

An adjunct professor of political science at Philadelphia's Temple University, who specializes in Sri Lanka and is a research fellow with the Sri Lankan-based Global Vision Center for Knowledge Advancement, explained, in correspondence with the Research Directorate, that

[t]here has not been a particular increase in surveillance, arrests or detention of Tamils since February 2011, but the major problems that led to the Tamil mobilization are still there and continue. Although the situation pertaining to harassment and ethnic surveillance has improved for Tamils following the end of the war in 2009 and the government has taken some steps to reduce the tension, no solution to the Tamil question has either been forwarded nor implemented by the government. (29 June 2011)

The adjunct professor stated that, to his knowledge, Tamil citizens, particularly young males between the ages of 18 and 35, continue to be subjected to "harassment" by security officers (29 June 2011).

Also corresponding with the Research Directorate was a senior fellow at the New Delhi-based Centre for Land Warfare Studies who has published about ethnic conflict in Sri Lanka (7 July 2011). He indicated that since February 2011, there has been no particular change in the "[s]urveillance of Tamil citizens [that] has been pervasive for more than two decades" (Senior Fellow 7 July 2011).

### State of emergency

Sources indicate that as of June 2011, Sri Lanka's emergency laws have remained in place (Human Rights Watch 16 June 2011; Adjunct Professor 29 June 2011; TamilNet 9 June 2011; Senior Fellow 7 July 2011). Both Human Rights Watch and the Adjunct Professor explain that the emergency regulations allow security forces to detain people suspected of being affiliated with the Liberation Tigers of Tamil Eelam (LTTE) (Human Rights Watch 16 June 2011; Adjunct Professor 29 June 2011). Amnesty International (AI) indicates that Sri

Lanka's Prevention of Terrorism Act suspends the suspect's right to the presumption of innocence (AI 8 Mar. 2011, 4). The Senior Fellow explained that the emergency regulations and the Prevention of Terrorism Act grant security forces and the police greater power and enable them to detain suspects for greater lengths of time (7 July 2011). For further information on emergency regulations and the Prevention of Terrorism Act, see Response to Information Request LKA103651 of 22 February 2011.

AI also states that under the emergency regulations or the Prevention of Terrorism Act, "hundreds" of Tamil citizens, particularly those in the north, the east and Colombo, are arrested each year under suspicion of being members or sympathizers of the LTTE (AI 8 Mar. 2011, 5). According to the March 2011 report, "authorities continue to carry out arrests under the act and detain suspects for questioning" (ibid., 6). AI indicates that, according to official statements, there are over 1,900 people who have been arrested under the act who remain in detention (ibid.). Sri Lankan media sources similarly report that many people detained during the war remain in custody (TamilNet 29 Mar. 2011; *Daily Mirror* 15 June 2011). *The Daily Mirror* reports an executive committee member of the We Are Sri Lankans (WESL) organization, which advocates for the release of Tamil political prisoners, as saying that detainees who were arrested because of suspected links to the LTTE have not been formally charged and have been "mistreated" (15 June 2011). The WESL committee member blamed their continuing detention, in part, on the detainees' lack of access to legal and linguistic support (*Daily Mirror* 15 June 2011). AI similarly states that many Tamils detained under the Prevention of Terrorism Act are "tortured in custody" and that many of the arrests are "arbitrary" and provide "no guarantees of a fair trial" (AI 8 Mar. 2011, 5, 7). For further information about suspected LTTE supporters in detention, see Response to Information Request LKA103663 of 21 February 2011.

### **Arrests and disappearances**

In a statement dated 24 February 2011, AI reports that Sri Lankan authorities continue to carry out "enforced disappearances," "torture" and "other ill-treatment" against those suspected of being linked to the LTTE. Specifically in the Tamil-majority region of northern Sri Lanka, AI reports generally that there have been new cases of "abductions, enforced disappearances and killings" without providing details (AI 24 Feb. 2011). The Sri Lankan media source *Lanka Truth* reports that in March 2011, there was an increase in the number of murders and disappearances in the northern district of Jaffna; according to the police, of the more than 50 disappearances, 12 were found dead (3 Apr. 2011). In the eastern district of Batticaloa, a member of parliament from the Tamil National Alliance (TNA) party reportedly stated that "murders, abductions and robberies" occur daily in Batticaloa district despite the emergency regulations (TamilNet 9 June 2011).

The Sri Lankan newswire service TamilNet reports on two separate cases in which Tamil youths went missing after being taken away by Sri Lankan army (SLA) personnel (TamilNet 20 May 2011; ibid. 26 Apr. 2011). For example, TamilNet reports that in April 2011, Sri Lankan soldiers from the Uduvil camp in Jaffna "assaulted" and "were threatening" people in the village of Tholpuram, located 30 kilometres from Jaffna city, in their attempt to locate two unnamed youths who had had an altercation with a soldier the previous day (ibid.). When found, the SLA allegedly abducted the two young men, and the police did not know so were unable to provide information about their whereabouts to their parents (ibid.). In the other example, TamilNet reports that on 15 May 2011,

intelligence officers from the SLA took a 19-year-old from the eastern village of Kokkuvil in Batticaloa away for questioning (ibid. 20 May 2011). Five days after the police refused to lodge her complaint, the young man's mother reported him missing to the Human Rights Commission of Sri Lanka (ibid.). Corroborating information about these incidents could not be found among the sources consulted by the Research Directorate.

TamilNet also reports that in March 2011, the Sri Lankan police arrested 52 Tamil residents of Jaffna, including four children, who were in Colombo and Negombo allegedly planning to leave Sri Lanka for Australia (15 Mar. 2011). While the children were released on bail, the adults were reportedly remanded and are being investigated for affiliation with the LTTE (TamilNet 15 Mar. 2011).

### **Forced registration of Tamil citizens**

Sources indicate that government authorities have been forcibly registering and photographing Tamil citizens in the north (Adjunct Professor 29 June 2011; JVP 18 June 2011; *Daily Mirror* 21 June 2011; *Sri Lanka Guardian* 20 June 2011). According to the Adjunct Professor at Temple University, the registrations are taking place in all five districts in the North, although they are concentrated in Jaffna and Killinochchi districts (29 June 2011). He explained that almost all young Tamils between the ages of 18 and 40 must register and report weekly to the police station (Adjunct Professor 29 June 2011).

The *Asian Tribune* indicates that in February 2011, members of parliament from the TNA party filed a "fundamental rights violation petition" calling for security officers and village officers (*grama sevakas*) to end the forced registration and practice of photographing citizens in Jaffna and Killinochchi districts (23 Feb. 2011). They claimed that the practice stigmatizes those residents and amounts to "a violation of the right to freedom from degrading treatment and the right to equality and equal protection of the law" (23 Feb. 2011). After the petition was filed, the Attorney General of Sri Lanka reportedly told the Supreme Court that the SLA would stop the forced registration (TamilNet 4 Mar. 2011; *Sri Lanka Guardian* 20 June 2011; *Daily Mirror* 21 June 2011). As a result, the group of TNA MPs withdrew their petition (ibid.).

Nonetheless, sources indicate that the forced registration and photographing continues in the north (*Sri Lanka Guardian* 20 June 2011; JVP 18 June 2011; Adjunct Professor 29 June 2011). The TNA reportedly filed a new motion "asking the Supreme Court to reconvene their withdrawn petition and conduct a hearing" (*Daily Mirror* 21 June 2011). They withdrew the petition in June when the Jaffna Security Forces Commander gave assurances that the forced registration would be discontinued (ibid.; Adjunct Professor 29 June 2011).

TamilNet reports that villagers in the eastern district of Batticaloa are also required to register with authorities (TamilNet 3 Apr. 2011; ibid. 28 May 2011; ibid. 3 June 2011). For example, one article dated 3 April 2011 indicates that the SLA instructed residents of Velleveli in Batticaloa to register with village officers (*grama niladhari*) and to acknowledge whether anyone in their household is a former LTTE cadre or became disabled during the war (ibid. 3 Apr. 2011). In another example, TamilNet indicates that residents of Thoa'ni-thaa'nda-madu were allowed to resettle in the village only after registering and being photographed by the SLA (28 May 2011). TamilNet also reports that a special task force of the Sri Lankan police, which is also affiliated with the SLA, has been conducting a house-to-house search for Tamils from Batticaloa whose names

they then registered (3 June 2011).

### **Surveillance of Tamil citizens**

The United Nations Integrated Regional Information Networks (IRIN) reported in May 2011 that "heavy military surveillance" continues in northern Sri Lanka (UN 18 May 2011). According to *Lanka Truth*, there are over 50,000 SLA personnel in Jaffna, amounting to one soldier for every 13 residents (3 Apr. 2011). TamilNet reports that the SLA has conducted house-to-house search operations in villages in Jaffna (TamilNet 31 Mar. 2011) and Batticaloa (ibid. 13 Apr. 2011). Tamil traders from Vadamunai, Pendugalseanai, Oothuchcheanai, Poththanai, Tharavai and Kudumpimalai in Chiththa'ndy division of Batticaloa were reportedly attacked by SLA forces and "para military groups" who were looking for LTTE hideouts (ibid.).

For his part, the Senior Fellow noted that the movement of Tamils is "constantly monitored" through checkpoints located throughout Sri Lanka (7 July 2011). He added that, more specifically, "[r]ehabilitated LTTE cadres are under constant watch and face the risk of rearrest/re-examination" (Senior Fellow 7 July 2011).

### **Control of Tamil political activities**

TamilNet reports that Sri Lankan authorities blocked 400 Jaffna university students from boarding buses leaving for the funeral of Parvathi Amma (22 Feb. 2011), the mother of former LTTE leader Velupillai Pirapaharan (TamilNet 20 Feb. 2011a). According to the article, SLA plainclothes intelligence officers warned the students and bus owners of "dire consequences" if they tried to attend the funeral (ibid. 22 Feb. 2011). Police were deployed around the building, threatening to fire at any student who defied the orders (ibid.). TamilNet also reports that following Parvathi Amma's death, SLA intelligence officers forced people to remove black flags that were hung in mourning (ibid. 20 Feb. 2011b) and subjected the community to "harassments" (ibid. 20 Feb. 2011a).

In a separate incident, international media sources report the TNA as stating that on 16 June 2011, approximately 30 uniformed Sri Lankan soldiers broke in on a political meeting they were holding and attacked participants with batons (AFP 17 June 2011; Reuters 17 June 2011). The *Sri Lanka Guardian* also reported on the incident, claiming that about 50 soldiers attacked 60 to 75 participants, leading to the hospitalization of the bodyguards of two of the members of parliament (20 June 2011). The TNA, reports TamilNet, also alleges that in May 2011, TNA politicians and supporters have been under SLA surveillance, particularly when visiting people resettled in the High Security Zone (8 May 2011).

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.

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**Oral sources:** Attempts to reach representatives of Amnesty International and a professor at York University were unsuccessful.

**Internet sites, including:** Asia Society; Asian Forum for Human Rights and Development; Asian Human Rights Commission; Asian Legal Resource Centre, *Daily News*; *The Economist*; European Country of Origin Information Network; Factiva; Institute for War and Peace Reporting; International Crisis Group; International Federation for Human Rights; *Jane's Intelligence Review*; Sri Lanka Brief; Sri Lanka - Human Rights Commission of Sri Lanka; *Sunday Observer*; *Sunday Times*; United Nations - Office of the High Commission for Human Rights, Refworld and ReliefWeb.

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