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22 August 2011

LKA103816.E

Sri Lanka: Registration requirements in Colombo for Tamil and Sinhalese citizens who migrate from Jaffna or other regions of the country
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

This Response to Information Request is being issued to incorporate information received on 16 August 2011 from the Canadian High Commission in Colombo. It replaces LKA103786.E of 2 August 2011.

Registration during the war

In 16 August 2011 correspondence with the Research Directorate, an official from the Canadian High Commission in Sri Lanka, after seeking information from Sri Lankan government officials, mission staff and other in-country stakeholders, stated that "[d]uring the height of the civil conflict, Sri Lankan authorities rigidly enforced regulations related to the registration of household occupants."

The *Asian Tribune*, a news source based in Hallstadvik, Sweden, notes that police registration in Colombo during the war was used as a "Tamil census, to keep tabs on Tamils" (17 July 2010). In a 30 June 2011 telephone interview, an adjunct professor of political science at Temple University, in Philadelphia, noted that Tamils were "the target population" for registration, which was "aimed at the Tamils who were moving to Colombo from different areas of Sri Lanka." A jointly authored response to inquiries by the Research Directorate states that police registration was initiated

during the conflict years and made it compulsory for every householder in Colombo ... to register temporary residents of the household (visitors and employees) with the local Police. In practice, this was only adhered to in the case of Tamils, and most severely, for those from North and East, and ... for those who were ... resident in areas controlled by the LTTE. (Law and Society Trust et al. 18 July 2011, 4)

The joint response was submitted to the Research Directorate by the

- Law and Society Trust, a non-profit organization based in Colombo "conducting human rights documentation, research and advocacy"

(Law and Society Trust n.d.);

- INFORM Human Rights Documentation Centre, a "Sri Lankan human rights organization [active since 1989] with a special focus on monitoring, documentation and networking" (WEDO n.d.);
- Networking for Rights in Sri Lanka, a group creating an international network of Sri Lankan human rights defenders (NFR Sri Lanka n.d.); and
- a human rights lawyer in the United Kingdom (Law and Society Trust et al. 18 July 2011, 7).

Registration since the end of the war

The Adjunct Professor said that when the war ended in 2009, the policy for registration, which had been "strictly implemented for Tamils residing in Colombo," was "relaxed -- it stopped being implemented as severely as before" (30 June 2011). According to the Adjunct Professor, Sinhalese people were never required to register (Adjunct Professor 30 June 2010). The official from the Canadian High Commission said that "[s]ince the end of the civil conflict, security protocols such as household registration, roadside check-points and restricted access high-security zones have gradually been reduced in terms of perceived need and/or adherence" (Canada 16 Aug. 2011).

In a report on its August 2009 information-gathering visit to Colombo, the United Kingdom's (UK) Foreign and Commonwealth Office also wrote that police registration was a requirement for "anyone arriving in Colombo" and the police had to be informed when there was a "change of residence" (UK 22 Oct. 2009, para. 5.7). The report indicates that "to register, people must provide their National Identity Card (NIC) and complete a form" (ibid., para. 5.18). However, acceptable alternatives to the NIC are a letter from the Grama Seveka (local official), a passport or an emergency passport (ibid.). The information is kept by police in a register (ibid.). The Canadian High Commission official similarly noted that in order to register, a person must go to the local police station and provide his or her NIC, current address, and contact details (Canada 16 Aug. 2011). The UK report also added that "lodge owners" are legally obligated to report "new arrivals" to the police (UK 22 Oct. 2009, para. 5.18).

In a letter to the UK Border Agency, the British High Commission (BHC) in Colombo noted that in May 2010, the emergency regulations governing "the compulsory police registration of household members" was repealed (UK 11 Nov. 2010, para. 28.10). Similarly, the Temple University adjunct professor noted that, since about the middle of 2010 registration in Colombo was no longer a "legal requirement;" however, he was informed by his sources that the police regard voluntary Tamil registration positively (30 June 2011).

The Law and Society Trust-led joint submission notes that

[t]here is no legal requirement that any 'outsider' in Colombo and other cities should register with the local Police, since the May 2010 relaxation of Emergency Regulations. However, Police still do inquire into registration from Tamils and subject them to extra scrutiny if they do not have the documents with them. (Law and Society Trust et al. 18 July 2011, 4)

The Canadian High Commission official indicated that registration is "at the discretion of District Police Commanders" who decide whether people need to register (Canada 16 Aug. 2011). He added that "[o]n occasion, police will

canvass areas and confirm whether a household has registered its occupants ... on an ad hoc basis" (ibid.). According to the official, some companies register "transient" employees that are working on "longer term projects"; landlords and people "employing domestic help" also tend to register their tenants "as a matter of course" (ibid.). The official also noted that "if people have not registered, they could be taken to a local police station and a check may be done to ensure they have no outstanding wants or warrants" (ibid.).

When asked whether there are any circumstances under which a citizen would not be permitted to live in Colombo, the official stated that there are no restrictions on movement in Colombo (ibid.).

Resumption of police registration

The following sources reported that in July 2010 the requirement for Tamils to register with the police was reinstated in different areas of Colombo (*Asian Tribune* 17 July 2010; *Daily Mirror* 9 July 2010; Denmark Oct. 2010, 29; NPC 17 July 2010; TamilNet 8 July 2010; UN 2 Aug. 2010, 66):

In a note to the Danish Immigration Service (annexed to a 19 June to 3 July 2010 Danish fact-finding mission report), the Colombo Protection Unit of the Office of the United Nations High Commissioner for Refugees (UNHCR) states that

while registration of residents with local police is authorized by Sri Lankan law, and is arguably not objectionable under international human rights law, the registration requirement is now being applied in a discriminatory fashion exclusively to those of Tamil origin. (UN 2 Aug. 2010, 67)

The Director of a local non-governmental organization (NGO), who preferred to remain anonymous, told the Danish Immigration Service in 16 August 2010 correspondence that "the police registration imposed under the Emergency Regulations has been lifted, but people are still asked to register when they move to a new address" (Denmark Oct. 2010, 29). The NGO director also indicated that "recently the population in certain areas in Colombo was requested to register again with the police" (ibid.).

The UNHCR notes that, in July 2010, residents of Wellawatta (also spelled Wellawatte), who make up "the largest concentration of Tamils in the Colombo metropolitan area," reported to the organization that public announcements, made only in Tamil, instructed "all Tamils" to register at the local police stations (UN 2 Aug. 2010, 66). Sinhalese and Muslims were not instructed to register (ibid.). The UNHCR indicates that these reports were confirmed by the media (ibid.). The UNHCR also stated that it was "not aware of similar campaigns elsewhere in the Colombo area" (ibid., 67).

The *Asian Tribune* reports that on 14 July 2010, Sri Lanka "recommended" Tamil police registration (17 July 2010). Instead of using emergency regulations, "Tamils are registered under Section 79 of the Police Ordinance" (*Asian Tribune* 17 July 2010). According to the *Asian Tribune*, police sources indicated that the purpose of the registration was to "register new purchase of houses by Tamil residents as well as to note any previously not registered new relatives and friends staying in their houses" (ibid.). Registration requirements were announced in Wellawatta, Kotahena and Colombo Fort, all in Colombo (ibid.). On 17 July, four days after registration was recommended, more than 400

people had registered in Wellawatta (ibid.). The *Asian Tribune* added that "more Tamils [were] walking daily into Police stations for registrations" (ibid.).

Similarly, TamilNet, a Sri Lankan newswire service, noted that on 7 July 2010, Tamil residents in Wellawatta were reportedly "instructed by the police to register with the local police station immediately" (TamilNet 8 July 2010). According to police sources, states the article, "the procedure was intended to account for the large number of Tamils who had returned from abroad and [are] staying in several hotels and lodges" (ibid.).

The *Daily Mirror*, a Colombo-based newspaper, reported in a 9 July 2010 article that, under the Police Ordinance, police began registering Tamils in the Wellawatta area and that they were "instructed by higher authorities to register all people -- including Tamils." In response to the *Daily Mirror* question of whether registration was an "island wide programme," a police spokesman replied, "[i]t depends" (*Daily Mirror* 9 July 2010).

According to a statement by the National Peace Council (NPC) of Sri Lanka, "an independent and impartial national" NGO that is "committed to the creation of a culture of peace" (NPC n.d.), "the recommencement of the practices of registering Tamils with the police and conducting search operations that target them have been widely reported in the Tamil media" (NPC 17 July 2010). The statement, which was published by the *Tamil National*, further details that, under a police ordinance related to the "detection and prevention of crime," Tamils in Wellawatta have been "singled out and asked to register themselves" with the Wellawatta police (ibid.). The Colombo head of police reportedly said that the order to register "all people - including Tamils" came from higher authorities (ibid.).

According to *The Sunday Leader*, an English-language Sri Lankan newspaper based in Ratmalana, the police department's media spokesman justified recommencing the registration of Tamils by saying that "it was not carried out under Section 23 of Emergency Regulations as before," but is being done under the Police Ordinance which obligates house owners to provide information on residents, "even without emergency" (15 Aug. 2010). The police spokesman did not specify that this registration was only for Tamils (*The Sunday Leader* 15 Aug. 2010). The BHC reported that, in his statement to local media on 25 July 2010, the police spokesman said that "the registration program is being carried out" in Wellawatte, Kirillapona and Kotahena, all of which have a "large Tamil population," and that such "registrations were a normal and regular occurrence" (qtd. in UK 11 Nov. 2010, para. 28.10). A 25 July 2010 article in *ColomboPage*, an online gateway to information on Sri Lanka that is based in Indiana, says the same thing while adding that the police spokesperson also said that "the registrations ... would be carried out in all parts of the country."

An NPC article corroborates the BHC's report that Tamils were also being registered in Kotahena (NPC 26 July 2010). TamilNet reports that on the morning of 12 August 2010, the police "conducted a cordon and search operation in Kotahena in Colombo," instructing Tamils to register with the police (TamilNet 14 Aug. 2010). The reason the police gave for requiring the registration was that "registration had been re-introduced to check LTTE cadres entering the Colombo city" (ibid.). Those that "vehemently" protested the registration were taken to the police station for "further inquiry" (ibid.). In contrast, the Canadian High Commission official indicated that registration in Colombo "is not based on

ethnicity" (Canada 16 Aug. 2011).

The joint Law and Society Trust-led submission noted that in Colombo the "Police require that all hotels, guest houses, lodges and residential training centres submit a daily record of residents to the local Police, along with photocopies of National Identity Cards or Passports" (Law and Society Trust et al. 18 July 2011, 5). According to the report, if a person does not register with the police upon arrival in Colombo, he or she "could be subject to detention, questioning, abuse and intimidation and arrest and even torture" (ibid.).

Voluntary registration

The Sunday Leader reports in a 26 June 2011 article that a new voluntary program to register civilians has been launched by the Defence Ministry as part of a "national security program." Similarly, the Canadian High Commission official informed the Research Directorate that in 2011, the Sri Lankan Defence Ministry initiated a program to register civilians through mobile units (Canada 16 Aug. 2011). The mobile units are "buses that have been outfitted to process persons wishing to register" (ibid.). Further information on this program could not be found among the sources consulted by the Research Directorate.

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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Additional Sources Consulted

Oral sources: The following organizations did not reply within the time constraints of this Response: Centre for Policy Alternatives, Commonwealth Human Rights Initiative, Sri Lanka High Commission in Ottawa, Lessons Learnt and Reconciliation Commission, Minority Rights Group International, National Peace Council of Sri Lanka, Networking for Rights in Sri Lanka, the Sri Lankan Police Service and the Tamil Information Centre. The United Nations Office of the High Commissioner for Refugees was unable to provide information for this Response.

Internet sites, including: Amnesty International; Australia - Refugee Review Tribunal; British Broadcasting Corporation; *Daily News*; *The Economist*; European Country of Origin Information Network; Factiva; Human Rights Watch; International Crisis Group; *The Island*; *Jane's Intelligence Review*; LankaNewspapers.com; Minority Rights Group International; People's Liberation Front - JVP Sri Lanka; Reuters; *Sri Lanka Guardian*; *Sunday Observer*; Refugees International; Sri Lanka - Media Centre for National Security, Ministry of Defence, Police, Registration of Persons Department; TamilCanadian; Tamil Information Centre; *Times Online*; United Nations - Integrated Regional Information Networks, Office of the High Commissioner for Human Rights, Refworld, ReliefWeb; United States Department of State; University Teachers for Human Rights (Jaffna).

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