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9 February 2012

### LKA103960.E

Sri Lanka: Treatment of Tamils in Colombo by members of the Sri Lankan security forces and police; registration requirements in Colombo for Tamil citizens (2007-2008)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### 1. General Treatment of Tamils by Security Forces

In an August 2008 Associated Press (AP) article, Keheliya Rambukwella, government minister and spokesperson for the Ministry of Defence, "acknowledged Tamils were singled out for scrutiny in Colombo, but only because rebel attackers -- who have killed members of all ethnic groups -- routinely hid among the capital's large Tamil community" (31 Aug. 2008).

The AP article added that, in 2008, Tamils reported that "police raids, harassment, arbitrary detentions and even abductions" had become "routine" as violence between the government and the Liberation Tigers of Tamil Eelam (LTTE) "escalated" (31 Aug. 2008). Agence France-Presse (AFP) also reports in a September 2008 article that Tamils in Colombo complained of "frequent raids, arbitrary detentions and harassment by the police and army" (23 Sept. 2008). However, AP reports that, in Colombo, "upper class Tamils [were] rarely inconvenienced" while the majority, those that are "poor or lower middle class ... feel powerless in the face of the mainly Sinhalese security forces" (31 Aug. 2008). Corroboration could not be found among the sources consulted by the Research Directorate.

### 2. Abductions and Disappearances

#### 2.1 Statistics on Abductions and Disappearances

Sri Lanka's Human Rights Commission noted that, from January to March 2007, they had received reports of more than 100 "abductions and disappearances" in Colombo, Batticaloa and Jaffna (Reuters 7 Mar. 2007). In a 2007 report, the Asian Human Rights Commission (AHRC) indicates that an August 2007 report, published jointly by the Civil Monitoring Committee (CMC), the Free Media Movement (FMM) and Law & Society Trust, noted that, between January and June 2007, 396 people had disappeared (AHRC 2007, 23). According to the same report, 64.6 percent of those abducted in Sri Lanka were Tamil; 17.7 percent of all abductions took place in Colombo (ibid., 24). The Asian Centre for Human Rights (ACHR) noted in their 2008 human rights report that between January and August 2007, 540 people disappeared in Sri Lanka (2008, 11). The

report noted that 78.89 percent of them were Tamils and that 14.44 percent of the disappearances occurred in Colombo (ACHR 2008, 11). In a United Kingdom (UK) Border Agency country report on Sri Lanka, the British High Commission (BHC) in Colombo also noted that, according to a CMC report, 224 people were reported as abducted or missing between January 2006 and March 2008 (30 Oct. 2008, Sec. 8.51).

## **2.2 Reporting Abductions to the Police**

In a 19 January 2012 interview with the Research Directorate, an adjunct professor of Asian Studies at Temple University noted that reporting instances of abductions to the police was "particularly difficult for Tamils" (19 Jan. 2012). Reasons for this included:

- police officers in Colombo were unable to speak Tamil, making communication difficult;
- the police suspected those making the reports of having connections with the LTTE, especially if they were Tamil;
- Tamils may have been afraid of going to the police station to make the report, as they thought they might become LTTE suspects (Adjunct Professor 19 Jan. 2012).

Furthermore, according to the Adjunct Professor, the police were not taking any "concrete" measures to investigate reported abduction cases (ibid.). A letter to the UK Border Agency from the BHC, Colombo dated 16 May 2008 also indicated that "[p]olice investigations into reported disappearances/abductions in the [Colombo/Gampaha] district are reportedly slow" (UK 30 Oct. 2008, Sec. 8.51). However, in March 2007 Reuters reported that the police had arrested more than 450 people since September 2006 "in connection with a host of crimes including aiding and abetting the Tamil Tigers and abductions and killings" (7 Mar. 2007). Out of those arrested, 20 were police or army members (Reuters 7 Mar. 2007).

## **3. Searches, Raids, Arrests and Detentions**

Sources note that the Emergency Regulations (in full, the *Emergency Prevention and Prohibition of Terrorism and Specified Terrorist Activities Regulations*), implemented in 2006 (MRG 13 Dec. 2007, 4), allowed the government to detain and arrest Tamils (ibid.; Human Rights Watch Jan. 2008). According to a Human Rights Watch report from January 2008, these regulations gave the government "broad powers of arrest and detention without charge" (ibid.). Sources also stated that there have been arrests of Tamils in Colombo (ibid.; International Crisis Group 20 Feb. 2008, 9), with the International Crisis Group (Crisis Group) noting, in a February 2008 report, that they were often "indiscriminate" (ibid.).

AP reports in an August 2008 article that many "deadly attacks" in the capital blamed on Tamil Tigers resulted in the tightening of "checkpoints, road closures and random searches" in Colombo (31 Aug. 2008). According to Colombo Tamils, the "police assume they sympathize with the rebels' fight for a homeland for ethnic Tamils and single them out at checkpoints and during searches on buses" (AP 31 Aug. 2008). According to Colombo residents and human rights groups, many Tamils are "routinely detained on minor infractions or for no reason at all" (ibid.).

Several other sources also provide details on the treatment of Tamils in Colombo by security forces (Reuters 7 June 2007a; AFP 23 Sept. 2008; UK 30 Oct. 2008, Sec. 8.38; Adjunct Professor 19 Jan. 2012). For example, a 7 June 2007 Reuters article, reports that security forces were "deliberately target[ing]" Tamils with searches and detentions (Reuters 7 June 2007a). AFP reports in a September 2008 article that Tamils face "mass arrests" as well as times when their neighbourhoods were "often cordoned off and swept by security forces" (23 Sept. 2008). The BHC Colombo describes the majority of the Tamils arrested during the cordon and search operations in Colombo as fitting one of the following characteristics:

those who had failed to produce their national identity cards; those who had failed to give a satisfactory reason as to why they were in the area if they emanated from another part of the country; and those arrested under Prevention of Terrorism Act/Emergency Regulations if they were suspected of being associated to the LTTE. (UK 30 Oct. 2008, Sec. 8.38, 8.39)

Furthermore, the BHC noted in its May 2008 letter to the UK Border Agency that the police most likely profiled those they arrested based on "risk assessment," for example, if the person was "male, Tamil, aged between 17-35, residing in low-budget, multi-occupancy housing" (UK 30 Oct. 2008, Sec. 8.39), as well as "Tamils with casual employment and temporary accommodation" (ibid., Sec. 8.25). The Adjunct Professor also noted that there were incidents during cordon and search operations in which the police would ask Tamil youth to take off their clothes; if they had any wounds or scars, they would be suspected of LTTE involvement (19 Jan. 2012). The police would also perform similar searches on the street (Adjunct Professor 19 Jan. 2012). Corroboration could not be found among the sources consulted by the Research Directorate.

The BHC also noted in an August 2007 letter to the UK Border Agency that, after cordon and search operations, "while most detained are released quickly, a proportion end up in more long term detention" (UK 30 Oct. 2008, Sec. 8.25). As the BHC stated later, in 2008 there were "allegedly 400 persons detained in Boosa detention camp, and another 300 held in police stations in Colombo and surrounding suburbs at any one time" (ibid., Sec. 8.38). However, the BHC also noted that these numbers varied according to the security situation (ibid.).

### **3.1 Searches and Arrests after the November and December 2007 Bombings**

Sources report that after bombings in November 2007, which were attributed to the LTTE (ACHR 2008, 11; see also International Crisis Group 20 Feb. 2008, 10), the government conducted a mass arrest of reportedly 2,000 to 3,000 Tamils in Colombo (AP 31 Aug. 2008; ACHR 2008, 11; UK 30 Oct. 2008, Sec. 8.33). A letter from the BHC Colombo to the UK Border Agency dated 16 May 2008 noted that the Tamils were "indiscriminately arrested, loaded into buses, and taken to police stations" (ibid.).

AP noted that the government released "nearly all of [those arrested] days later after a groundswell of criticism" (31 Aug. 2008). Sources note that out of the 2,554 people arrested, approximately 2,350 were released (Sri Lanka 5 Dec. 2007; UK 30 Oct. 2008, Sec. 8.33), and 202 were detained (Sri Lanka 5 Dec. 2007), with 102 of those receiving detention orders, and 100 having cases filed against them (UK 30 Oct. 2008, Sec. 8.33).

However, the BHC also noted that "unsubstantiated" reports claim that there were more than 400 Tamils in detention (ibid.). According to the BHC, the people facing charges were accused of "terrorist activities/connections and threats to national security," and those who received detention orders were "investigated by the TID (Terrorist Investigation Department), and had their cases reviewed by magistrates every two weeks (ibid.). The Commission also pointed out that "[i]n reality persons detained under the Emergency Powers in TID can remain there for many months, or even years, without appearing in Court or being charged" (ibid.).

### **3.2 Searches and Arrests in 2008**

An AP article reports a 2 July 2008 raid, the second in two months, that occurred in the "poor, mainly Tamil neighbourhood" of Kimbulla Ela in Colombo, where police "searched hundreds of homes," forced the residents into a nearby sports field, a process supervised by soldiers; for six hours, the "authorities questioned, photographed and videotaped the neighborhood's inhabitants" (31 Aug. 2008). Corroboration could not be found among the sources consulted by the Research Directorate.

## **4. Deportation / Eviction of Tamils from Colombo**

According to the 2008 ACHR report, there was "a virtual ban" on Tamils from North-Eastern provinces living in Colombo (ACHR 2008, 11). This was a result of the requirement for all Tamils visiting Colombo to bring a letter from their *Grama Sevakar* (village level officers) with an explanation for their visit (ibid.). ACHR notes that this implied that anyone living in an LTTE area would be unable to visit the city (ibid.).

International Crisis Group indicates in a June 2007 report that because the government of Sri Lanka was under a "serious terrorist threat," the government has not only "[u]pgraded security," but it has also "expelled from Colombo hundreds of Tamils from the north and east" (14 June 2007, 15). The report notes 2 such incidents, with the first occurring in late May 2007, when,

following a claymore attack in southern Colombo, police visited small hotels and guesthouses ("lodges") where short- and long-term visitors stay, and told Tamils they would have to leave immediately. The police told one manager that henceforth Tamils would have to do their business in the capital and depart the same day. (International Crisis Group 14 June 2007, 15)

The second incident of "expulsions" noted by International Crisis Group occurred on 7 June 2007 (ibid.).

### **4.1 The June 2007 Eviction**

Kyodo News reports that on 1 June 2007 the Inspector General of Police ordered the eviction of "hundreds of Tamils" from Colombo who had been staying in the capital for "long periods without employment" and were seen as a "threat to national security" (2 June 2007). The news source also notes that the Ministry of Defence "attributed the evictions to 'security demands,' citing recent deadly bombings blamed on the Tigers;" the ministry noted that investigations confirmed that the plans for the bombings were made and executed from the "lodgings" where evictions occurred (Kyodo News 8 June 2007). An

anonymous Colombo diplomat is also quoted as saying that the LTTE operated from these lodges (ibid.).

Reuters also noted that the reasons given for the eviction by the police were that: it was for the people's "own safety," considering the many complaints of abductions, arrests and detentions in Colombo blamed on security forces and the LTTE; "to avoid insurgents infiltrating the capital," as there is also a "'possibility'" of LTTE cadres being among them (Reuters 7 June 2007a).

The *Hindu* reports that the eviction occurred after the police Inspector-General "reportedly instructed the lodge owners not to shelter people from the North and the East who had no 'valid reasons' for being in Colombo" (8 June 2007).

The *Hindu* informs that the Minister of Defence indicated that "only those Tamils who could not satisfactorily explain the reasons for their extended stay in the capital were being advised to leave in 'their own interest and welfare'" (8 June 2007). The same article also added that a group of NGOs stated that "[e]ven in some cases where lodgers were able to explain their presence in Colombo to establish their bonafides, they were told that Tamils who were not permanent residents in Colombo had no right to be in Colombo and had to leave" (*The Hindu* 8 June 2007). The *Australian* reports that human rights workers indicated that those being evicted were "minority Tamils" who were looking for work or applying for visas (9 June 2007). In addition, the International Crisis Group indicated that these also included residents "without 'proper' identification" (14 June 2007, 15).

On 7 June 2007, 376 residents of Tamil areas in Colombo were reportedly rounded up by the police, placed into buses and were sent north (International Crisis Group 14 June 2007, 15; AP 8 June 2007b; Reuters 7 June 2007b). ACHR reports that it was approximately 500 ethnic Tamils that were evicted and deported to northern and eastern parts of Sri Lanka (ACHR 2008, 11). The buses took them to Vavuniya, Trincomalee (International Crisis Group 14 June 2007, 15; *Hindustan Times* 7 June 2007) and Batticaloa (ibid.; Reuters 7 June 2007a). According to *The Hindu*, "hundreds" of police officers were involved in the evictions from the lodges in which Tamils were staying, with most of them located in Wellawatte, Pettah and Peliyagoda (8 June 2007).

AP reports that, according to the Ministry of Defence, "the operation did not specifically target Tamils," however, "only Tamils appear to have been rounded up" (8 June 2007b). International Crisis Group also noted that "human rights activists and opposition members of parliament accused the government of 'ethnic cleansing'" after the evictions (14 June 2007, 15). More specifically, *Hindustan Times* reports that FMM also referred to the "large scale and forcible eviction of Tamils belonging to the North-East from Colombo" as "'ethnic cleansing'" (*Hindustan Times* 7 June 2007).

## **4.2 Supreme Court Reaction to Eviction**

On 8 June 2007, the day after the Colombo Tamil evictions, the Supreme Court ordered the government to stop the evictions (Reuters 8 June 2007; AP 8 June 2007b; *ColomboPage* 8 June 2007). The Supreme Court also issued an order to restrain any further evictions of Tamils by the police from Colombo (Kyodo News 8 June 2007; *ColomboPage* 8 June 2007).

Furthermore, on 8 June 2007, the Supreme Court issued an order to stop police from "obstructing Tamils from coming to Colombo" (Reuters 8 June 2007). AP also quoted a human rights lawyer as saying that the Court also ordered that "those evicted must not be prevented from returning to Colombo" (8 June 2007b). Aid workers noted that the order did not apply to those already evicted, who were not allowed to leave the school yard where they were gathered after being bussed to Vavuniya (Reuters 8 June 2007). The Deputy Inspector General of the Police, however, said that they were bringing back those that wanted to return to Colombo (ibid.).

President Rajapaksa called for an immediate inquiry in to the Colombo evictions to determine the basis for this police action (*ColomboPage* 8 June 2007; DJI 8 June 2007; AP 8 June 2007b; Kyodo News 8 June 2007). Reuters reports that on 9 June 2007 the government stated its regret for the evictions and "promised it would not happen again" (10 June 2007). That same day, the police returned "dozens of deportees" to the capital (Reuters 10 June 2007).

AFP reports that, in May 2008, the Sri Lanka Supreme Court "barred security forces from evicting ethnic Tamils without a court order" (5 May 2008). However, the AFP reports in a September 2008 article that the police had "begun asking Tamils living in hostels to return to their villages in the embattled north and east. The defence ministry recently said long-term visitors were a 'security threat' to government forces" (AFP 23 Sept. 2008). Asian Human Rights Commission (AHRC) indicates in a 2008 report that the Supreme Court received many "fundamental rights applications regarding the forced deportation of persons from Colombo and other Sinhala areas ... [and that it] has made several interventions in order to protect the rights of these persons" (AHRC 2008, 6).

## **5. Registration**

### **5.1 Reasons for Registration in Colombo**

The Adjunct Professor at Temple University noted that registration of Tamils coming from the north and east to Colombo began in 2006 under the emergency regulations (Adjunct Professor 19 Jan. 2012). In a 5 January 2012 interview, a professor at the S. Rajaratnam School of International Studies (RSIS), who is also the head of the school's Centre for Political Violence and Terrorism Research, said that registration of people coming into Colombo, particularly those from the North of Sri Lanka, was "necessary" for "security reasons" (Professor 5 Jan. 2012). The Adjunct Professor also noted that security concerns were used as part of the government's rationale for their conduct to protect its citizens, which Tamils would refer to as "anti-Tamil activities" (19 Jan. 2012).

According to the Professor at RSIS, the registration system in Colombo was created to detect LTTE members coming into Colombo (Professor 5 Jan. 2012). AFP reports in a September 2008 article that "Tamil visitors to Colombo need to register with police, who are fearful of LTTE suicide bombers or assassins infiltrating the city of around 650,000 people" (AFP 23 Sept. 2008). According to the Adjunct Professor, registration was implemented because the government was "suspicious that Tamils coming from the north and east of Sri Lanka might be LTTE members trying to bring down the government structure in Colombo and surrounding city areas" (19 Jan. 2012).

AHRC indicates in a 2008 report that the Supreme Court received many "fundamental rights applications regarding ... arbitrary forms of registration

imposed on Tamils arriving from conflict regions to safer areas" (2008, 6).

According to the BBC report, the Tigers hiding among the Colombo population were deemed responsible for a "series of bombings," and human rights lawyers also indicated that Tamils in Colombo were "targeted by 'increasingly heavy security'" (BBC 21 Sept. 2008). A member of the CPA listed registration and a "drive asking certain Tamil communities to leave Colombo" as security measures implemented by the government (ibid.).

## **5.2 Registration of Tamils in Colombo**

According to the Adjunct Professor, registration mostly targeted Tamil youth, between 17 and 35 years of age (19 Jan. 2012). Those coming from the north and east had to register at any police station that was close to where they lived in Colombo (Adjunct Professor 19 Jan. 2012). Once registered, it was "easy" for the police to find those they suspected of LTTE connections; in some cases, Tamil youth that reported for registration were arrested (ibid.). According to the Adjunct Professor, some Tamil youths that went to the police station to register "never came back" (ibid.).

The Adjunct Professor also indicated that lodges in Colombo, especially those owned by Tamils, had to provide the names of inhabitants to the police (ibid.).

According to Tamils in Colombo that left the northern war zone, reports AP, "they risk arrest for not registering with police or for having overnight guests without police authorization" (AP 31 Aug. 2008).

AFP reports that the police carried out a census of Tamils living in Colombo in September 2008, which indicated that more than 36,000 had come to the city within the previous five years (23 Sept. 2008). This was a "forced" registration, which Tamils called "unfair and unlawful" (AFP 23 Sept. 2008). BBC reported on 21 Sept. 2008 that the police ordered everyone who had arrived in Colombo and its surrounding towns in the last five years to report to "special registration centres;" most of those ordered to register are "ethnic Tamils, who have fled the war-torn north ..." (BBC 21 Sept. 2008).

The police indicated that this registration was meant to "update" their records and that it would be used to "know" and "protect" the people; they also "denied that they will use the information gathered to try and evict some Tamils from Colombo" as they did in 2007 (ibid.).

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:** An associate professor in the Faculty of Law, Queen's University, an associate professor in the Department of Peace and Conflict Research at Uppsala University, the Director of the Nathanson Centre on Transnational Human Rights, Crime and Security, a professor at the Department of Human and Economic Geography, School of Business, Economics and Law, University of Gothenburg, and REDRESS could not provide information for this Response.

Asian Forum for Human Rights and Development and the International Committee of the Red Cross did not reply within the time constraints of this Response.

Centre for Human Rights & Development, Centre for Policy Alternatives, INFORM Human Rights Documentation Center, Law and Society Trust, and a senior research fellow at the Centre for Land Warfare Studies in New Delhi could not be reached within the time constraints of this Response.

**Internet sites, including:** Asian Centre for Human Rights; *Asian Tribune*; Australia — Refugee Review Tribunal; Center for Human Rights and Development; Center for Policy Alternatives; *Daily Mirror*; *Daily News*; Denmark — Danish Immigration Service; *The Economist*; European Country of Origin Information Network; Factiva; Free Media Movement; Human Security Gateway; Institute for War and Peace Reporting; *The Island*; *Jane's Security Monitor*; Law and Society Trust; *Sunday Leader*; *Sunday Observer*; TamilNet; Tricontinental Centre; University Teachers for Human Rights (Jaffna); United Nations Refworld.

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