



RESPONSES TO INFORMATION REQUESTS (RIRs)

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8 February 2012

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Sri Lanka: The Eelam People's Democratic Party (EPDP), including whether they mistreat Tamil populations in the north or in Colombo; if so, whether they extort Tamils; relationship between the EPDP and the Sri Lankan army (October 2010-December 2011)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Eelam People's Democratic Party

Several sources note that the Eelam People's Democratic Party (EPDP) is a legitimate political party in Sri Lanka (Professor 5 Jan. 2012; Adjunct Professor 17 January 2012; OSAR 22 Sept. 2011, 17). The leader of the EPDP is Douglas Devananda (US 8 Apr. 2011, Sec. 1.a; *PHW* 2011, 1341). The United States (US) *Country Reports on Human Rights Practices for 2010* listed him as minister of social services and social welfare (US 8 Apr. 2011, Sec. 1.a). Sources from 2011, however, list him as minister of traditional industries and small enterprise development (*PHW* 2011, 1341; *Sunday Leader* 11 Sept. 2011), as does the website of the Sri Lankan government (Sri Lanka n.d.).

In a 5 January 2012 interview with the Research Directorate, a professor at the S. Rajaratnam School of International Studies (RSIS) at Nanyang Technological University in Singapore, who is also the head of the school's Centre for Political Violence and Terrorism Research, indicated that the EPDP dissolved its paramilitary group after the defeat of the Liberation Tigers of Tamil Eelam (LTTE) in May 2009. However, 2011 sources said that the EPDP still had a "paramilitary presence in the north" (*Daily Mirror* 14 Sept. 2011) or an [translation] "armed wing" (OSAR 22 Sept. 2011, 17). The *Sunday Leader* noted in a 31 July 2011 article that Devananda had "600 armed cadres." In a 8 February 2012 interview with the Research Directorate, the executive director of the Centre for Policy Alternatives (CPA) similarly indicated that the EPDP has 600 armed cadres. The CPA is a "non-partisan organization" in Sri Lanka that is "committed to programs of research and advocacy through which public policy is critiqued, alternatives identified and disseminated" (CPA n.d.). In addition, during a 17 January 2012 telephone interview with the Research Directorate, an adjunct professor of Asian Studies at Temple University said that the EPDP is still a paramilitary group.

A report by the Office français de protection des réfugiés et apatrides (OFPRA), written after a March 2011 mission to Sri Lanka, also states that the EPDP is still armed (France Sept. 2011, 66). However, according to a military

official interviewed by OFPRA, the only time the EPDP members carry arms is to protect Minister Devananda (ibid.). The CPA executive director also noted that Devananda is protected by armed EPDP cadres, as well as government agents (8 Feb. 2012). In the *Sunday Leader*, Devananda is quoted as saying that members of the EPDP "did not carry arms in the North as accused" (11 Sept. 2011). According to Devananda, the EPDP "'handed back all the arms and ammunition during the ceasefire and it is only the security forces that now carry arms in the North'" (*Sunday Leader* 11 Sept. 2011).

2. Area of Influence

Several sources mention that the EPDP is active in the north of Sri Lanka (Adjunct Professor 17 Jan. 2012; TamilNet 4 Jan. 2011; *Daily Mirror* 14 Sept. 2011). More specifically, the EPDP is reportedly active in Jaffna (OSAR 22 Sept. 2011, 17; US 8 Apr. 2011, Sec. 1.a). The *US Country Reports 2010* adds that the EPDP is also active in Mannar and Vavuniya (ibid.). OSAR also names Colombo as an area of activity for the EPDP (OSAR 22 Sept. 2011, 18). However, according to the Adjunct Professor, there is "very minimal" EPDP presence in Colombo (17 Jan. 2012). The CPA executive director also noted that their presence in the capital is "limited" (8 Feb. 2012).

3. Criminal Activity

US Country Reports 2010 notes that, during the war, paramilitaries such as the EPDP had "more of a military function" and worked with security forces; however, in 2010, the groups "took on increasingly criminal characteristics as they sought to solidify their territory and revenue sources in the postwar environment" (US 8 Apr. 2011, Sec. 1.a). A September 2011 report by the Organisation suisse d'aide aux réfugiés (OSAR), a member of the European Council on Refugees and Exiles, indicated that paramilitary groups such as the EPDP have moved from [translation] "stabiliz[ing] their territories and revenue sources" during the war, to criminal activities such as "kidnapping and blackmail" (22 Sept. 2011, 18).

Amnesty International (AI) notes in its 2011 human rights report on Sri Lanka that there are still government-aligned armed Tamil groups that continue to be active and commit "abuses and violations, including attacks on critics, abductions for ransom, enforced disappearances and killings" and cites an incident involving the EPDP as an example (AI 2011, 302). The *US Country Reports 2010* indicates that, in 2010, "unknown actors suspected of association with progovernment paramilitary groups committed killings and assaults of civilians;" one of these groups was said to be the EPDP (US 8 Apr. 2011, Sec. 1.a). The September 2011 OSAR report indicates that EPDP's armed wing was [translation] "implicated in human rights violations and ordinary crime" (OSAR 22 Sept. 2011, 17). The Adjunct Professor commented that anti-EPDP groups consider the activities of the EPDP as "anti-Tamil" (17 Jan. 2012).

US Country Reports 2010 states that, in the Jaffna Peninsula, local residents "blamed" abductions for extortion and ransom, which increased during the year, on armed EPDP members (US 8 Apr. 2011, Sec. 1.b). In January 2011, the Tamil National Alliance accused the EPDP of being responsible for the increase in crimes such as murder, kidnapping, and extortion in Jaffna (*ColomboPage* 20 Jan. 2011; *Daily Mirror* 20 Jan. 2011). The CPA executive director said that the EPDP cadres have been implicated in disappearances and extrajudicial killings (8 Feb. 2012). TamilNet reports that civic groups have

accused the EPDP of "encouraging abduction, killing and extortion in Jaffna" (TamilNet 4 Jan. 2011). The *Sunday Leader* reported that, on 6 January 2011, an EPDP member was arrested while trying to rob a house in Jaffna (9 Jan. 2011). However, in the *Sunday Leader*, Devananda stated that the EPDP is not connected to any "abductions, robberies, or murders" in the north (11 Sept. 2011).

According to OSAR, the EPDP, as well as other groups, [translation] "observe[s] the activities of journalists and Tamil civil society organizations" (OSAR 22 Sept. 2011, 18). These groups are accused of being responsible for attacks against those critical of the government, kidnappings, killings and ransom collection (ibid.). US *Country Reports 2010* reports that, in November 2010, "persons with suspected affiliation with EPDP paramilitary groups" were writing down the names of local residents participating in a public session of the Lessons Learnt and Reconciliation Committee (LLRC) in Kayts, which is off the Jaffna Peninsula, and made "threatening gestures" to journalist attending the session who tried to photograph them (US 8 Apr. 2011, Sec. 2.a).

According to the OFPRA report, the EPDP is involved in [translation] "protection racketeering" and targets anyone who has money, without regard for their ethnicity (France Sept. 2011, 68). The Adjunct Professor told the Research Directorate that the EPDP is also involved in extortion, with Tamils as the main target, particularly those who have "family and friends living in western countries" (Adjunct Professor 17 Jan. 2012).

The CPA executive director indicated that the EPDP has been developing businesses in the north; this is due to their relationship with the government and their involvement in the overall development process of the region (8 Feb. 2012). Sand mining was mentioned by the director as one of the business "monopolies" of the EPDP (8 Feb. 2012). The *Sunday Leader* reported in a July 2011 article that an associate of Devananda, working at his Maheswary Trust, had "exclusive rights over building sand" (*Sunday Leader* 31 July 2011). US *Country Reports 2010* notes that "[m]any local Jaffna residents suspect EPDP subsidiaries were illegally mining sand in the Jaffna region, causing environmental damage" (US 8 Apr. 2011, Sec. 1.a).

TamilNet wrote in a 10 January 2012 article that the EPDP paramilitary group was operating a cable company in Jaffna called MBL Cable Networks, which has "harassed and coerced" "hundreds of private cable operators" into working for them. Initially MBL told the private operators that it had "exclusive 'government permission'" to operate in Jaffna and that they had to buy channels and lease the network from it; those cable providers that opposed this were then reportedly threatened, one claiming that he was threatened at "gunpoint" (TamilNet 10 Jan. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate.

4. Election Fraud

An article in the *Sunday Leader* indicated that, during the July 2011 local government elections, the EPDP allegedly committed "massive electoral fraud" by "buying votes, intimidation including assaults by the army, chasing off polling officials and election observers, etc." (31 July 2011). An EPDP associate and advisor to Devananda is quoted as saying that "'some of the allegations of rigging are true, some are exaggerations" (*Sunday Leader* 31 July 2011). However, in an interview with the *Sunday Leader*, Douglas Devananda said that "although the

EPDP has been blamed for many incidents that take place in the North, the accusations are false and baseless," noting that they are part of a "campaign to politically tarnish his image" (ibid. 11 Sept. 2011). According to the professor at RSIS, there are allegations that the EPDP is involved in illegal activity, but "most of these are based on political attacks" (Professor 5 Jan. 2012). However, the Professor does point out that there might be a "few cases" of crimes committed by EPDP members, such as extortion (ibid.).

5. Involvement with the Police and Security Forces

According to OSAR, many Tamils [translation] "fear" going to the police, as they think that paramilitary groups, like the EPDP, work with the police (OSAR 22 Sept. 2011, 18). AI notes that, in March 2011, a former parliamentarian accused EPDP members of being responsible for killing a 17-year-old, adding that the police "ignored" statements implicating the EPDP in the death (AI 2011, 302).

According to the Adjunct Professor, the EPDP has "explicit support" from security forces in Jaffna, among other places; this means that even though the security forces are aware of EPDP activities, they do not "discourage" them (17 Jan. 2012). OSAR indicates that the EPDP, as well as other groups, openly collaborates with the Sri Lankan army in the north and east, and operate with [translation] "complete impunity" (22 Sept. 2011, 18).

The CPA executive director told the Research Directorate that the EPDP armed cadres work with the military and operate with the full knowledge of the state; additionally, because the government supports the EPDP, the EPDP cannot undertake activities that go against the state (8 Feb. 2012). The director also added that EPDP cadres dress in their own fatigues or, at times, in plain clothes (Executive Director 8 Feb. 2012).

The Adjunct Professor noted that the EPDP "basically act like the military;" this includes working at checkpoints and as security informants (17 Jan. 2012). The OFPRA report indicates that paramilitaries, such as the EPDP, dressed in civilian clothing, are present at checkpoints and collaborate with the military (France Sept. 2011, 81). One observer speculated that they are there to [translation] "identify suspects" (ibid.). According to OSAR, groups such as the EPDP work for the authorities, identifying [translation] "suspects or presumed members of the LTTE and their sympathisers" (22 Sept. 2011, 18).

In its Country of Origin Information Report on Sri Lanka, the United Kingdom (UK) Border Agency includes information from Jane's Sentinel January 2011 Country Report on Sri Lanka, which indicates that "'security forces preferred to outsource much of the work of controlling major Tamil towns such as Jaffna, Vavuniya, Batticaloa and Trincomalee to non-LTTE paramilitary groups" including the EPDP (UK 4 July 2011, para. 8.45). According to OSAR's report, groups like the EPDP, in collaboration with the army, have control over Tamil cities such as Jaffna, Vavuniya, Batticaloa and Trincomalee (OSAR 22 Sept. 2011, 18). The CPA executive director noted that the EPDP is "effectively controlling" the Jaffna islands and is the "defacto power" on the ground (8 Feb. 2012).

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, 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 in the Department of Human and Economic Geography, School of Business, Economics and Law, University of Gothenburg; and a representative from 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 and Development, 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 Human Rights Commission; *Asian Tribune*; Australia — Refugee Review Tribunal; British Broadcasting Network; Centre for Policy Alternatives; *ColomboPage*; *Daily News*; Denmark — Danish Immigration

Service; *Economist*; European Country of Origin Information Network; Factiva; Freedom House; GlobalSecurity.org; *Human Rights Quarterly*; Human Rights Watch; Human Security Gateway; International Crisis Group; *Jane's Security Monitor*; Law and Society Trust; Minority Rights Group International; National Consortium for the Study of Terrorism and Responses to Terrorism; Sri Lanka — Ministry of Defence; South Asia Terrorism Portal; United Kingdom — Border Agency, Foreign and Commonwealth Office; United Nations — Committee Against Torture, Integrated Regional Information Networks, Refworld.

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