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Sri Lanka: The government response to politically motivated violence, particularly in Colombo (January 2003 - December 2004)
Research Directorate, Immigration and Refugee Board, Ottawa

Political Violence in Sri Lanka

During the period covered by this Response (January 2003 to December 2004), there were numerous reports of politically motivated violence throughout Sri Lanka, including in Colombo, which ranged from murder to abduction (HRW 7 Aug. 2003a; *ibid.* 7 Aug. 2003b; *ibid.* 28 July 2004; AI 7 Aug. 2003; Freedom House 14 Sept. 2004; *Country Reports 2003* 25 Feb. 2004; BBC 25 Feb. 2004; *ibid.* 1 Mar. 2004; AFP 9 Mar. 2004; *ibid.* 7 Dec. 2004; AP 6 July 2003; *ibid.* 16 Aug. 2004; IFEX 17 Aug. 2004; *Daily News* 21 Aug. 2004). In August 2003, Amnesty International (AI) and Human Rights Watch (HRW) reported that the Liberation Tigers of Tamil Eelam (LTTE) was using the ceasefire agreement that was brokered with the Sri Lankan government on 23 February 2002 (AI 12 Aug. 2003) by the Sri Lankan Monitoring Mission (SLMM) to carry out a "systematic campaign ... to silence opposition voices" (HRW 7 Aug. 2003a; *ibid.* 7 Aug. 2003b; AI 7 Aug. 2003; see also AFP 12 July 2004). According to HRW, the ceasefire agreement provided the LTTE with

...free access to towns like Batticaloa, Jaffna, and Trincomalee, previously under army control, for the purpose of opening political offices. Although the [agreement] prohibits LTTE cadres from carrying arms in these areas, the prohibition is not well enforced. According to critics, the LTTE's new political offices have become useful points from which to coordinate surveillance, recruitment, and extortion and, when necessary, the assault, abduction, and assassination of rivals (7 Aug. 2003b).

Between February 2002 and August 2003, there were approximately 22 politically motivated killings, which were for the most part of persons with ties to the Eelam People's Democratic Party (EPDP) or the Eelam People's Revolutionary Liberation Front - Varathar (EPRLF(V)), both of which are Tamil political parties that oppose the LTTE (AI 12 Aug. 2003; *ibid.* 7 Aug. 2003; HRW 7 Aug. 2003a; *ibid.* 7 Aug. 2003b). There were also "16 attempted killings, abductions and other human rights abuses against members of Tamil political parties, their families and supporters" (AI 12 Aug. 2003). In mid-2004, according to HRW, "there was a new surge in political killings of Tamils, not just in the North and East, but also in the capital Colombo. Many of the attacks [were] directed at politicians and journalists deemed to be opponents of the LTTE" (11 Nov. 2004, 15). As at August 2004, the number of politically motivated murders allegedly committed by

the LTTE was 35 (AP 16 Aug. 2004). However, in November 2004, HRW indicated that since the February 2002 ceasefire agreement, "more than one hundred political killings ha[d] been attributed to the LTTE" (11 Nov. 2004, 14).

The Police

In connection with some incidents of politically motivated violence, there were reports that the police had made some arrests or had initiated investigations (IFEX 17 Aug. 2004; BBC 25 Feb. 2004; HRW 28 July 2004). However, in an open letter to the LTTE, the SLMM and the Sri Lankan police, Amnesty International reported that as at August 2003, it was "unaware of the publication of any findings from [police] investigations," which had up until that point "failed to produce any convictions in relation to [political] killings" (12 Aug. 2003). HRW noted that the police had "often failed" to pursue investigations because it had

... once again [become] the main security force active in the north and east. But they are relative strangers to the areas they police and are vulnerable to attack should hostilities resume. The result is that they either forge relationships with the more powerful and locally influential LTTE, or try to stay out of the way. Police officers are well aware that when the LTTE broke a fifteen-month cease-fire in 1990, LTTE forces overran police stations throughout the north and east, abducting and killing hundreds of police officers (HRW 7 Aug. 2003b).

Another important issue for the police, in pursuing those responsible for political violence, has been the securing of witness testimonies given the absence of any effective witness protection program, within an environment marked with a fear of reprisal (AI 12 Aug. 2003).

Further, Amnesty International stated in August 2003 that while the police had been providing "protection at the party offices to members of some political parties who [had] been targeted, this protection [did] not extend to their day-to-day political work or visits to members of their family" (12 Aug. 2003).

In a February 2004 report, the Organisation Suisse D'aide Aux Réfugiés, reported that

... [t]he police have been accused of corruption and involvement in crime, sometimes in collaboration with some of the 51,000 soldiers who have deserted the Army with their weapons. According to a report by the Graduate Institute of International Studies, many deserters are involved with organized crime, in contract and revenge killings, large-scale robbery, extortion and illegal arms sales. The report says these crime networks are protected by politicians and senior police officers - some of [whom] have been put in place by the criminal gangs. ...

Police and politicians' support has made the criminal gangs bolder and has contributed to a rise in crime, including political murders (16 Feb. 2004).

In an address at a special session of the National Advisory Council on Crime Prevention in November 2004, Sri Lankan President Chandrika Bandaranaike Kumaratunga admitted that

"[i]t has become an extremely difficult task to select a police officer to investigate a grave crime. [W]hen an investigation is assigned, personal friendship or political influence overtakes the issue. ...

The result[s] of such investigations are nullified on the grounds of no tangible evidence. Such conclusions occur not because the perpetrators are innocent but because of bribes or political influence" (*Daily News* 10 Nov. 2004).

In line with her expressed commitment to crime prevention, President Kumaratunga indicated that she had "taken steps to propose salary increments and special incentives to police officers who are genuine in their efforts to prevent crimes" (*ibid.*).

The Judiciary

According to *Freedom in the World 2004*, corruption is "fairly common among both judges and court staff" at lower levels of the judiciary, and "those willing to pay bribes have more efficient access to the legal system" (Freedom House 14 Sept. 2004). Freedom House also noted that there is a "growing concern about the perceived politicization of the judiciary" (*ibid.*).

Additional information on the judiciary in Sri Lanka and its response to political violence could not be found among the sources consulted by the Research Directorate.

The Government

A December 2004 report by Agence France Presse (AFP) indicated that in response to growing concerns about the increasingly unstable security situation in Sri Lanka, the government "vowed to strengthen its military to meet any security threat" (7 Dec. 2004). Accordingly, for 2005, the government approved an eight per cent increase over 2004 defence spending (AFP 7 Dec. 2004). Corroborating and additional information on the government response to political violence could not be found among the sources consulted by the Research Directorate.

The Sri Lankan Monitoring Mission (SLMM)

The SLMM, a monitoring body comprising members from Norway, Finland, Sweden, Denmark and Iceland, operates from a total of six district offices in Sri Lanka, which are located in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Ampara (HRW 7 Aug. 2003b). The SLMM is responsible for examining complaints brought forward by the signing parties of the ceasefire agreement and the citizens of Sri Lanka, and for assisting the LTTE and the government to settle their disputes (*ibid.*). According to HRW, the SLMM "has not reported publicly on apparent political killings by the LTTE [and] [n]o substantial investigation of most of these cases has ever been attempted" (*ibid.*; see also *ibid.* 7 Aug. 2003a; AI 7 Aug. 2003). According to an SLMM spokesman, there have been no reports because the investigation of politically motivated murder is beyond the mandate of the SLMM (HRW 7 Aug. 2003b). HRW speculated that this position has been taken by the SLMM because of its close ties to the peace process, leading it to exercise caution in any criticism of the parties involved in the process (*ibid.*). Furthermore, HRW points out that the SLMM lacks the capacity to conduct "police-style criminal investigations" (*ibid.*).

In Areas Under the Control of the Liberation Tigers of Tamil Eelam (LTTE)

According to HRW, the LTTE "open[ly] protect[s] ... criminal suspects" (28 July 2004). However in mid-2004, the LTTE established the NorthEast Secretariat on Human Rights (NESHOR) to foster respect for human rights (HRW 28 July 2004). Information on the activities and effectiveness of this Secretariat in protecting human rights 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 additional sources consulted in researching this Information Request.

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