Home Office

Country Information and Guidance
Sri Lanka: Tamil separatism

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Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the European Asylum Support Office's research guidelines, Country of Origin Information report methodology, dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please e-mail us.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Guidance

Updated 19 May 2016

1. Introduction

1.1 Basis of Claim

1.1.1 Fear of persecution/serious harm by the Sri Lankan authorities due to the person's actual or perceived political opinion based on support for or involvement with Tamil separatist groups – notably the Liberation Tigers of Tamil Eelam (LTTE) – including membership of or participation such groups whilst in the UK.

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2. Consideration of Issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the Asylum Instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

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2.2 Exclusion

2.2.1 The LTTE have been responsible for serious human rights abuses. It has been proscribed in the UK since March 2001 under the Terrorism Act 2000.

2.2.2 If it is accepted that the person belongs to, or professes to belong to, or invites support for, the LTTE then the decision maker must consider whether one of the exclusion clauses is applicable.

2.2.3 For further guidance on the exclusion clauses, discretionary leave and restricted leave, see the Asylum Instruction on Exclusion: Article 1F of the Refugee Convention, the Asylum Instruction on Discretionary Leave and the Asylum Instruction on Restricted Leave.

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2.3 Assessment of risk

2.3.1 Simply being a Tamil does not of itself give rise to a well founded fear of persecution or serious harm in Sri Lanka. The onus will be on the person to demonstrate that they will face on return ill-treatment from the current, as opposed to the previous, government.

2.3.2 The Upper Tribunal in the country guidance case of GJ & Others (post –civil war: returnees Sri Lanka CG [2013] UKUT 00319 (IAC) (5 July 2013) – which was upheld by the Court of Appeal in the case of MP (Sri Lanka) & Anor (18 June 2014) - did not accept that attendance at demonstrations in the UK was in itself sufficient to create a real risk that a person would attract adverse attention on return to Sri Lanka (paragraph 336) and did not accept that all Tamils are at risk on return to Sri Lanka (paragraph 337).

2.3.3 However, there are reports that security personnel continued to be responsible for the detention and abuse of civilians accused of LTTE connections in 2015 and the intelligence services have continued to show detainees who have returned to Sri Lanka photographs of themselves attending Heroes' Day events and other commemorations abroad, suggesting that there is continuing surveillance of diaspora events.

2.3.4 The Tribunal in GJ & Others held that:

- 'The focus of the Sri Lankan government's concern has changed since the civil war ended in May 2009. The LTTE in Sri Lanka itself is a spent force and there have been no terrorist incidents since the end of the civil war.' (paragraph 356 (2)).

- 'The government's present objective is to identify Tamil activists in the Diaspora who are working for Tamil separatism and to destabilise the unitary Sri Lankan state enshrined in Amendment 6(1) to the Sri Lankan Constitution in 1983, which prohibits the 'violation of territorial integrity' of Sri Lanka. Its focus is on preventing both (a) the resurgence of the LTTE or any similar Tamil separatist organisation and (b) the revival of the civil war within Sri Lanka.' (paragraph 356 (3)).

- 'If a person is detained by the Sri Lankan security services there remains a real risk of ill treatment or harm requiring international protection.' (paragraph 356 (4))

- 'Any risk for those in whom the Sri Lankan authorities are or become interested exists not at the airport, but after arrival in their home area, where their arrival will be verified by the CID or police within a few days (paragraph 356 (6))'.

2.3.5 The Tribunal then identified four 'categories at risk of persecution or serious harm' :

(i) 'Individuals who are, or are perceived to be, a threat to the integrity of Sri Lanka as a single state because they are, or are perceived to have a significant role in relation to post-conflict Tamil separatism within the Diaspora and/or a renewal of hostilities within Sri Lanka.' (paragraph 356 (7a)); and

(ii) 'Journalists (whether in print or other media) or human rights activists, who, in either case, have criticised the Sri Lankan government, in particular its human rights record, or who are associated with publications critical of the Sri Lankan government.' (paragraph 356 (7b)); and

(iii) 'Individuals who have given evidence to the Lessons Learned and Reconciliation Commission implicating the Sri Lankan security forces, armed forces or the Sri Lankan authorities in alleged war crimes. Among those who may have witnessed war crimes during the conflict, particularly in the No-Fire Zones in May 2009, only those who have already identified themselves by giving such evidence would be known to the Sri Lankan authorities and therefore only they are at real risk of adverse attention or persecution on return as potential or actual war crimes witnesses.' (paragraph 356 (7c)); and

(iv) 'A person whose name appears on a computerised "stop" list accessible at the airport, comprising a list of those against whom there is an extant court order or arrest warrant. Individuals whose name appears on a "stop" list will be stopped at the airport and handed over to the appropriate Sri Lankan authorities, in pursuance of such order or warrant.' (paragraph 356 (7d)).

2.3.6 Since the country guidance case of GJ & Others was handed down in 2013, a new government, led by President Maithripala Sirisena came to office in January 2015, following which there have been some positive developments in Sri Lanka, such as the element of fear that has considerably diminished in Colombo and the South, and the restoration of the legitimacy and independence of Sri Lanka's Human Rights Commission.. (See:Human Rights Issues).

2.3.7 The 'white van' abductions that operated outside all norms of law and order are now seldom reported. The number of torture complaints has reduced but new cases of Tamil victims continue to emerge and police reportedly often continue to resort to violence and excessive force. (See: Torture/ill-treatment).

2.3.8 Authorities reportedly monitor the personal communications and activities of individuals known to be critical of the government, particularly in the Tamil-populated north and east. Persons perceived to sympathise with the LTTE continue to be intimidated, harassed, arrested, detained and tortured. Tamil women in Northern Sri Lanka still face the risk of rape and harassment by the security forces present throughout the region. Organisations and persons previously proscribed under anti-terrorism laws have been de-proscribed as the new government has sought to more accurately reflect the threat to Sri Lanka from groups and persons associated with terrorism (See FCO Letter, dated 30 November 2015).

2.3.9 Furthermore Sri Lankan Tamils who sought refuge in India during the civil war are returning in greater numbers and with confidence about the country situation in Sri Lanka (See FCO letter, dated 7 December 2015). However, tens of thousands of refugees remain in India and there is evidence that some returnees were tortured and interrogated about time spent in southern India. (See Treatment of returnees)

2.3.10 Despite the improvements made to date, there continue to be reports – albeit at much lower numbers - of abductions, torture complaints and police use of excessive force against Tamils perceived to support the LTTE. It is too early

to assess whether the improved situation on the ground has been significant and durable to the extent that decision makers should depart from GJ & Others.

2.3.11 For further guidance on assessing risk, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.4 Scarring

2.4.1 The Tribunal in GJ & Others noted 'there was only one case in the press reports in which a person with an LTTE tattoo came to harm. A tattoo is a form of scarring; Dr Smith's evidence was that scarring was relevant only when a person was detained for other reasons, when they would be stripped to their underwear during interrogation and scarring might increase suspicion. We do not consider that there is sufficient evidence to support having an LTTE tattoo as a risk factor.' [paragraph 267].

2.4.2 The Upper Tribunal in the case of KV (scarring - medical evidence) Sri Lanka [2014] UKUT 230 (IAC) (23 May 2014) considered scarring and gave guidance on medico-legal reports in such cases and the reaching of conclusions about the causation of scarring

2.4.3 In considering scarring and allegations of torture generally, decision makers should take full account of any medical evidence produced. As the Tribunal emphasised in KV, expert medical evidence which potentially corroborates an account of torture must be given considerable weight but it must still be considered within the sum of evidence to be taken into account. A medical report in support of an account of torture does not necessarily determine its credibility if other evidence provides good reason to reject the claimant's account of when and how scars (for example) were caused. There is no requirement, in the event that a report of scarring is outweighed by other evidence, to make findings or speculate as to other possible causes of the scarring.

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2.5 Rehabilitation

2.5.1 Former LTTE members undergo rehabilitation to prepare them for civilian life. The Tribunal in GJ & Others (Paras 317, 319) held that those who have been rehabilitated are monitored and are required to report regularly and live in their home areas. Despite the restrictions on movement, and the reporting conditions which the local commanders impose, the UT held that post-rehabilitation monitoring alone did not amount to persecution. Furthermore, recent information indicates that the rehabilitation programme will be coming to an end once the last 132 ex-LTTE combatants have completed the one year programme.

2.5.2 Released former combatants continued to report surveillance, harassment, arbitrary arrest, torture or mistreatment, including sexual harassment and abuse by government officials after their release. (See Rehabilitation of former LTTE combatants).

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2.6 Protection

2.6.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves of the protection of the authorities.

2.6.2 For further guidance on assessing the availability or not of state protection, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.7 Internal relocation

2.7.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to relocate to escape that risk.

2.7.2 This was reinforced by the Upper Tribunal in GJ & Others which held that since the government now has control over its entire territory and Tamils are required to return to a named address after passing through the airport, internal relocation is not an option for a person at real risk from the Sri Lankan authorities (para 356 (5)).

2.7.3 For further information on considering internal relocation, see the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.8 Certification

2.8.1 Where a claim based on the person supporting or being involved with Tamil separatism is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.8.2 For further guidance on certification, see the Appeals Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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3. Policy Summary

3.1.1 The LTTE in Sri Lanka itself has not held any military power or political authority since the end of the civil war in 2009.

3.1.2 A person being of Tamil ethnicity would not in itself warrant international protection. Neither in general would a person who evidences past membership or connection to the LTTE unless they have or are perceived to have a significant role in relation to post-conflict Tamil separatism or appear on a 'stop' list at the airport. However, there is evidence that the security forces continue detain individuals who they suspect of having LTTE connections and each case should be considered on the evidence provided.

3.1.3 Participating in Diaspora activities such as attending demonstrations is not in itself evidence that a person will attract adverse attention on return to Sri Lanka. Each case should be considered on the evidence.

3.1.4 If a person is detained by the Sri Lankan security services there remains a real risk of ill-treatment or harm requiring international protection. A person perceived to be a threat to the State through having or being perceived to have a 'significant role in relation to post-conflict Tamil separatism within the

Diaspora and/or a renewal of hostilities within Sri Lanka' are likely to be at risk of persecution on basis of political opinion and a grant of asylum may be appropriate. Each case must be considered on its own facts. The exclusion clauses may be applicable.

3.1.5 A person who is known to the authorities, such as having their name on a 'stop' list or having a court order or an outstanding arrest warrant against them is likely to be at risk of persecution or serious harm and a grant of asylum may be appropriate. Each case must be considered on its own facts. The exclusion clauses may be applicable.

3.1.6 When considering scarring said to be the result of torture, decision makers must have regard to the medical evidence produced, but it will not necessarily be conclusive.

3.1.7 The presence of an LTTE inspired tattoo on a person is not in itself considered to put a person at increased risk, unless a person is likely to be detained and stripped during interrogation for other reasons.

3.1.8 The LTTE were involved in serious human rights abuses during the conflict and as such, there may be serious reasons for considering that the exclusion clauses apply.

3.1.9 Where a claim based on the person supporting or being involved with Tamil separatism is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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4. Background information

4.1 Accountability for war crimes

4.1.1 The UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, stated:

'In Resolution 25/1, adopted in March 2014, the Human Rights Council requested the Office of the High Commissioner for Human Rights to "undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes by both parties in Sri Lanka during the period covered by the Lessons Learnt and Reconciliation Commission (LLRC) and to establish the facts and circumstances of such alleged violations and of the crimes perpetrated with a view to avoiding impunity and ensuring accountability, with assistance from relevant experts and special procedures mandate holders".

'The request for a comprehensive investigation followed increasing international and national concerns about the absence of a credible national process of accountability to address the extensive atrocities – including allegations of war crimes and crimes against humanity - allegedly committed towards the end of the conflict in 2009 by both the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). The mandate given for the investigation however, covering a time period from February 2002 to November 2011, is much broader than the end of the conflict.' [1]

4.1.2 The Freedom House report, Freedom in the World 2015 - Sri Lanka, 19 June 2015, stated:

'In 2014, the government continued to deny allegations of war crimes committed in 2009, during the final phase of the military's campaign against the Liberation Tigers of Tamil Eelam (LTTE or Tamil Tigers) rebel group. Implementation of recommendations made in 2011 by the government-backed Lessons Learnt and Reconciliation Commission remains uneven, and in March 2014, the UN Human Rights Council mandated the UN Office of the High Commissioner for Human Rights (OHCHR) to investigate alleged wartime atrocities between 2002 and 2009. In July, the government announced the formation of a local commission of inquiry into possible war crimes that will draw on expertise from several top international legal experts.' [2]

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[1] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, (I. Introduction, p5), http://www.refworld.org/docid/55ffb1d04.html, date accessed 24 November 2015

[2] Freedom House, Freedom in the World 2015 - Sri Lanka, 19 June 2015, (Overview), https://freedomhouse.org/report/freedom-world/2015/sri-lanka, date accessed 27 November 2015

4.1.3 The UN Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka, 16 September 2015, stated that:

'On the basis of the information obtained by OISL (OHCHR investigation on Sri Lanka), there are reasonable grounds to believe the Sri Lankan security forces and paramilitary groups associated with them were implicated in unlawful killings carried out in a widespread manner against civilians and other protected persons during the period covered by OISL's report. Tamil politicians, humanitarian workers and journalists were particularly targeted during certain periods, but ordinary civilians were also among the victims. There appears to have been discernible patterns of killings, for instance in the vicinity of security force checkpoints and military bases, and also of individuals while in custody of the security forces. If established before a court of law, these may amount, depending on the circumstances, to war crimes and/or crimes against humanity.

'OISL also gathered information that gives reasonable grounds to believe that the LTTE also unlawfully killed Tamil, Muslim and Sinhalese civilians perceived to hold sympathies contrary to the LTTE. The LTTE targeted rival Tamil political parties, suspected informers and dissenting Tamils including political figures, public officials and academics, as well as members of rival paramilitary groups. Civilians were among the many killed or injured by LTTE indiscriminate suicide bombings and claymore mine attacks. … Depending on the circumstances, if confirmed by a court of law, these may amount to war crimes and or crimes against humanity.

'OISL also investigated allegations of extrajudicial executions of identified LTTE cadres and unidentified individuals at the very end of fighting on or around 18 May 2009, some of whom were known to have surrendered to the Sri Lankan military. Although some facts remain to be established, based on witness testimony as well as photographic and video imagery, there appears to be sufficient information in several cases to indicate that they were killed after being taken into custody by the security forces. Depending on the circumstances, if confirmed by a court of law, many of the cases described in the report may amount to war crimes and/ or crimes against humanity.' [3]

4.1.4 The UN Human Rights Council, Report of 16 September 2015, further stated:

'OISL's mandate was to carry out a human rights investigation. As this was not a criminal investigation, OISL has based its findings on the standard of "reasonable grounds to believe". There are "reasonable grounds to believe" that an incident or pattern of violations, some of which may amount to

[3] UN Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka, 16 September 2015, (A. Unlawful killings, p219), http://www.refworld.org/docid/55ffb1854.html, date accessed 24 November 2015

crimes, occurred where the information gathered was sufficiently credible and corroborated…

'OISL received allegations which linked some named alleged perpetrators to specific violations or abuses in some cases, or to patterns of abuses. There is sufficient information on many incidents, as well as on the patterns of incidents described, to warrant criminal investigations of these individuals to assess their criminal responsibility and establish whether, by acts or omissions they may be responsible directly or have command responsibility.'[4]

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5. Key events in 2015 and impact on main Tamil groups

5.1.1 The Human Rights Watch report, "We Live in Constant Fear" - Lack of Accountability for Police Abuse in Sri Lanka, published on 23 October 2015, stated:

'Rajapaksa called for presidential elections to be held two years ahead of schedule in January 2015. A broad-based opposition that included Sinhalese and Tamils chose Maithripala Sirisena, a defector from the Rajapaksa administration, as their candidate. Sirisena won a decisive victory in the polls and he smoothly assumed the office of the presidency, despite reports that Rajapaksa sought military assistance to stay in power.'[5]

5.1.2 The South Asia Terrorism Portal (SATP), Sri Lanka Assessment 2015, recorded:

'In a dramatic turnaround of political fortunes in the island nation, Pallewatte Gamaralalage Maithripala Yapa Sirisena, leader of the New Democratic Front (NDF), emerged victorious in a keenly contested Presidential Election held on January 8, 2015. Sirisena secured 6,217,162 votes (51.28 per cent) against 5,768,090 votes (47.58 per cent) polled by Mahinda Rajapaksa, the incumbent President, and candidate of the United People's Freedom Alliance (UPFA). A total of 19 candidates were in the fray, but the election was a direct contest between Sirisena and Rajapaksa from the outset, with the remaining 17 candidates eventually securing a joint total of 1.14 per cent votes. Sirisena took oath as the Seventh Elected Executive President of the country on January 9. It was the seventh presidential election.

'12,264,377 (81.52 per cent) out of a total of 15,044,490 registered voters cast their ballot at 12,314 centers throughout the country. During the last Presidential Elections on January 26, 2010, incumbent President Mahinda Rajapaksa had won by a massive majority of over 1.8 million votes, with a

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[4] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, (Verification and evaluation of information, p10), http://www.refworld.org/docid/55ffb1d04.html, date accessed 24 November 2015

[5] Human Rights Watch, "We Live in Constant Fear" - Lack of Accountability for Police Abuse in Sri Lanka, 23 October 2015 (Recent Political Developments), https://www.hrw.org/report/2015/10/23/we-live-constant-fear/lack-accountability-police-abuse-sri-lanka, date accessed 17 December 2015

total of 6,015,934 (57.88 per cent), against NDF candidate, former Army Chief and ex-Chief of Defense Staff, General (Retired) Sarath Fonseka, who polled 4,173,185 (40.15 per cent). 10,495,451 (74.49 per cent) of a total of 14,088,500 registered voters cast their ballot at 11,098 centers.

'The NDF is a conglomeration of several political formations opposing the UPFA, including the main opposition United National Party (UNP).' [6]

5.1.3 The UN Human Rights Council, Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka, 28 September 2015, stated:

"The manifesto of the new Government included a 100-day programme of constitutional reform and other measures, which culminated in the passage of the nineteenth amendment to the Constitution limiting the powers of the executive presidency, re-introduced limits to presidential terms and restored the Constitutional Council, which makes recommendations on appointments to the judiciary and independent commissions…

Parliamentary elections were subsequently held on 17 August 2015. The United National Front for Good Governance, the coalition of parties that had governed since January 2015, won the largest number of seats, and a new Cabinet was formed on 4 September 2015.' [7]

5.1.4 Adding further, the report stated:

'While President Sirisena appointed new civilian governors for both the Northern and Eastern Provinces, and the major security checkpoint leading to the North was removed in August 2015, the Government is still to embark on any comprehensive process of demilitarization. Local civil society sources recorded 26 cases of harassment and intimidation by military and intelligence services in the North and East during the period from January to August 2015. This figure highlights the reality that the structures and institutional cultures that created the repressive environment of the past remain in place and will require much more fundamental security sector reform.' [8]

5.1.5 For the first time since 1983, a Tamil, was named as Sri Lankan opposition leader. As reported by Reuters in September 2015:

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[6] The South Asia Terrorism Portal (SATP),Sri Lanka Assessment 2015, http://www.satp.org/satporgtp/countries/shrilanka/assessment2015.htm, date accessed 16 November 2015

[7] UN Human Rights Council, Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka, 28 September 2015, A/HRC/30/61, (III. Human rights and related developments, p4), http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_61_ENG.docx date accessed 17 November 2016

[8] UN Human Rights Council, Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka, 28 September 2015, A/HRC/30/61, (III. Human rights and related developments, p5), http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_61_ENG.docx, date accessed 17 November 2016

'Rajavarothiam Sampanthan, 83, the head of Tamil National Alliance, is the first ethnic minority opposition leader since 1983, when Tamil legislators resigned en masse to protest against a law that compelled them to denounce separatism. Parliament's speaker accepted Sampanthan as the main opposition leader after loyalists to former president Mahinda Rajapaksa were divided on whether they should support the government or go into opposition. "We will oppose the government on all issues, where it is in the national interest to do so," Sampanthan told parliament in his debut speech as opposition leader. "We will support the government on all issues, where such support is justified." Sampanthan is a lawyer who was first elected to the parliament in 1977. His party, the former political proxy of the Tamil Tiger insurgents, backed Maithripala Sirisena in the January presidential elections, defeating Rajapaksa, who ordered the offensive that ended the Tamil insurgency in 2009. The previous government refused to acknowledge Tamils' request to investigate alleged war crimes during the final phase of the war. The United Nations last year passed a resolution calling for an international inquiry into the alleged human rights abuses.' [9]

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6. Human Rights situation for persons perceived to support the LTTE or to be involved in Tamil separatism

6.1 Human Rights issues

6.1.1 A Statement by United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, at the end of his Mission to Sri Lanka, dated 9 February 2016, read: 'The element of fear has considerably diminished, at least in Colombo and the South. In the North and the East, it has mutated but, sadly, still exists. Virtually everyone agrees there has been progress, although opinions differ markedly about the extent of that progress… One of the most important long-term achievements over the past year has been the restoration of the legitimacy and independence of Sri Lanka's Human Rights Commission. The appointment of new leadership of great integrity, through the proper constitutional process, offers a new start to revitalise this all-important national institution.' [10]

6.1.2 The Freedom House report, Freedom in the World 2015 - Sri Lanka, 19 June 2015, stated:

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[9] Reuters, Tamil named as Sri Lankan opposition leader for first time since 1983, 3 September 2015, http://www.reuters.com/article/2015/09/03/us-sri-lanka-politics-idUSKCN0R31RI20150903#KLFMGQlgO6h13PMI.97, date accessed 26 November 2015

[10] The United Nations Office in Geneva, A Statement by United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, at the end of his Mission to Sri Lanka, dated 9 February 2016, http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/775FCDCB6B14D5F3C1257F5400383767?OpenDocument, date accessed 4 April 2016

‘Authorities reportedly monitor the personal communications and activities of individuals known to be critical of the government, particularly in the Tamil-populated north and east, and a growing climate of fear dissuades many individuals from expressing dissent on politics or other sensitive matters. Former LTTE fighters and their social circles face special scrutiny and are repeatedly questioned by authorities, infiltrated by intelligence personnel, and encouraged to inform on their associates. Security forces have engaged in abusive practices, including arbitrary arrest, extrajudicial execution, forced disappearance, custodial rape, torture, and prolonged detention without trial, all of which disproportionately affect Tamils.’[11]

6.1.3 The US State Department’s 2015 Country Report on Human Rights Practices (USSD Report 2015), Sri Lanka, published on 13 April 2016, identified that:

‘The major human rights problems reported during the year included harassment of civil society activists, journalists, and persons viewed as sympathizers of the banned terrorist group the LTTE as well as arbitrary arrest and detention, torture, rape, and other forms of sexual and gender-based violence committed by police and security forces.’[12]

6.1.4 The Human Rights Watch (HRW) annual report 2016, stated:

‘The [Maithripala Sirisena] government quickly abolished surveillance and censorship of media and civil society groups, embarked on constitutional reforms to restrict executive powers, and took steps to restore the independence of the judiciary. In contrast to the combative approach of the Rajapaksa government, it also initiated a new, more open dialogue with the international community, including human rights organizations.

‘However, the government took no significant measures to end impunity for security force abuse, including police use of torture. At time of writing, the government also had not yet repealed the draconian Prevention of Terrorism Act (PTA), despite promises to do so, and continued to detain people under it. Following a sustained hunger strike by an estimated 200 PTA detainees, the government in November released some on bail, sent others for rehabilitation, and pledged to charge and try the rest.’ [13]

6.1.5 The HRW report also recorded that: ‘In May [2015], the government appointed as its new army chief, a senior officer whose division was implicated in serious human rights abuses. Maj. Gen. Jagath Dias led the Army’s 57th Division during the last two years of the civil war, and his

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[11] Freedom House, Freedom in the World 2015 - Sri Lanka, 19 June 2015, (Overview), https://freedomhouse.org/report/freedom-world/2015/sri-lanka, date accessed 27 November 2015

[12] US Department of State, Country Reports on Human Rights Practices for 2015: Sri Lanka, 13 April 2016 (Executive summary), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252975#wrapper, date accessed 15 April 2016

[13] The Human Rights Watch (HRW), annual report 2016, 27 January 2016, (Sri Lanka – p. 527), https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf, date accessed 29 January 2016

promotion created concerns that the new government, like its predecessor, would shield senior military personnel from accountability.' [14]

6.1.6 The Foreign and Commonwealth Office Corporate report, Sri Lanka - in-year update July 2015, recorded that the human rights situation had improved during the first half of 2015, although some concerns remained. Stating: 'Following the election of President Maithripala Sirisena in January [2015] and the appointment of a new government, Sri Lanka took a number of positive steps to address human rights and democracy concerns, including establishing new institutions and undertaking legal reforms.' [15]

6.1.7 The Amnesty International Report 2015/16 - The State of the World's Human Rights - Sri Lanka, published 24 February 2016, stated:

'A new government in January brought constitutional reforms and promises of improved human rights protection. Many human rights challenges remained, including persistent use of arbitrary arrest and detention, torture and other ill-treatment, enforced disappearances and deaths in custody, and a long-standing climate of impunity for these and other violations.'[16]

6.1.8 The Asian Tribune described in May 2015 that:

"The period from 1983 to 2009 is commonly referred to as the Sri Lankan civil war, during which approximately 100,000 people died according to estimates of the United Nations, and hundreds of thousands of people were internally displaced or fled to neighboring countries. Both parties to the conflict committed atrocities. The Tamil Tigers organized bloody attacks on police, military and civilian targets. Their tactics included ambushes and suicide bombers, and they were notorious for their use of child soldiers.

'Persecution of Tamils by the Sinhalese government continues even today and Tamils suffer from fear. The Sri Lankan government continues to commit forced disappearances, arbitrary arrests and physical intimidation, including murder and torture, of Tamils and journalists. Because of these human rights abuses Human Rights Watch has called upon the British government not to deport Tamils to Sri Lanka.' [17]

6.1.9 According to the International Movement Against All Forms of Discrimination and Racism (IMADR), reporting in February 2016 'Adding to the chilling effect caused by the dispersal of protests, is the use of intimidatory tactics by

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[14] The Human Rights Watch (HRW), annual report 2016, 27 January 2016, (Sri Lanka – Accountability for Past Abuses, p. 527), https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf, date accessed 29 January 2016

[15] Foreign and Commonwealth Office Corporate report, Sri Lanka - in-year update July 2015, https://www.gov.uk/government/publications/sri-lanka-in-year-update-july-2015/sri-lanka-in-year-update-july-2015, date accessed 17 December 2015

[16] Amnesty International Report 2015/16 - The State of the World's Human Rights - Sri Lanka, published 24 February 2016 (Arbitrary arrests and detentions), https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/, date accessed 5 April 2016

[17] Asian Tribune, Genocide: Justice for Tamils over war crimes in Sri Lanka!, 27 May 2015, http://www.asiantribune.com/node/87049, date accessed 18 December 2015

security forces, particularly in Tamil-majority areas. Events surrounding Remembrance week in May 2015 illustrate this issue. In the North and East, intelligence officers harassed Tamils in their homes and threatened those travelling to events to discourage participation. Intelligence officers also attended many remembrance ceremonies. Due to the latter's role in the abuses perpetrated both during and since the conflict, their attendance alone induces fear. Surveillance – through filming, questioning and recording of participants' details - aggravates the sense of intimidation.'[18]

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6.2 Societal attitudes

6.2.1 IRIN news reported on 18 January 2016, that:

'Two of the worst hit districts during the conflict, Mullaitivu and Kilinochchi in the Northern Province, have been plagued by high unemployment since the fighting ended in 2009. Kilinochchi suffers from the highest national unemployment rate at 7.6 percent, compared to the national average of 4.3 percent, according to national the Department of Census and Statistics.

'Officially, the unemployment rate is 5.3 percent in Northern Province and 4.9 percent in Eastern Province, another former Tamil Tiger heartland that is struggling to recover from the war. True unemployment rates in both provinces are likely far higher.

'Even the department itself warns that the numbers are untrustworthy. "These figures are to be treated with caution as the corresponding CV (coefficient of variation) values are high," it said in a labour force survey published last September [2015].' [19]

6.2.2 The Freedom House report, Freedom in the World 2015 - Sri Lanka, 19 June 2015, referring to 2014, stated that, 'Tamils report systematic discrimination in areas including government employment, university education, and access to justice. The status of Sinhala as the official language puts Tamils and other non-Sinhala speakers at a disadvantage. Ethnic tensions occasionally lead to violence, and the government generally does not take adequate measures to prevent or contain it.' [20]

6.2.3 An August 2015 City University of New York Colin Powell School report noted that:

'Tamil women in Northern Sri Lanka still face the risk of rape and harassment by the security forces present throughout the region, but their

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[18] International Movement Against All Forms of Discrimination and Racism (IMADR), Written statement* submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), non-governmental organization in special consultative status, 19 February 2016 http://www.ecoi.net/file_upload/1930_1460622684_g1603158.pdf, date accessed 21 April 2016
[19] IRIN news, Ex-Tamil Tigers go jobless in Sri Lanka, 18 January 2016, http://www.irinnews.org/report/102368/ex-tamil-tigers-go-jobless-sri-lanka, date accessed 4 April 2016
[20] Freedom House, Freedom in the World 2015 - Sri Lanka, 19 June 2015, http://www.refworld.org/docid/5594ec9715.html, date accessed 4 April 2016

lives are even more negatively impacted by the climate of fear and by a worrying uptick in violence against women within the Tamil community. The ever-present threat of violence by the military has led women to lead tightly circumscribed lives, limiting their daily activities in order to minimize their risk of sexual assault. Their reduced participation in public life keeps them in the home, where they are increasingly vulnerable to violence at the hands of the men in their lives, many of whom are also struggling with the after-effects of wartime trauma'.[21]

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6.3 Rehabilitation of former LTTE combatants

6.3.1 As reported on the website of the Sri Lanka Ministry of Defence, on 3 March 2016, 'The remaining 132 ex-LTTE combatants are currently undergoing the one-year rehabilitation program that is jointly conducted by the Sri Lanka Army and BCGR [Commissioner General of Rehabilitation] at the Poonthottam Rehabilitation Center in Vavuniya.' [22]

6.3.2 Furthermore, IRIN news reported on 18 January 2016, that:

Almost seven years after the end of Sri Lanka's decades-long civil war, the majority of former Tamil Tiger rebels are struggling to find jobs despite billions of dollars of extra investment in their regions

There are around 12,000 former combatants, mostly in the Northern Province, who have been released after undergoing rehabilitation programmes, according to the Commissioner General of Rehabilitation. Only around 3,000 have gained permanent employment, most in the civil defence force under the police department.' [23]

6.3.3 The US State Department's 2015 Country Report on Human Rights Practices (USSD Report 2015), Sri Lanka, published on 13 April 2016, noted that:

'Reintegration of former combatants and other detainees released from rehabilitation remained challenging due to intensive surveillance by the military, social stigma (some persons were afraid to associate themselves with former combatants, who regularly had to report to the army), employment difficulties, and psychological trauma. Several released former combatants reported torture or mistreatment, including sexual harassment

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[21] Nimmi Gowrinathan and Kate Cronin-Furman, City University of New York Colin Powell School, Tamil Women in Post-War Sri Lanka The forever victims? 28 August 2015 (Abstract p.2|) http://sangam.org/wp-content/uploads/2015/09/8-28-15-nimmi_whitepaper_NE.pdf date accessed 21 April 2016

[22] Ministry of Defence, Ministry of Defence - Democratic Socialist Republic of Sri Lanka, Rehabilitation of ex-LTTE cadres nearing completion, 3 March 2016 http://www.defence.lk/new.asp?fname=Rehabilitation_of_ex_TTE_cadres_nearing_completion_20140605_01, date accessed 4 April 2016

[23] IRIN news, Ex-Tamil Tigers go jobless in Sri Lanka, 18 January 2016, http://www.irinnews.org/report/102368/ex-tamil-tigers-go-jobless-sri-lanka, date accessed 4 April 2016

and abuse by government officials while in rehabilitation centers and after their release.'[24]

6.3.4 According to a February 2015 International Bar Association submission to the UN Human Rights Council, among the key concerns regarding the rehabilitation process aimed at "reforming" ex-LTTE cadres is that 'surveillance, intimidation and harassment continue after the release of detainees'. [25] The same source further reported that ex-detainees are 'are constantly tracked and must report to the police and military, where harassment continues. For example, one witness states that "the worst thing is when I have to go to the army camp -I am not sure whether I will be coming back home". Overall, around two thirds report subsequent arbitrary detention'.[26]

6.3.5 The Ministry of Defence website also reported that:

'After completing the government-sponsored rehabilitation program, ex-combatants become eligible to receive loans up to Rs. 250,000 at a minimal interest rate to start livelihood programs. So far, 1,773 rehabilitated ex-combatants have received this loan and many more applications are being evaluated, the Commissioner General said. In addition to the loan facility, the Bureau is also exploring ways to provide the rehabilitated individuals with employment opportunities abroad…

According to Maj. Gen. Wijetilleke, the progress and welfare of those who have already been reintegrated are constantly being monitored by the Socio Economic Welfare Coordinating Office for Rehabilitated Beneficiaries, established at the District Secretariat offices in all districts in the Northern and Eastern provinces. The primary responsibility of this office is to ensure the successful and sustainable socio-economic reintegration of all rehabilitated ex-combatants and their families in the respective districts by coordinating with all government and corporate sector institutions, INGOs [international non-governmental organisation], NGOs and the community.' [27]

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[24] US Department of State, Country Reports on Human Rights Practices for 2015: Sri Lanka, 13 April 2016, (Section 1. d. Arbitrary Arrest or Detention), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252975#wrapper, date accessed 15 April 2016

[25] International Bar Association, Written statement* submitted by the International Bar Association, non-governmental organization in special consultative status to the UN Human Rights Council, Human Rights abuses in Sri Lankan rehabilitation camps: arbitrary detention, surveillance and intimidation, 24 February 2015 http://www.ecoi.net/file_upload/1930_1425026147_g1503447.pdf date accessed 21 April 2016

[26] International Bar Association, Written statement* submitted by the International Bar Association, non-governmental organization in special consultative status to the UN Human Rights Council, Human Rights abuses in Sri Lankan rehabilitation camps: arbitrary detention, surveillance and intimidation, 24 February 2015 http://www.ecoi.net/file_upload/1930_1425026147_g1503447.pdf date accessed 21 April 2016

[27] Ministry of Defence, Ministry of Defence - Democratic Socialist Republic of Sri Lanka, Rehabilitation of ex-LTTE cadres nearing completion, 3 March 2016 http://www.defence.lk/new.asp?fname=Rehabilitation_of_ex_TTE_cadres_nearing_completion_20140605_01, date accessed 4 April 2016

6.3.6 In March 2016 Tamil net reported that intelligence operatives and military surveillance officers are conducting fresh 'registrations' of people living across the 14 divisions of Batticaloa district.[28] It further noted that 'Regardless of their release after prolonged detention and so-called military rehabilitation, they are being again subjected to questions for their presence in Vanni, whether they had received training from the LTTE, did they participate in combat, where they are employed now and how they receive money.' [29]

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6.4 Arrests/detentions

6.4.1 The Amnesty International Report 2015/16 - The State of the World's Human Rights - Sri Lanka, published 24 February 2016, stated:

'Tamils suspected of links to the Liberation Tigers of Tamil Eelam (LTTE) were arrested and detained under the Prevention of Terrorism Act (PTA) which permits extended administrative detention, and shifts the burden of proof onto a detainee alleging torture or other ill-treatment. In September [2015] the government pledged to repeal the PTA and replace it with anti-terrorism legislation that complied with international standards. It also pledged to review detention records and claimed to have released at least 45 detainees after "rehabilitation". Some detainees were held for many years while waiting for charges to be filed or cases to conclude. Opposition leader Rajavarothiam Sampanthan told Parliament in December that 217 people remained detained under the PTA; most had not been tried. The number did not include those sent for "rehabilitation", another form of arbitrary detention.' [30]

6.4.2 The Human Rights Watch (HRW) annual report 2016, Sri Lanka, observed that:

'The PTA has long been used to hold suspected LTTE members and others without charge or trial for years. In spite of promises to make the whereabouts of all detainees known to their relatives, many family members received no information about where, or indeed if, their loved ones are detained. The PTA allows for arrests for unspecified "unlawful activities" without warrant and permits detention for up to 18 months without producing the suspect before a court. The government need not charge the person with an offense; many PTA detainees have been held for years without charge. And the act provides

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[28] Tamil Net, Colombo resumes surveillance of Eezham Tamils through 'registration' in Batticaloa, 5 March 2016 http://www.tamilnet.com/art.html?catid=13&artid=38169 date accessed 21 April 2016

[29] Tamil Net, Colombo resumes surveillance of Eezham Tamils through 'registration' in Batticaloa, 5 March 2016 http://www.tamilnet.com/art.html?catid=13&artid=38169 date accessed 21 April 2016

[30] Amnesty International Report 2015/16 - The State of the World's Human Rights - Sri Lanka, published 24 February 2016, (Arbitrary arrests and detentions), https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/, date accessed 5 April 2016

immunity from prosecution for government officials who may commit wrongful acts, such as torture, under the legislation.... The law has been used since the end of the war, including under the present government, to detain and torture people suspected of links to the LTTE, including forcibly returned asylum seekers.' [31]

6.4.3 On 11 November 2015 the Sri Lankan courts granted bail to dozens of ethnic Tamils jailed under the country's strict anti-terrorism laws following a hunger strike by prisoners. Tamil politicians asked the authorities to either release them, grant them bail or put them on trial. [32] Some 223 Tamil prisoners jailed in Colombo, Anuradhapura, Jaffna and Kandy, many held without charge since the 1990s and held under the Prevention of Terrorism Act (PTA), went on hunger strike to press for their release. Most had been imprisoned on suspicion of links with the defeated Tamil Tiger rebel group. Human rights campaigners have in the past given a figure of more than 650 Tamil detainees. [33]

6.4.4 Reporting on the release of the prisoners, the British High Commission in Colombo commented in a letter (See Annex B), dated 30 November 2015, that:

Initially, thirty-one detainees were release on bail on November 11, 2015 and eight released on November 16, 2015. By now total of 39 detainees were released on bail, according to the Justice Minister Media brief there are 204 remain in detention. Out of this number, 56 prisoners have been convicted and will not be released until they have served their sentences. 124 have cases against them pending in High Courts. 24 detainees are expected to be released soon.' [34]

6.5 Treatment of Tamil returnees

6.5.1 The Society for Threatened Peoples, Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status to the UN Human rights council, Ongoing oppression of minorities in Sri Lanka, 4 September 2015, stated that: 'Returning Tamils from abroad continue being arrested at the airport. The surveillance of the civil society in the North and East is remaining high.' [35]

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[31] The Human Rights Watch (HRW), annual report 2016, Sri Lanka, 27 January 2016, (Prevention of Terrorism Act and Politically Motivated Torture, – p. 530), https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf, date accessed 5 April 2016

[32] The Wall Street Journal, Sri Lanka Releases Dozens of Jailed Tamils, 11 November 2015, http://www.wsj.com/articles/sri-lanka-releases-dozens-of-jailed-tamils-1447258703, date accessed 17 December 2015

[33] BBC, Sri Lanka Tamil prisoners on hunger strike demand release, 12 October 2015, http://www.bbc.co.uk/news/world-asia-34509955, date accessed 17 December 2015

[34] British High Commission (BHC), Colombo, letter dated 30 November 2015, accessed 12 February 2016 (Annex B)

[35] Society for Threatened Peoples, Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status to the UN Human rights council, Ongoing oppression of minorities in Sri Lanka, 4 September 2015, (Ongoing oppression of minorities in Sri Lanka - II. Situation of Tamils in 2015),

6.5.2 The Immigration and Refugee Board of Canada reported in February 2015 that: 'Sources report that individuals returning from abroad are particularly subject to screening.' [36] A July 2015 International Truth & Justice Project (ITJP) Sri Lanka report on Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015 stated that: 'A security force insider testified since the presidential election in 2015 that military intelligence officials from Joseph Camp were actively looking for any Tamils returning home from abroad in order to interrogate them. The witness stated that the intention was to abduct, detain and torture them.' [37]

6.5.3 In May 2015 it was reported that at least 16 Tamil men from the Batticaloa district had been arrested at Katunayake International Airport over a period of around 100 days after returning from working abroad at Middle Eastern countries. TamilNet reported that, 'Almost all the victims were ex-LTTE members who had undergone SL military 'rehabilitation' and released earlier.' Adding that: 'Tamil National Alliance (TNA) Parliamentarian Pon Selvarasa told journalists in Batticaloa that he had requested Sri Lankan Minister of Public Order to release all the Tamils who have been subjected to long-term detention of the TID [Terrorist Investigation Department].' [38]

6.5.4 In June 2015 thirty-year-old Tamil and ex-LTTE member Konesapillai Kugadasan was arrested having returned from Bahrain and detained for rehabilitation. [39]

6.5.5 The International Crisis Group noted in an August 2015 report that: 'Tamils returning from abroad continue to be arrested under the PTA [Prevention of Terrorism Act] on suspicion of old LTTE involvement. According to some reports, after police detention, many are sent to the military-run rehabilitation program. Tamil politicians and activists allege that secret detention centres established by the old government continue, though officials deny this.' [40]

6.5.6 In an August 2015 study of 148 Sri Lankan torture cases perpetrated since the end of the Sri Lankan civil war in May 2009, Freedom From Torture

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http://www.ecoi.net/file_upload/1930_1443015511_g1520006.pdf, date accessed 5 April 2016

[36] Immigration and Refugee Board of Canada, Sri Lanka: Treatment of suspected members or supporters of the Liberation Tigers of Tamil Eelam (LTTE), including information about how many are in detention; whether the government continues to screen Tamils in an attempt to identify LTTE suspects (2011-January 2015) [LKA105041.E], 11 February 2015, http://www.ecoi.net/local_link/297674/420049_en.html, date accessed 21 April 2016

[37] International Truth and Justice Project (ITJP), A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015, July 2015, (The Extensive Use of Informers p.103), http://www.itjpsl.com/wp-content/uploads/2015/07/Stop-Torture-Report.pdf, date accessed 17 December 2015

[38] TamilNet, 16 Batticaloa Tamils arrested within last 100 days at Colombo airport, 3 May 2015, http://www.tamilnet.com/art.html?catid=13&artid=37754, date accessed 27 November 2015

[39] Sri Lanka Mirror, Another Tamil returnee arrested, 1 July 2015, http://english.srilankamirror.com/news/item/4878-another-tamil-returnee-arrested, date accessed 21 April 2016

[40] International Crisis Group, Sri Lanka Between Elections, 12 August 2015 (IV. Initial Steps on Reconciliation p.17) http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/272-sri-lanka-between-elections.aspx date accessed 21 April 2016

recorded that 139 people (94 percent of all cases) were of Tamil ethnicity, and the majority (142) described an association with the Liberation Tigers of Tamil Eelam (LTTE) at some level and/or said that they had been associated with the LTTE by the Sri Lankan authorities in some way (96 percent of all cases). It further reported that 'It is of particular concern to Freedom from Torture that more than one third of the people whose cases were reviewed in this study were detained and tortured in Sri Lanka after returning from the UK following the end of the armed conflict (55 of 148 cases or 37- [percent]). Most had been in the UK as students but three had claimed asylum and were forcibly removed after their asylum claims were rejected. All but seven of these people were detained within weeks of their arrival in Sri Lanka and the majority were specifically interrogated about their reasons for being in the UK, their activities and/or their contacts in the UK. Twenty-one people were accused of attending particular protests and demonstrations in the UK and eleven were shown photographs taken at these events'.[41]

6.5.7 The International Truth & Justice Project (ITJP) Sri Lanka documented the experiences of 20 Sri Lankan Tamils in a January 2016 report on survivors of torture and sexual violence in 2015 and stated that 'In some cases the interrogators showed the victims print outs of photographs of themselves or people close to them attending recent Tamil diaspora commemorative events abroad. ... Some had spent periods in hiding in southern India and it was clear their interrogators regarded this with great suspicion when they returned home'.[42]

(Statistics on UK asylum applications, decisions and returns are available through the GOV.UK website)

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6.6 Torture/ill-treatment

6.6.1 The US State Department's 2015 Country Report on Human Rights Practices (USSD Report 2015), Sri Lanka, published on 13 April 2016, noted that:

'There were credible reports during the year that police and military forces abducted, tortured, raped, and sexually abused citizens. The PTA [Prevention of Terrorism Act] allows courts to admit as evidence confessions extracted by torture.

'In the east and north, military intelligence and other security personnel, sometimes allegedly working with paramilitary groups, were responsible for the documented and undocumented detention of civilians accused of LTTE

[41] Freedom from Torture, Tainted Peace: Torture in Sri Lanka since May 2009, August 2015, (Introduction p. 9), http://www.freedomfromtorture.org/sites/default/files/documents/sl_report_a5_-_final-f-b-web.pdf date accessed 21 April 2016

[42] The International Truth and Justice Project (ITJP), Silenced: survivors of torture and sexual violence in 2015, January 2016 (I. The Victims p.13) http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced_jan%202016.pdf date accessed 7 January 2016

connections. Observers reported that interrogation sometimes included mistreatment or torture following detention. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threats of re-arrest or death.' [43]

6.6.2 The Amnesty International Report 2015/16 - The State of the World's Human Rights - Sri Lanka, published 24 February 2016, stated:

'Torture and other ill-treatment of detainees – including sexual violence – continued to be reported and impunity persisted for earlier cases. ... Suspicious deaths in police custody continued to be reported. Detainees died of injuries consistent with torture and other ill-treatment, including beatings or asphyxiation. Police claimed suspects committed suicide or in one case drowned while trying to escape.' [44]

6.6.3 The International Truth and Justice Project (ITJP) report, Silenced: survivors of torture and sexual violence in 2015, published in January 2016, stated:

'The Sirisena government in Sri Lanka was elected one year ago, on 8 January 2015, on a promise of change. In September 2015 at the Human Rights Council in Geneva the Government of Sri Lanka sketched out a plan to deliver post-war accountability: namely a national consultation with victims, a Truth Commission, a Special Court, an Office of Missing Persons and a reparations body. On paper the plan looks impressive but the reality on the ground in the former conflict areas tells a very different story. Human rights violations by the security forces continue with impunity and a predatory climate against Tamils prevails. Tamils with tenuous links to the LTTE or low-level cadres continue to be targeted, along with their families. Victims and witnesses rightfully fear that coming forward will endanger their lives and those of their families.' [45]

6.6.4 The Human Rights Watch (HRW) annual report 2016, Sri Lanka, observed that:

'The PTA has long been used to hold suspected LTTE members and others without charge or trial for years..... The law has been used since the end of the war, including under the present government, to detain and torture people suspected of links to the LTTE, including forcibly returned asylum seekers.'[46]

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[43] US Department of State, Country Reports on Human Rights Practices for 2015: Sri Lanka, 13 April 2016, (Section 1. c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252975#wrapper, date accessed 15 April 2016

[44] Amnesty International Report 2015/16 - The State of the World's Human Rights - Sri Lanka,24 February 2016, (Arbitrary arrests and detentions) https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/, date accessed 5 April 2016

[45] The International Truth and Justice Project (ITJP), Silenced: survivors of torture and sexual violence in 2015, January 2016, (Introduction, p. 9), http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced_jan%202016.pdf, date accessed 7 January 2016

[46] The Human Rights Watch (HRW), annual report 2016, Sri Lanka, 27 January 2016, (Prevention of Terrorism Act and Politically Motivated Torture, – p. 530), https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf, date accessed 5 April

6.6.5 A report by Human Rights Watch, “We Live in Constant Fear” - Lack of Accountability for Police Abuse in Sri Lanka, published 23 October 2015, in which they note that between June 2014 and May 2015, HRW researchers interviewed more than 40 victims or witnesses of police violence in Sri Lanka and spoke with two dozen lawyers, civil society activists, and journalists who work on police torture and abuse, to understand the context and the obstacles to justice for victims of police abuse, recorded that:

‘Police use of torture against criminal suspects cannot be dismissed as a wartime phenomenon. Human Rights Watch found that even after the decisive defeat of the LTTE, certain branches of the police continued to routinely engage in torture, including sexual abuse, to extract confessions or information from suspected LTTE members or supporters. In addition, police have been implicated in enforced disappearances, extrajudicial executions, and abductions of those suspected, however loosely, of ties to the LTTE. ...

‘Police abuses against criminal suspects in Sri Lanka, including arbitrary arrests, due process violations, and torture, are common and widespread. In many cases, the police use torture and other forms of coercion as a shortcut to obtain confessions or other information to facilitate convictions. Some of the cases reported to Human Rights Watch involved very minor alleged offenses, such as petty theft or vandalism, and the reasons for the custodial abuse were often unclear.’

‘The abuses documented by Human Rights Watch often occurred in police custody, and appeared to end when the victim was finally produced before a magistrate and remanded to jail pending trial. In all cases, victims reported severe ongoing emotional and psychological distress as a result of the abuse.’ [47]

6.6.6 A Statement by United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, at the end of his Mission to Sri Lanka, dated 9 February 2016, read:

‘The ‘white van’ abductions that operated outside all norms of law and order, and — as intended — instilled fear in the hearts of journalists, human rights defenders and others who dared criticise the Government or State security institutions, are now very seldom reported. The number of torture complaints has been reduced but new cases continue to emerge — as two recent reports, detailing some disturbing alleged cases that occurred in 2015, have shown — and police all too often continue to resort to violence and excessive force.’ [48]

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[47] Human Rights Watch, "We Live in Constant Fear" - Lack of Accountability for Police Abuse in Sri Lanka, 23 October 2015, (History of Impunity, Police Torture and Other Abuse), https://www.hrw.org/report/2015/10/23/we-live-constant-fear/lack-accountability-police-abuse-sri-lanka, date accessed 17 December 2015

[48] The United Nations Office in Geneva, A Statement by United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, at the end of his Mission to Sri Lanka, dated 9 February 2016, http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/775FCDCB6B14D5F3C1257F5400383767?OpenDocument, date accessed 4 April 2016

6.6.7 The ITJP also stated in the report that they had taken 'sworn statements' from 20 victims, who, all but one were subjected to abduction in a 'white van', unauthorised detention, repeated torture and sexual violence. Five of the abductions took place after the August 2015 parliamentary elections; fifteen were after the January 2015 presidential elections. It stated in the report that:

'The victims comprise 15 male and 5 female Sri Lankan Tamils now in three different countries. Our experienced war crime investigators took lengthy statements and obtained corroborating evidence from experts in scar healing and symptoms of psychiatric or psychological torture and sexual abuse, photographs of recent wounds and scarring and other corroborating evidence. Several witnesses still had fresh wounds from the recent torture in Sri Lanka when they were interviewed abroad; two were still bleeding.' [49]

(See also Section 6.7: Enforced disappearances/missing persons)

6.6.8 Looking at the profile of those who were abducted, the ITJP report, added:

'During interrogation by the Sri Lankan security forces several victims were falsely accused of working to restart the LTTE or bringing the country into disrepute by talking about what happened in the war and its aftermath...

'In some cases the interrogators showed the victims print outs of photographs of themselves or people close to them attending recent Tamil diaspora commemorative events abroad...

'Before being abducted, many victims had been involved in a variety of peaceful protests or election activities demanding rights for Tamils. This ranged from attending campaign meetings during presidential and parliamentary elections in 2015 for MP's from the Tamil National Alliance (TNA) and the Tamil National People's Front (TNPF); handing out leaflets; campaigning for the disappeared; to attending memorial events marking the anniversary of the end of the war. The victims said their torturers referenced this legitimate political activity during their detention… Four victims tortured in 2015 had attended a high profile protest by the families of the disappeared in Jaffna in 2013 when the British Prime Minister visited for the Commonwealth Heads of Government Meeting.' [50]

6.6.9 Further adding: 'In half of these 2015 cases the pro-government Eelam People's Democratic Party, or EPDP, was known to have brokered the ransom for the release deal; in several cases Muslim CID [Criminal Investigation Department] officers or Muslim agents were said to be involved in brokering the releases for money as well as the exit from the country and

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[49] The International Truth and Justice Project (ITJP), Silenced: survivors of torture and sexual violence in 2015, January 2016, (The victims, p. 13), http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced_jan%202016.pdf, date accessed 7 January 2016

[50] The International Truth and Justice Project (ITJP), Silenced: survivors of torture and sexual violence in 2015, January 2016, (Political Activity, p. 15-17), http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced_jan%202016.pdf, date accessed 7 January 2016

transit to Europe. This is an aspect of corruption that the new government has yet to indicate it will investigate.' [51]

6.6.10 It was noted in the January 2016 ITJP report that the perpetrators included both CID (police) and military intelligence operatives as well as senior officers. [52]

6.6.11 An earlier International Truth and Justice Project (ITJP) report, A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015, published in July 2015, stated that:

'Several …politicians and officials in Sri Lanka have confirmed the past existence of "white van" abductions by the security forces. Among them are even some figures who were members of the Rajapaksa government when the crimes occurred. Like the Prime Minister, they give the impression that the practice has stopped, which is not the case…' [53] The report documented 180 cases of post-war torture and/or sexual violence in Sri Lanka. Of these it had recorded 115 statements from witnesses and survivors, of which 100 were 'white van' abduction survivors. The report stated that 'The vast majority of victims of torture and sexual abuse in Sri Lanka are Tamils' and that 'These were people the security forces suspected of assisting the LTTE in the past and they have been rigorously hunted down and punished extra judicially in the post-war period.' [54]

6.6.12 The July 2015 ITJP report added: 'The new Sri Lankan government led by President Sirisena has repeatedly warned people that they do not want the "white van culture" of their predecessors to return. The Prime Minister, Ranil Wickremesinghe, stated in a speech to the Sri Lankan parliament on 3 June 2015 that these abductions were a thing of the past: "Today there are no white vans and as such we are happy that most people can express their views freely".' [55]

(See also Section 6.7: Enforced disappearances/missing persons)

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[51] The International Truth and Justice Project (ITJP), Silenced: survivors of torture and sexual violence in 2015, January 2016, (Ransoms and Human Smuggling p. 22), http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced_jan%202016.pdf, date accessed 7 January 2016

[52] The International Truth and Justice Project (ITJP), Silenced: survivors of torture and sexual violence in 2015, January 2016, (II. The Perpetrators p. 20), http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced_jan%202016.pdf, date accessed 7 January 2016

[53] International Truth and Justice Project (ITJP), A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015, July 2015, (2015 Arbitrary Detention, Torture and Sexual Violence Post-election: 8 cases, p34), http://www.itjpsl.com/wp-content/uploads/2015/07/Stop-Torture-Report.pdf, date accessed 17 December 2015

[54] International Truth and Justice Project (ITJP), A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015, July 2015, (Executive Summary p.7 and IV. Findings p.28), http://www.itjpsl.com/wp-content/uploads/2015/07/Stop-Torture-Report.pdf, date accessed 17 December 2015

[55] International Truth and Justice Project (ITJP), A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015, July 2015, (2015 Arbitrary Detention, Torture and Sexual Violence Post-election: 8 cases, p34), http://www.itjpsl.com/wp-content/uploads/2015/07/Stop-Torture-Report.pdf, date accessed 17 December 2015

6.7 Enforced disappearances/missing persons

(See also Section 6.6: Torture/ill-treatment)

6.7.1 The US State Department's 2015 Country Report on Human Rights Practices (USSD Report 2015), Sri Lanka, published on 13 April 2016, noted that:

'On October 16 [2015], the president delivered to members of parliament, but did not make public, the Presidential Commission of Inquiry to Investigate into Complaints Regarding Missing Persons' (COI) report. The COI was established in 2013 by former president Rajapaksa. By June the COI had received a total of 15,593 complaints from the Northern and Eastern provinces and 5,000 from security force personnel. Of the former number, it took public testimony on 1,744 complaints. Observers identified numerous problems in the COI's work. These included the intimidation of commission witnesses; the provision of transport by the military for witnesses to travel to and from the testimony sites; the presence of intelligence officers at public testimony (including taking photographs of witnesses and those present); COI questioning that overly focused on LTTE culpability and witness compensation; and poor or misleading interpretation of witness testimony, which undermined the quality of evidence gathered in the first instance.' [56]

6.7.2 The Amnesty International Report 2015/16 - The State of the World's Human Rights - Sri Lanka, published 24 February 2016, stated:

'The Presidential Commission to Investigate into Complaints Regarding Missing Persons received 18,586 reports of missing civilians, but made little progress in clarifying their fate or whereabouts or bringing perpetrators of enforced disappearance to justice. In October the government, noting a widespread lack of confidence in the Commission, announced that they were replacing it with another body. In December, it signed and promised to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to criminalize enforced disappearances.' [57]

6.7.3 Sri Lanka emerged from three decades of civil war that claimed hundreds of thousands of lives, left many forcibly disappeared, and displaced whole communities. The Working Group on Enforced or Involuntary Disappearances said in its preliminary observations at the end of a 10-day official visit to Sri Lanka, from 9-18 November 2015, "The widespread use of

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[56] US Department of State, Country Reports on Human Rights Practices for 2015: Sri Lanka, 13 April 2016, (Section 1. B. Disappearances), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252975#wrapper, date accessed 15 April 2016

[57] Amnesty International Report 2015/16 - The State of the World's Human Rights - Sri Lanka, published 24 February 2016, (Arbitrary arrests and detentions), https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/, date accessed 5 April 2016

enforced disappearances for many decades has left profound wounds in the society and a deep sense of mistrust among the relatives," [58]

6.7.4 The Guardian, reported in an article published on 1 October 2015 that: 'Among those who disappeared are an unknown number of activists, journalists and other critics of the authorities who were abducted by unidentified men driving white vans in Colombo, the commercial and cultural capital, during and after the final years of the conflict.' [59]

6.7.5 Referring to a 2011 report by an advisory panel to UN secretary general, Ban Ki-moon, a Guardian online article in January 2016, stated: '… more than 40,000 could have perished in the last bouts of fighting between government forces and the Tamil Tigers from 2008 to 2009. The domestic advocacy body, University Teachers for Human Rights (Jaffna) put that figure as high as 90,000…' [60] The article goes on to report that, 'The new administration has pledged to set up a national office for missing persons that would undertake tracing and compensation and also change national laws to allow for the issuance of certificates of absence.' [61]

6.7.6 As reported by the UN News Centre on 18 November 2015 the United Nations Working Group on Enforced or Involuntary Disappearances, noted that:

'"… an almost complete lack of accountability and decisive and sustained efforts to search for the truth – in particular the determination of the fate or whereabouts of those who disappeared."

'They flagged the absence of a comprehensive and effective reparation program and social, psychological and economic support for the relatives…

'In their statement, the experts welcomed the commitments made by the new Government of Sri Lanka to embark on comprehensive measures to ensure truth, justice and reparation for victims, as well as prevent any recurrence of disappearances in the future.

'They also noted "encouraging steps such as the official invitation to visit the country, the "excellent cooperation" received during the visit, the government's increasing openness, and the commitments expressed by various authorities they met, including to establish a dedicated Office for Missing Persons…

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[58] UN News Service, Sri Lanka must fulfil the rights of families of the disappeared – UN rights experts, 18 November 2015, http://www.un.org/apps/news/story.asp?NewsID=52590, date accessed 17 December 2015

[59] Guardian, The, Sri Lanka to issue missing certificates to families of civil war disappeared, 1 October 2016, date accessed 4 May 2016

[60] Guardian, The, Sri Lanka's missing thousands: one woman's six-year fight to find her husband, 29 January 2016, http://www.theguardian.com/world/2016/jan/29/sri-lankas-missing-thousands-one-womans-six-year-fight-to-find-her-husband, date accessed 29 January 2016

[61] Guardian, The, Sri Lanka's missing thousands: one woman's six-year fight to find her husband, 29 January 2016, http://www.theguardian.com/world/2016/jan/29/sri-lankas-missing-thousands-one-womans-six-year-fight-to-find-her-husband, date accessed 29 January 2016

‘As one first measure, the experts urged the authorities to give clear instructions at all level of the military, security and law-enforcement forces that all type of threats, harassment and intimidation towards families searching for their loved ones must immediately cease, will not be tolerated and will be severely sanctioned.’ [62]

6.7.7 The UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, stated:

‘According to the 2010 amendment to the Registration of Deaths (Temporary Provisions) Act, families are allowed to register as deceased any person reported missing for over a year “in the course of the civil disturbances that have taken place in Sri Lanka due to terrorist or subversive activities or civil commotion”.

‘While the Act allows relatives of the disappeared to apply for a death certificate, this does not lead to any recognition that the victim disappeared following unlawful and arbitrary arrest by the security forces, nor does it clarify the fate of the loved ones. Furthermore, witnesses have expressed concern that acceptance of a death certificate may be used to stall any investigations into the person’s disappearance.’ [63]

6.7.8 The same UN report further stated that:

‘During the course of its investigation, OISL (OHCHR investigation on Sri Lanka) reviewed reliable information on hundreds of cases of enforced disappearances that occurred within the period of its mandate [Which covered the Lessons Learnt and Reconciliation Commission (LLRC) initial timeframe covered from 21 February 2002 to 19 May 2009. However, its report submitted to the President of Sri Lanka in November 2011, included information dated as late as October 2011.] in various parts of the country, with particular prevalence in the Northern and Eastern Provinces.’ [64]

6.7.9 Freedom from Torture (formerly: Medical Foundation for the Care of Victims of Torture), noted in a report, Tainted Peace: Torture in Sri Lanka since May 2009, in which they state they used forensic methods and testimony from a group of torture survivors who fled to the UK, to document shocking evidence of ongoing torture in Sri Lanka, that:

‘The UN Secretary-General’s Panel of Experts on Sri Lanka found that immediately after the cessation of hostilities, the Sri Lankan government prioritised security considerations over humanitarian needs and the well-

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[62] UN News Service, Sri Lanka must fulfil the rights of families of the disappeared – UN rights experts, 18 November 2015, http://www.un.org/apps/news/story.asp?NewsID=52590, date accessed 17 December 2015

[63] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, (Issuance of death certificates, p95), http://www.refworld.org/docid/55ffb1d04.html, date accessed 24 November 2015

[64] UN Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka, 16 September 2015, (Enforced disappearances, 221), http://www.refworld.org/docid/55ffb1854.html, date accessed 24 November 2015

being of IDPs [Internally Displaced Persons]. People fled the conflict areas and surrendered to the Sri Lankan army. The government authorities would strip search virtually all civilians and screen them for suspected LTTE associations. People, including many women and children, would be lured into identifying themselves and surrendering on the promise of vocational training and employment abroad. As the testimony of Freedom from Torture's clients… once identified, suspected LTTE were removed from the IDP camps to separate, often unknown, locations generally referred to as "rehabilitation centres". This 'screening process' resulted in cases of executions, disappearances, rape and sexual violence. Thousands of individuals with suspected LTTE ties were detained in extra-legal detention centres, unmonitored and without access to legal counsel or protection agencies, their loved ones not knowing their whereabouts.' [65]

6.7.10 A Tamil family whose whereabouts were unknown after surrendering to the Sri Lankan military in May 2009, were dropped off by unknown persons in Jaffna in mid-November 2015, after more than six years in custody. Reporting on the story, the Tamil Guardian noted:

'Leader of the Democratic People's Liberation Front (DPLF) Dharmalingam Siddharthan said the wife and three children of LTTE cadre Vinayagam had surrendered to the Sri Lankan military during the final stages of the armed conflict in 2009. Since then, their whereabouts were unknown, with government sources refusing to confirm their surrender. "Vinayagam's wife had surrendered to the armed forces with her children at the end of the war in May 2009, and gone missing ever since and her whereabouts were not known to her relatives for the last six years," said Mr Siddharthan. The family were finally dropped off at their home in Varani, Jaffna by an unknown group of persons, after more than 6 years in secret military custody.' [66]

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6.8 Land repatriation

6.8.1 The Oakland Institute report, The Long Shadow of War, The Struggle For Justice in Postwar Sri Lanka, published in 2015, stated:

'One major issue is the continued displacement of people from their lands and homes as a result of persistent military occupation of the Northern and Eastern Provinces.

'Thousands of Tamils are still internally displaced and remain without land or livelihoods. For those who have been "resettled" through government

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[65] Freedom from Torture (formerly: Medical Foundation for the Care of Victims of Torture), Tainted Peace: Torture in Sri Lanka since May 2009, 13 August 2015, (Background: Sri Lanka's Civil War and its final phase, p4), http://www.freedomfromtorture.org/sites/default/files/documents/Sri%20Lanka%20Ongoing%20Torture_Freedom%20from%20Torture_Final%20Nov_07_2011.pdf, date accessed 25 November 2015

[66] Tamil Guardian (Online), Tamil family that 'disappeared' released after 6 years in Sri Lankan custody, 20 November 2015, http://www.tamilguardian.com/article.asp?articleid=16493, date accessed 26 November 2015

schemes, the process has often taken place without voluntary or fully informed settlement choice and without adequate infrastructure in place for rebuilding their lives.

'Sri Lanka's army still occupies "high security zones" in the North and East of the country. In 2014, at least 160,000 soldiers, almost entirely Sinhalese, were estimated to be stationed in the North. With the Northern Province's population estimated at just over one million in 2012, this yields a ratio of one army member for every six civilians, despite the official end of hostilities six years ago.

This military occupation is not about ensuring security. The army has expanded non-military activities and is engaged in large-scale property development, construction projects, and business ventures such as travel agencies, farming, holiday resorts, restaurants, and innumerable cafes that dot the highways in the Northern and Eastern Provinces. The army officially runs luxury resorts and golf courses that have been erected on land seized from now–internally displaced peoples. Tourists can book holidays in luxury beach resorts by directly calling reservation numbers at the Ministry of Defence. These resorts and businesses are located on lands that were previously home to the local Tamil population, who were displaced by the war. They see no sign of return, despite numerous demands and petitions.'[67]

6.8.2 The UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), published on 16 September 2015, stated: 'The military has retained a heavy presence and a system of checks and surveillance in the North and East, and it continued to occupy substantial tracts of civilian land, further complicating resettlement.' [68]

6.8.3 The International Crisis Group (ICG), Sri Lanka Between Elections, Asia Report N°272, 12 August 2015, state: 'In March-April [2015] releases, the government returned some 1,000 acres of military- occupied land to owners displaced for decades from homes in the Valikammam area of northern Jaffna district. It was undeveloped, with neither original houses nor new military camps or other government buildings; returning the remaining thousands of acres on which the military built camps or hotels will be harder.'[69]

6.8.4 The UN Human Rights Council, Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka, 28

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[67] The Oakland Institute, The Long Shadow of War, The Struggle For Justice in Postwar Sri Lanka,2015, (Executive Summary, p3), http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_The_Long_Shadow_of_War_0.pdf, date accessed 18 December 2015

[68] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, A/HRC/30/CRP.2, (III. Contextual background, May 2009 – November 2011: Post-armed conflict period, (p21), http://www.refworld.org/topic,50ffbce510,50ffbce525,55ffb1d04,0,UNHRC,,LKA.html, date accessed 17 November 2015

[69] International Crisis Group, Sri Lanka Between Elections, Asia Report N°272, 12 August 2015, (IV. Initial Steps on Reconciliation, p16), http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/272-sri-lanka-between-elections.pdf, date accessed 17 December 2015

September 2015, stated: 'One major continuing problem is the military occupation of private land, although the Government has proceeded with some land releases in Thellipallai and Kopai in the North and in Sampur in the East. Land issues have been further complicated by secondary occupation by civilians; loss, destruction and damage to land documents; competing claims; landlessness; and un-regularized land claims. Care must also be taken to ensure that land distribution does not exacerbate existing intra- and inter-community tensions, since land disputes have become increasingly politicized and ethnicized in return areas.' [70]

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6.9 Tamil diaspora

6.9.1 A letter (See Annex B) from the British High Commission in Colombo dated 30 November 2015, stated:

The previous government proscribed a number of Tamil groups active around the world and they were not allowed to engage in Sri Lanka. The new government has de-proscribed the following Tamil groups/ organizations:

'1. The Global Tamil Forum

'2. British Tamil Forum

'3. National Council of Canadian Tamils

'4. Tamil Youth Organisation

'5. World Tamil Coordinating Committee

'6. Canadian Tamil Congress

'7. Australian Tamil Congress

'8. Tamil National Council

'Membership or affiliation to the above groups is no longer regarded by the government of Sri Lanka as terrorism or terrorist activity. The members of these groups whether active or lay, have no reason to fear persecution as a consequence of their affiliation to them from the government of Sri Lanka.' [71]

6.9.2 Eight organizations and 157 individuals, remain proscribed, as listed on the amended Gazette, No. 1941/44 – 20 November 2015. [72]

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[70] UN Human Rights Council, Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka, 28 September 2015, A/HRC/30/61, (May 2009 – November 2011: III. Human rights and related developments, p5), http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_61_ENG.docx , date accessed 17 November 2016

[71] British High Commission (BHC), Colombo, letter dated 30 November 2015, accessed 16 February 2016

[72] The Gazette of the Democratic Socialist Republic of Sri Lanka Extraordinary, Part I: Section (I) – General, Government Notifications, The United Nations ACT, No. 45 OF 1968

6.9.3 A July 2015 International Truth & Justice Project (ITJP) Sri Lanka report on Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015 stated:

'In several cases witnesses mentioned that they or their family members had been questioned about their participation in anti-government protests or war commemoration events abroad. Some reported the Sri Lankan security forces had showed them, or their families, photographs of themselves at these protests. This indicates the Sri Lankan security forces are monitoring these gatherings outside the country. In the UK at least, some Tamil diaspora organisations have responded by banning cameras at annual Heroes' Day commemorations for the safety of the participants'. [73]

6.9.4 In a January 2016 report on survivors of torture and sexual violence in 2015, the same organisation reported that: 'there is evidence that the intelligence services have continued in 2015 to show detainees who have returned to Sri Lanka photographs of themselves attending Heroes' Day events and other commemorations abroad. This suggests there is continuing interest in surveillance of diaspora events'. [74]

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6.10 Freedom of movement

6.10.1 The US State Department's 2015 Country Report on Human Rights Practices (USSD Report 2015), Sri Lanka, published on 13 April 2016, noted that: 'The law grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to the country." The government at times restricted these rights.' [75]

6.10.2 A letter from the British High Commission in Colombo, dated 7 July 2014, describing the airport immigration control procedure, noted that:

'Passengers seeking entry to Sri Lanka must present themselves to an immigration officer and are required to hand over their passport and (if a foreign national) arrival card.

Amendment to the List of Designated persons under Regulation 4 (7) of the United Nations Regulation No. 1 of 2012, 20 November 2015, fiusrilanka.gov.lk/docs/UNSCR/List/1941_44(SL)/1941_44(E).pdf, date accessed 7 January 2016

[73] International Truth and Justice Project (ITJP), A Still Unfinished War: Sri Lanka's Survivors of Torture and Sexual Violence 2009-2015, July 2015, (C. Reprisals and Persecution p.91), http://www.itjpsl.com/wp-content/uploads/2015/07/Stop-Torture-Report.pdf, date accessed 17 December 2015

[74] The International Truth and Justice Project (ITJP), Silenced: survivors of torture and sexual violence in 2015, January 2016, (III. Reprisals during 2015 p. 30), http://www.itjpsl.com/wp-content/uploads/2015/07/Silenced_jan%202016.pdf, date accessed 7 January 2016

[75] US Department of State, Country Reports on Human Rights Practices for 2015: Sri Lanka, 13 April 2016, (Section2. d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons), http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252975#wrapper, date accessed 15 April 2016

‘The immigration officer will scan the details page of the passport. Each immigration officer’s desk has a terminal connected to the DIE Border Control System. This system contains border control, visa/ETA details, citizenship and passport records and is networked to the DIE office in Colombo. It is not linked to any police or military database; however, there is an alert list containing information relating to court orders, warrants of arrest, jumping bail, escaping from detention, as well as information from Interpol and the State Intelligence Service (SIS) computer system. The immigration officer will check for any data matches, check that the document is genuine and unaltered, and look through the passport for visas and/or endorsements. Dependent on the circumstances of the individual passenger, the immigration officer may ask questions to ascertain the purpose of the visit.

‘Passengers may be detained for further questioning by DIE and/or the Criminal Investigation Department (CID) and/or the State Intelligence Service (SIS) and/or the Terrorist Investigation Department (TID).

‘Once satisfied that the passenger qualifies for entry, the immigration officer will endorse the passport with an arrival stamp and hand back to the passenger. They will retain the arrival card (if applicable).’ [76]

6.10.3 Following the proscription of 16 Tamil Diaspora organisations under the UN Security Council resolution 1373 on counter-terrorism on 1 April 2014, a letter from the BHC, dated 25 July 2014, stated:

‘Officials at the British High Commission Colombo have consulted the Ministry of External Affairs (MEA), the Department of Immigration and Emigration (DIE), the State Intelligence Service (SIS) and an international Non-Government Organisation (NGO) who specialise in migration, as well the Australian High Commission, Canadian High Commission, Swiss Embassy and Dutch Embassy…

‘There have been no reports in local press of anyone being arrested because of their membership of, or association with, one of the proscribed Tamil Diaspora organisations. Members of civil society have not raised this as an issue with the High Commission.

‘The spokesperson from the MEA stated that no returnees from any country have been arrested yet because of their association with one of the proscribed groups.

‘The spokesperson from the DIE also confirmed that no returnees had been arrested on arrival for this reason.

‘The spokesperson from the SIS also stated that no returnees have been arrested yet due to involvement with one of the organisations.

‘The spokesperson from the international NGO stated that he was not aware of any returnees being arrested because of their association with one of the proscribed groups.

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[76] British High Commission (BHC), Colombo, letter dated 7 July 2014, accessed 1 April 2016

‘Contacts from the Australian High Commission, the Canadian High Commission, the Swiss Embassy and the Dutch Embassy all stated that they had not received any reports, or were aware, of any arrests of returnees solely because of their association with one of the proscribed groups. There is no awareness of any members of the groups being returned however…

‘The spokesperson from the DIE stated that returnees may be questioned on arrival by immigration, CID, SIS and TID. They may be questioned about what they have been doing whilst out of Sri Lanka, including whether they have been involved with one of the Tamil Diaspora groups. He said that it was normal practice for returnees to be asked about their activities in the country they were returning from.’ [77]

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[77] British High Commission (BHC), Colombo, letter dated 25 July 2014, accessed 1 April 2016

Annex A: Main Tamil paramilitary groups and parties

The UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), published on 16 September 2015, cited the following information on the main Tamil paramilitary groups and parties which were allegedly involved in security operations with the Sri Lanka security forces, as well as independently carrying out their own activities during the period under review.

The Karuna Group/TMVP

'Vinayagamoorthy Muralitharan, known by his nom de guerre Colonel Karuna Amman, was originally the commander of LTTE in the Eastern Province, based in Batticaloa District. In 2004, Karuna broke away from LTTE, taking a number of his cadres with him, and formed a paramilitary group– often referred to as the Karuna Group. The Groups was allegedly linked with the Government security forces, particularly as hostilities intensified in 2006.

'Under the terms of the CFA [Ceasefire Agreement], the Karuna Group should have been disarmed by the Government. In his statement to the public hearings of the LLRC [Lessons Learned and Reconciliation Commission], on 17 August 2010, Gotabaya Rajapaksa claimed the Karuna Group (as well as other paramilitary groups such as EPDP [Eelam People's Democratic Party] and the Pillayan Group which later broke away from the Karuna Group) had been disarmed, but nevertheless acknowledged that the Karuna Group had "supported the Government for a long period" and that at the time, they "had to carry weapons" "for their own security".

'OISL gathered information indicating to the contrary that the Karuna Group played a vital role in providing intelligence on LTTE after the split, and allegedly became engaged in covert activities against LTTE and those suspected of having links with LTTE, reportedly acting alongside, or on behalf of SLA [Sri Lanka Army], SLN [Sri Lanka Navy] and STF [Sri Lanka Air Force] in particular. Towards the end of the armed conflict, and in its immediate aftermath, Karuna Group members helped the security forces identify LTTE cadres who had laid down arms and were amongst the thousands of civilians leaving the Vanni. They also performed a similar role in IDP camps. Karuna himself was brought to Nanthi Kadal lagoon to make the initial identification of the corpse of LTTE leader Prabhakaran.

'The Karuna Group formed an associated political party called Tamil Makkal Viduthalai Pulikal (TMVP) which was officially registered in 2007. TMVP contested the Eastern Provincial Council elections in 2008, winning a majority. Karuna himself became Minister of National Integration under the Rajapaksa Government in March 2009.' [78]

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[78] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, A/HRC/30/CRP.2, (The Karuna Group/TMVP p32), http://www.refworld.org/topic,50ffbce510,50ffbce525,55ffb1d04,0,UNHRC,,LKA.html, date accessed 17 November 2015

Pillayan Group

'Pillayan was initially the deputy of Karuna but a further split occurred in 2007 and he set up his own group. He became Chief Minister of the Eastern Province in May 2008.' [79]

Iniya Bharathi

'K Pushpakumar, known as Iniya Bharathi was, according to press reports, appointed in 2011 as Sri Lanka Freedom Party (SLFP) organizer for Ampara District by President Mahinda Rajapaksa. Iniya Bharathi's group was listed under the Security Council 1612 procedure for the recruitment of children.' [80]

Eelam People's Democratic Party (EPDP)

'The EPDP emerged in 1990 from a plethora of Tamil groups and is still active to this day, headed by Douglas Devananda. With the Government's support, EPDP became more politically orientated and won a number of parliamentary seats in the 1994 elections, becoming well established in the Jaffna district. Devananda himself held Ministerial positions on a number of occasions under Presidents Kumaratanga and Rajapaksa.

'The paramilitary wing of EPDP was reportedly involved in tit-for-tat killings and other acts of violence. Towards the end of the conflict in 2009, EPDP was frequently cited as operating inside the closed military-run IDP camps. The freedom of movement that EPDP enjoyed in the camps clearly indicated official approval of their presence and activity.' [81]

Liberation Tigers of Tamil Eelam (LTTE)

'LTTE emerged as a military and political force in the 1970s. Initially, LTTE was one of many different Tamil militant groups, including the Tamil Eelam Liberation Organization (TELO), the Eelam Revolutionary Organization of Students (EROS), the Eelam People's Revolutionary Liberation Front (EPRLF), and the People's Liberation Organization of Tamil Eelam (PLOTE). With time, it gradually asserted its authority as the so-called "sole and legitimate representative" of the Tamil people.

'In the 1980's, the LTTE became increasingly capable of attacking SLA positions and holding territory, thereby establishing a stronghold in the north and controlling territory in the east of the island. By the time of the 2002 Ceasefire Agreement, it had

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[79] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, A/HRC/30/CRP.2, (Pillayan Group, p32), http://www.refworld.org/topic,50ffbce510,50ffbce525,55ffb1d04,0,UNHRC,,LKA.html, date accessed 17 November 2015

[80] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, A/HRC/30/CRP.2, (Iniya Bharathi, p32-33), http://www.refworld.org/topic,50ffbce510,50ffbce525,55ffb1d04,0,UNHRC,,LKA.html, date accessed 17 November 2015

[81] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, A/HRC/30/CRP.2, (Eelam People's Democratic Party (EPDP), p33), http://www.refworld.org/topic,50ffbce510,50ffbce525,55ffb1d04,0,UNHRC,,LKA.html, date accessed 17 November 2015

acquired the trappings of pseudo-state institutions, including a police, courts and detention centres.

‘Paradoxically, Colombo-appointed Government Agents continued to work in LTTE controlled areas, even to the end of the conflict to deliver government services such as health and education. They also became the focal points for ordering, receiving and distributing humanitarian assistance in the LTTE-controlled areas in the final phase of the armed conflict.

‘The military wing of LTTE was over time organised along the lines of a conventional armed force, with uniformed troops grouped together into formed units based in fixed locations. Nonetheless, it still carried out hit-and-run and suicide attacks throughout the island. This continued until the last phases of the armed conflict in 2009 though there was a significant lull in such attacks during the initial ceasefire period between 2002 and 2005.

‘Following the 9/11 attacks in the United States of America, and the launch of the US-led ‘war on terror’ the rhetoric of the international community began to change and a growing number of States listed LTTE as a terrorist organization. Nevertheless, the LTTE continued to raise funds among the large Tamil diaspora, although this often involved criminal activity and extortion. LTTE also maintained an extensive network of commercial and media resources throughout the world which also provided material and propaganda support to its cause.

‘The LTTE had a Military Wing, a Political Wing and an International Secretariat. The Political Wing and its Peace Secretariat dealt with political negotiations with the Government and other international actors involved in the peace process. During the period under review, the Political Wing was headed by Suppaya Paramu Thamilselvan, until he was killed in a Government airstrike on Killinochchi in November 2007 and then Balasingham Nadesan, the former LTTE police chief. It was also involved in recruitment and granting permission to leave LTTE-controlled areas in some cases. The International Secretariat, headed by Veerakathy Manivannam a.k.a. Castro, was responsible for propaganda, fund-raising and procurement overseas. The Peace Secretariat was headed by Seevaratnam Puleedevan until the end of the war in May 2009.

‘Overseeing these structures was a Central Governing Committee, headed by LTTE leader, Velupillai Prabhakaran, who also headed the Military Wing. The head of the LTTE Police until November 2007 was B. Nadesan, and the head of the Intelligence Wing Pottu Amman. The Sea Tigers were commanded by Thillailambalam Sivanesan (nom de guerre Col.‘Soosai’).’ [82]

LTTE military forces

‘The military wing of the LTTE consisted of a regular force and a reserve force. The regular force had a land, air and sea component (the Sea Tigers), an intelligence branch and a Special Forces unit. Women were encouraged to join and became a significant part of the overall force strength.

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[82] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, A/HRC/30/CRP.2, (Liberation Tigers of Tamil Eelam (LTTE), p33-34), http://www.refworld.org/topic,50ffbce510,50ffbce525,55ffb1d04,0,UNHRC,,LKA.html, date accessed 17 November 2015

‘There are no exact figures for the total strength of the LTTE military wing, but estimates vary at different times from several thousand to 30,000 cadres. In the closing months of the armed conflict, deaths and desertions would have further reduced its forces, especially within the last few weeks, but no reliable figures exist. … Besides being the overall LTTE Leader, Prabhakaran was Commander-in-Chief of the Military Wing. The Central Governing Committee had a Military Secretariat that managed and coordinated the LTTE forces. It included the commanders of LTTE’s seven (later six) military regions.’ [83]

Civil Defence Force

‘The Civil Defence Force consisted of two elements:

- A home-guard responsible for security in the villages, and defence against SLA attack;
- A border-guard, which helped to prevent infiltration by SLA forces.

‘During the last years of the conflict, entire villages were called to do short periods of civil defence training, including the elderly, and sometimes villagers were called up to do work such as dig bunkers. However, the civil defence force appeared to be a relatively loose structure. The fact that the villagers received civil defence training and may, in the eyes of the LTTE, have been part of the CDFs did not mean that all civilians in the Vanni could be considered as taking direct part in hostilities.’ [84]

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[83] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, A/HRC/30/CRP.2, (LTTE military forces, p34), http://www.refworld.org/topic,50ffbce510,50ffbce525,55ffb1d04,0,UNHRC,,LKA.html, date accessed 17 November 2015

[84] UN Human Rights Council, Report of the OHCHR Investigation on Sri Lanka (OISL), 16 September 2015, A/HRC/30/CRP.2, (Civil Defence Force, p36), http://www.refworld.org/topic,50ffbce510,50ffbce525,55ffb1d04,0,UNHRC,,LKA.html, date accessed 17 November 2015

Annex B: Letters from the Foreign and Commonwealth Office (FCO)

B1: FCO letter, 7 December 2015 - Peace and stability in Sri Lanka

British
High Commission
Colombo

Migration Section
389, Bauddhaloka
Mawatha Colombo 7
Sri Lanka

Country Policy and Information Team
Home Office
07 December 2015
Dear Colleague,

Peace and stability in Sri Lanka

Improving peace and stability in Sri Lanka are having a positive impact on Sri Lankan refugees in other countries deciding to return voluntarily.

This has been statistically shown by the United Nations High Commission for Refugees (UNHCR) in Sri Lanka. Monthly reports on Refugees Returnees Monitoring (RRM) during the year 2015 continue to show that returnees; Sri Lankan Tamils who sought refuge in India during the civil war, are returning in greater numbers and with confidence about the country situation in Sri Lanka.

The UNHCR Colombo produces statistics on this matter every month based upon their monitoring. The August report highlights the fact that the 100% of returnees have said their reason for return as the peace and stability of the country. None of the returnees between months September to December have cited any fear for their personal safety in Sri Lanka.

The UNHCR in Colombo have also highlighted that the process of re-admission to Sri Lanka used to be onerous and stressful for the returnees as they were questioned by departments of state separately at the border. Whereas this process

used to take about 4-6 hours, it is now completed within an hour period in the vast majority of cases. This change is a huge decrease of burden on the returnees.

Yours sincerely,

British High Commission Colombo

B2: FCO letter, 7 December 2015 - Close down of the Trincomalee Detention centre

British
High Commission
Colombo

Migration Section
389, Bauddhaloka
Mawatha Colombo 7
Sri Lanka

Country Policy and Information Team
Home Office
07 December 2015

Dear Colleague,

Close down of the Trincomalee Detention centre

The Working Group on Enforced or Involuntary Disappearances (WGEID) concluded a visit to Sri Lanka in November 2015. At a press conference WGEID told the media that there had been a detention centre at the Trincomalee Navy camp. The WGEID had been able to examine this site, which had been opened to them by the Government of Sri Lanka. The WGEID said it was clear that this site was no longer in operation.
On the 03rd December 2015 Sri Lanka's Minister of Foreign Affairs, Mangala Samaraweera, addressed Sri Lankan Parliament on the subject of alleged secret detention sites; "if anyone in Sri Lanka or overseas has any information regarding any such facility that may be in operation, the Government will take upon itself the task of ensuring that such facilities are examined and action is taken under the due process of the law. The Government will not tolerate anyone holding another in detention under any circumstances, outside the purview of the law of this land".

Open source reporting on the matter of secret detention sites include:

1. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16772&LangID=E

2. Press release of The International Truth and Justice Project – Sri Lanka (ITJP) on "Trincomalee secret torture site" on 20th November, 2015

3. http://www.news.lk/news/politics/item/11171-no-new-secret-detention-centres-in-sri-lanka-mangala

4. http://www.eyesrilanka.com/2015/12/07/there-are-no-secret-detention-centres-in-existence/

Yours sincerely,

British High Commission Colombo

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B3: FCO letter, 30 November 2015 - De-proscription of Tamil groups/ organizations and release of detainees under the Prevention of Terrorism Act (PTA)

British
High Commission
Colombo

Migration Section
389, Bauddhaloka
Mawatha Colombo 7
Sri Lanka

Country Policy and Information Team
Home Office

30 November 2015

Dear Colleague,

De-proscription of Tamil groups/ organizations and release of detainees under PTA

The government of Sri Lanka has been working on number of initiatives to reflect the improved respect for Human Rights, the freedom of people to express their views and the freedom of political activism in Sri Lanka. Additionally they have sought to more accurately reflect the threat to Sri Lanka from groups and persons associated with terrorism.

1. **De-proscription of Tamil groups.**

The previous government proscribed a number of international Tamil groups active around the world. The effect of this was that they were not allowed to engage in Sri Lanka. The new government has de-proscribed the following Tamil groups/organisations:

1. The Global Tamil Forum
2. British Tamil Forum
3. National Council of Canadian Tamils
4. Tamil Youth Organisation
5. World Tamil Coordinating Committee
6. Canadian Tamil Congress
7. Australian Tamil Congress

8. Tamil National Council

Membership or affiliation to the above groups is no longer regarded by the government of Sri Lanka as terrorism or terrorist activity. The members of these groups whether active or lay, have no reason to fear persecution as a consequence of their affiliation to them from the government of Sri Lanka.

2. Release of detainees under Prevention of Terrorism Act.

The current government is reviewing the cases of those persons who were detained under the Prevention of Terrorism Act and has started releasing detainees step by step; this was a promise in their election manifesto.

31 detainees were released on bail on November 11, 2015
8 were released on November 16, 2015.

By now a total of 39 detainees have been released on bail. According to the Justice Minister's Media brief there are presently 204 persons detained on terrorism charges. Out of this number, 56 prisoners have been convicted and will not be released until they have served their sentences. 124 have cases against them pending in the High Courts. 24 detainees are expected to be released soon.

The action taken with regard to these detainees is positive in that it shows that the government of Sri Lanka is progressing cases in the courts where they can and releasing detainees where this is not possible.

Reference;

1. http://www.dailymirror.lk/95497/eight-ex-ltte-detainees-released

2. http://www.dailymirror.lk/94735/green-light-for-30-ex-ltte-detainees

Yours sincerely,

British High Commission Colombo

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B4: FCO letter, 7 July 2014 - Re: Airport Immigration Control Procedure

British
High Commission
Colombo

Country Policy & Information Team
Home Office

7th July 2014

Dear Colleague,

Re: Airport Immigration Control Procedure

You requested information about the immigration control procedure at Colombo Bandaranaike Airport, specifically whether passengers can choose which immigration desk they are processed at/which immigration officer they are processed by.

The British High Commission in Colombo routinely monitors the departure and arrival procedures at Colombo Bandaranaike International Airport.

Departure

After a passenger has checked in, they must show their passport and boarding pass at a security gate in order to proceed to the immigration control area. Only travelling passengers are permitted entry to the check-in area and only those who have been issued boarding passes are permitted entry to the immigration control area. Sri Lankan nationals must then complete a departure card before proceeding to an immigration desk (non Sri Lankan nationals (foreign nationals) are not required to complete a departure card).

The immigration desks are in situated in a straight line to the left of the security gate. It is possible to see the first couple of immigration desks before you proceed through the gate (the first desk being for staff, airline crew and diplomats only), but the others are out of sight until you are in the immigration control area. Once you are in the area, all immigration desks/officers are visible. It is possible for passengers waiting in

some of the immigration queues to see some passengers in the departure lounge (who have already passed through immigration).

Each desk has its own individual queue. There are no airport staff controlling the queues and passengers can choose which queue to join and therefore which immigration officer they will be processed by.

At the immigration desk, the passenger must present their passport, boarding pass and (if a Sri Lankan national) departure card to the immigration officer. The immigration officer scans the details page of the passport on the Department of Immigration and Emigration (DIE) Border Control System database and checks existing entry/exit endorsements in the passport. Passports belonging to all passengers i.e. Sri Lankan and foreign nationals, are endorsed with an immigration officer's embarkation stamp and handed back to the passenger, along with the boarding pass. The immigration officer will retain the departure card (if applicable).

After being processed by the immigration officer, the passengers walk behind the other desks to an entrance into the departure lounge, which is situated behind the far immigration desks.

Arrival

Depending on which stand the aircraft has arrived at, arriving passengers will either walk from the gate on the main pier or be deposited by bus from outlying stands at the entrance to the immigration arrivals hall.

Foreign nationals must fill in an arrival card before proceeding to an immigration desk (Sri Lankan nationals are not required to complete an arrival card). This may be provided by the carrying airline, but there are also cards available within the immigration hall.

The immigration hall is a large area with the immigration officer's counters arranged in an 'L' shape. There is a separate desk for 'Staff and Diplomats' and another for 'fast track' passengers. Apart from these desks, there are no restrictions on which desk a passenger can use. Each desk has its own individual queue. There are no airport staff controlling the queues and passengers can choose which queue to join and therefore which immigration officer they will be processed by.

Passengers seeking entry to Sri Lanka must present themselves to an immigration officer and are required to hand over their passport and (if a foreign national) arrival card.

The immigration officer will scan the details page of the passport. Each immigration officer's desk has a terminal connected to the DIE Border Control System. This system contains border control, visa/ETA details, citizenship and passport records and is networked to the DIE office in Colombo. It is not linked to any police or military database; however, there is an alert list containing information relating to court orders, warrants of arrest, jumping bail, escaping from detention, as well as information from Interpol and the State Intelligence Service (SIS) computer system. The immigration officer will check for any data matches, check that the document is genuine and unaltered, and look through the passport for visas and/or endorsements. Dependent on the circumstances of the individual passenger, the immigration officer may ask questions to ascertain the purpose of the visit.

Passengers may be detained for further questioning by DIE and/or the Criminal Investigation Department (CID) and/or the State Intelligence Service (SIS) and/or the Terrorist Investigation Department (TID).

Once satisfied that the passenger qualifies for entry, the immigration officer will endorse the passport with an arrival stamp and hand back to the passenger. They will retain the arrival card (if applicable).

Passengers then proceed past the immigration desks to a Duty Free shopping area, before descending to the baggage claim area and through Customs, before arriving in the publicly-accessible arrivals hall.

This letter has been completed by staff of the British High Commission in Colombo entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author, or any policy of the Foreign and Commonwealth Office. The author has compiled this letter in response to a request from the Home Office and any further enquiries regarding its contents should be directed to the Home Office.

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Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Country Policy and Information Team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms Team.

Clearance

Below is information on when this version of the guidance was cleared:

- version **2.0**
- valid from **19 May 2016**
- this version approved by **Sally Weston, Deputy Director, Head of Legal Strategy, Immigration and Border Policy Directorate**
- approved on: **17 May 2016**

Changes from last version of this guidance

The guidance has been updated with added sections on ‘Rehabilitation’ and ‘Internal relocation’. The country information has been updated with additional content for added subsections on ‘Accountability for war crimes’, ‘Key events in 2015 and impact on main Tamil groups’, ‘Human Rights issues’, ‘Societal attitudes’, ‘Rehabilitation of former LTTE combatants’, ‘Arrests/detentions’, ‘Treatment of Tamil returnees’, ‘Torture/ill-treatment’, ‘Enforced disappearances/missing persons’, ‘Land repatriation’, ‘Tamil diaspora’ and ‘Freedom of movement’.

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