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# Sri Lanka: Query Response

The situation of Tamils

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19 August 2014

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## Sri Lanka COI Query Response

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[\(b\) Information on the treatment upon return of these persons \(e.g. detention – length, conditions; ill-treatment/torture, release – did individual stay in Sri Lanka or leave again after release\)](#)

[\(c\) Information on the profile of \(each of\) these persons, in particular with regards to \(i\) their past links with the LTTE while in Sri Lanka, and on \(ii\) any activities while abroad supporting the LTTE or the cause of a separate Tamil State](#)

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## **Explanatory Note**

This report presents country of origin information (COI) on Sri Lanka up to 19 August 2014<sup>1</sup> on specific research issues identified to be of relevance in refugee status determination for Sri Lankan nationals. The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments. Research focused on sources published after February 2014, i.e. which post-date those considered in the Netherlands Judgement [Ruling 201400058/1/V2](#) of 20 June 2014, as well as sources published in 2013 (covering events in 2013, not before) which were not considered by either the Netherlands or the UK Country Guidance case [GJ \(post-civil war: returnees\) Sri Lanka CG \(Rev 1\) \[2013\] UKUT 319 \(IAC\) \(5 July 2013\)](#). It may be the case that some of these 2013 sources included in this report document the same incidents as sources which were considered in the judgements. It has been attempted to avoid such duplication where possible (but the reports not available in English were not translated for this purpose). All sources were accessed between July and August 2014.

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. However, this document should not be submitted in full or in isolation as evidence to refugee decision making authorities. Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

## **List of sources and databases consulted**

### Search engines

[Ecoi.net](#)

[Google](#)

[RefWorld](#)

[Reliefweb](#)

### NGOs/Think Tanks/Research centres

[Amnesty International](#) (Sri Lanka country page)

[Asian Centre for Human Rights](#) (Sri Lanka country page)

[Asian Human Rights Commission](#)

[Asian Legal Resource Centre](#)

[Centre for Policy Alternatives](#)

[CHR. Michelsen Institute \(CMI\)](#)

[Foreign Affairs \(published by Council on Foreign Relations\)](#)

[Freedom from Torture](#)

[Freedom House \(Sri Lanka country page\)](#)

[Groundviews.org](#)

[Human Rights Commission of Sri Lanka](#)

[Human Rights Watch](#) (Sri Lanka country page)

[Institute of Peace and Conflict Studies](#) (Sri Lanka country page)

[International Bar Association's Human Rights Institute](#) (Sri Lanka country page)

[International Commission of Jurists](#)

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<sup>1</sup> Apart from one 2014 Freedom from Torture submission which was included due to its relevance to the issues addressed in this report: Freedom from Torture, [Freedom from Torture up-dated submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014](#), 2014

[International Crisis Group](#) (Sri Lanka country page)  
[Journalists for Democracy in Sri Lanka](#)  
[Minority Rights Group International](#)  
[Norwegian Country of Origin Information Centre \(Landinfo\)](#)  
[South Asia Terrorism Portal](#)  
[Sri Lanka Campaign for Peace and Justice](#)  
[Swiss Refugee Council](#)  
[Tamil Youth Organisation](#)  
[Tamils Against Genocide](#)  
[Transparency International](#)

Newspapers/ news sites

[Channel 4 News](#) (UK)  
[Colombo Telegraph](#)  
[Daily Mirror](#) (Sri Lanka)  
[Daily news Sri Lanka](#)  
[Inter Press Service](#)  
[IRIN](#) (Sri Lanka country page)  
[TamilNet](#) (*only post February 2014*)

Government departments

[Danish Immigration Service](#)  
[Immigration and Refugee Board of Canada](#)  
[Sri Lanka Ministry of Defense and Urban Development](#)  
[Swiss Federal Office for Migration](#)  
[Swissinfo.ch](#)  
[U.S. Department of State](#) (Human Rights Reports)  
[UK Foreign & Commonwealth Office](#) (Human Rights and Democracy 2013-14)  
[UK Home Office](#) (Country information and guidance)

Other

[UN Committee Against Torture](#)  
[UN High Commissioner for Refugees](#) (Sri Lanka country page)  
[UN Human Rights Council](#)  
[UN News Centre](#)  
[UN Office of the High Commissioner for Human Rights](#)  
[UN Secretary General](#) (reports in 2014)  
[UN Secretary General](#) (reports in 2013)

## Issues for research

### 1. Information on Tamils who have returned (voluntarily or forced) to Sri Lanka since February 2014 and who were subjected to detention and/or torture and/or ill-treatment

(a) Information on their personal circumstances (e.g. male/female, age, returned from where, when, length of stay abroad, status when returned [failed asylum-seeker, voluntary return, student, etc.]

(b) Information on the treatment upon return of these persons (e.g. detention – length, conditions; ill-treatment/torture, release – did individual stay in Sri Lanka or leave again after release)

(c) Information on the profile of (each of) these persons, in particular with regards to (i) their past links with the LTTE while in Sri Lanka, and on (ii) any activities while abroad supporting the LTTE or the cause of a separate Tamil State

The following are non-exhaustive, illustrative examples, presented in reverse chronological order

- A. (a) On 7<sup>th</sup> July 2014 the Colombo Page reported that the Australian government “confirmed returning a group of 41 Sri Lankan asylum seekers who attempted to arrive illegally by boat to Australia as part of a maritime people smuggling venture, back to Sri Lanka”.<sup>2</sup> Al Jazeera reports that the 41 Sri Lankans were intercepted by Australia's border patrol off the Cocos Islands in the Indian Ocean in late June 2014 and it was the first time that Australia confirmed that it has screened asylum seekers at sea and returned them directly to their home country.<sup>3</sup> They were reported to be 37 Sinhalese and four Tamils.<sup>4</sup>
- (b) The Age newspaper reported on 8 July 2014 that “41 Sri Lankan asylum seekers transferred by Australian authorities to Sri Lanka have arrived at the Galle Magistrates Court for an appearance before a local magistrate. The 37 Sinhalese and four Tamils, including some women and children, are expected to be bailed shortly on charges of leaving the country illegally, a breach of Sri Lanka's Immigrants and Emigrants Act”.<sup>5</sup> On 8 July 2014, the South Asia Terrorism Portal reported that “A Sri Lankan court in Galle, Southern Province remanded five of the 41 asylum seekers handed over to the SLN [Sri Lankan Navy] by the Australian authorities after intercepting them at high seas. Galle Magistrate, U.S. Kalansooriya remanded five of the illegal migrants until July 14 and released 27 each on cash bail of LKR 5,000 and personal bail of LKR 100,000. The judge acquitted nine children, who were under the age of 16, among the asylum seekers. The released asylum seekers speaking to reporters outside the court, claimed that they did not receive any facilities in Australia and that Australian authorities even ignored the children”.<sup>6</sup> It is further reported that the five will return to court later in July 2014, while the rest were bailed until May 2015.<sup>7</sup> According to police spokesman Ajith Rohana, “The sentence for those who are proved to

<sup>2</sup> Colombo Page, [AUSTRALIA CONFIRMS RETURNING 41ASYLUM SEEKERS TO SRI LANKA](#), 7 July 2014

<sup>3</sup> Al Jazeera, [Australia returns asylum seekers to Sri Lanka](#), 7 July 2014

<sup>4</sup> The Age (Australia), [Asylum seekers face court in Sri Lanka](#), 8 July 2014

<sup>5</sup> The Age (Australia), [Asylum seekers face court in Sri Lanka](#), 8 July 2014

<sup>6</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>7</sup> Agence France Presse, [Returned Sri Lanka migrants vent fury at Australia](#), 8 July 2014

have left illegally is two years of rigorous imprisonment and a fine".<sup>8</sup> Amnesty International Australia's Refugee Spokesperson Graeme McGregor stated that "in an unprecedented move, the Government confirmed it had subjected 41 Sri Lankan asylum seekers to what it calls an 'enhanced screening process' via video link. This denied asylum seekers a fair and adequate chance for their refugee claims to be processed. Asking asylum seekers only four questions each before handing them back to Sri Lankan authorities runs an extremely high risk of returning genuine refugees to torture, persecution or death".<sup>9</sup>

(c) It was reported that "Sri Lankan authorities will also be trying to establish if any of the men have any links to any militant groups, which officials say is why the intelligence department must screen them". No further information was found on their profiles.

B. (a) On 5<sup>th</sup> July 2014 the Australian Broadcasting Corporation reported that "It has been a week since the Tamil community, refugee supporters and the media last heard from a boat close to Christmas Island carrying 153 Tamil asylum seekers. They reportedly are, or have been, aboard an Australian Customs ship and, despite having claims for protection, will reportedly be, or have been, handed over to the Sri Lankan navy. Tamil Refugee Council spokesman Aran Mylvaganam says he has spoken to a relative of people who were on the boat. "There were at least 11 people on this boat who had been arrested by Sri Lanka's intelligence forces and had been tortured," Mr Mylvaganam said. [...] "They fled Sri Lanka to a refugee camp in India and from there got on a boat and came to Australia. If they are handed over to the Sri Lankan authorities we are certain their lives are in danger"". <sup>10</sup> The same source provides a timeline of the case and notes that on 7<sup>th</sup> July 2014, "In an urgent hearing in the High Court before Justice Susan Crennan, lawyers for the Tamils win an interim injunction against any transfer of the asylum seekers to the Sri Lankan Navy".<sup>11</sup>

(b) At the time of writing, there is an interim injunction against any transfer of the 153 asylum seekers held on the Australian Customs ship to the Sri Lankan Navy.<sup>12</sup>

(c) Limited information is available regarding the profiles of the 153 asylum seekers held on an Australian Customs ship, although according to Tamil Refugee Council spokesman Aran Mylvaganam "There were at least 11 people on this boat who had been arrested by Sri Lanka's intelligence forces and had been tortured" and "There was at least a lot more, but 11 people have been accused of being members of the Tamil Tigers and were tortured by the Sri Lankan army".<sup>13</sup> Asked if any on board were Tamil Tigers, Mr Mylvaganam said that was unclear. "We don't know it and he doesn't know it, but they were accused of being members of the Tamil Tigers".<sup>14</sup>

C. (a) On 4<sup>th</sup> July 2014 the South Asia Terrorism Portal reports that "Malaysian Police arrested four former LTTE leaders accused of trying to revive the organization using Malaysia as a base. The arrestees suspected of involvement in terrorist attacks in Sri Lanka were arrested by the Malaysian Police in a series of anti-terrorism operations in Klang Valley, Kuala Lumpur

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<sup>8</sup> Australian Broadcasting Corporation, [High Court injunction blocks handover of 153 asylum seekers to Sri Lanka](#), 7 July 2014

<sup>9</sup> Amnesty International, [Australia: Handover of Sri Lankan asylum seekers a dangerous precedent](#), 8 July 2014

<sup>10</sup> Australia Broadcasting Corporation (ABC), [Refugee council warns Tamil asylum seekers' lives in danger amid reports Australia handing them back to Sri Lankan navy](#), 5 July 2014

<sup>11</sup> Australia Broadcasting Corporation (ABC), [Asylum seekers: a timeline of the case involving 157 Tamil asylum seekers intercepted at sea](#), 4 August 2014

<sup>12</sup> Australia Broadcasting Corporation (ABC), [Asylum seekers: a timeline of the case involving 157 Tamil asylum seekers intercepted at sea](#), 4 August 2014

<sup>13</sup> Australia Broadcasting Corporation (ABC), [Refugee council warns Tamil asylum seekers' lives in danger amid reports Australia handing them back to Sri Lankan navy](#), 5 July 2014

<sup>14</sup> Australia Broadcasting Corporation (ABC), [Refugee council warns Tamil asylum seekers' lives in danger amid reports Australia handing them back to Sri Lankan navy](#), 5 July 2014

and the four are being detained by the SB-CTD [Special Branch's Counter-Terrorism Division]".<sup>15</sup> On 18<sup>th</sup> July it noted that "The four LTTE militants arrested by the Malaysian Police on July 3 have been brought to Sri Lanka. Police media unit identified three of them as Edmond Singharaja alias Seelan, Angurukankanamlage Indika Sanjeewa alias Mohamed Sanjaya Abdul and Abdul Saleem Bin Mohamed".<sup>16</sup>

(b) No information was found on their treatment on arrival.

(c) Three of the four "LTTE militant" returnees were reported by police media to have been identified as Edmond Singharaja alias Seelan, Angurukankanamlage Indika Sanjeewa alias Mohamed Sanjaya Abdul and Abdul Saleem Bin Mohamed".<sup>17</sup> The South Asia Terrorism Portal reports that "Malaysian Police arrested four former LTTE leaders accused of trying to revive the organization using Malaysia as a base. The arrestees suspected of involvement in terrorist attacks in Sri Lanka were arrested by the Malaysian Police in a series of anti-terrorism operations in Klang Valley, Kuala Lumpur and the four are being detained by the SB-CTD [Special Branch's Counter-Terrorism Division]".<sup>18</sup>

D. (a) On 25<sup>th</sup> May 2014 two refugees and an asylum seeker, all male ethnic Tamils were forcibly returned to Sri Lanka from Malaysia. Human Rights Watch explains that "All three were under the protection of the United Nations refugee agency, UNHCR, which recognized two as refugees and was in the process of determining the claim of the third for refugee status".<sup>19</sup> They had been arrested for offenses under the immigration act and detained for 14 days.<sup>20</sup> According to the New Straits Times, they all left Sri Lanka in 2004.<sup>21</sup> The Daily Mirror reports that the deportees were "Sundaralingaraja Kushanthan (born 05.06.1969), Mahadevan Kirubaharan and Selvathurai Kirubananthan".<sup>22</sup>

(b) The 3 male ethnic Tamils returned from Malaysia were reported by Human Rights Watch on 28<sup>th</sup> May 2014 to have been detained by the police's Terrorist Investigation Division in the northern town of Kilinochchi.<sup>23</sup> They had been arrested for offenses under the immigration act and detained for 14 days.<sup>24</sup> On 3<sup>rd</sup> June the Daily Mirror reported that "They are being held currently at a special location and being de-briefed".<sup>25</sup>

(c) The Daily Mirror reports that "the three allegedly maintained a close relationship with the LTTE international financial network".<sup>26</sup> Human Rights Watch notes that "The official website of Sri Lanka's Defence Ministry has posted an article denouncing the three men as supporters of the defeated armed group the Liberation Tigers of Tamil Eelam (LTTE), heightening concerns for their safety".<sup>27</sup> In that article, the ministry reports that "What should embarrass the UN and Navi Pillay ever ready to produce the red card against Sri Lanka is that the 3 LTTE suspects had left Sri Lanka obtaining UNHCR refugee status during the infamous cease fire agreement in 2004 and demands that the UN Agency release the entire list of Tamils to whom such refugee passes had been given over the years for we may be able to find out more breathing corpses and plenty of other LTTE operatives in foreign

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<sup>15</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>16</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>17</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>18</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>19</sup> Human Rights Watch, [Sri Lanka: Refugees Returned From Malaysia at Grave Risk](#), 28 May 2014

<sup>20</sup> Human Rights Watch, [Sri Lanka: Refugees Returned From Malaysia at Grave Risk](#), 28 May 2014

<sup>21</sup> New Straits Times, [3 suspected Tamil Tigers members arrested in PJ, Klang](#), 25 May 2014

<sup>22</sup> Daily Mirror, [Lankan Defence Officials elated](#), 3 June 2014

<sup>23</sup> Human Rights Watch, [Sri Lanka: Refugees Returned From Malaysia at Grave Risk](#), 28 May 2014

<sup>24</sup> Human Rights Watch, [Sri Lanka: Refugees Returned From Malaysia at Grave Risk](#), 28 May 2014

<sup>25</sup> Daily Mirror, [Lankan Defence Officials elated](#), 3 June 2014

<sup>26</sup> Daily Mirror, [Lankan Defence Officials elated](#), 3 June 2014

<sup>27</sup> Human Rights Watch, [Sri Lanka: Refugees Returned From Malaysia at Grave Risk](#), 28 May 2014

shores”.<sup>28</sup> Malaysian Inspector General of Police Khalid Abu Bakar announced that the three were “terrorists,” but according to Human Rights Watch, “they were returned without any evidence being presented to substantiate the terrorism allegations”.<sup>29</sup> The New Straits Times reports that “Inspector-General of Police Tan Sri Khalid Abu Bakar said that the men [...] are suspected of attempting to revive the LTTE activities, especially at international level. He said the suspects, who came here in 2004, were suspected of using this country as their base to spread the group's propaganda as well as to collect funds for their activities.”<sup>30</sup> Sri Lanka’s Defence Ministry reported that “the Malaysian police have also seized LTTE propaganda materials, media equipment and foreign currencies from 24 nations equivalent to RSM20,176.53”.<sup>31</sup> The South Asia Terrorism Portal reports that “Police identified the three suspects as active members of LTTE before they fled to Malaysia. According to the Police one of the suspects Sandalinga Raja Dushanthan had joined the LTTE Political Wing in 1994 and later had extended his full support to the revival of the LTTE outfit. The second suspect, Mahadevan Kirubakaran, had joined the LTTE Music Band before he fled the country and the third suspect, Selvathurai Kirubanathan, had joined the Intelligence Network of Pottu Amman alias Shanmugalingam Sivashankar and had fled the country in 2006”.<sup>32</sup>

- E. (a) On 3<sup>rd</sup> April 2014, the Daily Mirror reported that “Twenty-six Sri Lankan Tamils were nabbed by Indian Coast Guard while on an illegal voyage to Australia in a ferry off Andaman coast and deported to their country today. They were brought here by Andaman Police and sent back to Sri Lanka by a Spice Jet flight this morning, airport sources said”.<sup>33</sup>  
 (b) No information was found on their treatment on arrival.<sup>34</sup>  
 (c) The Daily Mirror reported that “During questioning, the occupants told officials that they were proceeding to Australia in search of job and had paid the boat operator lakhs of rupees. As they were found travelling without any documents, Coast Guard personnel detained and handed them over to Andaman Police which brought them here”.<sup>35</sup>
- F. (a) On 6<sup>th</sup> March 2014 Subramaniam Kapilan alias Nanthagopan, had been deported to Sri Lanka from Malaysia, according to the Daily News.<sup>36</sup> It further notes on 3<sup>rd</sup> June 2014 that “the 45-year-old deputy leader of the Liberation Tigers of Tamil Eelam (LTTE) “Nediyavan” faction had been stopped on his way to Europe at the Teheran airport and sent back to Kuala Lumpur. After undergoing brief imprisonment in Malaysia Nanthagopan was deported and handed over to Sri Lankan authorities. He is currently being held at the Terrorism Investigation Division (TID) headquarters in Colombo”.<sup>37</sup>  
 (b) Subramaniam Kapilan alias Nanthagopan was reported on 3<sup>rd</sup> June 2014 to be being held at the Terrorism Investigation Division (TID) headquarters in Colombo”.<sup>38</sup>  
 (c) Subramaniam Kapilan alias Nanthagopan was reported to be deputy leader of the Liberation Tigers of Tamil Eelam(LTTE) “Nediyavan” faction.<sup>39</sup>

<sup>28</sup> Sri Lanka Ministry of Defense and Urban Development, [UN & Navi Pillay explain how 3 LTTE operatives arrested in Malaysia held UNHCR passes](#), 27 May 2014

<sup>29</sup> Human Rights Watch, [Sri Lanka: Refugees Returned From Malaysia at Grave Risk](#), 28 May 2014

<sup>30</sup> New Straits Times, [3 suspected Tamil Tigers members arrested in PJ, Klang](#), 25 May 2014

<sup>31</sup> Sri Lanka Ministry of Defense and Urban Development, [UN & Navi Pillay explain how 3 LTTE operatives arrested in Malaysia held UNHCR passes](#), 27 May 2014

<sup>32</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>33</sup> Daily Mirror, [26 Tamils on illegal ferry journey nabbed](#), 3 April 2014

<sup>34</sup> Daily Mirror, [26 Tamils on illegal ferry journey nabbed](#), 3 April 2014

<sup>35</sup> Daily Mirror, [26 Tamils on illegal ferry journey nabbed](#), 3 April 2014

<sup>36</sup> Daily Mirror, [Lankan Defence Officials elated](#), 3 June 2014

<sup>37</sup> Daily Mirror, [Lankan Defence Officials elated](#), 3 June 2014

<sup>38</sup> Daily Mirror, [Lankan Defence Officials elated](#), 3 June 2014

<sup>39</sup> Daily Mirror, [Lankan Defence Officials elated](#), 3 June 2014



- G. (a) On 15<sup>th</sup> October 2013, the Daily Mirror reported that “A group of 33 asylum seekers who were deported from Christmas Island, Australia arrived at the Bandaranaike International Airport, Katunayake today in a special flight under heavy security. The group consisted of eight women, twenty-five men and eight children who were mostly Tamils from Jaffna”.<sup>40</sup> The Daily Mirror noted that they “are reported to have left from Trincomalee in a fishing boat to enter Australia illegally. They have been deported after their appeal for political asylum was rejected”.<sup>41</sup>
- (b) No information was found on their treatment on arrival.
- (c) No information was found on their particular profiles.
- H. (a) On 14<sup>th</sup> October 2013 according to the Daily Mirror, “a group of 40 illegal migrants” arrived.<sup>42</sup> No further details were provided.
- (b) No information was found on their treatment on arrival.
- (c) No information was found on their particular profiles.
- I. (a) In June 2013 “Government documents obtained by the HRLC [Human Rights Law Centre] reveal that in June 2013 a claim of harm was made via email by a person returned to Sri Lanka through enhanced screening.<sup>43</sup> Note that the ethnicity of the returnee was not specified, nor whether he/she had claimed asylum.
- (b) “Government documents obtained by the HRLC [Human Rights Law Centre] reveal that in June 2013 a claim of harm was made via email by a person returned to Sri Lanka through enhanced screening. The email contained photos in support of mistreatment allegations on return, which “indicates that the person was harmed by people smugglers”. The document states:
- Consequently, this is determined to be a law and order issue for SL rather than one that is claims related. No further action therefore is being undertaken by DIAC. The claim is mentioned therefore for the record, and is not DIAC relevant. The Ombudsman’s Office is not looking into this matter.
- There is no suggestion that Australian authorities found the claim of mistreatment on return to Sri Lanka to be unsubstantiated; rather, the Department of Immigration disclaimed responsibility. There is nothing in the documents to suggest that any other agency followed up the claim.<sup>44</sup>
- (c) No information was found on his particular profile.
- J. (a) In April 2013 the Colombo Telegraph reported that a Tamil man living in Australia who had returned to Sri Lanka to manage his uncle’s restaurant having arrived in Australia in 2008, says he and his brothers were abducted at gunpoint by two men in a white van. He is reported to have an Australian work visa and had not yet claimed asylum.<sup>45</sup>
- (b) The Tamil returnee states that he and his brothers were abducted at gunpoint by two men in a white van and tortured, including sexual torture, hitting his back with a log and branding his back with hot irons. Kumar says he only made it home because his uncle paid a

<sup>40</sup> Daily Mirror, [Another 33 deportees arrive](#), 15 October 2013

<sup>41</sup> Daily Mirror, [Another 33 deportees arrive](#), 15 October 2013

<sup>42</sup> Daily Mirror, [Another 33 deportees arrive](#), 15 October 2013

<sup>43</sup> Human Rights Law Centre, [Can’t Flee, Can’t Stay: Australia’s interception and return of Sri Lankan asylum seekers](#), March 2014, 7.3 *Disclaiming responsibility and turning a blind eye*

<sup>44</sup> Human Rights Law Centre, [Can’t Flee, Can’t Stay: Australia’s interception and return of Sri Lankan asylum seekers](#), March 2014, 7.3 *Disclaiming responsibility and turning a blind eye*

<sup>45</sup> Colombo Telegraph, [Tamil Man Claims Rape And Torture Upon Return To Sri Lanka](#), 25 April 2013

\$20,000 bribe to his captors.<sup>46</sup> It is further reported by the Colombo Telegraph that “Soon after he returned Kumar went to see his local doctor, a fellow Sri Lankan Tamil who issued a referral for Kumar to get urgent psychiatric treatment for his trauma. The doctor was so horrified by Kumar’s injuries that he also sought help from the Tamil Refugee Council”.<sup>47</sup> The article does not make clear if the ‘home’ referred to is in Australia or Sri Lanka, but given that the Tamil Refugee Council is an Australian organisation, it is presumed to be the former. (c) The Tamil returnee states the men who abducted and tortured him claimed to be army intelligence officers and grilled him about links to the Tamil Tigers, which he denied.<sup>48</sup> He also reports that he fled Sri Lanka in 2008 “after being interrogated and accused of links to the Tamil Tigers. He says he was working as a school bus driver when he was coerced by the Tigers to deliver parcels for them”.<sup>49</sup>

K. (a) In April 2013 the Colombo Telegraph also reported that “The Australian Government has just returned 38 of the Sri Lankan asylum seekers who arrived by boat at Geraldton in Western Australia earlier this month”.<sup>50</sup>

(b) No information was found on their treatment on arrival.

(c) No information was found on their profiles. Australian Immigration Minister Brendan O'Connor said none of those returned had raised issues that engaged protection obligations.<sup>51</sup>

L. (a) Undated: The Australian Human Rights Law Centre notes in a March 2014 report (research conducted in 2012 and 2013) that “Despite the risk of harm on return to Sri Lanka, Australia does not take any proactive steps to monitor the safety of the over 1100 people who have been returned since October 2012. Australia claims that nobody has been harmed upon return, but documents obtained through freedom of information (FOI) show that Australia’s follow up of complaints about abuse by returnees may be seriously deficient. In one instance where Australia received a complaint that a returnee had been “severely tortured,” the Australian Federal Police (AFP) officer in Colombo, despite being in the police building where the complainant was being held, declined an invitation to meet with the complainant to assess his well-being”.<sup>52</sup> Note that the ethnicity of the returnee was not reported, nor whether he/she had claimed asylum.

(b) The Australian Human Rights Law Centre notes in a March 2014 report (research conducted in 2012 and 2013) that “Despite the risk of harm on return to Sri Lanka, Australia does not take any proactive steps to monitor the safety of the over 1100 people who have been returned since October 2012. Australia claims that nobody has been harmed upon return, but documents obtained through freedom of information (FOI) show that Australia’s follow up of complaints about abuse by returnees may be seriously deficient. In one instance where Australia received a complaint that a returnee had been “severely tortured,” the Australian Federal Police (AFP) officer in Colombo, despite being in the police building where the complainant was being held, declined an invitation to meet with the complainant to assess his well-being”.<sup>53</sup> Note that the ethnicity of the returnee was not reported.

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<sup>46</sup> Colombo Telegraph, [Tamil Man Claims Rape And Torture Upon Return To Sri Lanka](#), 25 April 2013

<sup>47</sup> Colombo Telegraph, [Tamil Man Claims Rape And Torture Upon Return To Sri Lanka](#), 25 April 2013

<sup>48</sup> Colombo Telegraph, [Tamil Man Claims Rape And Torture Upon Return To Sri Lanka](#), 25 April 2013

<sup>49</sup> Colombo Telegraph, [Tamil Man Claims Rape And Torture Upon Return To Sri Lanka](#), 25 April 2013

<sup>50</sup> Colombo Telegraph, [Tamil Man Claims Rape And Torture Upon Return To Sri Lanka](#), 25 April 2013

<sup>51</sup> The Sydney Morning Herald, [38 Geraldton boat arrivals sent back to Sri Lanka](#), 19 April 2013

<sup>52</sup> Human Rights Law Centre, [Can't Flee, Can't Stay: Australia's interception and return of Sri Lankan asylum seekers](#), March 2014, 1. Executive Summary

<sup>53</sup> Human Rights Law Centre, [Can't Flee, Can't Stay: Australia's interception and return of Sri Lankan asylum seekers](#), March 2014, 1. Executive Summary

(c) No details were provided on his/her profile.

M. (a) Undated: A March 2014 report by Yasmin Sooka on behalf of the UK Bar Human Rights Committee of England and Wales and the International Truth & Justice Project on Torture and Sexual Violence in Sri Lanka 2009—2014 which is based on 40 sworn statements from witnesses, supported by detailed medical and psychiatric records in 32 cases, finds that “Some witnesses whose previous asylum applications were unsuccessful reported being abducted upon their return to Sri Lanka by the security forces, who knew of their failed asylum applications. Once in detention, they were subsequently repeatedly tortured and sexually assaulted until, in cases documented in the study, bribes could be used to procure release and they managed to leave the country again”.<sup>54</sup> The number of these returnees and their ethnicities were not provided.

(b) The same March 2014 report by Yasmin Sooka, finds that “Some witnesses whose previous asylum applications were unsuccessful reported being abducted upon their return to Sri Lanka by the security forces, who knew of their failed asylum applications. Once in detention, they were subsequently repeatedly tortured and sexually assaulted until, in cases documented in the study, bribes could be used to procure release and they managed to leave the country again”.<sup>55</sup> The number of these returnees and their ethnicities were not provided, nor the length of time they each spent in detention.

(c) The profiles of each witness were not provided. However, a general finding of the same March 2014 report by Yasmin Sooka was that “Abduction, arbitrary detention, torture, rape and sexual violence have increased in the post-war period. Targeted for these violations are LTTE suspects, or those perceived as having been connected to, or supporters of, the LTTE. The purported aim is to extract confessions and/or information about the LTTE and to punish them for any involvement with the organisation”.

### Evidence from Freedom from Torture

A Freedom from Torture submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014<sup>56</sup> presents “additional evidence of torture in the post-conflict period from a review of 40 recently completed Medico-Legal Reports [which use forensic methods to document physical and psychological evidence of torture for use in connection with survivors’ claims for international protection in the UK], prepared by Freedom from Torture clinicians between November 2013 and August 2014”.<sup>57</sup> Freedom from Torture’s previous submission to the Human Rights Committee in December 2013 was based on a review of 50 MLRs completed by its clinicians in 2010-2011, documenting torture committed in Sri Lanka in the post-conflict period.<sup>58</sup> In total, as of August 2014 Freedom from Torture’s monitoring of MLRs produced for Sri Lankans by its Medico-Legal Report Service had forensically documented 160 cases of Sri Lankans tortured since the

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<sup>54</sup> Yasmin Sooka (the UK Bar Human Rights Committee of England and Wales (BHRC) and the International Truth & Justice Project), [Sri Lanka, “An Unfinished War: Torture and Sexual Violence in Sri Lanka, May 2009-March 2014”](#), 21 March 2014, III. Narrative, Asylum applicants

<sup>55</sup> Yasmin Sooka (the UK Bar Human Rights Committee of England and Wales (BHRC) and the International Truth & Justice Project), [Sri Lanka, “An Unfinished War: Torture and Sexual Violence in Sri Lanka, May 2009-March 2014”](#), 21 March 2014, III. Narrative, Asylum applicants

<sup>56</sup> This is the only document included in this report which post-dates the cut off point of research of 19 August 2014. It was included due to its relevance to the issues addressed in this report.

<sup>57</sup> Freedom from Torture, [Freedom from Torture up-dated submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014](#), 2014

<sup>58</sup> Freedom from Torture, [Freedom from Torture up-dated submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014](#), 2014

conclusion of the civil war, but due to resource constraints, it was not possible to provide a detailed review of all of these. The Freedom from Torture submission explains that:

Reviews of a total of 50 of these MLRs carried out in 2011-12 indicated that torture –including sexual forms of torture – continued to be practised throughout Sri Lanka by a variety of state actors including the police and military in the post-conflict period. The lack of due process reported in these cases combined with the acute scarring evident in a high proportion of the cases was heavily suggestive of impunity for perpetrators of torture in Sri Lanka. The accounts given also suggested that, in addition to the denial of due process rights, detainees were not treated with humanity and with respect for the inherent dignity of the human person. A further 40 MLRs, produced by Freedom from Torture since our submission to the Committee in December 2013, and reviewed for the purpose of this submission, corroborate and up-date our earlier findings. They document torture perpetrated as recently as 2013, adding weight to the evidence of post-conflict torture, and strongly indicate the persistence of the practice and continued impunity for perpetrators.<sup>59</sup>

Freedom from Torture presents the findings of these 90 MLRs which include the following evidence of torture: blunt force trauma; burning; sexual torture; rape; suffocation and asphyxiation; restraint/hanging/suspension; sharp force trauma; other physical torture; psychological torture. It also describes that in most of the 90 MLRs reviewed, individuals were detained without any observance of due process rights and in very poor detention conditions.<sup>60</sup>

With regards to the profiles of the victims the submission notes that:

Seventy-three of the individuals whose MLRs were reviewed were male and 17 were female. Eighty-six were of Tamil ethnicity (96%); one of the other four individuals was of Malay descent and three were of Sinhalese ethnicity. The key factor that appears to have led to the detention and torture of these men and women by state authorities was a real or perceived connection to the Liberation Tigers of Tamil Eelam (LTTE) – either their own connection and/or that of a family member or acquaintance. Those who had personal involvement with the LTTE had typically participated in a non-combat capacity, for example by providing services. Some reported voluntary involvement with or membership of the LTTE and others claimed to have been forcibly recruited or coerced into assisting the LTTE. The evidence from our reviews contradicts Sri Lanka's assertion in its periodic report that 'The Government treated ex-combatants humanely and respected their Civil and Political Rights'. Instead, our evidence demonstrates that people of Tamil ethnicity with even minimal or merely suspected links to the LTTE have been detained and tortured and that these practices continue in the post-conflict period.<sup>61</sup>

With regards to treatment of returnees, Freedom from Torture notes that:

Of the 90 MLRs reviewed by Freedom from Torture, 35 documented torture of individuals who had returned to Sri Lanka from the UK (39%). [...] Twelve of the 50 MLRs reviewed for the List of Issues submission to the Committee were for individuals who returned to Sri Lanka from the UK in the years 2009-2012, where they were subsequently tortured (24%). Twenty three of the 40 additional MLRs reviewed for this up-dated submission had returned from the UK in similar circumstances (58%). All 23 individuals had returned to Sri Lanka in the years 2011-2013, with nearly half returning in 2013 (11 of the 23 individuals). Indeed the majority of those who were tortured in 2013 had returned to Sri Lanka from the UK (11 of the 13 individuals). This evidence indicates that the risk of torture for Sri Lankan Tamils returning from the UK, voluntarily or otherwise, has not diminished and may be

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<sup>59</sup> Freedom from Torture, [Freedom from Torture up-dated submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014](#), 2014

<sup>60</sup> Freedom from Torture, [Freedom from Torture up-dated submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014](#), 2014

<sup>61</sup> Freedom from Torture, [Freedom from Torture up-dated submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014](#), 2014

increasing.<sup>62</sup>

## **(2) Information on the working methods of the Sri Lankan authority in 'screening' Tamil returnees, particularly since February 2014**

The Australian Human Rights Law Centre notes in a March 2014 report that "Australian Federal Police, Defence, and Australian Customs and Border Protection Service (Customs) maintain a presence on the ground in Sri Lanka to share information with, and develop the capacity of, Sri Lankan authorities to intercept boats. Australia provides around \$2 million in materiel support for the Sri Lanka Navy every year and has gifted critical resources such as patrol boats for the Sri Lanka Navy and Coast Guard. Sri Lanka Police did not have an "illegal migration" surveillance capacity until Australia established one for them. To use the Australian Prime Minister's words, Australia now has the "closest possible cooperation" with Sri Lanka".<sup>63</sup> The same report further states that "A range of Australian agencies have formed a close and productive working relationship with Sri Lankan agencies aimed at stopping Sri Lankan people getting on boats to Australia" but that there is "little detail on the public record about exactly what Australian officials do when they work in Sri Lanka in these ways. Apart from broad statements of areas of work, the Australian Government has provided little information on Australian operations in Sri Lanka".<sup>64</sup> It further notes that "At times Australia may even share intelligence that leads directly to interceptions. The interceptions frustrate the right that every individual has to leave their country and seek protection. They also expose the intercepted people to the risk of torture and mistreatment".<sup>65</sup> According to the report "Under Sri Lankan law, it is illegal to leave the country without departing through an official port. Sri Lankan authorities conduct surveillance and interception of people trying to flee at the request of, and with the explicit support of, the Australian Government. Although people who are intercepted are subject to a formal legal process with judicial oversight (except in the case of Terrorist Investigation Department (TID) detainees) the system is fraught with danger for some people, especially asylum seekers".<sup>66</sup>

With regards to airport surveillance, a March 2014 report by Yasmin Sooka on behalf of the UK Bar Human Rights Committee of England and Wales and the International Truth & Justice Project on Torture and Sexual Violence in Sri Lanka 2009-2014, reports that "The Sri Lankan High Commission in London sends details of all those removed from the UK to Colombo. The CID has a 24-hour presence at Colombo airport. The airport therefore remains a major area of potential vulnerability for returning asylum seekers".<sup>67</sup> The same report further details that "There is evidence that the authorities have access to database records, going back over a number of years, at the airport. Others reported being detained when they returned to their home address. If a bribe was used to secure release from detention in Sri Lanka, the likelihood is that the person may have been recorded as an 'un-acquitted' suspect. Those who accepted the bribe are responsible for ensuring the reason

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<sup>62</sup> Freedom from Torture, [Freedom from Torture up-dated submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014](#), 2014

<sup>63</sup> Human Rights Law Centre, [Can't Flee, Can't Stay: Australia's interception and return of Sri Lankan asylum seekers](#), March 2014, 1. Executive Summary

<sup>64</sup> Human Rights Law Centre, [Can't Flee, Can't Stay: Australia's interception and return of Sri Lankan asylum seekers](#), March 2014, 5.2 "Closest possible cooperation"

<sup>65</sup> Human Rights Law Centre, [Can't Flee, Can't Stay: Australia's interception and return of Sri Lankan asylum seekers](#), March 2014, 1.4 Australia violates its international obligations

<sup>66</sup> Human Rights Law Centre, [Can't Flee, Can't Stay: Australia's interception and return of Sri Lankan asylum seekers](#), March 2014, 6.1 What happens to people intercepted inside Sri Lanka?

<sup>67</sup> Yasmin Sooka (the UK Bar Human Rights Committee of England and Wales (BHRC) and the International Truth & Justice Project), [Sri Lanka, "An Unfinished War: Torture and Sexual Violence in Sri Lanka, May 2009-March 2014"](#), 21 March 2014, III. Narrative, Asylum applicants

for the suspect's release is recorded. A person recorded as having escaped or being missing would be of significant adverse interest to the authorities".<sup>68</sup> However, the report does not specify whether this practice continues to take place in 2014.

In October 2013 the Daily Mirror (Sri Lanka) reported on the deployment of "heavy security" for a group of 33 asylum seekers who had been returned from Christmas Island, Australia, to the Bandaranaike International Airport in Katunayake.<sup>69</sup> In an interview with the Canadian Research Directorate conducted on 14<sup>th</sup> February 2013, the Executive Director of the Centre for Policy Alternatives (CPA) indicated that "being abroad leads the security apparatus to "question" returnees, and makes them wonder how the returnees left the country and who they might be associated with".<sup>70</sup> In a telephone interview with the Canadian Research Directorate on the 14<sup>th</sup> January 2013, an adjunct professor of Asian studies and political science at Temple University, Pennsylvania, US, indicated that airport security procedures in Sri Lanka are "not dependent on a person's ethnicity, but on the person's political activities" and added that "Tamil returnees with "very significant" political or military involvement against the government are "very likely" to be detained and subjected to the "use of force". He added that this may be in order to gather information about people's connections and activities in Sri Lanka and Canada, or the other country from which the person has returned".<sup>71</sup> According to the Adjunct Professor, if a Tamil returnee does not have identity documents, the government will search for that person's records, and the individual may be interrogated in an attempt to acquire information about the location of their documents and why they left Sri Lanka.<sup>72</sup> The same Adjunct Professor further indicated that "LTTE opponents, such as the Eelam People's Democratic Party (EPDP) and former LTTE members that have been "rehabilitated" or unable to find work and have agreed to work with the EPDP, have been hired to stay at the airport and identify Tamils with "direct and indirect" connections to the LTTE".<sup>73</sup>

### **(3) Information on activities of Sri Lankan Embassies abroad to monitor the behaviour/conduct of Sri Lankans abroad, particularly since February 2014**

A number of sources indicate that Sri Lanka's Intelligence Service operates outside of Sri Lanka, including Sri Lankan embassy staff monitoring activities of its citizens.

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<sup>68</sup> Yasmin Sooka (the UK Bar Human Rights Committee of England and Wales (BHRC) and the International Truth & Justice Project), *Sri Lanka, "An Unfinished War: Torture and Sexual Violence in Sri Lanka, May 2009-March 2014"*, 21 March 2014, III. Narrative, Asylum applicants

<sup>69</sup> Daily Mirror, *Another 33 deportees arrive*, 15 October 2013

<sup>70</sup> Immigration and Refugee Board of Canada, *Sri Lanka: Treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; information on specific asylum cases, including the Tamil asylum-seeker boat stopped in Togo, the return of Sri Lanka asylum seekers from Australia in 2012, and any cases of voluntary repatriation (August 2011-January 2013) [LKA104245.E]*, 12 February 2013, 2.1 Reports of torture

<sup>71</sup> Immigration and Refugee Board of Canada, *Sri Lanka: Treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; information on specific asylum cases, including the Tamil asylum-seeker boat stopped in Togo, the return of Sri Lanka asylum seekers from Australia in 2012, and any cases of voluntary repatriation (August 2011-January 2013) [LKA104245.E]*, 12 February 2013, 3. Political Activity

<sup>72</sup> Immigration and Refugee Board of Canada, *Sri Lanka: Treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; information on specific asylum cases, including the Tamil asylum-seeker boat stopped in Togo, the return of Sri Lanka asylum seekers from Australia in 2012, and any cases of voluntary repatriation (August 2011-January 2013) [LKA104245.E]*, 12 February 2013, 4. Identity Documents

<sup>73</sup> Immigration and Refugee Board of Canada, *Sri Lanka: Treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; information on specific asylum cases, including the Tamil asylum-seeker boat stopped in Togo, the return of Sri Lanka asylum seekers from Australia in 2012, and any cases of voluntary repatriation (August 2011-January 2013) [LKA104245.E]*, 12 February 2013, 3. Political Activity

In January 2013 an adjunct professor at Temple University, Philadelphia, US, interviewed by the Canadian Immigration and Refugee Board's Research Directorate stated that "since the end of the war, the Sri Lankan government is "knowledgeable about Sinhalese support for the LTTE" in Canada, other countries, and in Sri Lanka" and added that "the government has a "great databank"". <sup>74</sup> He further indicated that "the Sri Lankan government has agents in "key countries", including Canada, who monitor peoples' activities". <sup>75</sup> The Asian Human Rights Commission reported in its 2013 annual report, published in December 2013, that the expansion of the intelligence services since 2009 was done within the pretext to defend "national security, in general, and, in particular, the need to defend the victory against terrorism by protecting the country from the diaspora whose sole interest, as claimed by the Government, is to bring back the LTTE or a similar organization". <sup>76</sup>

A clinician working for Freedom from Torture since 2011 reported in March 2014 that what struck him among the individuals he saw, were those who were picked up, detained and subjected to torture including rape, branding and electrocution, as well as threatened with death by the Sri Lankan authorities after the civil war finished and they had returned voluntarily. <sup>77</sup> Some of these voluntary returners told him "they were picked up specifically because they were thought to have taken part in anti-government demonstrations [...] here in the UK. Some said their interrogators showed them photos of a protest that took place at Heathrow Airport when the Sri Lankan President was visiting and told them they were identifiable in the crowd". <sup>78</sup> The article does not specify though the timeframe these practices took place or whether they still continue in 2014.

A March 2014 report by Yasmin Sooka on behalf of the UK Bar Human Rights Committee of England and Wales and the International Truth & Justice Project on Torture and Sexual Violence in Sri Lanka 2009-2014, concluded that "There is evidence that Tamil protests in the diaspora have been monitored. In London, Sri Lankan embassy staff were observed photographing protestors. It is not known what happens to the photographs but it is probably reasonable to assume that they are sent to the relevant intelligence section of the State Intelligence Service (SIS). Research on human face detection and research is reportedly underway within the Department of Statistics and Computer Science at the University of Colombo. From a witness protection point of view, there are reasonable grounds to believe that Sri Lanka intelligence is using highly sophisticated facial recognition software to identify protestors from abroad if they return home". <sup>79</sup> The same report further alleges that "The supply of intelligence to the security forces and immigration department may extend to the Tamil Diaspora given allegations that members of the Karuna faction and embassy employees in the European Union continue to supply photographic and video evidence of Sri Lankans engaging in

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<sup>74</sup> Immigration and Refugee Board of Canada, [\*Sri Lanka: Treatment of non-Tamil supporters of the Liberation Tigers of Tamil Eelam \(LTTE\) by the government; whether religious minorities are viewed as LTTE supporters, including Muslims and Christians, and their treatment\*](#), 5 February 2013, 3. *Treatment of Non-Tamil Supporters of the LTTE by the government*

<sup>75</sup> Immigration and Refugee Board of Canada, [\*Sri Lanka: Treatment of Tamil returnees to Sri Lanka, including failed refugee applicants; information on specific asylum cases, including the Tamil asylum-seeker boat stopped in Toqo, the return of Sri Lanka asylum seekers from Australia in 2012, and any cases of voluntary repatriation \(August 2011-January 2013\) \[LKA104245.E\]\*](#), 12 February 2013, 3. *Political Activity*

<sup>76</sup> Asian Human Rights Commission, [\*The State of Human Rights in Sri Lanka, 2013\*](#), 10 December 2013, Introduction: The Military has Tasted Power

<sup>77</sup> John Hayward (Freedom from Torture), [\*The International Community Must shine a Light on Human Rights Abuses in Sri Lanka, Past and Present\*](#), 18 March 2014

<sup>78</sup> John Hayward (Freedom from Torture), [\*The International Community Must shine a Light on Human Rights Abuses in Sri Lanka, Past and Present\*](#), 18 March 2014

<sup>79</sup> Yasmin Sooka (the UK Bar Human Rights Committee of England and Wales (BHRC) and the International Truth & Justice Project), [\*Sri Lanka, "An Unfinished War: Torture and Sexual Violence in Sri Lanka, May 2009-March 2014"\*](#), 21 March 2014, III. *Narrative, Asylum applicants*

protest action”.<sup>80</sup> However, the report does not specify the timeframe these practices took place or whether they still continue in 2014.

In April 2014 the Sri Lankan Ministry of Defence and Urban Development rebutted a Sinhala daily newspaper who quoted the Secretary to the Ministry of Defence and Urban Development reporting that 18 Intelligence Officers had been sent to 18 countries as part of an international operation against the LTTE.<sup>81</sup> Instead the ministerial article reported that “The officials of the Ministry of Defence who visit relevant countries on official duties and diplomats of the Ministry of External Affairs have educated relevant authorities in respective countries about the threats posed by those organizations and persons listed in recent gazette notification that listed the organizations. Further, diplomats of relevant countries stationed in Sri Lanka have also been educated on government actions with regards to listing those organizations and persons”.<sup>82</sup>

Reporting more generally on the Sri Lankan intelligence service, the Asian Human Rights Commission reports in December 2013 that “Into this developing role of the security apparatus, another factor has crept into existence in the recent years: the growth of the intelligence services, penetrating all areas of ordinary life. In post-independence Sri Lanka, intelligence services had only a limited role. However, due to counter-intelligence work, their roles have expanded and now, with the new political culture of totalitarian and military developments, intelligence services have acquired a much greater role and more state funds are spent on consolidating a larger role for intelligence services. The ultimate aim of these services is to constantly watch and monitor citizens. A kind of ‘big brother’ approach has developed and everything that any one may choose to do, may become subject to scrutiny of the intelligence services. Today, it has become quite a natural occurrence, for an intelligence officer to walk into any premise and announce his or her arrival, in order to find out whatever that particular organization or individual is up to”.<sup>83</sup>

Illustrative examples of such intelligence activities abroad were reported as follows, presented in reverse chronological order:

- In June 2014 the Daily Mirror (Sri Lanka) reporting on the arrest of three LTTE figures in Malaysia stated that “Sri Lankan “intelligence” personnel consider the arrest and deportation of the three as an “accomplishment” as they played a crucial, collaborative role in the entire exercise alongside their Malaysian counterparts in an “unofficial” capacity. It was on the basis of information supplied by Sri Lankan officials that Malaysian officials conducted specific raids and arrested the trio in Selangor state of Malaysia”.<sup>84</sup>
- In April 2014 the Daily Mirror (Sri Lanka) reported on the capture of a senior LTTE leader, Nanthagopan, with the assistance of Iran and Malaysia.<sup>85</sup> According to the news article, Nanthagopan who was travelling on a false passport from Malaysia to London via Teheran was apprehended by the Iranian authorities who were informed by the Sri Lankan authorities who in

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<sup>80</sup> Yasmin Sooka (the UK Bar Human Rights Committee of England and Wales (BHRC) and the International Truth & Justice Project), *Sri Lanka, “An Unfinished War: Torture and Sexual Violence in Sri Lanka, May 2009-March 2014”*, 21 March 2014, *Witnesses in Rehabilitation Camps*

<sup>81</sup> Ministry of Defence and Urban Development Sri Lanka, *No Intelligence Officers were sent to foreign countries as part of an international operation to apprehend LTTE suspects*, 30 April 2014. See also South Asia Terrorism Portal, *Sri Lanka Timeline – Year 2014*, Undated [Last updated 16/08/2014]

<sup>82</sup> Ministry of Defence and Urban Development Sri Lanka, *No Intelligence Officers were sent to foreign countries as part of an international operation to apprehend LTTE suspects*, 30 April 2014. See also South Asia Terrorism Portal, *Sri Lanka Timeline – Year 2014*, Undated [Last updated 16/08/2014]

<sup>83</sup> Asian Human Rights Commission, *The State of Human Rights in Sri Lanka, 2013*, 10 December 2013

<sup>84</sup> Daily Mirror, *Lankan Defence Officials elated*, 3 June 2014

<sup>85</sup> Daily Mirror, *Sri Lanka captures senior LTTE leader Nanthagopan with help from Iran and Malaysia*, 8 April 2014



turn had been monitoring his movements and were “alerted by a top-off from a Southeastern Asian source”.<sup>86</sup> Once apprehended, Nanthagopan was given the choice of being detained indefinitely in Iran or turning back to Malaysia.<sup>87</sup> He opted for Malaysia and was “promptly detained by Malaysian authorities” and subsequently “seized by Sri Lankan officials and transported to Colombo” who had in the meantime gone to Malaysia to “interact with their counterparts in that country over the Nanthagopan affair”.<sup>88</sup>

- In August 2013 the Sri Lankan government began an “investigation on four university faculty members who reportedly attended an ‘Eelam’ seminar and participated in the LTTE activities in London while on academic leave” reported the South Asia Terrorism Portal.<sup>89</sup>

#### **(4) Any information on recent arrest/detention/ ill-treatment/ torture of Tamils within Sri Lanka, and on what grounds particularly since February 2014**

The information included in this section specifically addresses the ill-treatment of Tamils, especially those with a perceived association with the LTTE. It does not address the situation for Tamils with other profiles which were previously identified to be at risk by UNHCR in its 2012 Eligibility Guidelines; i.e. it does not address the situation for Tamil journalists or media professionals, Tamil opposition politicians or political activists, or Tamil witnesses of human rights violations or Tamil victims of human rights violations seeking justice.<sup>90</sup> This section presents information on:

[III- treatment of Tamils \(not overtly based on a perceived association with LTTE\)](#)

[III-treatment of Tamils with a perceived association to the LTTE](#)

[Treatment of perceived LTTE associates \(ethnicity not specified\)](#)

[Treatment of “rehabilitees” and former LTTE combatants](#)

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<sup>86</sup> Daily Mirror, [Sri Lanka captures senior LTTE leader Nanthagopan with help from Iran and Malaysia](#), 8 April 2014

<sup>87</sup> Daily Mirror, [Sri Lanka captures senior LTTE leader Nanthagopan with help from Iran and Malaysia](#), 8 April 2014

<sup>88</sup> Daily Mirror, [Sri Lanka captures senior LTTE leader Nanthagopan with help from Iran and Malaysia](#), 8 April 2014

<sup>89</sup> South Asia Terrorism Portal, [Sri Lanka Timeline – Year 2013](#), Undated [Last updated 31/12/2013]

<sup>90</sup> UNHCR, [UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka](#), 21 December 2012, III. Eligibility for International Protection, A. Risk profiles

### III- treatment of Tamils (not overtly based on a perceived association with LTTE)

In an October 2013 report on marginalization and sexual violence against women in north and east Sri Lanka, Minority Rights Group reports that:

Activists interviewed for this report said they were aware of cases of rape, sexual abuse and harassment of Tamil women by members of the armed forces; however, in almost all cases the women were too scared to report this to the police. Focus group participants<sup>91</sup> also reported that there was a marked increase in sexual activity between soldiers and women in the community. Even when such relationships were voluntary, the long-term cost to the women could be considerable: some women, for example, having become pregnant, found themselves rejected by the men involved and ostracized by their own community.<sup>92</sup>

Tamils Against Genocide similarly reports on rape, prostitution, forced marriages and the coercive implementation of birth control devices of Tamil women over 2010-2013 in a February 2014 submission to the UN Human Rights Council.<sup>93</sup> Groundviews reports in October 2013 that “A disturbing trend in cases of sexual violence is the targeting of minors. In Kilinochchi and Vavuniya, between January and September 2013 alone, we learnt of four cases of 7-8 year old girls being raped by either the military or men from the community, highlighting the level of impunity in the community and the helplessness and oppression of women and children living in the North”.<sup>94</sup>

The following are non-exhaustive, illustrative examples, presented in reverse chronological order (focus on post February 2014):

- In August 2014 the Colombo Telegraph reports that “Undergraduates of Tamil ethnicity in the Sabaragamuwa University have expressed concerns over the safety of their lives following a brutal attack on one of their colleagues and threats issued against Tamil students over leaflets put up in the hostel premises”.<sup>95</sup> Shanthikumar Sudharshan – resident of Kilinochchi and a first year undergraduate of the Sabaragamuwa University was found unconscious having been attacked by a group of five masked men. The source further notes that “Notices containing threats to Tamil students had also been put up in the hostel premises the same night ordering all Tamil students to leave the premises within the next 10 days. The notice states those who dare defy the order would be shot to death and any females will be raped”.<sup>96</sup> The Colombo Telegraph further reports that following the attack, as of 18 August 2014 Shanthikumar Sudharshan had been held by TID [Terrorism Investigation Division] for over a week, deprived of legal assistance.<sup>97</sup> Allegedly, he had been forced to confess to inflicting his wounds on himself.<sup>98</sup>
- Tamilnet reports that on 8<sup>th</sup> August 2014 an “Eezham Tamil student attending the Faculty of Social Sciences and Languages in the Sabaragamuwa University [...] was allegedly ‘arrested’

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<sup>91</sup> Held in early 2013, see Minority Rights Group International, [Living with insecurity: Marginalization and sexual violence against women in north and east Sri Lanka](#), 16 October 2013, *Methodology* p.5

<sup>92</sup> Minority Rights Group International, [Living with insecurity: Marginalization and sexual violence against women in north and east Sri Lanka](#), 16 October 2013, *Executive Summary* p. 3 and *Insecurity and protection gaps for women* p.7

<sup>93</sup> Tamils Against Genocide, [Intent to Destroy: On-going violence and violations against Tamil women](#), 25 February 2014

<sup>94</sup> Groundviews (Watchdog), [Women and children in the North: Sexual harassment, grievances and challenges](#), 31 October 2013

<sup>95</sup> Colombo Telegraph, [Tamil Undergrads In Sabaragamuwa University Under Threat](#), 4 August 2014

<sup>96</sup> Colombo Telegraph, [Tamil Undergrads In Sabaragamuwa University Under Threat](#), 4 August 2014

<sup>97</sup> Colombo Telegraph, [Sabaragamuwa Tamil Undergraduate Detained By TID Over A Week](#), 18 August 2014

<sup>98</sup> Colombo Telegraph, [Sabaragamuwa Tamil Undergraduate Detained By TID Over A Week](#), 18 August 2014

with the assistance of the University administration, according to informed student circles at the University”.<sup>99</sup> The Tamil student was arrested by the CID for investigation, according to the university administration at Sabaramaguwa.<sup>100</sup>

- On July 11<sup>th</sup> 2014 notices containing racist statement against those of Tamil ethnicity were reported to have been strewn around the university.<sup>101</sup>
- In May 2014 Journalists for Democracy in Sri Lanka reports that 'Thesaththai Kaakkum Padai' (Force to Protect the Nation) circulated 'warning leaflets' around Jaffna University which it accuses 'of trying to nurture and harbour terrorism that was defeated five years ago'. The leaflet warned "This is the final warning. If you don't correct your actions you will face death sentence. Dates have been fixed for some people, who are already identified".<sup>102</sup>
- In April 2014 Tamilnet reports that "More than 30 soldiers and intelligence personnel of the occupying Sri Lankan military, who came in 5 vehicles, rounded up the village of Ka'nukkeani in Tha'n'neer-oottu in Mu'lliyava'lai of Mullaiththeevu district on Monday and arrested 28-year-old brother of a woman as the woman had refused to join the SL military. A Sri Lankan military commander was exerting pressure on the two survivors of a family, which lost both the parents and a sister in the genocidal onslaught on Vanni in 2009, to enlist the remaining girl. The 'arrests' come as the girl declined to enlist herself and her brother too opposed the SL military, news sources in Mullaiththeevu told TamilNet".<sup>103</sup>
- In March 2014 Tamilnet reported that at the Eastern University at Vanthaa'ru-moalai in Batticaloa, "More than 45 Sinhala students, armed with batons, penknives and iron-boxes, assaulted the Tamil students at the party causing serious injuries to 7 Tamil students. 2 Sinhala students were also injured in the clashes that followed. The Sinhala policemen at the police post had refused to intervene to stop the clash".<sup>104</sup>
- In March 2014 Journalists for Democracy in Sri Lanka reported that "fresh details emerge of the country's military continuing with its terror campaign targetting [sic] women in the Tamil areas. [...] Reports from the Eastern district of Trincomalee say that Balaguruparan Tharmila who is pregnant and mother of a four-year old boy from Paalai Ootru area is held in Colombo after been arrested on the 12th of March by Sri Lankan intelligence officers. Meanwhile, a 28 year old woman Nitharsana, from Visvamadu in the north eastern Mullaithivu district is believed to be held by the police Terrorism Investigation Department (TID). She was also arrested on the 12th of March alongside her mother and brother who were released two days later. Family members fear for the well being of the women in custody as legal access has not been granted".<sup>105</sup>
- On 14 November 2013 the UK Foreign and Commonwealth Office noted that there were a number of incidents during the week of CHOGM [Commonwealth Heads of Government Meeting]. "The festival itself was attacked on 14 November, allegedly by pro-government protestors who previously attacked the Sri Lankan Opposition Leader's vehicle. A Tamil youth at the event was temporarily detained and allegedly attacked by the police".<sup>106</sup>
- On 13 November 2013 "Security personnel have stopped the bus carrying Tamil nationals travelling from Mannar to Colombo for the Human Rights festival today (13) near the Madu

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<sup>99</sup> Tamilnet, [Ezham Tamil student subjected to abduction-styled arrest at university in South](#), 8 August 2014

<sup>100</sup> Tamilnet, [Ezham Tamil student subjected to abduction-styled arrest at university in South](#), 8 August 2014

<sup>101</sup> Colombo Telegraph, [Tamil Undergrads In Sabaragamuwa University Under Threat](#), 4 August 2014

<sup>102</sup> Journalists for Democracy in Sri Lanka, [Jaffna University Professors, Deans and students face fresh death threat](#), 21 May 2014

<sup>103</sup> Tamilnet, [SL military 'punishes' families opposing forced conscription of Tamil women](#), 1 April 2014

<sup>104</sup> Tamilnet, [Tamil university students attacked in their homeland by Sinhala students](#), 22 March 2014

<sup>105</sup> Journalists for Democracy in Sri Lanka, [Jaffna University Professors, Deans and students face fresh death threat](#), 21 May 2014

<sup>106</sup> UK Foreign and Commonwealth Office: [Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates](#): Sri Lanka, 31 December 2013

church and assaulted them, UNP MP Mangala Samaraweera says. He was speaking at a media briefing in Colombo today (13). They have been assaulted after paying no heed to the security personnel's instructions to turn back without attending the event, the UNP MP added. Security forces have stopped three buses carrying Tamil nationals from the North region to the Human Rights Festival scheduled to be held at the UNP headquarters today afternoon (Nov. 13), Britto Fernando of the 'Samagi Balawegaya' said. The buses have been stopped at Mullaitivu, Kilinochchi and Madu this morning".<sup>107</sup>

### Ill-treatment of Tamils with a perceived association to the LTTE

In May 2013 Human Rights Watch reported that "Tamils with alleged links to the LTTE remain targets of arbitrary arrest and detention, and are at risk of torture and other ill-treatment. Sri Lankan security forces have used rape and other forms of sexual violence against alleged LTTE supporters, as documented by Human Rights Watch in a February [2013] report. On the strength of the evidence presented by Human Rights Watch and other organizations, since 2012 several courts in the United Kingdom suspended the deportation of Tamils considered to fall within this risk category".<sup>108</sup> In a May 2014 report, the same source notes that "There have been further reports of abuses, including torture and sexual violence, against suspected LTTE supporters in custody. While various government development, resettlement, and reconstruction projects have been undertaken in former warzones in the north and east, government pledges to address the concerns of the ethnic Tamil population have gone largely unfulfilled. The government has also prohibited simple gestures, such as allowing Tamil communities to hold commemorative services for their dead, or to sing the national anthem in Tamil".<sup>109</sup>

A Freedom from Torture submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014<sup>110</sup> presents the findings of 90 Medico-Legal Reports (MLRs) which use forensic methods to document physical and psychological evidence of torture for use in connection with survivors' claims for international protection in the UK. With regards to the profiles of the victims the submission notes that:

Seventy-three of the individuals whose MLRs were reviewed were male and 17 were female. Eighty-six were of Tamil ethnicity (96%); one of the other four individuals was of Malay descent and three were of Sinhalese ethnicity. The key factor that appears to have led to the detention and torture of these men and women by state authorities was a real or perceived connection to the Liberation Tigers of Tamil Eelam (LTTE) – either their own connection and/or that of a family member or acquaintance. Those who had personal involvement with the LTTE had typically participated in a non-combat capacity, for example by providing services. Some reported voluntary involvement with or membership of the LTTE and others claimed to have been forcibly recruited or coerced into assisting the LTTE. The evidence from our reviews contradicts Sri Lanka's assertion in its periodic report that 'The Government treated ex-combatants humanely and respected their Civil and Political Rights'. Instead, our evidence demonstrates that people of Tamil ethnicity with even minimal or merely suspected links to the LTTE have been detained and tortured and that these practices continue in the post-conflict period.<sup>111</sup>

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<sup>107</sup> Asian Human Rights Commission, [The other news of CHOGM 2013](#), 14 November 2013

<sup>108</sup> Human Rights Watch, [Sri Lanka: No Progress 4 Years On](#), 20 May 2013

<sup>109</sup> Human Rights Watch, [Sri Lanka: Comply with Rights Council Investigation](#), 20 May 2014

<sup>110</sup> This is the only document included in this report which post-dates the cut off point of research of 19 August 2014. It was included due to its relevance to the issues addressed in this report.

<sup>111</sup> Freedom from Torture, [Freedom from Torture up-dated submission to the Human Rights Committee for the 5th periodic review of Sri Lanka in October 2014](#), 2014

For further information, see the subsection above [‘Evidence from Freedom from Torture’](#).

In a 9<sup>th</sup> July 2014 Urgent Action, Amnesty warned that Sri Lankan asylum seekers travelling by boat from India who had been intercepted by the Australian Navy on 28 June 2014 [as documented above in [section 1](#)] were at risk of being returned to Sri Lanka, “where they could face serious human rights violations”.<sup>112</sup> The report further noted that:

Sri Lankan Tamils remain a target of harassment and arrest upon return because of their ethnicity and suspected links to the Liberation Tigers of Tamil Eelam (LTTE). Asylum seekers have faced torture upon return to Sri Lanka from countries such as the UK and Canada. Amnesty International has interviewed a number of people who were tortured by the Sri Lankan security forces ‘on suspicion’ of being members of the Liberation Tigers of Tamil Eelam (LTTE) in the last two years. All ethnic groups in Sri Lanka are at risk of torture and other ill-treatment in police custody, including sexual violence, which is pervasive.<sup>113</sup>

According to an April 2014 article published by Groundviews, “There is an alarming trend in the Sri Lankan security forces operation, of arresting the family members of suspects and keeping them as hostages in detention camps. Irrespective of their age, gender and connection to those suspects, the family members are kept under arrest/ detention most notably in the infamous 4th/ 2nd floors in Fort and in Boosa Detention camp under the control of TID [Terrorism Investigation Division]. Presently there are several females in Boosa. Two of them are above the age of 60”.<sup>114</sup>

In March 2014 the Sri Lanka Campaign for Peace and Justice released a report which found “Credible Allegations pointing to the Commission of Crimes Against Humanity Against Tamils in the Northern Province from May 2009-December 2013”.<sup>115</sup> The report summarises that:

- This Report finds credible allegations that, since May 2009, agents and individuals acting on behalf of the government of Sri Lanka committed multiple underlying acts of rape and sexual violence, torture, other inhuman acts, imprisonment, murder, enforced disappearance and persecution against Tamils from the Northern Province of Sri Lanka (See Part III).
- If proven, the multiple underlying acts identified in Part III would cumulatively constitute an attack directed against the Tamil civilian population of the Northern Province that was widespread and systematic.
- The credible allegations set forth in this Report point to an attack perpetrated pursuant to a coordinated policy to centralize control over aspects of Tamil civil and political life in the Northern Province and repress the pursuit of Tamil political aspirations, including through resort to violence and deprivation of fundamental rights (See Part II). The allegations herein suggest that this policy is being pursued through at least four discrete but interlinked strategies pursued by the government of Sri Lanka, all involving a resort to violence or the deprivation of fundamental rights:
  - Targeting members of the population having had connections with, or perceived as having had connections with, the LTTE; and those espousing or perceived as espousing Tamil nationalist claims;
  - Targeting members of the population involved in or perceived as being involved in mobilizing international opinion on accountability issues and human rights issues concerning Tamils in Sri Lanka;

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<sup>112</sup> Amnesty International, [Australia: Asylum seekers at risk of return to Sri Lanka](#), 9 July 2014

<sup>113</sup> Amnesty International, [Australia: Asylum seekers at risk of return to Sri Lanka](#), 9 July 2014

<sup>114</sup> Groundviews (Arthur), [The arrest, detention and torture of Tamils in post-war Sri Lanka](#), 11 April 2014

<sup>115</sup> Sri Lanka Campaign for Peace and Justice, [Crimes Against Humanity in Sri Lanka's Northern Province](#), 4 March 2014, Executive Summary

- Targeting members of the population defiant of, or perceived as being defiant of, the government and military, and those involved in protests against the government and military; and
- Establishing a heavy and permanent military presence in the Northern Province, including through the mass appropriation of private lands.
- As a result, each of the credible allegations of underlying acts documented in the Report point to the commission of discrete crimes against humanity, each potentially giving rise to individual criminal liability.<sup>116</sup>

A further March 2014 report, by Yasmin Sooka on behalf of the UK Bar Human Rights Committee of England and Wales and the International Truth & Justice Project on Torture and Sexual Violence in Sri Lanka 2009—2014 similarly finds that:

- Abduction, arbitrary detention, torture, rape and sexual violence have increased in the post-war period. Targeted for these violations are LTTE suspects, or those perceived as having been connected to, or supporters of, the LTTE. The purported aim is to extract confessions and/or information about the LTTE and to punish them for any involvement with the organisation.
- These widespread and systematic violations by the Sri Lankan security forces occur in a manner that indicates a coordinated, systematic plan approved by the highest levels of government. Members of the Sri Lankan security forces are secure in the knowledge that no action will be taken against them.
- This report establishes a prima facie case of post-war crimes against humanity by the Sri Lankan security forces, with respect to (a) torture and (b) rape and sexual violence.<sup>117</sup>

The report sets out that it is based on 40 sworn statements from witnesses, supported by detailed medical and psychiatric records in 32 cases and 57 further medico-legal reports pertaining to different cases which all dealt with torture in the period 2006-12. Furthermore, more than half of the abductions recorded in the report took place between 2013 and 2014.<sup>118</sup>

Groundviews reported in February 2014 that a documentary produced by the US lobbying firm Thompson Advisory Group on behalf of the Sri Lankan government and freely available on YouTube reportedly claims that “the whole Tamil diaspora – all of them, all over the world – is defined as those “who left the country after the war”, are “militant” and engaged in “fundraising propaganda””.<sup>119</sup>

The U.S. State Department report covering 2013 notes that “In the east and north, military intelligence and other security personnel, sometimes allegedly working with paramilitaries, were responsible for the documented and undocumented detention of civilians suspected of LTTE connections. Detention reportedly was followed by interrogation that sometimes included mistreatment or torture. There were reports that authorities released detainees with a warning not to reveal information about their arrest or detention, under the threat of re-arrest or death. [...] NGOs and individuals complained that the armed forces and their paramilitary allies detained

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<sup>116</sup> Sri Lanka Campaign for Peace and Justice, [Crimes Against Humanity in Sri Lanka's Northern Province](#), 4 March 2014, Executive Summary

<sup>117</sup> Yasmin Sooka (the UK Bar Human Rights Committee of England and Wales (BHRC) and the International Truth & Justice Project), [Sri Lanka, “An Unfinished War: Torture and Sexual Violence in Sri Lanka, May 2009-March 2014”](#), 21 March 2014, Executive Summary

<sup>118</sup> Yasmin Sooka (the UK Bar Human Rights Committee of England and Wales (BHRC) and the International Truth & Justice Project), [Sri Lanka, “An Unfinished War: Torture and Sexual Violence in Sri Lanka, May 2009-March 2014”](#), 21 March 2014, Executive Summary

<sup>119</sup> Groundviews, [“Sri Lanka: Reconciling and Rebuilding”: Framing the lies](#), 7 February 2014

suspected LTTE sympathizers and did not surrender them to police, blurring the line between arrests and abductions.”<sup>120</sup>

In an October 2013 report on marginalization and sexual violence against women in north and east Sri Lanka, Minority Rights Group reports that:

The militarization of the north and east from 2009 has contributed to continued insecurity for minority women. Many, especially widows and the wives of disappeared or ‘surrendered’, are vulnerable to sexual harassment, exploitation or assault by army personnel or other militias. [...]

Groundviews reports in October 2013 that “Another distressing trend is the rise of late night phone calls and text messages to war widows, female former combatants and wives of disappeared men and frequent visits to their houses by security personnel. These women complained that frequent late night phone calls, usually emanating from the local Police station, add to the climate of fear and insecurity. The anonymous phone calls, sexually explicit in content, would usually start after Army personnel and intelligence officials registered family and contact details of recently returned IDPs in their locality. The callers would speak in broken Tamil and proposition the women”.<sup>121</sup>

In a research memo the Immigration and Refugee Board of Canada reports that “In correspondence with the Research Directorate, an associate professor of Global Studies at the University of Gothenburg indicated that “generally, at least in the past, accusing someone of supporting the LTTE has been a way to discredit or threaten that person. This has happened for instance to peace activists or other persons (regardless of ethnicity) criticising the government” (14 Jan. 2013). In an interview with the Research Directorate, the Executive Director of the Centre for Policy Alternatives (CPA), a Sri Lankan independent and non-partisan organization that works on research and advocacy related to public policies (n.d.), stated that anyone who is critical of the government, including human rights defenders, journalists, or people who are looking into the effects of the war, such as the number and situation of victims, are labelled as LTTE supporters (14 Feb. 2013)”.<sup>122</sup> This was similarly reported by the Times of India in May 2014 “Stories of LTTE coming back are concoctions of the government intended to create a situation where abuses can continue. The three people who were killed had been government spies bumped off in fake encounters,” says K Ratnavel, a human rights lawyer in Sri Lanka.”.<sup>123</sup>

The following are non-exhaustive, illustrative examples of ill-treatment of Tamils with a perceived association to the LTTE, presented in reverse chronological order (focus on post February 2014):

- On 9<sup>th</sup> August 2014, the South Asia Terrorism Portal reported “According to reports, International intelligence services have arrested four individuals who had allegedly attempted to carry out a plot to assassinate two VIPs of the Sri Lankan Government. The report said that the four, who were arrested in a foreign country, includes a former SLA [Sri Lanka Army] captain and three activists of the defeated LTTE terrorist group. The suspects have requested money from LTTE diaspora to carry out the plot”.<sup>124</sup>

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<sup>120</sup> U.S. Department of State, [Country Report on Human Rights Practices 2013: Sri Lanka](#), 27 February 2014, 1 c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* and 1. d *Arbitrary Arrest*

<sup>121</sup> Groundviews (Watchdog), [Women and children in the North: Sexual harassment, grievances and challenges](#), 31 October 2013

<sup>122</sup> Immigration and Refugee Board of Canada, [Sri Lanka: Treatment of non-Tamil supporters of the Liberation Tigers of Tamil Eelam \(LTTE\) by the government; whether religious minorities are viewed as LTTE supporters, including Muslims and Christians, and their treatment](#), 5 February 2013

<sup>123</sup> Times of India, [Anti-LTTE operations create fears of a refugee influx into Tamil Nadu](#), 13 May 2014

<sup>124</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

- On 6<sup>th</sup> August 2014, “Police Media Spokesperson's office said that a group of special officers from the TID arrested a second year student of the Management Faculty of the Sabaragamuwa University. Investigations have revealed that the youth, who is a resident of Jaffna, had maintained connections with the LTTE, for several years during the war. This student, who had been an active member during the final mission, has been sent for rehabilitation following the conclusion of the war”.<sup>125</sup>
- On 25<sup>th</sup> June 2014, the South Asia Terrorism Portal reported that “SSP [Senior Superintendent of Police] Ajith Rohana said after the reorganization attempts of the LTTE led by Gopi, Appan and Thevian were exposed on March 8, 2014, the Police had arrested 51 suspects in connection with LTTE activities and there had been five females among them. He said as of today (June 25), a total of 110 suspects with LTTE links are in jail”.<sup>126</sup>
- On 8<sup>th</sup> June 2014 the Colombo page reported that “Sri Lanka police are seeking public assistance to nab a former explosive expert of the Tamil terrorist group Liberation Tigers of Tamil Eelam (LTTE), who had escaped arrest during a search operation. Police Media Spokesmen SSP Ajith Rohana said at a media briefing today that the during a search operation on June 04, the police arrested an individual in the possession of nearly 15 kilograms of TNT explosives in the Madhu area of Mannar. A second suspect believed to be an explosive expert of the now defunct terrorist group had escaped during the police operation and remains at large. The arrested suspect, Nandarasa Saundranayagam, a resident of Madhu, was handed over to the Terrorist Investigation Department (TID) for interrogation and during questioning he had revealed the identity of the second suspect who escaped”.<sup>127</sup>
- In May 2014 it was reported that “Ten Sri Lankan Tamil refugees arrived in Rameswaram last week just as the Sri Lankan government ramped up its cordon-and-search operations in Tamil areas and been detaining Tamil youths for questioning - all to quell what the government has dubbed as efforts to re-establish the LTTE within the island nation”.<sup>128</sup>
- In May 2014, Journalists for Democracy in Sri Lanka reported that the University of Jaffna was closed for a week by the authorities ahead of Mullivaikkal Remembrance Day on May 18. However it further notes that “The Colombo government which celebrates the ‘Victory Day’ in the South has gone on record saying that any move to hold Remembrance Day in the North and the East would be considered an act of supporting terrorism”.<sup>129</sup>
- On 25<sup>th</sup> April 2014, the South Asia Terrorism Portal notes “A man, suspected to be a close associate of the slain LTTE leader Ponniah Selvanayagam Kajeegan alias Gobi, was arrested by the TID in Jaffna District”.<sup>130</sup>
- On 21<sup>st</sup> April 2014, the South Asia Terrorism Portal reports “The anti-terrorist division of Kilinochchi Police arrested a 63-year-old woman, a resident of Uruthipuram in Kilinochchi District for providing land in the North to suspected LTTE supporters”.<sup>131</sup>
- On 12<sup>th</sup> April 2014, the Colombo Page reported that “Sri Lanka's military authorities say there is a renewed attempt to revive the defeated Tamil Tiger terrorist organization Liberation Tigers of Tamil Eelam (LTTE) in the North to launch another phase of its struggle for a separate state. The military in a statement revealed [sic] that information on several key suspects who were leading the campaign for resurgence of the LTTE surfaced in the general area of Pallai in the Jaffna Peninsula. Investigations into the activities of former LTTE

<sup>125</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>126</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>127</sup> Colombo Page, [SRI LANKA POLICE SEEKS PUBLIC HELP TO NAB LTTE EXPLOSIVE EXPERT](#), 8 June 2014

<sup>128</sup> Times of India, [Anti-LTTE operations create fears of a refugee influx into Tamil Nadu](#), 13 May 2014

<sup>129</sup> Journalists for Democracy in Sri Lanka, [Jaffna University Professors, Deans and students face fresh death threat](#), 21 May 2014

<sup>130</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>131</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014



operatives have resulted in several arrests which in turn have led to recovery of arms, ammunitions, explosives and other material that were in their possession”.<sup>132</sup>

- On 11<sup>th</sup> April 2014 a military spokesman reported that four “LTTE operatives” were killed by Sri Lanka security forces in Vavuniya.<sup>133</sup> The South Asia Terrorism Portal reports that they were killed in a search operation for the wanted LTTE suspect Ponniah Selvanayagam *alias* Gopi.<sup>134</sup> The BBC reports that “The army in Sri Lanka says it has shot dead three men who were trying to revive the Tamil Tigers (LTTE). [...] It says they were taking instructions from two LTTE leaders based in Europe”.<sup>135</sup>
- On March/April 2014 according to the South Asia Terrorism Portal, “Police media Spokesman SSP Ajith Rohana said that Police arrested 65<sup>136</sup> persons in the past month (March) under suspicion of attempting to resuscitate the LTTE. Investigations are underway to arrest several local leaders of the LTTE who clandestinely work to reorganize the terror movement”.<sup>137</sup> The UK Foreign and Commonwealth Office reported that following the 11 April killing of three LTTE operatives, “Subsequent security operations in the north and east saw scores detained and questioned, house-to-house searches, over 60 arrests (including in Jaffna and Colombo) under the Prevention of Terrorism Act, and restrictions on movement in some areas. There have also been complaints of increased surveillance”.<sup>138</sup> Tamilnet notes at the end of March 2014 that “The SL military has carried out massive house-to-house search operations summoning former LTTE members, their families, friends and relatives”.<sup>139</sup> On 26<sup>th</sup> April 2014 the Daily Mirror reported that “65 persons had been detained in connection with the tiger revival issue from March 6 to April 11. Of these, five were released on bail even before the top tiger trio were shot dead in the Vedaithakallu-Bogawewa jungles. Another 19 of the remaining 60 were released in stages on bail after the deaths of the three. There were however a few more fresh arrests in the past few days and the current toll of people in custody over the LTTE revival attempt has now risen from 41 to 45. Seven of the forty-five in custody are women who are all detained in Boossa. Family members and representatives of the International Committee of Red Cross (ICRC) have been granted access to the women and have reportedly seen for themselves the conditions under which the suspects were being detained”.<sup>140</sup> Tamilnet reporting on 26 April on the 70 persons detained and interrogated by the Sri Lankan military notes “Only 12 of those detained have been released. Although they were released in front of a Sri Lankan Judge, there was no formal registration or document to prove their detention”.<sup>141</sup>
- In late March 2014 an article published by Groundviews reports “Kanapathipillai Yogarani 61 years of age was arrested in latter part of March. The only allegation against her is that her son residing in a foreign country has been sending her money periodically”.<sup>142</sup>
- On 16<sup>th</sup> March 2014 Ruki Fernando of the Colombo-based NGO INFORM and Father Praveen Mahesan, a Catholic priest, were arrested in Kilinochchi and released two days later. They were believed to be detained without formal charges under Sri Lanka’s draconian Prevention

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<sup>132</sup> Colombo Page, [ATTEMPTS TO REVIVE TAMIL TIGER TERRORIST ORGANIZATION IN SRI LANKA SURFACE](#), 12 April 2014

<sup>133</sup> Colombo Page, [SRI LANKA ARMY SAYS WANTED LTTE SUSPECT GOPI SHOT DEAD](#), 11 April 2014

<sup>134</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>135</sup> BBC, [Suspected Tamil rebels shot dead in Sri Lanka](#), 11 April 2014

<sup>136</sup> It has not been attempted to include detailed information on each individual arrest. Illustrative incidents from March/April 2014 included in this or other subsections of the report may be some of these 60-70 arrests.

<sup>137</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>138</sup> UK Foreign and Commonwealth Office, [Sri Lanka - Country of Concern update](#), 30 June 2014

<sup>139</sup> Tamilnet, [SL military detains 28 Tamils in 2 weeks](#), 27 March 2014

<sup>140</sup> Daily Mirror, [Third abortive Diaspora-backed attempt to revive the LTTE](#), 26 April 2014

<sup>141</sup> Tamilnet, [Genocidal Sri Lanka continues abduction-styled arrests in North](#), 26 April 2014

<sup>142</sup> Groundviews (Arthur), [The arrest, detention and torture of Tamils in post-war Sri Lanka](#), 11 April 2014

of Terrorism Act (PTA).<sup>143</sup> Amnesty International reports that “In a diplomatic note circulated to UN member states’ permanent missions in Geneva on 18 March, the Sri Lankan government sought to portray the two as engaging with people who were trying to revive the LTTE armed group in Sri Lanka. Reports also cite Sri Lankan officials as saying that the two men were arrested for supplying “false information” about the human rights situation in northern Sri Lanka to damage the country’s reputation at the UN”.<sup>144</sup> The International Federation for Human Rights reports that they were released without charge having been detained for three days without access to legal counsel and “The Observatory recalls that this is not the first time that human rights defenders in Sri Lanka have been falsely accused of treason and of having links with the LTTE. Such false accusations have often been made following their participation to UN Human Rights Council sessions and in response to resolutions on Sri Lanka adopted by the Council”.<sup>145</sup>

- On 13<sup>th</sup> March 2014, the South Asia Terrorism Portal notes “Police arrested Tamil activist, Balendra Jeyakumari and her 13-year-old daughter Vidushika from Dharmapuram in the Kilinochchi District for allegedly sheltering the former LTTE 'intelligence officer'”.<sup>146</sup> As of 18 August 2014, she was still being held anti-terror legislation that allows individuals to be detained for up to 18 months without charge.<sup>147</sup>
- On 11<sup>th</sup> March 2014, Groundviews reports that Sharmila was arrested at her Trincomalee home when she was 4 months pregnant, who was held in place of her husband, along with her mother-in-law Selvanayagam Rasamalar 62 who was also arrested in place of her son. Selvanayagam Rasamalar’s son’s name is Kajeepan but the TID is compelling her to admit that her son’s name is Gopi which name is in the wanted list. Sharmila was threatened and made to sign a statement written in Sinhala that she didn’t understand.<sup>148</sup>
- On 24<sup>th</sup> January 2014, TID officers reportedly questioned and photographed Gunaratnam Sarwanandha, a staff member in Sritharan’s Kilinochchi office who serves as Secretary of the TNA’s Youth Forum. The officers reportedly wanted to know whether he had previously belonged to the LTTE.<sup>149</sup>
- On 13<sup>th</sup> September 2013, the South Asia Terrorism Portal reported that “Eight persons were arrested at Kodikarmam area in Jaffna District on charges of having in their possession posters containing the picture of former LTTE leader Vellupillai Parabhakaran while they were campaigning for the TNA at the elections to the NPC Police said this was the first time such posters had been found in the Northern Province since the war ended in 2009”.<sup>150</sup>
- On 18<sup>th</sup> May 2013 nine persons who were attempting to commemorate slain LTTE cadres were arrested in Colombo.<sup>151</sup>
- On 13<sup>th</sup> January 2013, Mr. Balasundaram Jeyamagudam was arrested and according to the Asian Human Rights Commission, “was interrogated at the TID office at length and severely tortured in an effort to force him to admit that he was with the LTTE even for a day which allegations he vehemently denies Due to the severe torture Balasundaram was injured and bleeding heavily and therefore he was taken to Vauniya General Hospital for treatment. Having tortured him for 10 days in Vavuniya, he was brought to the Colombo TID office on the 23 January 2013 and he is still detained at that facility. To date, Balasundaram has never

<sup>143</sup> Amnesty International, [Sri Lankan government amplifies its 'dirty tactics' during UN session](#), 19 March 2014

<sup>144</sup> Amnesty International, [Sri Lankan government amplifies its 'dirty tactics' during UN session](#), 19 March 2014

<sup>145</sup> International Federation for Human Rights, [Sri Lanka: Release of Mr. Ruki Fernando and Rev. Praveen Mahesan, but arbitrary detention of Ms. Balendran Jeyakumari continues](#), 19 March 2014

<sup>146</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2014](#), last updated 16 August 2014

<sup>147</sup> Sri Lanka Campaign for Peace and Justice blog, [Don't forget Jeyakumari. Write to her today](#), 18 August 2014

<sup>148</sup> Groundviews (Arthur), [The arrest, detention and torture of Tamils in post-war Sri Lanka](#), 11 April 2014

<sup>149</sup> Amnesty International, [Sri Lanka: Suppressing calls for justice](#), 26 February 2014

<sup>150</sup> South Asia Terrorism Portal, [Sri Lanka Timeline - Year 2013](#), 31 December 2013

<sup>151</sup> South Asia Terrorism Portal, [Sri Lanka Assessment 2014](#), 2014

been produced in court. His wife said that Balasundaram was severely tortured, he was beaten with poles, slapped and TID officers stood on his chest until he was injured and fainted. He was forced to accept that he was with the LTTE and sign documents which he has refused repeatedly".<sup>152</sup>

#### Treatment of perceived LTTE associates (ethnicity not specified)

The following are non-exhaustive, illustrative examples of ill-treatment of persons perceived association to the LTTE where their ethnicity was not specified, presented in reverse chronological order (focus on post February 2014):

- On 4<sup>th</sup> August 2014, the Asian Human Rights Commission reports that "a meeting for the families of disappeared persons, held at the Centre for Society and Religion in Colombo, was disrupted by a mob of people led by several Buddhist monks. The families, who had travelled from Mannar, Mullaitivu, Killinochchi, Vavuniya, and Jaffna, had also visited the International Committee of the Red Cross Office prior to this meeting. According to reports, over 30 family members of disappeared persons, members of civil society and NGOs, several Catholic priests and nuns, as well as members of the diplomatic community, were present when the disruption took place".<sup>153</sup> According to Groundviews, "The mob hurled abuse and false allegations at the organizers and participants of the meeting, labeling [*sic*] them as LTTE (terrorist) supporters, trying to discredit the Government by way of supporting an international war crimes inquiry".<sup>154</sup>
- On 3<sup>rd</sup> July 2014 the Colombo page reported that "Sri Lanka Police have launched investigations into the activities of a suspect who had maintained close links with the defeated Tamil terrorist group of Sri Lanka, Liberation Tigers of Tamil Eelam (LTTE). The suspect, Kathirwel Dayabaran Raj, is believed to be in India. Preliminary investigations have revealed that he had escaped to Rameshwaram on May 4th with his wife and three children. An Indian magazine meanwhile has reported that Dayabaran Raj was killed by the security forces but the Sri Lanka Police denied the allegation. The police said they have evidence that the suspect had escaped by boat to Rameshwaram".<sup>155</sup>
- On 27<sup>th</sup> November 2013 "students from the University of Jaffna (UoJ) who gathered at the female hostel to light lamps in commemoration of Maaveerar Naal (LTTE Heroes Day), were violently dispersed and threatened by the military. The following day, students from the UoJ staged a peaceful demonstration in protest of the harassment meted out to students on the 27th. This gathering too was brutally clamped down on by the riot police, resulting in student union leaders and student activists coming under heavy surveillance by Terrorist Investigation Division (TID)".<sup>156</sup>
- On 26<sup>th</sup> November 2013 "Fr. Johnpillai, a Sri Lankan priest, was harassed. Two men claiming to be from the intelligence unit visited Fr. Johnpillai on 26 November 2013. The men accused

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<sup>152</sup> Asian Human Rights Commission, [The State of Human Rights in Sri Lanka, 2013](#), 10 December 2013, *Specific Cases of Torture, 8. Mr. Balasundaram Jeyamagudam*

<sup>153</sup> Asian Human Rights Commission, [AHRC condemns mob attack on meeting of relatives of disappeared persons](#), 7 August 2014

<sup>154</sup> Groundviews, [Mob disrupts meeting of families of disappeared: Police & Government hound participants](#), 7 August 2014

<sup>155</sup> Colombo Page, [SRI LANKA POLICE SEEK INTERPOL ASSISTANCE TO NAB LTTE ACTIVIST](#), 3 July 2014

<sup>156</sup> International Movement against all Forms of Discrimination and Racism (IMADR), [Written statement submitted by the International Movement against all Forms of Discrimination and Racism \(IMADR\), a non-governmental organization in special consultative status; Freedom of Assembly in the Democratic Republic of Sri Lanka](#), 10 May 2013

the priest of holding a mass to honour the birthday of a Liberation Tigers of Tamil Eelam (LTTE) leader. One of the men pointed a pistol at his head, threatening to shoot him. When the men left, the priest reported the incident, but the police claimed that they were unable to identify the perpetrators”.<sup>157</sup>

- August 2013 The Asian Human Rights Commission reports that “During the United Nations High Commissioner on Human Rights Navi Pillay's visit in August 2013, she was severely branded as an LTTE supporter. Families of the disappeared and civil society groups were likewise harassed, In a campaign action to demand for justice during the 2013 Commonwealth Heads of Government's meeting in Sri Lanka, AFAD Council Member and Chairperson of Families of the Disappeared (FOD) Brito Fernando was branded as supporter of the Liberation Tigers of Tamil Eelam (LTTE) ideology and was threatened along with other civil society leaders”.<sup>158</sup>
- In March 2013, Minority Rights Group reports that “to coincide with the UN HRC [Human Rights Council] session in Geneva, family members of disappeared and ‘surrendered’ planned a protest in the Sri Lankan capital Colombo. The military detained hundreds of women for hours in the northern town of Vavuniya as they were on their way to the protest and went on to obstruct the entire event”.<sup>159</sup>

### Treatment of “rehabilitees” and former LTTE combatants

An article published by Ground Views in May 2014 on surveillance and the social isolation of ex-LTTE combatants notes that:

The culture of surveillance that pervades the North and East of the country is a major impediment to the reintegration of ex-LTTE combatants. Many of these ex-fighters are constantly watched, followed, and called in for hours of questioning during which they are asked the same questions they have answered many times before. One former combatant, who I will call Seelan, recalled that he had become so distressed and exhausted by the weekly questioning by the military that he left Jaffna and moved to another part of the country, leaving his family behind. [...]

The same article reports on the authorities’ use of former combatants as informants. According to one ex-cadre “the army even comes now and asks me to betray people. They’ll throw their arms around your shoulders and talk very friendly. They say they’ll buy us beer, that if we join the army, the salary is good. All that. We just smile and move on. You can’t refuse openly, because then they’ll ask, “Why not, are you still committed to the Tigers?”<sup>160</sup>

On 14<sup>th</sup> May 2014 Tamilnet reported that “The occupying military of genocidal Sri Lanka has stepped up cordon and search operations targeting former LTTE members at various parts of Batticaloa district throughout the last 5 days. As Mu’l’livaaykkaal Remembrance is approaching on 17 and 18 May, the SL military soldiers, accompanied by military intelligence operatives summoned former LTTE members to the nearby camps and warned that they would be held personally responsible for any future forms of struggle and threatened them to fill in the forms to enlist for subordinate ‘jobs’

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<sup>157</sup> International Movement Against All Forms of Discrimination and Racism (IMADR), [Written statement\\* submitted by the International Movement Against All Forms of Discrimination and Racism \(IMADR\), to the UN Human Rights Council, a non-governmental organization in special consultative status](#), 27 February 2014

<sup>158</sup> Asian Human Rights Commission, [SRI LANKA: Release Balendran Jeyakumari - stop harassments of human rights defenders!](#) 25 March 2014

<sup>159</sup> Minority Rights Group International, [Living with insecurity: Marginalization and sexual violence against women in north and east Sri Lanka](#), 16 October 2013, *Truth, justice and accountability* p.14

<sup>160</sup> Groundviews (Amarnath Amarasingam), [Life in the Open-Air Panopticon: Surveillance and the Social Isolation of Ex-LTTE Combatants in Sri Lanka](#), 20 May 2014

with the SL military. Following the cordon and search operations staged by the SL military, paramilitary operatives have been visiting the houses threatening the ex-LTTE members to join the SL military. The cordon, search operations and the follow-up harassments have been reported in Vaakarai and Paduvaankarai regions of the district”.<sup>161</sup>

The main findings (in English) of an April 2014 report on former members of the LTTE and rehabilitation camps from the Swiss Federal Office for Migration (main report in French) notes that “Former detainees are subjected to close surveillance from the authorities after their release, making their reintegration in society more difficult. There are also reports that a number of former rehabilitation camp detainees (both high- and low-ranking LTTE members) have been re-arrested”.<sup>162</sup> Similarly in a December 2013 submission to the UN Human Rights Committee, the British Tamils Forum reports that “There is high level of reporting of threats and harassment of released ex-combatants after ‘rehabilitation’. They are visited by the non-uniformed Terrorist Investigation Division (TID) agents”.<sup>163</sup>

In an April 2014 submission to the UN Human Rights Council, the Society for Threatened Peoples reported with regards to structural violence committed against Tamil women between 2010-2013 that “Several journalists and activists note that rape is a continual concern, especially prevalent against ex-LTTE cadres, and seldom reported. The rape usually occurs inside the army camp, during their mandatory reporting sessions, or during the home visits. Because they are being so heavily monitored, they are afraid to report it. Those women with any affiliation to the LTTE (even at the lowest level) are particularly vulnerable to targeting by military forces, even in Colombo. The direct testimony from a former-LTTE informant describes her experience when taken for questioning.

...she was kept without clothes for one week and continuously subject to rape by many different men. She could hear the voices of many girls in the CID building screaming whenever military personnel entered their rooms...

While the GoSL has highlighted marriages between army soldiers and Tamil women as evidence of reconciliation, direct interviews and other sources maintain that these unions are formed under duress and occur through a spectrum of coercive mechanisms (use of force, threats, assurances of protection)”.<sup>164</sup>

In a February 2014 report on Sri Lanka’s ‘Rehabilitation’, Tamils Against Genocide (TAG) notes that “media reports abound of the intimidation of the rehabilitated and their families after ‘successful completion’ of rehabilitation. The threat of re-arrest is pervasive”.<sup>165</sup> The same source states that the experience of 5 witnesses after rehabilitation who spoke to TAG [testimony undated] corroborates these media reports, for example according to one witness:

*“Before I was released I was clearly instructed that release was only valid for 6 months. Within 6 months I should inform on LTTE cadres who had yet to surrender, and I was strictly commanded not to contact NGOs”.*<sup>166</sup>

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<sup>161</sup> Tamilnet, [SL military threatens ex-LTTE members in Paduvaan-karai, Vaakarai in Batticaloa](#), 14 May 2014

<sup>162</sup> Federal Office for Migration (Switzerland), [Focus Sri Lanka; Les anciens membres des Liberation Tigers of Tamil Eelam \(LTTE\) et les camps de rehabilitation](#), 30 April 2014, *Main Findings*

<sup>163</sup> British Tamils Forum, [NGO REPORT to the UN Human Rights committee on the implementation of the ICCPR in Sri Lanka](#), 20 December 2013, *paragraph 58*

<sup>164</sup> 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](#), 4 March 2014, *Structural Violence: 2010-2013*

<sup>165</sup> Tamils Against Genocide, [Sri Lanka’s ‘Rehabilitation’ of the Liberation Tigers of Tamil Eelam: A Programme of Physical and Mental Pacification](#), 4 February 2014 *The Bigger Picture*

<sup>166</sup> Tamils Against Genocide, [Sri Lanka’s ‘Rehabilitation’ of the Liberation Tigers of Tamil Eelam: A Programme of Physical and Mental Pacification](#), 4 February 2014 *The Bigger Picture*

Moreover TAG reports that “they told of the restrictions they faced, the curbs upon their basic freedoms and the limits to opportunities”, for example:

*“After my release various divisions of the armed forces continuously visited my home in Killinochi for interrogation and to ensure that I was not in contact with anyone outside my village in Killinochi... Due to the continuous visit of security forces to my house after my release my neighbours prevented their interactions with me. The society viewed me with fear and suspicion. It had made the life of those released persons enormously difficult to integrate into the society and lead normal family life”... “While we had been in detention in the rehabilitation centers security forces frequently visited inmate’s houses and sexually harassed female members of the family. Various sections of the security forces already knew our family details and residence address from our database. When I had been released I was issued an ID card by IOM for employment opportunities. However, it wasn’t as useful as the people, because of suspicion that we might be part of a Tamil paramilitary group or informers, deliberately isolated us. In most cases released persons from the rehabilitation centres were all denied opportunities [sic]”.*<sup>167</sup>

TAG further reports that “of TAG’s five witnesses who had experienced rehabilitation, two were abducted by the Sri Lankan state after their release; they were interrogated and tortured”.<sup>168</sup> Dates of these incidents were not provided.

The U.S. State Department report covering 2013 reports that “Exact numbers of former combatants rehabilitated, released, or moved into the criminal justice system were difficult to track, since individual prisoners moved within the system frequently. Reintegration of former combatants 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, by government officials while in rehabilitation centers”.<sup>169</sup>

UN High Commissioner for Human Rights Navi Pillay reported in August 2013 that “I understand the Secretary of Defence’s point that the demobilization of a significant proportion of such a large army cannot be done overnight, but urge the government to speed up its efforts to demilitarize these two war-affected provinces [Northern and Eastern], as the continued large-scale presence of the military and other security forces is seen by many as oppressive and intrusive, with the continuing high level of surveillance of former combatants and returnees at times verging on harassment”.<sup>170</sup>

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<sup>167</sup> Tamils Against Genocide, [Sri Lanka’s ‘Rehabilitation’ of the Liberation Tigers of Tamil Eelam: A Programme of Physical and Mental Pacification](#), 4 February 2014 *The Bigger Picture*

<sup>168</sup> Tamils Against Genocide, [Sri Lanka’s ‘Rehabilitation’ of the Liberation Tigers of Tamil Eelam: A Programme of Physical and Mental Pacification](#), 4 February 2014 *The Bigger Picture*

<sup>169</sup> U.S. Department of State, [Country Report on Human Rights Practices 2013: Sri Lanka](#), 27 February 2014, 1d. *Arbitrary Arrest or Detention*

<sup>170</sup> OHCHR, [Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Sri Lanka Colombo](#), 31 August 2013