

**REPORT OF INFORMATION GATHERING VISIT TO COLOMBO,
SRI LANKA 23-29 AUGUST 2009**

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Introduction

The visit was undertaken by the Foreign and Commonwealth Office Migration Directorate at the request of the UK Border Agency Country of Origin Information Service (COIS). It was carried out by Malcolm Lewis, Second Secretary (Migration), British High Commission, Colombo and Eugenio Bosco, Country of Origin Information Service, UK Border Agency. All meetings were arranged by the British High Commission in Colombo and took place in Colombo 23-29 August 2009.

The purpose of the visit was to gather information on the situation for Tamils in Colombo since the civil conflict ended in May 2009, which may be relevant to the consideration of asylum applications in the UK.

In particular, the team sought to obtain information on the following issues:

- Treatment of Tamils at Colombo Airport
- Cordon and search operations since June 2009
- Abductions and disappearances since June 2009
- Checkpoints/road blocks in Colombo/Gampaha
- Feasibility of residency in Colombo after June 2009

The current legal regime in Sri Lanka (provided by the Emergency Regulations and Prevention of Terrorism Act) allows for prolonged detention without charge or notification of where prisoners are held. Questioning under the above headings therefore sought to address, inter alia, any risk Tamils may face of being detained.

The team sought to interview a range of sources representing differing perspectives on the issues being considered. The list of contacts actually interviewed was partially determined by availability and time constraints.

All interlocutors were sent the list of questions to be considered in advance and advised that the information obtained may be published in a report and/ or used by immigration officials and by appeals courts to help inform decision-making on asylum and human rights applications in the UK. The document sent to sources is at Annex A.

The report is presented as a collation of the answers provided by each interlocutor in response to the questions asked. All information gathered has been attributed to sources and no attempt has been made to provide any analysis of the material. Several of the sources interviewed asked to remain anonymous or only identified in general terms. The list of sources interviewed is at Annex B. A glossary of acronyms and abbreviations is at Annex C.

Executive Summary

Treatment of Tamils at Colombo Airport

Sources agreed that all enforced returns (of whatever ethnicity) were referred to the Criminal Investigations Department (CID) at the airport for nationality and criminal record checks, which could take more than 24 hours. All enforced returns were wet-fingerprinted. Depending on the case, the individual could also be referred to the State Intelligence Service (SIS) and / or Terrorist Investigation Department (TID) for questioning.

Anyone who was wanted for an offence would be arrested. Those with a criminal record or LTTE connections would face additional questioning and may be detained. In general, non-government and international sources agreed that Tamils from the north and east of the country were likely to receive greater scrutiny than others, and that the presence of the factors below would increase the risk that an individual could encounter difficulties with the authorities, including possible detention:

- outstanding arrest warrant
- criminal record
- connection with LTTE
- illegal departure from Sri Lanka
- involvement with media or NGOs
- lack of an ID card or other documentation.

Cordon and search operations since June 2009

Most sources said that the frequency of cordon and search operations had not reduced significantly in recent months, though there were fewer large-scale operations than in previous years. No information was available on numbers of arrests.

In general, young male Tamils originating from the north and east of the country were most at risk of being detained following cordon and search operations, with the above factors again increasing that risk. Those without employment or 'legitimate' purpose for being in Colombo were also likely to be seen as suspicious.

Abductions and disappearances since June 2009

Most sources agreed that there had been few if any abductions / disappearances since June 2009. None were able to provide much information about the profile of Tamils targeted for abduction, though cases of journalists were mentioned.

Sources agreed that abductions were carried out both for ransom and for political reasons. There was wide agreement among non-government sources that the security forces had some involvement in most cases, and that the police did not carry out meaningful investigations.

Checkpoints/road blocks in Colombo/Gampaha

Most sources agreed that there had not been any significant reduction in the number of checkpoints. Government sources said the purpose of checkpoints was to detect and prevent terrorist activity. Non-government sources suggested that checkpoints were also intended to identify suspicious individuals, to deter Tamils from settling in Colombo and to maintain the appearance that Sri Lanka was still on an emergency footing.

In general, those most likely to be questioned were young Tamils from the north and east; those without ID; those not resident or employed in Colombo; and those recently returned from the West. However, most sources said that arrests at checkpoints were very rare and none had been reported since June 2009.

Feasibility of residency in Colombo after June 2009

Some sources referred to the common perception that there are more Tamils in Colombo than Sinhalese. Tamils are in the majority in certain areas of Colombo, but estimates suggest that they number 300,000 – 500,000, up to 20% of the population of Colombo District. Around 50,000 Tamils are temporary residents in Colombo and approximately 37,000 migrated from the Northern Province to Colombo between 2003 and 2008.

Sources agreed that people who wished to live in Colombo but did not originate from there must register with the local police station. Registration usually required a National Identification Card or full passport, sometimes a letter from a Grama Seveka (a local official from the person's area of origin) and details of planned length and purpose of stay.

In theory, anyone was entitled to register to stay in Colombo, but some sources suggested that young Tamil men originally from the north or east of the country could encounter difficulties and face closer scrutiny. The presence of any of the 'risk factors' noted above would also generate greater attention from the police. In general, registration would be easier if people indicated that their stay in Colombo was temporary.

1. Treatment of Tamils at Colombo Airport

- **What procedures are in place to identify failed asylum seekers at the airport and those who are wanted by the authorities?**

1.1 The sources interviewed commented on the procedures followed by the Department of Immigration and Emigration (DIE) officials, who operate border control at the airport [Bandaranaike International Airport (BIA), located in Katunayake in the Gampaha district]; and the circumstances in which the State Intelligence Service (SIS), Criminal Investigations Department (CID) and Terrorist Investigation Department (TID) would become involved.

1.2 A representative from the International Organization for Migration (IOM) said that with regard to voluntary returns, IOM London inform IOM Colombo of their arrival by way of an Advance Booking Notification. All of these voluntary returnees have Emergency Travel Documents (ETDs). IOM Colombo then informs the Department of Immigration & Emigration (DIE) Assistant Controller (Ports), who in turn informs the airport Chief Immigration Officer (CIO) – Arrival Section. The IOM representative said that he then attends the airport and informs the Chief Immigration Officer that the returnee is voluntary.

1.3 A Department of Immigration and Emigration (DIE) spokesman said their procedures were adopted with regard to all deported and returned Sri Lankan passengers. They stated that under the agreement with the UK, returnees should come back with an Emergency Travel Document (ETD) issued by the Sri Lankan High Commission in London. DIE checked their nationality status and interviewed them to confirm nationality. If DIE was satisfied that a person was from Sri Lanka, they would allow the person to enter the country. If they were not satisfied, the person would be sent back to the UK.

1.4 The DIE spokesman said that DIE recorded the details of all returnees in a register (logbook). Returnees were then referred to the Criminal Investigations Dept (CID), or sometimes the State Intelligence Service (SIS), without any harassment. If there was a passport, DIE could check the person's details on their database, but this was not possible with an Emergency Travel Document (ETD). If there was an ID card number, checks could be done referring to the original passport. It was possible to establish whether a person had left the country illegally by looking at the passport as it would lack the embarkation stamp, but this would not be possible with an ETD. ETDs were considered full official documents issued by the Sri Lankan authorities. They were a proof of identity and were valid to go through any checkpoints. ETDs were stamped and returned to the returnee. The role of DIE ended when they passed returnees to CID.

1.5 DIE had access to an alert list. This list contained information relating to court orders, warrants of arrest, jumping bail, escaping from detention as well as information from Interpol and the SIS computer system. The DIE computer system had its own alert system related to the alert list but this did not indicate the exact reason for the alert. Following an alert, DIE would refer these people to CID or SIS to establish the position. DIE officials did not arrest passengers.

1.6 A senior intelligence official said that the State Intelligence Service (SIS) was often notified by the Sri Lankan High Commission in London about planned enforced returns from the UK. SIS interviewed every deportee and ascertained the grounds for their deportation, how they left Sri Lanka and their background. SIS kept paper and computerised records. SIS records dated back 60 years and were being put onto computer. SIS computer records were available at the airport to both SIS and (on request) CID officers. On the other hand, police records were held for five years only; occasionally on computer, but normally on paper only.

1.7 The Superintendent Police, Criminal Investigations Department (CID) Bandaranaike International Airport said that airline officers normally advised the Department of Immigration & Emigration (DIE) of returnees from other countries. Most had Emergency Travel Documents. DIE confirmed nationality and then passed the deportee to the State Intelligence Service (SIS), who checked to see if they had any links to the LTTE. The deportee would then come to CID for questioning.

1.8 Deputy Solicitor General, Kapila Waidyaratne said that the Attorney General's Department got involved in cases when there were investigations by CID, concerning returnees who had violated provisions of the Immigrants and Emigrants Act. These were mainly deportees holding forged passports or visas. These cases were referred to the Attorney General (AG) for advice on charges that could be brought against the suspects and for prosecutions. If there was no evidence against the suspects, they would be discharged forthwith. Returnees were produced before the Magistrate's Court of Negombo, which was the closest to the airport, within 24 hours of arrest. People were normally then released on bail.

1.9 The Deputy Solicitor General said that if there was any suspicion or evidence of an involvement in terrorist activities, a suspect would be detained. Remand had to be authorised by Magistrates. Detention under the Emergency Regulations (ER) and the Prevention of Terrorism Act (PTA) had to be authorised by the Ministry of Defence. The AG's department had separate units that dealt with ER matters and fundamental rights applications filed in the Supreme Court.

1.10 An official from the Australian High Commission thought there were no procedures in place to identify failed asylum seekers. The only way that the authorities were alerted to a failed asylum seeker returning was if the airlines or IOM notified them that a person was a deportee or was being escorted. In the Australian official's experience, the Sri Lankan Embassy/High Commission would sometimes alert the authorities in cases where they had given the returnee/deportee a travel document, but stressed that this was not always the case. If a failed asylum seeker returned unaccompanied, then the authorities would not be aware of the fact. The DIE computer had a 'black-list' of persons of concern, but unless the exact spelling of the name, the date of birth and passport number matched that of the returnee/deportee, the person was not stopped. Consequently it was possible for the authorities to miss suspects and persons with criminal records.

1.11 A representative of the Swiss Embassy in Colombo was of the view that officials of the DIE and CID did not communicate significantly. The representative added that there were mobile squads from TID checking passengers off specific flights, e.g. to and from India, from Malaysia and Singapore.

1.12 A UNHCR Protection Officer said that UNHCR had little involvement with this type of issue. However, they were aware that some returned failed asylum seekers were interviewed with CID. If there was any suspicion there would be a quick, and usually non-problematic, interview with CID who would ask things like why they left and how long they were away for. High profile cases, such as those suspected of having involvement with the LTTE, would be taken away for further questioning, usually by the police. It was UNHCR's understanding there was a [alert] list used by CID and TID, but they did not know whether this was true or whether the list was linked to criminal records or warrants of arrest. On a slightly different note, the UNHCR officer said that even at the height of the war it was easy to leave the country, no matter whether Tamil or not, and everybody could get a passport.

1.13 Mano Ganesan MP, Leader of the Democratic People's Front, (an opposition party) said that there were no formal procedures at the airport. He said the Terrorist Investigation Department (TID) operated in plain clothes within the immigration and customs areas. They used their own discretion, did not identify themselves and just took people away. They had free access and also checked embarking passengers. Although he had not received complaints from those embarking, Tamils and Muslims were pressurised to pay money – officers saw them as a way of earning money.

- **What would happen to a Tamil on arrival at Colombo Airport?**

Sources were questioned as to whether there was any difference between the treatment of Tamils and other returnees on their arrival at the airport.

1.14 The representative from the International Organization for Migration (IOM) said that every returnee was treated the same, Sinhalese or Tamil.

1.15 The Department of Immigration and Emigration (DIE) spokesman said that the procedures (as described above in paragraphs 1.3 – 1.5) applied to every returnee, irrespective of their ethnicity. There had been no complaints against the immigration department.

1.16 The senior intelligence official also stated that everyone was treated exactly the same, whether Sinhalese or Tamil.

1.17 The Superintendent Police Criminal Investigations Department (CID) at Bandaranaike International Airport stated that they did not differentiate between Tamil or Sinhalese; in fact most of the deportees being held at the airport now were Sinhalese from Japan.

1.18 The official from the Australian High Commission, from first hand observations of returning failed asylum seekers, both through IOM and non-IOM means, thought there was no difference in the treatment of deportees or returnees whether they were Sinhalese, Tamil or Muslim.

1.19 The UNHCR Protection Officer thought that, in general, Tamils were more likely to be targeted for further questioning by CID.

1.20 A representative from the Centre for Policy Alternatives (CPA) (an independent organisation which undertakes research and advocacy on public policy issues) thought all Tamils would be stopped and questioned. Some would be released; others may be detained for a longer time at the airport or taken to the Terrorist Investigation Department (TID) or Criminal Investigations Department (CID). A person would be questioned and there was a possibility that no access to family members or legal advice would be provided. Detention orders were not always issued and sometimes only appeared after someone had been released.

1.21 Deputy Solicitor General, Kapila Waidyaratne, said that all returnees were subject to the same scrutiny on arrival and that there was no distinction whatsoever between Tamils and other communities.

1.22 Mano Ganesan MP, Leader of the Democratic People's Front, (an opposition party) said that Tamils were more vulnerable today than during the war as the government was out to destroy whatever was left of the LTTE. He had heard of four persons who had gone missing at the airport the previous week after having arrived from Dubai, Kuwait, Canada and France respectively. He had not heard of any persons from the UK being detained. According to his own investigation, and having been informed by the police, one of the two persons returned from the Middle East was currently detained by TID.

1.23 A Human Rights Activist said he had no specific information but mentioned the recent (July or August 2009) case of a catholic priest who was questioned for almost two hours at Bandaranaike International Airport. The priest did not know who questioned him, but said his frequent travelling to and from Vavuniya in the previous weeks was likely to have triggered a specific interest towards him. The priest is Tamil and is a very senior official at a large and well-known catholic development agency, which collaborates with the government. The priest in question has been part of delegations to meet the President and Basil Rajapakse.

- What checks are undertaken?

1.24 The Superintendent Police Criminal Investigations Department (CID) at Bandaranaike International Airport stated that on the 5th August 2009 they had introduced a new set of procedures for dealing with deportees after there were cases of persons who had arrest warrants outstanding being allowed back into the country. Checks were made for offences outstanding in Sri Lanka and with the local police station from where the deportee originated. Also, CID had been instructed to identify persons who had escaped from IDP camps and they were able to do this through a website known as nildiya.com.

1.25 The Superintendent said that CID now photographed and wet fingerprinted all deportees. The photographs were stored on a standalone computer in their office at the airport. The fingerprints remained amongst paper records also in the office at the airport. He added that returnees were held while checks were being conducted in the person's area of origin: "maybe for 3 hours, maybe 10 hours". Checks in the north, in Jaffna, Vavuniya, and Kilinochchi took longer.

1.26 The Superintendent said that CID could not release an individual until all checks were completed and clearance had been obtained from the local police. If there was evidence of any crime, they would be detained. He said that individuals could not be held for more than 24 hours; after that they must be put before the Court. If CID were instructed to release them, they would obtain a surety from a friend or relative and retain their passport. Since the 5th August 2009, no one had been detained for more than 24 hours. Those held were kept in the office, as there were no other facilities. They were given food and drink, and were able to use the telephone to inform relatives.

1.27 The senior intelligence official said that the State Intelligence Service (SIS) carried out checks on returnees. If returnees were travelling on Emergency Travel Documents they would seek to confirm identity. SIS worked together with the Department of Immigration and Emigration (DIE) on this.

1.28 The official from the Australian High Commission said that the IOM had a unique arrangement with the border control authorities. While all returnees handled by IOM were processed by the Department of Immigration & Emigration (DIE) and most processed through the State Intelligence Service (SIS), they were not interviewed by the Criminal Investigations Department (CID). They added that for non-IOM deportees/returnees, these persons were interviewed by the anti-human smuggling unit of CID as well as DIE and SIS. However, while this was the agreed procedure, it was not always followed and on some occasions it appeared that there was minimal co-ordination between the agencies at the airport – it seemed to depend on who was on duty and at what time the flight arrived. Each agency asked similar questions.

1.29 The official from the Australian High Commission said that agencies at the airport had recently told her that new procedures for dealing with all deportees had been introduced following a new directive from the Defence Secretary. However, they had also received contrary advice that these measures were not new, but had just never previously been implemented. The new procedures included CID taking the returnees'/deportees' fingerprints and photographs, and them being held until they received clearance from the deportees' local police station and the Director of Military Intelligence. She added that because of the arrival times of some flights, deportees/returnees might have to wait for several hours in the CID office in a curtained-off area of the office. This area consisted of a row of seats where the person could sit or sleep. In their experience, these persons were not harassed or mistreated during that time and were fed rice packs at meal times.

1.30 Mano Ganesan MP said that background checks were conducted, especially on Tamils arriving from Europe and Canada. The Diasporas funded the LTTE and so they were considered enemies of the nation.

- What profile of Tamil is detained and/or interrogated on arrival at Colombo Airport?

1.31 The Department of Immigration and Emigration (DIE) spokesman said that the only time people were detained was when there were doubts about their nationality or identity. This applied to everybody. DIE did not detain or interrogate passengers based on ethnicity.

1.32 The senior intelligence official said that Sri Lanka was a democratic country – there were no ‘profiles’ – that would be discrimination. All Sri Lankans were treated equally.

1.33 The representative of the Swiss Embassy in Colombo said that some returnees had been arrested; some only for a few hours, some for longer. They added that last year there were nine cases of forced returns from Switzerland to Sri Lanka. They were travelling with a ‘laissez-passer’. Some of them were questioned but many were not. The Swiss authorities did not specifically inform the Sri Lankan authorities about such returns, unless it was an escorted deportation. One returnee was sent back to Colombo and he made his own way voluntarily to Jaffna, via Trincomalee, at the end of April 2009, at the height of the war. The representative added that it was not only on arrival but also on departure that there could be a risk of arrest, citing the case of a Tamil with a Swiss entry visa who was arrested at the airport.

1.34 The Swiss Embassy representative added that those most likely to be targeted were those suspected of having affiliations with the LTTE and those who might be IDPs who had escaped from camps. The usual suspects were young Tamils with ID cards from Jaffna, Vanni etc.

1.35 The Superintendent Police, Criminal Investigations Department (CID) at Bandaranaike International Airport, said that only deportees and those suspected of criminal offences were investigated.

1.36 Deputy Solicitor General, Kapila Waidyaratne, stated that someone found to have criminal records or connections with the LTTE would be investigated by CID and TID. However, in his opinion they would not necessarily be arrested. Someone with a warrant of arrest or who had jumped bail or escaped from detention would be arrested.

1.37 Professor Rajiv Wijesinha, Secretary Ministry of Disaster Management & Human Rights (the government department with responsibility for protecting human rights in Sri Lanka), said that he was not aware of any detentions at the airport, but that he would only be aware of such detentions if they were brought to his notice. The HR Ministry receives either direct complaints about human rights violations or complaints from agencies that take up those complaints, such as the UN and sometimes the Asian Human Rights Commission. He said they had not received any complaints related to the airport but the type of complaint brought to their notice related generally to incidents of torture, abductions and violations of freedom of speech. Some of those complaints were not serious, others deserved further investigation. There was no evidence that those returning, even from well-known

LTTE fund-raising hubs, were singled out for particular attention or were being mistreated.

1.38 The official from the Australian High Commission said that in their experience, Sri Lankan immigration officers did not have much expertise in profiling passengers and unless the person came up on an alert list they were not stopped at the border. Where it was known that a person was a returnee or deportee and was not accompanied, the procedure was for Sri Lankan Airline's staff to take them to DIE. In most cases this happened but it was not unknown for a person, particularly if they had an onward ticket, to be allowed to depart the airport without seeing DIE.

1.39 The UNHCR Protection Officer said that 'high profile' cases (such as those suspected of having involvement with the LTTE) would be taken away for further questioning usually by the police.

1.40 The representative from the Centre for Policy Alternatives (CPA) said that Tamils were definitely profiled and would be identified by their name. If they came from the north and east they were more likely to be questioned.

1.41 Mano Ganesan MP said that people were not detained by the Terrorist Investigation Department (TID) at the airport; they were usually brought to their headquarters in Colombo.

- Are other groups detained and interrogated?

1.42 The IOM representative said that last year there was a returnee from Indonesia who held a genuine Sri Lankan passport but it contained a forged Schengen visa and a forged Sri Lankan embarkation stamp. CID had arrested him and he was produced before the Court. He added that this was the only case he had seen in five years of meeting returnees.

1.43 The representative of the Swiss Embassy in Colombo said that increasingly human rights activists, journalists and other dissidents from either Tamil or Sinhalese ethnic groups were also being detained and questioned.

1.44 The official from the Australian High Commission said they were not aware of anyone other than deportees and returnees, regardless of their ethnicity, being subjected to the above procedures.

1.45 The representative from the Centre for Policy Alternatives (CPA) said those present in the Vanni were more likely to be targeted, plus those with access to public documents, NGO workers who have been in Vanni, and the media.

1.46 Mano Ganesan MP also said that those in the media or working for NGOs were targeted.

- **Do any of the following factors affect the way an individual is treated at the airport and if so, how? If an individual:**
 - a. has a previous record as a suspected or actual LTTE member;
 - b. has been identified as having relatives in the LTTE.
 - c. has a previous criminal record and/ or arrest warrant outstanding;
 - d. has jumped bail/ escaped from custody;
 - e. has signed a confession or a similar document;
 - f. has been asked by the security forces to become an informer;
 - g. has visible scarring;
 - h. has returned from London or another centre of LTTE fundraising;
 - i. has illegally departed from Sri Lanka;
 - j. has made an asylum claim abroad;
 - k. lacks an ID card or other documentation.

a. If an individual has a previous record as a suspected or actual LTTE member.

1.47 The senior intelligence official said that the State Intelligence Service (SIS) would investigate all LTTE cadres and question them.

1.48 The Superintendent Police, Criminal Investigations Department (CID) at Bandaranaike International Airport said that if a person was suspected of being associated with LTTE, SIS would hand them over to the Terrorist Investigation Department (TID). Sometimes they were referred to Colombo Detection Bureau headquarters, or sometimes CID. In such cases a detention order for 90 days could be issued.

1.49 The IOM representative said that there was a prosecution list on the Department of Immigration and Emigration (DIE) computer that should pop-up if there was a record. However, IOM had not had any such cases.

1.50 The representative from CPA said that having an LTTE record would affect how a person was treated.

b. If an individual has been identified as having relatives in the LTTE.

1.51 The senior intelligence official said that if there were no direct indications that a person was involved with the LTTE they would be released by SIS.

1.52 The Superintendent Police, Criminal Investigations Department (CID) at Bandaranaike International Airport said that the relatives might be questioned.

1.53 The representative from Centre for Policy Alternatives (CPA) said that having an LTTE relative would affect how a person was treated.

c. If an individual has a previous criminal record and/or arrest warrant outstanding.

1.54 The senior intelligence official said that if a person had an arrest warrant outstanding they would be arrested. If they had a previous criminal record, it would depend on what they said at interview. SIS would probably check with the local police where they came from: if they were wanted, they would be detained; if not, they would be released.

1.55 The Superintendent Police, Criminal Investigations Department (CID) said that checks would be conducted as to whether they were wanted. If they were, they would be arrested and produced before the Magistrates Court in Negombo.

1.56 The representative from Centre for Policy Alternatives (CPA) said that such an individual would definitely be stopped.

d. If an individual has jumped bail/escaped from custody.

1.57 The senior intelligence official said that the person would be produced at Court.

1.58 The Superintendent Police, Criminal Investigations Department (CID) agreed.

1.59 The representative from Centre for Policy Alternatives (CPA) said that the individual would definitely be stopped.

e. If an individual has signed a confession or a similar document.

1.60 The senior intelligence official said that there would be a report done for Court, and the individual would be asked to repeat their confession to the Court to cover what they had said to the police.

1.61 The Superintendent Police, Criminal Investigations Department (CID) said that confessions could only be recorded by a Magistrate or an officer of the rank of Assistant Superintendent Police or higher, under the Emergency Powers Act.

1.62 The representative from Centre for Policy Alternatives (CPA) said that it would affect treatment but it would depend on the confession.

f . Has been asked by the security forces to become an informant.

1.63 The senior intelligence official said that SIS would try to ascertain the person's genuineness, but dealing with informants was a long procedure.

1.64 The Superintendent Police, Criminal Investigations Department (CID) said that checks would be conducted to identify the officer-in-charge of their case and they would seek advice from them.

1.65 The representative from Centre for Policy Alternatives (CPA) said that it would be difficult. But what happened would depend on the circumstances of each case and whether their name had been listed on the CID / TID system.

g. If an individual has visible scarring.

1.66 The senior intelligence official said that SIS would obviously question them, ask for an explanation and assess the merits of each case. SIS may carry out background enquiries via their local police. Scarring more directly related to military training would trigger specific questions and there would be a need to carry out specific enquiries, depending on where the person was from. He said that someone who had been in a genuine accident would also display a different body language.

1.67 The Superintendent Police, Criminal Investigations Department (CID), said he was not sure. If they suspected an LTTE link, a scar may trigger questions, but strip searches were not conducted at all. Detainees had their bags checked and were frisked to see if they had any concealed weapons. Airport officers did not have sufficient knowledge to investigate LTTE suspects; they were always referred to Colombo.

1.68 The representative from Centre for Policy Alternatives (CPA) said that they had heard about this 'in-country' where it had been used as a reason for arrest, but had no evidence of it occurring at the airport. In the IDP camps during screening they are closely watched and things like scratches on the elbows would raise suspicion.

1.69 The UNHCR Protection Officer said they did not have any direct knowledge of the issue of scarring or whether this element could be considered a risk factor.

h. If an individual has returned from London or another centre of LTTE fundraising.

1.70 The senior intelligence official said that those from areas of known LTTE fundraising aroused suspicion. A crosscheck would be undertaken by SIS with local police. They would also seek to find out if the person had been forced to make donations by the LTTE, as opposed to actual fundraising.

1.71 The Superintendent Police, Criminal Investigations Department (CID) said that people would not say that they were LTTE. If something suggested that they could be linked to fundraising, CID would refer to headquarters.

1.72 The representative from Centre for Policy Alternatives (CPA) said there was no evidence of this but an assumption that people coming from anywhere where there was a large Tamil community may be questioned.

i. If an individual has departed illegally from Sri Lanka.

1.73 The senior intelligence official said that if they had used a forged passport they would be referred to CID. If SIS found that they had used a boat or departed illegally through the airport, they would take appropriate measures.

1.74 The Superintendent Police, Criminal Investigations Department (CID) said that if there was conclusive evidence that they had left the country illegally, they were in contravention of the Immigration Act and could not be released – they had to be produced before the Magistrates Court.

1.75 The IOM representative said that all persons travelling on an Emergency Travel Document were treated as if they had departed illegally. Those who went through IOM did not experience problems; others, he did not know.

1.76 CPA said a person's background would be checked and all different factors taken into consideration. Each case was different and there would be an individual assessment, especially if someone was from the north and east.

j. If an individual has made an asylum claim abroad.

1.77 The senior intelligence official said that SIS always asked deportees if they had made an asylum claim.

1.78 The Superintendent Police, Criminal Investigations Department (CID) said that many deportees had claimed asylum abroad. They were all dealt with exactly the same as all other returnees.

1.79 The IOM representative said that the authorities thought that their returnees were people who voluntarily came back to Sri Lanka before they were deported.

1.80 The representative from Centre for Policy Alternatives (CPA) said it would be on a case by case basis. Tamils would face more scrutiny. Sinhalese would not receive better treatment but would be treated differently. NGO or media workers would be scrutinised even more. Discrediting the government was not an offence, but it was often used as a reason to detain under the PTA and ERs.

k. If an individual lacks an ID card or other documentation.

1.81 The senior intelligence official said that the only problem with not having an ID card was that they could not obtain a passport easily. SIS checked more for people with forged ID cards.

1.82 The Superintendent Police, Criminal Investigations Department (CID) said that many deportees had Emergency Passports. They were dealt with exactly the same as all other returnees.

1.83 The IOM representative said that people encountered problems travelling inland if they did not have an ID card. They faced security checks, as the National Identity Card (NIC) was the only document that could prove identity. The Emergency Travel Document could be used, but only for a maximum of three months and they must then apply for an NIC. This could cause problems, as they could not apply for the NIC in Colombo if they originated from Jaffna, Kilinochchi, Mannar, Mullaitivu and Vavuniya, as they must receive Grama Seveka [local official] authority. Previously they also had to receive clearance to travel from the Ministry of Defence (but not now) and it was difficult, but not impossible, to get clearance with an Emergency Travel Document.

1.84 The representative from Centre for Policy Alternatives (CPA) said people would probably be questioned why they had no ID but knew of no particular cases or evidence.

1.85 The official from the Australian High Commission said that they had heard that the factors listed influenced how a person was treated at the airport, but had no hard evidence to prove this. As previously stated, unless there was an alert on a person in the immigration system at the airport and that matched exactly the biodata information being presented to the immigration officer, the person would not be stopped from entering. Sri Lankans returned by the Australian Government from Christmas Island, who had departed Sri Lanka illegally and made an asylum claim abroad, were not treated any differently to other deportees. This also applied to two persons who had prior criminal records, with one having an arrest warrant outstanding.

1.86 Deputy Solicitor General, Kapila Waidyaratne, stated that someone found to have criminal records or connections with the LTTE would be investigated by the Criminal Investigations Department (CID) and Terrorist Investigation Department (TID), but not necessarily arrested. Someone with a warrant of arrest or who had jumped bail or escaped from detention would be arrested. He said his department had not been contacted regarding people detained in relation to the above issues, but explained that his section was not involved in this area as they dealt only with immigration offences. He said he was unable to comment on specific factors that may contribute to someone being detained at the airport. He had not come across issues related to scarring.

1.87 Mano Ganesan MP said that the main concern when a person had been out of the country was to find out how much money they had provided to the LTTE. There were lists of wanted persons, LTTE cadres, whose names were supplied by the Sri Lankan High Commissions and embassies abroad. Border Control had a special 'political' list of names of pro-Tamils and those who had attended meetings abroad. The authorities had gained further information of this kind following the recent arrest of KP (Kumaran Pathmanathan ^[2], the latest self-styled head of the LTTE, currently in detention in Sri Lanka after being apprehended in Malaysia).

2. Cordon and search operations since June 2009

- How many arrests during cordon and search operations in Colombo/Gampaha since the beginning of June 2009.

2.1 The senior intelligence official said he did not have figures for such arrests, adding that the police carried out cordon and search operations, but SIS supported them by checking their records. SIS provided information to the Inspector General of Police. Sometimes, if there was specific information and an operational need, they could be directly involved.

2.2 A Human Rights Activist said he did not have specific data on recent cordon and search operations, but mentioned the case of three Tamil people who were apprehended in the Kotahena area. He had no information on their fate. He said there were still a lot of cordon and search operations and controls. He mentioned one specific case – different from the usual cordon and search operations – of controls being carried out by plain-clothes policemen in the area of the domestic airport (Rathmalana). This was only to one particular house, not all houses in the area, as was the usual approach.

2.3 The IOM representative said he had no idea of numbers and that he only received information through the media. He said that cordon and search operations were frequent but that he had no personal experience of them.

2.4 The representative of the Swiss Embassy in Colombo had not seen specific statistics on cordon and search operations but stated that all kinds of arrests and detentions were taking place, including cordon and search operations at lodges and in Tamil areas, as well as more targeted operations based on specific information. The Swiss representative added that the cordon and search operations had reduced since the end of the war.

2.5 The official from the Australian High Commission stated that while they were unable to provide statistics, anecdotal evidence and media reporting suggested that some arrests may have been made. However, it was difficult to determine whether these were LTTE centric or part of the effort to clean-up criminal activity in Colombo. Again, anecdotal evidence and newspaper reporting suggested that some Tamils, on information received from the military forces in the north, and Sinhalese sympathisers, were being targeted. It seemed that many people on both sides were taking advantage of the situation.

2.6 The UNHCR Protection Officer said that they had no statistics at all on this.

2.7 Maj. Gen. V.R. Silva, Commissioner General Department of Prisons, said that the department of prisons would not know how many people were brought to detention as a result of cordon and search operations and checkpoints. They did not have this type of information.

2.8 The representative from Centre for Policy Alternatives (CPA) had not heard of any arrests. However, they were aware that in some areas of low-income Tamil residence, such as Wellawatte and Kotahena, there were operations once or twice a week. In other areas, such operations were less frequent; but every day, somewhere in Colombo was raided. In general, cordon and search operations were 'easing off' but still happened.

2.9 The former Chief Justice, Sarath Silva, said that cordon and search operations had been around for a very long time. Compared to previous years, such operations were less frequent than before. Until six months ago, when he was still Chief Justice, there were approximately 1,200 people in detention under the Emergency Regulations and the PTA, including those detained in Boosa detention centre. [Boosa detention centre is located in the southern district of Galle. Hundreds arrested under the Emergency Regulations (ERs) throughout the county are reported to be held there, frequently without being charged.]

2.10 Former Chief Justice Silva said that most detainees were kept in Colombo, where Welikada prison had a separate section to accommodate them. He was of the opinion that Boosa was completely unnecessary and said he did not know how many were currently detained there. He said they would be all Terrorist Investigation Department (TID) detainees, held following detention orders issued by the Defence Secretary, many accused of providing shelter to the LTTE. The Inspector General of Police [the highest ranking police officer – equivalent to Chief Constable] would know about the TID detainees.

2.11 Former Chief Justice Silva said that there were remedies against the Emergency Regulations (ERs) and the Prevention of Terrorism Act, but it was doubtful how effective they could be. Often, people did not know how to access legal help and there was the problem of resources and costs. Another big problem was the length of time taken for investigations when someone was suspected. The Attorney General's department played a significant role. If the police could not charge suspects within 2-3 months they should be released on bail, but this did not necessarily happen. Courts did not always have specific reasons for not releasing people; some people had just been forgotten in detention. In general, people did spend a lot of time in detention.

2.12 Professor Wijesinha said that recently there had been no complaints about cordon and search operations, but there were some in the past. He was not aware of the total number of people arrested/detained in such operations. In the past, the evidence suggested that a lot of people were questioned during such operations, but released on the day itself or shortly thereafter. He said they used to keep track of such incidents in the past when there had been some large-scale operations (e.g. 2007) and had to look into complaints related to those. Such large-scale operations had not been seen in recent years.

2.13 Mano Ganesan MP thought that around 50 persons had been detained by TID since June 2009.

- **What is the profile of those arrested during cordon and search operations?**

2.14 A senior intelligence official said that if a person was wanted, SIS would question them. There was no specific profile: each case was considered individually.

2.15 A Human Rights Activist mentioned that in general young Tamils with addresses in the north were considered more suspicious.

2.16 A representative of the Swiss Embassy in Colombo said those arrested were mostly young Tamils from Jaffna, Kilinochchi, Mullaithivu, other places in Vanni, and to some extent Trincomalee, who had recently come to Colombo following the A9 closure in 2006. Up-country Tamils and Colombo Tamils were hardly ever taken in, though there were a few cases of Tamils from Batticaloa. Females with a Vanni National Identity Card (NIC) may also be targets.

2.17 The UNHCR Protection Officer said that they had no information on who was arrested during cordon and search operations, but they were aware that such operations continue to happen. There was a lot of questioning going on and those without ID cards could face problems.

2.18 The former Chief Justice, Sarath Silva, stated that there were 400,000 Tamil people in Colombo (many in areas such as Wattala). They were always targeted by the security forces, as a source of possible terrorist infiltration.

2.19 Staff of a non-governmental organisation gave the opinion that young, male Tamils, aged between 20-30, were often suspected of being LTTE.

2.20 Professor Wijesinha said that a majority were young, male, Tamils.

- **How many are Tamil? How many from other groups?**

2.21 The senior intelligence official said he did not know the percentage of Tamils that were arrested. The LTTE were ruthless and carried out suicide bombings. At times when there were specific VIP movements, SIS were compelled to impose checks on Tamils. They knew there were many LTTE cells still in Colombo.

2.22 The UNHCR Protection Officer said that only Tamils were reportedly arrested during such operations, usually carried out in Tamil areas such as Colombo 6 and Colombo 14.

2.23 The representative from Centre for Policy Alternatives (CPA) said that the majority were Tamil, but added that at the moment Sinhalese and Muslim criminals were also being targeted.

2.24 Mano Ganesan MP said that there were 360 Tamil prisoners detained around the country under the Emergency Regulations (ERs) and Prevention of Terrorism Act (PTA).

- **What is the profile of Tamils arrested?**

2.25 The senior intelligence official said that there was no specific profile for those arrested.

2.26 The representative of the Swiss Embassy in Colombo said the profile was the same as those arrested during cordon and search operations. The Embassy had noted that among those who presented an attestation of detention issued by the ICRC, there were quite a few Tamils of good education. The profile of Tamils arrested in other parts of Sri Lanka varied. Specific problems were experienced by those who had been in 'protective custody' under the Human Rights Commission in Jaffna. They were likely to be later apprehended in Colombo. The classic detainee profile for applicants^[1] coming to the Swiss Embassy was a young male Tamil with a Jaffna, Vanni (Kilinochchi, Mullaitivu) and to a lesser extent Trincomalee National Identity Card.

2.27 The representative from Centre for Policy Alternatives (CPA) said that those arrested were mostly Tamils from the north and the east, mainly young males.

2.28 Staff of a non-governmental organisation said that said that young Tamils, Tamils from previously LTTE controlled areas, and those with a birthplace in Vanni were especially vulnerable.

2.29 Mano Ganesan MP said that Tamils from the Northern Province were profiled, especially if it was Kilinochchi.

- **What are the charges against those Tamils detained?**

2.30 The senior intelligence official said investigations were carried out by Criminal Investigations Department/Terrorist Investigations Department/Special Branch, and cases were referred to the Attorney General. He thought most charges were for conspiracy or offences under the Prevention of Terrorism Act (PTA).

2.31 The A Human Rights Activist mentioned that he had no recollection of anyone being charged from the 15-20 cases he knew personally (as most people were just kept in detention), apart from the well-known case of the journalist Tissainayagam who was charged for publishing material, 'inciting racial hatred' and obtaining funds for the publication.

2.32 The IOM representative said that three years ago one UK returnee was arrested and put before the Court. He had applied for a passport through an agent using forged documents. He was produced to Court, convicted and sent to jail. This was not specifically a cordon and search operation; he had been targeted following his passport application.

2.33 The representative of the Swiss Embassy in Colombo said that suspects were charged on 'suspicion of terrorist activities' and held under detention orders (DO) of

either one of the various emergency regulations or under the Prevention of Terrorism Act.

2.34 The representative from CPA said that it was mixed. With some you see documentation from the police or Courts, others not. Some people were detained for 3 months without receiving any documentation and even their lawyers did not know why they were detained. Actual charges could be 'on suspicion' or 'aiding and abetting', but often they did not specify 'of what', or 'who'. Just 'being suspicious' was covered by a special section under the Emergency Regulations (ERs).

2.35 The former Chief Justice, Sarath Silva, stated that most were arrested and detained 'on suspicion' (which is a specific category mentioned in the Emergency Regulations). Very few of them would have been charged.

2.36 Staff of a non-governmental organisation said that people were usually remanded and held without charge.

2.37 Professor Wijesinha stated that a lot of them were not charged. He found that previously there was more caution and questioning could go on for a long time without cases being brought quickly to Court. Currently, perhaps because of a change of approach in the Attorney General's Department, decisions seemed to be reached more quickly, with less detention of those taken in for questioning.

2.38 Mano Ganesan MP said that some people were just detained at police stations and were never charged. Some were sent to detention camps managed by paramilitary groups.

- **How long are they held?**

2.39 The senior intelligence official stated that people were held a maximum of 72 hours; then they were produced to court. If there was a detention order issued by the MOD they could normally be detained for 3 months. It could go to court but this depended on the grounds of the case.

2.40 The Human Rights Activist said that he had no recent (since June 2009) examples, but that in the past some people were kept for 2-3 hours or overnight, some for up to three months. There had been people detained in the past, still held after more than ten years, without any charges. In the past, the police sometimes informed the Human Rights Commission of cases of arrests under the Emergency Regulations (ERs) and the Prevention of Terrorism Act (PTA) as is required by law. The Human Rights Commission has also put out statistics of such reports for 2008. No information is available about this for 2009. Cases of quick release were normally based on personal connections, bribes or more regular methods such as clearance from the police in the area of origin. Sometimes such a clearance could be obtained with a bribe. He mentioned the case of someone who had obtained clearance from the local police station in Jaffna peninsular by paying the local police SLR 3,500.

2.41 The representative of the Swiss Embassy in Colombo said that people were usually held for between 24 hours and three days by the police, then either released

or sent to TID, CID, Boosa and other prisons. In 2008, 50% of applicants^[1] to the Swiss Embassy gave an address in Colombo and claimed threats by security forces. Often they were detained during cordon and search operations and kept under detention order by emergency regulations for three to nine months, sometimes longer. Many of them were sent to Boosa and practically all claimed that they had been exposed to torture. Suspects with cases where there was less suspicion could obtain their own release; a bribe of about \$1,000 US would speed up the process of being presented to the Magistrate for release.

2.42 CPA said that it depended on the type of case. If a detainee obtained legal representation as soon as possible, they were more likely to be released. Others remain detained, were moved around and remained in custody longer.

2.43 The former Chief Justice, Sarath Silva, said that, compared to now, complaints about arrests were more effective and detention orders were better in former years. When he was Chief Justice, he had issued guidelines specifying the role of the local police, requiring the presence of a representative from the local community during cordon and search operations.

2.44 Professor Wijesinha said that sometimes people were kept overnight but mainly they were released within 48 hours. The advice from the HR Ministry was always to charge as soon as possible or to release, but in the past those taken and kept during cordon and search operations had not been charged at all. Currently, there was a high-profile case of the journalist Tissanagayam, who was in detention for a very long time without being charged, though the period was less than that of others, in Sri Lanka or abroad. There had been complaints from the UN Geneva about some of their employees who were recently arrested under the ERs and the PTA.

2.45 Mano Ganesan MP said that persons were detained for long periods of time without their cases being heard. There were over 1,500 held at Boosa detention centre who were not entitled to bail, rehabilitation or amnesty. Some had been held for over seven years.

- **What is the experience of those held in detention following arrest during these operations?**

2.46 The senior intelligence official said that those held were detained mainly at police stations. Sinhalese and Tamils were held separately for safety reasons.

2.47 The Human Rights Activist said that people were normally kept in police stations. He did not have any post-June 2009 examples, as he had not visited any detainees personally, but from cases he knew and followed personally, including visits to the police, he knew people who had been kept up to 60 days (his own staff). Police cells can experience problems of overcrowding (with cases of up to 14 people being held in a small cell) but it all depended on individual police stations. Conditions were usually very basic (no mattresses, with detainees sleeping on newspapers, and a pit in the floor of the same cell as a lavatory). He was not aware of Tamil detainees being kept separated from other detainees at police stations. Those of interest to the

authorities were usually held by the Terrorism Investigation Department (TID) and only sent to Boosa detention camp after a few months.

2.49 The representative of the Swiss Embassy in Colombo stated that some police stations such as Kotahena and Matara were notorious for torture. People were likely to be beaten up, in some cases suspended upside-down or nearly suffocated with a plastic bag with petrol. Women were usually not beaten-up, but were sometimes slapped. There had been very few cases of people being raped or sexually abused. There has been an improvement in the prisons and at the police stations in that very severe torture seems applied to a lesser extent (also confirmed by ICRC). Furthermore, according to information provided by asylum applicants^[11], torture is mostly applied during interrogation and in the beginning of arrest, and rather rarely during detention or remand. To what extent paramilitary groups of unknown origin are responsible for abductions, and for maintaining a high level of torture was difficult to say, as the applicants could offer proof only in rare cases.

2.50 Maj. Gen. V.R. Silva, Commissioner General of Prisons explained that there were the following prisons in Sri Lanka:

- 3 closed prisons (Welikada; Matara; Galle)
- 19 remand prisons (for those awaiting trial). Out of those, 3 are in Colombo (Colombo, New Magazine and Negombo)
- 8 work camp (for short-term convicted prisoners)
- 2 open prisons
- 2 correctional centres for young offenders
- 25 lock-ups

2.51 Maj. Gen. Silva said that first-time offenders were usually sent to Welikada; for a second offence, people were sent to other closed prisons. Magistrates could remand people close to their area of jurisdiction. Those arrested under the Emergency Regulations (ERs) and the Prevention of Terrorism Act (PTA) were sent to Welikada if they were first-time offenders; if not convicted, they were sent to remand prisons. Once in custody, they would be produced to court. Magistrates decided whether they should be sent to remand prisons.

2.52 Maj. Gen. Silva said that since the end of the conflict, the number of persons remanded under the ERs/PTA had reduced. Currently, there were in total around 600 people detained nationwide under the ERs and the PTA. The number of those convicted was minimal. They were almost exclusively held in remand prisons, mostly within the Colombo district. People could be kept on remand depending on the accusations. There were a few people who had been kept on remand for over two years. He added that the Department of Prisons did not have statistics related to the ethnicity of prisoners. Magistrates decided where people should be sent. All prisoners were kept together (Tamils, Sinhalese, Muslims) but the magistrate could ask for some persons to be held separately for security reasons. He said that women were kept separately, with female prison guards. Mothers with infants/young children were kept together.

2.53 Maj. Gen. Silva provided current figures for the prison population:

Convicted prisoners: 14,000 males and 350 females.

Unconvicted prisoners: 13,500 males and 975 females.

2.54 He said that overcrowding was an issue, since the prison system was designed to accommodate comfortably up to 12,000 prisoners. With regard to conditions in detention, all prisons were regularly visited by the Board of Prison Visitors, appointed by the Ministry of Justice and Law reform. They could visit any prison, at any time, unannounced. They would meet to discuss various issues and make recommendations to the ministry in a report.

2.55 Asked about Boosa, Maj. Gen. Silva said that it was a prison complex that served partly as a general remand prison and partly as a facility used and administered by the Terrorism Investigation Department (TID). TID was authorised to use Boosa as a remand prison for those under their investigations. Asked specifically about conditions in remand prisons, Maj. Gen. Silva said that most of them were old buildings built by the British. They had basic facilities, with some problems of overcrowding. There were no plans to build more prisons, although a new prison is coming up in Pallekele in Kandy District.

2.56 CPA said that accommodation was "not five star", but it depended on the police station. Those in predominantly Tamil areas were of greater concern and did not reach very high standards. Prisoners were fed, but often could not sleep, as they were too scared. Those who created a relationship with the officers often got longer visiting times. If diplomats or lawyers visited them, they were more likely to get separate meeting rooms. Family visitors had to meet in an open room. The basic facilities were there, but there was often overcrowding, depending on the police station and the time of day. Some police stations were notorious for people being taken away, simply disappearing.

2.57 Professor Wijesinha said that they had not received any complaints regarding the conditions of prisons in these cases.

2.58 Mano Ganesan MP stated that prisons were overcrowded and not satisfactory. The government did not look after the basic facilities and prisoners regularly made non-violent protests.

3. Abductions and disappearances since June 2009

- **Have there been any reports of abductions or disappearances of Tamils in Colombo since the beginning of June 2009? If so what numbers?**

3.1 The senior intelligence official said there had not been any abductions or disappearances of Tamils in Colombo since June 2009.

3.2 The Human Rights Activist said he had no direct reports of abductions/disappearances in Colombo since June 2009. There were only media reports, usually from Tamil sources.

3.3 The IOM representative said he had not seen any reports.

3.4 The representative of the Swiss Embassy in Colombo said that there were no reliable figures. There was an overall impression that abductions, especially in Colombo, had reduced significantly compared to 2007/2008. Usually relatives contacted the authorities or the ICRC if there was no police report or if ICRC had not registered the case. The Swiss authorities considered that claims of people having disappeared/being abducted were credible only in very rare cases.

3.5 The official at the Australian High Commission said that while claims such as this were talked about, NGOs in Colombo had not been able to provide statistical information to confirm this; such information was only collected in the provinces. Anecdotal evidence and newspaper reporting suggested that the majority of abductions in Colombo were criminal based, sometimes on the instructions of politicians.

3.6 The UNHCR Protection Officer said they were not aware of any reports of abductions and disappearances since June 2009. However, the UNHCR was approached by relatives of some Tamil people who had disappeared prior to 2009.

3.7 CPA said that they only knew what they had seen in the press and that there were fewer and fewer publicly reported cases.

3.8 Staff of a non-governmental organisation said that they thought there were fewer reports and although they had no specific information, fewer featured in the newspapers.

3.9 Professor Wijesinha said that recently there had been hardly any complaints from Geneva. There had been only one recent case (four months previously) of a priest who had been reported as disappeared, but it was then believed he had been taken by the police. This was only reported by one NGO and had not been followed up, but needed to be investigated. The UN had recently contacted the HR Ministry regarding two cases of UN employees. The HR Ministry made enquiries with the police, who confirmed that procedures had been followed and that the men were in custody in connection with serious offences. Professor Wijesinha added that there had been no reports of abductions in Colombo and Gampaha since the end of the war.

3.10 Mano Ganesan MP thought that the numbers of abductions and disappearances had gone down, but that the problem was not over.

- **What is the profile of Tamils targeted?**

3.11 The senior intelligence official said that there was no profile.

3.12 The representative of the Swiss Embassy in Colombo mentioned an asylum applicant^[1], registered with the embassy, who was abducted only three hours after his release. The whereabouts of this person was still unknown. Sometimes the NGO 'Non Violent Peace Force' (NVPF) was utilised by the embassy to provide shelter and/or transport to applicants, including to the airport. NVPF was the only NGO that offered such support.

3.13 CPA said that those linked to the media appeared more vulnerable.

3.14 Mano Ganesan MP said that special police units in Tamil areas of Colombo like Wellawatte and Kotahena were not answerable to the local Officer in Charge, but reported direct to TID. They operated in plain clothes, arrested suspects but didn't release details, and held them in the police station.

- **What is the incidence of 'politically motivated' disappearances compared with abduction for ransom/money?**

3.15 The senior intelligence official said that some abductions were for ransom and the police was taking action to curtail this. He could not comment on political motivation.

3.16 The Human Rights Activist said that it was either for political reasons or for ransom. He could not say exactly in what proportion, but had the impression that recent cases seem more related to 'commercial reasons', i.e. for ransom.

3.17 The representative of the Swiss Embassy in Colombo said there were cases where there seemed to be a strong political motive; where media, human rights or political activities were involved. But there often seemed to be a mixture of both elements. Sometimes denouncement and personal revenge could also play a role. As for Colombo, the Embassy knew only about a few cases that were reported. The Swiss Asylum Section had the impression that detentions resulting from regular checks and cordon operations were not always due to investigations against terrorism, but also driven by the security forces' desire to get money. Some inmates had told the Asylum Section that, for whatever reason, the number of suspects in the cells remained the same.

3.18 The UNHCR Protection Officer said there were some politically motivated cases such as the well-known cases of some journalists. Reports of cases of extortion faced by Muslims were also mentioned.

3.19 CPA said that there had been one of two cases of businessmen. Those in a particular form of work, media personnel are targeted, probably more than those abducted for ransom. In June 2009 there was a case of a media-related person who was abducted and later dumped somewhere in Colombo.

3.20 The former Chief Justice, Sarath Silva, stated that there had been both money-related and politically motivated cases, sometimes the two elements were related.

3.21 Professor Wijesinha said that abductions for ransom still happened. Officials were sometimes found to be involved in such abductions and so were members of some paramilitary groups, but not necessarily acting officially or on instructions from such groups. More frequently they were acting in connection to criminal elements.

3.22 Mano Ganesan MP was of the view that most disappearances were politically motivated, adding that they did not occur in Colombo. Ransom abductions occurred but it was more likely to be just intimidation, demanding protection money.

- **Who are the perpetrators of abductions?**

3.23 The senior intelligence official said police investigations were in progress and he could not comment.

3.24 The Human Rights Activist said his impression was that abductions for ransom were usually carried out by individuals who had connections with the security forces, not with their full involvement, but complicity in letting them happen or pass through checkpoints. Politically motivated disappearances happened with the full complicity of the authorities.

3.25 The representative of the Swiss Embassy in Colombo thought the perpetrators varied: some were criminal gangs, some were paramilitary groups. The Swiss official added that it was very difficult to say anything with certainty as most information was based on hearsay. Sometimes asylum applicants^[1] refused to give full information, but from what they said it could be assumed that there was often some involvement of intelligence units of the various security forces, STF and paramilitary groups (EPDP, TMVP).

3.26 The UNHCR Protection Officer said that in the past there were reports of 'white van' disappearances in Colombo, but not in recent months.

3.27 The former Chief Justice, Sarath Silva, said that the perpetrators were in general somehow related to the security forces and the police. There was impunity and a lack of accountability.

3.28 Staff of a non-governmental organisation said that they thought that the perpetrators were part of the state apparatus and acted under the pretext of counter terrorism.

3.29 Professor Wijesinha said that the HR Ministry investigated about 32 cases reported from Geneva in 2007. All cases had been put to Court, but in only about half of them did the allegations recorded mention security forces, even though reports from Geneva mentioned suspicions of security forces in almost all cases.

3.30 Mano Ganesan MP said that the government agencies were the ones able to identify LTTE cadres, but the abductions were probably carried out by paramilitary groups.

- **Is there any indication of how many of those who disappeared were later found to have been arrested by the police?**

3.31 The senior intelligence official said there was an independent commission set up by the president to investigate these complaints. Some were subsequently traced

by the police or the commission. He could not comment on any arrested by the police.

3.32 The Human Rights Activist stated that after June 2009 there were no such examples that he knew of. He knew of specific cases prior to June 2009.

3.33 The representative of the Swiss Embassy in Colombo said they had no numbers, but thought that it did happen. They had heard of persons being arrested at their workplace, the family not being informed and having to lodge complaints about abduction. They thought there were many reasons why it was almost impossible to report on the true numbers of abductions.

3.34 The UNHCR Protection Officer stated they have no specific indications that some disappeared persons had later re-emerged in police custody.

3.35 CPA had heard of persons disappearing from other parts of the country and re-appearing in police custody in Colombo, and the other way round.

3.36 The former Chief Justice, Sarath Silva, said that he did not know, but that frequently the police did not give receipts for arrests.

3.37 Professor Wijesinha said that it had occurred in just a couple of cases.

3.38 Mano Ganesan MP said that many people who had disappeared turned up in police stations.

- **Do the police investigate disappearances? Any prosecutions?**

3.39 The senior intelligence official said the police investigated all complaints; it was mandatory. He said that court decisions were still pending.

3.40 The Human Rights Activist said he could not say whether the police investigated cases in Colombo. He was not aware of specific cases of prosecutions.

3.41 The representative of the Swiss Embassy in Colombo stated that the police usually opened a case and made an entry into the police book. A copy of this entry was usually given to the claimant. The Embassy had never been presented with an outcome and NGOs confirmed that proper investigations did not take place. If a person was abducted and was in police custody by the time the claimant asked, that person would most likely be informed. As for other abductions, sometimes the police would inform not the claimant, but ICRC or the Human Rights Commission.

3.42 The UNHCR Protection Officer said that they had no information on investigations and prosecutions.

3.43 CPA said that the majority of the investigations are questionable. There were cases of a 'cover-up' by the police and their role is blurred between government bodies.

3.44 The former Chief Justice, Sarath Silva, said that the police did not investigate such incidents and there had been no prosecutions.

3.45 Staff of a non-governmental organisation surmised that the police generally knew who was responsible and, if the perpetrators were an organ of the state, they would not investigate.

3.46 Professor Wijesinha said he was told the police investigate, but was of the opinion that this type of investigation was not treated as a high priority. In a situation where fighting terrorism was the top priority this approach was perhaps understandable, but currently was no longer justifiable. He said that the police needed much more training and were overstretched, but the situation post-war had changed and these disappearances required investigating now.

3.47 Mano Ganesan MP opined that the police did not investigate because they knew that the perpetrators may be part of their own units.

4. Check-points/road-blocks in Colombo/Gampaha

- How widespread are checkpoints in Colombo city and the main roads in Colombo and Gampaha districts?

4.1 The senior intelligence official said that the numbers of checkpoints had decreased since June and 'thinned down'. However, SIS had been warned to protect Colombo.

4.2 The Human Rights Activist said he could not say whether or not the number of checkpoints had increased or decreased, but noted that the intensity of checking had decreased.

4.3 The representative of the Swiss Embassy in Colombo said they could not say for Gampaha, but that Colombo sometimes looked like an occupied city, especially the centre of the city, Galle Road, Baudhaloka etc., which is covered with checkpoints. The Swiss official added that there were also mobile checkpoints and the High Security Zones, such as in Fort – Colombo 1. Some streets were still completely closed for traffic and others temporarily closed during the night.

4.4 The official of the Australian High Commission said that whilst the war had been won, the level of checking had not decreased. There was still a heavy military and police presence and all persons in Colombo were subject to checking, whether they were on foot, in public transport or in a vehicle. It appeared that similar procedures were in place for those stopped at these checkpoints.

4.5 The UNHCR Protection Officer said there were as many check-points/road-blocks as before, if not more.

4.6 CPA said that since the end of the war none had been reduced and there was no longer any rationale for having them.

4.7 The former Chief Justice, Sarath Silva, said that when he was Chief Justice, he had given orders to have checkpoints dismantled, but the Courts orders were not carried out. There seemed to be more checkpoints now than before.

4.8 Staff of a non-governmental organisation gave the opinion that none had been dismantled since May. Everybody was being stopped especially vans and lorries.

4.9 Professor Wijesinha said the HR Ministry had not received complaints of people being detained as a consequence of checkpoints. There were now fewer checkpoints and less tension, especially after the arrest of K. Pathmanathan^[2], which suggested that there was less support internationally than feared for the rump of the LTTE.

4.10 Mano Ganesan MP said that he knew the official government position, which was that they had no intention of reducing the number of checkpoints. They had even begun recruiting more personnel for the armed forces. His personal view was that checkpoints would not be reduced.

- What is the purpose of these checkpoints?

4.11 The senior intelligence official said they were for checking the movements of suspicious characters and preventing explosives being transported into Colombo.

4.12 The Human Rights Activist was of the opinion that there are three main purposes: to discourage people who wanted to carry out attacks; to keep up appearances that Sri Lanka was not back to full civilian law; and to discourage Tamil people not from Colombo, from settling in Colombo, or even from coming to Colombo. The 'mild harassment' faced by Tamils at such checkpoints acted as a deterrent to them from staying in Colombo, even briefly. He added that his colleagues from the north of the country had told him that they did not like coming to Colombo except for important reasons, and many preferred to travel by night train and leave by the next night train, avoiding an overnight stay in Colombo.

4.13 The representative of the Swiss Embassy in Colombo thought the purpose was to ensure safety.

4.14 The UNHCR Protection Officer said that the purpose was to provide security and protection to people and to try to identify suspicious persons – i.e. anybody with an ID card from the north and those without good reasons to stay in Colombo.

4.15 CPA said that often those manning the checkpoints did not know what they were supposed to be doing. Some of the temporary points were discretionary and no one knew who authorised them.

4.16 Staff of a non-governmental organisation said they did not know the purpose, but noted that checkpoints served the purpose of giving a sense of security and maintained the feeling of emergency.

4.17 Professor Wijesinha believed there were still LTTE people around in Colombo, left without direction, who still represented a threat. The security forces had done extraordinarily well, but operatives were still around and the next three months is crucial.

4.18 Mano Ganesan MP said that checkpoints were set up to counter terrorism but were now used for political advantage. They were being kept to remind people of the war and to perpetuate a feeling of emergency.

- **What procedures are carried out at the checkpoints?**

4.19 The senior intelligence official said they checked people, drivers and their documents. A couple of questions were asked to verify identity.

4.20 The Human Rights Activist said that ID cards were checked and people were often asked to open their bags. Certain individuals, usually Tamils, were asked more questions.

4.21 The representative of the Swiss Embassy in Colombo said they operated a regular control, checking for ID and weapons etc.

4.22 The UNHCR Protection Officer said procedures were mainly about verification of identity documents and checking on personal belongings and cars. They also believed people were asked about their place of origin and place of residence. Tamils were more targeted for checking. Tamils from the north and east were asked for their police registration certificate in addition to the National Identity Card.

4.23 CPA said that it depended on the person manning the checkpoint. A Tamil may be asked for more details like why they were there, what work they did, what links they had to Colombo, where they came from in the north or east. It depended on the person, but if they spoke Sinhalese and appeared confident they may be ok.

4.24 The former Chief Justice, Sarath Silva, said the main problem was that checkpoints were manned by Sinhala speakers unable to read ID cards in Tamil. There was always the risk of abuse. There should always be at least one Tamil speaking officer but this was usually not the case. Tamils faced harassment and extensive questioning at such checkpoints.

4.25 The Human Rights Activist said that ID cards were checked and people were often asked to open their bags. Certain individuals, usually Tamils, were asked more questions.

4.26 Staff of a non-governmental organisation thought that the procedures varied, sometimes the driver of a vehicle was asked for ID and not the passengers. Vans were sometimes stopped and checked.

4.27 Mano Ganesan MP thought that the procedures were designed to establish ethnicity. Non-Tamils and Colombo residents found it easy to pass. Non-Colombo residents and persons recently living in the West had to give reasons.

- **How common is it for Tamils identified at checkpoints to be arrested or held for further questioning?**

4.28 The senior intelligence official said that if an officer suspected anyone he would make checks into their background. If they had valid reasons to be in Colombo they would not be questioned further.

4.29 The Human Rights Activist was not aware of any post-June 2009 cases of people being arrested at check-points, but he stressed this did not mean that the phenomenon did not happen.

4.30 The IOM representative said that two years ago one UK returnee was arrested at Medawachchiya checkpoint [in Anuradhapura district]. He was a mentally disabled person and had lost everything, after IOM had given him a letter explaining his reintegration grant. He was arrested and put before the Court. At Court, the Judge saw the letter from IOM and ordered the police to contact IOM. He was then released and allowed to proceed to Kilinochchi.

4.31 The representative of the Swiss Embassy in Colombo stated that according to the asylum applications^[1] they received, it seemed to be very common.

4.32 CPA said that they had not experienced any cases of people being arrested or held for further questioning recently.

4.33 The former Chief Justice, Sarath Silva, said he was not aware of anyone being taken away for further questioning at checkpoints, but there had been cases of harassment.

4.34 Staff of a non-governmental organisation said that they had no first hand knowledge of frequency of arrests.

4.35 Professor Wijesinha is of the opinion that Tamils who had been in Colombo for a long time did not face any problems, but that those who came recently may face problems, especially if they did not register or have a good reason for their presence. Many of them registered only after a couple of weeks as they wanted to 'see if they liked it', but they put themselves in a risky situation because registering of outsiders was compulsory.

4.36 Mano Ganesan MP said that arrests were made frequently, but not all Tamils were detained.

- **What is the profile of Tamils targeted at checkpoints?**

4.37 The senior intelligence official said there were no profiles. SIS may receive a communication from the local police for a specific check to be carried out on someone, or ID card checks. For example, the man who blasted the railway tracks at Wellawatte dropped his wallet and, from his ID card details, he was arrested at a checkpoint.

4.38 The Human Rights Activist stated that ID cards were always checked at checkpoints and those with ID cards from the north were likely to face additional questions. All ID cards carried a large number on the front that identified the province. Furthermore, ID cards for Tamils (unlike those for Sinhalese) were written in Tamil and Sinhala. Tamils were specifically targeted at checkpoints, especially those from 'out of town'.

4.39 The representative of the Swiss Embassy in Colombo said that people, who could not identify themselves, lacked an ID card or had ID cards from Jaffna or northern districts, were likely to be detained briefly and then released after checks on their identity had been carried out. However there had been examples when applicants_[1] who applied with the Embassy stated, mostly with proof, that they were arrested at checkpoints, detained with detention orders (under ER and to a lesser extent under PTA) and some even sent to Boosa. However, the Swiss representative added that since the end of the war the Embassy had not received any asylum applications_[1] where a person had been arrested at checkpoints and sent to Boosa. However, the official thought it was far too soon to look at trends.

4.40 The UNHCR Protection Officer was not sure if there was a specific profile. The officer mentioned that after people are stopped, their language and accent plays a big role. If people are unable to speak Sinhala this is a problem. The less they can speak Sinhala, the less confident they are, the more suspicious they look.

4.41 CPA said it was mainly low-income Tamils from the north.

4.42 Staff of a non-governmental organisation stated that Tamils felt they got worse treatment at checkpoints and feel discriminated against. However, they received brusque treatment but not necessarily harassment. An ability to communicate with police made a difference. Some Tamils from Colombo were tri-lingual (Tamil, Sinhala and English) and speaking fluent Sinhalese helped. Tamils from the north were vulnerable at checkpoints, especially those seeking employment and/or staying in Colombo on a temporary basis.

4.43 Mano Ganesan MP added that holders of Sri Lankan passports with permanent residence abroad were vulnerable.

- How likely is it to be stopped 'en route' from the airport to Colombo city?

4.44 The senior intelligence official said there were not many cases. There were routine checkpoints at Seeduwa and Peliyagoda.

4.45 The Human Rights Activist stated that it was likely everybody would be stopped at least once. He had been stopped twice two-weeks previously en route from the airport to Colombo city, i.e. at Wattala and at Peliyagoda bridge before entering central Colombo. He was also stopped at Peliyagoda bridge in July as he was coming from the airport to Colombo. However, he added that even Peliyagoda was not a checkpoint where everyone was stopped; unlike others, such as Medawachiya in North Central province, where everyone was stopped.

4.46 The representative of the Swiss Embassy in Colombo thought it less likely to be stopped at a checkpoint on the road from the airport than actually at the airport itself.

4.47 The UNHCR Protection Officer said that being stopped en route from the airport was no more likely than being stopped in Colombo.

4.48 CPA said that you get stopped near the approach to the airport and coming to Colombo at Grandpass. Some areas on the road were Tamil districts, but you could get stopped there just like any other place. The way people were treated depended again on their profile and their ability to speak Sinhalese.

4.49 Staff of a non-governmental organisation said that a colleague had been stopped six times between the airport and the centre of Colombo.

4.50 Professor Wijesinha said that he had not received any allegations of anyone who had returned from abroad disappearing.

4.51 Mano Ganesan MP stated that there were eight checkpoints from within the airport to the city of Colombo, although the main ones were on the airport approach road and on the bridge into Colombo. He also said that when people took taxis from the airport they may face problems. Taxi drivers had been instructed to inform the police about Tamil passengers, which they did by flashing their lights.

5. Residency in Colombo after June 2009

Size of Tamil population in Colombo and other parts of Sri Lanka

5.1 By way of context for this section, brief information about the size of the Tamil community as a proportion of the total population of Colombo and other parts of Sri Lanka is provided below. No reliable population data has been collected since the 2001 Census, so demographic data of this kind is based on estimates.

Colombo District

5.2 There are frequent comments made in conversation in Sri Lanka that there are more Tamils in Colombo than Sinhalese. Tamils are clearly in the majority in certain areas of Colombo, but there are no reliable statistics on the demographics of the population of Colombo District.

5.3 The Department of Census and Statistics estimates that the total population of Colombo District was 2,488,000 in 2008. Recent estimates put the number of Tamils living in Colombo and its immediate environs between 300,000 and 500,000, including 50,000 temporary residents. It is therefore likely that Tamils make up around 16–20% of the total population of Colombo District.

5.4 There has been a significant movement in population into the Colombo District in recent years. Figures suggest that around 37,000 people migrated from the Northern Province to Colombo between September 2003 and September 2008.

Northern and Eastern Provinces

5.5 The five districts of the Northern Province (Jaffna, Kilinochchi, Mannar, Mullattivu and Vavuniya) are predominantly inhabited by Tamils. However, data was not collected in this area during the 2001 census, so no figures are available. In the Jaffna district, there is a very high concentration of Tamils, estimated to be around 98% of the population. Other northern districts have a similar proportion of Tamils, possibly even higher.

5.6 The Eastern province offers a more mixed picture. The Batticaloa district is predominantly Tamil, but certain areas are inhabited almost exclusively by Muslims. The Ampara and Trincomalee districts are mixed with Muslims, Sinhalese and Tamils all present in large numbers.

- **If a Tamil who has not previously resided in Colombo wishes to stay in the city, is there an official process required to enable them to do so? If so, please describe.**

5.7 The senior intelligence official said they had to go to the local police station to notify the police of their arrival. They had to provide their details, their place and duration of stay. Anyone arriving in Colombo had to register, and also inform the police of any change of residence. Lodges were regularly checked and the lodge owners automatically informed the police of new arrivals. The Colombo police could check with the local police from the area the person originated from. A registration list was kept at the Colombo police stations.

5.8 The Human Rights Activist said that everybody had to register with the police, even if just staying briefly as guest. The procedure was just to inform the police, providing them with details of their ID card and information about the purpose and length of their stay. Each time a person moved his/her residence (even in the case of temporary residence) the police had to be informed.

5.9 The IOM representative stated that to get accommodation, the hotel had to register them at the local police station.

5.10 The representative of the Swiss Embassy in Colombo stated that almost all applicants^[1] who request asylum have a valid registration in Colombo. The main reason they give for staying in Colombo is 'going abroad' which seems to help in getting registered. Applicants who had to get a pass to come to Colombo said that it was of help that an interview for going abroad was the reason. There had been cases where applicants were supported by security forces in order to present themselves for an interview (e.g. surrendees). It is very difficult for Tamils from certain areas like Vanni or Jaffna to register themselves in Colombo for more than six months. To take residence in Colombo for people coming from those areas is presented [by the applicants] as very difficult, even in areas where traditionally a lot

of Tamils live like Wellawatte and Kotahena. Well established Tamils and those who have been resident since the ceasefire agreement do not face difficulties. However, every Tamil living in Colombo has to register his/her guests.

5.11 An official of the Australian High Commission said that a Tamil person may move to Colombo but has to register with the police. There were instances during the conflict where the police removed numbers of Tamils from Colombo, but after a High Court ruling, these people were allowed to return to Colombo.

5.12 The UNHCR Protection Officer noted that it was very difficult for Tamils not from Colombo to obtain residence there. Tamils from the north and east must have a valid reason to find accommodation in Colombo; landlords must be very careful when renting places to Tamils who are not from Colombo. It can be very difficult to register if you are from the north and you do not have a letter from the local administration, the Grama Seveka [local official], in your place of origin, in addition to your police registration certificate.

5.13 CPA said that everyone must register with the police. A form was issued to each household and the onus was on the person occupying the property to ensure everyone in the house was registered.

5.14 The former Chief Justice, Sarath Silva, said that under the Emergency Regulations everybody had to register with the police. Complaints could be lodged with the citizens' committees.

5.15 Staff of a non-governmental organisation said that many would rely on friends and relatives for accommodation. The Tamil suburb of Wellawatte attracts many Tamils in-transit, as they feel safer there amongst their own.

5.16 Professor Wijesinha said that the HR Ministry had not received complaints about Tamils not being able to stay in Colombo. However, the authorities suspected those who stayed in Colombo without good reasons.

5.17 Mano Ganesan MP said that people wishing to stay in Colombo must register at the local police station.

- What are the current requirements in terms of police registration and its actual implementation?

5.18 The senior intelligence official said that to register, people must provide their National Identity Card (NIC) and complete a form. If they did not have a NIC they could provide a letter from the Grama Seveka [local official]. Passports and emergency passports were also acceptable. The police kept a register and there were legal obligations on lodge owners to inform the police of new arrivals.

5.19 The Human Rights Activist stated that it could be difficult to find a place to stay for someone who did not want to register and that for Tamils, finding temporary accommodation could be difficult as people were reluctant to take them since the police were more likely to be interested in them. He added that he had experience of

many people turning down his requests to host Tamils from the north, including his own parents, who used to welcome Tamils or anyone prior to 2006.

5.20 The IOM representative said that everybody was obliged to register but that the system was aimed at identifying Tamils from the north and the east.

5.21 The representative of the Swiss Embassy in Colombo stated that persons had to produce a valid identity card, an exit pass if coming from Jaffna, and a letter from the Grama Seveka (local registrar). The registration is done by the house owner, which explains why there can be a certain reluctance to register someone from the north.

5.22 The UNHCR Protection Officer said that the main risk was to be arrested during cordon and search operations if you were not registered.

5.23 CPA stated there were discrepancies in how registration was implemented. The Supreme Court decreed that the police may ask for basic information. However, under the ERs, the officer-in-charge of the local police station could ask for further details, even for bank details, though the Supreme Court had held that only basic information should be collected.

5.24 The former Chief Justice, Sarath Silva, stated that for Tamils it was a nuisance rather than harassment, but the police had specific interest towards Tamils from the north and the east. Computerised records related to the police registrations were already in place.

5.25 Mano Ganesan MP stated that new residents did not go unnoticed. There were civil defence forces as well as taxi drivers, postmen and paperboys who informed the authorities of a person's presence.

- What is the position of those 'temporarily' staying in lodges in Colombo?

5.26 The senior intelligence official stated that if they were not registered at an address they would be asked to explain what they were doing there. A temporary address like a lodge could be used to register with the police. They could stay as long as they liked as long as they informed the police. If they had no valid reason for being there, they would likely be questioned. The case would then be referred to the Officer in Charge (OIC) to make a decision on detention.

5.27 The Human Rights Activist said that people could stay as long as they liked but were effectively discouraged from staying for too long. Lodges in Tamil areas such as Pettah and Kotahena were regularly checked by the police and people there were questioned. However, he was not aware of any examples of people being asked to leave, even after a long period of time. Nevertheless, people needed to provide good reasons for staying in Colombo (such as employment, education, going abroad, medical visits, administrative practices). This would also depend on a person's status: professionals, businessmen, academics, and lawyers etc were considered by the police as more likely to have good reasons to stay.

5.28 The IOM representative said that those staying temporarily in lodges could actually stay a long time, as long as they registered at the police station. Lodge owners had to register them at the police station and give a recommendation.

5.29 A representative of the Swiss Embassy in Colombo said that according to asylum applicants^[1] they had interviewed, they were checked closely. However, they did know of applicants who had been living in lodges for many months, but presumed this was because they had a low risk profile of being detained.

5.30 The UNHCR Protection Officer stated she believed it was difficult for Tamils to stay even on a temporary basis. Tamils faced problems also because people were scared and reluctant to take them as lodgers or tenants. Lodges were checked daily by the police, CID and the military intelligence.

5.31 CPA said that registering could apply to everyone. In theory there was no issue but in practice Tamils may be much more targeted and profiled. There was no guarantee that the police would not question them. People from the north and east were considered particularly suspicious.

5.32 The former Chief Justice Sarath Silva said that lodges were monitored by the police but everybody could stay, even for several months, as long as they registered with the police.

5.33 Mano Ganesan MP said that in the lodges the security guards were responsible for the guests. Persons from the north and east were able to pass through as long as they had a reason like travelling overseas, visiting medical facilities, and obtaining a NIC or passport.

- **Are Tamils returning from abroad allowed to take residence in Colombo if they are not originally from there?**

5.34 The senior intelligence official said that Tamils returning from abroad were able to stay in Colombo, adding, “did you know there are more Tamils in Colombo than Sinhalese?”

5.35 The IOM representative stated that there is one street in Colombo where lots of people from Jaffna reside. Not all Tamils have problems, only those who have criminal or LTTE links face problems – they may be arrested.

5.36 The representative of the Swiss Embassy in Colombo said she had no knowledge on this point. Swiss policy was to send Tamils back to Colombo only if they were from Colombo and/or had a strong social network there. Switzerland took the view that it was not feasible to expect, for example, a Jaffna Tamil to re-locate to Colombo. The Tamil community in Colombo was fairly big but from a demographic point of view the authorities are likely to try to control the influx of different ethnic groups. The compulsory registration process was the only means they had of doing this.

5.37 The official from the Australian High Commission said that it was their understanding that Tamils from abroad could take up residence in Colombo in the same circumstances as described previously. It was possible that Tamils from the north and east may come under greater scrutiny. They noted that the number of long-term Tamil residents in Colombo was significant and that many Tamils had lived in Colombo for generations.

5.38 CPA stated that they were not aware of Tamils being told to leave Colombo, but they may be harassed and told it was not safe to stay here. There was established case law saying that persons could not be instructed to leave, but they could still be harassed. Individuals had to decide where to go and it depended on the individual, the timing and what support they had. If Tamils live in Sinhalese areas it did not mean they were safe; they may experience problems. The percentage of the Tamil population in Colombo was very high, but not higher than that of the Sinhalese.

5.39 The former Chief Justice, Sarath Silva, said that people could stay as long as they liked provided they complied with police registration.

5.40 Staff of a non-governmental organisation said that the Tamil population had swelled in Colombo during the war. Some claimed that 50-60% of the Metropolitan area was comprised of minorities i.e. Tamils and Muslims, many in three particular areas Kollupitiya, Bambalapitiya and Wellawatte.

5.41 Professor Wijesinha was of the opinion that Tamils from abroad were able to stay in Colombo – even in temporary accommodation.

5.42 Mano Ganesan MP said people could stay as long as they complied with police registration, but that the police always directly or indirectly intimidated Tamils, often in order to get money from them. He was of the opinion that it was not advisable for Tamils who did not originate from Colombo to stay there.

Notes

1. Switzerland accepts in-country asylum applications in Sri Lanka. There has been a 50% increase in applications compared to last year, slightly less after the end of the war, but they expect more at a later stage especially when the IDPs are released. Already there has been an increase in inquiries from IDP's relatives living in Switzerland, but also regular applications out of the camps.

2. Kumaran Pathmanathan, known as KP, is the latest self-styled head of the LTTE, and is currently in detention in Sri Lanka after being apprehended in Malaysia.

Annex A:

Template for letter sent to sources prior to interview, with list of outline questions

Research into situation for Tamils in Colombo since June 2009

We are undertaking research to gather information on the situation for Tamils in Colombo since the end of the conflict, in relation to a range of issues which may be relevant to the consideration of asylum applications in the UK. We are seeking to interview a range of sources representing differing perspectives on the issues being considered. The information obtained may be published in a report and/or used by immigration officials and by appeals courts to help inform decision-making on asylum and human rights applications in the UK.

It would be helpful if information obtained can be attributed to sources, but interviewees may remain anonymous if they prefer. We would like to express in advance our gratitude to any individuals or organisations able to take part in this research. A list of the issues we will be seeking to obtain information upon is provided below. Any relevant written documents or statistics on these issues would also be very helpful.

1. Treatment of Tamils at Colombo airport

- What procedures are in place to identify failed asylum seekers at the airport and those who are wanted by the authorities?
- What would happen to a Tamil on arrival at Colombo airport?
- What checks are undertaken?
- What profile of Tamil is detained and / or interrogated on arrival at Colombo airport?
- Are other groups detained and interrogated?

2. Cordon and search operations since June 2009

- How many arrests during cordon and search operations in Colombo/ Gampaha since the beginning of June 2009.
- What is the profile of those arrested during cordon and search operations?
- How many are Tamil? How many from other groups?
- What is the profile of Tamils arrested?

- What are the charges against those Tamils detained?
- How long are they held?
- What is the experience of those held in detention following arrest during these operations?

3. Abductions and disappearances since June 2009

- Have there been any reports of abductions or disappearances of Tamils in Colombo since the beginning of June 2009? If so what numbers?
- What is the profile of Tamils targeted?
- What is the incidence of 'politically motivated' disappearances compared with abduction for ransom/money?
- Who are the perpetrators of abductions?
- Is there any indication of how many of those who disappeared were later found to have been arrested by the police?
- Do the police investigate disappearances? Any prosecutions?

4. Check-points/road-blocks in Colombo/Gampaha

- How widespread are checkpoints in Colombo city and the main roads in Colombo and Gampaha districts?
- What is the purpose of these checkpoints?
- What procedures are carried out at the checkpoints?
- How common is it for Tamils identified at checkpoints to be arrested or held for further questioning?
- What is the profile of Tamils targeted at checkpoints?
- How likely is it to be stopped 'en route' from the airport to Colombo city?

5. Residency in Colombo after June 2009

- If a Tamil who has not previously resided in Colombo wishes to stay in the city, is there an official process required to enable them to do so? If so, please describe.

- What are the current requirements in terms of police registration and its actual implementation?
- What is the position of those 'temporarily' staying in lodges in Colombo?
- Are Tamils returning from abroad allowed to take residence in Colombo if they are not originally from there?

Annex B:

Sources interviewed by the delegation who were willing to be referenced included:

Sri Lankan authorities

Kapila Waidyaratne, Deputy Solicitor General, Attorney General's Department

<http://www.justiceministry.gov.lk/dept/attorney.htm>

The Attorney General's Department advises and represents the Government and its institutions in relation to litigation. It has five distinct branches: the civil branch, the criminal branch, the State Attorney's branch, the Supreme Court branch, and the Corporation branch.

Criminal Investigations Department (CID), Bandaranaike International Airport

<http://www.police.lk/>

Criminal Investigations Department deals with investigations related to all criminal activities and has a unit based at the airport.

Department of Immigration & Emigration (DIE), Bandaranaike International Airport

<http://www.immigration.gov.lk/>

The Department of Immigration and Emigration is responsible for border control and immigration at Colombo airport – 'regulating persons entering and leaving the country'.

Professor Rajiv Wijesinha, Secretary, Ministry of Disaster Management & Human Rights

<http://www.dmhr.gov.lk/english/index.php>

The remit of the Ministry of Disaster Management and Human Rights is to 'facilitate harmony, prosperity and dignity of human life through effective prevention and mitigation of natural and man-made disasters, while promoting and protecting human rights in Sri Lanka'. The Ministry's role includes co-ordination of activities with the United Nations High Commissioner for Human Rights bodies and other International and Regional Human Rights Institutions.

Major General V.R. Silva, Commissioner General, Department of Prisons

<http://www.justiceministry.gov.lk/dept/Prison.htm>

The Department of Prisons is responsible for the 'reception of prisoners committed or remanded under the authority of any court in the country, and providing for their security, up-keep and maintenance in accordance with prison rules, the escort and conveyance of remand prisoners to and from courts'.

Mr Sarath Silva, former Chief Justice

<http://www.justiceministry.gov.lk/courts%20of%20Law/THE%20SUPREME%20COURT%20OF%20SRI%20LANKA.htm>

The Chief Justice of the Supreme Court of Sri Lanka is the head of the Supreme Court, the highest and final superior court of record. The Supreme Court is empowered to exercise jurisdiction in relation to constitutional matters.

Sri Lankan non-government

Centre for Policy Alternatives (CPA) <http://www.cpalanka.org/>

The Centre for Policy Alternatives (CPA) is an independent, non-partisan organisation, which undertakes research and advocacy on public policy issues, receiving funding from bilateral and international sources.

Mano Ganesan MP, Leader, Democratic People's Front

The Democratic People's Front is a political party in Sri Lanka active in the Western Province previously known as the Western People's Front. Its leader, Mano Ganesan, is a Member of Parliament, elected on a United National Party (UNP) ticket. Mano Ganesan is also the convenor of the Civil Monitoring Committee on disappearances and abductions, a human rights campaign movement.

Two other informed non-government sources were interviewed but asked not to be identified. In accordance with their wishes, these sources are referred to in the report as:

'A Human Rights Activist' and 'staff of an NGO'

International

Australian High Commission <http://www.srilanka.embassy.gov.au/>

Australia receives a large number of asylum applications from Sri Lanka and their officials have extensive and detailed knowledge of relevant issues.

International Organization for Migration (IOM)

<http://www.iom.int/jahia/Jahia/about-iom/lang/en>

IOM is an inter-governmental organisation in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. IOM works to help ensure the orderly and humane management of migration, to promote international co-operation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people.

Embassy of Switzerland <http://www.eda.admin.ch/colombo>

Switzerland has one of the highest intakes of asylum seekers from Sri Lanka in Europe and is the only Colombo based mission that accepts in-country asylum applications.

UNHCR <http://www.unhcr.lk/>

The United Nations High Commissioner for Refugees (UNHCR) is mandated by the United Nations to lead and co-ordinate international action for the worldwide protection of refugees and the resolution of refugee problems. In Sri Lanka, UNHCR works to protect and assist people internally displaced by conflict (IDPs) as well as refugees arriving from other countries and Sri Lankan refugees returning from overseas.

Annex C:

Glossary of abbreviations and acronyms

- AG – Attorney General
- BIA – Bandaranaike International Airport (Colombo Katunayake Airport, located in the Gampaha district)
- CID – Criminal Investigation Department
- CIO – Chief Immigration Officer
- CPA – Centre for Policy Alternatives
- DIE – Department of Immigration & Emigration
- EPDP – Eelam People's Democratic Party
- ER – Emergency Regulations
- ETD – Emergency Travel Document
- IDP – Internally displaced person
- IGP – Inspector General Police
- IOM – International Organization for Migration
- KP – Kumaran Pathmanathan
- LTTE – Liberation Tigers of Tamil Eelam
- MOD – Ministry of Defence
- NIC – National Identity Card
- NGO – Non-Government Organisation
- OIC – Officer in Charge
- PLOTE – People's Liberation Organisation of Tamil Eelam
- PTA – Prevention of Terrorism Act
- SIS – State Intelligence Service
- SLHRC – Sri Lanka Human Rights Commission
- SP – Superintendent Police
- TMVP – Tamil Makkal Viduthalai Pulikal
- TID – Terrorist Investigation Department
- UNHCR – United Nations High Commission for Refugees