

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: LKA34481
Country: Sri Lanka
Date: 11 March 2009

Keywords: Sri Lanka – Tamils – Eastern Province – Batticaloa – Colombo – International Business Systems Institute – Education system – Sri Lankan Army-Liberation Tigers of Tamil Eelam conflict – Risk of arrest

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Questions

- 1. Please provide information on the International Business Systems Institute in Kaluvanchikkudy.**
- 2. Is it likely that someone would attain a high school or higher education qualification in Sri Lanka without learning a language other than Tamil?**
- 3. Please provide an overview/timeline of relevant events in the Eastern Province of Sri Lanka from 1986 to 2004, with particular reference to the Sri Lankan Army (SLA)-Liberation Tigers of Tamil Eelam (LTTE) conflict.**
- 4. What is the current situation and risk of arrest for male Tamils in Batticaloa and Colombo?**

RESPONSE

- 1. Please provide information on the International Business Systems Institute in Kaluvanchikkudy.**

Note: Kaluvanchikkudy is also transliterated as Kaluwanchikudy in some sources.

No references could be located to the International Business Systems Institute in Kaluvanchikkudy.

The Education Guide Sri Lanka website maintains a list of the “Training Institutes Registered under the Ministry of Skills Development, Vocational and Tertiary Education”, and among these is ‘International Business System Overseas (Pvt) Ltd’ (IBS). This appears to be a Maldives-based company which, according to its website “provides its full fledged

Computing and Business Management related training programs, products and its services to Students, Individuals, Government Officials, Business Personnel and Industry relevant People”. It offers courses in computing, business and management, and accounting and finance (‘Training Institutes Registered under the Ministry of Skills Development, Vocational and Tertiary Education’ (undated), Education Guide Sri Lanka website <http://www.educationguidesrilanka.com/html/training%20institutes/vocational%20training%20institutes.htm> – Accessed 7 March 2009 – Attachment 1; ‘Courses’ (undated), International Business Systems Overseas (Pvt) Ltd website <http://www.ibs.com.mv/Courses.html> – Accessed 9 March 2009 – Attachment 2; an earlier version of the IBS website is available at <http://mikrisha.com/>).

The website of the Maldives Accreditation Board lists ‘International Business Systems Overseas (Pvt) Ltd’ as an accredited education provider in Sri Lanka, and also lists a variant of the company name, ‘International Business Systems Overseas (Pvt) Ltd, Colombo 03’. No further information could be located in the time available regarding the nature of IBS’s business operations in Colombo, or in the rest of Sri Lanka (Maldives Accreditation Board 2008, ‘Recognised Overseas Institutions’, MAB website <http://www.mab.gov.mv/roi/country.asp?cc=38> – Accessed 9 March 2009 – Attachment 3).

It may be of interest to note a September 2008 speech, sourced from the United States Agency for International Development (USAID) website, the US Ambassador to Sri Lanka described the newly-opened Kaluwanchikudy Vocational Training Centre as “the first and only formal vocational education training facility in the southern half of Batticaloa District”. In his speech, the Ambassador states that “main focus of the centre...is the information technology department”, and that the “centre is part of larger plans to make Kaluwanchikudy the lead centre for information technology in the East” (‘Ambassador Blake – Opening of Kaluwanchikudy Vocational Training Centre – September 22, 2008’ 2008, USAID Sri Lanka website, 22 September http://srilanka.usaid.gov/speeches_detail.php?speech_id=30 – Accessed 7 March 2009 – Attachment 4).

2. Is it likely that someone would attain a high school or higher education qualification in Sri Lanka without learning a language other than Tamil?

The available information indicates that while the opportunity to learn a language other than one’s native tongue is theoretically available in the Sri Lankan education system, it is not necessarily the case that all students will have the chance to do so. Public schools provide instruction in either Sinhala or Tamil, and the more exclusive private institutions provide instruction in English. Classes in a ‘second language’ are available as an option in public schools, but the provision of such classes is reliant on adequate teaching staff and resources, which are not available in all schools, or in all parts of the country. A variety of sources state that the language medium in Sri Lankan schools can be Sinhala, Tamil or English: the website of Canadian World Education Services states of Elementary Education (primary school) that “Sinhala and Tamil are official languages, and English is the link language”; the US-Sri Lanka Fulbright Committee website states that “[t]he medium of language could be Sinhala, Tamil or English”; the Education Guide Sri Lanka website states that ‘First Language’ is a common curriculum subject across all Junior Secondary (grades 6-9) schools, and that a “second language (Tamil for Sinhala students and Sinhala for Tamil students) is too taught where teachers are available”; an article on ‘The Educational System of Sri Lanka’, hosted on the mysrilanka.com website states that students learn in “either Sinhala or

Tamil depending on the native language”, while in university education, the article claims that “the medium of study of the Medical and engineering faculties are in English and, in other faculties it can be Sinhala, Tamil or English depending on the University”; and a 2008 article in the online publication *EENET Asia* notes that it is generally students “from economically privileged families” who “are educated in international and private schools where English is the language of instruction”, while “[l]ocal languages are used as language of instruction in most state owned schools with limited access to English as a subject”. Another factor at play is the conflict that has wracked the north-eastern areas of Sri Lanka over the past twenty-five years; the 2008 *EENET Asia* article states that “in one of the conflict affected districts 17% of children drop-out of school, do not attend school or never enrol in school” (‘Sri Lanka – Elementary Education’ 2004, World Education Services Canada website, 6 May <http://www.wes.org/ca/wedb/srilanka/ceelem.htm> – Accessed 9 March 2009 – Attachment 9; ‘The Educational System of Sri Lanka’ (undated), US-Sri Lanka Fulbright Committee website http://www.fulbrightsrilanka.com/edu_advising_centre.html – Accessed 9 March 2009 – Attachment 6; ‘National Education System’ (undated), Education Guide Sri Lanka website <http://www.educationguidesrilanka.com/html/education%20system/national%20education%20system.htm> – Accessed 7 March 2009 – Attachment 10; ‘The Educational System of Sri Lanka’ (undated), mysrilanka.com website <http://www.mysrilanka.com/travel/lanka/education/> – Accessed 9 March 2009 – Attachment 11; Senerath, R. 2008, ‘Continuing Issues in the Sri Lankan Education System’, *EENET Asia*, Issue 5, 4th Quarter 2007 / 1st Quarter 2008 <http://www.idp-europe.org/eenet/newsletter5/page30.php> – Accessed 9 March 2009 – Attachment 12).

The provision of education in English, as well the teaching of English, declined in the post-independence period, according to reports from the US Library of Congress and the US-Sri Lanka Fulbright Committee. Research carried out by a Fulbright Scholar in Sri Lanka states that English language has been reintroduced as a medium of instruction in state schools as of 1999; nonetheless, an article carried on the TamilCanadian.com website is highly critical of the provision of English language teaching in Sri Lanka, claiming that, as a result of higher education being provided in “local languages”, Sri Lankan universities do not inculcate English language skills in their graduates. One source suggests that, even when English language tuition is available in secondary school, it is no guarantee that students will emerge with English language skills; a report sourced from the Sri Lanka Education Forum website states that of the 258,975 candidates who sat the 2006 General Certificate of Education English Ordinary Level (taken at the end of Grade 11) language paper in Sri Lanka, 63.18% failed (US Library of Congress 1988, ‘Education’, in Ross, R. & Savada, A. (eds), *Sri Lanka: A Country Study*, Washington, GPO for the Library of Congress <http://countrystudies.us/sri-lanka/46.htm> – Accessed 9 March 2009 – Attachment 5; (‘The Educational System of Sri Lanka’ (undated), US-Sri Lanka Fulbright Committee website http://www.fulbrightsrilanka.com/edu_advising_centre.html – Accessed 9 March 2009 – Attachment 6; ‘The Sri Lankan education system’ (undated), Journey of a Fulbright Scholar website <http://fulbright.lbcc.edu/education.html> – Accessed 9 March 2009 – Attachment 7; Manoharan, N. 2002, ‘Education system in Sri Lanka’, TamilCanadian website, 25 June <http://www.tamilcanadian.com/page.php?cat=73&id=434&page=0> – Accessed 9 March 2009 – Attachment 8; Withanage, D. 2007, ‘Sri Lanka’s Education: What authorities need to do’, Sri Lanka Education Forum website, 22 May <http://www.educationforum.lk/2007/05/subject-sri-lankas-education-what-authorities-need-to-do/> – Accessed 9 March 2009 – Attachment 13).

An overview of the source material follows below.

A 1988 US Library of Congress Country Study on Sri Lanka provides background information on the politics of the education system in Sri Lanka. The “language of instruction in its primary and secondary schools [changed] from English to Tamil or Sinhala” in the post-independence period”, and “[b]y the 1960s, the vernacular languages were the primary medium in all government secondary schools”. Nonetheless, the report notes the continuing importance of English as “an important key to advancement in technical and professional careers” through the 1980s, noting that among the Sinhalese population “English-speakers comprised only 12 percent”:

The state has tried to change the language of instruction in its primary and secondary schools from English to Tamil or Sinhala. By the 1960s, the vernacular languages were the primary medium in all government secondary schools. In the 1980s, English remained, however, an important key to advancement in technical and professional careers, and there was still competition among well-to-do families to place members in private English-language programs in urban areas. Ethnic minorities long associated with European-style education still formed a large percentage of the English-speaking elite. In the 1980s, for example, almost 80 percent of the Burghers knew English, while among the Sinhalese the English-speakers comprised only 12 percent (US Library of Congress 1988, ‘Education’, in Ross, R. & Savada, A. (eds), *Sri Lanka: A Country Study*, Washington, GPO for the Library of Congress <http://countrystudies.us/sri-lanka/46.htm> – Accessed 9 March 2009 – Attachment 5).

The US-Sri Lanka Fulbright Committee website states of the Sri Lankan education system that “[t]he medium of language could be Sinhala, Tamil or English”, and that “English is taught as a second language”. Nonetheless, the report also notes that “[i]n recent years, the levels of English fluency amongst the members of Sri Lanka’s academic community and among members of the public service have deteriorated. Due to ultra-nationalistic political forces, English was abandoned, instead of being retained while encouraging vernacular languages” (‘The Educational System of Sri Lanka’ (undated), US-Sri Lanka Fulbright Committee website http://www.fulbrightsrilanka.com/edu_advising_centre.html – Accessed 9 March 2009 – Attachment 6).

Information on recent changes in the Sri Lankan education system was sourced from the website of “Dr. Herta M. Keilbach, Professor of Foreign Languages and English as a Second Language at Long Beach City College”, who was “awarded a Fulbright Scholar grant to lecture and do research at the University of Kelaniya, Sri Lanka, during the 2004-2005 academic year”. Dr. Keilbach’s study states that a new education system covering grades 1 to 13 was introduced in 1999, and that a “significant change was the re-introduction of English as the medium of instruction”, and that “[t]he students are now given the opportunity to select their medium from a choice of the 2 native languages or English”:

Changes in the structure of education

The new system, which was introduced in 1999 and fully implemented by 2000. includes changes from Grade 1 to 13.

...Another significant change was the re-introduction of English as the medium of instruction. The students are now given the opportunity to select their medium from a choice of the 2 native languages or English. More Sri Lankan students are now opting for English as their medium of instruction (‘The Sri Lankan education system’ (undated), Journey of a Fulbright Scholar website <http://fulbright.lbcc.edu/education.html> – Accessed 9 March 2009 – Attachment 7).

A June 2002 article sourced from the TamilCanadian.com website is critical of the poor provision of English-language teaching in Sri Lanka. This article provides historical background to the politicisation of English teaching in the post-independence period, illustrating how politicians utilised anti-English sentiment among the rural community, and the association of the English language with “social elitism”, to sideline English as a language of educational instruction. As a result, the report claims that as a result of higher education being provided in “local languages”, Sri Lankan universities do not inculcate English language skills in their graduates. The article claims that “[m]ore emphasis is required on teaching English as a second language, but using English as a teaching medium is not advisable at this stage”:

The monopoly over higher education by the state, and its provision in local languages has resulted in the mismatch of the education system with world realities. Increasingly globalised and private sector markets want individuals with strong interpersonal, English language, and transferable skills, apart from specialised expertise in some discipline. The Sri Lankan universities do not inculcate such skills in their graduates.

Though the Kannangara Report of 1943, which laid the foundations for a national system of education advocating English as a second language, its implementation failed for two main reasons. Firstly, guided by electoral considerations, the politicians associated English with “social elitism”, and hatred was created against English among the rural community. With the enactment of the “Sinhala Only” Act in 1956, nationalisation of schools and adoption of swabasha in universities in 1960, English was sidelined. Secondly, this caused the problem of lack of quality and committed English teachers. The absence of a formal recruitment system of English teachers has given way to exploitation of the system by political leaders by appointing their own supporters as English teachers. Thus, English teachers are dominated by less qualified ‘English Assistants’. Apart from being the language of information technology, banking and financial transactions, foreign trade and travel, English is the only common medium between various ethnic groups in the island. Lack of a common medium has already created a communication gap between the majority and minority communities in the country.

...More emphasis is required on teaching English as a second language, but using English as a teaching medium is not advisable at this stage. The setting up of a National English Foundation to provide intensive English education for children up to Advance Level (A/L) under a special curriculum after school hours is a good step. But, again, who will teach, and is it practicable for students to stay back after school hours? It would be enough if English is properly taught during school hours. Since there is a shortage of qualified English teachers, the country should consider importing them on contract basis until trained and qualified indigenous teachers can take over (Manoharan, N. 2002, ‘Education system in Sri Lanka’, TamilCanadian website, 25 June <http://www.tamilcanadian.com/page.php?cat=73&id=434&page=0> – Accessed 9 March 2009 – Attachment 8).

The website of the Canadian World Education Services (a body funded by the Government of Ontario to produce profiles of education systems worldwide) provides an overview of the education system in Sri Lanka, which states of Elementary Education (primary school) that “Sinhala and Tamil are official languages, and English is the link language. The medium of instruction in school is generally Sinhala or Tamil. English is taught starting from Grade IV” (‘Sri Lanka – Elementary Education’ 2004, World Education Services Canada website, 6 May <http://www.wes.org/ca/wedb/srilanka/ceelem.htm> – Accessed 9 March 2009 – Attachment 9).

The Education Guide Sri Lanka website provides information on all levels of education in Sri Lanka, from pre-school to tertiary. The website states that ‘First Language’ is a common curriculum subject across all Junior Secondary (grades 6-9) schools, and that a “second language (Tamil for Sinhala students and Sinhala for Tamil students) is too taught where teachers are available”. At Senior Secondary level (grades 10-11), English and First Language are core subjects, and “Sinhala/Tamil as a second language” is an optional subject:

Secondary Education

Junior Secondary

Junior Secondary stage is grade 6-9. Grade 6 is the bridging year between the primary and secondary. The common curriculum is comprising nine subjects. Those are; First Language, English, Mathematics, Science and Technology, Social Studies, Life Skills, Religion, Aesthetics, Health and Physical Education. A second language (Tamil for Sinhala students and Sinhala for Tamil students) is too taught when teachers are available.

...Senior Secondary Education

G.C.E. (O/L)

Senior Secondary (O/L) education lasts for two years, grade 10- 11, after which students have to sit for the G.C.E. ordinary level to qualify for Senior Secondary G.C.E. (A/L) education which lasts another two years until students are prepared for the G.C.E. Advanced level examination. There are eight core subjects (Religion, First Language, English, Mathematics, Science and Technology, Social Science and History, Aesthetic Studies and Technical subjects. With the above subjects, students are permitted to select three optional subjects (Sinhala/Tamil as a second Language, History, Geography, Health and Physical Education, Literature (Sinhala/Tamil/ English) and Modern or Classical Languages) (‘National Education System’ (undated), Education Guide Sri Lanka website <http://www.educationguidesrilanka.com/html/education%20system/national%20education%20system.htm> – Accessed 7 March 2009 – Attachment 10).

An article on ‘The Educational System of Sri Lanka’, hosted on the mysrilanka.com website (described as the Sri Lanka e-Commerce and e-Business Web), states that students learn in “either Sinhala or Tamil depending on the native language”. Of university education, the article claims that “the medium of study of the Medical and engineering faculties are in English and, in other faculties it can be Sinhala, Tamil or English depending on the University”:

Medium of study in schools today is either Sinhala or Tamil depending on the native language. The first language and the mathematics are compulsory subjects. all primary junior secondary pupils get their schools uniforms and text books free of charge from the government.

In the universities the medium of study of the Medical and engineering faculties are in English and, in other faculties it can be Sinhala, Tamil or English depending on the University (‘The Educational System of Sri Lanka’ (undated), mysrilanka.com website <http://www.mysrilanka.com/travel/lanka/education/> – Accessed 9 March 2009 – Attachment 11).

A 2008 article in the online publication *EENET Asia* (organ of the Enabling Education Network Asia, and hosted by IDP Norway) notes that it is generally students “from economically privileged families” who “are educated in international and private schools

where English is the language of instruction”, while “[l]ocal languages are used as language of instruction in most state owned schools with limited access to English as a subject”. According to this report, “[t]he language of instruction in government schools is Sinhala and Tamil”, and while official figures indicate that “indicate that the percentage of children who drop-out or do not go to school (or start schooling) is negligible, in one of the conflict affected districts 17% of children drop-out of school, do not attend school or never enrol in school”:

Except in the many new private schools and international schools, education in Sri Lanka is provided free by state owned schools. An increasing number of children from economically privileged families are educated in international and private schools where English is the language of instruction. Local languages are used as language of instruction in most state owned schools with limited access to English as a subject. Children face strong competition accessing the most popular or so called “good” schools, children in conflict affected and rural areas experience other challenges and barriers.

The language of instruction in government schools is Sinhala and Tamil. Although the majority of districts (officially) indicate that the percentage of children who drop-out or do not go to school (or start schooling) is negligible, in one of the conflict affected districts 17% of children drop-out of school, do not attend school or never enrol in school (Senerath, R. 2008, ‘Continuing Issues in the Sri Lankan Education System’, *EENET Asia*, Issue 5, 4th Quarter 2007 / 1st Quarter 2008 <http://www.idp-europe.org/eenet/newsletter5/page30.php> – Accessed 9 March 2009 – Attachment 12).

It may be of interest to note that, according to a report sourced from the Sri Lanka Education Forum website, of the 258,975 candidates who sat the 2006 General Certificate of Education English Ordinary Level (taken at the end of Grade 11) language paper in Sri Lanka, 63.18% failed (Withanage, D. 2007, ‘Sri Lanka’s Education: What authorities need to do’, Sri Lanka Education Forum website, 22 May <http://www.educationforum.lk/2007/05/subject-sri-lankas-education-what-authorities-need-to-do/> – Accessed 9 March 2009 – Attachment 13).

3. Please provide an overview/timeline of relevant events in the Eastern Province of Sri Lanka from 1986 to 2004, with particular reference to the Sri Lankan Army (SLA)-Liberation Tigers of Tamil Eelam (LTTE) conflict.

No sources were identified which provide timelines or overviews specifically of events in the Eastern Province in this period in the time available for searching. Most news agencies, NGOs and government agencies that provide this type of information do so in the form of an overall timeline of events in the Sri Lankan Army (SLA) – LTTE conflict. The sources quoted below provide either a timeline of key events in the conflict between the early 1980s and 2004, or an overview of the history of the conflict in the Eastern Province.

Reuters Alertnet provides a timeline of events in the Sri Lanka civil war between 1983 and 2004:

1983 – Riots and clashes between Sinhalese and Tamils leave thousands of Tamils dead and several hundred thousand as refugees. Large number of government forces deployed in the north and east

1985 – Talks to find a political solution to the conflict fail and conflict intensifies

1987

Jul – India and Sri Lanka sign accord creating regional councils to give Tamils in the northeast limited autonomy. Indian troops arrive to enforce the pact which is endorsed by Tamil rebel groups

Oct – LTTE reneges on the accord and begins three years of battles that kill more than 1,000 Indian troops

1988

Dec – Ranasinghe Premadasa is elected president after promising to send Indian troops home and begin talks with LTTE

1990

Jun – Talks fail as LTTE overruns police stations in east

1991

May – Suspected female Tiger suicide bomber kills Indian Prime Minister Rajiv Gandhi

1993

May – Premadasa killed by suicide bomber

1995

Jan – Government of President Chandrika Kumaratunga and rebels agree to stop fighting and talk

Apr – Truce ends when rebels blow up two navy vessels

1996

Jan – Tiger suicide bombers blow up central bank building. More than 100 killed and about 1,400 hurt

1997

Oct – U.S. declares LTTE a terrorist group. LTTE bombs World Trade Centre in Colombo, killing 15

1998

Jan – Sri Lanka outlaws the LTTE after suicide attack on country's holiest Buddhist shrine, the Temple of the Tooth in Kandy

1999

Dec – Kumaratunga survives LTTE suicide bomb attack, loses one eye, spurring a sympathy vote analysts say helped her win re-election

2000

May – Norway's special envoy for peace, Erik Solheim, begins talks with Sri Lankan leaders

2001

Attack on the international airport in Colombo destroys civilian and military aircraft

2002

Feb – Government and LTTE sign Norwegian-brokered ceasefire, laying groundwork for direct peace talks

Dec – Tigers give up demand for a separate state and agree to work with government towards devolution of power

2003

Apr – Tigers pull out after six rounds of talks, saying not enough being done to rebuild war-hit Tamil areas

2004

Dec – Indian Ocean tsunami kills at least 35,000 people in Sri Lanka, affecting both Tamil and Sinhalese areas ('Island Slides Back Into War' 2009, *Reuters Alertnet*, January http://www.alertnet.org/db/crisisprofiles/LK_CON.htm?v=timeline – Accessed 10 March 2009 – Attachment 14).

The UK Country of Origin Information service provided the following overview of the history of the conflict in Sri Lanka (sourced from a March 2007 Foreign & Commonwealth Office report) in October 2008:

THE INTERNAL CONFLICT AND THE SECURITY SITUATION

3.14 The FCO country profile of Sri Lanka, updated 30 March 2007 (accessed on 1 October 2008), observed that:

“The ethnic conflict in Sri Lanka has been going on for over 20 years as the Liberation Tigers of Tamil Eelam (LTTE) fight for an independent homeland. Some 70 000 people are estimated to have been killed and some one million displaced. The roots of the conflict lie in the deterioration of relations between the Tamil and Sinhalese communities from the 1950s. By the late 1970s a number of armed groups were operating in the north and east of the island. In 1983 there were serious anti-Tamil riots in Colombo resulting in the lynching and killing of some 2000 Tamils. Some Ministers in the Government of Sri Lanka were implicated in the event. Many Tamils returned to traditional Tamil areas in the North and many others began to seek asylum abroad...In mid 1987 when a Government of Sri Lanka embargo of Jaffna began to result in severe hardship, the Government of India, pushed by public opinion in Tamil Nadu, forced the Sri Lankan Government to sign the Indo-Sri Lankan Accord. This provided for an Indian peacekeeping Force (IPKF) in the North and East. However relations between the IPKF and the LTTE broke down and there was heavy fighting and reports of human rights violations on both sides. President Premadasa negotiated the IPKF's withdrawal, which was completed in March 1990. ...There followed a period of relative peace before the situation in the North and East deteriorated in June 1990. After 18 months, negotiations fell apart and the LTTE again resorted to violence. They extended their control until they held the Tamil heartland: the Jaffna Peninsula and large areas of the North and East. The security forces succeeded in winning back most of the East, but the North remained outside their control.” [15j] (The Internal Conflict)

3.15 “In July 1995, the Sri Lankan army launched a military operation, culminating in the fall of Jaffna in December 1995 to Government forces. At the end of January 1996 the LTTE began a bombing campaign in Colombo...During 1996, the Sri Lankan army secured enough of the Jaffna Peninsula to allow the civilian population to return to Jaffna town. The LTTE reasserted themselves in the Eastern province and infiltrated back into the Jaffna Peninsula. ...Fighting continued until December 2001 when the announcement of a new ceasefire by the LTTE was reciprocated by the newly elected UNF government.” (FCO Sri Lanka country profile) [15j] (The Internal Conflict) (UK Home Office 2008, *Country of Origin Information Report – Sri Lanka*, 30 October – Attachment 15).

An International Crisis Group (ICG) report from October 2008, titled *Sri Lanka’s Eastern Province: Land, Development, Conflict*, also provides an overview of the conflict in the Eastern Province of Sri Lanka (relevant sections highlighted in bold by the researcher):

The east remained tense throughout the 2002-2006 peace process, with the Liberation Tigers of Tamil Eelam (LTTE) killing many dissenting Tamils, forcibly recruiting children and continuing their harassment of Muslims. The east grew even more tense in March 2004 when the LTTE’s eastern military commander, “Colonel Karuna”, split from the Tigers and formed the Tamil Makkal Viduthalai Puligal (TMVP). The next few years of guerrilla warfare between the northern Tigers and Karuna’s forces, with government support for the latter, contributed to the collapse of the ceasefire. The massive death and destruction caused by the December 2004 tsunami led to the displacement of hundreds of thousands and increased conflict over scarce land.

...Over the past 25 years, the east has witnessed terrible violence, destruction and political instability, as Tamil militants and government armed forces have fought for control, winning and losing territory at regular intervals. Tamil, Sinhala and Muslim civilians have all endured massacres, displacements, insecurity and economic deprivation. Communities have been torn apart – divided between and within each other, with deep divisions among Tamils, between Tamils and Muslims, and between both Tamils and Muslims and Sinhalese.

...Under intense pressure from India, the Sri Lankan government signed the Indo-Lanka accord in 1987. Recognising the Northern and Eastern Provinces as “areas of historical habitation of Sri Lankan Tamil speaking peoples”, it called for the temporary merger of the two provinces, subject to a referendum in the east within a year. Incorporated into law through the Thirteenth Amendment, the accord established provincial councils with limited devolved powers. The LTTE ultimately rejected the accord and the Thirteenth Amendment – as did Sinhala nationalists. Other Tamil militant groups accepted the agreements despite being unhappy with the temporary nature of the merger.

Elections to the Northeast Provincial Council in 1988 saw the victory of the Eelam People’s Revolutionary Front (EPRLF), a rival to the LTTE. The council was able to function only with the support of Indian peacekeeping forces and collapsed when the troops left in March 1990.

...The 2002 ceasefire came under the greatest strain in the east, where it eventually collapsed. While there was some respite from active fighting, the east was far from peaceful. The LTTE made its most concerted attempt to tighten its political grip over Tamils and Muslims in the east, often violating the agreement in the process.

The March 2004 decision by the LTTE’s eastern military commander, Vinyagamurthy Muralitheran, known as Karuna, to break from the Tigers threw the ceasefire into doubt. After a month-long standoff, the main branch of the LTTE attacked Karuna’s

forces, the Tamil Makkal Viduthalai Puligal (TMVP), and quickly re-took control of their areas in the east. Karuna's fighters soon regrouped with support from the Sri Lankan military and began an increasingly effective guerrilla campaign. The Tigers' hold on the east slowly weakened. Having initially disbanded most of the fighters under his control, many of whom were underage, the Karuna group eventually began forcibly recruiting children again and engaging in a range of abuses characteristic of the LTTE. The shock and devastation of the Indian Ocean tsunami in December 2004, whose greatest destruction was in the east, briefly led to increased cooperation across ethnic lines and between the government and the LTTE. Tensions quickly returned, however, with disputes over land and aid distribution. The failure of a government-LTTE agreement to jointly manage tsunami recovery funds, continued attacks on the LTTE by the Karuna group, the November 2005 election of Rajapaksa on a platform critical of the peace process and the Tigers' decision to respond with violence all proved too much for the ceasefire agreement (International Crisis Group 2008, *Sri Lanka's Eastern Province: Land, Development, Conflict*, Asia Report No. 159, 15 October, pp. i, 1, 6-8 – Attachment 16).

Another ICG report from November 2006, titled *Sri Lanka: The Failure of the Peace Process*, also assesses the history of the SLA-LTTE conflict in Sri Lanka. The sections most relevant are highlighted in bold text by the researcher:

As the conflict spiralled out of control in 1987, with the armed forces pitted against the LTTE, **India intervened by despatching a military force (Indian Peace Keeping Force, IPKF) to the north east of the island** and forced the government to accept constitutional amendments that promised a degree of autonomy for the Tamils.

C. INDIAN INTERVENTION

The intervention was a disaster. India was soon at odds with the LTTE, a group which it had funded and trained but which turned out to be far more adept than the Indians at fighting a classic guerrilla war in the jungles of the Wanni region. If the IPKF had remained in place, it might eventually have prevailed but anti-Indian sentiment was widespread in the south and had fuelled another bloody uprising, by the leftist and Sinhalese nationalist JVP, which murdered thousands of supporters of the ruling UNP in a campaign against the accord.

President Ranasinghe Premadasa ordered the IPKF to depart; it did so in some disarray, leaving much of the territory it had controlled to the LTTE, which also captured armaments from the IPKF and its Tamil allies. Premadasa naively believed he was on the verge of a peace deal with the LTTE and in effect allied himself with the rebels to oust the Indians. However, the LTTE outsmarted the government; instead of continuing peace talks, it launched an orgy of violence against the security forces, **massacring hundreds of policemen in the east**, bombing political leaders in the south and killing rival Tamil leaders in both Sri Lanka and India. **Soon it had taken control of most of the Jaffna peninsula as well as large tracts of territory in the north and east.**

1989-1990 are still recalled as years of terror in Sri Lanka, with government troops attempting to suppress revolts on two fronts. In the south, the JVP was crushed only after a campaign that set aside almost all pretence of legality. UNP death squads killed thousands of JVP supporters. **In the north and east a similarly heavyhanded approach to counter-insurgency produced a killing spree against Tamils.** Not only did the government response to militancy involve mass human rights abuses, killings and "disappearances"; it also undermined much of the democratic nature of the state. Some of the criminalisation of politics that remains a serious factor in the conflict dates from this period, as well as the undermining of human rights that makes the war so dangerous for civilians.

...D. KUMARATUNGA AND THE "WAR FOR PEACE"

With the election of the charismatic Chandrika Kumaratunga as president in 1994, there was renewed hope for a settlement. Peace buses toured the country; a mass peace movement campaigned for an end to the conflict. For a short period there was a sense that she might break the mould of ethnic politics and achieve a lasting settlement. Talks began with the LTTE but soon broke down: the rebels were unwilling to discuss a political settlement until a series of untenable conditions were met. **Diplomacy collapsed in acrimony when the LTTE sank two navy gunboats in April 1995.**

This led to a shift by Kumaratunga from a pro-peace agenda to the ineptly titled “war for peace” policy, in which military action was meant to dislodge the Tigers, while a political solution was offered to the Tamil people. **Most civilians in the north east only experienced the military aspect of the policy, and Kumaratunga’s devolution proposals were overshadowed by the ongoing fighting.** Although the military scored some quick victories, notably retaking Jaffna in December 1995, it soon got bogged down as the LTTE returned to its guerrilla tactics. The government reverted to media censorship to cover up military reversals and atrocities committed by the security forces against Tamils. Devolution proposals were stuck in parliament, with the Sinhalese opposition unable to rise above party politics to support them.

The LTTE also increased the frequency and intensity of its terrorist campaign in Colombo and the south. Hundreds died from a bomb explosion at the Central Bank in the capital in January 1996. In February 1998 the rebels bombed the centre of Sri Lankan Buddhism, the Temple of the Tooth in Kandy, and followed up in July 1999 by murdering Neelan Tiruchelvam, a Tamil member of parliament who supported a moderate devolution proposal. Finally the LTTE attacked President Kumaratunga herself: she escaped with serious wounds, while 23 others died. The attack increased public support for her, just ahead of presidential elections in December 1999, and she scored a narrow victory marred by allegations of fraud.

In 1999 the LTTE also struck back in conventional combat, overrunning military bases in the north. In April 2000 it seized the most fortified army base in the country and regained control of the strategic Elephant Pass; as many as 1,000 government soldiers died in the fighting. The final indignity for the defence establishment came in July 2001, when, in its most audacious attack to date, an LTTE unit took over Katanayake airport near Colombo, the country’s only international airport, and destroyed half the air fleet, as panic-stricken tourists looked on from the departure lounges. With the defeat of Kumaratunga’s devolution proposals in parliament in 2000, in an unholy mix of political and personal passions, and the airport debacle the next year, the failure of the whole concept of a “war for peace” was complete.

...A. CEASEFIRE AGREEMENT

Wickremesinghe had been secretly talking to the LTTE ahead of the December 2001 parliamentary elections, and once he won, things moved quickly. **By 21 December a temporary ceasefire was in place and a full ceasefire agreement (CFA) was signed on 22 February 2002. There were rapid moves towards some normalisation in the north and east; long-closed roads were reopened to civilians, goods started moving back and forth across the front lines; above all, the ceasefire ended most of the daily outbreaks of violence and the tit-for-tat killings.**

The key provision was respect for existing frontlines. **This left large tracts of territory in the north and east under LTTE control. The government retained control of key towns – Jaffna, Trincomalee and Batticaloa – but most of the interior in the north, known as the Wann, and large rural areas in the east were now fixed as LTTE areas, or as the government termed them, “uncleared areas”.**

...The ceasefire was greeted enthusiastically in Colombo. **Outside the capital, however, and particularly in the east, people were far more cautious. In towns like Batticaloa the population was fearful of the provisions that allowed the LTTE to operate in government-controlled areas. Parents were worried that child recruitment would resume. Members of anti-LTTE political groups – forced to disarm under the CFA – were fearful for their lives.**

...**The ceasefire was successful in ending most direct attacks by the LTTE or government forces on each other, at least until late 2005.** A multinational monitoring force, the Sri Lanka Monitoring Mission (SLMM), was established, with some 70 personnel from Scandinavian countries based in offices around the north east. It was tasked with recording CFA violations. **The agreement, which was phrased in a rather broad manner, included prohibitions on the recruitment of child soldiers (a regular LTTE practice) and on political assassinations. After a short breathing space in early 2002, however, these resumed, as the LTTE enrolled children as fighters and began a series of attacks on rivals within the Tamil community.**

As had been feared by Batticaloa residents, this LTTE political offensive was particularly noticeable in the Eastern province. Under the CFA, the rebels were permitted to open political offices in government-controlled areas and travel freely there. These offices allowed free reign to the LTTE's intelligence wing to target underage recruits, as well as charge illegal taxes on business and eliminate members of other Tamil groups. A human rights group described what was happening, even before the formal ceasefire was signed:

The LTTE moved into towns to freeload from Muslim shops and to extort from Tamils and Muslim civilians alike. In areas along the main road from Valaichenai to Kallar where the LTTE's movements were hitherto inhibited, the LTTE came in and started demanding children and money to set up offices. Where the children were extremely young, the LTTE often demanded a written declaration from the parents that they would give the first child that [came] of age – reportedly 12 years. ... Those with no children had to pay money. (3-6)

...D. THE KARUNA DEFECTION

The LTTE's fear of the peace process was confirmed in dramatic fashion in March 2004, when its eastern commander, Vinayagamorthy Muralitharan, more commonly known as Colonel Karuna, announced that he was forming a breakaway rebel faction. Karuna was a key player in the LTTE hierarchy: he had a reputation for brutality and military brilliance in equal measure and had taken part in the Thailand peace talks. There was no prior indication of disloyalty to Prabhakaran but clearly tensions had been mounting for some time, against **a backdrop of traditional antipathy between Northern and Eastern Tamils**, and possibly differences over economic issues. However, some sources indicate the differences went deeper, to a direct rivalry with Pottu Amman, the head of the LTTE intelligence wing, for the number two spot in the hierarchy.

Whatever the real reasons for the split, Prabhakaran was in no mood to compromise. **The LTTE attacked Karuna in early April; a bloody confrontation ended swiftly with Karuna withdrawing and disbanding his troops, sending hundreds of child soldiers home, and fleeing with a small group of supporters.** Once Karuna was out of the way, there was some hesitation about how to deal with the situation. There was no provision in the CFA for coping with the defection of part of the LTTE. Government troops could possibly have entered Karuna-held areas, prior to the LTTE attacks, and re-established control. This might have broken the spirit of the CFA but would have been understandable in the context of Karuna's defection. Instead, with an almost audible sigh of relief, SLMM deputy head Hargrup Haukland announced: "It is clear the LTTE had regained control of the area".

But Karuna was only temporarily defeated. His supporters gradually reasserted their influence in the east, and the continued existence of the Karuna faction became a major obstacle in the peace talks, with the LTTE insisting that the government disarm it, as demanded by the CFA. By 2006 Karuna's forces had become allies of the government and a key source of intelligence for its forces. His defection was an immense loss to the LTTE and boosted support among some Sinhalese leaders for a resumed military option. Paradoxically, it would probably never have happened had it not been for the peace process.

...E. THE TSUNAMI INTERLUDE

In November 2004, in Prabhakaran's speech on Martyrs' day, there were already hints of a return to war. Media articles suggested there was a new LTTE build-up of arms, and in the diaspora there were renewed fund collections for "the final war". **Whether this was just rumour or not, it was sharply interrupted by the tsunami that hit Sri Lanka on 26 December 2004, killing at least 35,000 and massively damaging coastal communities.**

In the immediate aftermath, there was some hope it could bring communities together and forge new alliances for reconstruction. There were heart-warming stories of the military saving Tamil lives in the north and cooperation among divided communities. **But the hope was short-lived** (8-9) (International Crisis Group 2006, *Sri Lanka: The Failure of the Peace Process*, Asia Report No. 124, 28 November – Attachment 17).

Question 1 of MRT *Research Response LKA33173*, of 15 April 2008, provides a summary of post-2006 developments in the Eastern Province (MRT Research & Information 2008, *Research Response LKA33173*, 15 April – Attachment 18)

4. What is the current situation and risk of arrest for male Tamils in Batticaloa and Colombo?

Recent media reports on situation for Tamils

TamilNet reports

The following reports are all sourced from the pro-LTTE news website *TamilNet* and are limited to reports from the past month concerning the Colombo and Batticaloa districts.

- A 6 March 2009 report claims that police arrested three Tamils "at Athurugiruya in Colombo district suspected to be supporters of Liberation Tigers". The report continues:

The police rushed to the said house in Athurugiriya on receiving a tip about the presence of the three arrested Tamils.

The owner of the house is a foreigner who is married to a Tamil woman, a native of Eastern Province, according to preliminary inquiry held by the police.

Defence Ministry has served detention orders on the suspects under the Prevention of Terrorism Act (PTA) ('Police arrest 3 Tamils in Colombo' 2009, *TamilNet*, 6 March <http://www.tamilnet.com/art.html?catid=13&artid=28625> – Accessed 7 March 2009 – Attachment 19).

- On 5 March, an article reported the killing of a Tamil youth in Ea'raavoor, near Batticaloa by the SLA, who "claimed that the youth was a member of Liberation Tigers of Tamil Eelam (LTTE) pistol group":

Sri Lanka Army (SLA) soldiers shot and killed a Tamil youth Thursday around 8:45 p.m on Punnaikkudaa Veethi near Ear'aavoor Public Market in Ea'raavoor police division and claimed that the youth was a member of Liberation Tigers of Tamil Eelam (LTTE) pistol group. SLA also claimed to have recovered a pistol and a hand grenade from the youth killed.

...Ea'raavoor is located 16 km north of Batticaloa town ('SLA shoots dead Tamil youth in Batticaloa' 2009, *TamilNet*, 5 March <http://www.tamilnet.com/art.html?catid=13&artid=28613> – Accessed 7 March 2009 – Attachment 20).

- Also from 5 March comes a report of the arrest of a bookshop owner in Wellawathe, Colombo for stocking allegedly pro-LTTE material in his shop:

Prevention of Terrorism branch police arrested the owner of Poobalasingam Book Depot, Sritharasing, for sending Tamil Nadu 'Ananda Vikadan' weekly magazine to Ratmalana Air port to be sent to Jaffna branch of Poobalasingam Book Depot when the police at Ratmalana air port found articles and photos in 'Ananda Vikadan' in favour of Liberation Tigers of Tamil Eelam (LTTE), Sritharasing's relatives in Colombo said.

...Poobalasingam Book Depot, a popular institution serving the Tamils in Sri Lanka, has been the importer and distributor of the popular Tamil Nadu weekly Ananda Vikadan for more than three decades.

The Ananda Vikadan issue in the above case is said to be containing articles and photos related to the recent LTTE air attack on Colombo, sales agents said ('Police arrest owner of Poobalasingam Book Depot in Colombo' 2009, *TamilNet*, 5 March <http://www.tamilnet.com/art.html?catid=13&artid=28614> – Accessed 7 March 2009 – Attachment 21).

- On 4 March, an article quoted "Colombo sources" who claim that 23 Tamils had been arrested in the previous week in Colombo, most of them from Jaffna, Trincomalee and Batticaloa, and the report claims that this number is "escalating each day":

23 Tamil youths including 8 women have been arrested in the past week alone in the city of Colombo and its suburbs and most of the arrested are from the districts of Jaffna, Trincomalee and Batticaloa, Colombo sources said. Democratic People's Front (DPF) led by Mano Ganeshan, Colombo District parliamentarian and Deputy Minister, P. Rathakrishnan of Upcountry People's Front (UPF), said that complaints are made to them every day of arrests of Tamil youths in Colombo, by their relatives.

Many of the arrested youths are being detained at Colombo Crime Division and Prevention of Terrorism offices, the relatives said.

Some of the relatives had lodged complaints with the Human Rights Commission (HRC) Colombo office.

The number of Tamil youths arrested is escalating with each day and reports of them are being received from outstation districts by the HRC Colombo office, an official of

the HRC who wishes to remain anonymous said ('Arrests of Tamil young people in Colombo escalate' 2009, *TamilNet*, 4 March <http://www.tamilnet.com/art.html?catid=13&artid=28598> – Accessed 7 March 2009 – Attachment 22).

- On 3 March, an article reported the killing of a Tamil “three-wheeler driver” in Batticaloa ('Tamil three-wheeler driver shot dead in Batticaloa' 2009, *TamilNet*, 3 March <http://www.tamilnet.com/art.html?catid=13&artid=28590> – Accessed 7 March 2009 – Attachment 23).
- Also on 3 March, *TamilNet* reported that 13 youths, “majority of them Tamil and residents of north and east”, had been arrested at Gampaha, near Colombo ('Sri Lanka Police arrests 13 youths in Gampaha' 2009, *TamilNet*, 3 March <http://www.tamilnet.com/art.html?catid=13&artid=28588> – Accessed 7 March 2009 – Attachment 24).
- A 26 February report states that “[u]nidentified gunmen shot and killed two Tamil civilians Wednesday night in two separate shootings” in Batticaloa district ('2 Tamil civilians shot dead in Batticaloa district' 2009, *TamilNet*, 26 February <http://www.tamilnet.com/art.html?catid=13&artid=28532> – Accessed 7 March 2009 – Attachment 25).
- On 22 February, an article stated that “[p]olice from outstations arrested twelve young Tamil civilians including two women in Moratuwa, Panadura and Kalutura in the outskirts of Colombo city in a cordon and search conducted Sunday morning, the relatives of the arrested said” ('12 Tamils including 2 women arrested in South' 2009, *TamilNet*, 22 February <http://www.tamilnet.com/art.html?catid=13&artid=28499> – Accessed 7 March 2009 – Attachment 26).
- A 21 February report quotes claims of relatives that SLA soldiers “arrested 10 Tamil labourers 16 February in a cordon and search launched jointly with the police in Kalmunai police division in Batticaloa district”, and that only seven of these had subsequently appeared in court:

Sri Lanka Army (SLA) soldiers arrested 10 Tamil labourers 16 February in a cordon and search launched jointly with the police in Kalmunai police division in Batticaloa district, according to their relatives who had lodged complaints to Human Rights Commission (HRC) Batticaloa. Only seven of the arrested Tamils were produced in Batticaloa court Friday while the fate of three of them is not known, the relatives said.

The arrested Tamil labourers are from Chanthive'li and Thihiliveddai area in Batticaloa district working in rice mills owned by Muslims in kalmunai ('SLA arrests 10 Tamil civilians in Kalmunai' 2009, *TamilNet*, 21 February <http://www.tamilnet.com/art.html?catid=13&artid=28486> – Accessed 7 March 2009 – Attachment 27).

- Also on 21 February, *TamilNet* reported that SLA soldiers arrested a Tamil youth in Batticaloa district ('SLA arrests Tamil youth in Batticaloa' 2009, *TamilNet*, 21 February <http://www.tamilnet.com/art.html?catid=13&artid=28485> – Accessed 7 March 2009 – Attachment 28).

- On 18 February, the Sri Lanka Human Rights Commission (HRC) in Batticaloa claimed that “that 75 civilians have been abducted during the past three months at the rate of one abduction a day”. The HRC also claimed that “[m]ost of the abductions taking place in Batticaloa district, particularly in Padduvankarai area, have not been registered with the HRC”, and that “complaints related to the abductions of 142 civilians have been lodged with the HRC from January to October 2008”. The report quotes “sources” who claim that “abductions in the past three months have escalated at an alarming rate” (“75 civilians abducted in last 3 months – HRC Batticalao’ 2009, *TamilNet*, 18 February <http://www.tamilnet.com/art.html?catid=13&artid=28456> – Accessed 7 March 2009 – Attachment 29).
- Also on 16 February, a report claimed that police and the SLA arrested over one hundred civilians, the “majority of them Tamils”, in the suburbs of Colombo (‘SLA, SL Police arrest 100 civilians in Colombo’ 2009, *TamilNet*, 16 February <http://www.tamilnet.com/art.html?catid=13&artid=28440> – Accessed 7 March 2009 – Attachment 30).
- A 13 February report states that a Tamil man was abducted and killed in Batticaloa by “unidentified gunmen” (‘Tamil youth shot dead in Batticaloa’ 2009, *TamilNet*, 13 February <http://www.tamilnet.com/art.html?catid=13&artid=28400> – Accessed 7 March 2009 – Attachment 31).
- On 9 February 2009, an article claimed that police shot and killed Tamil youth in Colombo (‘Police shoots dead Tamil youth in Colombo’ 2009, *TamilNet*, 9 February <http://www.tamilnet.com/art.html?catid=13&artid=28352> – Accessed 7 March 2009 – Attachment 32).
- On 6 February 2009, relatives of the detained complained that “120 Tamil young men and women arrested during the past one week in Colombo and its suburbs are being detained though they had produced the necessary documents of identification to the police”. The article also claims that “[s]ome of the arrested are detained in police stations while majority of them are being held in secret detention camps” (‘120 Tamil young men, women detained in Colombo’ 2009, *TamilNet*, 6 February <http://www.tamilnet.com/art.html?catid=13&artid=28325> – Accessed 7 March 2009 – Attachment 33).

Reports from other media sources

A December 2008 article in *The Hindu* reports of a “massive combing operation across Batticaloa district” as “Sri Lanka’s security forces screened close to 12,000 citizens and detained 123 for suspected links with the LTTE”. The report notes that “[p]olitical and diplomatic observers are alarmed over the recent developments in the eastern province” as “[a]t least 48 people have been gunned down in November alone”. The report continues:

The identity of the killers in most of the cases remains a mystery. The government has blamed the LTTE. Observers believe blaming the LTTE for the killings and abductions amounts to an admission that the LTTE is operating in the province with impunity.

Besides possible infiltration of LTTE, one of the main reasons for the volatility is an all-out factional war within the Tamil Makkal Vidulthalai Pulikal (TMVP).

Factions led by Vinayagamoorthy Muralitharan alias Karuna and Chief Minister Sivanesanathurai Chandrakanthan alias Pillayan are engaged in a no-holds-barred battle for control of the province.

A few weeks ago, much to the chagrin of Mr. Pillayan, President Mahinda Rajapaksa inducted Mr. Karuna as an MP of the ruling combine (Reddy, B. 2008, 'Citizens screened in Batticaloa', *The Hindu*, 1 December <http://www.thehindu.com/2008/12/01/stories/2008120155921300.htm> – Accessed 11 March 2009 – Attachment 34).

A November 2008 article from the *IRIN Asia* news portal reports on the return of more than 150,000 internally displaced persons to their former villages in the Eastern Province. Nonetheless, the report also quotes a recent World Bank report which claims that "Security-related restrictions on civilian movement still prevail [in the east]" and that "[t]he presence of paramilitary groups, which are torn by internal rivalries, is said to be an impediment to the restoration of civilian life". The article also notes that "[t]he recent rise in violence targeting the Tamil Makkal Viduthalai Pulikal (TMVP), a breakaway group from the Tamil Tigers and the dominant pro-government group, in the east has also raised concerns regarding the fragile peace" ('Sri Lanka: Smooth settlement of IDPs in east' 2008, *IRIN Asia*, 12 November <http://www.irinnews.org/Report.aspx?ReportId=81419> – Accessed 10 March 2009 – Attachment 35).

An October 2008 report from the Sri Lankan *Daily Mirror* quotes government Minister P Radhakrishnan ("a leader of the Up-Country People's Front (UPF) – which represents Tamils of Indian origin"), who "told the BBC Sinhala Service that over 1,000 Tamils are already in detention. He said that anybody carrying identity cards with addresses from rebel-held areas is immediately arrested". The report continues: "Mr Radhakrishnan's office says that it has also received information that at least 246 Tamil people have been abducted in and around the capital since January. He says that 67 of these people had so far returned, but no information was available about the fate of the others" ('Police using registration details to arrest Tamils' 2008, *Daily Mirror*, 17 October http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=29433 – Accessed 10 March 2009 – Attachment 36).

An October 2008 report from *Reuters Alertnet* states that "[t]housands of Sri Lankans who fled to Colombo in the past five years lined up to register on police orders on Sunday, part of a government security drive to keep Tamil Tiger rebel infiltrators out of the capital city". The report also notes that "[t]he Supreme Court turned down an attempt to stop the drive by a rights group, which complained the exercise was unfairly targeting Tamil people", and that "Tamils complain of regular harassment" ('More Sri Lanka war refugees register on police order' 2008, *Reuters Alertnet*, 5 October <http://www.alertnet.org/thenews/newsdesk/COL335586.htm> – Accessed 10 March 2009 – Attachment 37).

A September 2008 *Christian Science Monitor* article on the Eastern Province reports claims from "locals" that "the military's heavy-handed presence has made normal life impossible. Ethnic Tamils, who make up one-third of the province's population, claim they are singled out for harassment and summarily arrested, or worse, on suspicion of having links with the Tigers". The report continues:

A March report by Human Rights Watch alleged that the government is responsible for hundreds of abductions and “disappearances” in the east. Militia linked to Pillayan’s pro-government Tamil party were also implicated in some cases.

“The war is over here, and we don’t have the freedoms we need,” says K. Nageswaran, an activist who works on behalf of displaced Tamil families. “More psychological damage is done each day.”

The military’s hard-won victory over the Tigers last year cost hundreds of lives and emptied entire villages. It has since declared some strategic areas of Trincomalee district “high security zones,” off limits to former residents.

Despite poor conditions, hundreds of Tamils refuse to leave relief camps until they can return to their homes there. “If we are to die, we want to die on our land, where our ancestors died,” says Ganamunthi Jayanthi, at her tin-and-plywood shack at a camp outside Batticaloa.

... Thousands of Tamils who have been resettled now live in areas where electricity and clean water are almost nonexistent (Motlagh, J. 2008, ‘Military harassment threatens Sri Lanka’s oasis of peace’, *Christian Science Monitor*, 12 September <http://www.csmonitor.com/2008/0912/p04s02-wosc.html> – Accessed 10 March 2009 – Attachment 38).

Security in the Eastern Province

The US Department of State’s 2008 *Country Report on Human Rights Practices* for India provides the following assessment of the security situation in Sri Lanka, and in particular the situation for Tamils in the Eastern Province; the most relevant sections are highlighted in bold text:

The government’s respect for human rights declined as armed conflict escalated. **The overwhelming majority of victims of human rights violations, such as killings and disappearances, were young male Tamils, while Tamils were only 16 percent of the overall population.** Credible reports cited unlawful killings by paramilitaries and others believed to be working with the awareness of the government, assassinations by unknown perpetrators, politically motivated killings, the continuing use of child soldiers by a paramilitary force associated with the government, disappearances, arbitrary arrests and detention, poor prison conditions, denial of fair public trial, government corruption and lack of transparency, infringement of freedom of movement, and discrimination against minorities. **Progovernment paramilitary groups were credibly alleged to have participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity.** During the year, no military, police or paramilitary members were convicted of any domestic human rights abuse. The executive failed to appoint the Constitutional Council, which is required under the Constitution, thus obstructing the appointment of independent representatives to important institutions such as the Human Rights Commission, Bribery Commission, Police Commission, and Judicial Service Commission.

... **In the east and conflict-affected north, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions reportedly were followed by interrogations that frequently included torture. When the interrogations failed to produce evidence, detainees were often released with a warning not to reveal information about their arrests and threatened with rearrest or death if they divulged information about their detention.** Human rights groups estimated that more than 2,000 LTTE suspects were in regular detention centers, such as prisons, with

approximately 1,200 more in police stations, the Criminal Investigation Division, the Terrorism Investigation Division, army or paramilitary camps, or other informal detention facilities. The military denied holding detainees at its facilities and did not grant access to national or international monitors to investigate claims of torture by military forces.

On October 3, Kandasamy Kugathas and A. Gunaseelan were killed after being part of a group of 14 Tamils detained by the police in Batticaloa on suspicion of having links to the LTTE. The following morning, nine of the remaining 12 were released. Relatives of the detained refuted police claims that Kugathas and Gunaseelan were released the morning of October 4, reporting that they had seen both at the prison that evening. According to eyewitness accounts, the two were taken from their cells late at night on October 4 by men in civilian clothing, who asked for the victims by name. Six days later Kugathas' and Gunaseelan's mutilated bodies were found. The remaining three detainees were subsequently released.

...The law provides for the right to privacy; however, the government infringed on these rights, particularly when conducting cordon and search operations in Tamil neighborhoods. On July 2, army, police, and Special Task Force units cordoned off and searched Kimbula Ela, a predominantly Tamil neighborhood of Colombo. Authorities told local residents to vacate their apartments and gather in a nearby outdoor playground, where they were called forward and videotaped individually.

...In Jaffna the progovernment paramilitary EPDP used a network of informants and worked with military intelligence and other government security forces to identify, abduct, and kill alleged LTTE sympathisers or operatives. The TMVP used a similar network of informants in the east to discover and eliminate possible LTTE operatives or sympathisers.

The TMVP, the EPDP, and other paramilitary organisation ran extortion rings. These groups allegedly killed civilians, in many cases following abductions. According to credible reports, the government provided protection, intelligence, and military training to TMVP and EPDP cadres who committed extrajudicial killings, abductions, extortion, and torture.

...In the east the TMVP often operated without hindrance in internally displaced persons (IDP) camps under government control and restricted humanitarian access. Abductions and forced recruitment by the TMVP took place in IDP camps in Batticaloa and Trincomalee districts.

...In Colombo police refused to register Tamils from the north and the east, as required by Emergency Regulation 23, sometimes forcing them to return to their homes in areas affected by the conflict.

...Security forces at army checkpoints in Colombo frequently harassed Tamils. After the government assumed effective control of the east, both the government and the TMVP operated checkpoints that impeded the free movement of residents, especially Tamils.

...Tamils throughout the country, but especially in the conflict-affected north and east, reported frequent harassment of young and middle-aged Tamil men by security forces and paramilitary groups (US Department of State 2009, *Country Report on Human Rights Practices for 2008 – Sri Lanka*, 25 February, Sections 1.c, 1.d, 1.f, 1.g, 2.d, 5 – Attachment 39).

The ICG's October 2008 report, *Sri Lanka's Eastern Province: Land, Development, Conflict*, provides information regarding the situation for Tamils in the Eastern Province:

The removal of the LTTE has brought benefits to all three communities. Development projects have begun and the economic benefits of relative peace have been felt by all communities. Recent violent clashes between Tamils and Muslims, however, are a sign of underlying insecurity aggravated by the flawed and ethnically divisive provincial council elections of 10 May 2008. Violence, intimidation and rigging significantly damaged the credibility of the results, which saw government parties win a narrow majority of seats. Their victory was due in large part to their alliance with the TMVP, which remains armed. **Far from a champion of Tamil rights, the TMVP is a crucial part of the government's counter-insurgency campaign in the east and is credibly accused of abductions, extortion and political killings of Tamils.** The province's new chief minister and TMVP deputy leader, S. Chandrakanthan, has so far worked well with pro-government Muslim ministers, but many Muslims continue to distrust the TMVP's intentions and see it as maintaining the LTTE's aggressive approach to Muslims. The June 2008 return to Sri Lanka of TMVP founder Karuna has further added to tensions.

...Everyday life has undeniably improved for many Tamils since the LTTE was forced to abandon their military bases and administrative apparatus in the east. In the areas formerly controlled by the Tigers, most of the more than 150,000 civilians displaced by the fighting in 2006-2007 have returned to their homes. With international assistance, they have begun to repair their damaged houses and fields and to rebuild their lives. Throughout the province, economic activity has increased, as the promise of stability has begun to lure new private sector investment and international development assistance. Free from any imminent threat of war and from LTTE taxation, harassment and child recruitment, Tamils in many parts of the Eastern Province have begun new lives – or simply returned to their old lives in peace.

The victory over the Tigers was achieved at heavy human cost. **The social and psychological effects from nearly a year of fighting, large-scale displacement and physical destruction, including widespread looting, continue to be felt.** The previous decade of life under the LTTE also left its scars.

1. Security concerns

The most pressing concern for Tamils in the east is security. With the LTTE still operating in the east, the province retains a heavy military, police and paramilitary presence, and Tamils must undergo regular checking, roundup, and surveillance. Disappearances and politically motivated killings continue on an almost daily basis. "Anytime, anything can happen", says one young Tamil man in Trincomalee. "A guy with a helmet and gun could come in the door and do anything. If you call the police, will they come? I don't think so". In Alayadivimbu, the Tamil section of the predominantly Muslim town of Akkaraipattu, residents complained of a rash of late night house breakins and sexual assaults in February and March of 2008, allegedly by the Police Special Task Force (STF). (13)

...The heavy security apparatus creates other problems for Tamils. Restrictions on fishing – particularly in and around Trincomalee harbour – hit Tamil fishing communities hard. Similar, more ad hoc, restrictions on cattle herding, firewood collecting and other traditional livelihoods are imposed in the name of security. **Both Tamils and Muslims complain such restrictions are relaxed or not applied at all to Sinhala fishermen and farmers. (13)**

... **"We are facing lots of problems", says one student in Batticaloa, "but we're afraid to say anything. There's no freedom. We can't speak openly about our problems. If you contradict someone in power or with a gun, you might get shot. It's better to be silent". (14)**

...Nonetheless, **the TMVP's relationship to Tamils remains largely a coercive one.** The party's use of violence and intimidation on election day and an upsurge of violence afterwards made this clear. At least some of the victims were said to have refused to cooperate with the TMVP during the elections. Clashes between the TMVP and Muslim groups, and between the TMVP and the chief political rival in the east, the EPDP, have involved shootings and abductions on both sides. A series of abductions of young women in the Batticaloa area were also widely believed to be the work of local TMVP cadres. **While disappearances and abductions in the east had diminished prior to the election, they continue to be regular occurrences. Finally, the TMVP, like the LTTE before them, are accused of the systematic extortion of businesses and the wealthy in areas of their control.** According to numerous officials of humanitarian agencies working in the east, the TMVP was responsible for massive looting of UN and international NGO warehouses. (15) (International Crisis Group 2008, *Sri Lanka's Eastern Province: Land, Development, Conflict*, Asia Report No. 159, 15 October, pp. i, 13-15 – Attachment 16).

The UK Home Office's *Country of Origin Information Report* for Sri Lanka, from February 2009 provides information sourced from the Human Rights Watch *World Report 2009* for Sri Lanka:

7.01 The Human Rights Watch (HRW) World Report 2009, Sri Lanka, Events of 2008, issued on 15 January 2009, noted that, after the Sri Lankan Government formally pulled out of its ceasefire agreement with the Liberation Tigers of Tamil Eelam (LTTE) [in January 2008], **“The human rights situation in the north and east of the country has deteriorated markedly, with numerous reports of killings, abductions, and enforced disappearances by government forces, the LTTE, and paramilitary groups.**

“The government's state of emergency continued in 2008, with increasing numbers of arrests and detentions taking place under emergency regulations and the Prevention of Terrorism Act (PTA).” [21b] (p1)

... **“Emergency regulations provide broad powers to the security forces to investigate, arrest, and detain people in the name of “national security.” The government uses the regulations to arrest and detain political opponents, journalists, human rights defenders, and members of the Tamil minority community.”** [21b] (p3)

HRW further noted that “The culture of impunity deepened, with investigations and inquiries into human rights violations failing to bring significant results...” [21b] (p1) (UK Home Office 2009, *Country of Origin Information Report – Sri Lanka*, 18 February http://www.ecoi.net/file_upload/1226_1236173623_sri-lanka-190209.pdf – Accessed 11 March 2009 – Attachment 40).

The UK Home Office's *Country of Origin Information Report* for Sri Lanka from October 2008 quotes information sourced from the British High Commission in Colombo:

28.32 The BHC letter of 13 August 2007 further noted that:

“Staying in Colombo is difficult for Tamils who don't have adequate Sinhala language skills. Without Sinhala, if a Tamil person is stopped at a check point he cant [sic] express the reason for staying in Colombo, so they can be easily picked up & harassed. The cordon and search operations seem to target Tamils with casual employment and temporary accommodation. While most detained are released quickly, a proportion end up in more long term detention...Under the law anyone can stay in Colombo without giving any prior notice to the Police or Security forces. The eviction of Tamils was justified by the IGP (Inspector general of police) who said that ‘We evicted the people who are staying in Colombo without a valid reason’. But there is no legislation to support that except the High Security Zone rules, which

would tend to exclude all civilians from certain areas. People who come to Colombo for administrative issues such as applying for visas, passports or taking exams stay in lodges, because its [sic] cost effective. The export processing zones also require large numbers of casual workers who tend to stay in places of multiple occupation to save money.” [15e] (UK Home Office 2008, *Country of Origin Information Report – Sri Lanka*, 30 October – Attachment 15).

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United Nations (UN)

UNHCR Refworld <http://www.refworld.org>

UN Humanitarian Portal – Sri Lanka http://www.humanitarianinfo.org/srilanka_hpsl/

Non-Government Organisations

Human Rights Watch <http://www.hrw.org/>

Internal Displacement Monitoring Centre <http://www.internal-displacement.org>

ReliefWeb <http://www.reliefweb.int>

Region-specific links

Asia Times online <http://www.atimes.com/>

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