

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Is Mullaittivu an LTTE controlled area? What implications does this have for day-to-day living and working? Has the situation got worse in recent years?
2. What is the Jeevashakthi (Charity) group's main interests? Would membership of this group dissuade the police from visiting and interrogating? Is it possible to get a list of their international conferences held from 2003 onwards please?
3. When someone identifies as "Tamil" what characteristics apart from language are they assigning themselves?
4. Is it likely that students from Mullaittivu would have been harassed in Colombo by police and CID officers in the late 1990's?
5. How organised were the EPDP and the EPRLF in the late 1990's? Is it possible that the paramilitaries of the EPDP and the EPRLF been operating in Mullaittivu?
6. Are there many recorded instances of police and CID corruption around 2000 in Colombo?
7. Was the "Thinamurasu Tamil Daily Weekly" controlled by the EPDP in 2002-3?
8. What is the relationship between the LTTE and EPDP? Are there attempts to infiltrate each other's groups?
9. Have there been many recorded instances of rape and other serious assaults by EPDP cadres at Mount Lavaniya Police Station?

RESPONSE

1. Is Mullaittivu an LTTE controlled area? What implications does this have for day-to-day living and working? Has the situation got worse in recent years?

Note: Mullaittivu is also spelt 'Mullaitivu'.

Mullaittivu is located in LTTE-controlled northeastern Sri Lanka, in the area known as the Vanni region – a key base for the LTTE. The Vanni comprises the districts of Killinochchi (to the north), Mullaittivu (east), Mannar (west) and Vavuniya (south). Over two decades of

civil war has devastated this region. The Sri Lankan army base in Mullaitivu was overrun by the LTTE in 1996, and the area has remained under their complete control since. The town of Mullaitivu is one of the makeshift capitals of the LTTE controlled North. According to Philip Gourevitch, the coastal town of Mullaitivu is “where [LTTE leader] Prabhakaran had his military headquarters in a series of underground bunkers” (Gourevitch, Philip 2005, ‘The tides of war’, *New Yorker* website, 25 July http://www.newyorker.com/fact/content/articles/050801fa_fact1 – Accessed 22 September 2006 – Attachment 1).

The Hotham Mission report includes a map of Sri Lanka showing the areas in the north under LTTE control, and those controlled by the government. The town of Mullaitivu is indicated on the north-east coast, deep in LTTE controlled territory (Hotham Mission Asylum Seeker Project 2006, *Hotham Mission field trip to Sri Lanka: Security, protection and humanitarian concerns and implications for Sri Lankan asylum seekers in Australia*, 15 November, p. 3 – Attachment 2).

The Vanni is one of the three main conflict zones. It is the only area which is totally controlled by the LTTE. As the main LTTE stronghold the region has been routinely targeted by Sri Lankan government forces, with shelling and aerial bombardment having little regard for civilian casualties. This is often the only contact which those living in LTTE-controlled territory have with the Sri Lankan government. The LTTE has its own form of government in areas under its control, collecting taxes, and controlling the law and order machinery. According to the available information the LTTE practices extortion, excessive taxation, forcible recruitment of children (one child per family), as well as forcible induction of civilians in the areas under its control. Little has changed in the last ten years. A 1996 report by the University Teachers for Human Rights (Jaffna) (UTHR(J)) provides details of the conditions in the LTTE-controlled Vanni at that time. A 2006 report on the conflict by the Norwegian Refugee Council’s Internal Displacement Monitoring Centre (IDMC) gives details of the more recent situation (University Teachers for Human Rights (Jaffna) 1996, ‘Vanni: A People Crushed Between Cycles of Violence’, *Information Bulletin No. 12*, 22 October <http://www.uthr.org/bulletins/bul12.htm> – Accessed 27 April 2007 – Attachment 3; Internal Displacement Monitoring Centre 2006, *Sri Lanka: escalation of conflict leaves tens of thousands of IDPs without protection and assistance*, 16 November <http://www.unhcr.org/home/RSDCOI/455c380e4.pdf> – Accessed 2 January 2007 – Attachment 4).

The effects of the civil war

The civil war in Sri Lanka which began in 1983 has been mainly confined to the north and east. The effect of the war on these areas has been economically, socially and environmentally devastating. Violence, large-scale displacement, poverty, lack of infrastructure and lack of freedom of movement are all issues facing civilians living in the war-torn north and east. The ceasefire in 2002 provided a brief respite, but hopes for reconstruction faded as negotiations stalled. Violence again began to increase to pre-ceasefire levels. Currently, although the ceasefire still exists on paper, it is routinely violated by both sides. The following reports provide information on the situation for those living in the Vanni (including Mullaitivu). Specific references to Mullaitivu have been emphasised in bold.

The 1996 report by UTHR(J) states that the Vanni “is an area which is considered militarily important by the security forces and the LTTE, where both parties have imposed hardships on the population for their own gains, resulting in unending misery for the civilian population.”

The report describes the Vanni as being “largely a theatre of war”, and states:

Places in the Vanni had been regularly bombed or attacked with rockets by the Sri Lankan Air Force... Civilians suffer while living in conditions where almost every place is an LTTE target (University Teachers for Human Rights (Jaffna) 1996, ‘Vanni: A People Crushed Between Cycles of Violence’, *Information Bulletin No. 12*, 22 October <http://www.uthr.org/bulletins/bul12.htm> – Accessed 27 April 2007 – Attachment 3).

Large scale humanitarian disasters caused by the war affected civilians in Mullaitivu and other conflict areas during the 1990s. According to a 1999 *BBC* article:

The international human rights organisation, Human Rights Watch, has urged the Sri Lankan government and rebel fighters of the Liberation Tigers of Tamil Eelam (LTTE) to come to an immediate agreement on the safe passage of civilians through areas of conflict.

Human Rights Watch says that conditions are critical for many thousands of people trapped in two crucial areas – **Mullaitivu** and Kilinochchi – in the Vanni region of northern Sri Lanka.

The organisation says that those stranded are predominantly Tamils and have had no access to food, medical care and other humanitarian assistance.

It warns that there is a risk of acute malnutrition among children (‘Rights group warning over Tamil civilians’ 1999, *BBC News*, 3 August http://news.bbc.co.uk/2/hi/south_asia/411038.stm – Accessed 4 May 2007 – Attachment 5).

Continual fighting continued throughout the late 1990s to 2001, as government forces launched a number of offensives to reduce the area under the effective control of the LTTE. According to IDMC, an estimated 80% of the population in the LTTE-controlled Vanni region was displaced as of January 2002. The situation improved somewhat when the government and the LTTE signed a formal Cease Fire Agreement (CFA) in 2002. Although political and ethnic violence continued, the ceasefire stopped major fighting between the Army and the LTTE, ending the heavy toll on human lives, and allowed a small measure of normalcy to return to the war-affected areas. A 2003 report by the British Refugee Council explains the issues affecting the conflict areas after the signing of the CFA, including lack of health, sanitation and education facilities, communication systems and infrastructure. Only 10-15% of the road surface in the north-east remained intact, while an estimated 1.5 million uncleared landmines rendered large swaths of land unusable. The report also details other difficulties facing those who live in LTTE-controlled areas, such as the strict pass system operated by the LTTE (Internal Displacement Monitoring Centre 2006, *Sri Lanka: escalation of conflict leaves tens of thousands of IDPs without protection and assistance*, 16 November, p. 50 <http://www.unhcr.org/home/RSDCOI/455c380e4.pdf> – Accessed 2 January 2007 – Attachment 4; British Refugee Council 2003, *Sri Lanka – Internally Displaced Persons and Safe Returns*, September – Attachment 6).

Despite the shaky peace process – with both parties talking peace whilst strengthening their armed forces – negotiations began on the rehabilitation efforts for the war-hit areas. On 26 December 2004 the east coast of Sri Lanka was severely hit by the Boxing Day tsunami. Reports of the difficulties in tsunami relief efforts in rebel-held areas such as **Mullaitivu** highlight the ongoing day-to-day difficulties those living there have experienced over the last two decades of conflict. A December 2005 *BBC* article, written a year after the tsunami (during the ceasefire – ostensibly a temporary lull in the civil war), details the ongoing obstacles hindering reconstruction in the area. These include: divisions between the LTTE

and the government; long delays in transporting materials through both government and LTTE checkpoints; lack of clear planning; lack of infrastructure; abundance of landmines and High Security Zones (HSZs) (Majumder, S. 2005, 'How politics disrupts tsunami aid', *BBC News*, 28 December http://news.bbc.co.uk/2/hi/south_asia/4534504.stm – Accessed 4 May 2007 – Attachment 7; see also British Refugee Council 2003, *Sri Lanka – Internally Displaced Persons and Safe Returns*, September – Attachment 6).

Reconstruction was especially slow in LTTE-controlled areas. Philip Gourevitch visited the town of **Mullaitivu** in mid 2005. He describes his impressions in a *New Yorker* article:

[Head of LTTE's political wing] Tamilchelvan's press officer wrote a letter for me in Tamil—a laissez passer—that gave me permission to visit **Mullaitivu**, Prabhakaran's seaside stronghold. I drove there the next day. Standing at the epicenter of the devastation, I could see from the surrounding grid of streets where block upon block of houses had stood, but what remained was just crumbled chunks of concrete, with here and there an isolated vestige of human design: a staircase lifting to nowhere, an iron gate opening to nothing, a bicycle twisted like a paper clip tossed aside by nervous hands, and a grand church signified by an ornate façade. The silence of the place was broken only by the relentless cawing of crows (Gourevitch, Philip 2005, 'The tides of war', *New Yorker* website, 25 July http://www.newyorker.com/fact/content/articles/050801fa_fact1 – Accessed 22 September 2006 – Attachment 1).

LTTE control

Civilians living in areas which are controlled by the LTTE have very little contact with the Sri Lankan government. In September 2006 Dayan Jayatilleka, a senior lecturer in political science at the University of Colombo, gave a seminar on Sri Lanka to the Tribunals. Discussing the areas in which the Tamil Tigers are active, Mr Jayatilleka states that:

At the time that the ceasefire agreement of 2002 was signed there was a curious asymmetry or anomaly. That anomaly was that the LTTE was permitted to function politically in the areas that were more or less under government control, while the Government of Sri Lanka, or USL, was not allowed to do likewise in the LTTE-controlled territory.

Now, the relevance of that, in answering this question, is that...[after] the cease-fire of 2002, there were just two districts that were so earmarked as no go areas: the districts of Kilinochchi and **Mullaitivu**. So I think we could take it on the face of it that those two districts are a hundred per cent LTTE controlled and pretty much remain so (Jayatilleka, D. 2006, 'Sri Lanka Seminar: Mr Dayan Jayatilleka', 20 September – Attachment 8).

The LTTE has a "parallel government" in Tiger-controlled areas such as **Mullaitivu**, where they run their own police force, law courts and banks. The 2003 British Refugee Council report states that the LTTE engage in "coercive taxation" and that, in effect, "people must pay a double tax – LTTE's and the government's" (Majumder, S. 2005, 'Sri Lanka's tsunami aid politics', *BBC News*, 21 March http://news.bbc.co.uk/2/hi/south_asia/4367935.stm – Accessed 4 May 2007 – Attachment 9; British Refugee Council 2003, *Sri Lanka – Internally Displaced Persons and Safe Returns*, September, pp. 43, 46 – Attachment 6).

Post-ceasefire

By 2006 the ceasefire agreement had collapsed and fighting between government and LTTE forces had reached pre-ceasefire levels. A number of human rights groups have documented the resulting humanitarian issues. According to the Centre for Policy Alternatives (CPA), the intensification of hostilities has led to a grave humanitarian crisis and serious violations of human rights making Sri Lanka one of the most dangerous places in the world for civilians

caught up in a situation of armed conflict. CPA states that the conflict has caused:

[The] displacement of nearly 250,000 people, and hundreds of thousands of livelihood losses due to frequent and prolonged curfews, hartals, restrictions on fishing, power shedding, transport restrictions, unofficial economic embargo. These have revived the economy of shortages and black markets as in pre-ceasefire times, particularly in the North and LTTE-controlled areas. Cost of living has skyrocketed in the Jaffna peninsula and the Vanni region in the aftermath of the closure of the A9 highway (Centre for Police Alternatives 2007, *War, Peace and Governance in Sri Lanka: Overview and Trends 2006*, January, p. 37 – Attachment 10).

A 2006 *BBC* article details the observations of aid-workers and civilians, describing shortages of food and other essential items and the looming humanitarian crisis in the northern areas. The following is quoted from an aid-worker:

I got a call today from somebody who got to **Mullaitivu**. There are no essential items in the shops. A litre of gasoline, which was a month ago 80-90 rupees, is now 500-700 rupees.

On Monday in Jaffna, sugar was 60 rupees. Now it is going for 120 rupees.

...The basic need is food. There is no fuel for vehicles to run, there is a need for medicine too. In the LTTE [Liberation Tigers of Tamil Eelam]-controlled areas, this is of the greatest concern. Some of my workers are dealing with the injured from shelling.

There has been aid from international agencies and from the government – but since the roads have been shut, nobody has been able to access these people ('Sri Lanka: Stories from conflict zones' 2006, *BBC News*, 30 August http://news.bbc.co.uk/2/hi/south_asia/5278756.stm – Accessed 4 May 2007 – Attachment 11).

According to the Consortium of Humanitarian Agencies:

The main issues in the 'conflict affected' districts are poverty and lack of support from the State. These include debt cycle tension, lack of market facilities, lack of capital for paddy cultivation, absence of irrigation systems, lack of exposure to latest technology, and lack of infrastructure including roads, communication, railway, bus services, etc.

It was noted in the 'conflict districts', the economy-related issues are far worse as the opportunities for employment and income are additionally curtailed due to military movement and HSZs which affect the people significantly and is the cause of endless displacement. The people in the conflict area uniquely suffer from the burden of tax payments, for they are taxed by three different sources – the government, LTTE and in the east by the Karuna group (Consortium of Humanitarian Agencies 2006, *Peace Audit 2006*, September, p. 20 <http://www.reliefweb.int/library/documents/2006/cha-lka-22sep.pdf> – Accessed 7 February 2007 – Attachment 12).

As an LTTE stronghold, the Vanni region has again been subject to indiscriminate bombing by government forces. A number of sources report an August 2006 bombing raid on **Mullaitivu** which resulted in a large number of casualties. According to Human Rights Watch (HRW):

The resumption of major military operations between the Sri Lankan government and the LTTE in April 2006 placed civilians at greater risk than at any time since the signing of the 2002 ceasefire agreement. Violations of international humanitarian law, including indiscriminate attacks and summary executions, have resulted in numerous preventable

civilian deaths and injuries. The Sri Lankan armed forces have engaged in indiscriminate shelling and aerial bombing with little regard to the expected harm caused to civilians...As many as 51 young women and girls died in an August 14 bombing raid in **Mullaitivu** district deep in LTTE-controlled territory. While the Sri Lankan military claimed the young women were LTTE military recruits, available evidence indicates that they were students receiving civil defense training, and thus civilians (Human Rights Watch 2007, *World Report – Sri Lanka*, January – Attachment 13; see also US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Sri Lanka*, March, Section 1.a – Attachment 14) .

A RRT *Research Response* dated 8 January 2007 details the recent conflict situation up to December 2006. This response does not refer to Mullaitivu specifically, but provides information on the escalating violence, particularly in the north of Sri Lanka (RRT Country Research 2007, *Research Response LKA31159*, 8 January – Attachment 15).

Current

The recent air raids carried out by LTTE planes have introduced a dangerous new edge to the conflict, and it is likely that the government will crack down heavily on both suspected LTTE supporters and suspected LTTE bases. A *BBC* article dated 29 April 2007 states that “[e]xperts say the Tigers could have as many as five light aircraft, smuggled into the country in pieces to be assembled in jungle bases” and that “[h]ours after the attack, Sri Lankan Air Force jets pounded Tiger-held areas in an effort to destroy their aircraft” (‘Sri Lanka rebels in new air raid’ 2007, *BBC News*, 29 April 2007 http://news.bbc.co.uk/2/hi/south_asia/6604645.stm – Accessed 30 April 2007 – Attachment 16).

The Sri Lanka Monitoring Mission’s (SLMM) latest update on the conflict situation is included as an attachment. The latest update on **Mullaitivu** from ReliefWeb is also included as an attachment (Sri Lanka Monitoring Mission 2007, ‘SLMM Weekly Situation Report, 23-29 April 2007’, SLMM website http://www.slmm.lk/W_Report/SLMM%20Weekly%20Report%2023%20-%2029%20April%202007.pdf – Attachment 17; Inter-Agency Standing Committee 2007, ‘Sri Lanka: Kilinochchi, Mullaitivu, Vavuniya, Mannar, Trincomalee, Ampara & Batticaloa Situation Report # 72’, ReliefWeb, 26 April <http://www.reliefweb.int/rw/RWB.NSF/db900SID/TKAI-72R4WC?OpenDocument> – Accessed 9 May 2007 – Attachment 18).

2. What is the Jeevashakthi (Charity) group’s main interests? Would membership of this group dissuade the police from visiting and interrogating? Is it possible to get a list of their international conferences held from 2003 onwards please?

A description of JeevaShakthi Society Limited (JSSL) from what is apparently the official website is included below. No information about any JSSL international conferences was found, although information on an affiliate international group – The Prem Rawat Foundation – is included below. Prem Rawat is otherwise known as Maharaji. According to the information, Maharaji conducts numerous international tours annually to spread his teachings. The JeevaShakthi Society is involved in disseminating the message of Maharaji.

Apart from the JSSL website and the Maharaji’s websites no other information on JeevaShakthi was found. No information about the group’s relationship with the police in Sri Lanka was found in the sources consulted.

The JSSL website (<http://www.withinu.org>) includes a description of the society’s main

objectives:

JeevaShakthi Society Limited is a registered Charitable institution having its registered office at No.11, Deanstone Place Colombo 03 .The objectives of the society is to disseminate the message of Maharaji and to organize lectures discussions, seminars and correspondence with public bodies and individuals for the above purpose.

To provide humanitarian services such as

1. To conduct free health services
2. To undertake agricultural and other projects beneficial to the community
3. To provide educational facilities for training in arts and crafts.
4. To do all such acts and things as may be necessary and conducive to the moral, and cultural upliftment of mankind in general and the people of Sri Lanka in particular
5. To become a member of and to co-operate with any other Society whether in Sri Lanka or abroad whose objects are similar to these of this Society ('About us' (undated), Jeevashakthi Society Limited website <http://www.withinu.org/Aboutus.htm> – Accessed 18 April 2007 – Attachment 19).

The Prem Rawat Foundation (TPRF) website includes a 2005 interview with the foundation's president, Linda Pascotto, about TPRF aid to tsunami victims. Ms Pascotto states:

TPRF is currently focusing on helping people in Kalmunai, a small city in Sri Lanka, where many have lost their immediate family, home, and belongings. More than 8,500 people have perished there, and over 32,000 homes were completely destroyed. We are working with the Jeeva Shakti Society, Ltd., a reputable Sri Lankan nonprofit organization authorized to receive foreign aid and disburse it as required. This organization will serve as TPRF's correspondent in the area ('Tsunami Food Assistance Project' 2005, The Prem Rawat Foundation website, 21 January http://tprf.org/humanitarian_initiatives/updateJan21.htm – Accessed 9 May 2007 – Attachment 20).

The Jeevashakthi society is listed as the local contact in Sri Lanka for the Mahariji's message. Videos and other material may be obtained from the Society ('Local Information: Sri Lanka' (undated), The Keys website http://thekeys.maharaji.net/keys/displaylocalinfo.php?country_code=LK&locale=en_US&Submit=Find+local+information – Accessed 9 May 2007 – Attachment 21).

The Mahariji teaches the "techniques of Knowledge". Introductory information may be accessed from the website (<http://thekeys.maharaji.net>). His introductory booklet states:

I offer the know-how to access the experience of peace and fulfilment within. I call it *Knowledge*.

What Knowledge makes possible is an enjoyment of life that is independent of circumstances. It is a way to connect to the experience of self that lies within.

Knowledge consists of four techniques that enable a person to turn their attention from the outside to the inside...

For those who wish to make this journey, I offer to help them prepare to learn the techniques

of Knowledge and I provide ongoing inspiration and guidance for a lifetime of enjoyment ('Discovering More' (undated), The Keys website http://thekeys.maharaji.net/home/reports/discovering_more_en_UK_web.pdf – Accessed 9 May 2007 – Attachment 22).

According to the TPRF website,

Prem Rawat, known also by the honorary title Maharaji, has traveled the world for more than four decades, inspiring people to find peace within

... more than 10 million people in over 250 cities and 50 countries around the world have come to him for inspiration and guidance.

The dissemination of his message, which is made available in more than 88 countries and 70 languages, is entirely supported by voluntary contributions and the sale of related materials ('Prem Rawat' (undated), The Prem Rawat Foundation website http://www.tprf.org/prem_rawat.htm – Accessed 9 May 2007 – Attachment 23).

A list of past events was not found, however, the TPRF website has contact details and links to affiliated groups in various countries where Prem Rawat speaks. According to the information found, the most recent Australian event in was held in Queensland in September 2006 and attracted 4300 guests from 62 countries ('About Amaroo' (undated), Amaroo (Ivory's Rock Conference Centre) website http://www.amaroo.org/about_amaroo.html – Accessed 9 May 2007 – Attachment 24).

3. When someone identifies as “Tamil” what characteristics apart from language are they assigning themselves?

The term “Tamil” usually denotes an ethno-linguistic identity. There are also associated political and territorial elements. Sources indicate that, as a result of the protracted social conflict, perceptions of Sri Lankan Tamil identity are inextricably linked to the LTTE and its war against the Sri Lankan government. The continuing violence committed by the LTTE has increased discrimination and prejudice against Tamils in Sri Lanka (Hotham Mission Asylum Seeker Project 2006, *Hotham Mission field trip to Sri Lanka: Security, protection and humanitarian concerns and implications for Sri Lankan asylum seekers in Australia*, 15 November – Attachment 2; UK Home Office 2007, *Country of Origin Information Report: Sri Lanka*, 8 February, Section 20 – Attachment 35).

General information

There are over sixty million Tamils in India, mostly in the southern state of Tamil Nadu (“land of the Tamils”). In Sri Lanka there are two distinct groups of Tamil speakers – Sri Lankan Tamils whose ancestors began arriving in the first millennium, and Indian Tamils¹ who are the descendents of those brought over by the British in the 19th century to work on plantations in the central highlands. Together these two groups constitute around 18% of Sri Lanka's population. Most Sri Lankan Tamils are Hindus, although there are also a significant number of Christians. Another 7% of Sri Lanka's population are Tamil-speaking Muslims, who do not identify themselves as ethnic Tamils and are therefore usually listed as a separate ethnic group in official statistics. Sri Lankan Tamils live predominately in the north east of Sri Lanka (US Department of State 2007, *Background Note: Sri Lanka*, May

¹ Also known as hill, plantation, estate or up-country Tamils

<http://www.state.gov/r/pa/ei/bgn/5249.htm> – Accessed 9 May 2007 – Attachment 25).

A brief background on Tamil history, religion and culture is provided by the US Library of Congress:

The people collectively known as the Tamils...use the Tamil language as their native tongue. Tamil is one of the Dravidian...languages found almost exclusively in peninsular India. It existed in South Asia before the arrival of people speaking Indo-European languages in about 1500 B.C...Tamil is spoken by at least 40 million people in the Indian state of Tamil Nadu (the “land of the Tamils”), and by millions more in neighboring states of southern India and among Tamil emigrants throughout the world.

There was a constant stream of migration from southern India to Sri Lanka from prehistoric times. Once the Sinhalese controlled Sri Lanka, however, they viewed their own language and culture as native to the island, and in their eyes Tamil-speaking immigrants constituted a foreign ethnic community. Some of these immigrants appear to have abandoned Tamil for Sinhala and become part of the Sinhalese caste system. Most however, continued to speak Tamil and looked toward southern India as their cultural homeland.

...Ethnic Tamils are united to each other by their common religions beliefs, and the Tamil language and culture. Some 80 percent of the Sri Lankan Tamils and 90 percent of the Indian Tamils are Hindus. They have little contact with Buddhism, and they worship the Hindu pantheon of gods. Their religious myths, stories of saints, literature, and rituals are distinct from the cultural sources of the Sinhalese...The caste groups of the Tamils are also different from those of the Sinhalese, and they have their rationale in religious ideologies that the Sinhalese do not share. Religion and caste do, however, create divisions within the Tamil community. Most of the Indian Tamils are members of low Indian castes that are not respected by the upper- and middle-level castes of the Sri Lankan Tamils...Furthermore, a minority of the Tamils--4.3 percent of the Sri Lankan Tamils and 7.6 percent of the Indian Tamils--are converts to Christianity, with their own places of worship and separate cultural lives. In this way, the large Tamil minority in Sri Lanka is effectively separated from the mainstream Sinhalese culture and is fragmented into two major groups with their own Christian minorities (US Library of Congress 1988, ‘Ethnic Groups: Tamils’, *Country Studies: Sri Lanka*, October <http://lcweb2.loc.gov/frd/cs/lktoc.html> – Accessed 9 May 2007 – Attachment 26).

The US Department of State *Country Reports on Human Rights Practices for 2006 – Sri Lanka* states that:

Both local and Hill Tamils maintained that they suffered longstanding systematic discrimination in university education, government employment, and in other matters controlled by the government. According to the SLHRC [Sri Lanka Human Rights Commission], Tamils also experienced discrimination in housing (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Sri Lanka*, March, Section 5 - Attachment 14).

Perceptions of Tamils in Sri Lanka

Following independence from Britain a number of discriminatory policies began alienating Sri Lankan Tamils from the state. In 1956 the introduction of the Sinhala Only Act discriminated against Tamil speakers, by designating Sinhala rather than English as Sri Lanka’s official language. A Columbia University paper discusses the beginnings of the armed secessionist movement and the adoption of the Tamil identity profile, consisting of ethnic, linguistic and territorial elements. The paper states:

The Sri Lankan Tamils' armed secessionist movement adopted an identity profile that consisted of strong ethno-linguistic and territorial identities throughout the case study period. As the language issue had been a key grievance of the Sri Lankan Tamils from the 1950s onwards, it became an important part of the movement's identity profile. The movement's strong ethno-linguistic identity is evident in the name of the proposed state ("Tamil Eelam") and the symbol chosen by the LTTE (the main militant group in the movement during the case study period): tiger, which is also the symbol of an ancient Tamil kingdom. The movement also had a strong territorial identity: it clearly defined the Northern and Eastern provinces as its homeland (Eelam) (Anil G.C., 'Persistence and Death of Intense Armed Secessionist Movements: An Analysis of the War for Khalistan and the First round of the War for Eelam' (undated), Columbia University website, p. 38 http://www.columbia.edu/cu/polisci/pdf-files/apsa_gc.pdf – Accessed 30 October 2006 – Attachment 27).

In October 2006 the Hotham Mission's Asylum Seeker Project (ASP) published the findings of a two-week field trip to Sri Lanka and refugee camps in Tamil Nadu. The Hotham Mission is an affiliate of The Uniting Church and is based in Melbourne working with asylum seekers in the community. Hotham Mission met with Norwegian monitors, international NGOs, doctors, lawyers, human rights groups and internally displaced persons and refugees. Describing Sri Lanka as having a "complex and ultimately tragic ethnic relations history", the Hotham report notes that "[w]hile the Sri Lankan civil war has been influenced by a range of factors, including politics, religion, class and ideology, it is ethnic tension and its interplay with these factors that has underlain much of the conflict." The report details how the conflict has affected perceptions of Tamils as a group and how they are treated in Sri Lanka:

Tamils have been consistently vilified as a potential risk to the community across all sections of the country, from the school system, the health system, the labour market, to the relationships within neighbourhoods and beyond. In various capacities a range of assumptions is made relating to Tamils as not only supporting the LTTE, but as potential terrorists. This was consistently stated by both Muslim, Sinhalese and Tamil groups we met, including:

- *'There is a State perception of the Tamils as the enemy within'*
- *'Every Tamil is suspected (as an LTTE supporter)...the media have done a lot of damage'*
- *'These ads are strong, persistent, racist brainwashing – where does it end? Its aim is to mobilise the whole nation against terrorism. Every Tamil is a suspect and viewed as a danger.'*
- *'The anti- terrorism argument is blinding and justifying the injustice being done by the authorities to the Tamils of all backgrounds'*.

These messages are most strongly felt by the Tamils at the point of interaction with the authorities, particularly the police and armed forces. Consistently the team were told of experiences and incidents, such as:

- *'Things have really tightened up...there are cases where even if a Tamil person is able to produce his ID card when stopped, if the ID card says he is from Batticaloa , Jaffna, Mannar, he can be taken into custody.'*
- *'There is an attitude that if you are a Tamil from the North or East you have no right to be in Colombo – they can live as suspects!'*

- *‘Tamils with an ID card showing that they are from the North or East, and who can’t speak Sinhalese, they have big problems... they are immediately suspected’*
- *‘At checkpoints it is deadly to be a Jaffna Tamil. They will be interrogated, beaten, kept, and sometimes will disappear’.*

...Every group, refugee and IDP we met, highlighted the fact that the low-intensity conflict has now escalated into a targeted war against not just the LTTE, but against the broader Tamil community, seen as not just supporters, but actively involved in terrorist activities. A finding of the research by Hotham Mission was thus that a lack of protection exists for Tamils throughout the country who are experiencing persecution as a social group, based on their ethnicity (Hotham Mission Asylum Seeker Project 2006, *Hotham Mission field trip to Sri Lanka: Security, protection and humanitarian concerns and implications for Sri Lankan asylum seekers in Australia*, 15 November, p. 34-35 – Attachment 2).

The UK Home Office has compiled the following information on Tamils in Sri Lanka:

TAMILS

- 20.09 “The ethnic conflict [between Sinhalese and Tamils] in Sri Lanka has been going on for over 20 years as the Liberation Tigers of Tamil Eelam (LTTE) fight for an independent homeland.”...
- 20.10 As recorded by the Sri Lankan Department of Census and Statistics (Statistical Abstract 2005, Chapter II, tables 2.10 – 2.11), in Colombo district there were 247,739 Sri Lanka Tamils and 24,821 Indian Tamils out of a total population of 2,251,274. The districts of Ampara, Gampaha, Kandy, Puttalam and Nuwara Eliya also have a high concentration of Tamils. However, data from Jaffna, Mannar, Vavuniya, Mullaitivu, Kilinochchi, Batticaloa and Trincomalee districts in which the 2001 census enumeration was not completed were not included...
- 20.11 As recorded in Jane’s Sentinel Security Assessments, Country profile – At a glance, Sri Lanka, 3 November 2006:
- “Until the early 1980s this process [the tension in relations between the Sinhalese and Sri Lankan Tamils] was primarily political and was defined by sustained agitation by parties and groups representing the interests of the Sri Lankan Tamils against successive Sinhalese-dominated governments, interspersed with periodic outbursts of communal violence in areas of mixed ethnicity at which Tamils suffered at the hands of rampaging Sinhalese mobs...Tamil grievances at this stage were focused mainly on the theme of economic deprivation and political alienation and focused upon campaigning for a due share of political power, access to resources and economic opportunities, and entitlement to the benefits of development. Over time, there emerged within the Tamil community the idea that it constitutes a distinct ‘national group’, primarily in response to state alienation and exclusion, and that the Tamil community had been arbitrarily unified with the ‘Sinhalese nation’ in the creation of ‘British Ceylon’. This notion formed the ideological and political basis of a secessionist movement committed to the objective of establishing an independent Tamil state (‘Eelam’) encompassing the northern and eastern parts of the island of Sri Lanka....Several factors contributed to the supremacy acquired by the LTTE over other Tamil groups. The most basic among these has been their success in mobilising disgruntled Tamil youth and their capacity to command absolute obedience from among the ranks. The ferocity with which the LTTE has dealt with renegades, its rivals or any other force that stood in its way was another factor that contributed to its meteoric rise...

- 20.12 As noted in the UNHCR Position on the International Protection Needs of asylum-seekers from Sri Lanka dated December 2006:

“In addition to the situation of widespread insecurity and the impact of the armed conflict in the North and East, Tamils in and from these regions are at risk of targeted violations of their human rights from all parties to the armed conflict. Harassment, intimidation, arrest, detention, torture, abduction and killing at the hands of government forces, the LTTE and paramilitary or armed groups are frequently reported to be inflicted on Tamils from the North and East. Individuals suspected of having LTTE affiliations are at risk of human rights abuses by the authorities or allegedly government sponsored paramilitary groups. In the same manner, those who refuse to support the LTTE and those who are perceived as supporters or sympathizers of the Government, risk serious violations of human rights from the LTTE.”...

- 20.13 On 12 April 2006 Human Rights Watch reported that the Sri Lankan government had failed to respond adequately to recent attacks by armed groups on ethnic Tamils and their homes and businesses in the eastern Trincomalee district.

“Police and other security forces reportedly stood by as Tamils were attacked on April 12 after an alleged Tamil Tiger bomb at a Trincomalee market killed five persons. Witnesses said that within 15 minutes approximately 100-150 ethnic Sinhalese men armed with clubs and long knives attacked Tamil businesses and homes in Trincomalee town and district. Sri Lankan human rights organizations reported that attacks from April 12 to 16 left at least 20 civilians dead (including seven women), among them Tamils, Muslims and Sinhalese. Some 75 persons needed hospital attention for injuries...”

The attacks destroyed some 100 homes and left more than 3,000 people homeless. According to the Trincomalee chamber of commerce, 32 businesses and shops were damaged, destroyed or looted. Police and armed forces stood by while the burning and killing occurred, waiting from 45 to 90 minutes before taking action... President Mahinda Rajapakse’s response to the violence has been grossly inadequate. According to media reports, President Rajapakse sent high-ranking security officials and other senior officials to Trincomalee in the days following the reprisal attacks. However, Human Rights Watch is unaware of any strong public statements by the president or direct steps to increase security in the district. Some persons displaced by the violence reportedly did not receive emergency government assistance for four days.”...

- 20.14 As noted in a press statement by the Ministry of Constitutional Affairs and National Integration posted on the official website of the Sri Lankan Government’s Secretariat for Co-ordinating the Peace Process (SCOPP) on 30 June 2006:

“Even though Tamil was made the second official language in 1987 through the 13th Amendment to the Constitution of Sri Lanka, benefits of these constitutional provisions never reached the Tamil-speaking people. Hon. Dew Gunasekara, the present Minister of Constitutional Affairs and National Integration submitted a Memo to the Cabinet of His Excellency Mahinda Rajapaksa, at the first meeting in November, 2005, on the need for bilingualization of the Public Service soon after the new Cabinet was sworn in. The subject of the official languages had been transferred to the Ministry of Constitutional Affairs and National Integration from the Ministry of Public Administration under the new Government.... This decision [on the bilingualisation of public services] caters to the needs of the Tamil-speaking people outside the North/East Provinces and also the Sinhala-speaking people in the

North/East...It is noted that 52% of the Tamil people and 61% of the Tamil-speaking people in Sri Lanka live outside the Northern and Eastern Provinces” (UK Home Office 2007, *Country of Origin Information Report: Sri Lanka*, 8 February, Section 20 – Attachment 35).

4. Is it likely that students from Mullaitivu would have been harassed in Colombo by police and CID officers in the late 1990's?

According to a number of sources, Tamils from the North and East are often perceived as potential LTTE supporters and have faced ongoing harassment from security forces in Colombo. No reports of police targeting Mullaitivu students specifically were found in the available information. However, Mullaitivu has been a key area for the LTTE for the last two decades. It was a particular focus in 1996 when the LTTE overran army camp in the town of Mullaitivu, killing over one thousand soldiers and gaining total control of the area. The following reports detail the harassment of young Tamils during the height of the conflict in the 1990s, as well as the situation for Tamils in Colombo currently as the conflict has again escalated.

1990s

With the influx of those fleeing the conflict in the north-east during the 1990s, the Sri Lankan government forces believed that LTTE cadres had infiltrated Colombo. This belief was reinforced by a spate of suicide bombings in the capital city. The LTTE operated a stringent pass system in the areas under their control and, according to an article dated 29 February 1996, the prevalent belief in the South was that those who had been permitted by the LTTE to leave the north and come to Colombo were required to perform some form of “information-gathering for the Tigers about people and places in Colombo” (De Rosayro, G. 1996, ‘Tamils accuse police of harassment amid clampdown’, *South China Morning Post*, 29 February – Attachment 28).

A 1996 report by UTHR(J) confirms that this was often the case:

A large number of civilians have been constantly wanting to flee the deteriorating conditions in the North. Between December last year and April this year the pass system was operated stringently. A large number of civilians who came to the South have admitted privately that pressure had been applied on them to indirectly help LTTE operations in the South (University Teachers for Human Rights (Jaffna) 1996, ‘Vanni: A People Crushed Between Cycles of Violence’, *Information Bulletin No. 12*, 22 October, p. 20 <http://www.uthr.org/bulletins/bul12.htm> – Accessed 27 April 2007 – Attachment 3).

In Colombo, emergency regulations were put in place, resulting in thousands of young Tamils being rounded up and interrogated. According to UNHCR:

In the years leading up to the peace agreement, the Tamil Tigers reacted against the increased military pressure from government troops by stepping up terrorist attacks on economic and civilian targets on the island. These included the bombing of the Central Bank, hotels and office complexes in Colombo’s financial district, power stations, buses and trains and a sacred Buddhist temple in Kandy. In response, security forces arbitrarily detained and sometimes tortured thousands of young Tamils in security sweeps (UNHCR 2004, ‘Background Paper on Refugees and Asylum-Seekers from Sri Lanka’, UNHCR Refworld website, April, p. 14 – Attachment 29).

Tamil youth were under suspicion as the LTTE has a long history of using child-soldiers, with teenage recruits forming a large part of their rank and file. According to a 1996 report by

UTHR(J) there “are recruitment centres in nearly every village of the Vanni”, which was “one of the most predominant regions where these young cadre have come from.” The report further states:

The rank and file of the LTTE who are mostly young recruits who join the organisation in their teens... Those from the Vanni are largely in this category. It has been a fairly common complaint among parents that a particular vested interest that recruiters have in getting these young boys and girls into the organisation, is to spare themselves the obligation of having to do the fighting or committing suicide with explosives strapped around them. (University Teachers for Human Rights (Jaffna) 1996, ‘Vanni: A People Crushed Between Cycles of Violence’, *Information Bulletin No. 12*, 22 October <http://www.uthr.org/bulletins/bul12.htm> – Accessed 27 April 2007 – Attachment 3).

Citing a 1997 Dutch Foreign Ministry report, the UK Home Office details other factors which increased the likelihood of being held for further investigation by security forces:

The 1997 Dutch Foreign Ministry report states that the risk of being held under the Emergency Regulations for over 48 hours for further investigation is faced in particular by younger Tamils, who speak little Sinhalese, if they are not in possession of identity papers, if the papers produced show them to have been born in Jaffna or if they cannot give any valid reason for their presence in Colombo. The likelihood of further investigation is also high for those who have recently come to Colombo from the war zones, those who have a relative known to be an LTTE member or who are suspected of LTTE membership on the basis of police records or who are identified as being involved with the LTTE by another detainee; those who have recently moved to a new area of Colombo; and those who have visible scars (UK Home Office 2001, *Sri Lanka Assessment*, April, para 5.2.10 – Attachment 30).

Current

The deterioration of the security situation has again reportedly led to increasing harassment of Tamils in Colombo. As noted in the *UNHCR Position on the International Protection Needs of Asylum-seekers from Sri Lanka*, dated December 2006:

Tamils in Colombo and its outskirts, where there are large Tamil communities, are at heightened risk of security checks, arbitrary personal and house to house searches, harassment, restrictions on freedom of movement, and other forms of abuse since the imposition of new security regulations in April and December 2006.

Under emergency regulations, the police are empowered to register all persons within the jurisdiction of each police station. These regulations, which were enacted during the height of the conflict in the 1990s, remain in place and require all residents to register with their local police station. Such registration, which is taking place in Colombo, enables the police to have accurate information on the ethnicity and location of all inhabitants of Colombo (UNHCR 2006, *UNHCR Position on the International Protection Needs of Asylum-seekers from Sri Lanka*, December, para 23-24 – Attachment 31).

Even long-term Tamil residents in Colombo are at risk. The Hotham Mission notes the following incident:

One human rights group reported the case of a Tamil woman who had moved to Colombo 10 years ago, and bought her own home, living as a permanent resident there. However her ID card said that she is from Jaffna. She was caught in a generalised round up and taken to station with many others. All were scrutinised person by person. Eventually all of the Tamils caught were kept in custody, the others released. The woman’s family (including children) did not know where she was when

she did not return home as expected, as they were not informed by police of her arrest as is the regulation. The woman's sister, brother and children went looking for her at a number of police stations, asking if Tamil people had been rounded up there. The brother explained that the woman was a permanent resident. The police continued to suspect her because she was from an LTTE area (Hotham Mission Asylum Seeker Project 2006, *Hotham Mission field trip to Sri Lanka: Security, protection and humanitarian concerns and implications for Sri Lankan asylum seekers in Australia*, 15 November, p. 33 – Attachment 2).

Recent media reports indicate that large scale cordon and search operations by security forces are currently being performed. A news brief dated 28 April 2007 on Tamilnet (a pro-Tamil website) describes an operation that day in Colombo during which 16,500 persons were interrogated, and 16 civilians (mainly Tamils) were arrested ('16 civilians arrested in Colombo' 2007, TamilNet website, 28 April <http://www.tamilnet.com/art.html?catid=13&artid=22018> – Accessed 9 May 2007 – Attachment 32).

RRT *Research Response* dated 18 December 2006 contains detailed information on the situation for Tamils in Colombo, and the treatment of suspected LTTE members (RRT Country Research 2006, *Research Response LKA31046*, 18 December – Attachment 33).

5. How organised were the EPDP and the EPRLF in the late 1990's? Is it possible that the paramilitaries of the EPDP and the EPRLF been operating in Mullaittivu?

According to various sources, the EPDP has worked with government forces against the LTTE since the 1990s. The UTHR(J) describes the EPDP as having a "chequered history" and states that "from the beginning, governments have done business with it as a useful Tamil face." The EPDP have maintained a presence in Sri Lanka's north, and it is possible that they would have been operating in Mullaittivu. According to the latest UK Home Office report on Sri Lanka, the EPDP became a "provider of a substantial volume of intelligence" to the Sri Lankan government (University Teachers for Human Rights (Jaffna) 2006, *Bulletins No. 42, 43 and Supplement to Special Report No. 23 October 2006*, 13 December <http://uthr.org/bulletins/bul42.htm> – Accessed 9 May 2007 – Attachment 34; UK Home Office 2007, *Country of Origin Information Report: Sri Lanka*, 8 February – Attachment 35).

The EPDP was formed in the late 1980s as a split from the EPRLF. The leader of the EPDP, Douglas Devananda, has been a parliamentarian representing the northern Jaffna peninsula since 1994. An article dated 5 May 2000 describes the early years of the EPDP. According to this article, the EPRLF was a local ally of the Indian army during the 1980s and dominated the Northern Province with their support. After the withdrawal of Indian troops in 1990,

The bulk of the EPRLF leaders fled the country to avoid the wrath of the LTTE. The leader of the EPRLF's military wing Douglas Devananda split from the organisation, formed the EPDP and offered his services to the Colombo regime in the continuing war against the LTTE ('EPDP thugs in the service of Colombo regime: A serious threat to the lives of SEP members in Sri Lanka' 2000, World Socialist Web Site, 5 May <http://www.wsws.org/articles/2000/may2000/epdp-m05.shtml> – Accessed 9 May 2007 – Attachment 36).

In the 1994 general elections, the LTTE called for an electoral boycott in the north. The EPDP was thus able to win nine parliamentary seats with only a few hundred votes. The article goes on to state:

Despite the fact that it represented nobody, the EPDP's seats were crucial to ensure a stable parliamentary majority for the Peoples Alliance. In return for its support for the PA in parliament, the EPDP received cash and arms.

When the Sri Lankan army recaptured Jaffna in 1996, the EPDP moved back into the area and has enjoyed a privileged and protected position. It is, however, a precarious existence: local EPDP officials have no doubt been able to use their influence to feather their own nests but that will continue only insofar as they are effective in stamping out the opposition of Tamils to military rule over the area ('EPDP thugs in the service of Colombo regime: A serious threat to the lives of SEP members in Sri Lanka' 2000, World Socialist Web Site, 5 May <http://www.wsws.org/articles/2000/may2000/epdp-m05.shtml> – Accessed 9 May 2007 – Attachment 36).

A 1993 article in the *Sunday Times* quotes EPDP leader, Douglas Devananda, as saying that the EPDP were in Colombo under the direction of the Defence Ministry to prevent LTTE infiltration. The statement was confirmed by a Cabinet spokesman, who said that the EPDP were monitoring LTTE activities in Colombo (Jeganathan, B. 1993, 'EPDP fires back after pulling out of Colombo', *Sunday Times*, 2 May – Attachment 37).

A 2003 article quotes a former EPDP-cadre in Jaffna as saying that the EPDP and the Sri Lankan army are closely aligned. According to this article, "[t]he paramilitary group works closely with the Sri Lankan armed forces in psychological operations, intelligence and counter insurgency" ('Asylum seeker says EPDP recruiting in India' 2003, TamilNet website, 6 December <http://www.tamilnet.com/art.html?catid=13&artid=10627> – Accessed 9 May 2007 – Attachment 38).

According to UK Home Office information:

the EPDP became a provider of a substantial volume of intelligence by co-operating with local intelligence bureaux in identifying and interrogating Tamil Tiger guerrilla suspects. The vast majority of personnel in Sri Lanka's intelligence services, being Sinhalese, do not know how to read or write Tamil and are aided by EPDP members who help in translation and interrogation. Since the recapture of the northern Jaffna Peninsula, the EPDP has been allowed to function as a political party" (UK Home Office 2007, *Country of Origin Information Report: Sri Lanka*, 8 February – Attachment 35).

The EPDP's stronghold was Jaffna, and it is likely that they had informants in the nearby LTTE areas. In any case, suspicion of involvement with the LTTE would fall on people just by virtue of living in Mullaitivu. Mullaitivu has been an LTTE controlled area for over a decade, and those who lived and worked there during that time would have to have some degree of involvement with the LTTE. As noted in Reporters without Borders' 2002 Annual Report on Sri Lanka:

The 1998 Emergency Law allows security forces to arrest anyone suspected of maintaining relations with this banned separatist organisation. But how can anyone work in the north and east of the country without having contacts with the Tamil Tigers, who are everywhere? (Reporters Without Borders 2002, *Sri Lanka Annual Report 2002*, 24 April http://www.rsf.org/article.php3?id_article=1434 – Accessed 9 May 2007 – Attachment 39).

More information on the EPDP is included in Question 8.

EPRLF

There was less information found on this group. According to the UK Home Office 2007

report, the EPRLF now functions as two groups – the Suresh wing (part of the Tamil National Alliance) and the Varatharaja wing (allied with the EPDP). According to this information the Tamil National Alliance (TNA) is the political proxy of the LTTE, and the TNA's strongholds are the LTTE controlled areas in the North and some areas in the East (UK Home Office 2007, *Country of Origin Information Report: Sri Lanka*, 8 February – Attachment 35).

6. Are there many recorded instances of police and CID corruption around 2000 in Colombo?

Sri Lankan police, along with other levels of government and administration have had a long and unenviable reputation for bribery and corruption.

A 2002 article, referring to the need for reforms in the system, cites a recent survey which found that “[t]he Sri Lankan police are considered by most people to be the most corrupt of all public sector institutions in the country (Perera, S & Mushtaq, M. 2002, ‘Corruption crown for Lankan copes’, *Daily Mirror*, 18 December <http://www.dailymirror.lk/2002/12/18/frontpage/2.html> – Accessed 24 June 2003 – Attachment 40).

The UK Home Office's 2001 report on Sri Lanka states that:

Cordon-and-search operations are often carried out in areas with high concentrations of Tamils, including Tamil lodges. These operations occur at irregular intervals and are intended to catch those missed by normal security measures. Whether people are detained or not is determined by how well they can establish their reasons for being in the area. **UNHCR state that visits to the lodges appear to be planned, with the inherent belief that the security personnel may be able to benefit financially through the residents** [researcher emphasis added] (UK Home Office 2001, *Sri Lanka Assessment*, April, para 5.2.6 – Attachment 30).

Various briefings in the Sri Lanka Monitor from the late 1990s refer to the issue of bribery:

- “some police officers demanded as much as Rs 25,000 from Tamil detainees for release from custody” (‘Student Torture’ 1998, *Sri Lanka Monitor*, October <http://brcsproject.gn.apc.org/slmonitor/October98/Stud.html> – Accessed 9 May 2007 – Attachment 41).
- “Sri Lanka Working Group Netherlands (SLWN) found that eight deportees from Western nations in 1997 and 1998 were arrested by police in lodges or upon arrival in Colombo. In all cases, having friends with money has been a decisive factor in determining whether or not a person is released. Money is necessary for payment of lawyers, bail or bribes says SLWN” (‘New guidelines on arrests’ 1998, *Sri Lanka Monitor*, September <http://brcsproject.gn.apc.org/slmonitor/September98/Grea.html> – Accessed 9 May 2007 – Attachment 42).
- “President Kumaratunge said in an interview on 19 August that she was aware that some police officers were arresting innocent Tamils in Colombo and demanding large amounts of money for their release” (‘Chandrika condones Colombo arrests’ 1997, *Sri Lanka Monitor*, August <http://brcsproject.gn.apc.org/slmonitor/august97/tort.html> – Accessed 9 May 2007 – Attachment 43).
- “Tamils to be safe from police harassment in Colombo need good social connections or money to pay says recently returned academic Dr Ratnajeewan Hoole in a hard-

hitting article in the capitals Island newspaper this month” (‘Being a Tamil in Colombo’ 1996, *Sri Lanka Monitor*, August <http://brcsproject.gn.apc.org/slmonitor/august96/being.html> – Accessed 9 May 2007 – Attachment 44).

According to an AHRC statement dated 2 March 2007, “[c]orruption in Sri Lanka is worse today than ever before” and that the Sri Lankan police service “does not even function to a basically credible level” (Asian Human Rights Commission 2007, ‘Sri Lanka: Expressions of peoples’ anger against corruption censored through propaganda on anti-terrorism’ ACHR website, 2 March <http://www.ahrchk.net/statements/mainfile.php/2007statements/939/> – Accessed 9 May 2007 – Attachment 45).

RRT *Research Response* dated 31 August 2006 provides more recent information on police corruption (RRT Country Research 2006, *Research Response LKA30457*, 31 August – Attachment 46).

7. Was the “Thinamurasu Tamil Daily Weekly” controlled by the EPDP in 2002-3?

The available information indicates that Thinamurasu is either controlled by, or at least strongly supports, the EPDP.

According to Reporters Without Borders (RSF), Thinamurasu is a Tamil-language weekly. The newspaper supports the EPDP, and has been the target of LTTE threats and attacks for years. A 2003 article states:

Thinamurasu (which means Daily Drumbeat) is one of the biggest-circulation newspapers in Tamil and it often reports human rights violations, including executions and abductions, by the LTTE in the east and north of the country.

Editor T. Baskaran told Reporters Without Borders that his newspaper was the only Tamil-language one to report human rights violations. “We must pay the price of our independence because the LTTE expects all the Tamil news media to say nothing about its violence. Those who don’t obey are harassed.”

Thinamurasu supports the EPDP, a Tamil political party that is radically opposed to the LTTE, and it has been the target of threats and attacks for years. In June, the LTTE leader in the northwestern district of Mannar threatened Thinamurasu’s local correspondents with “the worst consequences” if their newspaper continued to be distributed in the region.

The newspaper’s distributor in the east of the island pulled out of his distribution contract in March 2002 after receiving LTTE threats. In May and in June 2002, the LTTE banned the newspaper from circulating in Batticaloa. Norwegian observers had to intervene to get it back on sale. In November 1999, Thinamurasu’s then managing editor Nadarajah Atputharajah alias “Ramesh”, who was also an EPDP parliamentarian, was murdered in Jaffna (‘Tamil Tigers attack Tamil-language newspaper again’ 2003, Reporters Without Borders website, 14 August http://www.rsf.org/article.php3?id_article=7749 – Accessed 19 April 2007 – Attachment 47).

A 2003 article states that Thinamurasu is a weekly Tamil tabloid published by the EPDP, while according to a 1997 article Thinamurasu “is believed to be owned by Douglas Devananda” (‘Asylum seeker says EPDP recruiting in India’ 2003, TamilNet website, 6 December <http://www.tamilnet.com/art.html?catid=13&artid=10627> – Accessed 9 May 2007 – Attachment 38; ‘TULF politician helped plan ‘Jaya Sikurui’ – paper’ 1997, TamilNet

website <http://www.tamilnet.com/art.html?catid=13&artid=128> – Accessed 9 May 2007 – Attachment 48).

During 2002-2003 the editor of Thinamurusu appears to be a Mr. Baskaran. A 2004 article states that:

The Editor of the Tamil daily newspaper, Thinamurusu, Mr. Baskaran, made several complaints of threats, intimidation and hindrance to his work during 2003/2004 as well. In 2002, he had made similar complaints ('Media situation report, Sri Lanka. May 2003 to April 2004' 2004, *International Freedom of Expression eXchange*, <http://ifex.org/en/content/view/full/59774/> – Accessed 6 December 2005 – Attachment 49).

A number of Thinamurusu journalists have been killed. A 2004 article reported that:

EPDP leader Minister Douglas Devananda's Media Secretary was gunned down in broad daylight at Wellawatte yesterday.

K.Balanadarajah who was also a former EPDP election candidate for the Jaffna District was shot dead by two unidentified gunmen near his home at W.A. Silva Mawatha, Wellawatte.

In addition to being the spokesman of the EPDP, Balanadarajah also known as Sinna Bala was on the Editorial Board of the party news paper Thinamurusu (Malalasekera, S. & Fernando, M. 2004, 'EPDP Media Secretary gunned down at Wellawatte' *Daily News*, 17 August <http://www.dailynews.lk/2004/08/17/sec02.html> – Accessed 9 May 2007 – Attachment 50).

Also of interest is the International Press Institute's annual report on press freedom in Sri Lanka for 2002. After the ceasefire, the government lifted restrictions on travelling to the north; however the LTTE still required journalists entering its territory to gain permission. The report states:

...in rebel-held areas of Northern Sri Lanka...Journalists live and work at the mercy of the Tigers, which have a history of being severe with fair critics. Journalists from the rest of Sri Lanka and other countries, still face considerable restrictions and fear when entering rebel areas. Reporting work can be done only with the approval and supervision of the LTTE (Mathew, P. 2002, *Sri Lanka – 2002 World Press Freedom Review*, International Press Institute website http://www.freemedia.at/cms/ipi/freedom_detail.html?country=/KW0001/KW0005/KW0132/&year=2002 – Accessed 9 May 2007 – Attachment 51).

8. What is the relationship between the LTTE and EPDP? Are there attempts to infiltrate each other's groups?

According to the available information the EPDP is opposed to the LTTE politically and militarily. No information was found regarding examples of attempts to infiltrate each other's groups. However, the EPDP has long been involved in gathering intelligence on the LTTE and interrogating LTTE suspects for the Sri Lankan government. Both sides have a well-developed intelligence/information network. A large number of EPDP members have been assassinated by the LTTE, and the EPDP leader has survived a number of assassination attempts by the LTTE. The EPDP has also been implicated in the murders of its own ex-members who have left the party.

According to the Tamil Tigers website "EPDP was formed as a Tamil militant group with a

political front to oppose the LTTE. Members of the EPDP were armed by the Governments of India and Sri Lanka.” According to this article, EPDP is currently an armed militant group “with political wings working with the Sri Lankan government against the LTTE” (‘Other Tamil Eelam Groups’ (undated), Tamil Tigers Website <http://www.tamiltigers.net/othergroups.html> – Accessed 6 October 2006 – Attachment 52).

The 2007 UK Home Office report includes the following information on the EPDP:

A Tamil group formed in 1986 as a split from ERPLF. The party gained one seat at the 2 April 2004 elections for the National Assembly and supported the government subsequently formed by the UPFA. As noted in the final report of the European Union’s Election Observation Mission (EU EOM) to Sri Lanka’s Parliamentary Elections [of 2 April 2004] The Eelam People’s Democratic Party (EPDP – Veena) is ...a Tamil based party and has fought since 1990 against the LTTE. Their stronghold is Jaffna.” As recorded in Jane’s Sentinel Security Assessments, Country profile – At a glance, Sri Lanka, 3 November 2006 “Several ex-Tamil militant groups help the government to counter the continuing Tamil insurgency. Of particular note is the Eelam People’s Democratic Party (EPDP). This once-separatist Tamil group which fought for a separate Tamil state is now recognised as a political party. Its leader, Douglas Devananda...is now a parliamentarian representing the northern Jaffna Peninsula, and was minister of northern rehabilitation in President Chandrika Bandaranaike Kumaratunga’s People’s Alliance government formed after the October 2000 general election, a position he held until the November 2005 presidential election led to a new cabinet. The EPDP is allowed to maintain arms, and Delft, an outlying island in the northern peninsula, is administered and policed by the EPDP on behalf of the government. These concessions were allowed since the EPDP became a provider of a substantial volume of intelligence by co-operating with local intelligence bureaux in identifying and interrogating Tamil Tiger guerrilla suspects. The vast majority of personnel in Sri Lanka’s intelligence services, being Sinhalese, do not know how to read or write Tamil and are aided by EPDP members who help in translation and interrogation. Since the recapture of the northern Jaffna Peninsula, the EPDP has been allowed to function as a political party” (UK Home Office 2007, *Country of Origin Information Report: Sri Lanka*, 8 February – Attachment 35).

The LTTE views itself as the sole political representative of the Tamil population, and they have shown a ruthless attitude to those who oppose them politically. Throughout the ceasefire, the LTTE assassinated a number of members of Tamil political parties, including many EPDP members. According to UNHCR:

The Eelam People’s Democratic Party (EPDP) and Eelam People’s Revolutionary Liberation Front (Varathar) EPRLF(V), at present the LTTE’s two main political opponents, have together lost thirty-two members or supporters killed or missing since the signing of the MOU. This includes persons who had ceased active political involvement with the parties (UNHCR 2004, ‘Background Paper on Refugees and Asylum-Seekers from Sri Lanka’, UNHCR Refworld website, April, p. 12 – Attachment 29).

See also US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Sri Lanka*, March, Section 1.g – Attachment 14; University Teachers for Human Rights (Jaffna) 2006, *Bulletins No. 42, 43 and Supplement to Special Report No. 23 October 2006*, 13 December <http://uthr.org/bulletins/bul42.htm> – Accessed 9 May 2007 – Attachment 34.

An article dated 29 September 2006 states that “[t]he EPDP is a close ally of SL President Mahinda Rajapakse and operates as a paramilitary in Sri Lanka Army controlled areas of the NorthEast” (‘3 men abducted in Colombo, killed in Valaichchenai, 1 decapitated’ 2006, TamilNet website, 29 September <http://www.tamilnet.com/art.html?catid=13&artid=19758> –

Accessed 9 May 2007 – Attachment 53).

9. Have there been many recorded instances of rape and other serious assaults by EPDP cadres at Mount Lavaniya Police Station?

Note: Mount Lavaniya is more commonly spelt as 'Mount Lavinia'.

No recorded instances of rape and other serious assaults by EPDP cadres at Mount Lavinia Police Station were found in the available information. However, the available information confirms that widespread human rights violations, including rape and torture of those in custody, continue to be committed by security forces. In addition, sources indicate that many incidents of rape go unreported due to a culture of fear and shame.

The US State Department continues to report of mistreatment in police custody, lack of accountability for the perpetrators of human rights violations, including “disappearances” and torture. The State Department lists impunity, torture and other inhumane and degrading treatment of persons in custody, mistreatment of prisoners, and poor conditions in detention facilities as some of the human rights problems facing the population (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Sri Lanka*, March, Section 1.a – Attachment 14).

A number of human rights groups report that the use of torture, including rape and other sexual violence, to extract admissions and confessions is common in Sri Lanka. A February 2007 statement by the Asian Human Rights Commission (AHRC) reiterated its repeated assertion that the situation in Sri Lanka is one of an “exceptional collapse of the rule of law.” An AHRC statement issued on 23 June 2006 notes that “[i]t is now acknowledged that there is endemic torture practiced at all police stations as the routine method of criminal investigation.” A 2005 report by the Asian Centre for Human Rights (ACHR) also details numerous instances of alleged rape and torture committed by security forces (Asian Human Rights Commission 2007, ‘SRI LANKA: A disappearance every five hours is a result of deliberate removal of all legal safeguards against illegal detention, murder and illegal disposal of bodies’, AHRC website, 2 February

<http://www.ahrchk.net/statements/mainfile.php/2007statements/912/> – Accessed 9 May 2007 – Attachment 54; Asian Human Rights Commission 2006, ‘SRI LANKA: Government’s hypocritical human rights policy and its failure to eliminate torture’, AHRC website, 23 June <http://www.ahrchk.net/statements/mainfile.php/2006statements/602/> – Accessed 9 May 2007 – Attachment 55; Asian Centre for Human Rights 2005, ‘Torture and lawless law enforcement in Sri Lanka: A shadow report to the UN Committee Against Torture’, ACHR website, 10 November <http://www.achrweb.org/reports/srilanka/SLK-CAT0305.pdf> – Accessed 30 March 2006 – Attachment 56).

The Hotham Mission report noted that the incidents of torture in custody could be much higher than recorded, due to fear of reprisals:

The ongoing use of torture by the military and police was noted by the HRC, as indicated in the official figure of 400 cases investigated for 2006. Most human rights organisations interviewed indicated that the majority of torture victims they had worked with did not complain to the HRC. A number of lawyers working with victims of torture noted that if people make a complaint after experiencing torture they become a threat to the policeman who carried out the abuse (Hotham Mission Asylum Seeker Project 2006, *Hotham Mission field trip to Sri Lanka: Security, protection and humanitarian concerns and implications for*

Sri Lankan asylum seekers in Australia, 15 November, p. 22 – Attachment 2).

The report also notes that human rights workers suspect that the number of unreported rape cases was extremely high:

A recent case was reported in Colombo involving a Tamil woman being raped inside the separate searching section for women at a checkpoint. However as noted by the HRC many incidents are not reported, due to shame and culture preventing people from reporting, 'a culture of not reporting exists.' Groups interviewed suspected the number of unreported rape cases was extremely high, 'very few will come out and report rape because of the social stigma.'

One female welfare and human rights worker suggested that the culture of not reporting rape is a direct result of the rape survivor being scared that others will hear of the incident and consider her a 'loose woman', therefore putting her at risk of being raped again. It was also suggested that parents are scared to report the rape of a daughter for fear they will not be able to marry their daughter due to attached social stigma.

The other reason for not reporting relates to the lack of faith in the judiciary. A number of refugees reported a case of 2 Tamil women from Mannar raped by police officers. They reported the case and attempted to take the perpetrators to court. The case was transferred to an area and never reached the court with no repercussion for the perpetrators (Hotham Mission Asylum Seeker Project 2006, *Hotham Mission field trip to Sri Lanka: Security, protection and humanitarian concerns and implications for Sri Lankan asylum seekers in Australia*, 15 November, p. 26 – Attachment 2).

RRT *Research Response* dated 31 August 2006 provides further information on sexual assault and torture in police custody (RRT Country Research 2006, *Research Response LKA30457*, 31 August – Attachment 46).

Mount Lavinia police station

The above-mentioned 2005 ACHR report also records a previous allegation of torture at Mount Lavinia police station:

Inquiry into the complaint of torture of one Suresh Pradeep Kumara by IP Indrajith of the Mt. Lavinia police station, and PS Bandara of the Kantale police station has reportedly been continuously deliberately delayed by the concerned Investigation Officers. It was alleged that since the beginning of investigation, it has been delayed on at least nine occasions till 19 April 2005.

... the police have allegedly coerced and threaten Suresh, his mother and other complainants to withdraw the charges against the accused. Unable to withstand such pressure, all the complainants, except Mr Kumara, have withdrawn their complaints against the accused and have handed in letters to this effect to the inquiring ASP. Disillusioned with such delay, Mr Kumara has also reportedly informed the inquiring police officer that he will no longer appear for the inquiry (Asian Centre for Human Rights 2005, 'Torture and lawless law enforcement in Sri Lanka: A shadow report to the UN Committee Against Torture', ACHR website, 10 November <http://www.achrweb.org/reports/srilanka/SLK-CAT0305.pdf> – Accessed 30 March 2006 – Attachment 56).

Mount Lavinia police and security forces are mentioned in a number of articles regarding arrests made under the Prevention of Terrorism Act (PTA). An article dated 25 January 2007 reports that a large number of Tamil civilians had recently been arrested in Colombo, some of

whom were being detained “in police stations located in Pettah, Fort, Mt.Lavinia, Mutuwal, Kotahena and Moratuwa in the Colombo city under the PTA and being interrogated by special police teams.” (‘116 Tamil civilians held in Boosa detention camp’ 2007, TamilNet website, 25 January <http://www.tamilnet.com/art.html?catid=13&artid=21025> – Accessed 10 May 2007 – Attachment 57).

An article dated 6 November 2006 reports the arrest of two Sinhala civilians in Mount Lavinia, accused of passing information to the LTTE about EPDP leader Douglas Devananda (‘Court allows investigation of Sinhalese suspected of spying for LTTE’ 2006, TamilNet website, 6 November <http://www.tamilnet.com/art.html?catid=13&artid=20171> – Accessed 10 May 2007 – Attachment 58).

Also of interest is an article dated 1 March 2007 which reports that:

Dehiwela police arrested three Tamil women Wednesday midnight at their house in Vijayarama Mawatte in Kalubowila, Dehiwela, and has detained them at Dehiwela police station without stating the reason for the arrest, legal sources in Colombo said. Mano Ganeshan, Colombo District parliamentarian, contacted Dehiwela police regarding the arrests and was told that the three women have been arrested and held under the Prevention of Terrorism Act (PTA).

Rangarajah Krishnaveni, 26, from Jaffna, Sebastian Kanishka, 17, Antony Reetamma, 33, both from Hatton work in Colombo, according to relatives.

The police had told Mano Ganeshan only after the interrogation the Police will decide if the women are to be released or not, sources close to the MP said (‘Dehiwela Police arrests 3 Tamil women under PTA’ 2007, TamilNet website, 1 March <http://www.tamilnet.com/art.html?catid=13&artid=21412> – Accessed 9 May 2007 – Attachment 59).

Abductions

Mano Ganeshan is the leader of the Western People Front and convener of the Civil Monitoring Commission (CMC). The CMC is engaged in monitoring involuntary disappearances, abduction, extra judicial killings and arbitrary arrests and detentions, mainly in Colombo. An article dated 18 March 2007 reports the CMC as saying that “government intelligence units and paramilitary groups” are responsible for many of the abductions (‘More pressure urged to stop abductions’ 2007, *The Sunday Times*, 18 March <http://sundaytimes.lk/070318/News/115news.html> – Accessed 10 May 2007 – Attachment 60; for information on CMC see: UK Home Office 2007, *Country of Origin Information Report: Sri Lanka*, 8 February, para 4.17 – Attachment 35).

An AHRC statement in February 2006 cites the former Sri Lankan Foreign Minister as saying:

“It has been reported by local and international human rights organisations that a person is abducted every five hours. Kidnappings, abductions and killings have become common incidents” (Asian Human Rights Commission 2007, ‘SRI LANKA: A disappearance every five hours is a result of deliberate removal of all legal safeguards against illegal detention, murder and illegal disposal of bodies’, AHRC website, 2 February <http://www.ahrchk.net/statements/mainfile.php/2007statements/912/> – Accessed 9 May 2007 – Attachment 54).

According to 26 September 2005 letter from the British High Commission in Colombo, cited in a 31 October 2006 UK Home Office report on Sri Lanka,

The Western Province Peoples Front (WPPF, a political party representing Tamils in Colombo ...) said that there was serious harassment of Tamils. They had documented over 500 detentions under the [Emergency] regulations and the reintroduction of House Registration (used to track the identity of individual members of houses) which had been suspended since 2002. They also linked the Emergency regulations to the abduction and murders of five Tamil civilians in Colombo (UK Home Office 2007, *Country of Origin Information Report: Sri Lanka*, 8 February, para 8.12 – Attachment 35).

A number of sources report that the EPDP has been implicated in abductions, disappearances, and extrajudicial killings. As noted in the *UNHCR Position on the International Protection Needs of Asylum-seekers from Sri Lanka*:

Apart from alleged state-sponsored paramilitary groups, the army, the LTTE, armed elements of the Eelam People's Democratic Party (EPDP, a Tamil opposition party with associations with the security forces), and the Karuna faction have also been implicated in abductions, disappearances, extrajudicial killings and other forms of persecution (UNHCR 2006, *UNHCR Position on the International Protection Needs of Asylum-seekers from Sri Lanka*, December, para 17 – Attachment 31).

An article dated 29 September 2006 describes the abduction and murder of three Tamils in Colombo, allegedly by EPDP operatives. The article states that “[o]ne of the abducted men was a former cadre of the paramilitary group EPDP, [who] had left the group two years ago, opposing the activities of the group.” According to local residents, he “was being chased by a paramilitary operative known as ‘EPDP Siva’ in the area” (‘3 men abducted in Colombo, killed in Valaichchenai, 1 decapitated’ 2006, TamilNet website, 29 September <http://www.tamilnet.com/art.html?catid=13&artid=19758> – Accessed 9 May 2007 – Attachment 53).

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