



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Sri Lanka – Researched and compiled by the Refugee Documentation Centre of Ireland on 22 October 2010

What is the current treatment by the Sri Lankan authorities of Tamils who the authorities believe were involved with the LTTE?

Are the Sri Lankan authorities still holding any LTTE members/suspected members prisoner

Do the Sri Lankan authorities consider Tamils who contribute/used to contribute to Tamil newspapers/publications to be linked to the LTTE?

Please find attached information relating to your query on Sri Lanka.

The *UNHCR* eligibility guidelines on Sri Lankan asylum seekers from July 2010 states:

“In the wake of the conflict, almost 11,000¹⁷ persons suspected of LTTE links were arrested and detained in high-security camps, while over 500 former child soldiers¹⁸ were transferred into rehabilitation centres.¹⁹ By the end of May 2010, all former LTTE-associated child soldiers had reportedly been released from rehabilitation centres.²⁰ Some of the adult detainees have also been released after completing rehabilitation programmes or because they were no longer deemed to present a risk, including some persons with physical disabilities.²¹ By May 2010, around 9,000 alleged former LTTE cadres reportedly remained in closed camps.²² In the immediate post-conflict period, there have been allegations of enforced disappearances of persons suspected of LTTE links.²³ Furthermore, the broad powers of arrest and detention under the Prevention of Terrorism Act (PTA)²⁴ and the Emergency Regulations,²⁵ have reportedly generated considerable controversy around issues such as the arrest and detention of persons suspected of LTTE links, in a number of cases allegedly on limited evidence and often for extended periods.²⁶ Human rights observers have also expressed concerns regarding the broadly defined offences under the Emergency Regulations,²⁷ which allow, inter alia, detention without charge for up to 18 months,²⁸ and use of informal places of detention.²⁹ In May 2010, the Government, however, relaxed the Emergency Regulations³⁰ by withdrawing several provisions, including those dealing with the imposition of curfews, propaganda activities, printing of documents and distributing them in support of terrorism, as well as those restricting processions and meetings considered detrimental to national security.³¹ Amongst issues relevant to the determination of eligibility for refugee protection are allegations by a number of sources regarding: torture of persons suspected of LTTE links in detention;³² death of LTTE suspects whilst in custody;³³ as well as poor prison conditions, which include severe overcrowding and lack of adequate sanitation, food, water and medical treatment.³⁴ According to some reports young Tamil men, particularly those originating from the north and east of the country, may be disproportionately affected by the implementation of security and anti-

terrorism measures on account of their suspected affiliation with the LTTE.³⁵ In light of the foregoing, persons suspected of having links with the LTTE may be at risk on the ground of membership of a particular social group. Claims by persons suspected of having links with the LTTE may, however, give rise to the need to examine possible exclusion from refugee status.” (UN High Commissioner for Refugees (05 July 2010) *Sri Lanka: "UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*)

Regarding media figures the report goes on to say

“Notwithstanding the end of the conflict, restrictions on media independence and freedom are reported to persist, including restricted access to certain regions of the country.³⁷ Despite a reduction in the number of high-profile attacks on media professionals since June 2009, concerns continue to be voiced in relation to journalists, publishers and other media personnel, who report critically on sensitive matters.³⁸ A variety of reports indicate that such journalists could be subject to intimidation, harassment, physical attacks, arbitrary detention and disappearances.³⁹ Politically motivated abductions are still reported,⁴⁰ and are alleged not to be effectively investigated or prosecuted.⁴¹ Credible reports also indicate that several prominent journalists have fled Sri Lanka in the last 18 months.⁴² In light of the foregoing, UNHCR considers that journalists and other media professionals, who express, or are perceived to hold, critical views on sensitive issues, may be at risk on the ground of (imputed) political opinion.” (Ibid)

A query response from the *Immigration and Refugee Board of Canada* states:

“The Times reports that Pathmanathan did an interview in July 2009 wherein he alleged that between 1,500 and 2,000 LTTE members remain in Sri Lankan jungles and that there was a new, undisclosed LTTE headquarters within Sri Lanka (23 July 2009). In contrast, according to 21 January 2010 correspondence from a senior research fellow at the Centre for Land Warfare Studies (CLAWS) in New Delhi, which is an independent think tank that specializes in the study of "national security issues, conventional military operations and sub-conventional warfare" (CLAWS n.d.), the "LTTE has now been decimated" within Sri Lanka (Senior Research Fellow 21 Jan. 2010). The Senior Research Fellow, who has published articles on the conflict in Sri Lanka for several years, indicated that LTTE remnants within Sri Lanka are trying to remain inconspicuous due to the enhanced security situation and that some may have integrated with the population or left the country (ibid.). He also stated that LTTE members, and those remotely affiliated with LTTE activities, are being apprehended by authorities, and that weapons and ammunition are being uncovered (ibid.).” (Immigration and Refugee Board of Canada (28 January 2010) *LKA103330.E*

Sri Lanka: Liberation Tigers of Tamil Eelam (LTTE) activity in Sri Lanka, including arrests, whether LTTE members have been responsible for extortion, disappearances or bombings since the government defeated the LTTE, and whether the LTTE has the capacity to regroup within Sri Lanka (May 2009 - January 2010))

A report from *World Organisation Against Torture* states:

“Freedom of expression continued to be restricted in Sri Lanka throughout 2009. During the conflict, the Government of Sri Lanka used all methods at its disposal to keep the media under strict control and to prevent any independent coverage of the situation in the areas where fighting and displacement were taking place. Government political leaders and high ranking officials also continued to make public allegations against media and journalists without any evidence. For instance, in late May, when the war victory jubilation was at its height, most senior armed services and police officers appearing on State controlled television levelled charges against unnamed independent media activists as LTTE collaborators who allegedly received money from the LTTE⁵. In such a context, media was forced to adopt a strict self-censorship, especially on matters related to the war and the aftermath of the war, and many media workers had to leave the country for their safety in 2009. Yet, although the UN Special Rapporteur on Freedom of Expression made a request to visit Sri Lanka in August 2009, as of the end of the year the Government had not responded to this request, despite a commitment it had made during its bid for election for the UN Human Rights Council in 2006” (World Organisation Against Torture (13 September 2010) *Sri Lanka: "Steadfast in Protest; Annual Report 2010; Sri Lanka"* , Author: OMCT & FIDH)

Under the heading Arbitrary arrests and detentions a 2010 *Amnesty International* report states:

“The security forces used emergency regulations to arrest and detain many thousands of Tamils suspected of LTTE links. People were arrested in various contexts, including in displacement camps, during search operations and at security checkpoints throughout the country.

On 26 March, more than 300 people, most of them Tamil, were arrested in a search operation conducted between 6pm and 6am in the town of Gampaha, about 24km north-west of Colombo. Hundreds of people remained detained without charge in police lock-ups and southern prisons under the Prevention of Terrorism Act and emergency regulations on suspicion of links to the LTTE; in November, 20 were released for lack of evidence.

On 18 September, some 36 Tamil prisoners on hunger strike protesting against their prolonged detention without trial at Welikada jail said they were beaten by prison guards. Beatings by prison guards in November injured 22 Tamil prisoners, seven of them seriously.” (Amnesty International (28 May 2010) *Sri Lanka: "Amnesty International Report 2010 - The State of the World's Human Rights"*)

A *BBC News* report states:

“Former Tamil Tiger rebels detained in Sri Lanka say they have been ill-treated in government camps with no basic facilities.

In letters and phone calls to BBC Tamil, ex-militants say they have been "tortured and beaten" in the centres.

They accuse camp guards of being corrupt and demanding bribes before releasing detainees.

The government says all those being held in custody following the end of the war are being well cared for." (BBC News (15 July 2010) Former Sri Lanka rebels 'abused in detention")

A June 2010 report from the *World Organisation Against Torture* states:

"Even this year, long after the end of the war in May 2009, OMCT has received credible accounts of torture of suspected Liberation Tigers of Tamil Ealam (LTTE) cadres by Sri Lankan authorities, including in secret detention facilities. OMCT is especially concerned about the fate of around 9,000 individuals, alleged to be member or supporters of the LTTE, who are detained in detention centres in Vavuniya. The absence of a centralized list of detainees with their respective places of detention and restriction of access to lawyers, the International Committee of the Red Cross (ICRC) and the National Human Rights Commission (NHRC) has increased the vulnerability of detainees to torture and disappearances.

OMCT has also received credible testimonies of torture from across the country, including in cases not related to the ethnic conflict or terrorism. Such testimonies indicate that torture remains a widespread practice used by State's police forces with impunity in clear violations of Sri Lanka's national laws and obligations under international human rights law. Beating with various weapons, falaqa and suffocation, among other practices, are routinely used by law enforcement officials for interrogation purposes and as personal vendettas." (World Organisation Against Torture (26 June 2010) *Sri Lanka: "The need of a war against torture"*)

A report from *BBC News* states:

"Many bitter decades of civil war in Sri Lanka came to an end exactly one year ago. But some 10,000 people accused of fighting for the Tamil Tigers are still being detained by the government.

For years, the rebels were instructed to swallow a cyanide capsule rather than surrender to the Sri Lankan army.

But in the final phase of war, many just gave themselves up.

At first fighters mingled with the hundreds of thousands of people who fled the last days of the conflict. But in time, the Sri Lankan government scoured displacement camps and removed suspected Tiger rebels.

They are now kept in high-security facilities." (BBC News (18 May 2010) *Sri Lanka: "Rebels in limbo"*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre 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. Please read in full all documents referred to.