

Report

Sri Lanka: Human rights and security issues concerning the Tamil population in Colombo and the Northern Province



Madhu Road, Vavuniya. Hindu shrine of Ganesh at the entrance to a newly built Buddhist temple.



The Country of Origin Information Centre (Landinfo) is an independent body that collects and analyses information on current human rights situations and issues in foreign countries. It provides the Norwegian Directorate of Immigration (Utlendingsdirektoratet – UDI), Norway's Immigration Appeals Board (Utlendingsnemnda – UNE) and the Norwegian Ministry of Justice with the information they need to perform their functions.

The reports produced by Landinfo are based on information from both public and non-public sources. The information is collected and analysed in accordance with source criticism standards. When, for whatever reason, a source does not wish to be named in a public report, the name is kept confidential.

Landinfo's reports are not intended to suggest what Norwegian immigration authorities should do in individual cases; nor do they express official Norwegian views on the issues and countries analysed in them.

Translation provided by UK Home Office.

© Landinfo 2013

The material in this report is covered by copyright law. Any reproduction or publication of this report or any extract thereof other than as permitted by current Norwegian copyright law requires the explicit written consent of Landinfo.

For information on all of the reports published by Landinfo, please contact:

Landinfo
Country of Origin Information Centre

Storgata 33A

P.O. Box 8108 Dep

NO-0032 Oslo

Norway

Tel: +47 23 30 94 70

Fax: +47 23 30 90 00

E-mail: landinfo@landinfo.no

Website: www.landinfo.no

Sri Lanka: Human rights and security issues concerning the Tamil population in Colombo and the Northern Province

SUMMARY

The overall security situation in Sri Lanka seems to have stabilized further in the period since Landinfo's previous fact finding mission to the country in May 2010.

The wide-ranging security regime that was built up in Colombo during the war has been phased out. The Emergency has been lifted and the number of arbitrary arrested and detained Tamils under the Prevention of Terrorism Act (PTA) is significantly reduced. At the same time, a rather massive presence of security forces in the Northern Province seems to hamper resettlement, rehabilitation and re-establishment of a functioning civil society and a sustainable local economy.

Conflict related disappearances and killings seem to have come to a halt, but during last year a worrying number of abductions were recorded.

Most of the IDPs (Internal Displaced Persons) have left the camps and the majority of detainees in the Rehabilitation Centres have been released. Their return to their places of origin (in the Vanni and Jaffna) has not created serious security and human rights-related problems. Former LTTE-cadres (rehabilitees) settling in the Vanni are continuously kept under tight security surveillance and face restrictions on movement, but relatively few seem to have been re-arrested.

Female returnees (IDPs) and particularly female rehabilitees are vulnerable, facing social, cultural and livelihood-related difficulties in connection with their resettlement. There are not many documented cases of sexual abuse of local women by security personnel from the Vanni region. Reported cases indicate that violence and sexual abuse of women is as much a family and community problem as a problem connected to the presence of the security personnel in the Northern Province.

Human Rights Watch (HRW) has published reports on Tamils in the UK allegedly having been tortured upon return to Sri Lanka. Landinfo did not receive any information in Sri Lanka in April 2012 indicating that Tamils returning to Sri Lanka are exposed to particular security arrangements or are at risk for physical abuse.

CONTENTS

1. Introduction.....	6
1.1 Sources and identification	7
1.2 Purpose, issues and focus	7
2. The government's security regime in different areas.....	8
2.1 Colombo	8
2.2 Vavuniya.....	9
2.3 The Northern Province	9
2.3.1 <i>Monitoring of civilians in Vanni</i>	9
2.3.2 <i>Freedom of assembly – Vanni and Jaffna</i>	11
2.3.3 <i>“Colonisation”</i>	12
2.3.4 <i>Jaffna</i>	16
3. Rehabilitation camps	19
3.1 Conditions in the camps	20
3.2 Registration and surveillance; Restriction of freedom of movement after release – reintegration.....	21
3.2.1 <i>Individual information and identification</i>	21
3.2.2 <i>Work and reintegration</i>	22
3.2.3 <i>Return to the neighbourhood / village</i>	23
3.2.4 <i>The situation for former female LTTE members</i>	24
3.3 Re-arrests of ex-LTTE members	24
4. Prevention of terrorism act	25
4.1 Reduced number of detention orders.....	25
4.2 Treatment of detainees.....	26
4.3 Termination of PTA-cases.....	27
5. Abductions	29
6. Returned persons and their situation.....	31
7. Women in Vanni.....	35
7.1 Security - presence of SLA; sexual violence	35
8. References	39
9. Annex A: Example of release certificate	44
10. Annex B: Rape and attempted rape	45

10.1	Rape	45
10.2	Attempted rape	45
10.3	Non-specific cases	46

1. INTRODUCTION

The Norwegian Country of Origin Information Centre (Landinfo) and the Immigration Appeals Board (UNE) visited Sri Lanka during the period 7 to 25 April 2012.

The following report is largely based on information gathered during the visit. In addition to Colombo the delegation visited Mannar, Vavuniya, Killinochchi, Jaffna and Batticaloa. The delegation met with human rights activists, lawyers, various professionals from the legal sector, politicians and representatives and leaders of religious communities, the media, local aid, women's and human rights organisations, the Norwegian Embassy in Colombo and relevant international organisations such as the International Organisation for Migration (IOM), the UN Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC).

There is no doubt that the ethnic conflict and civil war between the Liberation Tigers of Tamil Eelam (LTTE) and the government has cemented fears, prejudices and preconceptions in broad sections of the Sinhalese as well as the Tamil population in Sri Lanka. This affects both the actual situation in the country and the information provided by some of the informants. After the visit Landinfo has formed the following overall picture relevant for the immigration authorities:

- Surveillance, security arrangements and the risk of arrests no longer dominate the lives of the Tamil population in Colombo and the south.
- The number of detentions of Tamils under the Prevention of Terrorism Act (PTA) has been reduced, and the majority of the approximately 13,000 who were detained in rehabilitation camps have been released. There are few records of re-arrests of individuals released from the rehabilitation camps.
- The Northern Province, Vanni¹ and Jaffna, are dominated by the presence of the army. The prevailing security situation does not seem to justify the security forces' extensive presence and the security measures imposed on the population, particularly those released from rehabilitation camps.
- The situation of single women in Vanni is generally very difficult. However, there is no evidence that members of the security forces are involved in many cases of sexual abuse in the area.
- There is nothing to indicate that returning Tamils are treated in any particular way or are at risk of violations.
- Nepotism, corruption and crime have contributed to a general curtailment of basic democratic rights. Over the past year, many critics and political opponents have been abducted.

¹ Districts of Mannar, Mullaitivu, Vavuniya and Killinochchi.

1.1 SOURCES AND IDENTIFICATION

During Landinfo's fact-finding trip to Sri Lanka in May 2010, more interlocutors were unwilling to be quoted than on previous visits to the country (Landinfo 2011, p. 5).

During the visit in April 2012, the sources were even more reluctant to be quoted. The majority did not want to be linked to specific information or opinions. This includes several representatives of international organisations. Furthermore some sources did not want to be included in a list of meeting partners. One local source was categorical with respect to the risk involved in providing information. The informant would lose her/his job and believed that she/he would most likely be killed. It is claimed that the government is responsible for various forms of intimidation and harassment to prevent critical debate and publicity about human rights violations and abuse of authority.

1.2 PURPOSE, ISSUES AND FOCUS

The main purpose of the visit was to obtain updated information on developments in Sri Lanka. The focus was on security and human rights conditions for the Tamil population in Colombo and in the recaptured areas in Vanni² and in Jaffna.

The intention was not to get a complete picture of the security and human rights situation in Sri Lanka. The focus was on the issues that are considered relevant to the immigration authorities' processing of applications for protection from Sri Lankan citizens.

The main subject was various security arrangements and their consequences, which for many years have had a significant impact on the living conditions of the Tamil minority population in Sri Lanka; both in Colombo (South), in the former LTTE-controlled Vanni, Jaffna (north) and in the three districts in the east. It includes various registration and monitoring mechanisms, restrictions on the right to free movement, implementation of Emergency Regulations (EMR) and anti-terror legislation (PTA), arrests, unauthorised/illegal detention, rehabilitation of former LTTE members, internal displacement, abductions, disappearances and the risk of various forms of conflict-related violence. Regarding the former LTTE-controlled areas in Vanni, the focus was on security and rights related issues and the living conditions of women and individuals released from the rehabilitation camps. Humanitarian and social issues, resettlement and reconstruction, political governance and management in both the former LTTE-controlled areas in Vanni and other Tamil-dominated areas in the east and north were not, however, central to the discussions. The development within these areas could nevertheless have an impact on the local, mainly Tamil civilian population's future living conditions, security and basic rights.

The delegation also raised issues related to the working conditions of the media, human rights activists and lawyers. Landinfo will issue a separate memo on the situation for journalists and the media.

² Before 2009 LTTE controlled areas in the districts of Vavuniya, Mannar, Mullaitivu and Killinochchi. LTTE also controlled a part of Jaffna (the isthmus north of Elephant Pass).

2. THE GOVERNMENT'S SECURITY REGIME IN DIFFERENT AREAS

2.1 COLOMBO

At the beginning of April 2012 Colombo, on the surface, was a much more open city than it was before the war ended in May 2009. The security arrangements have been significantly reduced since Landinfo's previous visit in May 2010.

In May 2010, one year after the war, the general impression was that most checkpoints were still operative. Areas that were closed or restricted for civilians during the war had still not been opened. Barricades around government buildings and installations had not been removed. There was still a significant presence of security forces controlling civilians and civilian traffic. In May 2010, most of Landinfo's interlocutors agreed that most of the security-related infrastructure was intact, but that the scope and intensity of the security regime had been reduced during the period from May 2009 to May 2010.

In April 2012 Colombo no longer appeared to be as militarised and dominated by security arrangements as it did in 2010. The most striking development is the apparent reduction in the number of checkpoints and armed personnel. An increasing number of areas have been made available to civilians, for example around the presidential residence, Temple Trees.

There are still security arrangements close to governmental institutions, particularly around areas used by the security forces. In some key areas of Colombo there are still permanent checkpoints, for example close to the old parliament.

The observable change in the presence of the security forces and the police is reflected in the sources' information and opinion on the extent to which security arrangements are restricting civilian³ daily life in Colombo. Interlocutors describe the security forces' permanent and temporary security control as limited, and as of April 2012 round-ups, household registration and cordon-and-search operations do not seem to be part of the security regime in Colombo. Such surveillance and security measures were previously pervasive in the capital.

Pursuant to the Emergency Regulations (EMR)) and police regulations allowing for household registration (Landinfo 2010, p. 17-19), the police previously required that every Tamil household had to keep the police updated on household members and visitors (Landinfo 2010). The EMR, which gave the security forces wide powers, were lifted on 30 August 2011. A local human rights organisation claimed that household registration still was going on in Wellawatta in February 2012. None of the other interlocutors had information of systematic registration of Tamil households in Colombo in April 2012. One international organisation put it this way: *The police regulations are still applicable, but they do not seem to be implemented in Colombo or other areas south of the former LTTE-controlled areas.*

³ In particular the Tamil population. There is a general agreement that a wide range of security measures have been directed against the Tamil population.

During and in the aftermath of the military conflict, thousands of Tamils in Colombo, particularly those newly arrived from the north or east, were arbitrarily arrested. The majority were released after a short time, usually a few hours, but many were kept for several days at local police stations before being cleared and released. Some (a significant number on an annual basis) were detained under the EMR and PTA (see Chapter 4). None of the interlocutors in Colombo had information indicating that organized arbitrary arrests still was taking place in Colombo in 2012. This corresponds with information about the dismantling of infrastructure and the downscaling of security screening of Tamil civilians. None of the informants provided information indicating that Tamils in the capital area or in the south are affected by direct conflict-related violence, disappearances and extrajudicial killings by the spring of 2012. Over the past year, however, an increasing number of abductions have been registered, including in Colombo. In the period from October 2011 to September 2012 nearly 60 abductions were recorded. Both Tamils and Sinhalese have been abducted. Interlocutors gave divergent information on the scope of the abductions, who is affected and why (see Chapter 5).

2.2 VAVUNIYA

Landinfo has on several occasions before the end of the war visited the central areas south of the former LTTE-controlled Vanni, the area around Vavuniya. The city was then marked by an extensive security regime resulting in human rights violations and economic sufferings for the local population. As in Colombo, the security forces' presence now seems to have been significantly reduced. The delegation biked around in all the main areas of the town one afternoon and one early morning, without observing more than two representatives of the security forces. This may not be representative, but in the light of the fact that three years ago the area was characterised by comprehensive restrictions on civilian movement, it's probably an indication of changes in the security forces' priorities in the area.

Most checkpoints and barricades have been removed, and the civilians Landinfo spoke to characterized civilian traffic as unobstructed. The main check point at Medawachchiya, south of Vavuniya town, where travellers in both directions had to change vehicles, were registered and subjected to individual security checks (which often took more than five hours), have been removed. As we passed Medawachchiya there were two representatives of the military forces on the road and traffic was not controlled. Train service between Medawachchiya and Vavuniya were suspended in November 2007 (CPA 2008). Regular services between Colombo and Vavuniya were resumed in March 2011.

2.3 THE NORTHERN PROVINCE

2.3.1 Monitoring of civilians in Vanni

Omanthai is still the main security checkpoint for travellers entering the Vanni. Landinfo passed the check point six times in a few days in April 2012, and our impression from the passages was in accordance with the interlocutors' assessment of civilian traffic between the south and the north (Vanni and Jaffna).

The check point at Omanthai does not represent a major hindrance to civilian traffic, and the checkpoint appears to be more open than before. Apart from the checkpoints

at Elephant Pass and at Mankulam Junction, no additional checkpoints were operative along the A9 highway when Landinfo visited the Northern area.



The Checkpoint of Omanthai in April 2012.

Based on the observable military activity along the entire stretch of the A9 north of Vavuniya and on the information provided by the sources, the Vanni may be characterised as massively militarised. However, several interlocutors indicated that the military presence was not taking a form similar to that which was established in the government controlled areas during the conflict period; barricaded checkpoints, cordon and search, arbitrary arrests of civilians, and so on. Informants in Vanni emphasised that the extensive military presence was creating a number of problems for the local population, but most claimed that civilian movement was not significantly affected by the presence of security forces (see below and section 2.3.3). At the same time, several interlocutors, including representatives of an international organisation in Vanni, claimed that security checks, for instance at checkpoints, are more extensive in the areas referred to as "interior".⁴

In the report "Sri Lanka's north 1: The denial of minority rights", International Crisis Group (ICG) claims that there are *hundreds of checkpoints* (ICG 2012, p. 9). It is not specified what "checkpoints" refers to, but the main traffic artery through the Vanni (the A9 from Omanthai to Jaffna) was not dominated by military checkpoints in April 2012. Nor was any information provided to indicate that arbitrary arrests of civilians were a part of the security regime.

The majority of interlocutors in Vanni said, however, that the army is monitoring and registering the population. Some claimed that the entire Tamil population in the area was being photographed and registered, despite the fact that - in March 2011 - the

⁴ The sources referred to areas off the A9 when they were asked to specify the word *interior*.

Attorney General ordered the termination of such registration procedures after the Tamil National Alliance (TNA) filed a petition to the Supreme Court. The court concluded that registration is *an infringement of the right to freedom from degrading treatment and the right to equality and equal protection of the law* (ICG 2012, p. 9). It appears unclear whether a unified registration system has been established, or if different systems are implemented in different areas. One international organisation believes that it is uncertain whether the photo registration of Tamils has ceased as of mid April 2012. Several local interlocutors indicated that there was widespread use of informants reporting to the intelligence community. Some argued that many of the informants were forced to cooperate, and that persons released from rehabilitation camps were at risk. Several interlocutors claimed that it is mainly former LTTE-members that have not been in rehabilitation camps who risk arrest. (See Chapter 4.)

An international organisation claimed that members of the police and security forces (intelligence) had approached the organisation's local offices and requested information about local employees' identity, background and private life. Several interlocutors confirmed that a local employee of an NGO had been abducted by unidentified persons. At the end of April it was confirmed that the abductee was kept in a gazetted place of detention.

2.3.2 Freedom of assembly – Vanni and Jaffna

Several of the representatives of the Tamil National Alliance (TNA) emphasised that it was not possible to conduct ordinary political activity (opposition), either in Vanni or in Jaffna, because freedom of assembly is severely restricted. The party has no activity in Vanni. Several interlocutors reported that the Eelam People's Democratic Party (EPDP), which is part of the coalition, also could not carry out political work in Vanni. A member of parliament claimed that the army had used violence to stop a legal TNA meeting in Allededdy in Jaffna in 2011 as one of several examples of military intervention in legal meetings. A representative of the press claimed that the State Intelligence Service (SIS) was present at all political meetings in Jaffna and threatened politicians and representatives of the press. According to several sources, individuals who engage in lawful demonstrations and political meetings risk harassment and physical attacks. Several TNA politicians and local informants claim that the central government cooperates with the EPDP to harass opposition. According to sources connected with the press and TNA, the monitoring and harassment have led to minimal or very limited opposition activity in the Northern area. There was, however, little concrete information to substantiate the allegations. The same applies to claims from local sources that the EPDP, particularly in Jaffna, is armed and operates together with members of the security forces. Two of the interlocutors who had been present when participants in a legal aid seminar in Jaffna were attacked claimed that the EPDP was responsible. They had no information about the persons who committed the attack but still they described them as being *known EPDP-members*.

A majority of the interlocutors claimed that all meetings in Vanni/Jaffna had to be approved in advance by the army, which can insist on having its representatives present. Monitoring of meetings was confirmed as common practice by all interlocutors in Vanni. A number of examples were given to describe how the security forces interfere with normal social and family life in Vanni. Some claimed

that even family visits and gatherings had to be notified, for example a wedding or a funeral. At meetings and functions organised by public institutions such as schools, military representatives had to be invited. A representative of an international aid organisation said that it is the fixed routine in all villages to inform the military command about visitors. Several sources claim that there is always a risk that the representatives of the security forces will appear even at family gatherings.

There seems to be general agreement among the interlocutors that freedom of assembly is severely restricted, but no one seems to know what rules apply. With regard to political meetings, there is an undivided consensus that the security regime involves a high risk of problems and even violence. Landinfo's impression is that the nature and extent of the surveillance of private events vary depending on the local commander. This was confirmed by several of the interlocutors. An international aid organisation claimed that the commanders work at their sole discretion, but that they are transferred every six months, creating great unpredictability.

2.3.3 “Colonisation”

The Northern Province⁵ was in April 2012 the only province that had not elected a provincial government (Provincial Council) under the constitutional amendment introduced more than thirty years ago (1978). A Sinhalese governor appointed by the president with a military background is governing the province.⁶ It has now been announced that elections will be held in September 2013.

Several local interlocutors, especially TNA politicians, but also representatives of international organisations and one Norwegian interlocutor, stated that the central government had initiated a colonisation process in the Northern Province. According to the sources the colonisation takes the form, in particular, of military economic activity, favouring Sinhalese business and labour, the construction of Buddhist symbols and temples, erection of war monuments, land occupation, the setting up of Sinhalese households and regulation of local fisheries. It is obvious that the Sri Lanka Army (SLA) is involved in economic activity in Vanni, but Landinfo did not get representative information on the extent of this practice. The most apparent activity along the A9 is the so-called *Army Welfare Shops*.⁷ Several local informants claim that there is a large and growing number of these shops, while representatives of two international organisations maintained that the number has been reduced compared with the first period after the war. In April 2012 Landinfo counted about fifteen Army Welfare Shops between Omanthai and Jaffna.

⁵ The Northern Province: The five districts of Jaffna, Killinochchi, Mullaithivu, Vavuniya and Mannar.

⁶ President Mahinda Rajapaksa appointed the former Chief of Staff (Jaffna) in the Sri Lanka Army (SLA) Major General G.A. Chandrasiri as governor of the Northern Province in summer 2009. There is broad agreement that a large number of disappearances, extrajudicial executions and other serious human rights violations took place during the period when Chandrasiri was Chief of Staff in Jaffna.

⁷ Army Welfare Shops are entertainment places for travellers.



Army Welfare Shop, Vanni.

With regard to seizure of land, it is obvious that military camps and installations occupy large areas of private land. A TNA parliamentarian claimed that in Killinochchi alone the Governmental Agents Office (GA) has recorded over one thousand properties occupied by the security forces. All local informants described this as a major problem. Farmers are being denied access to their land and the army outperforms local agricultural producers by selling vegetables at dumping prices on local markets. Several sources claim that the army distributes agricultural products on the open market in Colombo.

Several informants stated that the army's occupation of land (in some cases entire villages) not defined as a High Security Zone (HSZ) is illegal, discriminatory and disproportionate to the actual security situation. Interlocutors gave several examples, one of which was Mullikulam in Mannar, where the entire village population had been driven out by the army in 2007. According to a local party, as of April 2012, the villagers have still not been allowed to return.

Regarding the establishment of Sinhalese households/settlements, there is a general consensus that Sinhalese settlers are moving into the Vanni, but no one seems to have a general idea of the extent to which this is happening. Several of the interlocutors who are of the opinion that the Northern Province is being colonised, claim that the government is deliberately exploiting the fact that documentation and records are either destroyed or lost and also not taking into consideration the land distributed by the LTTE.⁸ Many of these interlocutors referred to the same specific examples. One is that the Sinhalese have been given land and houses along Madhu Road, including a newly established housing scheme financed by a local bank.⁹ Secondly, that Sinhalese have allegedly been given land in areas that have not been opened for resettlement in Mullaithivu. A representative of a religious community

⁸ Large areas were under LTTE administration for about 20 years. The LTTE distributed land to civilians.

⁹ Those who referred to this project all gave differing information on the proportion of Sinhalese, Muslims and Tamils who were resident in the project.

claimed that the army, in cooperation with, among others, members of parliament and Buddhist priests, are occupying *Tamil land* and opening it up for Sinhalese settlers in both Vavuniya and Mullaithivu. In Mannar returned Muslims have allegedly been given land in areas belonging to or traditionally used by Tamils. A minister, Rishad Bathiudeen, in collaboration with the Governor of Northern Province, was named responsible for this. None of the interlocutors had information about the extent of new non-Tamil settlements or land distributed to Sinhalese or Muslims.

According to representatives of several local organisations, the Navy is managing fisheries in the North. Some interlocutors claimed that local Tamil fishermen are being systematically denied access to fishing banks far from the coastline, while large Sinhalese vessels are granted licences. Tamil fishermen have to pay for licences that are geographically and temporally limited. Others pointed out that limited access to and poor experience with the bureaucracy, as well as language barriers, are the main reasons why Tamil fishermen are not granted concessions and franchises.

A similar picture was drawn concerning the opportunities to establish businesses. Sinhalese stakeholders are prioritised and obstacles are placed in the way of Tamils who want to become entrepreneurs. A TNA parliamentarian said that the government is not contributing to the development of locally based business and industry, and that the state has only contributed to the construction of infrastructure. Almost all contracts are given to Sinhalese companies and the share of local employees is rarely greater than 20%.

Questions about how the Tamil diaspora relates to the economic development in the Northern Province were raised with several Tamil politicians. All believed that the conditions are not conducive to investment. One politician explained this by claiming that *there is still a war going on*, while another one argued that Tamil businessmen worry that (unfounded) allegations of links to the LTTE could be used against them. The organisation of road construction illustrates, according to the parliamentarians, how Tamils are being discriminated against; the contractors are Sinhalese and Tamils are not employed in the projects. Representatives of an international organisation in Vanni also said that contracts for key infrastructure projects go to companies from the south and that they mainly hire labour from the south - both skilled and unskilled. At the same time they pointed out that most business operations in Vanni are run by Tamils.



Road workers in Vanni. Tamils from Batticaloa.

The observable business activity along the A9 appears mainly to be Tamil, going by the boards and signs. On two occasions we stopped to talk to work teams along the A9. Both teams consisted of Tamils from Batticaloa.



Stupa under construction in Killinochchi.

Sri Lanka: Human rights and security issues concerning the Tamil population in Colombo and the Northern Province

Many of the interlocutors view the construction of Buddhist statues/symbols and temples as a cultural expression of colonisation. Religious symbols and several large war memorials have been raised along the A9. The war memorials seem bigger and are probably more provocative than the religious statues and buildings. The vast majority of religious constructions seem to be located close to military camps.



Killinochchi: Water tank destroyed in connection with the LTTE's surrender in 2009 transformed into a monument.

There is complete consensus among interlocutors that the progress of humanitarian, social and economic development in the region is unsatisfactory. In addition, the sources agree that the key political questions of governance and administration of the *Tamil areas* remain unsolved and that the government - in various ways - is obstructing reconstruction and hampering decentralization of power.

While the views of several of the interlocutors, especially the Tamil politicians, are influenced by the fact that the area is regarded as the *Tamil homeland*, it is obvious that several of the conditions described as results of colonisation involve discrimination and unfair treatment that may evolve into violation of fundamental human rights.

2.3.4 Jaffna

According to an international organisation it is difficult to get representative information on the situation in Jaffna. It's argued that the population has a more relaxed attitude to the army than they had a few years ago. There is broad consensus

Sri Lanka: Human rights and security issues concerning the Tamil population in Colombo and the Northern Province

that Jaffna is still heavily militarised and that the police have limited authority.¹⁰ The High Security Zone (HSZ) still includes large residential and agricultural areas, and vast areas are contaminated by mines. Surveillance and security screening of civilians do not appear to be as extensive in Jaffna as in Vanni. During the day there are only a few checkpoints, but several interlocutors claim that additional checkpoints are established during the evening and night-time.



President Rajapakse was often to be found on posters next to the EPDP leader Douglas Devananda when a delegation of India MPs visited Jaffna in April 2012.

Both local politicians and representatives of international organisations claim that in many areas people don't go out after dark. The security forces don't appear to have organised such comprehensive household monitoring as in the Vanni, but the former EMR regulation requiring meetings between three or more participants to be reported to the army is still implemented. A member of parliament from Jaffna claimed that the army is harassing the local population through frequent house searches.

A representative of an international organisation claimed that military personnel are encouraged (*pushed*) to participate in civil events. The source claimed that in some cases the military are invited by locals, usually to strengthen the locals' own position. Both an international and a local informant indicated that there are few arrests. An international organisation had not received any complaints related to PTA cases¹¹ in

¹⁰ Landinfo visited Jaffna at the same time as an Indian parliamentary delegation. Posters by EPDP Chairman Douglas Devananda (a member of the government) and large police numbers dominated Jaffna town. Almost all interlocutors in Jaffna pointed out that this was political propaganda to give an impression of civilian law enforcement and control and of EPDP political popularity.

¹¹ Arrests, indictments or convictions under the Prevention of Terrorism Act.

the first four months of 2012. Representatives of the international organisation consider that the – relatively - few who are arrested, are apprehended on the basis of intelligence. A local representative of a rights organisation provided information that confirms the developments indicated. A few years ago the organisation annually received a significant number of complaints (*hundreds*) about arrests and disappearances. Today the organisation rarely receives complaints of arrests.



Jaffna, demining team. Local youths in time-consuming and risky work. The team claimed that accidents were rare and that the biggest challenge was the time and the heat.

Many of the sources had seen an increase in the number of disputes and conflicts relating to land, partly as a result of returned IDPs and the army's occupation of private properties.

Several sources with ties to the TNA claim that the army is working close with the EPDP, but the allegations about the party's relations with the security forces and armed party members, was not well substantiated. A central TNA politician, who was asked to give examples of EPDP members using weapons, pointed out that EPDP-members had bulges on their clothes in certain situations. A representative of an international organisation said that there is no evidence that the EPDP members use weapons, but he/she underlined that the party is privileged and given space to consolidate in Jaffna. EPDP is blending into and trying to become identified with humanitarian projects. TNA politicians claimed that the EPDP is supported with large sums of money to *buy* followers.



IDPs in Dutch Fort, Jaffna.

3. REHABILITATION CAMPS

Landinfo met with sources with firsthand information about detainees in so called rehabilitation camps, Protective Accommodation and Rehabilitation Centres (PARC), under the Commissioner General of Rehabilitation.

Immediately after the end of the war in May 2009, the majority of the population in Vanni was taken to IDP camps (most to Manik Farm) in Vavuniya. A significant number of the approximately 300,000 IDPs, between 12,000 and 13,000, were detained in special rehabilitation camps, either because they surrendered, or because they were suspected of involvement with the LTTE. Most had been released from the rehabilitation camps by April 2012 and had returned to Vanni and Jaffna, the majority to Vanni.

The ICRC had access to the rehabilitation camps until July 2009, but since then no independent observers have had access to them. The IOM follows up rehabilitees after release. By late April 2012 the organisation had interviewed over 10,000 and assisted around 6000 released rehabilitees.

Most of the camps are or were located in the Vavuniya area, but there were also many camps in other areas. Valid information on the number of camps and detainees are not available. However, information provided by interlocutors with firsthand experience of the camps, indicate that the government's figures on the number of

Sri Lanka: Human rights and security issues concerning the Tamil population in Colombo and the Northern Province

rehabilitees are close to the actual number. The government announced in February 2012 that 900 of the original 12,000 were still in rehabilitation camps (Ministry of Defence and Urban Development 2012). Several interlocutors believed that the number at the end of April was between six and seven hundred.

A small minority of sources claimed that there are unregistered camps (*secret detention camps*). A Norwegian interlocutor was the only one claiming that a large number of former LTTE members are still kept in secret detention. Those who argued that unregistered camps still exist located such camps to Welikanda in Pollonaruwa. According to other interlocutors there are at least two registered camps in this area. According to one of the sources rehabilitees from a camp for *top hardcore members* were transferred to camps in Welikanda. This camp, Maha Vidyalaym, is located in Omanthai. The source stated that the Terrorist Investigation Department (TID), had moved large numbers of rehabilitees from Maha Vidyalaym to Welikanda and to Booza. Transfer to Booza means a high probability of detention under the PTA.

3.1 CONDITIONS IN THE CAMPS

According to the Sri Lankan government vocational and psychosocial training is systematically organised in the rehabilitation camps. The detainees are debriefed and receive counselling and education. Both drama, dance and music therapy are used in the rehabilitation (Ministry of Defence and Urban Development 2012). Interlocutors painted a different and relatively coherent picture of the rehabilitation and the training in the camps, and described the educational and psychosocial activity as minimal.

There is a general consensus on the living conditions in the camps, where men and women are kept in separate sections. Interlocutors who have been in several camps stated that the conditions are very basic in terms of facilities and diet. A large international organisation claimed that even if the conditions are *better than prison*, the rehabilitation period is generally very stressful for the individual. There are great variations between the camps and the living conditions depend on the camp management. Some claimed that several commanders are *concerned* and are actively working to improve the situation of the detainees, for example by allowing contributions from civilian organisations. Two of the interlocutors had been contacted by camp commanders with requests for food donations and had for a long time visited a significant number of rehabilitation camps. Both underlined, however, that conditions in the camps were poor.

With regard to abuse, random and systematic violence, the interlocutors with primary experience of the camps provided relatively consistent information indicating that there is no evidence that rehabilitees are subject to physical abuse or systematic violence. There is, however, general agreement that those who are taken out of the camps, mainly by TID, risk becoming victims of violence and torture.

3.2 REGISTRATION AND SURVEILLANCE; RESTRICTION OF FREEDOM OF MOVEMENT AFTER RELEASE – REINTEGRATION

3.2.1 Individual information and identification

IOM interviews rehabilitees who are to be released and returned to their places of origin. IOM's experience is that the majority return to their last place of residence. This means that most return to Vanni. The interviews are done under the supervision of representatives of the camp management and are a relatively superficial socio-economic profiling. The profiling forms the basis for the issuance of IOM's ID cards, which are distributed by the camp authorities on release. In some of the camps commanders have made arrangements for the rehabilitees to apply to the Registration of Persons Department for a national ID card (NIC). According to a representative of an international organisation, about half of those released in the spring of 2012 had their own NIC. The same source says that it is very difficult to trace a pattern in the release policy. The rehabilitation period does not seem to reflect the level of involvement in the LTTE.

The Commissioner General of Rehabilitation (CGR) issues a Release Certificate (see Annex A). The certificate contains information about the rehabilitation camp, the release date and where the released rehabilitee must report. The document is only valid for six months. The certificate contains no information about the legal basis for the rehabilitation (detention), the release or whether a case against the released person is closed. A representative of an international organisation points out that the certificate has a very uncertain legal status (*unclear legal value*).

IOM motivates rehabilitees to contact the organisation after release and has set up temporary local offices (*satellite offices*). Most turn up in person or call. Follow-up interviews/counselling are conducted based on the screening interview from the camp. The counselling is focused on individual career and how to contribute to, follow-up and promote the reintegration of the rehabilitee.

Released rehabilitees must, like returning IDPs, register with the civil authorities, i.e. the local Grame Nildari (Sevaka) (GN).¹² Such registration is a precondition for receiving support for repatriation. Released rehabilitees are entitled to the same return support as ordinary IDPs.

In contrast to IDPs returning to their villages, however, the rehabilitees have to report to the local military unit, the Civil Affairs Office (CAO). That means that they have to register with both the civilian and military authorities. Several interlocutors in Vanni and representatives of international organisations agreed that the military registration does not have a positive effect on the reintegration of ex-LTTE members in their respective communities and that the registration is solely motivated by security considerations. Several sources claimed that the rehabilitees are informed that they will be kept under surveillance in six months when they are released, but for the majority the registration by the Civil Affairs Office initiates an indefinite control regime. When the rehabilitees are registered by the CAO photographs are taken, but they are not informed about how long or how they will be monitored.

¹² Lowest levels of administration in Sri Lanka - responsible for voter registration.

Interlocutors provide a fairly coherent picture of the regime rehabilitees are subjected to:

- There seem to be no specific guidelines. The extent of monitoring is determined by the local commanders personal decisions. Different routines (home visits, reporting to camps, summoning to meetings, security bonds, etc.) are implemented in different areas.
- Some must report as often as every week, and are frequently sought out at their residence, while others only need to report fortnightly or less frequent. Others are summoned to regular meetings with the security forces (often together with other rehabilitees).
- When leaving their village, family members sometimes have to guarantee for their return (*security bond*). The rehabilitees must provide information about where they are going, who they will visit and why, and how long they will be away. A presumably well informed interlocutor had not heard about sanctions against family members in case a rehabilitee didn't return. The source claimed that some fail to report when they leave the village, without facing any consequences. At the same time the source underlined that enforcement is arbitrary. A former LTTE cadre we met in Vanni had not notified the army when he/she left, but he/she was not afraid of returning to his/her village. (Paradoxically, this is a system that has many similarities with the restrictions the LTTE imposed on civilians leaving Vanni.)
- The extent of the monitoring of a rehabilitee can be related to the profile of their position in the LTTE. Persons who occupied higher positions are followed more closely. At the same time persons who had a more peripheral connection to the LTTE by the end of the war are also monitored. The delegation met a former LTTE cadre who voluntarily surrendered in May 2009. She/he is handicapped and, after seven years of service, she/he was demobilised already in 2006 because she/he was injured. Two years after release from a rehabilitation camp where she/he was detained for one year, she/he still had to report to the local military camp every month.
- The predictability for the released rehabilitees is minimal, because local commanders are constantly shifted and new commanders change the control regime.
- The intensity of the monitoring decreases over time.
- Violations of the control regime are sanctioned differently by the different commanders. At the same time no one had information about the sanctions imposed for violating individual monitoring schemes. Several interlocutors provided information about persons who had not complied with an order without facing any consequences.

3.2.2 Work and reintegration

Monitoring of former members of militant groups that have been involved in protracted and serious violent conflicts could, in Landinfo's opinion, be legitimate. Similarly, registration of civilians and surveying of the population are important measures for the purpose of planning resettlement. Such registration is essential for Sri Lanka: **Human rights and security issues concerning the Tamil population in Colombo and the Northern Province**

successful and effective return and reintegration. The control and monitoring of rehabilitated LTTE-members in Vanni can, however, not be seen as an appropriate measure for their reintegration. Several interlocutors pointed to the contrary, and one source put it this way: *The rigorous control regime is seriously hampering the reintegration of the former combatants.*

Landinfo considers the security regime in Vanni as disproportionate in relation to a realistic assessment of the general security situation in the area. There is no doubt that the freedom of movement of released former LTTE cadres is restricted, and that the restrictions for many are extensive and indefinite. Landinfo assumes that many of the restrictions are inconsistent with Sri Lankan citizens' constitutional right to free movement.

Several interlocutors pointed out that one serious consequence of the control regime is that rehabilitees have greater problems than other returnees, especially in the labour market. Reporting procedures make it difficult to get a job and to work away from the village. The rehabilitees are forced to take day-to-day work. The control regime also makes them stigmatized and their local community is continually made aware of their background in the LTTE. One international interlocutor referred to a survey conducted among approximately 500 released rehabilitees in which around 20% stated that they consider the security forces to be helpful and the assistance from the army more useful than that of the local authorities. In view of the extensive control regime, the level of 20% is significant. At the same time the response to the survey probably also reveals that the assistance from the authorities is very limited.

The comprehensive control regime, the restricted freedom of movement and poor economic re-integration are emerging as the main problems for released former LTTE-members. A key representative of an international organisation, however, believed that the situation of the rehabilitees is not essentially different from that of the general population (the majority being ordinary IDPs having returned to the area) in the Vanni. None of the interlocutors in Vanni gave information indicating that there are serious human rights issues related to the security forces' treatment of ex-LTTE-members in Vanni. One interlocutor claimed that many rehabilitees had an advantage because they had learned some Sinhalese and were therefore better able to communicate with soldiers. Informants with direct experience from assistance related work for rehabilitees believed that - in general - rehabilitees don't fear reporting violations by members of the security forces. Most local informants, however, claimed that such fear is widespread.

3.2.3 Return to the neighbourhood / village

With regard to social reintegration, none of the informants provided information indicating that former LTTE members were being discriminated against, harassed or subjected to retaliation. Generally, they are well received by their communities, but some interlocutors claimed that the reception was characterised more by suspicion than by respect. An international organisation claimed that the rehabilitees were not in a different situation than the general population.

3.2.4 The situation for former female LTTE members

Several interlocutors claimed that female LTTE members were stigmatised and regarded as less attractive marriage partners. This issue was considered a particular problem in the current situation. It is probably primarily cultural and gender attitudes that contribute to making female combatants' less attractive as marriage partners. Landinfo's information suggests that there is no reason to see this as a result of changes in the balance of power in Vanni. Former female LTTE cadres faced similar problems when the area was controlled by LTTE.

3.3 RE-ARRESTS OF EX-LTTE MEMBERS

Some of the local interlocutors claim that re-arrests of released ex-LTTE members are widespread (*a lot of, many, large numbers*), and that they are arrested by representatives of the TID and the intelligence service. It is claimed that many are taken to the Fourth Floor in Colombo. When the sources were asked to provide details about the arrests - such as where and when they occurred, who reported them, and so on – they generally lacked concrete information and sources to substantiate their claims. The International Crisis Group (ICG) report of 2012, *Sri Lanka's north 1: The denial of minority rights*, quotes the IOM Chief of Mission, Richard Ganzinger, who was interviewed in March 2012. He said that the IOM knows of at least nine re-arrests (ICG 2012, p. 11 footnote 81). A Norwegian interlocutor said that the IOM is not reliable with regard to information about re-arrests, underlining that the organisation is not *a protection agency*. The representatives of the organization claimed that the number of arrests is extensive, but could not refer to specific sources. A supposedly well informed international source provided information on re-arrests indicating that the situation had not changed significantly in the period after the ICG interview with the IOM's CEO. Overall, as of mid April 2012, fewer than fifteen re-arrests have been recorded. Most were arrested by the TID and some were brought to Colombo and prosecuted under the PTA. Not all of them were arrested because of their former role in the LTTE, but on suspicion of ordinary crime (two or three of the cases). Although a source confirmed that some of those re-arrested had been released, it is important to emphasise that the sources do not necessarily have information on all re-arrests. In the light of the significant number of rehabilitees, re-arrests of rehabilitees currently does not seem to constitute a problem area. This assessment is shared by a presumably well informed and reliable international source, which points out that, despite the fact that the rehabilitees are monitored intensely, few are re-arrested; *there seem to be isolated cases of re-arrest*.

Detention in the rehabilitation camps probably involves both violations of international and of Srilankan law (International Commission of Jurists 2010). Administrative detentions (rehabilitation) have been made under the Emergency Regulations of 2005. The basis for decisions to detain in rehabilitation camps has not been legally processed, not open to challenge and indefinite, see section 2, p. 14. Furthermore the rehabilitees have not had access to legal assistance, and upon release they have not been given any information about whether their "case" is closed. The legal vacuum or limbo experienced while detained in the camps is also, as Landinfo understands the situation, a reality even after they are released.

The vast majority of those who have left the camps have been released. According to a presumably well-informed international organisation, there are fewer than a thousand left in the rehabilitation camps (*between six and seven hundred*). The second group who have left the camps are those who have been charged under the PTA, i.e. referred to criminal proceedings. Landinfo's information on this issue indicates that the majority of the rehabilitees were charged /detained under PTA in the first two years after the end of the war. Just after the war, the average number of PTA detainees, increased by over 500. According to several interlocutors rehabilitees are still being transferred to detention under the PTA, which probably indicates that the authorities have concluded that there is evidential information for prosecution under the anti-terror legislation. Several interlocutors claimed that those who are still kept in the rehabilitation camps are hard core cadres and they believed that most of them would probably not be released, but prosecuted under the PTA.

4. PREVENTION OF TERRORISM ACT

4.1 REDUCED NUMBER OF DETENTION ORDERS

With a few exceptions, the prevalent understanding seems to be that the number of Tamils detained under the PTA has been reduced. Both local and international sources indicate that the number of PTA-detainees is between 700 and 800. The estimate may indicate that the numbers of detainees announced from time to time by the government more or less correspond with actual figures. According to the authorities, less than 900 persons were detained under the PTA in November 2011.¹³ All sources with experience of the justice sector confirm the trend; there were markedly fewer PTA cases in 2012 than in the last 25 years and most cases now being dealt with date from 2008 and 2009. A human rights organisation that previously received 10-15 PTA-related complaints a month only from the Colombo area is now not receiving any complaints from the capital. The source who also provide legal aid in the east/north has had the same experience in these areas; a marked reduction in PTA-arrests and PTA-related requests for assistance.

Verifiable information about the number of arrests and detentions under the PTA per month is, to our knowledge, not available. Some of the sources provided information confirming that the number of new PTA-detentions had fallen. One interlocutor estimates that between 10 and 15 new cases are registered per month. The source underlined that the number could be higher. The estimate corresponds with information from sources in the justice sector at two central High Courts. In one of these courts between five and six new PTA cases were registered per month in 2012 (as of April). One source believed that far fewer are detained under the PTA today and that, unlike before, there is evidence in most cases. The source, however, claimed that the evidence was often *planted*. When asked about the background for this assessment, the source stated that he/she was relying on information from the persons arrested. A local human rights organisation said that most PTA cases, now as

¹³ A short period after the end of the war, the number of PTA-detainees rose from about 1500 to well over 2000.

before, are based on confessions. There need not necessarily be any contradiction between the two versions (images) of reality.

One interlocutor pointed out that both the army and the police now, as opposed to earlier, register detainees at *gazetted places of detention*. Those arrested by TID and detained under the PTA are held at legitimate places of detention. This is probably a partial explanation for the reduction in the number of disappearances.¹⁴ According to the law, the family must be informed when someone is arrested under the PTA. A source with experience of re-arrests of rehabilitees stated that these regulations are not complied with in connection with re-arrests in Vanni. Those arrested by the TID are taken to Colombo without the family being informed. The source had also learned that the local police are not necessarily informed. Other sources confirmed similar illegal practices.

The reduction in the number of arrests, the legal processing of PTA cases and transfer to rehabilitation¹⁵ has had the positive side effect that the conditions in the places of detention have become somewhat better. Detention sites are still marked by lack of space (one source says that detainees often have to sleep in shifts), limited health care, deplorable hygiene and sanitation, poor nutrition and poor food. One source said that the detainees are totally dependent on food supplies from outside to survive. None of the interlocutors provided information indicating that what they define as torture/ill-treatment is a problem in the detention places or prisons.¹⁶

An international organisation points out that with regard to space, the conditions in Booza have improved (*is no longer as severe as before*). According to the interlocutor some of those charged under the PTA have been transferred to the regular prison system and are held under the same conditions as other prisoners. The lack of space and conditions in the regular prisons are described as precarious.

4.2 TREATMENT OF DETAINEES

Questions relating to the treatment of Tamils arrested under the PTA, were mainly discussed with sources working within the justice sector. All, without exception, stated that torture of PTA-detainees still represents a significant human rights problem in Sri Lanka.

Three Tamil lawyers, representing a firm/an organisation that has wide experience from assisting PTA-detainees, claim that *ill-treatment is widespread* and that torture is still a significant problem. The situation with regard to the use of torture has not changed; torture occurs in connection with interrogation. Interlocutors stated that all PTA-detainees claim to have been tortured, but estimates that 3/4 are actually being tortured. What is described as *clear evidence of torture* is present, according to the three above mentioned lawyers, in about 20 % of the cases. Few of those who claim to have been tortured are willing to file a Fundamental Rights Petition (FRP) to the

¹⁴ Arrests / detention by representatives of the authorities or persons assumed to be cooperating with the authorities. The arrests are not reported and detainees are kept at unregistered (secret) places of detention without access to legal assistance

¹⁵ See Section 4.3 below.

¹⁶ See Section 4.2 below.

Supreme Court. In 2011, the organisation did not bring any petitions to the Supreme Court, while in 2012 it filed about five¹⁷ cases.

A supposedly well informed interlocutor argues that the scale of torture has diminished in the past year. A local employee of an international organisation considered that those who confessed are not subjected to torture. When the source was asked about the basis for this assessment, it turned out that it was based on knowledge of only one case; an LTTE commander who had *put all cards on the table* and provided information on a weapons cache. This commander told the informant that he had been treated well.

4.3 TERMINATION OF PTA-CASES

The total number of PTA-cases seems to have been reduced by two parallel processes:

- Reduction of the number of arrests/detentions.
- Legal action; release, transfer to rehabilitation camps or prison.

Interlocutors in the legal sector (both judges, lawyers and representatives of organisations that provide legal aid) seem to agree that the cases are concluded in three ways:

- Release after filing of a FRP to the Supreme Court. According to a lawyer highly critical of the authorities, most of those filing a FRP are released.
- Charges are brought or the prosecution process is instigated.
- Transfer to rehabilitation camps.

An interlocutor from an organisation that provides legal aid had experiences indicating that fewer are released, around 30%, while charges are made in about 60% of the cases. According to the organisation approximately 10 % were transferred to rehabilitation camps.

Several sources believe that there are probably still many who are not prosecuted and not formally informed of the the legal basis for their detention. A local human rights source claimed that only a few of the PTA-detainees file a FRP, and that one of the detainees in Booza has been detained for 14 years without being charged. This was confirmed by an international organisation which points out that the PTA-detainees can receive legal assistance, but that most do not. In addition to the fact that legal assistance is expensive, many detainees regard it as futile. It is also noted that administrative procedures make representation of PTA-detainees complicated. Some lawyers are reluctant to take PTA-cases. The sources give three main reasons for such reluctance:

- Fear of violence/retaliation. One source claims that the authorities are behind attacks on lawyers. Named representatives in PTA-cases have allegedly been called traitors on the army's website. Another interlocutor said that there are about 50 lawyers in Batticaloa, and that only 15 handled PTA-cases.
- Economics - low profits.

¹⁷ Not precisely specified because of anonymity considerations.

- Legal/professional assessments.

A relevant issue for Norwegian immigration authorities is whether those who are released risk being transferred to a rehabilitation camp. A representative of an international organisation considered that a few released PTA-detainees had been transferred to rehabilitation, and that it could not be ruled out that some could be shuttled back and forth between rehabilitation camps and PTA-detention. The source was familiar with individual cases where PTA-detainees had been transferred from Booza to rehabilitation camps and vice versa. According to the source this makes it harder for family and others to locate the detainees. The transfers also make it possible for the authorities to circumvent the 18-month limit for detention under the PTA. The source states that the practice is illegal.

There is a general agreement among the sources from the justice sector that legal processing of PTA-cases in the judicial system has been stepped up. How many cases are processed nobody¹⁸ knew. Concerning the outcomes, the sources' information is probably affected by the fact that aggregate information on the case law is not available and that no independent sources systematically collect information about the outcome of the cases. Indictments, according to one source, are accompanied by calls for rigorous punishment. The source's experience with convictions pursuant to PTA, mainly from the High Court in Vavuniya and Colombo, is that the sentence in most of the cases is about two years in prison. The source gave one example: A 37-year-old woman was found guilty of having brought explosives from Vanni to Vavuniya in 2008 (she was in possession of explosives at the time of her arrest). The prosecution called for life imprisonment. In January 2010, according to the source, she was sentenced to two years in prison. The organisation which the source¹⁹ represents has only dealt with two PTA cases where a more severe punishment has been imposed. In one case the defendant was sentenced to three years imprisonment, while the second sentence was five years. The source said that most of those convicted have been *linked* to the LTTE and been involved in terrorist-related activities, but not all. Another interlocutor from the justice sector with experience from another High Court, claimed that the sentences varied between three and five years imprisonment.

The longest prison sentences were given to persons found guilty of terrorist acts such as placing bombs and/or possession of explosives. A source with experience from a third High Court confirmed that concrete evidence as weapon and explosives and/or documents proving LTTE membership were presented in most PTA-cases. The source indicated, however, that some of the cases were solely based on confessions obtained by illegal methods; provocation or torture.

The information Landinfo was given in Sri Lanka in April 2012 may indicate a general substantial gap between the charges and sentences passed, and a relatively low sentencing range in PTA-cases. The sentencing range however, is described somewhat differently by two sources with experience from two different High Courts. One claimed that the sentences in most cases is about two years, while the

¹⁸ Among the interlocutors who could have information about the number of cases; not all interlocutors were asked.

¹⁹ The source has experience from dealing with a large number of PTA cases since the mid 1990's.

other claimed that the sentences varied between three and five years. The lack of systematically collected and verified information about the number of cases processed by the courts and the practice, however, necessitate a very conservative approach with regard to drawing conclusions

5. ABDUCTIONS

There was a general agreement among Landinfo's interlocutors in April 2012 about some disturbing trends in Sri Lanka; a marked narrowing of the democratic space, increasing abuse of power as well as corruption and violence. Moreover the connections between established political and criminal groups are becoming closer.

Many of the interlocutors considered a growing number of abductions to be a major human rights issue and one of the consequences of this development. It is possible that interlocutors define abduction differently and therefore provide different information about the extent of abductions. There seems, however, to be a fairly broad consensus that more than 50 individuals had been abducted or were registered as disappeared²⁰ as of the end of April 2012.

Both representatives of international organisations and local human rights groups indicate that most of the abductions occur in the Colombo area and in Jaffna, and that there seems to be no clear connection between the abductions and the ethnic conflict. The information is however divergent. One interlocutor, known to be critical of the authorities, claimed that only a few of the abductions are related to the conflict. The organisation he represents had registered two conflict-related abductions in the period January to April 2012. A representative of the organisation believed to have the best overview of the abductions, reported that during the past six months nearly 60 people had been abducted.

A TNA parliamentarian claimed that many more had been abducted in Colombo than in Jaffna and that a total of 50 people were abducted from the capital in March 2012 alone. A local branch of an international organisation claimed that *there are isolated cases in Vanni*, while an MP from the TNA stated that *so many rehabilitees are abducted in Vanni*.

Some interlocutors operated with a significantly higher number of abductions than the others. A source from the justice sector²¹ claimed that in some periods two to three people are abducted every day, and that over 100 individuals were abducted in the first four months of 2012. The source claimed that almost all the victims are Tamils and that the abductions are related to the ethnic conflict. According to the source Tamil businessmen and young men from the north are particularly at risk, and in some cases claims for ransom are accompanied by accusations that the victim was

²⁰ Landinfo considers abductions to a different category of human rights violations, separate from persons missing after having been in contact with or detained by security forces. Thousands of such disappearances have been registered in Sri Lanka.

²¹ The justice sector includes, in this context, both government officials and lawyers working with rights-related cases.

a member or provided support to the LTTE. The source said the abductors often had intelligence information²² and that the authorities therefore were responsible. The source claimed to know of 22 individual cases, and stated that he/she had filed Habeas Corpus applications in five of the cases. Another source, a representative of an international organisation, said that primarily influential/high-profile persons are at risk. The source said that many had no political connections and that the authorities were not behind the abductions. The source referred to a case in which the cousin of a minister was abducted, with a claim for 50 million rupees in ransom. The source believed that the vast majority of failed asylum seekers returning from asylum countries in Europe did not belong to the groups that are currently exposed to the risk of being abducted in Sri Lanka.

Although some interlocutors have diverging perceptions of the risks, they provide relatively coherent descriptions of the risk profiles. Both Sinhalese and Tamils are being abducted. One source stated that the abductions have an ethnic dimension, but that Sinhalese are also affected.²³ This source, however, had no record - in terms of numbers - of the ethnicity of the victims. Most of those abducted are men, and the groups most frequently mentioned are social activists, prominent people who have criticised the authorities²⁴ (for human rights violations, etc.), businessmen (often wealthy and many Tamil) and individuals with ties to the underworld. Two interlocutors pointed out that some of the abductees were corrupt public servants, politicians or criminals, and that the abductions were a form of *cleansing* staged by the government.

According to most sources in the justice and human rights sector the pattern²⁵ of relatively young Tamils who disappear after having been in contact with representatives of the security forces has almost ceased. This applies to both the Colombo area and the districts in the east, Vanni and Jaffna. There is broad agreement that such disappearances were mainly connected with the conflict between the LTTE and the government. It is Landinfo's impression that the abductions registered in 2011/2012 should rather be understood as a result of a process that the majority of interlocutors refers to in one form or another; the Sri Lankan government is increasingly silencing political opposition and critical opinions, and the authorities are responsible for threats and assaults against various individuals/groups that raise issues related to this development. Self-censorship in the Sri Lankan press is near universal after years of threats, attacks and serious assaults, and an increasingly centralised power apparatus is now attempting to silence criticism and dissent. Interlocutors claimed that the government is focusing on comments about the security forces, the concentration of power, political nepotism, management culture and human rights.

²² Information from LTTE-members who surrendered to the authorities or documents that the security forces gained access to in Vanni in the last phase of the war.

²³ During Landinfo's visit in April, a Sinhalese and a Tamil politician were abducted, according to media reports.

²⁴ Several of the interlocutors Landinfo met in 2010 held a specific minister responsible for abductions (and murder). One of the interlocutors who wished to remain anonymous referred to fear of being killed on the minister's command.

²⁵ The number of disappearances per year has fluctuated since the early nineties, but has represented a serious human rights issue in the last twenty years. In some years, Sri Lanka has been the country with the highest number of reported disappearances in the entire world.

6. RETURNED PERSONS AND THEIR SITUATION

The Norwegian immigration authorities has since the early 1990s gathered information about the security situation for Tamils who have returned to Sri Lanka (Colombo) after being denied protection in Norway or in any other country of asylum in Europe. The information Landinfo has obtained from a number of visits to the country has been relatively unambiguous. Returned Tamils²⁶ face the same general conditions as the rest of the Tamil population in Sri Lanka, and are thus not subject to a particular focus or treatment - neither from the authorities nor from *private* independent groups.

In February 2012 Human Rights Watch (HRW) published a statement regarding allegations of arrests and torture of returned Tamils. HRW claimed to have documented eight cases in which returnees had been tortured by representatives of the Srilankan authorities: *Human Rights Watch has documented eight recent cases in which people deported to Sri Lanka have faced serious abuse* (HRW 2012a). HRW describes reports of torture as convincing:

Convincing reports of arbitrary arrest and torture demand that the UK government suspend returns of rejected Tamil asylum seekers to Sri Lanka until it can fairly and thoroughly assess their individual claims based on up-to-date human rights information on Sri Lanka (HRW 2012a).

Summary information is presented on five of the eight cases in the press release, and they seem to have some common features.²⁷ All had been returned from the UK and all of them, as Landinfo understands it, seem to have returned to the UK. No information is provided about formal procedures, and neither the ICRC nor the Human Rights Commission of Sri Lanka (HRCSL) seem to have been informed of the arrests. At the same time, the data for all the cases indicate, that the family members were informed. As Landinfo understands it, such information may either be provided through the detainees themselves being given the opportunity to contact family or by government officials. In addition, all were allegedly released after having paid a bribe.

In May, HRW presented five new cases of torture in addition to the eight of February (HRW 2012b) and stated that *Human Rights Watch's investigations indicate that their torturers interrogated deportees about their political activities abroad*. The press release contains little concrete information about the cases.

In the middle of September HRW published information about 13 new cases of Tamils who were allegedly abused and tortured after being returned to their home country:

The Sri Lankan security forces have long used torture against people deemed to be linked to the LTTE, and growing evidence indicates that Tamils who have been politically active abroad in peaceful opposition to the government may be subject to torture and other ill-treatment (HRW 2012c).

²⁶ Tamils as such, i.e. ethnic Tamils with Srilankan citizenship.

²⁷ Landinfo has only had access to the HRW press release of 24 February and the common features are based on a review of this.

HRW suggests a possible reason for the violations; political activity outside Sri Lanka. An undated memo with information about specific cases (HRW n.d.) provides, as far as Landinfo can see, information only about marginal political activity in two of the thirteen cases.²⁸ The cases also - to a large extent - have common features with the cases that were presented in the press release from February, but not all have returned to Sri Lanka after a stay in the UK, most others seem to have returned from France. All are now staying in the UK. There is also little information about formal procedures and the ICRC/HRCSL don't seem to have been notified in any of the cases. There also appears to be the significant common feature that family or friends were informed about the arrests and were able to communicate with representatives of the authorities and pay bribes. In seven of the thirteen cases it was the person's uncle or aunt who organised the bribes.

Other reports of torture of returned Tamils have recently been published. Freedom from Torture (FFT) stated in a press release of 14 September: *The latest research relates to 24 people who were tortured in Sri Lanka after returning voluntarily from the UK since the end of the civil war in May 2009* (FFT 2012a). The press release refers to a briefing of 13 September "Sri Lankan Tamils tortured on return from the UK" (FFT 2012b). Landinfo has not looked into the material from FFT before publication of this report.

The reports from HRW and FFT are very disturbing, both in terms of scope and the information about violations reported in the individual cases. Overall 50 cases of torture of returnees are mentioned.²⁹ Most seem to have returned from the UK and all are now back in the UK. HRW does not comment on possible reasons for the large number of UK cases and that the persons involved are now back in the UK. Bearing in mind that HRW claims that political activity abroad is the explanation for the ill-treatment, there is - in principle - no reason why Srilankan Tamils from other European countries should not be at risk when returning to Sri Lanka.

Both this fact and a pure statistical probability assessment suggest that in other European countries today there might be many Tamils who have been subjected to torture after visiting or returning to Sri Lanka. There are however no reports about this. The Srilankan authorities have claimed that the LTTE has organised various activities in several European countries for many years and have on several occasions criticised states for allowing LTTE activity to take place. It is generally agreed that groups with links to the LTTE previously organised political activity in Norway, including several demonstrations. The Srilankan embassy in Oslo has been attacked in connection with demonstrations. Factors related to the ethnic conflict have also had a negative impact on the relationship between Norway and Sri Lanka.

Landinfo has no information about the number of Tamils from Norway who has visited the country after May 2009. However, our impression is that many Tamils who have a legal residence permit in Norway have visited Sri Lanka after the end of

²⁸ Landinfo has only had access to the press release of 15 September and the undated memo which is available from HRW's website. The indication of similarities is based on a quick tour of the press release and memo. Two of them, case 1 and case 4, participated in demonstrations. In one case it also appears unclear whether the person concerned demonstrated, or if he admitted to having done so as a result of torture.

²⁹ The reports from HRW and FFT refer to a total of 50 cases. Landinfo does not know whether the two organisations refer to the same cases.

war. There is no information to indicate that Tamils presently staying in Norway who have either returned orderly or voluntarily, or Tamils with legal residence in Norway who have visited Sri Lanka on holiday, have been arrested and subjected to serious violations in their home country. Amnesty International (AI) in Norway has no information about such cases in Norway (telephone call of 8 October 2012). The Norwegian Organisation for Asylum Seekers (NOAS) states that the organisation has not received specific inquiries about Tamils who have returned from Norway to Sri Lanka and have been arrested and subjected to torture (telephone call of 10 October 2012). The issue was again presented to the Norwegian Embassy in Colombo at the start of October 2012, but, as of April 2012, the Embassy had no information about illegal arrests, ill-treatment or torture - neither of returned Tamils or those with a residence permit in Norway visiting Sri Lanka. The information Landinfo has received from some Tamils who have visited Sri Lanka after the war suggests that they have not been exposed to any particular treatment.

In the long period of serious military conflict between the LTTE and the central government from the late 1980s, there has to Landinfo's knowledge, never been documented violations against returnees of the nature reported in HRW's press releases. In April 2012 Landinfo discussed this issue³⁰ with those interlocutors who could conceivably have relevant information about torture of returnees. According to a representative of the British High Commission in Colombo, the embassy has *so far not received evidential information to substantiate any of the allegations about torture of rejected asylum seekers orderly returned from UK*. Nor did any of the other interlocutors have information about the ill-treatment or torture of returnees. A representative of an international organisation referred to one case where a returnee from the UK had been arrested at the airport and transferred to the CID. The person was suspected or convicted of murder in Batticaloa. The interlocutor underlined that *credible post arrival mandatory monitoring of returned rejected asylum seekers* has not been established and that it cannot be disregarded that there are cases of ill-treatment of returnees. The interlocutor maintained that it is still strange that so many torture cases are associated with returnees only from one³¹ country and that all known victims presently are in the UK. The source pointed out that it is three years since the war was over, that the number of PTA cases has been reduced, that the surveillance, arbitrary arrests and random checks of the Tamils in the south is much less intense and that the Srilankan authorities have a particular focus on the country's international reputation.

The information about family members' knowledge of the arrests in the cases presented by HRW reveal a very different pattern from that which has prevailed in Sri Lanka in recent years. In almost all the cases reported by HRW, family members or friends have been able to communicate with those responsible for the arrest. This is, according to the information available to Landinfo, not representative of the situation in Sri Lanka. During the last fifteen years human rights organisations have repeatedly pointed out that the family are rarely notified in accordance with the law.

³⁰ At the time Landinfo was only familiar with the eight cases discussed in HRW's press release of 24 February (HRW 2012a).

³¹ At the time the statement was given, only HRW's press release from February 2012 had been published (HRW 2012a).

In April 2012 several interlocutors from the justice sector claimed that messages to family are still rarely communicated, even in the event of detainees held in *gazzeted places of detention*. HRW provides no information about the possible reasons why so many atypical cases have been registered in the UK.

In the light of the fact that the families seem to know about the arrests, it may appear unusual that several of the arrests appear to be unregistered and illegal.³² There are few or no references to the formalities or formal processes. Developments in Sri Lanka indicate that a growing number of arrests and detentions are being made in accordance with the PTA and that the detainees are kept in registered detention places. The information Landinfo has about cases where family in Sri Lanka has been informed of Tamils from Norway³³ facing problems³⁴ during a visit in their home country, indicates that the Norwegian embassy is informed and has been requested for assistance. It seems like none of the cases from the UK referred by HRW/FFT have been reported to the British High Commission even if the alleged victim's family members knew that they were illegally detained.

An international source presumed to be well informed has not recorded any cases of serious security issues relating to returnees. Since 2007 Landinfo has on several occasions raised issues related to the treatment and safety of Srilankan Tamils returning from western countries with representatives of the IOM, most recently in April 2012. Landinfo cannot see that the IOM has at any time given information indicating that voluntary returnees are particularly exposed to arrests, ill-treatment or torture. In this connection it should be underlined that there are different arrival procedures, respectively for those who return voluntary and those who are orderly returned. Persons who are orderly returned with an Emergency Certificate are not subjected to the ordinary entry procedures and are normally referred to and questioned by both the customs authorities, the Criminal Investigation Department (CID), the Terrorist Investigation Department (TID) and the State Intelligence Service (SIS). Landinfo is aware that many of those who have been returned from Norway over the past decade have been through such a procedure at the airport. This means that orderly returned persons are generally exposed to several government representatives who have a mandate related to security and implementation of the PTA.

The information on widespread allegedly illegal detention and ill-treatment/torture of returned Tamils appears not to include Tamils from Norway. The causal explanation suggested would basically also expose Tamils from Norway to the risk of violence, but this does not seem to have been the case so far. Landinfo cannot see that the information collected in Sri Lanka in April 2012 indicates that Tamils returning are exposed to serious human rights violations, neither the ones on holiday nor those who are orderly returned. The information currently available to Landinfo indicates that the alleged serious violence and torture almost exclusively affects Tamils with some kind of connection to the UK. Information that may explain why all cases seem to be related to the UK, is not available to Landinfo.

³² It should be added at this point that the information available in the referenced material from HRW and the FFT is not detailed.

³³ Tamils with a legal permit to stay in Norway.

³⁴ *Problems*; not serious Human Rights violations.

7. WOMEN IN VANNI

A large proportion of households in the Northern Province are headed by women, probably over 40,000 in Vanni and more than 20,000 in Jaffna (IRIN News 2010). One of the interlocutors claimed that more than 30 % of households in some areas were *single-headed*. In most cases this means female headed households. There is widespread agreement among interlocutors that these households face more multi-faceted and larger social, economic and security problems than traditional households. According to an international organisation the female headed households face *serious challenges finding livelihood*:

- The households diverges from cultural understanding of the family.
- Women's traditional responsibilities within the household create difficulties finding and taking employment.
- The market for female labour is limited
- Widows are generally considered inauspicious and if their family members were involved with the LTTE, there is a greater risk of problems relating to social and economic integration
- Many are farmers working on their own land and their overall workload has increased
- Those who have not yet been able to return to their village are suffering more than those who have returned.

7.1 SECURITY - PRESENCE OF SLA; SEXUAL VIOLENCE

Several reports indicate that the security forces represent a general security risk for women in Vanni, particularly with regard to the risk of sexual violence. The risk of violation is described differently by different sources. The reports present limited evidence in terms of documented cases. The Internal Displacement Monitoring Centre (IDMC) says:

The high presence of military personnel in the return areas was also perceived as a security threat by returnee women, many of whom were heads of households as they had lost their husbands in the war or because their husbands remained in detention for alleged LTTE affiliation. There were reports of gender-based violence involving military personnel in the return areas (IDMC 2011).

The IDMC refers to two sources; the first is a CPA report, "Commentary on Returns. Resettlement and Land. Issues in the north of Sri Lanka". The CPA report refers to a rape case under investigation. The second reference is an update from the OCHA of January 2010, "Joint Humanitarian Update", which – as far as Landinfo can see - does not provide any concrete information on sexual violence by the security forces (OCHA 2010).

The ICG report "Reconciliation in Sri Lanka: Harder than ever", states as follows:

This environment is particularly threatening for the tens of thousands of Tamil women who are now heading up households or are single.¹⁰³ "Many women in the north say they felt more secure in the Vanni before. The

Sri Lanka: Human rights and security issues concerning the Tamil population in Colombo and the Northern Province

government, by deploying the military there, is making these women more vulnerable".¹⁰⁴ Women have to negotiate much of their daily lives with male Sinhalese soldiers. This has been linked with increased prostitution, sexual assaults and sexually transmitted diseases.¹⁰⁵ Especially given the deeply patriarchal nature of Tamil society, many Tamil women are at best stigmatised for trying to get by, and at worst victimised even after the war.¹⁰⁶ (ICG 2011, p. 16).

As far as Landinfo can see, only one case is mentioned in the notes to the quotation; a case from Vishvamadu also described in the CPA report mentioned above (Fonseka 2010).

In its eligibility guidelines for Sri Lanka from 2010, the UNHCR states as follows:

The intensification of hostilities during the last months of the conflict was accompanied in the north and east of the country by an increase in the level of violence against women. Despite the end of hostilities, there are still reportedly incidents of sexual and gender based violence against women and girls in former conflict areas.⁴⁸ Incidents of rape, including at the hands of the military, have been reported in the north, where a large number of female-headed households are among families being resettled.⁴⁹ A significant number of women in IDP camps, as well as former LTTE female cadres in detention centres, have allegedly been raped and sexually assaulted, including by security personnel.⁵⁰ With the partial breakdown of social structures caused by the protracted conflict, incidents of domestic violence affecting both women and children are reportedly particularly high in former conflict areas, including in IDP camps.⁵¹ Existing legal provisions prohibiting rape, domestic violence and other forms of violence against women⁵² are reportedly not effectively enforced, in part due to lack of awareness and widespread underreporting, but also as a result of the low priority given to these cases by the police and judiciary.⁵³

The experience of Landinfos' conversations about sexual violence and rape in Vanni reflects the limited documentation available in several reports. All local informants - with the exception of a local employee of a major international organisation - claimed that sexual violence, rape and general violence against women committed by representatives of the security forces is extensive in the Northern Province, particularly in Vanni. A key human rights organisation stated that the violations are systematic. The army spend the day monitoring and controlling households. If households are without men, they return at night and commit assaults. When questions about documentation, police reports, verified reports and testimony about the violations were raised, however, none of the interlocutors had information that could support the veracity of the description. This applied to statements both of politicians, human rights organisations, lawyers and representatives of religious groups.

Inaccurate information was given by several interlocutors. A representative of a human rights organisation in Colombo who has visited Vanni several times stated that there is a shelter in Vanni housing many raped women; *at least five or six*. Landinfo visited the place, which provides permanent housing and education for young orphaned girls. It has been open since 2010 and 30 women/girls, mainly from Vanni, were residents of the institution as of mid April 2012. Three rape victims

Sri Lanka: Human rights and security issues concerning the Tamil population in Colombo and the Northern Province

have lived in the institution since it opened. Two of the girls had been raped by a close family member, while a soldier was identified as the perpetrator in the third case. The case had been criminally prosecuted and the soldier was convicted of rape.

Several interlocutors who stated that many women are raped and subjected to violence by the security forces, appear to be relying on information obtained from secondary sources. Representatives of international organisations claimed to have information about six or seven rape cases in Killinochchi alone. It turned out that the cases were based on reports from neighbours or villagers having observed SLA entering female headed households. Several interlocutors in Vanni conceded, after a review of the “documentation”, that there was little concrete evidence that the SLA represent a major risk of sexual violence/rape against women in Vanni. Several interlocutors also seem to refer to the same documented (reported) cases. Landinfo has collected information of four rape cases considered as documented, cf. Annex B.

Several of the interlocutors indicate that the leadership of the security forces don’t follow up on the cases and that legal action is not taken against those who are responsible for violence against women. The few reported cases Landinfo was able to collect seem not to be representative; the perpetrator was convicted in two of the cases, (both SLA soldiers), a suspect is in custody in the third case (SLA soldier) and no information is available about the last case.

Many of the local informants in Vanni did not initially communicate or under communicated under the risk of harassment and abuse by members of the local communities. It turned out, however, that many believed that local³⁵ men often represent a greater threat to single women than representatives of the security forces. Several of these, however, claimed that the security forces also are responsible for violations against women committed by members of the local communities.

Representatives of two international organisations in Vanni pointed out that the extent of abuse, domestic violence and alcoholism is increasing. With regard to domestic violence, this was confirmed by a source connected to the courts in the Northern Province. According to the source more than 250 *Protection Order cases* were filed in the High Court in Killinochchi during the last five months. The source believed that approximately 10% of the cases were involving sexual violence. Some interlocutors, politicians and local staff of international organisations, claimed that the army is responsible for all/most social problems in Vanni, including prostitution.

Some of the international interlocutors pointed out that in some cases it is relevant to ask whether rape has been committed. Reference was made to cases where girls had become pregnant with their boyfriends. The boy would often be asked to marry the pregnant girl, and, if he refuses, he may be accused of rape and reported to the police.

There seems to be limited concrete documentation for the assessment made by several interlocutors of the risk which the security forces represent for women in Vanni. The number of reported cases over the last two years does not suggest that the problem is widespread, whereas there are several circumstances that indicate that the reported cases do not reflect reality. The same applies to the government's handling

³⁵ There is no available documentation related to local perpetrators.

of specific cases. The information available to Landinfo does not indicate that the government is failing to follow up cases. A profiled critic of the government said that it appears unlikely that in 2012 representatives of the army constitute a risk factor for sexual violations against women. An interlocutor in Vanni, who has significant experience with sexual abuse, said that the military is currently taking abuse cases seriously.

Most of the interlocutors acknowledge that there is limited documentation, but many maintain that the situation is very serious. Two types of explanations are given as to why many cases do not come to light; the first is that the women/families are afraid of reprisals from the SLA and the second is that reporting sexual abuse represents exposure to stigma.³⁶ Many sources seem to place great emphasis on rumours or *a lot of untold stories* about sexual violations committed by soldiers. The present situation is described as a continuation of the widespread sexual violations against women in the last phase of the war.

There is no evidence that the security forces are responsible for many cases of rape/sexual violence against women in female-led households in Vanni. The general awareness about the stigma attached to sexual violence and rape in Sri Lanka implies that there could be a considerable underreporting of sexual violence against women. This applies to cases involving community members as well as security forces. In Landinfo's opinion, the general humanitarian and economic conditions, the number of marginalised female headed households and the heavy military presence in the Northern Province support this assumption.

³⁶ Stigma was described by most interlocutors, but with a different specification - ranging from exclusive gossip and discrimination to the risk of further abuse.

8. REFERENCES

Written sources

- CPA, i.e. Centre for Policy Alternatives (2008, September). *Civil society field mission to Vavuniya*. Colombo: Centre for Policy Alternatives. Available from [http://www.transcurrents.com/files/Vavuniya Mission 921.pdf](http://www.transcurrents.com/files/Vavuniya_Mission_921.pdf) [Accessed 14. June 2012]
- Fonseka, Bhavani (2010, September). *Commentary on returns, resettlement and land. Issues in the north of Sri Lanka*. Colombo: Centre for Policy Alternatives. Available from <https://www.box.com/shared/r9klm8em1c> [Accessed 3. June 2012]
- FFT, i.e. Freedom from Torture (2012a, 14 September). *New research highlights risk for Tamils returning to Sri Lanka from UK*. London: FFT. Available from <http://www.freedomfromtorture.org/news-blogs/6659> [Accessed 4 October 2012]
- FFT (2012b, 13 September). *Briefing: Sri Lankan Tamils tortured on return from the UK*. London: FFT. Available from http://www.freedomfromtorture.org/sites/default/files/documents/Freedom%20from%20Torture%20briefing%20%20Sri%20Lankan%20Tamils%20tortured%20on%20return%20from%20the%20UK_0.pdf [Accessed 5 October 2012]
- Freedom House (2010, 7 April). *Countries at the Crossroads 2010 - Sri Lanka*. Washington DC: Freedom House. Available via <http://www.unhcr.org/refworld/docid/4be3c8db0.html> [Accessed 3 December 2012]
- HRW, i.e. Human Rights Watch (2012a, 25 February). *UK: Halt deportations of Tamils to Sri Lanka*. New York: HRW. Available from <http://www.hrw.org/news/2012/02/24/uk-halt-deportations-tamils-sri-lanka> [Accessed 16 July 2012]
- HRW (2012b, 29 May). *UK: Suspend deportations of Tamils to Sri Lanka - Further reports of torture of returnees highlight extent of problem*. New York: HRW. Available from <http://www.hrw.org/news/2012/05/29/uk-suspenddeportations-tamils-sri-lanka> [Accessed 5 October 2012]
- HRW (2012c, 15 September). *United Kingdom: Document containing cases of Sri Lankan deportees allegedly tortured on return - Sri Lankan deportees allegedly tortured on return from the UK and other countries*. New York: HRW. Available from <http://www.hrw.org/node/110167> [Accessed 18 September]
- HRW (n.d.). *Sri Lankan deportees allegedly tortured on return from the UK and other countries - All cases have supporting medical documentation*. New York: HRW. Available from

http://www.hrw.org/sites/default/files/related_material/UK%20Sri%20Lanka%20deportees%20tortured%20final.pdf [Accessed 18 September 2012]

- ICG, i.e. International Crisis Group (2011, 18. July). *Reconciliation in Sri Lanka: Harder than ever*. Brussels: ICG. Available from <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/209%20Reconciliation%20in%20Sri%20Lanka%20-%20Harder%20than%20Ever.pdf> [Accessed 10 June 2012]
- ICG (2012, 16 March). *Sri Lanka's north 1: The denial of minority rights*. Brussels: ICG. Available from <http://www.unhcr.org/refworld/docid/4f6452cb2.html> [Accessed on 22 April 2012]
- IDMC, i.e. Internal Displacement Monitoring Centre (2011, 14. January). *SRI LANKA: IDPs and returnees remain in need of protection and assistance*. Geneva: IDMC. Available from [http://www.internaldisplacement.org/8025708F004BE3B1/\(httpInfoFiles\)/03D15A8CBF11229DC12578180036CD93/\\$file/Sri+Lanka+-+January+2011.pdf](http://www.internaldisplacement.org/8025708F004BE3B1/(httpInfoFiles)/03D15A8CBF11229DC12578180036CD93/$file/Sri+Lanka+-+January+2011.pdf) [Accessed 3 June 2012]
- International Commission of Jurists (2010, September). *Beyond Lawful Constraints: Sri Lanka's mass detention of LTTE suspects*. Geneva: International Commission of Jurists. Available from <http://www.unhcr.org/refworld/docid/4ca0ae592.html> [Accessed on 3 December 2012]
- IRB Canada, i.e. Immigration and Refugee Board of Canada (2012, 25 January). *Sri Lanka: Sexual and domestic violence, including legislation, state protection, and services available for victims*. Ottawa: IRB Canada. Available from http://www.irbcisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=453788&l=e [Accessed on 25 June 2012]
- IRIN News (2010, 9 September). *Sri Lanka: Women take over as breadwinners in north*. IRIN News. Available from <http://www.unhcr.org/refworld/docid/4c91cb602c.html> [downloaded on 10 June 2012]
- Landinfo (2010, 17 February). *Commentary - Sri Lanka: UNHCRs Eligibility Guidelines for Assessing the International Protection Needs of Asylum-seekers from Sri Lanka - April 2009*. Oslo: Landinfo. Available from http://www.landinfo.no/asset/1202/1/1202_1.pdf [Accessed on 15 April 2012]
- Landinfo (2011, 18 January). *Sri Lanka: The general security and human rights situation of the Tamil population*. Oslo: Landinfo. Available from http://landinfo.no/asset/1521/1/1521_1.pdf [Accessed on 15 April 2012]
- Ministry of Defence and Urban Development (2012, 27 February). *Allow Sri Lanka's efforts at reconciliation to proceed unimpeded - Minister Samarasinghe at UNHRC*. Colombo: Ministry of Defence and Urban Development. Available from

http://www.defence.lk/new.asp?fname=20120227_06 [Accessed on 29 May 2012].

- OCHA, i.e. UN Office for the Coordination of Humanitarian Affairs (2010, January) In *Joint Humanitarian Update. North East Sri Lanka*. Colombo: OCHA. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/8E9CABBB52076657852576BE0074665B-Full_Report.pdf [Accessed on 4 June 2012]
- UNHCR, i.e. United Nations High Commissioner for Refugees (2010, 5 July). *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka*. Geneva: UNHCR. Available from <http://www.unhcr.org/refworld/pdfid/4c31a5b82.pdf> [Accessed on 18 June 2012]

Oral sources

- Amnesty International (AI), Norway by Gerald Kador Folkvord, political consultant/coordinator for human rights education. Telephone call of 8 October 2012.
- British High Commission, Deputy Commissioner Robbi Bulloch and Migration Delivery Officer Graham Wiskar. Meeting in Colombo 23 April 2012.
- Centre for Policy Alternatives, Executive Director Dr. P. Saravanamuttu. Meeting in Colombo 23 April 2012.
- Centre for Peace and Reconciliation, by Father Praveen. Meeting in Jaffna 19 April 2012.
- Home for Human Rights (HHR). Meetings in Colombo 11 April 2012 and Batticaloa, 20 April 2012.
- Human Rights Commission of Sri Lanka - Jaffna, Investigator RL. Vasantharajah. Meeting 18 April 2012.
- Human Rights Commission of Sri Lanka - Batticaloa, Regional Coordinator R. Manoharan. Meeting 20 April 2012.
- International Committee of the Red Cross (ICRC), Protection Coordinator Ralph Wehbe. Meeting in Colombo 9 April 2012.
- International Organisation for Migration (IOM). Chief of Mission Richard Danziger. Meeting in Colombo 24 April 2012. Head - Migration Management Shantha Kulasekara. Meeting in Colombo 10 April 2012.
- IOM - Regional Office Killinochchi, the Head of Sub Office Coordinator North K. Vedharaniyam, DDR. Project Assistant, Team Leader DDR programme AM, Razeen Erik Ebenazer, Project Assistant P. Kaptheepan. Meeting 18 April 2012.
- Legal Aid Commission - Killinochchi, Legal Officer T. Arunja. XX Meeting. April 2012.

- S. Nadesapillai, journalist. Meeting in Jaffna 17 April 2012.
- Norwegian Embassy in Colombo, Ambassador Hilde Haraldseth. Meeting 25 April 2012. Tel Conversation with Head of Visa/Consular Affairs Heidi Bonvik, 9 October 2012.
- Norwegian Organisation for Asylum Seekers (NOAS). Telephone conversation with adviser Solvei Skogstad 5 October 2012 and General Secretary Ann-Magrit Austenå 8 October 2012.
- Norwegian Refugee Council (NRC). Meetings in Colombo 23 April 2012 and Killinochchi 17 April 2012.
- Suresh Premachandran, Member of Parliament - TNA. Meeting 18 April 2012.
- Raajje Foundation. Meeting in Colombo 11 April 2012.
- Ruki Fernando, human rights activist. Meeting in Colombo 9 April 2012.
- E. Saravanapavan, Member of Parliament Tamil National Alliance (TNA). Meeting in Jaffna 18 April 2012.
- Sunday Observer, by Editor Fredrika Jansz. Meeting in Colombo 10 April 2012.
- Gowri Thavarasa, lawyer. Meeting in Colombo 9 April 2012.
- United Nations High Commission for Refugees (UNHCR), Senior Protection Officer Gregory Alan Balke. Meeting in Colombo 10 April 2012.
- UNHCR - Regional Office Killinochchi, 17 April 2012.
- UNHCR - Sub Office Jaffna, Protection Officer Madalena Hogg, Jaffna 19 April 2012.
- United Nations Sri Lanka - UN Country Team, with Senior Human Rights Advisor Cynthia Veiko, National Human Rights Officer Nehama Jayewardene, National Legal Consultant Ambika Satkunanathan. Meeting in Colombo 23 April 2012.
- UN Office for the Coordination of Humanitarian Affairs (OCHA), Deputy Head of Office Carrie Howard. Meeting in Colombo 10 April 2012.
- U.S. Department of State (2010, 11. March). 2009 Country reports on human rights practices - Sri Lanka. Washington, DC: U.S. Department of State. Available via <http://www.unhcr.org/refworld/docid/4b9e52bbc.html> \ (accessed 3 December 2012)
- Uthayan Newspapers, with Editor T. Premanathan. Meeting 19 April 2012.

Anonymous oral sources

- Managers and employees of religious organisations. Meetings in Mannar, Killinochchi and Jaffna, 7-24 April 2012.
- Local representatives of the TNA in the Tamil majority areas. Meeting 7-24 April 2012.
- Different players with experience of working with PTA cases in the justice sector/judiciary. Meeting 7-24 April 2012.
- Former LTTE members released after rehabilitation. Meeting 7-24 April 2012.
- Local women/girls victims of sexual violence/rape in Vanni after the end of the war. (In one case, a representative of the security forces was identified as the perpetrator.)

9.

Release Certificate

This Release Certificate is issued by the Commissioner General of Rehabilitation (CGR) to state that [REDACTED] whose Photograph endorsed and depicted as above has been released from the Temporary Accommodation Centre PAMPAIMADU on 5th April 2010.

Please note this certificate will be valid for a period of 6 months and confirm that the said person is released to the DS Division of Karachi where the residential address is as listed. Rajankudiyuruppu, Konavil, Kilinochchi

හිදිහස් කිරීමේ සහතික පත

[illegible]

මෙම සාහිත්‍ය පත හිමිකරු කරවීම් ප්‍රාදේශීය ලේකම් කොට්ඨාශයේ රාජකරුබිඳුරාප්පු කොතවිල් කිලිනොච්චි යන ලිපිනයෙහි පිටුවකරුවෙකු විස අතර හය මසක කාලයක් සඳහා මෙම සාහිත්‍ය පත වලංගු වේ.

விடுதலைப் பக்திராம்

மேலே புகைப்படம் மூலம் பிரசுரிக்கப்பட்டுள்ள நவலோஜினி நவீன்திரன் என்பவர் பம்பைமடு இருந்து .05.04.2010ம் திகதி அன்று விடுதலை செய்யப்பட்டார் என்பதனை உறுதிப்படுத்தமுடியாத புனர்வாழ்வு ஆணையாளர் நயகத்தினால் வழங்கப்பட்டது.

இவ் உறுதிப்படுத்தல் பத்திரமானது மோத காலத்திற்கு மாத்தீர்ம் செல்லுபடியானதாகும். அத்துடன் மேற்குறிப்பிட்ட நபர் விதிகையின் பின் நிர்லபுத்திய முகவரியில் கர்ச்சி பிரதேச செயலாளர் பிரிவில் வதியவுள்ளா என்பதனை உறுதிப்படுத்துகின்றது. இராஜன்குடியிருப்பு, கோனாவில், கிளிநொச்சி.

For Commissioner General of Rehabilitation (CGR)
Coordinating Officer
Coordinating Center for Rehabilitation
Vavuniya

Copy: Secretary - Ministry of Defense
Sri Lanka Police
Bureau of Commissioner General of Rehabilitation
File

10. ANNEX B: RAPE AND ATTEMPTED RAPE

10.1 RAPE

Delft

- 13 year old girl raped. Ex-EPDP politician (Information given by Human Rights organisation and a representative of a religious community).

Mankulam

- 15 year old girl raped by representatives of the SLA (Information given by Human Right activist, representative of the religious community, social worker).

Killinochchi

- Girl raped in Killinochchi 11 October 2011 (Representative of the legal system).
- Schoolgirl abducted from Killinochchi. Found raped and dumped in Medawachchiya (or Anuradapura). A representative of the SLA remanded by mid-April (Information given by international organisation, social worker).

Thunukkai

- An affair between a female rehabilitee and soldier led to pregnancy. Her sister reported the case as rape, The sister was sexually abused (International organisation, social worker).

Batticaloa

- 8 year old girl was raped by a representative of the SLA in 2010. Initially the family did not want to go to court. The local branch of the Human Rights Commission followed up the case with the Security Forces. The case was brought to court, a soldier was convicted (Government of Sri Lanka).

10.2 ATTEMPTED RAPE

Mannar

- A marine entered a house while the husband was out. Neighbours were alerted, and the soldier was caught and beaten (international organisation, social worker).

Nedunckerney

- April 2012. Married woman - attempted rape. Soldier. Assistant Government Attorney pushed forward an arrest of the soldier (Information given by social worker).

Alternative:

- Rape reported to a High Court judge. Reported to the police who have instigated proceedings (Information given employee in legal sector).

10.3 NON-SPECIFIC CASES

- Group rape in 2010: two women raped by representatives of the SLA (Information given by activist).
- March 2012. Girl raped in connection with an application for NIC (Information given by social worker – reported in the media).
- 18 April 2012, a female rehabilitee from Jaffna found in a well in Vavuniya (Information given by social worker - reported in the media).
- January 2012, gang rape committed by four men, one of whom has been arrested. No association with the government/SLA (information given by cleric).
- Possible rape in Mullaitivu (information given by legal expert).