

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide information regarding the activities of the LTTE in Batticaloa around January 2009.**
- 2. Please provide information on house sales in Batticaloa at this time compared to other times. (Would it be difficult to sell at this time?)**
- 3. Is there any information regarding the LTTE coercing funds from house sales?**
- 4. Is there any information suggesting that vendors prefer cash sales for homes?**
- 5. Please provide information about the Karuna faction in Colombo, and their connections to the Sri Lankan security forces. Is there much activity by Karuna group re suspected LTTE affiliations?**

RESPONSE

- 1. Please provide information regarding the activities of the LTTE in Batticaloa around January 2009.**

In April 2009 the International Crisis Group (ICG) released a report on the situation in the Eastern Province in relation to development and conflict. The report states that “[d]espite the presence of tens of thousands of soldiers and police in the east, the Liberation Tigers of Tamil Eelam (LTTE) have proven able to launch attacks on government forces and on their rivals in the Tamil Makkal Viduthalai Puligal (TMVP)” (p. i). According to this report, LTTE attacks increased in the east, including Batticaloa, in the second half of 2008 and in 2009 (p. 4). The report notes that various armed groups are operating in the East, including two factions of the TMVP. A number of recent violent incidents are detailed. The ICG also states that “there are...reports that as the LTTE has increased its presence in Batticaloa, they have re-entered the extortion business” (p. 15) (International Crisis Group 2009, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province*, Asia Report N° 165, 16 April – Attachment 1).

A previous research response, dated 12 February 2009, looks at the then current security situation in Batticaloa (MRT Research & Information 2009, *Research Response LKA34426*, 12 February – Attachment 2). The response provides the following relevant sources:

- On 24 November 2008 Human Rights Watch (HRW) released a statement on the deteriorating human rights situation in the east. The report quotes Brad Adams, Asia director at Human Rights Watch, who states: “The Sri Lankan government says that the ‘liberated’ East is an example of democracy in action and a model for areas recaptured from the LTTE...But killings and abductions are rife, and there is total impunity for horrific abuses” (Human Rights Watch 2008, ‘Human rights situation deteriorating in the east’, 24 November – Attachment 3).
- A 25 January 2009 interview with Defence Secretary Gotabhaya Rajapaksa published in *The Sunday Observer* states that “[t]he entire eastern province, viz, Ampara and Batticaloa districts, is under the complete control of the Security Forces” (‘The secret behind military success’ 2009, *Sunday Observer*, 25 January <http://www.sundayobserver.lk/2009/01/25/sec03.asp> – Accessed 11 February 2009 – Attachment 4).
- A number of January 2009 articles report alleged LTTE activity in the area (‘SL Army captures LTTE camp, kills six rebels’ 2009, *Zee News*, 23 January <http://www.zeenews.com/southasia/2009-01-23/501184news.html> – Accessed 11 February 2009 – Attachment 5; ‘Safe zone in Sri Lanka conflict’ 2009, *BBC News*, 21 January – Attachment 6; ‘Two civilians shot in Eastern Sri Lanka’ 2009, *Colombo Page*, 20 January http://www.colombopage.com/archive_09/January20191113RA.html – Accessed 11 February 2009 – Attachment 7; ‘Sri Lankan Eastern Chief Minister’s secretary shot’ 2009, *Colombo Page*, 18 January http://www.colombopage.com/archive_09/January18150657RA.html – Accessed 11 February 2009 – Attachment 8).

Background

In October 2008 the ICG released an in-depth report on Sri Lanka’s Eastern Province. The full ICG report discusses the background of the situation in the Eastern Province if more detailed information is required (International Crisis Group 2008, *Sri Lanka’s Eastern Province: Land, Development, Conflict*, Asia Report N°159, 15 October – Attachment 9).

2. Please provide information on house sales in Batticaloa at this time compared to other times. (Would it be difficult to sell at this time?)

Information was not found on the housing market in Batticaloa, or whether it would be difficult to sell a house in Batticaloa around January 2009 or any other time.

A December 2008 article by Patrick Fuller of the International Federation of Red Cross and Red Crescent Societies reports on the “small business boom” in Batticaloa, fuelled by the growth in new houses. The article reports on the construction of 30,000 new homes under the Red Cross Red Crescent tsunami recovery programme. The article does not provide information on private house sales (Fuller, P. 2008, ‘Batticaloa, Sri Lanka: New homes fuel small business boom’, *Reuters AlertNet*, source: : International Federation of Red Cross and Red Crescent Societies (IFRC) – Switzerland, 1 December

<http://www.alertnet.org/thenews/fromthefield/218536/122812916918.htm> – Accessed 22 July 2009 – Attachment 10).

In March 2008, *The New York Times* described Sri Lanka's housing market as "resilient". The article reports on the housing market mainly around Colombo on the west coast of Sri Lanka. The article reports that, despite the conflict, demand for property was still strong and returns were still high (Gorvett, J. 2008, 'Sri Lankan real estate holds up in tense times', *New York Times*, 26 March http://www.nytimes.com/2008/03/26/realestate/26iht-resri.html?_r=3 – Accessed 22 July 2009 – Attachment 11).

Real estate website Bhoomi lists property for sale in Batticaloa, such as the following eight bedroom house "in the heart of Batticaloa town", priced at \$US 535,740:

8 BR house for sale , located on front of the Batticaloa lagoon

Up stair House with front and back garden on a 108 perch land situated in the heart of Batticaloa town, on front of the lagoon. 4 bedrooms upstairs and 2 bedroom down stair with large dinning and sitting rooms and long veranda's, and a front portico. surrounded by parapet wall.

2 separate garages, well with water tank and back garden with mango and coconut trees, with water fountain in the front ('Houses for sale in Batticaloa' (undated), Bhoomi website <http://www.bhoomi.lk/Property15680.ASPX#> – Accessed 23 July 2009 – Attachment 12).

Lanka Real Estate.com lists property for sale in various areas around Sri Lanka (http://www.lankarealestate.com/properties_all.htm). Lanka Real Estate.com does not list any properties for sale in Batticaloa; however, the website does list a number of properties for sale in Trincomalee, an area which it states "was one of the most popular holiday destinations before the war and is now becoming very popular with buyers, particularly amongst expat Sri Lankans returning to secure a piece of paradise amidst their old childhood haunts". One property, sold for \$US 150,000, has the following description:

Beautiful landscaped, though somewhat overgrown, 5 acre garden with lagoon leading to one of Sri Lanka's most stunning beaches. There is a 25 year old foreign built holiday home on the land in need of refurbishment. **Caution:** This property is in what is still considered a high risk zone from the recent fighting. Buyers should be aware of the possible risk of a return to war in Sri Lanka and the affect this may have on this particular property ('Trincomalee Area Properties' (undated), Lanka Real Estate website http://www.lankarealestate.com/office_tricomalee.htm – Accessed 23 July 2009 – Attachment 13).

3. Is there any information regarding the LTTE coercing funds from house sales?

Information was not found on the LTTE coercing funds specifically from house sales. Information was found on the use of extortion by the LTTE.

The ICG April 2009 report states that: "Reports of extortion and theft are widespread in the Eastern Province, particularly in Batticaloa, the traditional stronghold of Karuna and the TMVP...There are also reports that as the LTTE has increased its presence in Batticaloa, they have re-entered the extortion business" (International Crisis Group 2009, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province*, Asia Report N° 165, 16 April, p. 15 – Attachment 1).

The ICG also refers to the system of parallel “taxation” under the LTTE in which “everything was taxed”, comparing it to the current, less organised, extortion by TMVP and other cadres. The report states:

All agree that current extortion is less organised than the parallel “taxation” imposed by the LTTE from 2002-2004. “Under the LTTE it was more systematic. Everything was taxed. Compared to those days, things are easier”, says one Muslim politician. “It’s more ad hoc than under the LTTE. Some people pay, some don’t or can escape from paying. Muslims are not taxed. Under the LTTE everyone was taxed. But no one knows for sure who it is when the guys with guns come to your door”. “It’s more about young cadres with weapons learning they can get what they want and taking it” (International Crisis Group 2009, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province*, Asia Report N° 165, 16 April, pp. 15-16 – Attachment 1).

Two recent research responses look at the LTTE’s use of extortion:

- *Research Response LKA34654*, dated 3 April 2009, provides information on extortion practices by the LTTE and other armed groups in Colombo (RRT Research & Information 2009, *Research Response LKA34654*, 3 April – Attachment 14);
- Question 3 of *Research Response IND33382*, dated 19 June 2008, includes a section providing sourced information on LTTE taxation and extortion practices (RRT Research & Information 2008, *Research Response IND33382*, 19 June – Attachment 15).

4. Is there any information suggesting that vendors prefer cash sales for homes?

Information was not found on whether or not vendors prefer cash sales for homes; however, a recent article in the financial section of *The Daily Mirror* quotes “one of the country’s senior bankers specialising in micro finance”, who says that “of the total population of Sri Lanka, over 70% do not make use of banks and their facilities” (Perera, D. 2009, ‘70% of the population don’t use banks in SL’, *Daily Mirror*, 9 July http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=54177 – Accessed 23 July 2009 – Attachment 16).

Articles were also found indicating that, until recently, reliable banking services may have been difficult to access in conflict affected areas in the Eastern and especially in the Northern provinces. A 11 June 2009 *Lanka Business Online* article reports on the banking expansion “in the north of the island after the area was freed of Tamil Tigers”. The article reports that “State owned Bank of Ceylon and People’s Bank are the only two commercial banks offering regular banking services in former Tamil Tiger controlled areas” (‘Sri Lankan banks rush to expand in former war zone’ 2009, *Lanka Business Online*, 11 June <http://www.lankabusinessonline.com/fullstory.php?nid=1293466453> – Accessed 23 July 2009 – Attachment 17).

An April 2009 article on the Micro Capital website reports that there will be a huge demand for banking services in the Northern and Eastern Provinces with the war coming to an end:

The chairman of the Bank of Ceylon (BoC), Dr Gamini Wickramasinghe, has told the Sri Lanka Daily News that the bank would be opening several more branches in the Northern and Eastern Provinces of the country soon, saying that with the war coming to an end there will be a huge demand for banking services in these areas (Anderson, L. 2009, ‘MICROCAPITAL

STORY: Sri Lankan Bank of Ceylon to Open More Branches Focused on Small and Medium Enterprises and Microfinance', Micro Capital website, 9 April
<http://www.microcapital.org/microcapital-story-sri-lankan-bank-of-ceylon-to-open-more-branches-focused-on-small-and-medium-enterprises-and-microfinance/> – Accessed 23 July 2009 – Attachment 18).

5. Please provide information about the Karuna faction in Colombo, and their connections to the Sri Lankan security forces. Is there much activity by Karuna group re suspected LTTE affiliations?

A range of sources provide information on the TMVP (previously the Karuna group – see below for background), and their alleged connections to the Sri Lankan security forces. According to the US Department of State (USDOS), the TMVP uses a network of informants in the east to discover and eliminate possible LTTE operatives or sympathizers. Recent reports from the USDOS, the ICG and the UN High Commissioner for Refugees (UNHCR) indicate that TMVP cadres continued to commit extrajudicial killings, abductions, extortion, and torture. The activities of the TMVP in the Eastern Province are well-documented in these reports. There are also reports that TMVP cadres engage in these activities in Colombo. A June 2007 ICG report titled *Sri Lanka's Human Rights Crisis* provides an overview of the “wave of abductions for ransom in Colombo” dating from mid-2006. This ICG report claims that these “abductions seem to have been designed to extract money to fund Tamil militant groups, primarily the TMVP”. More recently, UNHCR states: “Acts of abduction and kidnapping continue to be a serious problem in Sri Lanka, particularly in the North and East of the country and in Colombo. Many of the abductions involve civilians who are suspected to be LTTE members or sympathizers” (US Department of State 2009, *Country reports on Human Rights Practices 2008 – Sri Lanka*, February – Attachment 19; International Crisis Group 2009, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province*, Asia Report N° 165, 16 April – Attachment 1; International Crisis Group 2008, *Sri Lanka's Eastern Province: Land, Development, Conflict*, Asia Report N°159, 15 October – Attachment 9; UN High Commissioner for Refugees 2009, ‘UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka’, UNHCR website, April <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April – Attachment 20; International Crisis Group 2007, *Sri Lanka's Human Rights Crisis*, Asia Report No. 135, 14 June – Attachment 21).

Note: The human rights reports cited in this response were released prior to the SLA claiming victory over the LTTE in May 2009. Human rights reports on the activities of the TMVP since the end of the conflict were not found. A 29 June 2009 *BBC News* article reports that hundreds of cadres from Karuna's militia have joined the Sri Lankan army. According to a 26 June 2009 US Department of State travel warning: “Armed paramilitaries remain active in the Eastern Province”. On 18 June 2009 Human Rights Watch (HRW) released a statement, ‘Tigers under the bed’, detailing the post-conflict situation. HRW states that: “Virtually anyone who had any contact with the LTTE, whether Sri Lankan or foreign, is now a suspected LTTE sympathiser” (‘Tamil unit for Sri Lanka's army’ 2009, *BBC News*, 29 June http://news.bbc.co.uk/2/hi/south_asia/8124836.stm – Accessed 23 July 2009 – Attachment 22; ‘Travel Warning: Sri Lanka’ 2009, US Department of State website, updated 26 June http://travel.state.gov/travel/cis_pa_tw/tw/tw_3011.html# – Accessed 30 June 2009 – Attachment 23; Human Rights Watch 2009, ‘Sri Lanka: Tigers under the bed’, Refworld website, 18 June <http://www.unhcr.org/refworld/country,,,LKA,,4a3f8d3a17,0.html> – Accessed 9 July 2009 – Attachment 24).

Brief background on the TMVP

The 2009 edition of the Freedom in the World country report for Sri Lanka provides the following brief summary of the TMVP:

[I]n March 2004... Colonel Karuna (the nom de guerre of Vinayagamoorthi Muralitharan), an LTTE commander in the east who controlled an estimated 6,000 out of the total 15,000 LTTE troops, formed a breakaway faction called the Tamil Makkal Viduthalai Pulikal (TMVP) and alleged discrimination in the treatment of eastern Tamils by the LTTE leadership. By 2006, the Karuna faction had become loosely allied with the government, which provided it with logistical support in exchange for valuable intelligence. As with the other parties in the conflict, the faction also engaged in killings, abductions, forced conscription, and other abuses against civilians (Freedom House 2009, 'Freedom in the World – Sri Lanka (2009)', Freedom House website

<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7707> – Accessed 23 July 2009 – Attachment 25).

The April 2009 ICG report states that Karuna formally left the TMVP and joined the ruling Sri Lanka Freedom Party (SLFP) in March 2009. He was named minister for national integration and reconciliation. According to ICG, there are now two factions of the TMVP: one with cadres loyal to Pillayan (Eastern Province Chief Minister) and the other with cadres loyal to Karuna (International Crisis Group 2009, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province*, Asia Report N° 165, 16 April, p. 4 – Attachment 1).

The ICG October 2008 in-depth report on the Eastern Province provides more detailed background information on Karuna's split from the LTTE and the formation and the political and paramilitary activities of the TMVP in the East (International Crisis Group 2008, *Sri Lanka's Eastern Province: Land, Development, Conflict*, Asia Report N°159, 15 October – Attachment 9).

TMVP as a paramilitary group

The US Department of State's report on human rights practices in Sri Lanka for 2008 details the government's use of paramilitaries, including TMVP cadres. According to the report, the TMVP used a network of informants in the east to discover and eliminate possible LTTE operatives or sympathizers; the TMVP ran extortion rings; there were credible reports that the government provided protection, intelligence, and military training to TMVP cadres who committed extrajudicial killings, abductions, extortion, and torture. The report states:

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

The TMVP, the EPDP, and other paramilitary organization ran extortion rings. These groups allegedly killed civilians, in many cases following abductions. According to credible reports, the government provided protection, intelligence, and military training to TMVP and EPDP cadres who committed extrajudicial killings, abductions, extortion, and torture (US Department of State 2009, *Country reports on Human Rights Practices 2008 – Sri Lanka*, February, Section 1.g – Attachment 19).

TMVP in Colombo

Research Response LKA34654, dated 3 April 2009, provides information on the Karuna faction in Colombo (RRT Research & Information 2009, *Research Response LKA34654*, 3 April – Attachment 14).

A June 2007 ICG report titled *Sri Lanka's Human Rights Crisis* provides an overview of the “wave of abductions for ransom in Colombo” dating from mid-2006. This ICG report claims that these “abductions seem to have been designed to extract money to fund Tamil militant groups, primarily the TMVP”, and a journalist quoted in the report claims that “[t]here is close collaboration by sections of the police and armed forces and intelligence personnel”:

Since mid-2006, there has been a wave of abductions for ransom in Colombo, generally targeting Tamil but lately also Muslim business owners. Few victims have anything to do with politics; in most cases the abductions seem to have been designed to extract money to fund Tamil militant groups, primarily the TMVP. Most remain missing; some have been found dead; others were released after paying large ransoms. Given that many of the abductions are done in the day amid very tight security, the assumption is that most are committed with the knowledge or connivance of security forces. According to a journalist:

The actual abductions are generally done by the Karuna or EPDP group or in a few cases by both. There is close collaboration by sections of the police and armed forces and intelligence personnel. Some top “security” guy is usually at hand to help out if something goes wrong.

There has long been an extensive web of LTTE extortion among Tamils in parts of Colombo. Some businessmen have been forced to pay illegal taxes, as have those in the north and east. There has never been a serious government response to this mass extortion, and there is little recourse for any targeted businessman. The pro-government TMVP has tried to take over many LTTE tax networks, forcing businessmen to pay both militant groups. It also may have targeted many who had before managed to avoid these taxes.

The reliance on paramilitaries to fight the government’s war, while refusing to pay them for it, has blurred the lines between political and criminal violence. What may have started out as an attempt to establish an extra layer of militant taxation or undermine LTTE taxation networks has descended into increasing lawlessness and insecurity for all minority businessmen. Any rich entrepreneur from the Tamil or Muslim communities is now a potential target. In May 2007 there were reports of more than a dozen Muslim businessmen abducted for ransom. Some were reportedly released after paying 50 million SLR (\$500,000) (International Crisis Group 2007, *Sri Lanka's Human Rights Crisis*, Asia Report No. 135, 14 June – Attachment 21).

UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka

The latest UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka may be useful, and is included here as Attachment 20. Although the guidelines were released in April 2009, prior to the SLA victory over the LTTE in May 2009, reading the entire report is recommended (UN High Commissioner for Refugees 2009, ‘UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka’, UNHCR website, April <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April – Attachment 20).

List of Sources Consulted

Internet Sources:

Google search engine <http://www.google.com>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. International Crisis Group 2009, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province*, Asia Report N° 165, 16 April.
2. MRT Research & Information 2009, *Research Response LKA34426*, 12 February.
3. Human Rights Watch 2008, 'Human rights situation deteriorating in the east', 24 November. (CISNET Sri Lanka CX215046)
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15. RRT Research & Information 2008, *Research Response IND33382*, 19 June.
16. Perera, D. 2009, '70% of the population don't use banks in SL', *Daily Mirror*, 9 July http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=54177 – Accessed 23 July 2009.
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18. Anderson, L. 2009, 'Sri Lankan Bank of Ceylon to Open More Branches Focused on Small and Medium Enterprises and Microfinance', Micro Capital website, 9 April <http://www.microcapital.org/microcapital-story-sri-lankan-bank-of-ceylon-to-open-more-branches-focused-on-small-and-medium-enterprises-and-microfinance/> – Accessed 23 July 2009.
19. US Department of State 2009, *Country reports on Human Rights Practices 2008 – Sri Lanka*, February.
20. UN High Commissioner for Refugees 2009, 'UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka', UNHCR website, April <http://www.unhcr.org/refworld/docid/49de0b6b2.html> – Accessed 15 April.
21. International Crisis Group 2007, *Sri Lanka's Human Rights Crisis*, Asia Report No. 135, 14 June.
22. 'Tamil unit for Sri Lanka's army' 2009, *BBC News*, 29 June http://news.bbc.co.uk/2/hi/south_asia/8124836.stm – Accessed 23 July 2009.
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