

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. International news media have reported intense fighting between LTTE and the Sri Lankan Army over recent months. Civilian population has apparently been badly affected in areas of fighting. Please provide a summary of the key developments.**
- 2. Travel restrictions have reportedly been in place for Tamil citizens from northern and eastern provinces, especially to Colombo. What were they, when were these introduced, have they been enforced and would they have affected a Tamil travelling from Vavuniya to Colombo during 2008?**
- 3. Please provide information about the Peoples Liberation Organisation of Tamil Ealam (PLOTE). What activities are they involved in?**
- 4. Are Tamils likely to be routinely detained for questioning by authorities on suspicion of LTTE involvement? Are there reports of physical abuse or torture of suspects?**
- 5. What is known about financial support for the LTTE by Tamil diaspora?**
- 6. Would a young Tamil man who has been living outside the country since August 2008 be able to travel to Sri Lanka and return safely to Vavinuya?**

RESPONSE

- 1. International news media have reported intense fighting between LTTE and the Sri Lankan Army over recent months. Civilian population has apparently been badly affected in areas of fighting. Please provide a summary of the key developments.**

International Crisis Group among a range of international organisations has deplored the humanitarian crisis which has occurred following extensive combat between Sri Lankan

military forces and the LTTE. On 9th March it issued a risk alert which condemned both sides for their disregard of human life:

Independent estimates from sources on the ground and satellite imagery suggest at least 150,000 people are trapped by the LTTE and the Sri Lankan military, more than the level claimed by the Sri Lankan government. Most have little access to fresh water, food, or medicine. While they are mostly in or near the government-declared “no fire zone” along the coast, the government itself has shelled that zone daily. LTTE refusal to allow civilians to leave makes them complicit in keeping civilians at grave risk. The medical system in Wanni has collapsed, and sanitation systems are non-existent, with communicable diseases spreading among the displaced. Doctors have reported cases of death by starvation, a claim the government strongly contests. A shipment of 500 metric tonnes of food on 8 March was the first major humanitarian aid since the end of January.

UN agencies have documented more than 2300 civilian deaths and at least 6500 injuries since late January. More than 500 children have been killed and over 1400 injured. More than 100 victims are arriving each day in the make-shift medical centres still functioning in Wanni, many of whom die before evacuation. The International Committee of the Red Cross (ICRC) has been able to evacuate some 2000 injured and sick persons over the past few weeks, but few supplies have been able to get in.

Serious violations of international humanitarian law by both sides are at the heart of the crisis. The LTTE has prevented civilians from fleeing areas under their control, although around 35,000 people have managed to escape. It has fired on civilians as they flee, killing many over the past weeks. They continue to forcibly conscript civilians, including children, into battle and they continue to operate and fire from among civilians forced to act as their shield.

For its part, the government has continued shelling of civilian areas – including its own unilaterally declared “no fire zone” – without any significant pause over the past two months. The military wants to squeeze the Tigers into an ever smaller space until they are eliminated or surrender unconditionally, regardless of the cost to civilians. The Sri Lankan military’s actions cannot continue without inflicting massive civilian casualties and committing grave violations of the laws of armed conflict. The government’s proposed “safe routes” – which can be opened only by the Sri Lankan military first fighting their way through LTTE positions in densely populated areas – are no substitute for an immediate pause in the fighting and the reopening of access routes for food, water and medical supplies (International Crisis Group 2009, ‘Conflict Risk Alert: Sri Lanka’, 9 March - Attachment 1).

The crisis follows months of intense fighting. On 3rd February, the Sri Lankan government forces took over the final jungle airstrip belonging to the LTTE and on 3rd March the last road junction it controlled:

Soldiers pushing east took Puthukudiyiruppu junction after heavy fighting on Tuesday morning, which is inside the last town the Liberation Tigers of Tamil Eelam (LTTE) control in the Indian Ocean island nation.

"When you get the junction, there are roads leading to all four directions, so now that we have captured that we can focus on the east," military spokesman Brigadier Udaya Nanayakkara said.

To the east is a lagoon no more than 1 km (a half-mile) across at its widest, and then a narrow strip of coastal land where the military believes most, if not all, of the Tigers leaders are operating among tens of thousands of trapped civilians.

Aid agencies estimate that about 200,000 people are there, while the military says it is no more than 70,000.

Barely a half kilometre wide and 12 km long, the area is mostly coconut groves. Aid agencies fear people there are in increasingly dire conditions.

Aid agencies, the government and witnesses who escaped the fighting say the Tigers are keeping most people there at gunpoint while still fighting. The rebels deny that.

Diplomats say they are pressing hard to find a solution that will allow civilians to get out of the war zone, which has proven difficult because the Tigers are vastly outnumbered and outgunned and have little other protection from Sri Lanka's onslaught.

The Tigers have offered a ceasefire, which the government rejected outright, though it has not ruled out a brief pause in combat operations to allow civilians to get out of harm's way.

President Mahinda Rajapaksa says the Tigers must surrender or be destroyed.

The military in two-and-a-half years has rapidly captured nearly all of the 15,000 square kms the Tigers controlled in northern and eastern Sri Lanka, with the goal of creating a separate nation for the Tamil ethnic minority ('Sri Lanka army captures last key junction from Tigers' 2009, *Reuters*, 3 March, <http://uk.reuters.com/article/worldNews/idUKTRE5223BN20090303> - Accessed 27 March 2009 - Attachment 2).

The South Asia Terrorism Portal provides a detailed timeline summarising the developments for 2009 up to the end of March (South Asia Terrorism Portal 2009, 'Sri Lanka Timeline – Year 2009', <http://satp.org/satporgtp/countries/shrilanka/timeline/index.html#> - Accessed 3 April 2009 – Attachment 3).

On 30th March, the BBC quoted a Sri Lankan government source which indicated that the military had now reduced the concentration of the LTTE to 'an area of less than 25 sq km';

But pro-rebel websites say that the guerrillas have been offering stiff resistance to the army's offensive.

There is no independent confirmation of the events as journalists cannot report from the conflict zone.

'Pitched battles'

There have been intense sea and land clashes between Sri Lankan security forces and Tamil Tiger rebels in the north-east.

In the first incident, Sri Lankan navy spokesman Commander Mahesh Karunaratne told the BBC that naval vessels fought pitched battles with Tamil Tiger boats in two different places off the coast of Mullaitivu.

"Our Special Boat Squadron and Rapid Boat Squadron directed heavy gunfire at the rebel boats. Altogether, four Tiger boats were sunk," he said.

One sailor was killed and three others sustained injuries in the battles, he said.

The navy spokesman said that a senior Tamil Tiger leader called Maran was among those killed.

In a separate land battle, the military said at least 29 rebels were killed in the fighting with security forces.

It said the Tamil Tigers were killed when they attempted to break a security force defence line in the Palamattalan area.

"We have recovered 15 bodies of the rebels killed in the battles so far," military spokesman Brigadier Udaya Nanayakkara said ('Fierce clashes in north Sri Lanka' 2009, *BBC News*, 30

March, http://news.bbc.co.uk/2/hi/south_asia/7971389.stm - Accessed 2 April 2009 - Attachment 4).

The Sri Lankan president has again rejected calls for a cease fire and told the LTTE to surrender, as they have been forced into an area of between 15-20 square kilometres:

The appeal from President Mahinda Rajapaksa came as the military increased the rebel death toll Monday to at least 453 dead from three days of battles that pushed the Tigers into a narrow strip of land that earlier had been declared a "no-fire" zone by the government.

The zone, announced by the government earlier this year as a place for civilians to shelter from the fighting, measures just 7.7 square miles (20 square kilometers) of jungle and beach on the island's northeast coast.

The military has accused the rebels of building fortifications there in preparation for a final showdown in a civil war that has spanned 25 years. It was unclear whether the government intended to keep all of the zone clear of fighting, because it was all that remained of Tiger territory and the president appeared determined to flush out the remaining militants.

"The only way out for the rebels is to save their lives, and if they lay down arms and surrender, it will save the lives of the trapped civilians too," Rajapaksa was quoted Monday as saying by the government's Web site.

Rajapaksa's statement said the military was "about to launch a fresh drive to free civilians from the no-fire zone," without giving details. "It's going to be a different kind of operation, or it will be a rescue operation," he said ('Sri Lankan president says rebels must surrender' 2009, *Associated Press*, 7 April - Attachment 5).

The UN has accused the LTTE of continuing to use civilians as human shields as an unverified number fled to government controlled areas;

The UN says tens of thousands of people are being held as human shields by the Liberation Tigers of Tamil Eelam (LTTE), and has urged the military to protect the civilians during a final offensive in the seven square miles (17 sq km) of coastal coconut groves.

"Yesterday, 2,127 came out from the north of the no-fire zone at Chalai," military spokesman Brigadier Udaya Nanayakkara said, referring to one of three land routes out of the coastal area, which is mostly surrounded by water.

He said civilians were streaming out of the area yesterday, although the exact numbers were not available. Two military sources said a number of Tiger combat unit leaders had surrendered over the past few days. With the Tigers confined to the no-fire zone, Asia's longest-running civil war is now in its final stage.

Diplomats have warned that the war could end in a bloodbath if the Tigers stage a mass-suicide attack or the military proceeds indiscriminately.

The defence secretary, Gotabaya Rajapaksa, said on Sunday that soldiers were in no hurry to wipe out the Tigers, so they can move cautiously to protect people and exploit what he said was growing civilian anger with the Tigers.

At least 64,200 people have fled from Tiger areas since 1 January, nearly half of them since the army neared the no-fire zone. That is despite rebels shooting at them, say those who have escaped. The LTTE insists people are staying by choice.

The Tigers, Human Rights Watch and the UN have all accused the military of shelling civilian areas. The government dismisses the claim as a propaganda ploy to build international pressure for a truce so the Tigers can rearm ('Thousands flee as Sri Lanka starts final push against Tigers' 2009, *The Guardian*, 7 April, Attachment 6).

2. Travel restrictions have reportedly been in place for Tamil citizens from northern and eastern provinces, especially to Colombo. What were they, when were these introduced, have they been enforced and would they have affected a Tamil travelling from Vavuniya to Colombo during 2008?

With respect to general security arrangements in Colombo, according to a recent article in the *Far Eastern Economic Review*, Colombo "is a labyrinth of police and army checkpoints";

All major boulevards have been converted into one-way streets to make traffic easier to control and help security forces funnel vehicles into checkpoints. Even a foreign-passport holder cannot move more than a few kilometers at a time without being stopped, questioned, and sometimes searched by soldiers or police officers (Shah, A. 'Colombo's Secret War on Terror' 2009, *Far Eastern Economic Review*, March, p. 40, <http://www.feer.com/essays/2009/march/colombos-secret-war-on-terror> - Accessed 6 April 2009 – Attachment 7).

The pro-LTTE TamilNet website claimed in June 2007 that the city had been subject to a new security plan which divided it into 'three security zones'. Reliefweb reported in the same month that

"Tamils, whose national identity cards are written in Tamil, are instantly segregated at check points for a sometimes lengthy grilling. Members of the majority Sinhalese community have an easier time from the Sinhalese-dominated security forces. Tamil visitors to Colombo also need to register with police, who are fearful of Liberation Tigers of Tamil Eelam (LTTE) suicide bombers or assassins infiltrating the city of around 650,000 people...Tamil populated neighbourhoods in Colombo are also periodically cordoned off and swept by security forces, and Tamils have complained of mass arrests." [31a]

28.19 The Minority Rights Group International briefing 'One year on: counter-terrorism sparks human rights crisis for Sri Lanka's minorities', dated December 2007, noted that:

"Military checkpoints have mushroomed across the east and the security forces play an active role in most of the civil administration, including the process of resettlement and development of newly captured areas...This is not a phenomenon only seen in the east of Sri Lanka. New reports emerging from the northern Tamil city of Jaffna indicate that a military ID card system is being adopted here too. A record is kept of every person entering into and/or leaving the city. Jaffna has been militarised since it was taken over from rebel control in 1995. During the four-year cease-fire, towns such as Jaffna in northern Sri Lanka and Trincomalee and Batticaloa in eastern Sri Lanka showed some signs of a return to normalcy, with less security checks and military scrutiny. However the past year has seen a complete reversal of this.

“Military checkpoints have emerged across all the main roads in the capital, and whilst undergoing checks, Tamils can be subjected to harassment. In such search operations or at military checkpoints it is quite common for people to be taken in for questioning or arrested on suspicion of involvement with the rebels.” [62b] (p3)

28.20 The USSD report 2007 recorded that “After the government assumed effective control of the east, both the government and the Karuna group operated checkpoints which impeded the free movement of residents, especially Tamils... Security forces at Army checkpoints in Colombo frequently harassed Tamils.” [2f] (Section 2d) (UK Home Office 2009, *Country of Origin Report – Sri Lanka*, February – Attachment 8).

A RRT Research Response provides information concerning freedom of movement and checkpoints in the north and east of the country specifically for the period 2002-2006 (RRT Research & Information 2008, *Research Response LKA33744*, 19 September – Attachment 9).

Pre-cease-fire agreement security measures were re-introduced to control the movement of people between the north and south of the country in the middle of 2006:

Human rights and news sources from 2005 and 2006 report the imposition of a number of security measures, including:

- curfews (UN 25 Aug. 2006; BBC 30 Aug. 2006; *Daily News* 28 Aug. 2006);
- an increased number of checkpoints (*Le Figaro* 2 May 2006; Xinhua 15 Aug. 2006);
- road blocks (Canada 15 Aug. 2006; TamilNet 28 Aug. 2006; AFP 2 June 2006); and
- the closure of roads (UN 18 Aug. 2006; *Daily News* 22 Aug. 2006) and entry points between LTTE-controlled and government-controlled areas (TamilNet 24 Aug. 2006; *ibid.* 12 Aug. 2006; ICRC 22 Aug. 2006).

The movement of people between the two areas has reportedly decreased "considerably" as a result of the security situation and restrictions imposed by both the government and the LTTE (*ibid.* 30 Aug. 2006; see also Reuters 6 Sept. 2006).

According to a report on internal displacement in Sri Lanka prepared by the Norwegian Refugee Council (NRC), in February 2005, Tamils were no longer required to have travel passes in order to move around the country (1 Sept. 2005). In 15 September 2006 correspondence, an official at the Canadian High Commission in Colombo further clarified that,

[although] all travellers coming from the North and East of the country to Colombo are now more likely to be questioned and searched than during the 2002 to 2005 period, ... the system of travel passes for Tamil civilians that existed in the conflict years [prior to 2002] has not been reinstated (Canada 15 Sept. 2006) (Immigration and Refugee Board of Canada 2006, *LKA101784.E – Sri Lanka: Security measures in place to control the movement of Tamils between northern and southern regions of the country (August 2005 - September 2006)*, 22 September - Attachment 30)

A travel pass system was apparently introduced in 2006 for both ‘vehicles and persons traveling out of the district of Vavuniya’ (Immigration and Refugee Board of Canada 2006, *LKA102106.E – Sri Lanka: The implementation of travel pass systems*, 7 December – Attachment 10).

During 2008, travel passes appear to have been required for those traveling from northern and eastern Sri Lanka;

A report published by South Asians for Human Rights (SAHR) on the human rights situation in Sri Lanka between January and June 2008 states the following about travel restrictions for Tamils:

The government imposed restrictions on people living in the districts of Vavuniya, Kilinochchi, Mannar and Mullaitivu travelling to the South. Civilians living in these areas will now be required to obtain a police pass if they wish to travel to Colombo, which will be issued upon submission of an application to the police stipulating the reason for travel, duration of stay, place of stay during the visit and intended date of return. (8)

The report further states that residents from these areas who are in the south without the permit "would be subject to interrogation and/or arrest" (SAHR Jan. - June 2008, 8).

Several TamilNet articles report on travel restrictions for Tamils from Jaffna during 2008 (9 July 2008; 15 July 2008; 30 July 2008). In a 9 July 2008 article, TamilNet reports on the temporary suspension of travel passes for Jaffna residents. The article further states that only residents over 60 years of age could receive passes and that senior government officials could travel without restrictions (TamilNet 9 July 2008). Information on how long the suspension of travel passes lasted could not be found among the sources consulted by the Research Directorate (Immigration and Refugee Board of Canada 2009, *LKA103058.E – Sri Lanka: Travel pass systems for Tamils from northern and eastern Sri Lanka, including Jaffna and Trincomalee (2007-January 2009)*, 6 February, http://www2.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=452211 – Attachment 11).

The US Department of State has reported restrictions on those traveling from the north and east;

The war with the LTTE prompted the government to impose additional checks on travelers from the north and the east and on movement to Colombo. In Colombo police refused to register Tamils from the north and the east, as required by Emergency Regulation 23, sometimes forcing them to return to their homes in areas affected by the conflict. Tamils were subject to onerous restrictions on fishing in Jaffna and Trincomalee.

The government required Tamils, especially those living in Jaffna, to obtain special passes issued by security forces to move around the country. Unlike other citizens, ethnic Tamil's identification cards were printed in both Sinhalese and Tamil, allowing security forces immediately to determine who was an ethnic Tamil. Citizens of Jaffna were required to obtain permission from the army's Civil Affairs unit, or in some cases from the EPDP, to leave Jaffna. According to several sources, the waiting list was more than five months long. Curfews imposed by the army also restricted the movement of Jaffna's citizens.

Security forces at army checkpoints in Colombo frequently harassed Tamils. After the government assumed effective control of the east, both the government and the TMVP operated checkpoints that impeded the free movement of residents, especially Tamils (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Sri Lanka*, February, Section 2d – Attachment 12).

The independent Centre for Policy Alternatives provides recent information concerning access and departure from Vavuniya Town and surrounding area:

All civilians and I/NGOs who enter Vavuniya from the South need to pass through the Madawachchiya check point where they have to register with the security forces, be body searched, and have bags and vehicles checked. The time taken for this process varies depending on the extent of the checking, the number of vehicles at the check point and security personnel present. Our personal experience of those manning these check points was of courteous and friendly security personnel. Others have had a different experience with reports of the harassment of civilians and humanitarian actors and of them being delayed at the check point for long periods of time. There are reports of individuals both internationals and nationals involved in humanitarian work not being permitted to cross from Madawachchiya into Vavuniya unless they obtained Ministry of Defence clearance. Furthermore, there are also reports that residents of Vavuniya are unable to cross through Madawachchiya, raising fears that access to and from Vavuniya is being severely curtailed.

A relatively recent development was the introduction of an unofficial pass in September 2008 issued at the check point to non-residents of Vavuniya. This pass contains the details of the pass holder including the NIC number, date entered and intended date of departure. This pass has to be returned to the security forces when leaving the Madawachchiya check-point. Residents of Vavuniya are issued with a similar pass when leaving. This includes the pass holders NIC number, date of departure and date of return. These passes are mostly made out of card board, cut out from milk powder boxes, indicating that this is an ad hoc procedure even though it is used by the Government on a daily basis. None of the security forces were aware of a written regulation regarding the pass but stated that they were ordered to issue it. Similar to many other security procedures in place in the area, nothing written was made available to the few who questioned the procedures. The standard response is that it is an order from the defence establishment. The lack of transparency, rationale and legal basis for these specific security procedures needs to be addressed. Currently, the term 'national security' is used freely to defend any action by the Government. Although there is a Supreme Court decision stating that pass systems violate the rights of citizens, these procedures are actively used. It also should be noted that according to a Supreme Court Judgement in December 2007 check points such as that in Madawachchiya are illegal structures. While recognising the security situation in the country, the failures to comply with such orders contributes to the steady erosion of the rule of law in Sri Lanka.

The procedure for entering and departing Vavuniya is time consuming and a few hours need to be set aside for the registrations and checks at several points. A thorough check is done at the first entry and exits points respectively into and from Vavuniya on most vehicles, goods and persons. Several documents need to be produced including copies of NIC and other forms of IDs, vehicle registration and details of those who are travelling. It is unclear on what basis individuals are refused movement from these points but there are reports of civilians being refused entry. No reasons have been given for this. The government needs to have clear written guidelines on the procedures in place at all check points including the rationale for the pass system (Centre for Policy Alternatives 2009, *A Profile of Human Rights and Humanitarian Issues in the Vanni and Vavuniya*, March, pp. 24-25, <http://www.cpalanka.org/> - Accessed 7 April 2009 – Attachment 13).

3. Please provide information about the Peoples Liberation Organisation of Tamil Ealam (PLOTE). What activities are they involved in?

The Peoples Liberation Organisation of Tamil Ealam (PLOTE) was formed as a Tamil secessionist group in 1979 and led by Uma Maheswara, a former senior LTTE member. It

originally sought alliances with other communist states except China, and advocated an independent socialist Tamil state.

PLOTE and its political wing the Democratic People's Liberation Front (DPLF) have now adopted a constitutional course. The organization is led by Dharmalingam Siddarthan, a Member of Parliament. It won three parliamentary seats in 1994 but lost them in the 2000 elections, regaining one seat in 2001. Its officials have remained targets for assassination by the LTTE since the 2002 ceasefire (Szajowski, B. ed 2004, *Revolutionary and Dissident Movements of the World*, John Harper Publishing, London, p. 459 – Attachment 14).

Along with a number of other Tamil groups, the PLOTE was said by one commentator in 1999 to have paramilitary dimensions and stood outside the formal authority structure of the armed forces;

The armed forces are marginally better trained and more aware of humanitarian law, otherwise known as the Law of War, which pertains to the protection of non-combatant civilian lives and property. Thus, the paramilitary cadre tends to have a relatively freer reign than government forces to terrorize people, torture them, and extort money at gunpoint. These groups sometimes collaborate with the army to fight the LTTE and perform local law and order functions which spill into disorder and torture.

...

In Vavuniya, PLOTE has a monopoly on the fish and coconut industry through its control of transport into the town. Fish traders, in order to travel to the coast, have to pass PLOTE checkpoints, where they are heavily taxed. The authority which paramilitary armed youth and home guards have gained through wielding guns has begun to rebound and resonate in their communities. The incidence of paramilitary cadres and military deserters using their weapons for crimes or to settle personal vendettas has risen dramatically (Rajasingham-Senanayake, D., 1999, "The Dangers of Devolution" in Rotberg, R. ed., *Creating Peace in Sri Lanka. Civil War and Reconciliation*, Brookings Institution Press, Washington D.C., pp. 60, 61 – Attachment 15).

More recently the organisation strongly rejected the claim by Human Rights Watch that it was a 'pro government paramilitary organisation'.

It said PLOTE is not a paramilitary organisation but an independent political organisation which entered mainstream politics over two decades ago and presently involved in helping people overcome problems through accepted democratic norms.

The PLOTE in an open letter addressed to the US Senate Foreign Relations Committee through the American Ambassador in Sri Lanka stressed that it had represented people in the Vanni both at national and local level up to 2004. It also contested the Eastern Provincial Council elections in alliance with the TULF and the (P) EPRLF.

Neistat who visited Vavuniya last month and interviewed several patients from LTTE held areas at the Vavuniya hospital in her statement to the Senate Foreign Relations Committee had claimed that PLOTE is a pro-government Tamil paramilitary organisation long implicated in abuses present at one of the IDP camps. The PLOTE in its letter sent under the hand of its President Dharmalingam Sithadthan has also denied Neistat's claims that PLOTE is present at one of the IDP camps housing civilians fleeing LTTE clutches.

The letter said that even though the PLOTE had requested Government permission to visit welfare centres to provide relief, trauma counselling and look into the needs of displaced families, it had not yet been granted permission to do so.

PLOTE has also denied Neistat's claims that UNHCR was instrumental in changing the earlier proposal to keep displaced persons in welfare villages up to three years and induce the Government to resettle most of the displaced by the end of this year ("We are not paramilitary – PLOTE" 2009, Sri Lanka Ministry of Defence website, 5 March, http://www.defence.lk/new.asp?fname=20090305_03 – Accessed 3 April 2009 – Attachment 16).

(Note: The Democratic People's Liberation Front recorded less than 1% of the vote in the 2004 elections.)

The statement to which PLOTE took objection was the reference in a very recent report by Human Rights Watch on events in the Vanni area of northern Sri Lanka, where there are a large number of camps for internally displaced people. In February of this year, there were 8 camps near Vavuniya, which had been established with insufficient time or preparation, according to HRW, and as a consequence schools and colleges had also been used to house those displaced by the intense fighting over the previous three months:

Sri Lankan authorities have ignored calls from the international community to ensure the civilian nature of the camps. The perimeters of the sites are secured with coils of barbed wire, sandbags and machine-gun nests. There is a large military presence inside and around the camps.

The government has rejected the criticism. In February, Brig. Gen. Udaya Nanayakkara told the media: "They have barbed wire around them for the safety of the civilians. If the [LTTE] lob a hand grenade, a lot of people will be killed and we are responsible for their safety."

Several sources reported to Human Rights Watch the presence of plainclothes military intelligence and paramilitaries in the camps. A UN official in Vavuniya told Human Rights Watch that she and colleagues have seen members of paramilitary groups in different camps. In particular, local staff members recognized several members of the People's Liberation Organisation of Tamil Eelam (PLOTE), a pro-government Tamil paramilitary organization long implicated in abuses, present at one of the camps. (Human Rights Watch 2009, *War on the Displaced. Sri Lankan Army and LTTE Abuses against Civilians in the Vanni*, February, pp. 45, 46 – Attachment 17).

4. Are Tamils likely to be routinely detained for questioning by authorities on suspicion of LTTE involvement? Are there reports of physical abuse or torture of suspects?

The US State Department has recorded most recently:

In the east and conflict-affected north, military intelligence and other security personnel, sometimes working with armed paramilitaries, carried out documented and undocumented detentions of civilians suspected of LTTE connections. The detentions reportedly were followed by interrogations that frequently included torture. When the interrogations failed to produce evidence, detainees were often released with a warning not to reveal information about their arrests and threatened with rearrest or death if they divulged information about their detention. Human rights groups estimated that more than 2,000 LTTE suspects were in regular detention centers, such as prisons, with approximately 1,200 more in police stations, the Criminal Investigation Division, the Terrorism Investigation Division, army or paramilitary camps, or other informal detention facilities. The military denied holding detainees at its facilities and did not grant access to national or international monitors to investigate claims of torture by military forces (US Department of State 2009, *Country*

Reports on Human Rights Practices for 2008 – Sri Lanka, February, Section 1c – Attachment 12).

A RRT Research Response from December 2006 provides information pertaining to the treatment of Tamils in Colombo including whether they would be targets of forced recruitment by the LTTE (RRT Country Research 2006, *Research Response LKA31046*, 18 December – Attachment 18).

A 2009 Research Response provides a more recent assessment of the risk of arrest of Tamils in Colombo and details of ‘cordon and search operations’ (RRT Research & Information 2009, *Research Response LKA34481*, 11 March – Attachment 19).

The UK Home Office has noted that

3.7.9 Impunity, particularly for cases of police torture, remains a serious problem in Sri Lanka. Following his visit to Sri Lanka from 1 to 8 October 2007, the UN Special Rapporteur reported that torture was widely practised and that there were consistent and credible allegations of ill-treatment by the police during inquiries in order to extract confessions or obtain information in relation to other criminal offences.⁴⁸ The UN Special Rapporteur also attributed the lack of convictions for torture to the absence of effective investigation, inadequate protection for victims and witnesses of torture and an excessive minimum sentence for torture. He noted that the police used threats of violence and fabrication of criminal cases to prevent the victims of torture by police officers from filing complaints. Furthermore, he advised that detainees reported that magistrates did not provide them with an opportunity to complain about police torture while the perpetrators often accompanied the victims to courts and remained present during medical examinations.⁴⁹

3.7.10 The Government has undertaken steps to reduce torture in police custody and there are avenues of complaint available via the HRC or the NPC. However, human rights organisations and NGOs have criticised Sri Lanka’s law enforcement agencies and judicial system for failing to eliminate human rights violations reportedly carried out by the police and armed forces (UK Home Office 2008, *Operational Guidance Note - Sri Lanka*, August – Attachment 20).

5. What is known about financial support for the LTTE by Tamil diaspora?

Estimates as to the extent of overseas financial support of the LTTE vary; however, most agree that it has been considerable.

One commentator in 1999 drew an analogy between the money laundering activities of the LTTE and the ‘systems used by the Latin American narcotics cartels’;

Since the loss of the Jaffna peninsula in early 1996, sixty per cent of the LTTE war budget is being generated from overseas. The LTTE has been engaged in a number of ventures that continue to bring them a massive revenue. It is likely that funds generated this way will surpass the funds generated domestically or internationally from the Tamil Diaspora... The LTTE has invested in stock and money markets, real estate and in restaurants throughout the West and East. Starting with restaurants in Tamil Nadu and Paris in 1983, the LTTE developed its business acumen. Thereafter, restaurants sprang up from London to Toronto and Cambodia... LTTE has also invested in a number of farms, finance companies and in other high profit ventures. (Gunaratna, Rohan, “Internationalisation of the Tamil Conflict” in Gamage, S & Watson I.B., eds., 1999, *Conflict and Community in Contemporary Sri Lanka*, Sage Publications, New Delhi, p. 120 – Attach 21).

In her general survey of the growth of Tamil communities in Europe, UK, Canada and elsewhere, Sarah Wayland refers to *Economist* and other estimates of expatriate financial contributions to LTTE which were up to \$80 million;

Tamil leaders dispute these figures, claiming it is impossible that such a newly-formed diaspora could raise such a large sum, a sum that would require average annual contributions of more than \$100 from every Tamil individual living abroad...In Toronto, police claim that Tiger supporters send as much as Canadian \$1m a month to the LTTE to finance the war in Sri Lanka, primarily for the purchase of weapons and explosives.

...

Even if money is indeed sent back in the form of remittances and relief aid, Tiger involvement in either activity cannot be ruled out. First, a share of these funds may still go to the Tigers. According to one source, the LTTE in Sri Lanka keeps records of people living and working abroad, their earnings, and – through connection in local banks – how much money they send back. When money is sent to a particular household, an LTTE representative visits the household and asks for a portion of the funds. Second the majority of relief work in the area is conducted by the Tamil Rehabilitation Organisation (TRO), which is also closely linked to the LTTE (Wayland, Sarah 2004, 'Ethnonationalist networks and transnational opportunities: the Sri Lankan Tamil diaspora, *Review of International Studies*, Vol. 30, pp. 421, 422 – Attachment 22).

C. Fair claimed in 2005 that support for the LTTE fluctuated according to 'military developments on the ground in Sri Lanka'

After military setbacks and defeats, donations typically decline. Conversely, when the LTTE were militarily successful, willing donations increased. As I discuss later, after the events of 2001, the diaspora again pulled back funding in an effort to motivate the LTTE to pursue peace with Colombo.⁶⁷

The LTTE also generates income by acting as a "proxy lender" whereby the LTTE puts up the initial investment in Tamil-run small businesses and the profits are split between the LTTE and the ostensible owner. If evidence from the mid to late 1990s are still valid, these revenue streams are impressive: In Switzerland they are thought to raise some US \$650,000 per month; in Canada they are thought to bring in C \$1,000,000; in the UK they raise an estimated US \$385,00 monthly. The LTTE also has other revenue sources such as gem trade, human trafficking and possibly narcotics (Fair, C. Christine 2005, 'Diaspora involvement in insurgencies: Insights from the Khalistan and Tamil Eelam Movements', *Nationalism and Ethnic Politics*, Vol. 11, p. 141 – Attachment 23).

Human Rights Watch published a substantial report on the funding of the LTTE through expatriate Tamils in 2006 in which it was stated that

By the mid-1990s, some experts believed that 80 to 90 percent of the LTTE's military budget came from overseas sources, including both diaspora contributions and income from international investments and businesses.¹⁸ The exact amount of funds is impossible to determine. For example, various sources estimated the amount of money flowing from the Canadian diaspora to the LTTE in the late 1990s at anywhere between Cdn\$1 million and more than Cdn\$12 million a year.¹⁹

Funds were raised through a variety of means, such as collections at Hindu temples and public events, including annual Heroes' Day celebrations that honor LTTE "martyrs." In most countries with a significant Tamil diaspora, Tamils established charitable organizations to raise funds for Tamil causes. These included the World Tamil Movement, British Tamil Association, and the Tamil Rehabilitation Organization, among others. Although the charities

solicited funds to assist civilians affected by the war, numerous inquiries, including investigations by Canadian intelligence, have found that a significant amount of the funds raised were channeled to the LTTE for its military operations. The Canadian Security Intelligence Service (CSIS) concluded in 2000 that at least eight non-profit organizations and five companies were operating in Canada as fronts for the LTTE.²⁰

The LTTE and its front organizations also sought contributions by directly soliciting individuals at their homes and places of business. Human Rights Watch spoke to a Tamil who worked as a volunteer for the LTTE in London for several years in the late 1990s, going from house to house on Sundays in neighborhoods where Tamils were concentrated to collect money. He and other volunteers would often offer families pro- Tiger newspapers or books as an enticement to give.

The former volunteer said that every month the regional head for the LTTE would meet with the volunteers to give a target for that month's fundraising. The instructions were often quite explicit about the funds' intended purpose. He told Human Rights Watch: "Sometimes they would say they want to form something, like a military battalion, or that they want to buy arms or an armed vehicle. They were upfront about buying weapons."²¹

The LTTE maintained computer records to keep track of individuals who contributed, including their addresses and telephone numbers. The former volunteer in London told Human Rights Watch, "If families didn't give money, we would keep visiting them. We would tell them we would come back next month." In addition to the monthly targets, once a year the LTTE would raise money for a special project, asking members of the Tamil community for larger amounts—£200-250 (U.S.\$350-430) per family, and up to £2,000 (U.S.\$3,500) from businesses (Human Rights Watch 2006, *Funding the 'Final War': LTTE Intimidation and Extortion in the Tamil Diaspora*, Vol. 18, No. 1(C), March - Attachment 24).

Some additional information concerning the methods including kidnapping and abduction used in the past by the LTTE to extract funds from Tamil individuals and groups is also provided in a recent Research Response (RRT Research & Information 2009, *Research Response - LKA34654*, 3 April - Attachment 25).

6. Would a young Tamil man who has been living outside the country since August 2008 be able to travel to Sri Lanka and return safely to Vavinuya?

A Research Response of 2008 provides some information concerning whether returnees to Sri Lanka who have been living overseas are perceived as wealthy and consequently at risk of being targeted (RRT Research and Information 2008, *Research Response - LKA33109*, 20 March - Attachment 26).

The Canadian Immigration and Refugee Board published a research response in December 2006 concerning procedures used to process returnees and failed asylum seekers (Immigration and Refugee Board of Canada 2006, *LKA102038.E – Sri Lanka: Treatment of failed asylum seekers returning to Sri Lanka (2004-2006)*, 22 December - Attachment 27).

Vavuniya is now controlled by the government (see e.g. UN OCHA 2009, 'Vanni IDP Information & Safe Area Declared by the Government of Sri Lanka in Mullaitivu' 1 April, <http://www.unhcr.org/refworld/country,,,LKA,,49d4a6442,0.html> – Accessed 6 April 2009 – Attachment 28). It is, however, a place where 'thousands of Sri Lankan army forces patrol the streets. Schools and community centers have been turned into military-run camps,

sheltering the tens of thousands of Tamil civilians fleeing the civil war's front lines just 50 miles north. The heavily guarded camps are sealed off from most outsiders, including foreign journalists, leaving the condition of those inside open to conjecture and rumor' ('Sri Lanka's war on several fronts' 2009, *Washington Post*, 22 February

<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/21/AR2009022101806.html>

- Accessed 2 April 2009 – Attachment 29. A detailed update on conditions in the area is provided in a February 2009 report by the independent Colombo-based Centre for Policy Alternatives which summarises as follows:

Vavuniya, being the military headquarters for the northern operations, is a heavily militarised town that is also home to a large population of residents and IDPs that swells day by day. While the civilian administration continues to play a key role in daily affairs, the military exercise a significant level of control. Military control even stretches to the Vavuniya hospital where military personnel control access and are present in the wards. The resulting environment of intimidation means that the few humanitarian workers who are able to access the hospital are afraid to be seen to be performing any other type of protection other than providing material relief. The culture of fear is also prevalent amongst civilians and hospital staff who are not allowed to talk to outsiders, provide information to anyone, or ask for medical supplies.

Alongside the heavy military presence in the town and the reported presence of military intelligence, Vavuniya also has a high presence of armed groups including the PLOTE, EPDP, TELO and both TMVP factions. Many of these groups control parts of Vavuniya and all wield considerable influence through brazen demonstrations of their power. Criminal gangs have also seized the opportunity of a general presence of armed groups to expand their own activities.

The Centre's Profile also identifies a number of human rights violations, including extra judicial killings, torture, recruitment by armed groups and other threats:

Threats by unknown actors continue to be a key problem faced by the civilian population in the Vanni. Several prominent individuals have received threats over the phone, in some cases accusing them of assisting the LTTE and threatening with death. In other cases the threat involves **extorting money or property**. In a number of cases the extorter claims to be working from one of the main army camps. If money (as opposed to goods) is involved, usually a bank account number is given to which the person being threatened is asked to deposit a certain amount. Like in many of the other violations, there is a complicity of silence, with the victim unwilling to report the violation. Individuals interviewed claimed that even close friends and colleagues are not willing to disclose as to whether they have paid any extortion money. Individuals who resist are wary of being punished and are left with no option other than to flee. The threats and extortion have a grave impact on the coping capacity of Vavuniya, especially prominent individuals, professional groups and civil society.

None of the cases reported to the team have been investigated and prosecuted leading to a conviction. A number of these cases have occurred in an area of high military presence and with check- points in close proximity to each other. This obviously raises questions as to the law and order mechanisms in Vavuniya and the ability and above all will to prevent these individual acts of violence.

Victims and affected families fear reporting due to possible reprisals or harm to those abducted. Others state that reporting makes no difference since there are no independent investigations. The culture of impunity in the area is very evident. This suggests that for the victims of human rights violations the rule of law in Vavuniya has virtually collapsed and is meaningless (Centre for Policy Alternatives 2009, *A Profile of Human Rights and*

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International News & Politics

BBC News <http://news.bbc.co.uk>

The Times <http://www.timesonline.co.uk/tol/global/>

The Economist <http://www.economist.co.uk>

Non-Government Organisations

International Crisis Group <http://www.crisisgroup.org>

European Country of Origin Information Network <http://www.ecoi.net/>

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

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

Topic Specific Links

Sri Lankan Army website <http://www.army.lk>

Stratfor <http://www.stratfor.com>

South Asia Terrorism Portal <http://satp.org>

Minority Rights Group International <http://www.minorityrights.org>

Tamil Net website <http://www.tamilnet.com>

Search Engines

Webcrawler <http://www.webcrawler.com>

Alta Vista <http://www.altavista.com>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

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