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Austrian Centre for Country of Origin
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Sri Lanka: Situation of Tamils who participated in past protests

Query Response [a-12075-2]

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This response was prepared after researching publicly accessible information currently available to ACCORD as well as information provided by experts within time constraints and in accordance with ACCORD's methodological standards and the Common EU Guidelines for processing Country of Origin Information (COI).

This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status, asylum or other form of international protection.

Please read in full all documents referred to.

Non-English language information is summarised in English. Original language quotations are provided for reference.

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1 Background on protests (2020-2022)

The International Crisis Group (ICG) notes in an article in April 2022 that anti-government protests had been building up since February 2022 over the country's "worst economic crisis in nearly 75 years of independence" (ICG, 18 April 2022). More people joined the protests after the police used teargas and water cannons to dissolve a peaceful protest by several hundred people who had gathered in front of the president's residence and demanded his resignation at the end of March 2022. More than 50 people were arrested that day and almost 50 people, including journalists, injured. Two days later, on 2 April 2022, the president declared a (temporary) state of emergency. The same day, the government imposed a curfew until 4 April 2022, and over 600 people were arrested during this period for violating the curfew. Moreover, access to several social media platforms was blocked but later restored (UN Experts, 8 April 2022). In April 2022, Sri Lanka was not able to make any debt repayments to foreign lenders and lacked the funds to import essential goods. In May 2022, prime minister Mahinda Rajapaksa resigned under pressure and was replaced by Ranil Wickremesinghe. In July 2022, Mahinda's brother, president Gotabaya Rajapaksa fled the country when protesters stormed his residence, according to Radio France Internationale (RFI) (RFI, 9 July 2022). Al Jazeera reports in October 2022 that protests continue over the ongoing economic crisis and the "brutal suppression of previous demonstrations" by president Ranil Wickremesinghe who was elected into office by the parliament in July 2022 and shortly afterwards declared a state of emergency, "which granted sweeping powers to the military and resulted in a series of crackdowns on protesters, with several protest leaders arrested" (Al Jazeera, 27 October 2022).

In autumn of 2021 and throughout 2022, local and international media reported on Sri Lankan fishermen protesting against Indian fishing vessels poaching in Sri Lankan waters: Al Jazeera reports in October 2021 on protests of fishermen in the Northern Province – supported by opposition MPs from the Tamil National Alliance (TNA) – against illegal bottom trawling by Indian fishers (Al Jazeera, 17 October 2021). The Colombo-based news service EconomyNext reports in February 2022 on a protest in the capital city Colombo that was organised by the National Fisheries Solidarity Movement. Fishermen from 18 districts reportedly participated in the protest in solidarity with protesters in the north, demanding an end to Indian poaching. EconomyNext notes that Indian fishing boats got used to trespassing the Indian-Sri Lankan maritime border during Sri Lanka's civil war [note ACCORD: 1983-2009], "when Sri Lankan fishermen were banned from entering the Northern waters" (EconomyNext, 26 February 2022).

In 2022, fishermen not only protested against the ongoing poaching but also against fuel shortages that further threatened their livelihoods. In August 2022, local media report on

fishermen protests in the north-western towns of Kalpitiya (Sunday Times, 21 August 2022) and Chilaw (News Cutter, 26 August 2022; News 1st, 26 August 2022), as well as in other villages and districts such as Karukupanei, Muthupanthia, Ambakadawila, Thoduwava, and Chilaw. Besides these locations, protests were held in the northern districts of Mullaitivu, Jaffna, and Mannar, “where the fishermen, besides fuel shortages, also complained about increased illegal fishing by Indian trawlers” (UCANews, 18 August 2022). In early October 2022, the Tamil Guardian reports on Tamil fishermen setting up a camp in front of the office of the government’s fisheries and aquatic resources department in the north-eastern town of Mullaitivu to protest against alleged illegal activities of officials with regard to the distribution of fuel. The protesters reportedly demanded the replacement of the respective officials as well as support to alleviate the hardship they faced (Tamil Guardian, 3 October 2022).

In February 2021, Tamil and Muslim civil society organisations across North-Eastern Sri Lanka organised a five-day protest march from Pottuvil (in Ampara district) to Polikandy (in Jaffna district), crossing eight districts that constitute the Tamil traditional homeland. The purpose of the so-called P2P march was to draw attention to the organisations’ ten key demands, including an end of the military occupation, land grabs and Sinhalisation, an end of force cremations, protection of the right of Tamils to remember their war dead and a repeal of the Prevention of Terrorism Act (PTA), among others (Tamil Guardian, 8 February 2021). According to an article by the Verdict, the online journal of Queen’s University Belfast Law Society, “the march was endorsed by all Tamil political parties, Tamil and Muslim civil society organisations, and Muslim leaders”. Among the participants of the march were “prominent Tamil and Muslim politicians, including Tamil National Alliance (TNA) MP Shanakiyan Rasamanickam, activists, students, and residents” (The Verdict, 20 April 2021). A commentary on the news website The Morning, on the other hand, notes that although Tamils and Muslims “were able to come together in the face of increased State oppression”, there were still “thorny issues that continue to divide them, such as the merger of the Northern and Eastern Provinces, and the competing claims the two communities make over land, jobs, environment, and state institutions, and the past violence done in their name by various armed groups” (The Morning, 3 February 2021).

In February 2021, the government lifted the ban on burials of Covid-19 related victims. A year earlier, in March 2020, the government had ordered the forced cremation of victims and suspected victims of Covid-19. The decision had been criticised domestically and internationally as a violation of Muslim burial rights (Tamil Guardian, 10 February 2021). The government’s decision, however, to establish a burial ground for Covid-19 victims on the island of Iranaitivu led to protests by the Tamil residents and was abandoned by the authorities a few weeks later (Global Voices, 15 March 2021). Many of the island’s inhabitants had been displaced in 1992 by the Sri Lankan navy and had started returning to their homes only in 2018. Protesters claimed that the decision would provoke tension between Tamil and Muslim communities, noting that the government had ignored burial areas suggested by the Muslim community (Tamil Guardian, 3 March 2021).

On Easter Sunday 21 April 2019, the National Thowheeth Jamath (NTJ) Islamist group conducted a series of suicide attacks. Targets of the attacks were a Christian church in the capital city of Colombo, one in Negombo and one in Batticaloa, three hotels in Colombo, and a

small guesthouse south of the capital city. In the attacks, more than 250 people were killed and several hundred were injured. The president and prime-minister denied having had any information on imminent attacks – claims that were later contradicted by media reports and testimonies. Following the attack, the authorities temporarily blocked ‘most major social media’ and closed schools, introduced a state of emergency, detained hundreds of people and introduced dress restrictions, including wearing any face coverings such as a burqa or niqab. A circular by the Ministry of Public Administration required female employees and visitors to government offices to wear two types of sari and thus indirectly banned “forms of dress typically worn by Muslim and Tamil women”. These restrictions were later revised or ceased to be in effect when the state of emergency expired (ICG, 27 September 2019, pp. 3-4, 24-25).

In April 2022, at the third anniversary of the attack, media report on protests in Colombo of hundreds of people over alleged shortcomings in the investigation and the government’s failure to bring to justice those who were responsible for the attack or for not preventing it despite prior information (Al Jazeera, 18 April 2022; VOA, 17 April 2022). Previously, (silent) protests called for by Sri Lanka’s Catholic Church had reportedly taken place in March 2021 and August 2021 (the so-called Black Sunday or Black Flag protests) and on the attack’s second anniversary in April 2021 (UCA News, 9 April 2021; South Asia Monitor, 8 March 2021; LiCAS News, 23 August 2021; AsiaNews, 20 April 2021), while in 2020, public commemorations were cancelled due to a Covid-19 related nationwide curfew (BBC News, 21 April 2020).

In January 2023, the Sri Lankan Supreme Court established that high-ranking officials in 2019 had neglected available intelligence on an imminent attack (Himal Southasian, 20 January 2023).

No further information could be found on Covid-19-related protests in Sri Lanka, on protests related to the 2019 Easter Sunday bombings, or on the participation of Tamils in such protests.

2 Treatment and situation of Tamil protestors

In 2022, in the context of large-scale anti-government protests, several media note that protests were less frequent in the northern and eastern regions of Sri Lanka and that the Tamil population was more reluctant to participate in these protests, as they feared harsh repression by the security forces:

“Protests in these areas have so far been much rarer, even though anti-government sentiment historically runs deep. Tamil activists say they fear security forces will not exhibit the same kind of restraint that has been afforded to protesters in Colombo. ‘Here, organising demonstrations has always been met with state violence,’ says Anushani Alagarajah, a Tamil civil rights activist based in Jaffna in northern Sri Lanka. ‘There are always two different treatments of protesters. It depends on who you are and where you are.’ [...]

Memorial events for Tamil fighters are regularly prohibited, often by force, and local politicians have been detained, including the Mayor of Jaffna last year. There are also frequent allegations of brutality carried out by the police, who still maintain a high security presence in the north. ‘Can we feel safe in this protest space if we start talking about justice

and accountability?’ says Alagarajah. One example she cites is the destruction of a Hindu shrine and temple in the north-east of the country, which were replaced by Buddhist symbols and flags. Hindu worshippers who continued to visit the site were not only monitored by Sri Lankan intelligence personnel, but also allegedly racially abused by monks. ‘You see Buddhist monks in Colombo protesting for change, but just the other day here in the north it was monks who were blocking devotees from visiting a Hindu temple,’ Alagarajah says.” (BBC News, 4 May 2022)

Similarly, DW in an article of July 2022 quotes a political analyst from Jaffna that Sinhalese protesters would “deal with the police” while Tamils in the northern and eastern regions would “have to deal with the military” (DW, 14 July 2022), and the Indian news outlet The News Minute in an article on the “Janatha Aragalya” (the people’s struggle), as the protest movement is called, quotes a Tamil resident from the Northern District:

“It is not as if the crisis doesn’t affect us, says Usha. ‘But the state reacts differently when we are out on the streets. We risk being arrested under PTA [Prevention of Terrorism Act], something Sinhalese don’t have to fear,’ she adds.” (The News Minute, 24 July 2022)

One participant in a protest in Jaffna in the Northern District believes that their protest could take place without intimidation by security forces because the protest was not related to Tamil-specific issues:

“I think the military and the state get intimidated when there are protests in North around issues that directly target them like demilitarization, Buddhization, justice for those disappeared. But since the entire country was protesting against the President, we didn’t face any intimidation by the security forces when we conducted our protest,’ opined Mahendran Thiruvarangan, an academic at the University of Jaffna.” (Daily Mirror, 16 July 2022)

On 5 October 2022, local media report on a police crackdown on Tamil and Muslim fishermen in the north-eastern town of Mullaitivu: According to the Sri Lankan news outlet News Cutter, about 300 Muslim and Tamil fishermen reportedly were marching to a local government office, where some fishermen had begun a protest a few days earlier, when police intervened and used teargas and water cannons on the protesters. One person reportedly had to be admitted to the hospital. The incident reportedly happened when protesters tried to circumvent a road block the police had erected to prevent the protesters from marching to the government office (News Cutter, 5 October 2022). On the other hand, according to an article by the Tamil Guardian, the police intervened with tear gas and water cannons when a mob linked to illegal fishing activities with the support of officials tried to attack the protesters:

“The Special Task Force was deployed and tear gas fired, as mobs linked to illegal fishing activities reportedly attempted to attack demonstrators, who had been raising the issue in a protest campaign this week. A heavy security presence remains in place. Tensions flared as a mob accused to be engaging in illegal fishing activities, with the support of Sri Lankan government officials, attempted to attack the protesters. Many of the mob were reported to be fishermen from outside of Mullaitivu, with allegations that some of them were under the influence of alcohol. As the group purportedly engaged in the illegal fishing attempted

to march towards the protestors, Sri Lankan police and the STF were deployed. Tear gas was fired, with both groups allegedly injured, as officers beat them back with batons.” (Tamil Guardian, 5 October 2022)

In January 2022, the Tamil Guardian reports on the death of Tamil fisherman and activist Edward Mariyaseelan at sea. The activists had reportedly participated in protests against land grabs by the Sri Lankan navy. According to local fishermen, he was killed when his boat was rammed by a Sri Lankan navy ship while the navy reportedly denied the allegation (Tamil Guardian, 12 January 2022).

In February 2021, the Colombo Gazette reports that the police had issued court orders for seven participants in the so-called P2P march earlier that month, including for a Tamil member of parliament:

“Tamil National Alliance (TNA) Parliamentarian Shanakiyan Rajaputhiran Rasamanickam and six others have been ordered to appear before the Kalmunai Magistrate on 30th April. They have been accused of violating a court order by taking part in the protest. The Police had obtained a court order against 29 people preventing them from taking part in the protest. However, MP Rasamanickam and the six others had attended the protest, violating the court order. Following this, the Kalmunai Police filed a case against the seven people for violating the court order. Tamils in the North-East staged the massive protest recently to draw attention to several of their demands. However, Minister of Public Security, Law and Order Sarath Weerasekera later said that legal action was to be taken against the protesters. Speaking on a private television station, Weerasekera said that the vehicles used by the protesters will also be confiscated. The Minister had already ordered special security provided to Tamil National Alliance Parliamentarian M.A Sumanthiran to be withdrawn after he had participated in the protest.” (Colombo Gazette, 13 February 2021)

According to the Tamil Guardian, security forces in December 2021 filed court cases against journalists and other individuals who had attended and/or covered the P2P protest:

“Pottuvil Magistrate Court accepted two cases, against 32 individuals, including journalists, activists, politicians, and members of the Families of the Disappeared, who attended the Pottuvil to Polikandy (P2P) protests, following a request from the Sri Lankan security forces. Sri Lankan police in Pottuvil and Thirukkivil also filed cases on Friday, against S. Nilanthan, Secretary of the Batticaloa Tamil Journalists Association and the owner of BattiNews website, R. Sayanolipawan.” (Tamil Guardian, 22 December 2021)

The US Department of State (USDOS) in its Human Rights Report of 2021 points at Tamil journalists, politicians and civil society activists being summoned and questioned by the Terrorism Investigation Department (TID) over their alleged participation in the event:

“On September 14, police interrogated Batticaloa District Tamil Journalists Association’s treasurer and journalist Punniyamoorthy Sasikaran for more than an hour without providing justification for the questioning, press reported. Police previously questioned Sasikaran on August 23 and earlier in the year for his alleged involvement in the Pothuvil to Polikandy (#P2P) protests (see section 2.b.), where they claimed they questioned him

for his role in a fishermen's organization involved in organizing the protest, while Sasikaran said he was participating at #P2P as a journalist, not an organizer." (USDOS, 12 April 2022, Section 2a)

"Following the protests, international organizations reported several Tamil politicians and civil society activists, including mothers of the disappeared, were summoned and questioned by the TID for allegedly taking part in the #P2P protests. On May 23, S. Sivayoganathan, one of the cochairs of Batticaloa Civil Society who was part of organizing the #P2P protests, was summoned to the TID and questioned for more than an hour regarding his involvement in organizing the protest. He was summoned again on August 25 for further interrogation." (USDOS, 12 April 2022, Section 2b)

On the first and second anniversary of the 2019 Easter Sunday bombings, commentaries in the Tamil Guardian state that the Tamil (and Muslim) population suffer from the fallout of the attack in a climate of growing ethnic tensions and increasingly repressive security forces:

"Tamils, who suffered deeply from the Easter Sunday attacks themselves, were also targeted once more. Former cadres were subjected to arbitrary arrests and increased surveillance, despite no evidence linking any of them to the attacks. This has stepped up since the election of Rajapaksa. Tamil journalists and human rights defenders now face further intimidation and harassment. And a military accused of systemic abuses maintains an overwhelming presence in the Tamil homeland." (Tamil Guardian, 21 April 2020)

Similarly, in April 2021, the Tamil Guardian states that:

"As services and memorials are being held around the world to commemorate the attacks, two years on the island remains plagued by a climate of extreme militarisation and growing ethnic tensions. As Sri Lankan politicians continue to trade blame over responsibility for the attacks, the security forces have ramped up arrests of Tamils and Muslims across the island, particularly after Rajapaksa assumed office." (Tamil Guardian, 21 April 2021)

Several reports point at the situation of Tamils participating in public protests and gatherings related to the civil war, such as Memorial Day (18 May, commemorating the victims of the fighting between government forces and the separatist armed group Liberation Tigers of Tamil Eelam (LTTE) that ended in 2009 with a defeat of the LTTE) or protests of the "Mothers of the Disappeared". Participants reportedly continue to face surveillance, intimidations or arrest under the Prevention of Terrorism Act (PTA) (see, in addition to the examples below, also: HRW, 16 May 2022; Civicus, 17 November 2021; PEARL et al., 2022, pp. 15-16; HRW, February 2022, p. 47):

The Australian Government's Department of Foreign Affairs and Trade (DFAT) notes in its country report of 2021 that Tamil participants continue to face targeted monitoring and surveillance as well as arrests under the Prevention of Terrorism Act (PTA):

"Members of the Tamil community and NGOs report that authorities continue to monitor public gatherings and protests in the north and east, and practise targeted surveillance and questioning of individuals and groups. Security forces are most likely to monitor people

associated with politically sensitive issues, including those related to the war, such as missing persons, land release and memorialisation events.

Tamils have been arrested in 2021 under the Prevention of Terrorism Act (PTA) for commemoration of the war (see Prevention of Terrorism Act). In May 2021, on the eve of commemoration of the end of the civil war in Mullaithivu district, the location at which various estimates suggest up to 40,000 civilians died in the closing phase of the war, authorities placed the district under strict COVID-19 quarantine isolation. According to local sources, Tamils who tried to commemorate the day were harassed or arrested by police. For example, 10 Tamils including two women were detained from 19 May 2021 until at least late July for holding a socially-distanced candle-lit vigil on a beach in Batticaloa, Eastern Province. On 19 May 2021, the Government of Sri Lanka, including President Rajapaksa, celebrated the same occasion as War Heroes Day.” (DFAT, 23 December 2021, p. 19)

Similarly, the International Truth and Justice Project (ITJP) in a report of 2021 points at the surveillance by security forces of victims and their families:

“Surveillance by the security forces of Tamils in the north and east continued unabated post-war but is said to have intensified markedly in the last two years. Activists, lawyers and civil society organisations are monitored and visited intensively by different security agencies, with the result that those working on human rights feel threatened and fearful and try and keep a very low profile. Victims and their families in the north and east and Hill country who have been calling for justice and accountability have been questioned by counterterrorism police officers. The same pattern is reported by the victims interviewed for this report who describe constant surveillance by security forces since the war end. They describe plain-clothes intelligence officers taking photographs at all the protests for the disappeared or War commemoration events they attended over the years.” (ITJP, September 2021, p. 59)

No further information could be found on Tamils participating in anti-government protests, on the treatment of Tamil participants in such protests, on the treatment or situation of Tamil fishermen involved in protests, or about Tamils with regard to the 2019 Easter Sunday bombings or related protests.

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