SRI LANKA ASSESSMENT

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Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

2. GEOGRAPHY

2.1 The Democratic Socialist Republic of Sri Lanka, formerly known as Ceylon, lies in the Indian Ocean, south of India. The country covers an area of 65,610 square kilometres. It has a population of 19,144,875 (July 1999 estimate). The capital is Colombo. **[30]**

Other principal towns include Dehiwala-Mount Lavinia, Moratuwa, Jaffna, Kotte, Kandy and Galle. **[1]**

2.2 The population can be divided into the majority Sinhalese (74%), Tamils (18%), Muslims (7%) and Burghers, the descendants of colonialists, (1%). **[6d]** Approximately 70% of the population are Buddhist, 15% are Hindu, 8% are Muslim, and 7% are Christian. **[2a]**

2.3 Three languages are spoken: Sinhala, Tamil and English. **[6d]** Tamil was made the second official language in 1988. **[1]** Almost all Sinhalese are Buddhist and speak Sinhala; Tamils are mostly Hindu and speak Tamil. They are comprised of those Tamils who have a long history on the island, and "up-country" Tamils (roughly 30% of all Tamils) who are descendants of labourers brought from southern India to work on the plantations. Muslims speak mostly Tamil, but are distinguished by their religion. **[6d]**

2.4 In most of the country the Sinhalese form the majority. Tamils are the largest community in the northern districts. "Up-country" Tamils live mainly in the hill country in the central part of Sri Lanka. In the east, Sinhalese, Tamils and Muslims are equally represented. In the rest of the country, there are substantial Tamil and Muslim communities, although they are in the minority there. **[6d]**

For further information on Geography, refer to Europa Year Book, source **[1]**

3. ECONOMY

3.1 Sri Lanka is a low-income country with a market economy based mainly on the export of textiles, tea, rubber, coconuts, and gems. It also earns substantial foreign exchange from the repatriated earnings of citizens employed abroad, and from tourism. The gross domestic product (GDP) per capita is approximately $850 (79,617 rupees). Real GDP growth was 6 percent in 2000. Growth during 2001 was forecast at about 1 percent. This decline is attributed mainly to the worldwide economic downturn, the July 2001 attack on Colombo's international airport, and prolonged power outages throughout the country from July 2001 onward.

However, in 2002 Sri Lanka's economy showed signs of recovery with a 2.5% growth in GDP during the second quarter of 2002. This revival could be attributed to the cease-fire agreement between the Government and the Liberation Tigers of Tamil Eelam (LTTE), normal weather conditions, uninterrupted power supply, recovery in exports, improved external trade, tourism and port activities, and restored investor confidence. **[16j]**

3.2 Minimum wage rates in 2001 averaged approximately 2,625 rupees per month in industry, commerce, and the service sector, and approximately 105 rupees per day in agriculture. The minimum wage in the garment industry was 2,300 rupees per month. The national minimum wages does not provide a decent standard of living for a worker and family, but the vast majority of families have more than one breadwinner. **[2b]** The approximate rate of exchange on 12 March 2003 was £1 = 156 Sri Lankan rupees. **[33]**

4. HISTORY

Part I

Part II

4. HISTORY

Independence to 1994

4.1 The former British colony of Ceylon achieved independence in February 1948. Under the Constitution of 1972 the country became a republic with the name of the Democratic Socialist Republic of Sri Lanka. The Government was headed by a Prime Minister accountable to a unicameral Parliament. In 1978 a presidential system was introduced, with extensive executive powers being held by the President. **[14a]**

4.2 Since independence, the political situation in Sri Lanka has been characterised by the conflict between the Sinhalese majority and the Tamil minority. Before independence, Burghers played an important role in the British administration, as did many Tamils because of their knowledge of English. After independence the various communities were able to work together. However the Ceylon Citizenship Act 1948 withheld nationality from up-country Tamils, who had come to Sri Lanka only relatively recently in its

history, having been brought over from India by the British. **[14a]** An amendment to the Parliamentary Elections (Order in Council) 1949 removed the franchise rights of these Tamils. **[19]**

4.3 For Tamils, the political situation changed in 1956, when Solomon Bandaranaike set himself up as a champion of Sinhalese interests and won the elections with a promise to make Sinhalese the country's only official language, instead of English. **[14a]** The Official Language Act was duly passed in 1956. **[19]**

4.4 While the 1978 Constitution recognised Tamil as a "national language" for public administration and the conduct of legal proceedings, Tamils continued to feel discriminated against as a result of the restrictive admissions policy applied to them for university places and public office. **[14a]**

4.5 In Jaffna the situation deteriorated. In 1976, extremists known as the Young Tigers murdered the Tamil mayor of Jaffna, who had been working with the Government. **[14a]**

4.6 Communal disturbances between Sinhalese and Tamils led to the imposition of a State of Emergency in the north for 5 days in June 1981, and throughout the country from August 1981 to January 1982. **[1]**

4.7 In June 1983, Tamil terrorist activity led to army reprisals and the worst outbreak of violence for many years, with more than 400 deaths and particularly severe rioting in Jaffna and Colombo. **[1]** Between July 1983 and July 1985 nearly 100,000 Tamils fled to southern India, where some of them were housed in camps. **[14a]**

4.8 The Indian Prime Minister, Rajiv Gandhi, tried to bring about a settlement between the Sri Lankan Government and the various warring groups in the north, but Gandhi's devolution proposals were rejected at a conference in Bangalore in 1986 by the leader of the LTTE, Velupillai Prabhakaran, who returned to Jaffna and stepped up operations against the Sri Lankan army. In 1987 the Sri Lankan army launched an offensive, Operation Liberation, to regain military control of the Jaffna Peninsula. **[14a]**

4.9 India once again resolved to mediate and the Indo-Sri Lankan Accord of 29 July 1987 was concluded between the Sri Lankan President, Junius Jayawardene, and Rajiv Gandhi. The peace plan included provision for the amalgamation of provincial councils in the north and east and for the repatriation of the 100,000 Tamils who had fled to India after the events of 1983. As part of the plan, an Indian Peace Keeping Force (IPKF) was despatched to the Jaffna Peninsula to oversee compliance with the provisions of the peace agreement. However the LTTE refused to disarm and fighting broke out. **[14a]**

4.10 On 25 March 1990 the IPKF withdrew from Sri Lanka. The LTTE held control of most of the Jaffna peninsula, and the army held an area in the north around Palaly and Kankesanthurai. **[14a]**

1994 to the present

4.11 The People's Alliance (PA), led by the Sri Lanka Freedom Party of Chandrika Kumaratunga, won the 1994 parliamentary elections. This ended the 17-year rule of the United National Party (UNP). Mrs Kumaratunga was appointed Prime Minister. **[1]**

4.12 Presidential elections were held on 9 November 1994, which were won by Mrs Kumaratunga. The new President promised to abolish the executive presidency and to implement a programme of social, economic and constitutional change. The President's mother, Sirimavo Bandaranaike was appointed Prime Minister, the third time she had held that office. **[1]**

4.13 In the run up to the elections, Mrs Kumaratunga promised to bring peace by seeking a political solution to the Tamil conflict. In the autumn of 1994 talks were held with the LTTE, which led to a military truce on 8 January 1995. The LTTE unilaterally ended the truce in April 1995 and full-scale war broke out again in the north and east. **[14a]**

4.14 In July 1995, the Government launched a major military offensive, named "Operation Leap Forward", in the Jaffna peninsula. This was intensified in mid-October 1995 (under the code name "Operation Riviresa" [Sunshine]), and many thousands of civilians were forcefully exhorted by the LTTE to leave the area. In retaliation for the army's offensive in the Jaffna peninsula, the LTTE carried out bomb attacks on the country's two largest oil storage facilities near Colombo in October 1995. In mid-November 1995, two LTTE suicide bombers caused 18 deaths and more than 50 casualties in Colombo. **[1]**

4.15 In October 1995 the army launched an offensive, as a result of which it seized control of the town of Jaffna on 5 December 1995. In May 1996 the army took control of most of the Jaffna peninsula. In the Eastern Province the army retained control of the coastal strip, while the jungle areas behind the lagoons remained largely LTTE territory. **[14a]**

4.16 The LTTE rejected the President's offer of an amnesty in exchange for disarmament. The retaking of the city of Jaffna precipitated an escalation in LTTE-organised terrorist activity. In January 1996, 100 people were killed and about 1,400 were

injured as a result of a suicide bomb attack on the Central Bank in Colombo. **[1]**

4.17 In early April 1996, against a background of continuing conflict between Tamil militants and government forces in the north and east of the country, the President extended the State of Emergency to cover the whole of the country (since coming to power in November 1994, the People's Alliance administration had restricted the emergency provisions to the troubled northern and eastern regions, and Colombo). **[1]**

4.18 In mid-May 1996, the Sri Lankan army announced that it now controlled the whole of the Jaffna peninsula. It also claimed that of the 300,000 Tamil civilians who had been displaced by the ethnic violence, about 250,000 had returned to government-held areas. **[1]**

4.19 In July 1996 the LTTE was suspected of planting a bomb on a crowded suburban train near Colombo which killed more than 70 people, and injured 500. In October 1996 the Government took legal action for the first time against the LTTE leader, Velupillai Prabhakaran, who along with nine other militants, was charged with more than 700 criminal acts of terrorism. **[1]**

4.20 In March 1997 the PA Government was successful in local elections in which it won more than 80% of the contested councils. Voting did not take place in the northern and eastern provinces. However the PA Government's share of the total vote decreased to 48%, compared to the 62% it achieved in the November 1994 Presidential election. **[1]**

4.21 In March 1997 the members of the Human Rights Commission (HRC) were appointed, 8 months after the Act establishing the HRC was passed in Parliament. In late June 1997, the Government announced that the function of monitoring the welfare of detainees which had until then been entrusted to the Human Rights Task Force would be transferred to the HRC as of 1 July 1997. **[3b]**

4.22 In May 1997 the Government launched Operation Jayasikuru (Sure of Victory), with the aim of gaining control of the 75 km highway between Elephant Pass, the point of entry to the Jaffna Peninsula, and Vavuniya. **[1]**

4.23 On 26 January 1998 the Government formally outlawed the LTTE, the day after an LTTE suicide squad crashed a truck through road blocks in the ancient capital of Kandy and set off a bomb outside the Temple of the Tooth (Dalada Maligawa), the country's holiest Buddhist shrine. A total of 13 were killed and 23 wounded in the attack, which occurred days before the 50th anniversary celebrations of Sri Lanka's independence which were to be held in the city. **[4b]**

4.24 LTTE violence continued. In early February 1998, 9 people were killed in Colombo as a result of another suicide bombing, and the following month 38 people died and about 250 were injured when a suspected LTTE suicide bomber drove a bus laden with explosives into the capital's crowded business district. **[1]**

4.25 At the end of January 1998, polls were conducted in Jaffna for the first time in 17 years. The local authority elections, which were monitored by tens of thousands of troops, were contested by a number of moderate Tamil political parties, but were boycotted by the LTTE. The Eelam People's Democratic Party (EPDP) won the largest number of seats but the turnout was only 28%, owing to LTTE threats to disrupt the voting. **[1]** The PA and UNP did not participate. **[4a]**

4.26 On 12 March 1998, Sarojini Yogeswaram of the Tamil United Liberation Front (TULF) was sworn in as the first mayor of Jaffna since 1984 **[4c]** but she was assassinated in May 1998. The Sangilliyan Force claimed responsibility. **[4f]** The new mayor, P.Sivapalan, was himself killed in a bomb explosion in the Jaffna municipality office on 11 September 1998. The local army commander and several senior police officers were also killed in the blast. **[4l]**

4.27 On 4 August 1998 the Government extended the State of Emergency to the whole island for a period of one month. **[4h]** The Emergency had been lifted in the south of Sri Lanka in July 1997. **[3b]** (Parliament is required to vote to extend any State of Emergency each month). **[4i]**

4.28 At the end of September 1998 the Sri Lankan army lost the key northern town of Kilinochchi to the LTTE in fierce fighting which left many hundreds dead. However the army captured the tactically more important town of Mankulam. **[4m]**

4.29 The Defence Ministry announced at the beginning of December 1998 that Operation Jayasikuru, launched in May 1997, had been completed. Analysts have said that the Operation, during which thousands of soldiers and rebels had been killed or wounded, was one of the bloodiest in the civil war. A fresh offensive was launched, codenamed Rivi Bala (Sun Power), after the capture of the northern towns of Omanthai, Puliyankulam and Mankulam. The new offensive linked up the key towns of Mankulam, Oddusuddan and Nedunkerni in what was seen as a change of the Government's military strategy to inch closer to the LTTE base in the north eastern coastal town of Mullaitivu. **[4p]**

4.30 Provincial elections in the North West Province were held on 25 January 1999. The People's Alliance coalition won 30 of the 52 seats, while the opposition UNP took 19 and the People's Liberation Front (the JVP) won 3 seats. **[4r]** The election was accompanied by violence in which 2 people were killed and hundreds injured. **[4q]**

4.31 The Supreme Court ruled on 27 January 1999 that the President's decision to postpone provincial elections under the Emergency Regulations in August 1998 was unconstitutional. The Election Commissioner was also wrong to have agreed to the delays. Elections for the Western, Central, North Central, Uva and Sabaragamuwa Provincial Councils were to be held on 1 April 1999 **[4s]**, but were postponed for 5 days. The ruling PA narrowly won the 5 councils. **[4w]** Elections to the Southern Provincial Council were held on 10 June 1999, and were won by the PA, although they fell short of a majority. The JVP won 7 of the 55 seats. **[4z]**

4.32 On 4 March 1999, the Sri Lankan Army launched a new offensive in the north, codenamed Operation Rana Gosa (Battle Cry). The objective was to expand the area controlled by the security forces in the Vanni region. The army quickly recaptured some 535 square kilometres of territory formerly held by the LTTE. **[4u]** A further 325 square kilometres were recaptured later that month, including the town of Madhu, a Catholic pilgrimage town. **[4v]** In May 1999 the Sri Lankan army recaptured a further 102 square kilometres from the Tamil Tigers in the north western Mannar district. **[4x]**

4.33 The moderate and widely respected Tamil politician and academic, Dr. Neelan Tiruchelvam, was killed by a suicide bomber in July 1999. **[2b]**

4.34 On 18 December 1999, shortly before Presidential elections, a woman suicide bomber detonated explosives strapped to her body at an election rally. The attack, which killed 21 people and injured 110, occurred shortly after President Kumaratunga had delivered a speech. The President suffered facial injuries from shrapnel, and it was later reported that she had been blinded in her right eye. Almost simultaneously a bomb at a rally elsewhere in Colombo, addressed by opposition leader Ranil Wickremasinghe, killed 12 people and injured 70. There was no claim of responsibility for either bombing, but both were widely assumed to have been the work of the LTTE. **[23a]**

4.35 Three days later, President Kumaratunga was re-elected, after securing 51.12% of the vote for the People's Alliance. Her nearest rival was Ranil Wickremasinghe of the United National Party, with 42.71%. M.D. Nandana Gunathilaka of the People's Liberation Front received 4.08%. **[24]** The election commissioner D.M. Dassanayake said that the turnout was 73.31% of the country's 11.77 million eligible voters, and that the conduct of the polling had been generally fair despite some 500 complaints of fraud. **[23a]**

4.36 An unknown gunman assassinated Kumar Ponnambalam, a prominent Tamil politician, in January 2000. No group initially claimed responsibility, but Ponnambalam was known to openly support the Tamil Tiger rebels. His death came shortly after a suicide bomb attack outside the Prime Minister's office in Colombo. **[9b]** The attack, which killed 13 people, resulted in the arrest of hundreds of Tamil suspects, and the imposition of an all-night curfew in Colombo. **[9c]**

4.37 Despite efforts at brokering peace talks, the violence continued. On 27 January 2000, a bomb ripped through a post office in Vavuniya, killing at least 11 people and injuring 33. **[25a]** Then on 10 March 2000, an attempt to ambush a ministerial motorcade resulted in a gun battle between rebels and police that left 23 people dead and 80 injured. **[9e]** On 7 June 2000, Industry Minister C.V. Gooneratne was assassinated by a suicide bomber in Colombo. **[9g]** The attack, in which 21 others died, **[9h]** took place during celebrations honouring the country's war heroes. **[9g]** President Kumaratunga immediately called for restraint. Although there were reports of sporadic violence, the State media announced that anyone trying to provoke a backlash against Tamils would be severely punished. **[9h]** A further suicide bombing occurred on 15 September 2000 in Colombo in which at least 8 people were killed and 21 wounded. **[25g]** Violence increased the following month, ahead of parliamentary elections. On 2 October 2000, a suspected Tamil Tiger suicide bomber killed 24 people, including a ruling party candidate, at a rally in the north east of the country. Three days later, a bomb attack at an election rally in the town of Medawachchi took the lives of 11 people. **[9j]**

4.38 Fierce fighting again broke out in March 2000 between government troops and Tamil rebels. **[25b]** The forces of the LTTE inflicted one of the worst defeats of the civil war on 22 April 2000 when they forced the Sri Lankan Army (SLA) to retreat from the heavily fortified Elephant Pass base which commanded the narrow isthmus providing the only land route into the Jaffna peninsula. The SLA withdrew some 17,000 troops northwards from Elephant Pass and the nearby Yakachchi base after a two-day assault by LTTE fighters. LTTE forces continued their advance towards Jaffna City and on 30 April 2000 captured the town of Pallai, some 15 km north of Elephant Pass. **[23b]** The rebels continued to push north, and by the middle of May 2000 the Sri Lankan Government admitted that its troops had been forced back on the outskirts of Jaffna. **[9f]** The Sri Lankan military contained the push, with newly acquired weapons, and there followed a lull in the fighting. The SLA then went on the offensive: a rebel position in the northern Jaffna peninsula was attacked and destroyed on 5 July 2000, killing at least 23 militants according to a Government spokesman. **[25c]** Tamil Tiger rebels later admitted that they had lost 35 fighters, in the insurgents' worst defeat in three months. Independent confirmation of the battle situation could not be determined since neither side allowed journalists into the zone of fighting. **[25d]** A

further lull in fighting followed, before in early September 2000, the Sri Lankan military pushed to recapture lost territory. Military sources said that 118 soldiers were killed and more than 800 wounded. The rebels did not give figures for their own casualties but a military spokesman said 160 rebel fighters were killed. **[25f]** Later in September 2000, the SLA captured Chavakachcheri, the second-largest town in the Jaffna peninsula, 6 miles east of Jaffna City. Tamil rebels responded by killing 24 soldiers in an attack on an army truck near Trincomalee. **[25h]**

4.39 On 25 October 2000, a massacre of 26 Tamil inmates at the Bandarawela Bindunuwewa rehabilitation centre occurred. Reports from the area said that hundreds of men carrying machetes and knives rampaged through the camp. The Government ordered an enquiry into the events. **[9k]** In March 2002, formal charges were brought against 41 people allegedly involved. Nineteen of those charged were policemen. **[4an]**

4.40 Government troops continued their offensive against the LTTE in December 2000 when they re-established a road link between the Jaffna peninsula's two largest cities, Jaffna and Chavakachcheri. **[25j]** Fierce fighting continued into January 2001 with a major battle leaving more than 90 dead and at least 230 injured. **[9m]**

4.41 On 28 February 2001, the British Home Secretary included the LTTE in the list of proscribed organisations under the Terrorism Act 2000. The proscribed organisation or any person affected by the ban could appeal to the Home Secretary. If this application were rejected, an application for judicial review could be made to a tribunal known as the Proscribed Organisations Appeal Commission. **[10d]**

4.42 As outlined by BBC News OnLine reports, on 24 July 2001 Tamil Tigers attacked the Katunayake Air Force Base and the adjacent Bandaranaike International Airport. Fourteen LTTE cadres and seven military personnel were killed. Eight military aircraft were destroyed at the air base, and another six passenger planes - half the Sri Lankan Airways fleet - put out of action at Bandaranaike International Airport. Three of these passenger planes were completely destroyed. **[9o]** Officials announced that a new, senior-level committee had been established to oversee new security measures at the international airport. A Government spokesman described the new steps to strengthen security as a bid to reassure international airlines and the travel trade. **[9p]**

4.43 The President suspended Parliament from July to September 2001 out of concern that her coalition had lost its majority in Parliament because of defections. The suspension of Parliament angered opposition parties, which sponsored numerous demonstrations. One of these demonstrations ended with the deaths of two marchers killed by security forces. After further defections from her coalition, the President dissolved Parliament in October 2001 and called for elections to take place in December 2001. **[2b]**

4.44 The United National Front, a coalition of parties led by the United National Party (UNP) **[2b]** obtained 109 seats, and therefore defeated the ruling People's Alliance (PA) headed by President Chandrika Kumaratunga, who came second with 77 seats. **[4ac]** As leader of the UNP, Ranil Wickremasinghe became the new Prime Minister with Chandrika Kumaratunga continuing as President. **[9q]** The full results (with the number of seats won in the 2000 parliamentary elections in brackets) were:

United National Party (UNP)	**109 (89)**
People's Alliance (PA)	**77 (107)**
People's Liberation Front - Janatha Vimukthi Peramuna (JVP)	**16 (10)**
Tamil United Liberation Front (TULF)	**15 (5)**
Sri Lanka Muslim Congress (SLMC)	**5 (4)**
Eelam People's Democratic Party (EPDP)	**2 (4)**
Democratic People's Liberation Front (DPLF)	**1 (0)**
Tamil Eelam Liberation Organisation (TELO)*	**0 (3)**
All Ceylon Tamil Congress (ACTC)*	**0 (1)**
Sihala Urumaya	**0 (1)**
Independent group	**0 (1)**

*Campaigned separately in 2000, but now allied to the TULF

[4ac]

4.45 Included in the 225-member Parliament elected in December 2001, there were 28 Tamil and 21 Muslim MPs. **[2b]**

4.46 Despite an extremely violent campaign, voter turnout exceeded 70%. The People's Alliance for Free and Fair Elections

(PAFFREL) reported 755 incidents of violence and 49 deaths. The Centre for Monitoring Election Violence (CMEV) reported 4,208 incidents and 73 deaths. **[2b]** After the election violence, the Government began an amnesty for the surrender of illegal firearms in an effort to restore law and order. Over a 15-day period, members of the public were able to hand in unauthorised weapons to their nearest police station without fear of prosecution. **[9r]**

4.47 Mahinda Rajapakse was appointed leader of the opposition PA in February 2002, succeeding former Prime Minister Ratnasiri Wickremanayake. **[4ai]**

4.48 In March 2002 the UNP won an unprecedented landslide victory in local polls, taking 217 councils out of the 222 that held elections. The PA came a distant second with just four councils, with the JVP taking one. The vote was peaceful by Sri Lanka's normal bloody standards, but clashes killed five people. Prime Minister Ranil Wickremasinghe called the election a de facto referendum on the Norwegian-brokered peace process and said the vote was a resounding mandate for the plan aimed at ending nearly two decades of ethnic war. **[4am]**

The Peace Process January 2000 - April 2003

4.49 In January 2000, the [then] PA Government said it would discuss a devolution proposal aimed at ending the lengthy civil war, with all political parties as well as Tamil Tiger rebels, and that a new constitution would be drafted containing the new proposals. The devolution plan was supported by the [then] opposition United National Party. **[9d]** It also emerged for the first time that international mediators had been trying to broker a peace deal with the LTTE since 1997. The first attempt was made by Commonwealth Secretary General Chief Anyoku, and later by the Norwegian Government. **[9a]**

4.50 On 8 August 2000, the Sri Lankan Government indefinitely postponed the vote on the reform bill, which if enacted, would have allowed the Tamil community in the north greater autonomy. Senior ministers said they had decided to delay the bill when it became clear they would be unable to muster the required two-thirds majority in Parliament. **[9i]**

4.51 The LTTE announced a unilateral month-long cease-fire to run from 24 December 2000. **[9l]** The Government said it wanted talks with the rebels, but would not lay down its arms first. The truce was extended for a third time until 24 April 2001, but the LTTE said they would end it unless the Government responded positively and stopped fighting. **[25k]** The LTTE announced an end to the cease-fire on 23 April 2001, blaming the Government for the failure of peace efforts. The rebels said they had suffered a large number of casualties and injuries in Government attacks while the cease-fire was in force. **[25l]**

4.52 The new UNP Government announced a month-long cease-fire to start on 24 December 2001, reciprocating an earlier declaration by the LTTE. **[4ad]** The main opposition People's Alliance promptly indicated its willingness to support the Government in its efforts. **[4ae]**

4.53 In an unexpected move, most barriers, barricades and checkpoints were removed in Colombo a few days after the commencement of the cease-fire. It meant that residents of Colombo were free to move around unimpeded for the first time in seven years. **[4ag]**

4.54 On 2 January 2002, the Sri Lankan Government announced a major easing of an economic embargo on rebel-held areas in the north of the country, a key demand of the LTTE. A Defence Ministry statement said that nearly all goods could be traded **[9s]** including food and medicines **[9v]** apart from a small number of items such as arms, explosives and binoculars. **[9s]**

4.55 Also in January 2002 it was reported that restrictions had been eased on the movement of civilians in and out of Vavuniya. The Government had made it easier to obtain passes and lifted the requirement of a guarantee for those seeking permits for longer stays. **[9v]**

4.56 On 21 January 2002 the Sri Lankan Government announced that it would extend the cease-fire for another month (until 24 February 2002), matching a unilateral extension made by the LTTE the previous day. **[9w]**

4.57 Later in January 2002, Lieutenant General Lionel Balagalle, Sri Lanka's top military commander, urged his senior officers to consider integrating Tamil Tiger rebels into the armed forces if the peace process succeeded, and to address the issue of absorbing former militants into society. Lieutenant General Balagalle said that the truce was holding except for minor violations. **[9x]**

4.58 On 13 February 2002, the Government lifted all restrictions on the movement of medicines and medical equipment to the country's war-torn northern districts, as part of continuing confidence-building measures intended to promote peace talks. A military spokesman said that no controls would be placed on quantity or brand but the transported stocks would be monitored at checkpoints for security reasons. **[4aj]**

4.59 An announcement was made on 22 February 2002 that the Sri Lankan Government and Tamil Tiger rebels had signed a cease-fire agreement. **[9z]**

4.60 A BBC News OnLine report of 22 February 2002 detailed the text of the truce deal. The preamble to the agreement states the overall objective is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka. Article 2 of the agreement deals with measures to restore normalcy. This includes both parties, in accordance with international law, abstaining from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment; the parties refraining from engaging in activities or propagating ideas that could offend cultural or religious sensitivities; the parties reviewing security measures and the set-up of checkpoints, particularly in densely populated cities and towns, in order to prevent harassment of the civilian population; the parties agreeing that search operations and arrests made under the Prevention of Terrorism Act shall not be made, and that arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code; and the parties agreeing to provide family members of detainees access to those detainees. **[9aa]**

4.61 On 6 March 2002 it was announced that a further series of travel and other restrictions had been lifted. The rules differed from area to area but local media reported that in one part of the northern Vavuniya district the number of travel permits had been reduced from 24 to 3. **[4al]** In the International Committee of the Red Cross (ICRC) Newsletter number 21 of March 2002, the organisation states it had agreed to act as a conduit for the passing of information between the parties concerned whenever there was an issue that affected the needs and the welfare of ordinary civilians. The ICRC referred to the opening of the two crossing points into the LTTE-controlled Vanni region from the government-controlled area on 15 February 2002, and regarded this event as dramatically reducing travelling time from the southern regions to population centres in the Vanni and back. This event had also permitted a large number of people to cross between the areas of control and also for a greatly increased quantity of goods to be transported both ways. In this manner some 300,000 people living in the area would benefit from better access to services and facilities. **[34b]**

4.62 Nordic Observers began monitoring the cease-fire on 2 April 2002. Representatives from Norway, Sweden, Finland and Denmark would carry out the monitoring, working with local observers in six Districts in the North East Province. There had been no combat-related deaths reported since the truce was signed, although both sides had complained of provocations, particularly in the East. **[4ao]**

4.63 Also in April 2002, the LTTE opened a political office in a government-held area in the north of the country. The office in Vavuniya was inaugurated under the terms of the cease-fire agreement which allows the Tamil Tigers to engage in political activity in areas outside their control provided they are unarmed and out of military-style uniforms. In a sign of reconciliation, the Tigers invited a member of the Sinhalese community to open the office. It was the first major public appearance by the LTTE outside territory held by them. **[9ab]** The previous month, troops allowed LTTE cadres wearing cyanide capsules to move back into an uncleared [i.e. LTTE-controlled] area. Troops manning a roadblock close to Batticaloa town had come across the two cadres who were dressed in civil clothes at the time. However, since the cadres' intention was to proceed into the uncleared areas, troops allowed them to proceed after recording their details. **[16a]** During 2002, the Ministry of Defence reported capturing several LTTE cadres with weapons in government-controlled areas in direct contradiction of the terms of the cease-fire agreement. The Government reportedly returned most LTTE personnel directly to the closest LTTE checkpoint; however, some were detained for longer periods. Previously the military sent the cadre they captured or who surrendered to rehabilitation centres. **[2b]**

4.64 A further development in April 2002 was the opening of the strategic A9 highway, a key road linking the Jaffna peninsula with the rest of the country. It was the first time the road had been opened in 12 years, and meant that civilians under the control of Tamil Tiger rebels could travel freely to government-controlled areas. This event came a week after the authorities lifted a six-year ban on domestic flights and cleared the way for commercial airlines to resume services to the war-ravaged Jaffna peninsula. **[9ac]**

4.65 On 10 April 2002, LTTE leader Velupillai Prabhakaran gave his first press conference for 12 years. **[18]**

4.66 Also in April 2002, the LTTE agreed that nearly 100,000 Muslims expelled from the north by the Tamil Tigers a decade previously would be allowed to return to their original dwelling places. **[4aq]**

4.67 On 17 April 2002, the leader of the LTTE cultural and social wing, Puthuvai Ratnadurai, addressed a public gathering in Jaffna; the first time such an event had taken place in 7 years. A BBC correspondent said the fact that the security forces allowed this celebration of Tamil culture and nationalism to take place at all, showed how much freedom the rebels now had to operate in areas under Government control. **[9ad]**

4.68 In June 2002 the Sri Lankan Government and the LTTE sealed a deal for the LTTE to open political offices in the northern islands. At the same time, fishing restrictions were relaxed in the north and eastern provinces following a strike by fishermen. **[4ar]**

4.69 On 13 July 2002 an incident occurred in which two Norwegian peace monitors were held aboard a vessel by Tamil Tigers off

the northern coast. The monitors had been called in after Sri Lankan naval vessels intercepted the Tamil Tiger vessel which was allegedly in violation of the cease-fire agreement. The monitors claimed that they were being held against their will, whereas an LTTE spokesman said they were kept on board the boat in the interests of their own personal safety. The LTTE later said they regretted the incident and stated they had full confidence in the peace mission. **[9ag]**

4.70 Another vital road opened in July 2002. The A5 road between Kandy and Batticaloa had been closed since 1995. **[9af]**

4.71 On 29 July 2002, the SLMM issued a statement expressing their satisfaction about the progress of the cease-fire agreement, mentioning that the Sri Lankan Government and LTTE were getting closer to lasting peace. The statement went on to say that both parties had successfully refrained from military operations during the cease-fire, most fishing restrictions had been removed and freedom of movement for both parties and the public had been greatly enhanced, among other benefits. **[4at]**

4.72 A key demand by the LTTE was fulfilled in August 2002 when the Sri Lankan Government allowed the rebels the use of a controversial sea route. A Government spokesman told reporters that the rebels could move along the east coast twice a week, subject to certain conditions. The LTTE would be expected to inform the Government about their movements in advance, and the boats would carry a peace monitor and SLMM flag. **[9ah]**

4.73 On 23 August 2002 the Norwegian Government issued a statement confirming that the first round of formal peace talks between the Sri Lankan Government and the LTTE would be held in Thailand from 16 to 18 September 2002. The statement recognised that there would be difficulties ahead, but that both sides had displayed commitment to seek a durable settlement. The talks announcement came soon after Government and LTTE representatives held another round of talks in Kilinochchi on the reconstruction and rehabilitation of the north east. It also followed two meetings held in London and Oslo between Minister Milinda Moragoda and LTTE Chief Negotiator Anton Balasingam. **[16g]**

4.74 The Sri Lankan Government lifted its ban on the LTTE on 4 September 2002. The LTTE had made the removal of the ban a main precondition for sitting down to talks with the Government. **[9ai]**

4.75 BBC News reported that the first round of talks had been a success for both sides. While agreeing to continue the existing cease-fire agreement, the two sides talked about the return of refugees to government-designated high-security zones, the rebuilding of the north and east, and landmine clearance. **[9aj]** The LTTE announced at the end of the talks that they were negotiating only for autonomy, and that fighting for an independent Tamil State would be a last resort. **[16i]** But the concession was accompanied by a warning that the LTTE would not begin to disarm until a final peace deal had been signed. The significance of the announcement was reflected by a five-year high on the stock market, which had already risen by 34% in 2002. **[4au]** The Government and LTTE agreed to form a joint task force for urgent humanitarian and reconstruction activities in the north and east, operating with the participation of Muslims, and for the benefit of all ethnic communities. **[16i]**

4.76 In early October 2002, 10 people were killed in eastern Sri Lanka in clashes. The head of the international cease-fire monitors blamed irresponsible and destructive elements who were trying to destabilise the peace process. **[9al]**

4.77 In the second round of peace talks that ended on 3 November 2002, it was announced that three committees were to be set up. The committees were to examine rehabilitation needs in war-hit areas, to push for military de-escalation, and to look at political questions at the heart of the 19-year civil war. The LTTE chief negotiator also said that they were now willing to accept and assimilate rival political groups, and allow a plurality of views in their strongholds in the north east. **[9an]**

4.78 In a speech broadcast in November 2002, LTTE leader Velupillai Prabhakaran for the first time stated that his movement was ready to drop its long-standing demand for independence, and declared that he would settle for provincial autonomy and self-rule in Tamil-dominated areas in the east and north. However, he also warned that the Tamils would resume their struggle for a separate State if a political solution could not be reached in the ongoing peace process. Mr. Prabhakaran also commended the international community who had a few days earlier pledged $70m to reconstruct war-torn areas in Sri Lanka. **[9ao]**

4.79 At the end of the third round of peace talks in December 2002, it was announced that the Sri Lankan Government and the LTTE had agreed to share power in a federal system. Norwegian mediators said that the two sides had agreed on "internal self-determination based on a federal model within a united Sri Lanka". Under the deal, Tamils would have autonomy in the largely Tamil-speaking north and east of the country. Parliament would have to approve any change to the Constitution, requiring a two-thirds majority (which the Government did not have). **[9ap]**

4.80 The fourth round of peace talks in January 2003 focused on the humanitarian aspects of the post-conflict situation. An action plan for the resettlement of Jaffna was agreed upon. The first phase of settlement would be outside the High Security Zones (HSZs) maintained by the Sri Lankan Armed Forces, the second phase within the HSZs. It was also agreed at the talks that the World Bank would be the custodian of the funds given by donors for the rehabilitation of the north and east of the country. **[16o]**

4.81 In January 2003 the SLMM said that recent months had shown a clear downward trend in child recruitment and other cease-fire violations by both sides. The SLMM said that during 2002 it investigated and upheld 556 cease-fire violations, 500 of which were perpetrated by the LTTE. According to the monitors, the most common violation by the LTTE was the recruitment of fighters under the age of 18. Most of these cases related to recruitment around the Batticaloa and Jaffna areas. On the Government side, the most common violations by the military were harassment, extortion and restriction of movement. **[9aq]**

4.82 The sixth round of peace talks in March 2003 were overshadowed by the sinking of an LTTE vessel earlier in the month in which 11 Tamil Tigers were killed. The LTTE had threatened to boycott the talks, but eventually went ahead with them. There was none of the dramatic progress seen at previous rounds of talks, but both sides maintained that the process was on course. One positive step was the agreement by the LTTE to allow rival Tamil parties to conduct political activities in areas held by them. **[9av]**

4.83 According to the U.S. Department of State Report issued in March 2003, one result of the peace process was the opening of numerous investigations into questionable actions by security personnel. **[2b]**

4.84 On 21 April 2003 the LTTE suspended participation in the peace talks in protest at the handling of "critical issues". The LTTE expressed serious grievances about their "marginalisation" from negotiations and the perceived unequal dividends of peace, such as patchy security withdrawals on the ground. The LTTE were also bitter about their exclusion from April's reconstruction talks in Washington, due to the ban on Tamil Tigers travelling to the U.S. **[9aw]** On 23 April 2003, the LTTE said that they had no intention of breaking the cease-fire, but wanted the Government to implement decisions agreed at earlier meetings. **[9ax]**

For further details of history prior to 1994, refer to Europa Year Book, source **[1]**

5. STATE STRUCTURES

THE CONSTITUTION

5.1 The Constitution was promulgated on 7 September 1978. It guarantees the fundamental rights and freedoms of all citizens, including freedom of thought, conscience and worship and equal entitlement before the law. **[1]** The Government generally respects these rights. **[2b]** Buddhism has the foremost place among religions and the State has a duty to protect and foster Buddhism. Sinhala and Tamil are the two official languages. **[1]**

5.2 The Constitution provides citizens with the right to change their Government peacefully, and citizens exercise this right in practice through periodic, free, fair, and multi-party elections held on the basis of universal suffrage. The country is a longstanding democratic republic with an active multi-party system. Power is shared between the popularly elected President and the 225-member Parliament. **[2b]**

5.3 The Supreme Court regularly upholds court rulings in cases in which individuals file suit over the abridgement of their fundamental civil rights. The Human Rights Commission and the Committee to Inquire into Undue Arrest and Harassment are other mechanisms the Government has established to ensure enforcement of constitutional provisions in addition to access to the courts. **[2b]**

Citizenship and Nationality

5.4 Citizenship laws are based upon the Citizenship Act of Sri Lanka 1972, amended 1987. All those who were citizens of Ceylon are now considered citizens of Sri Lanka. Birth within the territory of Sri Lanka does not automatically confer citizenship, the exception being a child born of unknown parents. Most Sri Lankans are regarded as that nationality by descent. However, certain persons with paternal or maternal blood ties to Sri Lanka may apply for citizenship by registration, provided they are at least 22 years old and intend to permanently reside in Sri Lanka. **[7]**

5.5 Voluntary renunciation of Sri Lankan citizenship is permitted by law. Involuntary loss of Sri Lankan citizenship includes where a person acquires a foreign citizenship; where a citizen by registration is shown to have given false information, resided abroad for more than 5 years without Government permission, or has been convicted of certain crimes or declared loyalty to a foreign Government; and where a citizen by descent whose father is a citizen by registration has not expressed a desire to retain citizenship after the age of 22. **[7]**

5.6 A Citizenship (Amendment) Bill was passed in Parliament in March 2003. Under the terms of the new legislation, the right of a mother to pass her Sri Lankan citizenship to her child is now identical to that of a father. Hitherto, only a father could pass citizenship to his children. Those over 22 years of age and who have assumed citizenship of another country will be recognised as

Sri Lankan citizens upon application made to the Ministry of Interior. Such persons have the option to obtain dual citizenship or may renounce citizenship of the other country and assume Sri Lankan citizenship. **[16p]**

POLITICAL SYSTEM

5.7 The President is Head of State and exercises all executive powers. The President is directly elected by the people for a term of 6 years, and is eligible for re-election. The current President is Mrs Chandrika Bandaranaike Kumaratunga of the People's Alliance, who was sworn in on 12 November 1994, **[1]** and re-elected on 21 December 1999. **[23a]**

5.8 The Sri Lankan Parliament consists of one chamber with 225 members, and Members of Parliament are directly elected by a system of modified proportional representation. **[1]** The United National Front, a coalition of parties led by the United National Party (UNP) **[2b]** obtained 109 seats in elections in December 2001, and therefore defeated the ruling People's Alliance (PA) headed by President Chandrika Kumaratunga, who came second with 77 seats. **[4ac]** As leader of the UNP, Ranil Wickremasinghe became the new Prime Minister with Chandrika Kumaratunga continuing as President. **[9q]**

5.9 Sri Lanka comprises 9 provinces **[1]** and 25 administrative districts **[26]** each with an appointed Governor and elected Development Council. In November 1987, an amendment to the Constitution was adopted, providing for the creation of eight provincial councils (the northern and eastern provinces were to be merged as one administrative unit). A network of 68 Pradeshiya Sabhas (district councils) was inaugurated throughout the country in January 1988. **[1]**

JUDICIARY

5.10 The Constitution provides for an independent judiciary and the Government generally respects this provision in practice. **[2b]**

5.11 The judicial system consists of the Supreme Court, the Court of Appeal, the High Court, District Courts, Magistrates' Courts and Primary Courts. The last four are Courts of the First Instance. Appeals lie from them to the Court of Appeal and from there, on questions of law, or by special leave, to the Supreme Court. The High Court deals with all criminal cases, and the District Courts with civil cases. There are also Labour Tribunals to decide labour-based disputes. **[1]**

5.12 The Judicial Service Commission comprises the Chief Justice and two judges of the Supreme Court, nominated by the President. All judges of the Courts of First Instance (except High Court judges), and the staff of all courts are appointed and controlled by the Judicial Service Commission. The Supreme Court consists of the Chief Justice and not fewer than 6 and not more than 10 other judges. The Court of Appeal consists of the President, and not fewer than 6 and not more than 11 judges. **[1]**

LEGAL RIGHTS/DETENTION

5.13 The authorities are required, by law, to inform an individual of the reason for their arrest, and to produce him or her before a magistrate within 24 hours of arrest. In practice, this usually occurs within a few days. **[2b]**

5.14 It is very rare and most unlikely that an accused would be able to obtain a copy of his/her own arrest warrant. When an arrest warrant is issued, a copy is kept on the legal file and the original is handed to the police. An accused cannot apply for copies of the arrest warrant to the relevant court. Forged documents are easily obtainable throughout Sri Lanka with people paying between 100 and 1000 rupees for a forged arrest warrant. (Other examples of forged documents include passports, court summonses, birth certificates, death certificates, marriage certificates and educational certificates). **[15g]**

5.15 In criminal cases, defendants are tried publicly by jury. Defendants are informed of the charges and evidence against them, may be represented by Counsel of their choice, and also have a right of appeal. The Government provides Counsel for indigent persons tried on criminal charges in the High Courts, and the Court of Appeal, but not in other cases. Private legal aid organisations assist some defendants. **[2b]**

5.16 On 21 March 2002, delegates from the United Kingdom Home Office were told at a meeting in Sri Lanka with the Director of the Criminal Investigation Department that at any time in the process from arrest right through to a possible court case, an accused can ask for the Tamil language to be used. Muslim officers that speak Tamil are sometimes used in local police stations for this purpose. **[35b]**

5.17 Under the Emergency Regulations (ERs) [which lapsed in July 2001] and the Prevention of Terrorism Act (PTA), security forces can detain suspects for extended periods of time without court approval - **[2b]** - up to 18 months in the case of the PTA. **[14a]** The ER, in force periodically since 1979 and in force island-wide from August 1998 until July 2001, gave security forces broad powers to arrest and detain without charge or the right to judicial review. ER provisions permitted police to hold individuals for up to 90 days to investigate suspected offences, although the police had to present detainees to a court within 30 days to record the detention. The court was able to order a further 6 months' detention. **[2b]**

5.18 Members of a joint Danish/Canadian fact-finding mission team, on their visit between 1 and 12 October 2001, were told by a local Non-Governmental Organisation (NGO) that roughly 90% of cases involving LTTE suspects fall under section 5 of the PTA, related to "failure to give information". A lawyer attached to another local NGO stated that while section 5 provides for a maximum sentence of 7 years, there is no minimum sentence. Accordingly, if the person is charged under section 5 of the PTA and pleads guilty, the period spent in remand would most often be deducted from the sentence, and the person would end up being released. Also, where the only evidence against a Tamil suspect is a signed confession recorded in Sinhala, which encompasses most of the cases registered by police in Colombo, the case would be challenged by the defence counsel when brought to court, and the person would be discharged. A lawyer with the Legal Aid Foundation (LAF) stated that 95% of PTA cases were based on confession alone, and 99% of these cases are normally discharged. **[11]**

5.19 Magistrates have key roles in relation to the prevention of torture, which they do not always fully perform. Officers in charge of places of detention are required to provide the local magistrate every 14 days with a list of all detainees, and the magistrate has to display the list on the court's notice board. These safeguards have never been fully implemented. **[3e]**

5.20 Under the Code of Criminal Procedure, magistrates have a duty to examine detainees brought before them. There are reports that magistrates do not carry out this duty rigorously. This failure erodes the chances of tortured detainees receiving justice at a later stage. **[3e]**

5.21 Sri Lanka acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 3 January 1994, but has not recognised the competence of the Committee against Torture to consider communications made in accordance with Articles 21 and 22 of the Convention. The Convention Against Torture Act 1994 gives effect to the Convention in accordance with the Sri Lankan legal system. **[6f]** Several provisions in the UN Convention against Torture were not fully implemented in the Convention Against Torture Act, which uses a more restrictive definition of torture than that contained in the UN Convention against Torture. **[3e]**

5.22 The Convention Against Torture Act made torture a punishable offence and specific crime. The High Court has jurisdiction over violations, and criminal conviction carries a 7-year minimum sentence. Since 2000 the Government has been working on developing regulations to prosecute and punish military and police personnel responsible for torture. The Attorney-General's Office and the Criminal Investigation Unit have established units to focus on torture complaints. These units forwarded 14 cases for indictment during 2002. The Inter-parliamentary Permanent Standing Committee and its Inter-ministerial Working Group on Human Rights Issues have begun tracking criminal investigations of torture. In addition the Government also ceased paying fines incurred by security force personnel found guilty of torture. Security force personnel have been fined under civil statutes for engaging in torture. **[2b]**

5.23 Sri Lanka has acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). **[6f]** The Government has followed a number of recommendations made by the monitoring committee under the ICCPR. **[14a]**

5.24 A report in the Sri Lankan Daily News of 14 May 2002 stated that the Legal Aid Foundation of the Bar Association of Sri Lanka (BASL) had set up a National Centre for Victims of Crime. The Centre will provide and co-ordinate legal aid to victims of crime in keeping with the 1986 UN declaration on Basic Principles of Justice for Victims of Crime. Other services include information for obtaining compensation and restitution. Protection would be given to victims from intimidation from the perpetrators of violence, while protecting the basic rights of offenders. The Centre will also provide legal help to families of victims and witnesses to crime. **[16b]**

5.25 The LTTE has its own self-described court system, composed of judges with little or no legal training. The courts operate without codified or defined legal authority and essentially operate as agents of the LTTE rather than as an independent judiciary. **[2b]**

Death Penalty

5.26 On the Amnesty International "Website Against the Death Penalty" they list Sri Lanka among those countries which are abolitionist in practice. This is explained as countries which retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the past 10 years and are believed to have a policy

or established practice of not carrying out executions. **[3i]**

INTERNAL SECURITY

5.27 The Ministry of Interior controls the 60,000-member police force, which is responsible for internal security in most areas of the country and has been used in military operations against the LTTE. The Ministry of Defence controls the 120,000-member army (which includes the Army Volunteer Force), the 17,000-member navy and 18,500-member air force. In the past the police paramilitary Special Task Force (STF) also battled the LTTE. The more than 20,000-member Home Guards, an armed force drawn from local communities and responsible to the police, provided security for Muslim and Sinhalese village communities near LTTE-controlled areas. **[2b]**

5.28 Investigating agencies include the Operational Command of Colombo Security (OCC), the Directorate of Internal Intelligence (DII), the Directorate of Foreign Intelligence (DFI), the Criminal Record Department (CRD), the Criminal Investigation Department (CID) and the Terrorist Investigation Department (TID). The TID was set up in May 1998 as a new investigative agency of the police. The DII and DFI, until the mid-1998, together formed the National Intelligence Bureau (NIB). **[14b]** Police are recruited nationally, not locally, and any Sri Lankan national, including those of Tamil ethnicity, is free and welcome to join the police force. **[35a]**

PRISONS AND PRISON CONDITIONS

5.29 Generally, prison conditions are poor and do not meet minimum international standards because of overcrowding and lack of sanitary facilities. **[2b]** Home Office officials were told on their fact-finding mission of 9-13 July 2001 that prisons had become 300% overcrowded over the previous 5 years. There were currently about 17,000 people in prison, 9,000 of whom were on remand. However, the Prison Service had embarked on a six-year improvement project, and part of this had been moving facilities out of the Colombo area. **[35a]**

5.30 Conditions are reportedly poor in LTTE-run detention facilities. The ICRC conducted 8 visits to these facilities during 2002. **[2b]**

MILITARY SERVICE

5.31 Conscription does not exist. The legal recruitment age for the armed forces is 18. There is no known legal provision for conscientious objection. **[36]**

5.32 Desertion is punishable under article 103 of the Army Act by up to three years' imprisonment. Although desertion has been widespread, because of the paucity of recruits, the punishment of deserters rarely occurs. Amnesties for deserters have been announced several times, usually in the context of recruitment drives. According to these amnesties, deserters are allowed to return to their units without facing further penalties. Deadlines for amnesties are often extended as not all deserters apply in time to meet the initial deadline. **[36]**

5.33 In March 2003, the Sri Lankan military said it would offer 50,000 army deserters the chance of a legal discharge rather than issuing the usual amnesty. Previously, deserters had remained on the army's books, but had become a serious social problem, blamed for the rise in armed crime. Those who wished to rejoin the army would still have a chance, assuming they had deserted within the last three years and they had no criminal record. **[9at]**

MEDICAL SERVICES

5.34 In a letter dated 30 March 2001, the British High Commission in Colombo outlined the standards of medical facilities in Sri Lanka. The traditional Western medical structure of general practitioners, specialists and hospitals with operating theatres and emergency units, co-exists with the traditional practice of ayurvedic (herbal) medicine. The country has its own National Health Service, which is available to everyone. **[15b]**

5.35 In the Colombo area and one or two of the larger centres such as Kandy, there are many well-reputed hospitals, staffed by physicians most of whom are very experienced and internationally trained. There is an extensive range of specialist care found in Colombo, both in the private and Government sectors. Specialist care would include treating such conditions as cardiac, gastro-intestinal, dermatological, urological, orthopaedic and general surgery. **[15b]**

5.36 Most medications are available in Colombo, under various generic and company labels. The prices for medications bought in Sri Lanka range widely, but as a comparison, most drugs would be cheaper than the United Kingdom for prescription and dispensing charges. On the whole, medical care is affordable for the average person, and Government hospitals generally charge a lesser fee than private hospitals. **[15b]** Health care for children, including immunisation, is free. **[2b]**

5.37 In Government hospitals, free treatment is available for opportunistic infections that occur with HIV, such as chest and eye infections. There is free anti-retroviral treatment to prevent mother to baby transmission of HIV, and free post-exposure prophylaxis is given to all healthcare workers. At present, the anti-retroviral drugs that are commonly used in the West for HIV/AIDS are not available in the Government sector. Anti-retroviral drugs are available in the private sector but choice is limited when compared with the West. **[15e]**

5.38 A news report of 1 December 2002 indicated that the costs of treating HIV/AIDS patients in Sri Lanka had been slashed by more than 60% following a Government decision to import anti-retroviral drugs under generic names from India. The cost of treatment for each patient would be reduced from 15,000 rupees to 6,000 rupees per month. **[4ax]**

5.39 Hospitals specifically dedicated to mental health exist in Angoda and Mulleriyawa where there is also treatment for PTSD. **[15d]** It was reported in the Sunday Times (of Sri Lanka) in 1996, that psychiatric treatment was available at all teaching hospitals and main Government district hospitals throughout the country, and at ward 59 of the Colombo General Hospital. **[31a]**

5.40 The World Health Organisation estimates that 7% of the population of Sri Lanka have disabilities. Most people with disabilities, who are unable to work, are cared for by their families. The Department of Social Services operates eight vocational training schools for people with physical and mental disabilities and sponsors a program of job training and placement for graduates. The Government also provides some financial support to NGOs that assist persons with disabilities; subsidises prosthetic devices and other medical aids for persons with disabilities; makes some purchases from suppliers with disabilities; and has registered 74 schools and training institutions for persons with disabilities run by NGOs. The Department of Social Services has selected job placement officers to help the estimated 200,000 work-eligible persons with disabilities find jobs. In spite of these efforts, people with disabilities still face difficulties because of negative attitudes and societal discrimination. **[2b]**

EDUCATIONAL SYSTEM

5.41 The law requires children between the ages of 5 and 14 to attend school and approximately 85% of children under the age of 16 do so. Education is free through to university level. The Government does not restrict academic freedom. **[2b]**

6. HUMAN RIGHTS

6A. HUMAN RIGHTS ISSUES

Part I

Part II

6 HUMAN RIGHTS

6A. HUMAN RIGHTS ISSUES

OVERVIEW

6.1 According to the U.S. Department of State Report issued in March 2003, the Sri Lankan Government generally respects the human rights of its citizens. **[2b]** In a press release dated 29 June 2002, Amnesty International, having just ended a two-week visit

to the country, stated that the ongoing cease-fire agreement had made a significant impact in reducing human rights abuses in Sri Lanka. **[3h]**

6.2 According to the Danish Immigration Service Report on their fact-finding mission to Sri Lanka, published January 1999, the Human Rights Commission noted that the rule requiring the police to inform it within 48 hours was in the main being observed and there had been improvements in this respect. **[32]** The police and the army had not always issued receipts or notified the HRC in the past. **[2b]**

6.3 Members of the Liberation Tigers of Tamil Eelam have committed serious human rights abuses. These include: deliberate and arbitrary killings of Sinhalese civilians; summary executions of Tamils considered to be "traitors"; torture and ill treatment of prisoners; boys and girls as young as 12 being forced to join the armed group; abductions for ransom; **[3a]** people being forced to provide guerrillas with food and money; **[6d]** denying those under its control the right to change their Government; infringing privacy rights; denying fair trials; somewhat restricting freedom of movement; discriminating against ethnic and religious minorities; disappearances and detentions. **[2b]**

6.4 In the past, the military wing of the People's Liberation Organisation of Tamil Eelam (PLOTE) and the Razeek group were responsible for killing a number of people. However, there were no reports of such killings during 2002. The security forces had armed and used these militias and a number of other Tamil militant organisations to provide information, to help identify LTTE terrorists, and, in some cases, to fight in military operations against the terrorists. The exact size of these militias was impossible to ascertain, but they probably totalled fewer than 2,000. These groups were asked to disarm following the formal February 2002 cease-fire agreement between the Government and LTTE and the militia did hand over some weapons to the Government. Persons killed by these militants in the past probably included LTTE operatives and civilians who failed to comply with extortion demands. In 2002, unlike in previous years, former Tamil terrorist organisations aligned with the former PA Government, who were suspected still to be armed, were not implicated in cases involving extra-judicial killing and torture, and there were no reports of PLOTE continuing to run illegal places of detention in Vavuniya. **[2b]**

FREEDOM OF SPEECH AND THE MEDIA

6.5 The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. In the past, the Government restricted these rights in practice, often using national security grounds permitted by law; however, there were no reports of such practices during 2002. **[2b]**

6.6 In 2001 the Government officially lifted the censorship on war reporting. In 2002, unlike in previous years, travel by foreign and national journalists to conflict areas was not restricted. **[2b]**

6.7 An Act of Parliament was passed on 18 June 2002 repealing criminal defamation laws from the statute books. **[16c]**

6.8 The Government controls the country's largest newspaper chain, two major television stations, and the Sri Lanka Broadcasting Corporation (SLBC), which is a radio station. There are a variety of independent, privately owned newspapers, journals and radio and television stations, most of which freely criticise the Government and its policies. The Government imposes no political restrictions on the establishment of new media enterprises. **[2b]**

6.9 The LTTE does not tolerate freedom of expression; it tightly restricts the print and broadcast media in areas under its control. However, during 2002 the LTTE permitted controlled access to uncleared areas of the country to journalists, in effect lifting some censorship in the areas it controls. **[2b]**

Treatment of Journalists

6.10 The Sri Lankan Tamil Media Alliance (SLTMA) was formed in 1999 to protect the interests of Tamil journalists, who allege that they are subject to harassment and intimidation by Tamil paramilitary groups and Sri Lankan security forces. **[2b]**

6.11 In October 2000, Tamil journalist, Maylwaganam Nimalarajan, was shot dead in Jaffna. Nimalarajan, who worked for Colombo's Tamil language daily Virakesari, had reported on vote rigging and intimidation during the parliamentary elections that month. **[25i]**

6.12 On 28 December 2001, police reported an attack that had occurred two days previously on Dharmaratnam Sivaram, editor of the TamilNet Web site. He was stabbed and beaten by a group of men armed with clubs in his office in Batticaloa. **[4af]**

6.13 In November 2002, the Government announced that it was in the process of introducing far reaching legislative and institutional changes to create conditions for journalists to perform their duties independently without fear or favour. These included: the Press Council Law to be repealed and the Council itself replaced by an Independent Press Complaints Commission; a Freedom of Information Act to be introduced to guarantee uninhibited access to information by journalists; and a Media Training Institute to be formed. **[16m]**

6.14 There were no reports that security forces harassed journalists during 2002, unlike previous years. **[2b]**

FREEDOM OF RELIGION

Introduction

6.15 Discrimination based on religious differences is much less common in Sri Lanka than discrimination based on ethnic group or caste. In general, the members of the various faiths tend to be tolerant of each other's religious beliefs. **[2a]**

Buddhists

6.16 Buddhism is given the foremost position, but the Constitution also provides for the right of members of other faiths to practice their religion freely. The Government respects this right in practice and major religious festivals of all faiths are celebrated as public holidays. **[2b]** Theravada Buddhism is the predominant sect in Sri Lanka with an estimated 53,000 Buddhist Bhikkhus (monks) living in about 6,000 temples. **[1]**

Hindus

6.17 Approximately 15% of the population of Sri Lanka are Tamil-speaking Hindus. **[1]**

Muslims

6.18 Approximately 8% of the population are Muslim, and make up a particularly high percentage of the population in the east of the country. Almost all Muslims are Sunnis, with a small minority of Shi'a including the Borah community. In 1990, the LTTE expelled virtually the entire Muslim population, some 46,000 inhabitants, from their homes in the north of Sri Lanka. **[2a]**

6.19 On 30 April 2001 a violent clash between the Sinhalese and Muslim communities occurred in Mawanella. The Muslim community protested alleged police inaction concerning the assault on a Muslim store clerk. In response, a group of Sinhalese attacked the Muslim protesters. As the conflict escalated, two Muslims were killed and scores of buildings and a few vehicles were destroyed. The investigation into the Mawanella incident remained open at the end of 2002. **[2b]**

6.20 In April 2002 the LTTE admitted that the expulsion of thousands of Muslims from the Jaffna peninsula in 1990 was an unjustifiable "political blunder", and promised that the LTTE would re-settle them as soon as normalcy was restored in Sri Lanka. **[4ap]**

6.21 Violence between Muslims and Tamils broke out in June 2002. The unrest began in Muthur, near Trincomalee, before spreading to other areas in the east of the country. Muslims had called a general strike in protest at alleged extortion by Tamil Tigers and attacks by Tamils. **[9ae]** At least six people were killed and more than 100 shops and houses gutted in the clashes. The LTTE leadership in the Eastern Province later assured that communal peace would be restored. **[16d]**

6.22 Further clashes between the Tamil and Muslim communities broke out in April 2003 in the north east of the country leaving five people dead. The riots were sparked by an alleged Tamil Tiger kidnapping, an allegation the group denied. **[9aw]**

Christians

6.23 Christians, approximately 7% of the population, tend to be concentrated in the west of the country. Roman Catholics account for almost 90% of Christians, with Anglicans and other mainstream Protestant churches also present in the cities. The Seventh-Day Adventists, Jehovah's Witnesses, and Assemblies of God are also represented. **[2a]** Some evangelical Christians have expressed concern that their efforts to proselytise are often met with hostility and harassment by the local Buddhist clergy, and others opposed to their work. **[2b]**

Baha'is

6.24 There is also a spiritual assembly for worshippers of the Baha'i faith in Colombo. **[1]**

FREEDOM OF ASSEMBLY AND ASSOCIATION

6.25 The law provides for freedom of assembly, and the Government respects these rights in practice. Although the Prevention of Terrorism Act may be used to restrict this freedom, the Government did not use the act for that purpose in 2002. The Government generally grants permits for demonstrations including those by opposition parties and minority groups. Numerous peaceful political and non-political rallies were held throughout the country during 2002. **[2b]**

Political Activists

The JVP

6.26 The Janatha Vimukthi Peramuna (People's Liberation Front) is a radical left wing party which in 1987 came out against the Indo-Sri Lankan Accord. It began a campaign of strikes, attacks and killings of public officials and members of the police and army. The violence reached its peak in 1988-90. A ruthless campaign to eliminate the JVP was launched, with death squads responsible for abductions and killings of suspected JVP supporters. The violence gradually subsided after November 1989 when the JVP leadership was eliminated. **[14a]**

6.27 There was a brief revival of JVP activities in 1990, but the Government clamped down on this firmly. Reports of disappearances and extra-judicial executions of JVP members decreased after 1990, and ceased in 1993. **[14a]**

6.28 Since 1994 there has been no further politically motivated prosecution of JVP members. They are now only prosecuted under the ordinary law and only for serious offences punishable under the Sri Lankan Penal Code. **[14a]**

6.29 By 1996 all JVP members in custody had been tried and were serving their sentences, or had been released for lack of evidence. **[14a]**

6.30 In the 1997 local elections the JVP won 101 seats on various local councils. **[14a]** In the Southern Provincial Council election of June 1999, the JVP won 7 of the 55 seats. **[4z]** In the most recent general election (December 2001), the JVP increased their number of seats from 5 to 15. **[4ac]**

EMPLOYMENT RIGHTS

6.31 The Government respects the constitutional right of workers to establish unions, and the country has a strong trade union tradition. Approximately 25% of the 6.7 million person work force nationwide and more than 70% of the plantation work force is unionised. In total there are more than 1,000,000 union members, 650,000 of whom are women. Approximately 20% of the non-agricultural work force in the private sector is unionised. Unions represent most workers in large private firms, but those in small-scale agriculture and small businesses usually do not belong to unions. **[2b]**

6.32 Most large unions are affiliated to political parties and play a prominent role in the political process, though major unions in the public sector are politically independent. More than 30 labour unions have political affiliations although a smaller number remain unaffiliated. The law also provides the right to collective bargaining, which is widely practised. The law prohibits anti-union discrimination. **[2b]**

6.33 All workers, other than civil servants and workers in "essential" services, have the right to strike. **[2b]**

6.34 Most permanent full-time workers are covered by laws that prohibit them from regularly working more than 45 hours per week (a 5 1/2-day workweek). Overtime is limited to 60 hours per month under a recent ruling. Such workers also receive 14 days of annual leave, 14 to 21 days of medical leave, and approximately 20 local holidays each year. Maternity leave is available for permanent and seasonal or part-time female workers. Several laws protect the safety and health of industrial workers, but the Ministry of Labour's small staff of inspectors is inadequate to enforce compliance with the laws. Workers have the statutory right to remove themselves from situations that endanger their health, but many workers are unaware of, or indifferent to, health risks, and fear that they would lose their jobs if they removed themselves. **[2b]**

6.35 The Constitution provides for equal employment opportunities in the public sector. However, women have no legal protection against discrimination in the private sector where they are sometimes paid less than men for equal work and often experience difficulty in rising to supervisory positions. Women constitute approximately half of the formal work force. **[2b]**

6.36 Regular employment of children occurs in the informal sector and in family enterprises such as family farms, crafts, small trade establishments, restaurants, and repair shops. Additionally thousands of children are believed to be employed in domestic service. **[2b]**

6.37 The minimum age for employment is 14 although the law permits the employment of younger children by their parents or guardians in limited work. Persons under the age of 16 may not be employed in any public enterprise in which life or limb is endangered. **[2b]**

PEOPLE TRAFFICKING

6.38 The law prohibits trafficking in persons. Penalties for trafficking in women include imprisonment for 2 to 20 years and a fine, and trafficking in children allows for imprisonment of 5 to 20 years and a fine. However, Sri Lanka is a country of origin and destination for trafficked persons, primarily women and children for the purposes of forced labour, and for sexual exploitation. Sri Lankan women travel to Middle Eastern countries to work as domestics and some have reported being forced into domestic servitude and sexual exploitation. Some Sri Lankan children are trafficked internally both for sexual exploitation and as domestics. **[2b]**

6.39 Recent reports indicate Italy as a destination for Sri Lankans who are handled by people traffickers. A BBC OnLine news item reported that in January 2002, a group of 72 Sri Lankan men were detained as illegal immigrants by police in southern Italy. Two more groups totalling about 200 people had earlier landed in Sicily. In 2001 several thousand illegal immigrants from Sri Lanka arrived in southern Italy after a 2,500-mile sea journey in small boats through the Indian Ocean, the Red Sea and the Suez Canal. The BBC report indicates that those arrivals who have relatives in northern Europe will try to make their way there after being processed by Italian immigration authorities. **[9t]** Also in January 2002, the Sri Lankan navy detained more than 100 people off the coast of Negombo after it boarded two fishing trawlers that were bound for Italy. **[9u]** On 3 February 2002, a trawler carrying about 100 Italy-bound job seekers capsized off the coast of Sri Lanka killing 10 people. Survivors from the accident said they had paid between US$1200 and US$1500 for their illegal passage, with more to be paid once they found work in Italy. **[4ah]**

6.40 The Daily News reported on 22 July 2002 that the Criminal Investigation Department and the police were conducting investigations into human smuggling and had apprehended 22 major operators involved in illicit trafficking of persons in the previous few months. The police had also detected 134 persons travelling on forged passports. Discussions between Sri Lankan Ministers and foreign diplomats had revealed that in view of the spate of detections made and the greater surveillance in Sri Lanka as well as in several Western countries, the regularity of boats carrying illegal emigrants had dropped. **[16f]** Most of the emigrants had paid between 300,000 and 600,000 rupees and had been deceived into thinking that well paid jobs would be readily available once they had arrived on foreign soil, which was not the case. **[16e]**

FREEDOM OF MOVEMENT

6.41 The Constitution grants every citizen "freedom of movement and of choosing his residence" and "freedom to return to [the country]." The Government generally respects the right to domestic and foreign travel. **[2b]**

6.42 National Identity Cards (NICs) are issued to individuals who are both citizens and residents of Sri Lanka, with an exception made for those brought to work on tea plantations before 1949. Such individuals are eligible for a NIC provided that they can prove they were plantation employees in Sri Lanka before 1949. Individuals normally obtain their first NIC at the age of 16. Application forms are issued by the Department of Registration of Persons to approximately 10,000 schools across the country, which are completed by students and "certified" by the school principal. Students are not asked to present a birth certificate or any other documentation in support of their application. According to the Commissioner of the Department of Registration of Persons, it takes between two and four weeks to process the applications and mail the NICs to schools. Approximately 400,000 NICs are issued annually in this way. Those who leave school before the age of 16 are required to follow the normal NIC application procedure. This entails submission of an application form, birth certificate and three photographs to the Grama Sevaka [village headman] in one's area. The Grama Sevaka then forwards the application to the Department of Registration of Persons for processing. Provided the application is in order, it generally takes four weeks to issue a NIC under these circumstances. **[11]**

6.43 In 1997 the Front Office was set up in Colombo with the task of assisting people from strife-ridden areas of Sri Lanka, including the northern and eastern areas, who are unable to produce for example birth certificates, and are therefore prevented from obtaining a NIC. The Front Office can also help people returning from abroad, including rejected asylum applicants, who could normally obtain a NIC within two weeks of application. **[32]** The Front Office employs a total of five officers, three of whom can speak Tamil. **[11]** The Family Rehabilitation Centre (FRC), a local NGO, is able to give assistance to those who need to obtain a NIC and advice is given on what documents are needed and how they can be obtained. One of the problems often encountered by people coming to Colombo from the North is that their documents have been burnt in attacks on their homes. The FRC can give advice on how to obtain birth certificates or obtain reports from village heads to enable people to obtain NICs. They have legal officers who can help with this process. Another NGO, the Forum for Human Dignity (FHD) also helps in this area. They can verify and then stamp an individual's photograph to confirm authenticity and they then send the applicant to the Front Office to obtain his or her card. **[35a]**

6.44 The Refugee Council reported in December 2000 that citizens from Jaffna wishing to travel to southern areas of Sri Lanka were facing considerable difficulty in obtaining permits to leave the peninsula. Because of the lengthy procedure in obtaining these permits, local people said the process was taking weeks and sometimes months. **[10c]** However, with the opening of the A9 highway linking the Jaffna peninsula with the rest of the country, it meant that civilians under the control of Tamil Tiger rebels could travel freely to government-controlled areas. The authorities also allowed commercial airlines to resume services to the Jaffna peninsula. **[9ac]**

6.45 In January 2002 it was reported that restrictions had been eased on the movement of civilians in and out of Vavuniya, in the north of the country. The Government had made it easier to obtain passes and lifted the requirement of a guarantee for those seeking permits for longer stays. **[9v]**

6.46 Information from the British High Commission in Colombo in May 2002 confirmed that household registration was no longer taking place in Colombo. This had been corroborated by the Deputy Inspector General's (DIG's) office in Colombo as well as the Senior Superintendent of Police's (SSP's) office in the north. **[15c]**

6.47 Every Sri Lankan citizen wishing to travel abroad must have a valid passport issued centrally by the Department of Immigration/Emigration in Colombo. Passport application forms are issued by district offices (kachcheri) and forwarded to Colombo. Applicants must submit a birth certificate, which can be obtained in the Jaffna peninsula or from the office of the Registrar-General in Colombo, **[14a]** a National Identity Card, and photos certified by a justice of the peace. **[32]** Passports are checked on exit at the airport. **[14a]** A same day service is available, but the normal service takes 10 working days. Exit permits are not required. **[35a]** Passengers departing from Bandaranaike International Airport, Colombo, currently have to pass through a series of 3 security checkpoints before reaching the departure terminal. They may be asked for their National Identity Card at any of these checkpoints. **[15a]** As outlined in the United Kingdom Home Office fact-finding mission report, since 22 March 2000 only passengers are allowed into the check-in area, which is screened off from the rest of the terminal. This was as a result of pressure from European embassies whose Airline Liaison Officers (ALOs) had been worried that agents had previously been able to signal to officials to allow people to embark. This measure has gone some way to improving the situation and has halted the previous practice whereby agents could accompany passengers right up to the departure gate. **[35a]**

6.48 The Government co-operates with the UNHCR and other humanitarian organisations in assisting refugees. The Government does not permit the entry of refugees into the country or grant first asylum, nor does it aid those who manage to enter to seek permanent residence elsewhere. The law does not provide for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. **[2b]**

Immigrants and Emigrants Act

6.49 The Immigrants and Emigrants Act was first introduced in 1949. Section 45 lists various categories of people who are guilty of offences under the Act, which include anyone who forges, alters or tampers with any passport, or has in their possession any forged passport, or who uses such a document. The section sets out the punishment, which consists of a fine, or a period of imprisonment, or both. Section 45A provides punishments for those found guilty of facilitating illegal entry into Sri Lanka. **[20]**

6.50 The Immigrants and Emigrants (Amendment) Act was passed in July 1998. During the passage of the Bill the Sri Lankan Immigration Minister told Parliament that the amendment was designed to combat “the crime of illicit trafficking of persons from Sri Lanka.” The Minister stated that the diplomatic missions of various western countries had made representations to the Sri Lankan authorities about organised groups engaged in the business of securing illicit entry of Sri Lankans to their countries. **[20]**

6.51 The Amendment Act increases the fines and the term of imprisonment which may be imposed on those found guilty under the Act, and makes the term of imprisonment mandatory. The Act disallows the imposition of a suspended sentence, and certain offences under the Act are non-bailable. **[20]**

6.52 Contrary to what is stated in the Organisation Suisse d'aide aux Réfugiés report of 31 May 1999, the Immigrants and Emigrants Act has no retroactive effect. **[14b]**

6.53 According to the report produced by the Dutch Ministry of Foreign Affairs, published 30 September 1999, prosecution on the grounds of illegal emigration is as a rule only pursued at the time of emigration. In the case of immigration, the Criminal Investigation Department in practice will only proceed to investigate the illegal emigration if the returning person is still in possession of the forged travel document or if there are other indications that the interested party has emigrated illegally (e.g. if the interested party declares this him or herself). A rejected asylum seeker who is returned to Sri Lanka does not always have to fear being prosecuted under the Immigrants and Emigrants Act unless he/she is entering on a false travel document. The immigration authorities can question someone on arrival about their outward journey, but they generally do not have access to sufficient means of proof regarding the emigration. **[14b]** Asylum seekers expelled by the Netherlands for example, are on arrival in Sri Lanka, in possession of a valid travel document, usually a recently issued laissez-passer from the Sri Lankan Embassy: thus such returnees are not in violation of the Immigrants and Emigrants Act. **[14c]**

6.54 With regard to the burden of proof in the Immigrants and Emigrants Act, the Dutch Ministry of Foreign Affairs state that, unless otherwise specified, the general definitions of the Sri Lankan Criminal Code are applied (i.e. the Criminal Procedure Code, and the Evidence Ordinance). According to these general definitions, the burden of proof of a violation of a criminal law rests with the public prosecutor, thus not on the suspect. **[14c]**

6.55 On the fact-finding mission to Sri Lanka in July 2001, United Kingdom Home Office officials were told by the CID that an Anti-Human Smuggling Bureau headed by the Superintendent of Police was set up in June 2001 following discussions with Heads of Missions at various Embassies in Colombo. This was operating at Bandaranaike International Airport and is manned 24 hours a day. Home Office officials were told that the CID had had a very good recent detection rate of illegal migrants at the airport. However, the CID considered there was a need for greater detection of forged visas. Returnees who are arriving at the airport who are unable to establish their identity satisfactorily are brought before a magistrate within 24 hours and granted bail until CID have investigated the returnees circumstances. CID drops almost all cases once they have identified the person. **[35a]**

6.56 Members of the joint Danish/Canadian fact-finding mission were informed during their visit to Sri Lanka of 1-12 October 2001 that 99% of cases brought against returnees under the Immigrants and Emigrants Act are discharged without charges being laid. The Negombo Magistrate and Director of CID explained that for a returnee to be released on bail, he/she needs a person to stand surety to sign a bond. After release, the Magistrate gives a new date for the CID to forward a report on the investigation, normally within a month. If there is evidence to continue the investigation after one month, a new date is given for a court appearance. Most cases are concluded without charges within a period ranging from two weeks to three months. Between January 2001 and October 2001, only one person was deemed a terrorist, the Magistrate added. **[11]**

6B. HUMAN RIGHTS - SPECIFIC GROUPS

Part I

Part II

Part III

6B. HUMAN RIGHTS - SPECIFIC GROUPS

ETHNIC GROUPS

Tamils and General Human Rights Issues

Introduction

6.57 Since independence in 1948, the primary conflict has been between Tamils and Sinhalese, as ethnic and religious divisions emerged. Because of their majority, the Sinhalese became more dominant, while the Tamils became increasingly marginalised. The struggle for cultural affirmation, political representation, economic advancement and linguistic parity between Sinhalese and Tamils ended in violence and armed conflict. The overriding political issue in Sri Lanka became the demand by some Tamil groups for an independent Tamil State called "Eelam". **[6d]**

6.58 Both Sri Lankan and up-country Tamils maintain that they have long suffered systematic discrimination in university education, Government employment and in other matters controlled by the Government **[2b]** and that they have been excluded from the benefits of economic development. **[6a]**

6.59 Tamils fleeing persecution can generally find a safe haven in the areas under Government control. There are large numbers of Tamils living in greater Colombo, the Puttalam district north of Negombo, and the central highlands. In Matale there is a long established community of "Up-country Tamils" as well as Tamils from the north east of Sri Lanka. **[14a]**

Arrests of Tamils

6.60 There are estimated to be 150,000 Tamils from the north east in Colombo, in addition to the 250,000 Tamils who have been resident in the city for a long period. Tamils coming from the north usually seek accommodation with acquaintances or relatives, or in lodges. **[14a]**

6.61 Thousands of Tamils [were] arrested [in the past], particularly in Colombo and the east, for suspected contact with the LTTE, and as part of security operations to prevent LTTE terrorists from infiltrating the city. **[3a]** Cordon-and-search operations were often carried out in areas with high concentrations of Tamils, including Tamil lodges. These operations occurred at irregular intervals and were intended to catch those missed by normal security measures. **[5]** UNHCR state that visits to the lodges appeared to be planned, with the inherent belief that the security personnel may be able to benefit financially though the residents. **[6j]** However, the Dutch Foreign Ministry Report of 1999 concluded that permanent residents of these lodges who had an identity card were not usually arrested. **[14b]** Previously, these arbitrary arrests and detentions were problems. However, there were no reports of arbitrary or large-scale arrests of Tamils or detentions during 2002. **[2b]**

6.62 A combination of fixed and moveable checkpoints were, in the past, used in Colombo, the type, number and location dependent on the prevailing security situation. Crossing checkpoints was sometimes a protracted process for those Tamils who do not speak Sinhala. **[5]** However, with the removal of most barriers, barricades and checkpoints in December 2001, it meant that Colombo residents were free to move around unimpeded for the first time in 7 years. **[4ag]**

6.63 On 21 March 2002, a Home Office delegation was told in a meeting in Sri Lanka with the Director of the Criminal Investigation Department that there are computerised records in the south of the country only. Details of arrests etc. are sent from the north of the country, and are then transferred to computer; paper-based records are held in the north. There are no photographs of wanted persons at the airport, only computerised records. **[35b]**

6.64 The UNHCR has indicated that Tamil asylum seekers with scars, should they be returned to Sri Lanka, may be more prone to adverse identification by the security forces and taken for rigorous questioning and potential ill-treatment. **[6i]** However, in discussions in Sri Lanka in July 2001, respondents including local NGOs rarely mentioned scarring, and then generally only when the subject was brought up by members of the UK Home Office fact-finding mission team. The views of many of the NGOs, and indeed the police, was that scarring was not likely to be an overriding reason for arresting or suspecting someone, but if a person had been stopped or arrested for some other reason, the presence of certain types of scars could be a reason for holding or questioning them further. Most respondents felt that scarring was only one of many factors which could play a part in the authorities' decision to detain someone. The issue was also discussed at the EU CIREA informal experts meeting in Brussels on 25-26 June 2001, and it was discovered that scarring was particularly prevalent in asylum claims in the United Kingdom. Whilst scarring had been raised in asylum applications made to EU partner states, it was rarely an overriding factor, and certainly not to the extent that it appeared to be in the United Kingdom. **[35a]**

6.65 On a more recent visit to Sri Lanka between 14 and 23 March 2002 a Home Office delegation discussed the issue of scarring with the Director of the Criminal Investigation Department. The Director explained that if a returnee were not wanted they would not be stopped at the airport. However, when the CID are certain that the individual has committed or been convicted of an offence then they would be stopped. A computer holds the name, address and age of a wanted person. The police purely go on records - scars would not make a difference, and the authorities would not make a decision on this basis. **[35b]**

6.66 Amnesty International is concerned that the Government has not separated responsibility for custody from responsibility for investigation, one of the fundamental safeguards against torture and disappearances. **[3c]**

6.67 In the past, there were credible reports that the military held persons for short amounts of time in smaller camps for interrogation before transferring them to declared places of detention. However, there were no such reports during 2002. The military maintained the detainees were "in transit," and claimed they did not violate the detainees' rights. **[2b]**

6.68 The Sri Lankan Government made an announcement on 8 November 2001 that they had directed the police to maintain a registry of all persons arrested under the PTA (and the former Emergency Regulations) that may be proclaimed under the Public

Security Ordinance (PSO). The computerised Central Police Registry was established with effect from 1 November 2001. Information relating to persons arrested under the PTA has to be submitted to the Central Police Registry by arresting officers as soon as possible and definitely not later than 6 hours from the time of arrest. Next of kin and close family members would be entitled to receive information regarding such arrests, the identity of the arresting authority, and the place of detention. In order to receive such information, interested persons can contact the Central Police Registry by telephone 24 hours a day, and enquiries may be made in Sinhala, Tamil or English. **[21]**

6.69 During 2002, more than 750 Tamils held under the PTA had their cases dropped and were released, and no new arrests under the PTA occurred. As of 1 September 2002, 222 Tamils charged under the PTA remained in detention without bail awaiting trial. The Government claimed that the cases that remained only were individuals directly linked to suicide bombings or other terrorist and criminal acts. **[2b]**

Disappearances

6.70 Between 1980 and 1997, 12,208 cases of disappearance alleged to have occurred in Sri Lanka were reported to the United Nations Working Group on Enforced or Involuntary Disappearances. Cases occurred mainly in the east and north east of the country. The UN Working Group report stated that the persons most often reported detained and missing were young Tamil men accused or suspected of belonging to, collaborating with, aiding or sympathising with the LTTE. Displaced Tamils were at particular risk of detention and disappearance. **[6c]**

6.71 The United Nations Working Group on Enforced or Involuntary Disappearances visited Sri Lanka between 25 and 29 October 1999, and published their report on 21 December 1999. The Working Group acknowledged that it had continued to receive valuable co-operation from the Government of Sri Lanka, and that no obstacles were encountered by the members of the mission in receiving representatives of NGOs, witnesses, and relatives of missing persons. The Working Group appreciated the variety of measures which the various Governments of Sri Lanka had taken, in compliance with the Group's earlier recommendations for the purpose of clarifying cases of disappearances which had occurred previously, of providing justice to the families of disappeared persons, and of preventing future disappearances. However, notwithstanding all the encouraging facts, the Working Group stressed that Sri Lanka remained the country with the second largest number of non-clarified cases of disappearances on its list. In May 1999, a special "Unit for the Clarification of Cases of Alleged Forced or Involuntary Disappearances", was set up by the Cabinet of Ministers as part of the Rehabilitation of Persons, Properties and Industries Authority (REPPIA). This Unit has the specific task of establishing a database on disappearances in response to the cases transmitted by the Working Group to the Government of Sri Lanka. On the basis of this new (temporary) legislation, some 15,000 death certificates had been issued since 1995, and more than 12,000 families had received compensation. In almost 4,000 cases, suspected perpetrators were identified and criminal proceedings were instituted against some 500 members of the police and the armed forces. **[6h]**

6.72 In 2002 there were no credible reports of disappearances at the hands of the security forces, unlike in previous years, and although there have been few prosecutions of security forces personnel to date, during 2002 there were numerous indictments and investigations. **[2b]**

6.73 Tamil militias aligned with the former PA Government have also been responsible for disappearances in the past, although there were no reports of this happening during 2002. **[2b]**

6.74 In February 2003 it was announced that the ICRC had restarted investigations into the disappearance of people during the civil war. The ICRC said that it had received 20,000 complaints of disappearance during the course of the ethnic conflict. Of these 9,000 cases had been resolved, many of the missing people being traced to prisons and detention centres. This left 11,000 cases on the ICRC's books and more than 2,000 people remained unaccounted for, a figure that was expected to rise once the ICRC had finished their exercise. The head of the ICRC delegation in Colombo thought it was a positive sign however that the Government and LTTE were tackling the issue at such an early stage of the peace process. **[9as]**

Extra-judicial Executions

6.75 In 2002 there were no credible reports that security forces committed extra-judicial killings, unlike in previous years. According to the U.S. Department of State Report, between April 1995 and December 2001, several hundred people were killed or disappeared after being taken into security force custody and are presumed dead. With the exception of the 6 security force personnel convicted in the 1996 killing of Krishanthi Kumaraswamy, there had been no other convictions for extra-judicial killings. In some cases in past years extra-judicial killings were reprisals against civilians for LTTE attacks in which members of the security forces were killed or injured. At the end of 2002, the Government was investigating 29 cases of rape, 109 cases of torture, and 500 cases of disappearance by security force personnel. Although there were numerous cases in which military personnel may have committed human rights violations for which they have not been identified and brought to justice, the Government passed indictments against security force personnel in a number of high profile cases, including the Bindunuwewa massacre and the

Ranjani rape and murder case. **[2b]**

Torture

6.76 The police, STF, the army and the navy have been responsible for incidents of torture. Amnesty International refer to the many testimonies obtained from victims of torture, corroborating medical certificates, Supreme Court judgements in fundamental rights cases and reports from Government inquiry commissions. **[3d]** In the past, Tamil militants aligned with the former PA Government forces engaged in torture; there were no reports of this happening in 2002. The LTTE also reportedly used torture on a routine basis. **[2b]** The prevalence of torture is intrinsically linked with other human rights violations, including disappearances. Many of the thousands of cases of disappearances reported from Sri Lanka since the early 1980s concern detainees alleged to have died under torture in police or army custody whose bodies were subsequently disposed of in secret. As well as the use of torture in the context of the armed conflict, torture is also regularly reported to have been used to extract confessions from suspects in theft and other criminal cases. **[3e]**

6.77 Sri Lankan law contains strong provisions to prevent the extraction of confessions under torture. However, provisions in the PTA make confessions to police officers above a certain rank admissible as evidence in court. According to Amnesty International, this constitutes an incentive to interrogating officers to obtain such confessions by any means, including torture. Moreover the burden of proving that a confession was extracted under torture is upon the person making such an allegation. **[3e]**

6.78 According to the U.S. Department of State, methods of torture have included electric shock, beatings, suspension by the wrists or feet in contorted positions, burning, slamming testicles in desk drawers, and near drowning. In other cases, victims are forced to remain in unnatural positions for extended periods or have bags laced with insecticide, chilli powder, or gasoline placed over their heads. Detainees have reported broken bones and other serious injuries as a result of their mistreatment. **[2b]**

6.79 The Refugee Council refers to reports from Sri Lankan Judicial Medical Officers (Government appointed doctors instructed by the Supreme Court to investigate allegations of torture after petitions have been made by Tamil detainees), which document physical injuries and scars which are consistent with various methods of assault, including suspension, burns and beatings. **[10a]** The Supreme Court awarded compensation in 4 of the 10 cases of which the Refugee Council had details. No prosecutions were undertaken in any of these cases against the officials responsible for committing torture. **[10b]**

6.80 The Danish Immigration Service Report, published January 1999, states that a number of interviewees were consulted, including UNHCR, the Association for the Protection of Tamils, the Action Group for Tamils and the Law and Society Trust, who said that torture or other forms of maltreatment did not occur in the course of identity checks. The Civil Rights Movement said that there had been an improvement in the treatment of people during identity checks. **[32]** If someone is freed on bail, this will mean they are not or no longer regarded as a serious suspect. **[14b]**

6.81 The Medical Foundation for the Care of Victims of Torture issued a report in June 2000 which sets out medical case studies of 49 Tamils (47 male, 2 female) who had been detained for varying lengths of time in Sri Lanka from January 1997 onwards. Medical evidence of torture was found in all of them. Most were in the age group 21-35 and had a range of occupations. The subjects of the case studies were detained either by the police in Colombo or by the army in the north. The Tamils described methods of torture similar to those set out above. **[13]**

6.82 Out of the 49 clients in the Medical Foundation case study, 9 claimed that the presence of scars led the authorities to conclude that the person detained had been fighting with the LTTE against Government forces. Some of the case studies described how they were made to put on masks and identify newly arrested young men as being Tamil Tigers. They pointed out several at random believing they may otherwise be assaulted although they did not recognise the people brought before them. The Medical Foundation considers this to be a self-perpetuating cycle of abuse. **[13]**

6.83 In their 2000 report, the Medical Foundation point out the degree of involvement with the LTTE of their sample of 49 Tamils. 31% of the sample were forced to do occasional work for the LTTE, 16% worked voluntarily, 8% were forced to fight for the LTTE, and 4% were working full time for the LTTE. A further 4% were involved with other militant Tamil groups. This leaves 37% of the sample who had no personal involvement with the LTTE, but these may have been arrested because of family links to the LTTE. **[13]**

6.84 In October 2002, the Hong Kong based Asian Human Rights Commission (AHRC) released a report in the press accusing Sri Lanka's police force of widespread torture, and called for a fundamental change in practices at all levels of policing in Sri Lanka. The report was put together after the AHRC conducted studies on alleged cases of torture over the previous two years. **[9ak]**

Government Action

6.85 The Supreme Court and other courts have taken an unequivocal position on the question of torture and have awarded compensation to victims of torture. **[6f]** The Supreme Court can request the Inspector General of Police to initiate an investigation, and on completion, may refer the matter to the Attorney-General for prosecution. **[6e]** Under fundamental rights provisions in the Constitution, torture victims may file civil suit for compensation in the high courts or Supreme Court. Courts have granted awards ranging from 14,200 to 182,500 rupees. However, most cases take 2 years or more to move through the courts **[2b]**

6.86 The Government has taken steps to ensure that investigations in which the accused were police officers and that were dealt with by the police, were independent. New special units had been set up to carry out investigations and monitor investigations that were being conducted elsewhere. Special units of the Crown and State Counsel had been set up in the Attorney-General's Department to supervise the investigations that were being carried out. **[6e]**

6.87 Amnesty has been encouraged by several human rights training programmes for the security forces, including courses organised by a Directorate of Humanitarian Law set up by the Commander of the Army in May 1997. **[3b]**

6.88 Amnesty International was invited in October 1998 by the Sri Lankan Attorney- General to send an expert to attend the investigation of reports of a mass grave in Jaffna. **[4o]** Amnesty International and Physicians for Human Rights, who attended the exhumation at Chemmani in June 1999, praised the Sri Lankan Government for taking this first step in investigating human rights abuses by the security forces. **[4aa]**

6.89 In 2000 the Government established an Inter-ministerial Permanent Standing Committee and an Inter-ministerial Working Group on Human Rights Issues, chaired by senior officials, to investigate human rights abuses. At the same time, the Government established the Prosecution of Torture Perpetrators Unit, under the direct supervision of the Attorney General. **[2b]**

6.90 A BBC News OnLine report from 11 June 2001 quoted the commander of Sri Lanka's armed forces, General Lionel Balagalle, as appealing for help in teaching soldiers the Tamil language to facilitate communications with civilians in the conflict areas. He was speaking at the launch of a 10-day training course for senior army officers on human rights and humanitarian law. The commander admitted that the majority of Sinhala and Tamil youth had no common language, but said the army were trying to rectify this by giving soldiers 23 days of spoken Tamil language training. He appealed to the authorities and NGOs for help to enhance the training, citing language misunderstandings as one of the reasons for arbitrary arrest. The Sri Lankan army said it was offering more than 60 senior officers training in humanitarian law in conjunction with the ICRC, looking at areas like the laws of armed conflict and rules of engagement. The ICRC conducted a similar training programme inside LTTE-controlled territory earlier in June 2001 in which about 70 LTTE cadres, both men and women, were educated about the basic rules of behaviour in combat. **[9n]**

6.91 An article appearing in the Sunday Times (of Sri Lanka) of 8 July 2001 reported that the SLA had launched a major drive to instil an appreciation of human rights and fair conduct. At a ceremony in June 2001, 60 of the most senior non-commissioned officers (NCOs) of the SLA pledged to abide by the rules of international humanitarian law in situations of armed conflict. This oath was taken at the conclusion of a ten day residential course on International Humanitarian Law and Human Rights conducted at the Sri Lanka Foundation Institute (SLFI). Major General Lohan Goonewardena, Deputy Chief of Staff of the SLA, said the pledge to observe the Rules of War would be introduced to the entire rank and file within two months. Every soldier and officer will take the oath before their commanding officer and a signed copy of the oath will go into their personal file. The course was organised by the ICRC, the University of Colombo, and the SLFI. **[31b]**

6.92 In July 2001, President Kumaratunga appointed a "Truth Commission on Ethnic Violence" to probe the July 1983 riots that left hundreds of Tamils killed. The three-member panel, headed by former Chief Justice S. Sharvananda, will also investigate the nature, causes and extent of human rights violations and destruction of property in the course of the ethnic violence from 1981 to 1984, with special reference to July 1983. **[4ab]**

6.93 In November 2001, the Sri Lankan Army created the Directorate of Human Rights and Humanitarian Law in the Sri Lankan Army. The Directorate is charged with co-ordinating all human rights activities for the army, from ICRC training classes to overseeing the human rights cells that are assigned throughout the military. The SLA also stated that all of its personnel had completed the appropriate training and pledged to adhere to the "rules of international humanitarian law." In early 2002, the air force and navy instituted similar programmes. The armed forces operate under written rules of engagement that severely restrict the shelling, bombardment, or other use of firepower against civilian-occupied areas. **[2b]**

6.94 A news report of 18 October 2002 stated that 570 police officers of several key grades would be provided with extensive training and education in crime management and prevention of violation of human rights under a special programme to be carried out with Danish assistance. The programme was to be carried out during the 10 months commencing November 2002 through the

Centre for the Study of Human Rights of the University of Colombo. Those receiving the training were to include senior police officers, CID personnel, women police officers and officers serving in the north and east. **[16k]**

6.95 Human rights education is also conducted by local and national NGOs. The Institute of Human Rights (IHR), a local NGO, runs a diploma course. The programme of study, which lasts three and a half months, deals with a variety of topics concerning human rights. Legal workshops are conducted island-wide, so as to spread knowledge of human rights together with a basic legal understanding throughout a wide cross-section of society. Fundamental rights, arrest and detention, bail, torture, Muslim law, child rights, labour law, women's rights, criminal law, international covenants and the Consumer Protection Act are a few of the topics covered in these workshops. The human rights awareness programme has been successful in achieving its objective of bringing awareness to the general public of human rights issues. The programme is conducted in Tamil or Sinhala depending on the area in which it is held. Among those benefiting from the human rights education provided by IHR are school-leavers, employers, police officers and the armed forces. Radio programmes in Tamil and Sinhala, designed to educate the listener in basic law and human rights, are also broadcast. **[35a]**

6.96 In 2002, unlike in previous years, there were no reports of the security forces failing to comply with legal protections. **[2b]**

The Human Rights Commission

6.97 The Human Rights Commission (HRC) was established by Act of Parliament in 1996 **[6d]** and started work in March 1997 **[6b]**. It has monitoring, investigative and advisory powers in relation to human rights. There are no time limits for filing a complaint before the HRC. **[6d]**

6.98 The HRC is empowered to investigate an allegation of infringement of fundamental rights, and to recommend the prosecution of the person infringing those rights. The HRC may monitor the welfare of detainees by regular inspection of places of detention. All arrests and detentions under the [former] Emergency Regulations and the Prevention of Terrorism Act must be reported to the HRC within 48 hours of arrest. **[6d]** A police officer can be prosecuted if he or she does not follow these guidelines, though this is rarely enforced. There is a monthly meeting between the HRC and security forces to discuss these matters, a report is prepared detailing any discrepancies, and possible repercussions are discussed. **[35a]**

6.99 The HRC visited 681 police stations and at least 326 detention facilities during 2002. **[2b]** These visits can be unannounced, so there is effectively 24-hour cover, unless there is a curfew in force in a particular area. **[35a]**

6.100 The HRC has more than 4,500 cases of alleged human rights abuse pending. Some human rights observers believed that the work of the HRC was hampered by a lack of strong leadership within the organisation; however during 2002 many human rights observers recognised that the new leader of the HRC was willing to confront other branches of the Government on human rights problems and new standard procedures. Activists have expressed some satisfaction with the new leadership's prompt investigation into the Bindunuwewa massacre. **[2b]**

Committee to Inquire into Undue Arrest and Harassment

6.101 The Committee to Inquire into Undue Arrest and Harassment (CIUAH), which includes senior opposition party and Tamil representatives, examines complaints of arrest and harassment by security forces and takes remedial action as needed. Opinions on the effectiveness of the CIUAH are mixed. Some human rights observers believe that the work of the CIUAH has deterred random arrests and alleviated problems encountered by detainees and their families. (The role of the CIUAH diminished drastically during 2002 due to improvements related to the peace process). **[2b]**

Prosecution of Security Force Personnel

6.102 Amnesty International state that as of June 1999, no members of the security forces had been prosecuted under criminal law for committing torture, despite the fact that torture was made a criminal offence by the Convention Against Torture Act 1994. **[3e]** The Supreme Court has defined torture very broadly to include both physical and mental pain. **[6b]** Some personnel have been sentenced to long-term imprisonment for their involvement in disappearances and extra-judicial executions. **[3e]**

6.103 A report issued by the Geneva based Centre for the Independence of Judges and Lawyers in September 1998, stated that steps to punish those responsible for unlawful killings had been "manifestly inadequate" and that a culture of impunity had developed. At the date of the jurists' mission to Sri Lanka (1997) no member of the security forces had been convicted of murder. **[4k]**

6.104 In July 1998, 5 soldiers and a policeman were sentenced to death, having been found guilty of the rape and murder of Krishanthi Kumaraswamy after she was detained at an army checkpoint in Jaffna in 1996. Her mother, brother and a neighbour

who went looking for her were also killed. **[4g]** One of the convicted (Lance Corporal Somaratne Rajapakse **[2b])** stated that he was prepared to identify the mass graves of 400 Tamils who allegedly disappeared in Jaffna. **[4j]**

6.105 In February 1999 a retired school principal and 6 soldiers were sentenced to terms of up to 10 years imprisonment for abducting 25 students, mostly from Embilipitiya Central College in southern Sri Lanka. The students disappeared between August 1989 and January 1990 after the school principal gave the army a list of those he thought were members of the People's Liberation Front. A brigadier and a major were acquitted as there was insufficient evidence to convict. **[4t]**

6.106 In May 1999 around 400 policemen and soldiers were indicted for alleged involvement in the disappearance of more than 1,800 people during the late 1980s. It was also reported that the Attorney-General's department had recommended disciplinary action be taken by the relevant authorities in cases with insufficient evidence to initiate criminal proceedings. **[4y]** In July 2000, Major General Ananda Weerasekera was charged in relation to the deaths and disappearances of thousands of JVP supporters. Weerasekera and two of his subordinates were charged with murder, abduction and unlawful detention. **[25e]**

6.107 According to the United Nations Report of the Working Group on Enforced or Involuntary Disappearances published in December 1999, officers of the armed forces that commit offences against civilians can be tried either by military or civil courts. In the case of a summary trial before a military court, the punishment is of a disciplinary nature, such as reduction in rank, or withholding of or delay in promotions. In the case of a court martial, the punishment can be imprisonment or discharge from service. If a prima facie case is established before a civil court, the officer has to be suspended from service. **[6h]**

6.108 In February 2002, police arrested two sons of (former Minister) Anuruddha Ratwatte in connection with the massacre of 10 Muslim opposition supporters after elections in December 2001. Their father, who is the uncle of President Kumaratunga, was remanded the previous week. The killings in the central highland town of Madawala sparked riots, forcing the Government to impose a curfew to prevent tensions between Muslims and Sinhalese. **[4ak]** Fifteen others, including security force personnel, were indicted for their alleged involvement in the murders. The trial was continuing at the end of 2002. **[2b]**

6.109 Also in February 2002, the High Court in Colombo sentenced two air force officers to nine years in prison for an attack on a journalist, Iqbal Athas, in 1998. **[9y]**

6.110 In November 2002, 18 army personnel who were accused in the Mailenthenna massacre of 1992 were acquitted. They had been indicted on 83 counts including unlawful assembly, murder of 35 people and attempted murder of 6 others. After the jury verdict of not guilty the trial judge, acting under Section 235 of the Criminal Procedure Code, directed the jury to reconsider their verdict in view of the strong evidence that had been placed before the court. However, the jury returned with the same unanimous not guilty verdict. **[16l]**

Up-Country Tamils

6.111 There are approximately 1 million Tamils of comparatively recent Indian origin living in Sri Lanka. **[2b]** They were brought over from Tamil Nadu in India by the British colonial Government to work on the estates in the central highlands. They are also known as "tea Tamils", **[14a]** "hill Tamils" or "Indian Tamils". **[2b]** The highest concentration of up-country Tamils is in the district of Nuwara Eliya, and they are also present in the districts of Matale, Kegalle, Kandy, Badulla, Ratnapura, Moneragala, Galle and Matara. **[27]**

6.112 The 1948 Ceylon Citizenship Act denied them nationality and stripped up-country Tamils of all civil rights. In 1964 (the Sirimavo-Shastri Pact) and in 1986, Sri Lanka and India agreed to extend citizenship to some of the up-country Tamils. Of the approximately 975,000 up-country Tamils, 422,500 received Indian nationality and moved to India, and 469,000 obtained Sri Lankan nationality. There was a residue of 85,000 who opted for Indian citizenship, but remained in Sri Lanka. These people remain stateless and are unable to obtain a passport or own land. **[14a]**

6.113 This residue is one of the most neglected groups in Sri Lanka. They have been largely excluded from the political process and from employment opportunities in the Government and private sector because of their statelessness. **[6a]** However, the Government has stated that none of the up-country Tamils would be forced to leave Sri Lanka. **[2b]** An up-country Tamil can obtain a temporary travel document (emergency certificate), with a limited period of validity, with which to travel to India and return to Sri Lanka. **[14b]** During 1999, the Government introduced a programme to begin registering up-country Tamils - 15,300 initially received identity cards. **[2b]**

6.114 Politically, up-country Tamils are represented by the Ceylon Workers' Congress and the Up-Country People's Front. **[14a]**

Indigenous People

6.115 The country's indigenous people, known as Veddas, number fewer than 1,000. Some prefer to maintain their isolated traditional way of life, and they are protected by the Constitution. There are no legal restrictions on their participation in the political or economic life of the nation. In 1998, the Government fulfilled a long-standing Vedda demand when the President issued an order granting Veddas the right to hunt and gather in specific protected forest areas. The executive order granted the Veddas the freedom to protect their culture and to carry on their traditional way of life without hindrance. Under a pilot programme Veddas received special identity cards to enable their use of these forest areas. Some Veddas still complain that they are being pushed off of their land. **[2b]**

WOMEN

6.116 Women in Sri Lanka have equal rights under national, civil and criminal law. However, questions related to family law, including divorce, child custody and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who continue to follow their customary marriage practices. **[2b]**

6.117 Sexual assault, rape, and spousal abuse (often associated with alcohol abuse) continue to be serious and pervasive problems. The Government set up the Bureau for the Protection of Children and Women within the police [force] in 1994 to respond to calls for greater awareness and attention. In 1995 amendments to the Penal Code specifically addressed sexual abuse and exploitation, and rape laws were modified to create a more equitable burden of proof and to make punishments more stringent. Marital rape is considered an offence in cases of spouses living under judicial separation, and laws govern sexual molestation and sexual harassment in the workplace. **[2b]**

6.118 The presidential directives for the welfare of detainees include special provisions to protect women. These include the provision that women taken into custody should be allowed to be accompanied to the place of questioning by a person of their choice and “as far as possible” should be placed in the custody of a women's unit of the relevant arm of the security forces. Nevertheless, each year a number of cases of rape by members of the security forces are reported, particularly from the north and east of the country. **[3e]** The Director of the Criminal Investigation Department, in a meeting with members of the joint Danish/Canadian fact-finding mission team in October 2001, stated that his department had a sufficient number of female officers to ensure that women who are detained can be questioned and guarded by female personnel. **[11]** The United Nations Working Group on Enforced or Involuntary Disappearances report that soldiers accused of sexual harassment of Tamil women have been reduced in rank, detained for up to 90 days and discharged from the army. **[6h]**

6.119 In 2001 police reported 500 rape case investigations. From 1 January to 1 October 2002 police reported a total of 865 rape investigations, 29 involving security force personnel. **[2b]**

6.120 In 2001 there were a number of reports of security forces raping women in custody. One such case involved two women arrested in March 2001 in Mannar who claimed that they were tortured and repeatedly raped by naval and police personnel. The women were released on bail in April 2001 and filed charges against their assailants. At the end of 2002, the 14 accused were standing trial for rape, torture, or both. A fundamental rights case was also opened against the accused. Four other cases in which the security forces are accused of raping women in detention were still pending at the end of 2002. **[2b]**

6.121 Amnesty International produced a report in January 2002 and said that 2001 saw a marked increase in allegations of rape in custody, perpetrated by the army, police and navy. Whilst welcoming several measures, including the introduction of tough prison sentences for those committing rape in custody and gang rape, Amnesty urged the new UNP Government to take additional measures for the prevention of rape in custody and the proper investigation of alleged incidents. The report noted that no perpetrators of rape in custody had so far been brought to justice, although one successful prosecution had been brought where the victim of rape was also murdered. **[3f]** In a press release issued in January 2002, Amnesty International welcomed the decision of the Supreme Court which on 25 January 2002 granted 150,000 Sri Lankan rupees in compensation to a Tamil woman who was raped in Colombo in June 2001. Amnesty stated that it was a landmark judgement as it was the first time that the court had awarded compensation to a rape victim. **[3g]**

6.122 During 2002 there was one report of security forces raping women. **[2b]**

6.123 Several organisations dealing with women's issues exist in Sri Lanka. A selection of these can be found on the website of the South Asian Women's Network (SAWNET). **[17]**

CHILDREN

6.124 The Government is committed to protecting the welfare and rights of children, but is constrained by a lack of resources. The Government demonstrates this commitment through its extensive systems of public education and medical care.

[2b]

6.125 Under the law the definition of child abuse includes all acts of sexual violence against, trafficking in, and cruelty to children. The law also prohibits the use of children in exploitative labour or illegal activities, or in any act contrary to compulsory education regulations. The legislation further widened the definition of child abuse to include the involvement of children in war. The National Child Protection Authority (NCPA) is comprised of representatives from the education, medical, retired police and legal professions and reports directly to the President. **[2b]**

6.126 In May 1998 Parliament passed amendments to laws protecting the rights of children in a bid to combat abuse. The use of children for begging, sexual intercourse and trafficking in drugs became offences punishable with a 5-year prison sentence. Courts will give priority to child abuse cases. **[4d]**

6.127 Child prostitution is a problem in certain coastal resort areas. The Government estimates that there are more than 2,000 active child prostitutes in the country and the Government has pushed for greater international co-operation to bring those guilty of paedophilia to justice. **[2b]**

6.128 On 30 September 2002 it was announced that the Sri Lankan police were to set up a special unit to combat child abuse and all forms of cruelty against children. The unit was to be located at the headquarters of the National Child Protection Authority, which deals with all aspects of child protection including investigation and prosecutions. The new police unit will initially consist of 15 police personnel, with officers stationed in areas frequented by tourists to facilitate prompt action against child abuse by tourists. **[4av]**

6.129 The law prohibits child labour by children under 14 years of age, but the practice is a problem and still exists in the informal sectors. The law permits the employment of children from the age of 14 for not more than one hour on any day before school; the Compulsory Attendance at Schools Act, which requires children between the ages of 5 and 14 to attend school, has been in effect since January 1998, although it is still being implemented. An awareness campaign coupled with the establishment of "hot lines" for reporting child labour has led to an increase in prosecutions by the Labour Department regarding child labour. **[2b]**

6.130 The LTTE uses child soldiers and recruits children, sometimes forcibly, for use in battlefield support functions and in combat. LTTE recruits, some as young as 13, have surrendered to the military and credible reports indicate that the LTTE has stepped up recruiting efforts. **[2b]** The United Nations Special Representative on Children and Armed Conflict, Mr Olara Otunnu, visited Sri Lanka in May 1998 to assess the impact of the conflict on children. He received a commitment from the LTTE that they would no longer enlist child soldiers, a pledge which would be monitored by the UN. **[4e]** In October 1998 a United Nations Children's Fund (UNICEF) official in Sri Lanka said there had been little progress in implementation. **[4n]** In a report released on 3 February 2000, the Jaffna-based University Teachers for Human Rights (UTHR) claimed that the LTTE were continuing to pressure children to join their ranks. **[22]** In June 2002, UNICEF announced that the LTTE had given a verbal agreement to stop recruiting child soldiers. UNICEF had already secured the release of 60 of these child soldiers. **[4as]** In September 2002, UNICEF commended the actions of the LTTE after 85 child recruits had been released and returned to their families. UNICEF was developing an action plan for the social reintegration of released children, including assistance in returning to school and access to vocational training. UNICEF and the LTTE also agreed to work out procedures for monitoring and preventing child recruitment in the future and the continued release of under age recruits still reported to be with the LTTE. **[16h]** However, at the end of a three-day visit to Sri Lanka in January 2003, UNICEF said that it still had more than 700 complaints of child recruitment on its books, and in the previous 12 months there were 300 internationally verified cases of child recruitment by the LTTE. **[9ar]** Further talks were held between the two parties in March 2003 and an action plan to demobilise child soldiers was discussed. A UNICEF spokesman said that there was now a "road map" with specific time frames and benchmarks for the implementation of the action plan. **[9au]**

Child Care Arrangements

6.131 Information from the British High Commission in Colombo confirms that children's homes and orphanages exist in Sri Lanka, and that most of these are Sinhalese-run. **[15f]**

6.132 Children in children's homes are not necessarily orphans; they might come from families where one parent is dead or absent, or where there are too many children for a family to support. If there are allegations of abuse, children are often placed in homes for their protection. **[15f]**

6.133 There are two types of homes. State-run homes come under the auspices of the Probation and Childcare Department. Homes in the voluntary-run sector are generally run by NGOs or religious organisations. The legal age limits for children's homes and orphanages are 0-18, although after the children turn 18 they often continue to live (and work) within the institution. Some homes are single-sex, while others are mixed. **[15f]**

6.134 Conditions in children's homes are generally very poor. This can range from simple lack of resources and facilities, through neglect, to outright abuse. Homes should be overseen by the Probation Service, but it lacks the funding and skills base to do so appropriately. There is also no oversight of the Probation Service itself. **[15f]**

6.135 With regards to Tamil children, the Tamil Rehabilitation Organisation (TRO), based in Kilinochchi, runs 8 children's welfare homes and 300 pre-schools in the Vanni district. The TRO welfare homes have a total of 1,600 children who are either orphaned, from single parents, or sent to them due to poverty. **[4aw]**

HOMOSEXUALS

6.136 According to the International Lesbian and Gay Association (ILGA) World Legal Survey, homosexual acts between men, regardless of age, are prohibited under Section 365a of the Penal Code with a penalty of up to 10 years imprisonment. Same-sex female relationships are not mentioned in laws covering sexual activity. **[29]**

6C. HUMAN RIGHTS - OTHER ISSUES

Treatment of Returned Failed Asylum Seekers

6.137 UNHCR in their Background Paper on Sri Lanka published on 18 March 1999 for the European High Level Working Group on Asylum and Migration stated that Sri Lankan asylum seekers whose claims have been through full and fair procedures and found not to fulfil the refugee criteria may be returned safely to Sri Lanka. They state that where the individual has no valid travel documents, he/she should be assisted to obtain relevant documentation from the nearest Sri Lankan diplomatic post as such documents would greatly facilitate the person's arrival, travel and stay upon return to the country. **[6g]**

6.138 The Border Police Directorate in Koblenz, Germany confirmed the collective deportation of 20 Sri Lankan nationals to Colombo on 16 March 2000. This event attracted a great deal of attention on the part of the Sri Lankan media and human rights organisations as well as Tamil politicians. Neither the claim of the Tamil deputy Selvarasa nor reports widely published claiming that the repatriation had ended with the deportees' arrest, torture and seizure of all personal documents were correct. Rather, two out of the 20 were arrested on remand for five days on the orders of a judge, for further investigation with regard to clarifying their identity and checking criminal records. The other 18 were freed on the day of their arrival and instructed to appear for a court hearing. Since only one of the deportees was in possession of a normal passport for entry into Sri Lanka, the remaining 19 emergency passports (issued only for the return trip) were confiscated. Regarding the torture allegations, one deportee claimed to have been hit, but later said this amounted to just a slap in the face. The other deportee held temporarily in custody denied that he had been treated incorrectly. Both were released on bail on 21 March 2000. **[12]**

6.139 Although UNHCR have been informed on a number of occasions by airport immigration authorities in Colombo that a temporary identification document and/or a photocopy is issued to returned asylum seekers when the documentation they travelled on is retained, they found that this was not always the case. However, such persons are able to collect an Emergency Certificate from the Immigration Head Office in Colombo on the following morning. UNHCR believe that it is extremely risky for such persons to be in Colombo without identification, but contend the immediate risk is at the airport itself. Officers from the Criminal Investigation Department sometimes detain Tamils leaving the airport to check their identification; some have been arrested, others have escaped by bribing officers. However, according to UNHCR, the chances of such persons being arrested in a round-up prior to obtaining an Emergency Certificate the next morning are slim; it would be considered a rare occurrence. **[6j]**

6.140 According to UNHCR, to the best of their knowledge, no Sri Lankan national returning from Europe has been regarded adversely by the Sri Lankan authorities merely on the assumption that they may have had contact with LTTE representatives in that European country. **[6j]**

6.141 Further information was obtained on the United Kingdom Home Office fact-finding mission of 9-13 July 2001. The MFA informed the delegation that those returning on a temporary travel document were now allowed to retain it and the police at the airport kept a photocopy. This process had been in place for a few months and was as a direct result of representations from foreign embassies, regarding concerns about returnees being able to provide evidence of their identity prior to obtaining a NIC. **[35a]**

6.142 Members of the joint Danish/Canadian fact-finding mission team, on their visit to Sri Lanka between 1 and 12 October 2001, interviewed the Swiss Embassy Attaché. The Swiss Embassy provides transport for returned asylum seekers [i.e. those returned to Sri Lanka by Switzerland] from the airport to a special reception centre, operated in co-operation with the Red Cross. In October 2001, five persons were staying at the centre, where the maximum stay is 45 days. However, only 20-25% of the returnees used the airport shuttle bus and reception centre, as most returnees, according to the Attaché, are met on arrival by family members and friends. **[11]**

6.143 On 20 March 2002, delegates from the United Kingdom Home Office were told in a meeting in Sri Lanka with UNHCR that checks on returnees at Colombo airport had been eased with many returned rejected asylum seekers simply being waved through since December 2001. This was in sharp contrast to what had happened previously where basically every returnee was referred to the CID and thereafter to the Magistrate in Negombo in order to carry out relevant checks where these were necessary. **[35b]**

6.144 The Daily News reported in December 2002 that 45 Sri Lankan nationals had been returned by the Netherlands Government on emergency travel documents. After following the normal procedures of arrival and an identity check they were allowed into Sri Lanka without further delay, all welcomed back by friends and family. **[16n]**

Treatment of Non-Governmental Organisations (NGOs)

6.145 There are several domestic human rights NGOs, including the Consortium of Humanitarian Agencies (CHA), the University Teachers for Human Rights, Jaffna (UTHR-J), the Civil Rights Movement (CRM), and the Law and Society Trust (LST), that monitor civil and political liberties. There are no adverse regulations governing the activities of local and foreign NGOs, and Government officials are co-operative and responsive to their views. **[2b]**

International Committee of the Red Cross (ICRC)

6.146 The ICRC started humanitarian functions in Sri Lanka in 1990 to assist those affected by the war. The ICRC is granted free access to all places of detention, and may interview detainees in private. **[6b]** Amnesty International has testimonies of former detainees which confirm that an intervention by the ICRC resulted in detainees being provided medical treatment or being transferred out of the custody of the law enforcement officers responsible for torture. **[3e]**

6.147 ICRC personnel in Sri Lanka include 51 expatriate and 349 locally hired staff. Operations focus on areas where there is (or has been) fighting, particularly the Vanni, the Jaffna peninsula and the Eastern Province. They assist internally displaced civilians and resident populations whose livelihood, access to medical care, or contacts with family members have been disrupted by the fighting. The ICRC also acts as a neutral humanitarian intermediary between the warring parties, works to persuade combatants to respect the rights of civilians, and visits persons detained in connection with the conflict. **[34a]**

6.148 Most ICRC assistance and tracing activities are carried out in conjunction with the Sri Lanka Red Cross Society (SLRCS). The Austrian Red Cross continues to run a delegated water and sanitation project in the Eastern Province, and the Canadian Red Cross maintains support to SLRCS medical activities in the Vanni. **[34a]**

6.149 Between January and September 2000, the ICRC, among other activities, facilitated negotiations to allow cross-line transport, escorted food convoys across front lines, and protected a passenger vessel shuttling civilians between Trincomalee and Jaffna; collected allegations of abuse committed against the civilian population, submitting them in a confidential manner to the parties concerned in order to remind them of their responsibility to respect civilians and combatants who are hors combat; distributed 4,534 Red Cross messages written by people living in combat areas, located 199 persons who had been declared missing by their families, and organised 34 family reunifications for vulnerable individuals separated from their closest relatives; facilitated the return to both parties to the conflict the mortal remains of 322 combatants who had fallen on enemy territory; visited 2,783 detainees held under Sri Lankan authority, financing 702 family visits for them and helping released detainees return home; visited 33 persons held by the LTTE, organised a family visit for 15 of them and assisted in the release and return home of 5 of these detainees; distributed essential household items to over 18,000 vulnerable displaced persons in the Vanni and on the Jaffna peninsula; in the Vanni, provided an average of over 18,000 consultations monthly through 5 mobile health teams and 26 primary health centres run with the SLRCS in a project delegated to the Canadian Red Cross, and in the Eastern Province through 2 ICRC/SLRCS mobile health teams; on the Jaffna peninsula supported SLRCS medical teams treating over 5,000 displaced people; transported 1,400 patients by boat from Jaffna to Colombo for specialist medical care; and made presentations on international humanitarian law to over 5,600 military personnel. **[34a]**

6.150 In 2002 the Sri Lankan Government continued to give the ICRC unhindered access to approximately 160 detention centres, police stations, and army camps recognised officially as places of detention. Due to the lapsing of the ER in July 2001, the total number of persons detained in military bases at any one time has been dramatically reduced, with the military making fewer arrests and transferring detainees to police facilities more quickly than in previous years. The number of arrests by the military has also

dramatically declined because of the cease-fire agreement. **[2b]**

Internally Displaced Persons (IDPs)

6.151 Fighting [in the past] between the Government and LTTE has displaced hundreds of thousands of people, with many displaced multiple times as front lines shifted. By the end of 2001, an estimated 500,000 to 800,000 IDPs, including those in the Vanni, had registered for Government food aid and were receiving medicine and other essential supplies from the Government. **[2b]** The U.S. Committee for Refugees estimates that of the displaced persons assisted by the Government in 2001, some 528,000 were staying with family and friends, while 176,000 were living in 348 government-run welfare centres in the north and east. **[28]**

6.152 The Government has sought to resettle the displaced where possible and has arranged for a number of those from Jaffna to return to their homes. Other attempts at resettlement have also proved successful. Over the years, the Government, in co-operation with the UNHCR, built permanent housing for 18,000 Muslims in the Puttalam area. An additional one-time resettlement programme relocated 1,000 families by the end of 2001. **[2b]**

6.153 An estimated 65,000 Tamil refugees live in camps in Tamil Nadu in Southern India and another 100,000 refugees are believed to have been integrated into Tamil society in India. **[2b]**

6.154 In October 2002 the United Nations refugee agency stated that more than 213,000 Sri Lankans had returned home during 2002, mainly to the devastated Jaffna Peninsula, but also to Trincomalee and Batticaloa. UNHCR said that these returnees had been joined by 1,000 refugees who returned from India. Officials said that both figures could be much higher. **[9am]**

ANNEX A: CHRONOLOGY OF EVENTS

1948

Ceylon gains independence from the United Kingdom.

1956

Sri Lanka Freedom Party wins the general election; Solomon Bandaranaike becomes Prime Minister.

1959

Sirimavo Bandaranaike succeeds her husband as SLFP leader and Prime Minister.

1971

A JVP uprising is suppressed.

1972

The country becomes known as Sri Lanka.

1976

Formation of the Tamil United Liberation Front, calling for a separate Tamil State.

1977

General election is held, won by the UNP. Junius Jayawardene becomes Prime Minister. Civil unrest between Sinhalese and Tamils.

1978

New Constitution of the Democratic Socialist Republic of Sri Lanka comes into force.

Jayawardene becomes the country's fist executive President. The Tamil language is recognised in the Constitution.

1979-83

Continuing ethnic violence and the imposition of a State of Emergency.

1982

October: Jayawardene re-elected as President

1983-4

State of Emergency declared and mounting Tamil terrorist activity.

1986

Further violence in the north of Sri Lanka and bomb attacks in Colombo.

1987

April: Terrorist attacks against the civil population.

29 July: Indo-Sri Lankan peace accord signed. Indian Peace Keeping Force arrive.

October: IPKF attack the LTTE and regain control of Jaffna. Re-emergence of the JVP which launched an anti-accord campaign.

1988

Presidential elections won by the UNP candidate, Ranasinghe Premadasa.

1989

State of Emergency, in force since May 1983, repealed. The UNP win the February general elections. IPKF begins its withdrawal from Sri Lanka. State of Emergency re-imposed in June in response to renewed JVP violence.

1989-90

JVP effectively destroyed as a political force by Sri Lankan security forces.

1990

March: the last troops of the IPKF leave Sri Lanka. LTTE hostilities renewed and Government offensive launched against Tamil strongholds in the Jaffna peninsula.

1991

Further violence and bomb attacks. Assassination of the senior cabinet minister, Wijeratne.

LTTE proscribed in India following the assassination of Rajiv Gandhi, the former Indian Prime Minister.

1993

Assassination of the DUNF leader Athulathmudali, and of President Premadasa.

1994

16 August: General election and defeat of UNP Government. Mrs Chandrika Bandaranaike Kumaratunga appointed Prime Minister, leading the People's Alliance (PA).

9 November: Presidential election. Mrs Kumaratunga is elected, and her mother, Sirimavo Bandaranaike, is appointed Prime Minister.

1995

Peace talks held with the LTTE, but they soon break down. Major offensives launched in the Jaffna peninsula and the town of Jaffna is recaptured by the Government.

1996

Escalation in LTTE violence. 100 killed and 1,400 injured in a bomb attack on the Central Bank in Colombo. State of Emergency extended to the whole country.

1997

March: The Government is successful in the local elections, which is seen as an endorsement of its devolution plans.

July: The State of Emergency in the south of the country is lifted.

1998

26 January: The Government bans the LTTE after a bomb attack on the Temple of the Tooth in Kandy.

29 January: Local elections held in the recaptured Tamil areas.

4 August: State of Emergency imposed on the whole country, and the provincial elections are postponed.

December: End of Operation Jayasikuru and launch of Operation Rivi Bala.

1999

January: Provincial elections held in North West Province amidst violence and reports of fraud, vote-rigging and intimidation.

The Supreme Court rules that the President's postponement of the provincial elections in August 1998 was unconstitutional. Elections held on 6 April, and the Southern Provincial Council elections in June.

March: Operation Rana Gosa launched.

November: Heavy fighting between LTTE and Government forces. Hundreds killed and LTTE recaptures territory previously lost.

December: President Kumaratunga survives an assassination attempt and is re-elected President three days later.

2000

January-August: Efforts at brokering peace with the LTTE are discussed by the two main political parties.

April-May: LTTE capture the strategic Elephant Pass and close in on Jaffna.

May: Due to the precarious military situation, the authorities put the country on a war footing and assume sweeping new powers under the Public Security Act.

May-September: The Sri Lankan Army prevent the LTTE from capturing the whole of the Jaffna peninsula and go on the offensive.

10 October: General Election held. The PA retains power but falls short of a majority. The PA forms a coalition Government after support from the EPDP and NUA. Sirimavo Bandaranaike dies on polling day, shortly after casting her vote. Ratnasiri Wickremanayake is sworn in as Prime Minister for a second term, having replaced Mrs Bandaranaike in August 2000.

24 December: The LTTE announces a unilateral month-long cease-fire.

2001

28 February: The LTTE are among 21 militant groups proscribed in the United Kingdom.

23 April: The LTTE announce the end of their four-month cease-fire, blaming the Government for the failure of peace efforts.

July: The Emergency Regulations (ERs) are lapsed.

24 July: The LTTE attack Katunayake Air Force Base and the adjacent Bandaranaike International Airport. 14 LTTE cadres and 7 military personnel are killed, and military aircraft and passenger planes destroyed.

July-September: President Kumaratunga suspends Parliament after the PA coalition loses its majority.

5 December 2001: General Election held. The UNP obtains 109 seats, thereby defeating the ruling PA who come second with 77 seats. As leader of the UNP, Ranil Wickremasinghe becomes the new Prime Minister with Chandrika Kumaratunga continuing as President. Mahinda Rajapakse later succeeds Ratnasiri Wickremanayake as leader of the PA.

24 December 2001: The Sri Lankan Government announces a month-long cease-fire, reciprocating an earlier unilateral declaration by the LTTE.

December 2001: Most barriers, barricades and checkpoints removed in Colombo.

2002

January 2002: Restrictions eased on movement in and out of Vavuniya.

20 January 2002: The LTTE announces an extension of the cease-fire until 24 February 2002. The Government reciprocates the following day.

13 February 2002: The Government lifts all restrictions on the movement of medicines and medical equipment to the north, although stocks would be monitored at checkpoints for security reasons.

22 February 2002: An announcement is made that the Sri Lankan Government and LTTE had signed a cease-fire agreement.

March 2002: The UNP win an unprecedented landslide victory in local polls, taking 217 councils out of the 222 that held elections.

2 April 2002: Nordic observers begin monitoring the cease-fire.

April 2002: The LTTE opens a political office in a government-held area in the north.

April 2002: The strategic A9 highway is opened for the first time in 12 years, linking the Jaffna peninsula with the rest of the country.

10 April 2002: LTTE leader Velupillai Prabhakaran gives his first press conference for 12 years.

13 April 2002: The LTTE sign a landmark pact with the Sri Lanka Muslim Congress (SLMC).

June 2002: Violence between Muslims and Tamils near Trincomalee leads to six deaths before peace is restored.

July 2002: Another vital road opens, the A5 connecting Kandy with Batticaloa, which had been closed since 1995.

4 September 2002: The Government lifts the ban on the LTTE, which had stood since 1998.

16-18 September 2002: The first formal peace talks for 7 years between the Sri Lankan Government and the LTTE take place in Thailand. Whilst agreeing to continue the existing cease-fire agreement, the two sides talked about landmine clearance, the return of refugees to government-designated high-security zones, and agreed to form a joint task force for urgent humanitarian and reconstruction activities in the north and east.

3 November 2002: The second round of peace talks end with the announcement that joint committees were to be set up to examine rehabilitation needs in war-hit areas, to push for military de-escalation and to look at political questions at the heart of the 19-year civil war.

November 2002: Velupillai Prabhakaran states that the LTTE are ready to drop their long-standing demand for independence, and that he would settle for provincial autonomy and self-rule in Tamil-dominated areas in the east and north. However he warns that the Tamils would resume their struggle for a separate State if a political solution could not be reached in the ongoing peace process.

December 2002: At the end of the third round of peace talks it is announced that the two sides had agreed to share power in a federal system. They had agreed on "internal self-determination based on a federal model within a united Sri Lanka". Under the deal, which would have to be approved by Parliament, Tamils would have autonomy in the north and east of the country.

2003

March: The sixth round of peace talks are overshadowed by the sinking of an LTTE vessel in which 11 Tamil Tigers were killed.

April: Clashes between Tamil and Muslim communities in the north east, leave five people dead.

21 April: The LTTE suspend participation in the peace talks expressing serious grievances about their "marginalisation" from negotiations and the perceived unequal dividends of peace.

23 April: The LTTE confirm that they have no intention of breaking the cease-fire, but want the Government to implement decisions agreed at earlier meetings.

ANNEX B: POLITICAL ORGANISATIONS

All Ceylon Tamil Congress (ACTC)

Founded in 1944 and aims to secure Tamil self-determination. Won one seat in the general election of October 2000.

Bahajuna Nidahas Peramuna

Formed in 1990 and is a splinter group of the Sri Lanka Mahajana Party.

Ceylon Workers' Congress (CWC)

The CWC is both a trade union (with its main strength being among Tamil workers of Indian origin on tea plantations), and a political party seen as representing the community of Indian descent. It has held the rural development portfolio in the Government since 1978 through changes of administration. **[8]**

Communist Party of Sri Lanka (CPSL)

Founded in 1943 and advocates the establishment of a socialist society. It supports the national unity of Sri Lanka.

Democratic People's Liberation Front (DPLF)

Has operated as a national political party since 1988 and is the political wing of the People's Liberation Organisation of Tamil Eelam (PLOTE). **[8]** Won 1 seat in the 2001 general election.

Democratic United National Front (DUNF)

Formed in 1992 by a dissident group of UNP politicians. Supports the People's Alliance coalition. **[8]**

Democratic United National Lalith Front (DUNLF)

Split from the DUNF in 1994.

Democratic Workers' Congress (DWC)

Formed in 1939 as a trade union and in 1978 as a political party. Aims to eliminate discrimination against the Tamil-speaking Sri Lankans of recent Indian origin.

Deshapriya Janatha Viyaparaya (DJV)

(Patriotic People's Movement) Militant Sinhalese group associated with the JVP. Now defunct.

Desha Vimukthi Janatha Party (DVJP)

(National Liberation People's Party) Has operated as a national political party since 1988. A constituent part of the People's Alliance.

Eelam National Democratic Liberation Front (ENDLF)

A Tamil group which was operating during the IPKF period, and thereafter became defunct.

Eelam People's Democratic Party (EPDP)

A Tamil group formed in 1986. Supports the People's Alliance and won 9 of the 10 Parliamentary seats in Jaffna in the 1994 general election. Won 4 seats in the general election of October 2000, and agreed to help the PA form a coalition Government, along with the NUA. Representation dropped to 2 MPs at the 2001 general election.

Eelam People's Revolutionary Liberation Front (EPRLF)

Founded in 1981, this is a left of centre Tamil rights group. The EPRLF now functions as two groups - the Perumal faction and the Suresh faction.

Eelavar Democratic Front (EDF) previously known as the **Eelam Revolutionary Organisation of Students (EROS)**

A Tamil separatist group formed in 1975. Contested the 1989 and 1994 general elections. The EDF is also described as the political wing of EROS.

Eksath Lanka Jathika Peramuna (ELJP)

Founded by former members of the UNP in 1985. Now defunct.

Janatha Vimukthi Peramuna (JVP)

(People's Liberation Front) Formed in 1964 and was banned following a coup attempt in 1971. Regained legal status in 1977, but banned again in August 1983. Regained legal status in May 1988. A Marxist, Sinhalese group which was effectively eradicated as a result of military action in 1989-90, the JVP won the third highest number of seats (16) at the December 2001 general election.

Lanka Sama Samaja Party (LSSP)

(Lanka Equal Society Party) The LSSP originated in the 1930s and has been a rare example worldwide of a Trotskyist party with a significant political influence, participating in left-wing Governments from 1964. Supports the People's Alliance coalition. **[8]**

Liberation Tigers of Tamil Eelam (LTTE)

The main Tamil separatist organisation, commonly known as the "Tamil Tigers". Founded in 1974 and is currently led by Velupillai Prabakharan. The LTTE controls a large part of Sri Lanka's north and east, and runs a parallel administration to that of the elected Government. Currently engaged in a peace process with the UNP Government.

LTTE front organisations include: -

World Tamil Association (WTA)

World Tamil Movement (WTM)

Federation of Associations of Canadian Tamils (FACT)

The Ellalan Force

The Sangilliyan Force

Mahajana Eksath Peramuna (MEP)

(People's United Front) Founded in 1956. A left-wing party with Buddhist and Sinhalese support.

Muslim United Liberation Front (MULF)

Operated as a national political party since 1988 and was set up to secure Muslim and Tamil rights under the Indo-Sri Lankan Peace Accord of July 1987.

National Unity Alliance (NUA)

A mainly Muslim party that won four seats at the October 2000 general election. Agreed to help the PA form a coalition Government along with the EPDP.

Nava Sama Samaja Party (NSSP)

(New Equal Society Party) A Trotskyist party founded in 1977.

People's Alliance (PA)

Formed in 1993 as a left wing alliance which includes the LSSP, the SLFP and the SLMP. This was the ruling party in Sri Lanka from August 1994 until December 2001.

People's Front of the Liberation Tigers (PFLT)

Founded in 1989. Political wing of the LTTE.

People's Liberation Organisation of Tamil Eelam (PLOTE)

Formed in 1980 as a breakaway group from the LTTE. A Tamil militant party which advocates a separate socialist Tamil State, but supported the UNP and PA Government's military operations against the LTTE. Its political wing is the Democratic People's Liberation Front (see above).

Podujana Eksath Peramuna (PEP)

This is the Sinhalese term for the PA, and both represent one and the same party.

Singhalaye Maha Sammatha Bhumiputra Paksaye

(Sinhalese Sons of the Soil Party) Formed by a former naval rating who attempted to assassinate the former Indian Prime Minister, Rajiv Gandhi, during a navy honour guard in Colombo in 1987.

Singhalaye Nithahas Peramuna

(Sinhalese Freedom Front) A nationalist, Buddhist party formed in 1994.

Sri Lanka Freedom Party (SLFP)

Founded in 1951, the SLFP campaigned for the attainment of republican status for Sri Lanka prior to adoption of the 1972 constitution. With a democratic socialist orientation, the party advocated a non-aligned foreign policy, industrial development in both the State and private sectors, and safeguards for national minorities. One family has led the party throughout its history. S.W.R.D. Bandaranaike (originally a leading figure in the United National Party) was the party's founder and first Prime Minister from 1956 until his assassination in September 1959. His widow, Sirimavo Bandaranaike, in 1960 became the world's first woman Prime Minister, holding this post until 1965 and again from 1970-1977. Following the party's return to power after 17 years in the August 1994 elections, she was again Prime Minister (the post by now being largely ceremonial) from November 1994 until her death in October 2000. Chandrika Bandaranaike Kumaratunga, the daughter of S.W.R.D. and Sirimavo, was Prime Minister from August - November 1994, becoming the elected President in November 1994, and is the leader of the SLFP. The SLFP returned to power in August 1994, heading the People's Alliance (PA) coalition. The PA secured another victory in general elections in October 2000, **[8]** but lost power in the December 2001 general elections.

Sri Lanka Mahajana (People's) Party

Founded by former members of the SLFP in 1984.

Sri Lanka Muslim Congress (SLMC)

The SLMC was formed to represent the Tamil-speaking Muslim population of the Eastern province and was organised as an all-island party in 1986. Won 5 seats in the 2001 general election. Led by Rauf Hakeem. **[8]**

Tamil Eelam Liberation Front (TELF)

No record of any recent activity by this Tamil separatist group.

Tamil Eelam Liberation Organisation (TELO)

Formed in 1972 and is thought to be the second largest Tamil militant separatist group after the LTTE. Has operated as a national political party since 1988. It has assisted the Sri Lankan security forces in their fight against the LTTE. Won 3 seats in the October 2000 general election.

Tamil National Army (TNA)

Created by the Indian Peace Keeping Force in 1990. TNA cadres were drawn from the EPRLF, the ENDLF and the TELO. The TNA hunted down LTTE cadres, but after the withdrawal of the IPKF, the tables were turned and the LTTE began a hunt for members of the TNA. As far as is known, the TNA has not functioned since 1990.

Tamil United Liberation Front (TULF)

Founded in 1976 following the merger of the All Ceylon Tamil Congress and Federal Party, it has the declared aim of the peaceful creation of an independent Tamil State. It was the main Tamil political organisation and was the main opposition party in Sri Lanka after the 1977 elections. Its support has waned, but it won 5 seats in the 1994 elections and increased that to 15 seats at the 2001 elections.

Tamil United National Front (TUNF)

This was a combination of several parties including TELO, EROS and PLOTE. The groups contested the 1994 elections under their separate titles. Now defunct.

Tri-Star (or Three Stars)

Formed shortly after the 1987 Indo-Sri Lankan Peace Accord. It comprised PLOTE, TELO and the EPRLF. It supported the IPKF in return for a scheme of substantial devolution for the northern and eastern provinces. Now defunct.

United National Party (UNP)

The conservative UNP was founded in 1947 and claims to have 1.4 million members. It advocates the development of the country through free markets and inter-communal co-operation. The UNP formed the Government from 1947-1956 and again from 1965-1970. In 1977 it secured a landslide victory under J.R. Jayawardene, holding office for the following 17 years. The party lost power in 1994, **[8]** but regained power in the December 2001 elections. Led by current Prime Minister, Ranil Wickremasinghe.

Up-Country People's Front

Represents the interests of workers, mainly of Indian Tamil origin, on tea plantations.

ANNEX C: PROMINENT PEOPLE

BANDARANAIKE Sirimavo

Widow of Solomon Bandaranaike, the founder of the Sri Lanka Freedom Party and former Prime Minister who was assassinated in 1959. Assumed the leadership of the SLFP after her husband's assassination and became Prime Minister. She was defeated in 1965, but was Prime Minister again between 1970 and 1977, and for a third term between 1994 and 2000. She resigned in August 2000, at the age of 84, citing ill health as one of her reasons. She died on 10 October 2000 shortly after casting her vote in the country's general election.

JAYAWARDENE Junius

Appointed Prime Minister when the UNP won the 1977 general election. In 1978 he became the country's first executive President following a Constitutional amendment. In 1987 he signed the Indo-Sri Lankan peace accord with Rajiv Gandhi, the Indian Prime Minister. He remained President until January 1989.

KUMARATUNGA Chandrika Bandaranaike

President of Sri Lanka. Daughter of Solomon and Sirimavo Bandaranaike. Appointed Prime Minister in August 1994 at the head of the People's Alliance Government. She contested the November 1994 presidential elections, which she won. She survived a suicide bomb attack in December 1999 and was re-elected President a few days later.

PRABHAKARAN Velupillai

Leader of the Liberation Tigers of Tamil Eelam. In 1992 he was charged in absentia in Madras in connection with the assassination of the Indian Prime Minister, Rajiv Gandhi. In 1997 he was charged with other militants with more than 700 criminal acts of terrorism by the Sri Lankan Government. In a speech broadcast in November 2002, Velupillai Prabhakaran for the first time stated that his movement was ready to drop its long-standing demand for independence, and declared that he would settle for provincial autonomy and self-rule in Tamil-dominated areas in the east and north.

PREMADASA Ranasinghe

UNP Prime Minister of Sri Lanka under President Jayawardene. He was elected President in December 1988 and sworn in the following month. He was assassinated by a bomb explosion in Colombo on 1 May 1993.

RAJAPAKSE Mahinda

Current leader of the opposition People's Alliance, taking up the post in February 2002.

WICKREMASINGHE Ranil

Minister of Industries, Science and Technology under President Premadasa, he was appointed Prime Minister following the latter's assassination in 1993. As leader of the UNP, he again became Prime Minister in December 2001 after his party's victory in the general election.

ANNEX D: REFERENCES TO SOURCE MATERIAL

[1] Europa World Year Book 1998, Volume II

[2] U.S. Department of State

(a) International Religious Freedom Report 2002, issued 7 October 2002

(b) Report on Human Rights Practices 2002, issued 31 March 2003

[3] Amnesty International

(a) Wavering Commitment to Human Rights, August 1996

(b) Sri Lanka: Government's response to widespread "disappearances" in Jaffna, November 1997

(c) Implementation of the Recommendations of the UN Working Group on Enforced or Involuntary Disappearances following their visits to Sri Lanka in 1991 and 1992, February 1998

(d) Urgent Action, Torture, ASA 37/19/98, 6 August 1998

(e) Torture in Custody, June 1999

(f) Rape in custody, ASA 37/001/2002, January 2002

(g) Landmark judgement on rape case, ASA 37/003/2002, 28 January 2002

(h) Amnesty International proposes new approach to peace process, ASA 37/012/2002, 29 June 2002

(i) Website Against the Death Penalty - Abolitionist and Retentionist Countries (undated)

[4] Reuters News Service

(a) Lanka Tamil party wins case to contest polls: 16 January 1998

(b) Sri Lanka slaps formal ban on Tamil Tigers: 26 January 1998

(c) Sri Lanka swears in first Jaffna mayor after 14 years: 11 March 1998

(d) Sri Lanka strengthens laws to combat child abuse: 6 May 1998

(e) UN to monitor Sri Lanka rebel pledge on children: 9 May 1998

(f) Sri Lanka rebels send strong message with mayor slaying: 18 May 1998

(g) Sri Lanka soldiers sentenced to death for murder: 3 July 1998

(h) Sri Lanka declares emergency, poll delay seen: 4 August 1998

(i) Sri Lanka delays crucial local elections: 5 August 1998

(j) Officials to visit Jaffna for Sri Lanka grave probe: 13 August 1998

(k) Jurists accuse Sri Lankan forces of killings: 9 September 1998

(l) Rebels explode bomb in Sri Lanka, kill 12: 11 September 1998

(m) Sri Lanka military says suffers big setback: 1 October 1998

(n) Children still victims of Sri Lanka war - UNICEF: 26 October 1998

(o) Sri Lanka grave probe delayed, no security - Amnesty: 30 October 1998

(p) Sri Lanka defends decision to end key war campaign: 5 December 1998

(q) Fraud mars key Sri Lanka provincial polls: 25 January 1999

(r) Sri Lanka ruling coalition wins key poll: 26 January 1999

(s) Sri Lanka sets date for postponed regional polls: 8 February 1999

(t) Sri Lanka jails principal, soldiers for abductions: 10 February 1999

(u) Lanka Army takes rebel area in new offensive: 7 March 1999

(v) Sri Lanka Army recaptures areas in north west: 23 March 1999

(w) Sri Lanka Government wins hard fought poll: 7 April 1999

(x) Sri Lanka troops capture fresh rebel territory: 16 May 1999

(y) Sri Lanka indicts policemen over disappearances: 26 May 1999

(z) Sri Lanka ruling coalition wins regional poll: 11 June 1999

(aa) Sri Lanka praised for exhuming mass graves: 22 June 1999

(ab) Chandrika sets up "Truth Commission" to probe 1981-84 riots: 21 July 2001 (via Press Trust of India)

(ac) Sri Lanka announces final results of parliamentary elections: 7 December 2001 (via Xinhua News Agency)

(ad) Sri Lanka announces month-long cease-fire with rebels: 22 December 2001 (via Dow Jones International News)

(ae) Sri Lankan main opposition supports Government's effort for peace: 28 December 2001 (via Xinhua News Agency)

(af) Tamil editor stabbed, beaten in Sri Lanka: 28 December 2001

(ag) Residents caught by surprise as Colombo lifts barriers to movement: 28 December 2001 (via Straits Times)

(ah) Sri Lanka navy arrests people smugglers: 5 February 2002 (via Kyodo News)

(ai) Lanka opposition appoints new leader: 6 February 2002 (via the Times of India Group)

(aj) Sri Lanka lifts curbs on medical supplies to war zone: 13 February 2002 (via Kyodo News)

(ak) Minister's sons arrested over Sri Lanka massacre: 23 February 2002

(al) Sri Lanka eases curbs on Tamils to push peace bid: 6 March 2002

(am) Sri Lanka's ruling party sweeps polls: 21 March 2002 (via Channel News Asia)

(an) 41 indicted in Bindunuwewa camp massacre: 27 March 2002 (via The Hindu)

(ao) Nordic observers start monitoring Sri Lanka truce: 2 April 2002

(ap) Expulsion of Muslims from north a "blunder", admits LTTE: 5 April 2002 (via Press Trust of India)

(aq) Tamil Tigers sign pact with Muslims: 14 April 2002 (via PTI news agency and BBC Worldwide Monitoring)

(ar) Colombo allows LTTE office in north: 14 June 2002 (via Gulf News)

(as) S.Lankan rebels to stop using child soldiers - UNICEF: 20 June 2002

(at) Truce monitors applaud progress towards peace: 30 July 2002 (via Gulf News)

(au) Tamil Tigers drop independence claim - surprise concession gives peace talks with Sri Lanka a flying start: 19 September 2002 (via The Guardian)

(av) Special police unit to combat child abuse in Sri Lanka: 30 September 2002 (via Xinhua News Agency)

(aw) Tamil Leader defends work in children's homes: 3 October 2002 (via Global Information Network)

(ax) AIDS treatment costs slashed in Sri Lanka: 1 December 2002 (via Xinhua News Agency)

5] Research Directorate, Immigration and Refugee Board, Ottawa, Canada. Information from four specialists on current conditions in the North and East, the Vavuniya area and Colombo, 21 July 1997

[6] United Nations

(a) Background Paper on Refugees and Asylum Seekers from Sri Lanka, Centre for Documentation and Research, March 1997

(b) Consideration of reports submitted by States parties under Article 19 of the

Convention against Torture, Initial reports of States parties due in 1995, Sri Lanka, 21 November 1997 (CAT/C/28/Add.3)

(c) Report of the Working Group on Enforced or Involuntary Disappearances, United Nations Commission on Human Rights 12 January 1998 (E/CN.4/1998/43)

(d) Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions, United Nations Economic and Social Council, 12 March 1998 (E/CN.4/1998/68/Add.2)

(e) Consideration of reports submitted by States parties under Article 19 of the Convention against Torture, Initial report of Sri Lanka, United Nations Committee against Torture, 25 May 1998 (CAT/C/SR.339)

(f) Consideration of reports submitted by States parties under Article 19 of the Convention against Torture, Initial report of Sri Lanka, United Nations Committee against Torture, 26 May 1998 (CAT/C/SR.341)

(g) Background Paper on Sri Lanka for the European High Level Working Group on Asylum and Migration, March 1999

(h) Report of the Working Group on Enforced or Involuntary Disappearances, United Nations Commission on Human Rights 21 December 1999 (E/CN.4/2000/64Add.1)

(i) Letter dated 4 January 2000

(j) Letter dated 2 August 2000 (with covering letter dated 22 August 2000)

[7] Citizenship criteria, from the Defense Security Service website www.dss.mil/training/adr/forpref/country7.htm (date website accessed 3 October 2001)

[8] Political Parties of the World, John Harper publishing 2002

[9] BBC News OnLine (http://news.bbc.co.uk/)

(a) Sri Lankan President partially blinded: 30 December 1999 (date website accessed 30 December 1999)

(b) Tamil politician shot dead: 5 January 2000 (date website accessed 6 January 2000)

(c) Hundreds held during Colombo curfew: 7 January 2000 (date website accessed 7 January 2000)

(d) Sri Lanka devolution plan: 20 January 2000 (date website accessed 21 January 2000)

(e) Arrests in Sri Lanka attack: 12 March 2000 (date website accessed 13 March 2000)

(f) Sri Lanka army 'forced back': 12 May 2000 (date website accessed 12 May 2000)

(g) Bomb kills Sri Lankan minister: 7 June 2000 (date website accessed 7 June 2000)

(h) Sri Lankan President calls for restraint: 8 June 2000 (date website accessed 9 June 2000)

(i) Setback for Sri Lanka peace hopes: 8 August 2000 (date website accessed 9 August 2000)

(j) Fresh fighting in Sri Lanka: 6 October 2000 (date website accessed 6 October 2000)

(k) Annan urges Tamil massacre probe: 28 October 2000 (date website accessed 30 October 2000)

(l) Sri Lanka rebels declare cease-fire: 21 December 2000 (date website accessed 21 December 2000)

(m) Jaffna battle rages on: 17 January 2001 (date website accessed 24 October 2002)

(n) Sri Lankan soldiers to learn Tamil: 11 June 2001 (date website accessed 12 April 2002)

(o) Bombed Sri Lanka base sacks staff: 29 July 2001 (date website accessed 12 April 2002)

(p) Sri Lanka tightens security: 4 August 2001 (date website accessed 12 April 2002)

(q) Opposition asked to lead Sri Lanka: 7 December 2001 (date website accessed 7 December 2001)

(r) Arms amnesty begins in Sri Lanka: 1 January 2002 (date website accessed 2 January 2002)

(s) Sri Lanka eases Tamil embargo: 2 January 2002 (date website accessed 2 January 2002)

(t) New Tamil wave in southern Italy: 8 January 2002 (date website accessed 9 January 2002)

(u) Sri Lanka stops migrant boats: 11 January 2002 (date website accessed 11 January 2002)

(v) Sri Lanka eases restrictions for Tamil town: 14 January 2002 (date website accessed 14 January 2002)

(w) Sri Lanka matches Tigers cease-fire: 21 January 2002 (date website accessed 21 January 2002)

(x) Future of Tigers "in the army": 30 January 2002 (date website accessed 31 January 2002)

(y) Sri Lanka air force officers jailed: 7 February 2002 (date website accessed 8 February 2002)

(z) Cease-fire signed in Sri Lanka: 22 February 2002 (date website accessed 22 February 2002)

(aa) Text of Sri Lanka truce deal: 22 February 2002 (date website accessed 5 March 2002)

(ab) Tamil Tigers open political office: 3 April 2002 (date website accessed 4 April 2002)

(ac) Key Sri Lanka road opens: 8 April 2002 (date website accessed 8 April 2002)

(ad) Tamil Tigers hold public meeting: 17 April 2002 (date website accessed 18 April 2002)

(ae) Curfew after Sri Lanka unrest: 28 June 2002 (date website accessed 28 June 2002)

(af) Another road reopened in Sri Lanka: 15 July 2002 (date website accessed 16 July 2002)

(ag)Tigers "regret" monitors' detention: 16 July 2002 (date website accessed 17 July 2002)

(ah) Tigers win sea route: 12 August 2002 (date website accessed 13 August 2002)

(ai) Optimism over Sri Lanka peace: 5 September 2002 (date website accessed 5 September 2002)

(aj) Sri Lanka's successful talks: 19 September 2002 (date website accessed 23 September 2002)

(ak) Sri Lankan police accused of torture: 2 October 2002 (date website accessed 3 October 2002)

(al) Norway to meet Tamil rebel leader: 16 October 2002 (date website accessed 17 October 2002)

(am) Sri Lankan refugees flood home: 23 October 2002 (date website accessed 24 October 2002)

(an) Rapid progress to Sri Lanka peace: 3 November 2002 (date website accessed 4 November 2002)

(ao) Sri Lanka rebels ready for autonomy: 27 November 2002 (date website accessed 27 November 2002)

(ap) Sri Lanka peace breakthrough: 5 December 2002 (date website accessed 6 December 2002)

(aq) Sri Lanka child recruitment falls: 22 January 2003 (date website accessed 23 January 2003)

(ar) UN: "Tigers still recruit child soldiers": 1 February 2003 (date website accessed 3 February 2003)

(as) Hope for Sri Lanka's disappeared: 19 February 2003 (date website accessed 20 February 2003)

(at) Amnesty for Sri Lanka deserters: 4 March 2003 (date website accessed 5 March 2003)

(au) UNICEF hold child soldier talks: 4 March 2003 (date website accessed 6 March 2003

(av) Tamil Tigers "sink Chinese boat": 21 March 2003 (date website accessed 21 March 2003)

(aw) Sri Lanka steps up security: 22 April 2003 (date website accessed 22 April 2003)

(ax) Tigers urged to resume talks: 24 April 2003 (date website accessed 25 April 2003)

[10] The British Refugee Council

(a) Letter dated 5 February 1998

(b) Letter dated 14 August 1998

(c) The Sri Lanka Monitor, December 2000

(d) The Sri Lanka Monitor, February 2001

[11] Danish/Canadian fact-finding mission to Sri Lanka 1-12 October 2001, Report published 1 May 2002

[12] Information from the Federal Ministry of the Interior, Germany, 9 May 2000.

[13] Caught in the Middle: a study of Tamil torture survivors coming to the UK from Sri Lanka. Issued by the Medical Foundation, June 2000

[14] Ministry of Foreign Affairs at The Hague

(a) Report, 24 July 1997

(b) Report, 30 September 1999

(c) Letter, 20 December 1999

[15] Advice from British High Commission, Colombo

(a) 16 February 2000

(b) 30 March 2001

(c) 8 May 2002

(d) 9 July 2002

(e) 12 September 2002

(f) 18 October 2002

(g) 23 October 2002

[16] The Daily News, website http://www.dailynews.lk/

(a) LTTE men threaten and refuse to leave area: 21 March 2002 (date website accessed 25 April 2002

(b) National Centre for Victims of Crime set up: 14 May 2002 (date website accessed 14 May 2002)

(c) FMM commends Govt for repeal of defamation law: 27 June 2002 (date website accessed 28 June 2002)

(d) LTTE assures safety of Muslims in East: 9 July 2002 (date website accessed 9 July 2002)

(e) Sri Lanka may become main centre of human smuggling - SSP: 20 July 2002 (date website accessed 22 July 2002)

(f) Human smuggling racket: CID apprehends 22 major operators: 22 July 2002 (date website accessed 22 July 2002)

(g) Norway announces exact dates for Thailand: Peace talks begin on September 16: 24 August 2002 (date website accessed 27 August 2002)

(h) LTTE releases 85 child soldiers: 12 September 2002 (date website accessed 13 September 2002)

(i) Willing to settle for regional autonomy: LTTE renounces demand for Eelam: 19 September 2002 (date website accessed 24 September 2002)

(j) Peace process sparks economic recovery: 1 October 2002 (date website accessed 1 October 2002)

(k) Danish help to train policemen: 18 October 2002 (date website accessed 18 October 2002)

(l) Mailenthenna massacre: 18 soldiers acquitted: 26 November 2002 (date website accessed 26 November 2002)

(m) Freedom of Information Act to be introduced shortly: 26 November 2002 (date website accessed 26 November 2002)

(n) 45 Lankans returned from the Netherlands: 19 December 2002 (date website accessed 19 December

2002)

(o) Fourth round of talks end successfully: Govt, LTTE focus on humanitarian priorities: 10 January 2003 (date website accessed 17 February 2003)

(p) Mothers get right to pass on citizenship: 8 March 2003 (date website accessed 10 March 2003)

[17] SAWNET: www.umiacs.umd.edu/users/sawweb/sawnet/SAW.orgn.html (date website accessed 19 June 2002)

[18] The Guardian: Tamil leader signals the end of civil war, 11 April 2002 (from website http://www.guardian.co.uk/ , date accessed 11 April 2002)

[19] Refusing Sanctuary: Ethical Ambiguities in Refugee Determination and Repatriation of Tamil Refugees, Tamil Information Centre, January 1999 (extracts only)

[20] Extract from the Official Report of the Sri Lankan Parliament, 24 June 1998

Immigrants and Emigrants Act 1984 (extract)

Immigrants and Emigrants (Amendment) Act 1998 (extract)

[21] The Official Website of the Government of Sri Lanka http://www.priu.gov.lk/: Police Headquarters to keep tab of all persons arrested under PTA and ER, 8 November 2001 (date website accessed 1 August 2002)

[22] The Independent Tamil Tigers break UN pledge on child soldiers: 4 February 2000

[23] Keesing's Record of World Events

(a) Sri Lanka: December 1999

(b) Sri Lanka: April 2000

[24] Website at www.cnn.com/WORLD/election.watch/asiapcf/srilanka.html (date accessed 4 January 2000)

[25] www.CNN.com/asianow

(a) Sri Lankan blast kills civilians, security officials: 27 January 2000 (date website accessed 27 January 2000)

(b) More than 12,500 civilians trapped, 78 killed in Sri Lanka: 3 April 2000 (date website accessed 3 April 2000)

(c) Sri Lankan troops reportedly destroy rebel position: 5 July 2000 (date website accessed 6 July 2000)

(d) Sri Lanka's Tamil Tigers admit 35 killed in major reversal: 7 July 2000 (date website accessed 7 July 2000)

(e) Retired general to face trial for disappearance in Sri Lanka: 18 July 2000 (date website accessed 19 July 2000)

(f) Hundreds killed as Sri Lanka troops, rebels clash: 4 September 2000 (date website accessed 5 September 2000)

(g) 8 killed, 21 hurt in suicide bombing in Sri Lanka's capital: 15 September 2000 (date website accessed 15

September 2000)

(h) Tamil rebels make second attempt against Sri Lankan army position: 20 September 2000 (date website accessed 20 September 2000)

(i) Gunmen kill Tamil journalist in Sri Lanka: 20 October 2000 (date website accessed 23 October 2000)

(j) Sri Lankan troops link Jaffna Peninsula's two largest cities: 31 December 2000 (date website accessed 2 January 2001)

(k) Tamil Tigers extend truce, issue warning: 22 March 2001 (date website accessed 22 March 2001)

(l) Tamils end Sri Lanka cease-fire: 23 April 2001 (date website accessed 24 April 2001)

[26] The Constitution of the Democratic Socialist Republic of Sri Lanka - First Schedule Article 5

[27] International Centre for Ethnic Studies Sri Lanka - Maternal Nutrition and Health Status (occasional paper, undated)

[28] U.S. Committee for Refugees: Sri Lanka Country Report 2002 from website www.refugees.org/world/countryrpt/scasia/sri_lanka.htm (date website accessed 6 August 2002)

[29] The International Lesbian and Gay Association World Legal Survey. Website www.ilga.org accessed 26 April 2002.

[30] CIA World Factbook 1999. Website www.odci.gov/cia/publications/factbook/ce.html accessed 28 March 2000

[31] Sunday Times Plus (Sri Lanka)

(a) Treating the post-war mind: 24 March 1996 (date website accessed 15 November 2002)

(b) Fighting fair: 8 July 2001

[32] Danish Immigration Service. Report on fact-finding mission to Sri Lanka: 16 November - 5 December 1998

[33] xe.com Universal Currency Converter website www.xe.com/ucc/ (date accessed 12 March 2003)

[34] International Committee of the Red Cross

(a) Extract from ICRC Appeals document 2001: ICRC operations in Sri Lanka

(b) ICRC Newsletter issue number 21: March 2002

[35] Home Office

(a) Report of Home Office fact-finding mission to Sri Lanka: 9-13 July 2001

(b) Report of Home Office visit to Sri Lanka: 14-23 March 2002

[36] War Registers' International 1998