

# Returnees at Risk: Detention And Torture in Sri Lanka

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Tamils Against Genocide, 16 September 2012



## ABOUT TAMILS AGAINST GENOCIDE

Tamils Against Genocide Inc [TAG] is a non-profit litigation advocacy organization incorporated in the United States. TAG is involved in evidence gathering and in bringing litigations on behalf of victims of war crimes, crimes against humanity and genocide against perpetrators from Sri Lanka under universal jurisdiction provisions in countries including the United States .

TAG's mission statement is on its website at <http://www.tamilsagainstgenocide.org/AboutTAG.aspx>.

More information can be obtained on the website [www.tamilsagainstgenocide.org](http://www.tamilsagainstgenocide.org) or by emailing TAG at [advocacy@tamilsagainstgenocide.org](mailto:advocacy@tamilsagainstgenocide.org)



## EXECUTIVE SUMMARY

This report calls for a comprehensive re-evaluation of the UK government's current policy towards asylum applicants of Sri Lankan Tamil origin in light of the significance of the collection of 27 recent asylum appeal determinations published and analyzed here. We understand this collection, exclusively shared with TAG, to be the largest such collection yet to be analyzed and made public by an independent third party. The appeals determinations are particularly valuable as 26 of the 27 claims of egregious torture have succeeded and been found to be credible under the most stringent adversarial review. They provide us with the benefit of a valuable collection of judicial opinion. This dataset is supplemented by other datasets including a further 11 asylum interviews by the UK Border Agency, also exclusively provided to TAG and a further set of 21 Medico-legal reports [MLRs] drawn up in the UK by leading UK experts. All the above cases relate to detention and torture that took place in the period 2010-2012 although some cases make mention of previous [pre-2010] episodes of torture.

Our research on the context surrounding the torture of returnees to Sri Lanka draws from credible secondary sources and primary data in the form of interviews by our consultant. We observe that post-2009 new factors impacting the political repression of Tamils returning from abroad have emerged that were not foreseen in the analysis of TK and the existing body of country guidance. These include a post-2009 upsurge in Sinhalese nationalism and in anti-Western and anti-British rhetoric, as noted by the Foreign Office in 2012<sup>1</sup>. There has also been a noticeable increase in hostility towards local and international critics of the Sri Lankan government's alleged committing of mass atrocities during the final phases of the conflict.

We consider that a period of residence in the UK or other 'Western' country may itself constitute a risk factor. We contend the LP/TK risk factor of 'a previous record as an actual or suspected LTTE member' has been superseded in importance in the case of persons returning from abroad by a new risk factor, namely 'a record of criticizing or protesting against the Sri Lankan government'. Similarly the risk factor 'return from a 'centre of LTTE activity or fund-raising' should be refined to refer to 'return from a country whose government or media have been critical of the Sri Lankan government and/or have called for progress towards accountability and reform.' We consider that in the eyes of the Sri Lankan authorities these two types of risk factors may well overlap, yet argue that UK country guidance needs to maintain a distinction.

### *Example Judicial Opinions*

In support of our contention that legitimate forms of foreign political activity will attract the adverse interest of the Sri Lankan authorities, with the attendant risk of torture on return to Sri Lanka, we provide a sample of judicial opinions drawn from our data set.

Case 18 "I find it reasonably likely that the appellants was arrested in Colombo in [Redacted] as he

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<sup>1</sup> Foreign Office Travel Advice on Sri Lanka, 23 August 2012 <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/asia-oceania/sri-lanka>.

claims and **subjected to torture for participation in the London demonstrations**" [emphasis added]

Case 28 *"I accept that the appellant has been subjected to torture and ill treatment in the way he has described **on account of his perceived involvement with the anti-Government protests in London, and that he was asked to identify other people who were also at the demonstration**"* [emphasis added]

Case 15 The appellant resembled a British Tamil who had protested to call for an independent international enquiry into war crimes in Sri Lanka. In a case of mistaken identity he was detained , interrogated about this protest [which he had not participated in] and subsequently tortured. .

Finding "Background material relating to Sri Lanka and the expert's report and previous case law all confirm that **Sri Lanka is a country where corruption of officials is rife** and the circumstances of the appellant's detention and the subsequent release through bribery and the assistance given for him to leave the airport after **being tortured whilst incredible in the context of many regimes is not incredible in the context of what happens in Sri Lanka**, even after the final onslaught against the LTTE. I conclude that the appellant is a truthful witness. I accept his account as credible in its entirety." [emphasis added]

Case 23 *"One matters continues to trouble me. **That is that this is the fourth Sri Lankan case that I have heard in the past month where the facts are essentially the same.** A young Tamil in London returns to Sri Lanka...(and)...is picked up at or after the airport by a white van, is questioned about his activities in London and horribly tortured, leaving...terrible burns to the back and/ or buttocks. The man is released on payment of a bribe, is dropped off with a Muslim agent who then secures his safe passage through the airport at Colombo. The striking similarity of these cases has caused me great concern. **Either the Sri Lankan authorities are suddenly extremely interested in the activities of the diaspora in London, or this account is being offered as a "package to asylum seekers hoping to secure refugee status. Either of these options is extremely depressing. ...If the CID are routinely arresting those arriving from London and subjecting them to this hitherto unknown level of torture, leaving such unambiguous evidence, then their audacity is breath-taking; it marks a turn for the worse in the already appalling human rights record of their country."*** [emphasis added]

## ***What Does Our Set of Cases Tell Us?***

We summarise in turn what we have gleaned from our 3 data sets.

### **Set 1: Asylum Appeal Determinations**

Of 26 successful asylum appeal determinations, all were of Tamil ethnicity and had returned voluntarily to Sri Lanka in the period **2010 to 2011**, apparently having accepted the UK government's contention that it was safe for Tamils to travel to Sri Lanka from the UK. In all these cases the Tribunal accepted extreme forms of torture in detention. There is no evidence before us that any of the detainees were charged, all were released via the payment of a bribe and most had signed blank confessions or confessions in Sinhalese that they did not understand prior to release, thus 'legitimizing' their detention.

Close to 40% of the appellants were interrogated under torture on their participation and occasionally their family member's participation in political activities abroad such as protests and assisting in anti-Sri Lanka media coverage. The details of interrogations indicate that the Sri Lankan government routinely uses torture to obtain information on a variety of lawful civic activities that take place in the UK and elsewhere.

### **Set 2: Asylum Interviews**

We consider 11 interviews claiming torture in the period **2011 to 2012**, relating to cases that have as yet not been determined<sup>2</sup>. We find this dataset is consistent with Set 1 on key aspects such as: topics of interrogation under torture, the corrupt and extra-judicial characteristic of detention and release and in the methods of torture.

### **Set 3 The Medico Legal reports**

Of the 21 Medico Legal reports in the period **2010 to 2012**, 10 relate to claimants who were detained and tortured shortly after return from Europe [Set 3a], while 11 relate to claimants who make no mention of having travelled abroad [set 3b]. Of the 10 returnees in Set 3a, 9 returned voluntarily from the UK and 1 was returned involuntarily from another European country.

Of the 10 returnees from Europe, 4 including the European returnee reported being interrogated on anti-government protests, consistent with our previous two data sets. The detailed account of torture is also consistent with the medical evidence cited in the determinations in Set 1.

In total we have analysed torture allegations pertaining to 48 returnees in the period 2010 to 2012, of which 26 have been accepted by the UK courts. While noting the high proportion of voluntary returns in our 3 datasets, we observe no inconsistencies between the data sets in this and other respects. All of the voluntary returns left Sri Lanka lawfully, the vast majority as students. They did not consider themselves sufficiently at risk to apply for asylum prior to returning. We are only able to explain the large proportion of voluntary returnees among persons claiming torture, with reference to their period of residence abroad. We consider this in itself to be a new risk factor that leads to adverse interest by the Sri Lankan authorities. Additionally, , some perfectly lawful types of activities abroad (such as political criticism of the Sri Lankan government) elicit adverse interest. .

### ***Team***

In order to provide a thorough analysis of a unique data set, a multidisciplinary team collaborated to produce the findings presented here. This includes two researchers drawn from TAG's litigation research team, legal counsel, and an outside academic consultant, a political science expert on Sri Lanka, with significant policy and human rights experience.

### ***Data***

This report relies on a qualitative analysis of multiple data sets. The primary evidence is in two sets. We have described in the Executive summary the compilation of 27 *asylum appeal determinations [set 1]* and 12 *additional records of asylum interviews* by the UK Border Agency [set 2]. We exclude from further consideration a single interview in set 2 where the date and originating country of return to Sri Lanka is unspecified, leaving 11 useable interview records. Our data was obtained from parties involved in the asylum litigation. We asked for 'data relating to asylum cases of persons alleging persecution on return to Sri Lanka from abroad'. Thus this data is not a random sample. By construction all the cases are of returnees to Sri Lanka from abroad.

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<sup>2</sup> This data was collected in August and September 2012, we have not had an opportunity to check for changes in status in cases since they were first shared with us.

The set of 21 medico-legal reports [MLRs] of torture is part of a non-overlapping compilation produced for an unpublished Msc Thesis at a UK university. This set [set 3] is a sample of all asylum seekers from Sri Lanka assessed to have been tortured post-2009 by two leading UK medical experts. Thus it includes 10 persons detained and tortured upon return from abroad [set 3a] as well as 11 who do not mention having left Sri Lanka prior to detention [set 3b].

The second primary data set comes from previously unpublished interviews conducted with a broad range of civil society activists, diaspora members, asylum seekers, and journalists in the UK, U.S., and Sri Lanka from 2010-2012. This evidence is supported by secondary evidence derived from media reports and credible sources both on the island and within the international community.

## ***Methods***

Of the 27 determinations, 26 related to successful asylum appeals where the appellants' account of their past history was found to be credible. The single claimant who was not found to be credible was excluded from further analysis. The positive determinations were reviewed in detail and subsequently coded in order to identify patterns across cases within a distinct time period (2009-2012).

We then observe the extent to which similar patterns were found among the histories recounted in the set of UKBA interviews and in the set of MLRs. A detailed chronology was developed in order to situate the torture episodes within international and local contextual factors impacting levels of state repression. The findings from raw data were supported by existing reports and statements from credible sources, in order to provide a comprehensive analysis.

## ***Updating LP/TK: Refining and Identifying Emerging Risk Factors***

Based on available evidence, this report highlights patterns of experience and relevant contextual shifts that primarily re-interpret and update the determination handed down in the case of TK (2009). A review of this, and other relevant judicial statements, reveals key underlying assumptions for existing policy that since 2009, “*the likelihood of a Tamil returning to Colombo being the subject of adverse interest on the part of the Sri Lankan authorities has, if anything, declined*”<sup>3</sup>.

The underlying assumptions identified are:

- The cessation of hostilities will automatically shift the country context, making the return of asylum seekers safe.<sup>4</sup>
- The use of more sophisticated surveillance mechanisms by the state will decrease the likelihood of random arrest and torture.
- Low levels of engagement or affiliation with the Liberation Tigers of Tamil Eelam (LTTE) and other oppositional political movements decrease the risk of an individual returnee.
- Those subject to arrest or questioning under local laws (Prevention of Terrorism Act) will be allowed a fair trial, and will not be at risk of torture.

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<sup>3</sup> As per Senior Immigration Judge HH Storey TK (Tamils – LP updated) Sri Lanka CG [2009] UKAIT 00049

<sup>4</sup> During periods of continuing hostility forced removals from the UK were completely suspended (FFT 2012).

These assumptions inform the rationale behind the TK judgment, which has led to a significantly higher rate of return for failed asylum seekers *in the UK*<sup>5</sup>. The TK judgment accepts at para 73: ‘We lack full evidence of the post-conflict situation in Sri Lanka’. While TK considers the level of adverse interest faced by Tamils in Colombo, nowhere does it consider adverse interest in diaspora Tamils. At Para 75 TK considers that ‘almost all security measures ..are in response to LTTE armed actions. With the eclipse of the LTTE ..there is less reason to respond.’

Yet our determinations contain a significant number of accounts of detention, interrogation and torture that are not a response to any LTTE armed actions. Our analysis shows these detentions and torture are a response to lawful political activity abroad. Thus post-2009 developments necessitate a re-evaluation of the TK assertions.

Drawing on expert opinions and credible data, this report finds all four assumptions to be flawed in the context of the current situation and deeply problematic as a basis for current analysis of risk on return. The evidence urges a re-evaluation of current operating procedures with regard to asylum seekers being returned involuntarily to Sri Lanka.

### ***I. The Nature of the State***

When understanding the risk of return for failed asylum seekers re-entering Sri Lanka, it is essential to first understand the broader nature of the judicial, political and security institutions of the Sri Lanka state<sup>6</sup> as well as key events in the international community impacting levels of surveillance and repression. In addition to the findings set out below, a detailed chronology of the events surrounding the cases examined here assists in setting the framework against which recent developments must be considered<sup>7</sup>.

Since the current administration came to power in 2005, there has been a direct correlation between advocacy and critiques from the international community to levels of scrutiny and repression on local civil society actors. There is well-documented evidence on the erosion of democratic principles at the state level<sup>8</sup> since 2005. Within this context of a repressive state, in the post-war period in Sri Lanka, a sharp increase in human rights abuses, censorship practices, and counter-terrorism surveillance methods that violate civil rights has been noted by international and local watchdogs alike<sup>9</sup>. These reports highlight the state’s paranoia of the resurgence of terrorist activity, repressive responses to various forms of dissent and political expression, and the continued fear of abduction and abuse locally for those suspected of

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<sup>5</sup> The Independent, “Failed Asylum Seekers Flown Home” (16<sup>th</sup> December 2011)

<<http://www.independent.co.uk/news/uk/home-news/failed-asylum-seekers-flown-home-6278067.html>> Accessed 12<sup>th</sup> September 2012; The Independent, “Special Report: Tamil Asylum Seekers to be Forcibly Deported” (31<sup>st</sup> May 2012) <<http://www.independent.co.uk/news/uk/home-news/failed-asylum-seekers-flown-home-6278067.html>> Accessed 11<sup>th</sup> September 2012

<sup>6</sup> Tamil Youth Organisation, “Submission to the Universal Periodic Review of the United Nations Human Rights Council: Fourteenth Session, Sri Lanka” (23<sup>rd</sup> April 2012)

<sup>7</sup> Tamils Against Genocide, “A Chronology on The Development of War Crimes” (Unpublished)

<sup>8</sup> Mampilly, Z., *Rebel Rulers: Insurgent Governance and Civilian Life During War* (Cornell University Press, 2011),

<sup>9</sup> International Crisis Group, “Sri Lanka’s North II: Rebuilding Under The Military”, (Asia Report Number: 220, Colombo/Brussels, 16<sup>th</sup> March 2012) ; Human Rights Watch, “Halt Harassment of Media” (3<sup>rd</sup> July 2012) <<http://www.hrw.org/news/2012/07/03/sri-lanka-halt-harassment-media>> Accessed 11<sup>th</sup> September 2012; Human Rights Watch, “UK: Suspend Deportations of Tamils to Sri Lanka” (29<sup>th</sup> May 2012)

<<http://www.hrw.org/news/2012/05/29/uk-suspend-deportations-tamils-sri-lanka>> Accessed 31<sup>st</sup> July 2012

engaging in these activities.<sup>10</sup> Fear of paramilitaries and white vans have replaced the shock and awe of shells and cluster bombs. As one journalist noted in August 2012, *“It is a government of thugs we are dealing with, this is the way they operate”*. (TC Meeting NYC, 2012<sup>11</sup>) Freedom House finds in its 2011 study that Sri Lanka remains only partially free, assessing political rights as low as 5 on a scale of 1-7 (7 being the lowest), and civil liberties at a 4 – comparable to the levels under blatantly authoritative regimes. (Freedom House, 2011).

#### *Post 2009: Upsurge in Sinhalese Nationalism and Anti-Western Rhetoric*

Following the cessation of the war, fought by the Sri Lankan government with significant support from countries such as China, Pakistan, and Libya, the administration in Sri Lanka embarked on an anti-Western crusade. Making accusations of “neo-colonialism”, they took a hostile approach to “the West”, whose insistence on adherence to humanitarian and human rights norms they found meddlesome.<sup>12</sup>

From September 2009, Sri Lanka posted senior military officers – all of whom were accused of bearing responsibility for mass atrocities by INGOs<sup>13</sup> – as Ambassadors to Germany, Switzerland, the United Nations and other countries sparking European prosecutorial interest and/or civil litigations, and contributing to a deterioration in diplomatic relations.<sup>14</sup> These appointments have led to an increase in foreign intelligence gathering and surveillance activities undertaken by Sri Lankan Embassies abroad.<sup>15</sup>

In August 2012 the Foreign Office updated its Sri Lanka travel advice as follows:

*“Travellers should note that the end of the military conflict in May 2009 has seen an upsurge of nationalism in Sri Lanka. As a result, anti-Western (particularly anti-British) rhetoric has increased. This has led to violent protests against the British High Commission and other diplomatic premises.”*

#### *Post 2009: Sri Lanka’s Hostile Response to Calls for Accountability*

The United States was the first government to publish, via the War Crimes Office of the State Department a report into War Crimes in Sri Lanka in October 2009,<sup>16</sup> creating momentum for the empanelling of the UN Experts in June 2010, and the publication of the UN Expert report on War Crimes in Sri Lanka in April 2011. It has since been seen as key mover behind calls for accountability, while the UK is seen as an ally in this endeavor.

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<sup>10</sup> As frequently reported in Groundview, a citizens’ journalism website for example: Groundviews, “A Disappearance Every Five Days in Post-War Sri Lanka” (30<sup>th</sup> August 2012) < <http://groundviews.org/2012/08/30/a-disappearance-every-five-days-in-post-war-sri-lanka/> > Accessed 11<sup>st</sup> September 2012

<sup>11</sup> TAG consultant interview 2012

<sup>12</sup> <http://www.lankaweb.com/news/items/2012/05/03/human-rights-excuse-for-neo-colonialism/> (3<sup>rd</sup> May 2012)

<sup>13</sup> INGOs including The European Centre for Constitutional and Civil Rights[ECCHR, Germany], TRIAL, The Society for Threatened Peoples (Switzerland), UNROW (United States) and TAG (United States).

<sup>14</sup> ECCHR January 2011: “Allegations of War Crimes committed by the 57th Division of Major Gen Diaz between April 2008 and May 2009”

<sup>15</sup> ECCHR above: TAG April 2012 “Prasanna de Silva Interview”

<sup>16</sup> October 21<sup>st</sup> 2009: Report to Congress on ‘Incidents in the recent Sri Lankan Conflict’, produced at the request of the Appropriations Committee,

One well-respected civil society activist finds the push for justice essential, but notes that “*every time war crime is mentioned abroad, we feel it here at home.*” ( TC Interviews, Sri Lanka June 2011<sup>17</sup>). This trend is visible in the data reviewed. Among the cases examined, there is a significant spike in arrests, detention, and torture for those returning for holiday or family visits (the most prevalent reason for return amongst this data set) in the months of *July, August, and September 2011*.

This crackdown on local and visiting individuals, currently or previously engaged in political activities comes immediately following the release of the UN Panel of Experts Report (April 2011), the widely watched Channel 4 Documentary “The Killing Fields, Part 1” (May 2011), and the July 2011 release of a highly critical ICG Report<sup>18</sup>. In July 2011 the former Sri Lankan President, Chandrika Kumaratunga stated “*Sri Lanka is now a "terribly divided nation" and that "the state was against everyone who opposed it, whatever their ethnic group"*”<sup>19</sup>.

In September 2011 Sri Lanka’s delegation to the UN claimed: “*There has been a major international conspiracy against Sri Lanka at the recently concluded UNHRC session in Geneva*”.<sup>20</sup> The BBC reported the delegation, “warned that more attempts might be made to pass a resolution against Sri Lanka at the next UNHRC session in March, next year.”

The sharp increase in pressure by “Western” nations to curb impunity and rights abuses, led the state of Sri Lanka to pursue any organization or individual who had provided the underlying research for these condemnations. Locally, this resulted in a number of white van abductions, senior government officials harassing newspaper editors, and extreme levels of ethnic polarization.<sup>21</sup> *In December 2011 Sri Lanka threatened to prosecute critics of its domestic ‘Lessons Learnt and Reconciliation process’.*<sup>22</sup>

As predicted by the Sri Lankan delegation in September 2011, the United States tabled a resolution at the UN HRC in March 2012 calling for among other steps, accountability for recent mass atrocities.

Aside from being regarded as one of the key political leaders in the “Western” world, the UK’s emphasis on the protection of basic civil rights has increased the risk for temporary residents here. The UK is both the base of media outlets which have been critical of the Sri Lankan government, such as Channel 4, and home to a particularly vocal and politically active Tamil diaspora responsible for protests which embarrassed the visiting President of Sri Lanka in December 2010.<sup>23</sup> Within an immediate and violent crackdown on all forms of political dissent

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<sup>18</sup> International Crisis Group, “Reconciliation in Sri Lanka: Harder Than Ever” (Asia Report Number: 209, Colombo/Brussels, 18<sup>th</sup> July 2011)

<sup>19</sup> BBC, “Chandrika Kumaratunga Berates Sri Lankan Government” <<http://www.bbc.co.uk/news/world-south-asia-14274988>> Accessed 11<sup>th</sup> September 2011

<sup>20</sup> BBC September 2011: “Sri Lanka defeated conspiracy at UN”

<sup>21</sup> Crisis Group July 2011: “Reconciliation in Sri Lanka harder than ever”, Tamil Guardian Nov 2011 “Sunday Leader Editor threatened”

<sup>22</sup> (25<sup>th</sup> July 2011) , Tamil Guardian Dec 2011: “Sri Lanka to prosecute LLRC critics”,

<sup>23</sup> BBC 2<sup>nd</sup> Dec 2010 : Sri Lankan President blamed for killings: ‘The demonstrations have been blamed for the Oxford Union's decision to cancel a speech by Mr Rajapaksa planned for Thursday.

following high-level international pressure, high levels of UK-specific activities leave all returnees subject to a *dual vulnerability* when visiting the island.<sup>24</sup>

***Levels of state repression and violations of civil rights have remained as high, if not higher, in the post-war period as during ongoing military hostilities.***

## ***II. Surveillance Mechanisms & Interrogation***

The findings in TK suggest that the existence of sophisticated surveillance technology would decrease indiscriminate screening on the basis of ethnicity. Patterns from the current data set reveal this to be misguided.

The topics of interrogation under torture featured in the sampled cases show a significant interest in political activity in London, including protests. Of the 26 cases found to be credible, 10 claimants were interrogated under torture about protests against the Sri Lankan government. Of these, one was arrested initially in a case of mistaken identity: he was thought to be a British Tamil who had participated in a protest at the United Nations in Geneva. Another was interrogated on his work for assisting the media during protests against President Rajapaksa's December 2010 visit to London. A further torture victim was interrogated on the activities of a well-known European NGO.

Increased surveillance by Sri Lankan embassies abroad is primarily done through photographs and videos.(APPENDIX 1: Surveillance of Protests in London). Dr Smith, one of the expert witnesses referred to in TK, stated that the “*Defence Secretary was thought to have ordered information gathering of protestors.*” [para 9.6 case 18] At least five of our determinations found that appellants had been shown photos of protests including photos of themselves at the protests and/or photos of their other activities. For example one appellant was shown a photo of himself taken with the Head of the Tamil Rehabilitation Organisation in London<sup>25</sup>. Other direct evidence available to TAG corroborates the considerable photographic evidence held by the Sri Lankan government.<sup>26</sup>

This evidence of surveillance of political activity supports our view that the acquisition of, and investment in, costly technology with the support of international donors is indicative of the increased paranoia of the state towards any form of political dissent. It is therefore possible that screening (and subsequent torture) is currently based on broad demographic determinants, with some link to (legitimate and illegitimate) political activities.

Local screening methods are also unreliable. In 10 of the cases reviewed, individuals were “identified” by former LTTE members or informants claiming to know of their affiliation. As with photos, such crude methods of identification can be imprecise, and are often inaccurate. As has been shown by earlier cases, and by testimony of those examined here, “identification” often happens under severe duress.<sup>27</sup>

<sup>24</sup> “Sri Lankan Tamils Tortured on Return From the UK”, Freedom From Torture, September 13, 2012

<sup>25</sup> Sri Lanka has accused the TRO of financing the LTTE and frozen its local bank accounts

<sup>26</sup> TAG witness statement to the Tribunal in IG v SSHD, August 2011

<sup>27</sup> <http://www.globalpost.com/dispatch/asia/090904/sri-lanka-doctors?page=0,1>

***Screening and subsequent torture is based on broad determinants such as participation in political activity or protests that oppose the government.***

### ***III. Involvement with the LTTE***

TK considers that ‘data contained in official records pays close attention to the level of threat posed by an individual’ and this is of relevance in assessing the level of adverse interest in a person suspected of involvement of the LTTE. However, Rights groups have also reported the ambiguous categories the military itself lumps individual members into, with no standard procedure as to what constitutes a “hard core” LTTE cadre, versus others.

Our collection of determinations fewer than 20% served as armed combatants, a further 20% claim to have undertaken information gathering activities outside the Vanni region, while 20% were NGO workers, and a further 20% claim to have done civilian type support work such as digging bunkers during the war. We have classified 40% as having tenuous links. Of those that had been involved in combat 2 had less than a year's service, one who was classified by us senior on account of years service had left the organization in 1994. It is difficult to see how for the vast majority of detainees their present day circumstances would pose a security threat.

However, all were arrested, detained, and experienced some form of abuse, a large majority recounting severe torture. We are unable to see any variation in the length of detention or severity of interrogation using torture correlating with length of service or extent of involvement in military activities. In a recent conversation with a journalist who had interviewed former LTTE members coming out of rehabilitation centers in Sri Lanka, it was recounted that “Nearly all the cadres, regardless of stature, wanted to leave the island. They knew once they went to their home villages they would be harassed, or even tortured.” (NG Interview August 2012).

Starting in 2005, the Government of Sri Lanka cast a wide net over individuals and organizations who might be considered LTTE supporter/sympathizers, even boldly calling United Nations Human Rights Commissioner Navanethem Pillay a “Terrorist”<sup>28</sup>.

For example in Nov 2011 Sri Lankan Defense Attache to the UK stated to a Sri Lankan TV channel “The LTTE has cultivated sympathisers in all three major political parties”. He went on to say ‘LTTE supporters have money to buy journalists and in some cases media organisations’. Also in Nov 11 Sri Lanka’s External Affairs Minister cited “a recent example of a defeated European parliamentarian receiving a well paid job from an LTTE front organization to underscore the nexus between the LTTE and some of its vociferous supporters abroad” and asserted a strong relationship “between the LTTE and those foreign powers still facilitating LTTE operations”<sup>29</sup>

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<sup>28</sup> Tamil Guardian, “Peiris Accuses Western Powers of Colluding with LTTE” (26<sup>th</sup> November 2011)  
<<http://www.tamilguardian.com/article.asp?articleid=3976>> Accessed 30<sup>th</sup> July 2012

<sup>29</sup> Peiris comments at a conference on reconciliation and the international community, published in the Island Nov 2011 and cited by the TamilGuardian newspaper in London.

The frequent issuance of such statements by senior Sri Lankan officials supports our view that when returnees are accused of ‘LTTE fund raising’ this covers a broad nexus of real or imagined political activity.

As a popular social movement the LTTE was integrated within many aspects of Tamil society, particularly in the period during which the LTTE controlled their own de-facto state (Mampilly, 2010). Nearly every family would be likely to have some tie to the movement through either bloodlines<sup>30</sup> or their own engagement in legitimate or illegitimate activities. Similarly, while those living abroad in the Tamil diaspora may be protected by possession of a foreign passport, relatives on the island may be under threat due to their involvement in legitimate forms of political repression. As one asylum seeker notes,

“My relative was taken by the Police and the CID. I left detention illegally and I was not officially released so they were looking for me and went home asking for me. They beat him and asked him where I was, he couldn’t bear the torture and told them I had left the country, so they released him on the condition that the moment I returned home he had sent me to the police.”<sup>31</sup>

***Variation in levels of association with the LTTE, or perceived linkages, does not explain the likelihood of arrest and subsequent torture.***

#### ***IV. Rule of Law in Sri Lanka***

Once returned to Sri Lanka, the assumption is that the host government rule of law will apply, and any violations of national law will be subject to a fair trial. The applicants in all of the 26 cases were arrested following their return and held without explanation (presumably under the authority of the Prevention of Terrorism Act), and 15 were forced to sign confessions in Sinhalese that they were unable to read. Returnees were questioned about participation in protests, journalistic and other activist activities – all forms of political repression which are protected in the UK. Despite the Sri Lankan state maintaining a nominal commitment to respecting similar freedoms, the evidence points starkly to a lack of adherence to those principles. The Sri Lankan courts have become politicized, and directly under the control of the executive, thereby reducing the likelihood of a fair trial in politically aggravated cases.<sup>32</sup>

As further evidence of the lack of due process, the release of all but one of the 26 sampled cases was secured by a bribe from family members, raising questions about incentives for the initial arrests.

Questioning the legitimacy of some white van abductions, earlier this year, a TAG study asserted “Short-term detention is generally indicative of a profit-motive, where the abduction was contracted for monetary compensation; alternatively, short-term detention can be indicative of an

<sup>30</sup> The LTTE had a one member per family recruitment policy until the last stages of the war when it compulsorily recruited multiple members from families – see para 68 of the Report of the UN Panel of Experts April 2011

<sup>31</sup> Tamils Against Genocide, *Evidence of Risk to Diaspora and Activists* Case1-001

<sup>32</sup> Crisis Group 2009: “**Sri Lanka’s Judiciary: Politicised courts, compromised rights**”<sup>32</sup>

informal revolving-door Sri Lankan national security investigation technique where the Tamil abductee is imprisoned, tortured, escorted by security or paramilitaries via white van to see his family or a particular locality, pressured to provide more money or information, and then returned to prison where the procedure is repeated. “<sup>33</sup>.

Again, a somewhat skewed sample data set can be read as representative when understood alongside a recent study by Transparency International ranking the government of Sri Lanka as 3.5 out of 10 (1 being the highest) in terms of levels of corruption.

*“Successive governments have respected judicial independence, and judges can generally make decisions without overt political intimidation. However, concerns about politicization of the judiciary have grown in recent years. Corruption remains fairly common in the lower courts, and those willing to pay bribes have better access to the legal system.” (TI 2012)*

***Returnees will not be offered a fair trial due to the provisions within the PTA, and a highly politicized and corrupt state-controlled judiciary branch.***

### ***British High Commission Monitoring of Enforced Returnee Safety***

The British High Commission in Colombo monitors arrivals of enforced returns and charter flights at the airport and asserts that this ensures the safety of returnees. Yet our data shows that less than a quarter of voluntary returnees claimed to have been detained at the airport. 9 out of 16 report being picked up white vans, the rest report being picked either at check points, public places such as bus stops or at home. The vast majority were picked up within a month of leaving the airport, some 11 cases report being picked up within 2 weeks, while some cases make no comment on this. Thus while the correlation between arrival and pick up is clear, there is also an established practice of waiting till returnees have cleared the airport before detaining them. Thus circumventing any efforts to monitor the safe arrival of returnees by meeting them at the airport is ineffective.

### ***Findings***

#### ***Who is at Risk: Demographic Categories***

This section looks at patterns across both determinations and interviews to better understand the category of persons who are likely to be subjected to random arrest, abduction, and torture.

- *Age/Gender* : The standard age of those questioned, detained, and/or tortured upon their return was between 22-38, with a slight bias towards young men over women. This age

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<sup>33</sup> TAG Report July 2012 entitled “Sri Lanka’s White Van’s: Dual Criminality of the Sri Lankan State and the Rajapaksa Regime”

range would have been those most exposed to political mobilization in the North and East during the course of the conflict.

- *Citizenship*: All of the cases where the determination was accepted were Sri Lankan citizens with temporary or student visas in the UK. One case, presented by an expert witness, cites a British citizen who was detained due to political activities in the UK, but this case represents the anomaly.<sup>34</sup>
- *Ethnicity*: All of the cases related to ethnic Tamils.
- *Political Affiliation*: A real or perceived “tie” to the LTTE. Participation in political protests abroad has increased prevalence as a risk factor. In one case the judge stated, “*I find it reasonably likely that the appellant was arrested in Colombo in [Redacted] as he claims and subjected to torture for participation in the London demonstrations*” (Case 18)

The country codes must be informed not only by the current political context in Sri Lanka, but also by the approach taken by the state to the minority population in question. The cases reviewed here show a clear pattern: that any association with any form of political activity in support of minority rights, *either on the island or abroad*, places an individual at risk of arrest – thereby making a large proportion of the Tamil community vulnerable.

***Demographic determinants are sufficiently broad so as to assume that a majority of Tamils are at risk of arrest and torture upon involuntary return.***

### ***What is the risk: Arrest, Abuse, and Torture***

The 26 determinations taken to be credible, provide some insight into the likelihood of torture in association with initial arrest and detention. All were subjected to severe forms of torture, claims which were clearly corroborated by medical experts. The brutal interrogation techniques used by the state have been clearly documented in a number of reports, most recently in medical records reviewed by Freedom From Torture.<sup>35</sup>

One claimant from the current data set recounts,

*“They pushed my fingers with pins, they hung me upside down and beat me. They would dunk my head in water. Then I was beaten with metal rods. They beat me on my head and also on my legs. They put chilli powder on the scars/wounds after beating me.”*<sup>36</sup>

<sup>34</sup> TAG witness statement August 2012

<sup>35</sup> “Sri Lankan Tamils Tortured on Return From the UK”, Freedom From Torture, September 13, 2012

<sup>36</sup> Tamils Against Genocide, *Evidence of Risk to Diaspora and Activists* Case1-004

The majority of the cases that reported abuse reported similar forms of physical torture, with 6 verified as having experienced additional forms of sexual torture. In all of the cases reviewed, judges found legitimate claims of severe torture to be “*supported by photographic evidence and the medical reports*” as well as through “*psychological assessment*”. (Case #3). Several of the applicants suffer from continued physical pain as well as forms of mental illness caused by severe trauma.

### ***BROADER IMPLICATIONS: PREDICTING OUTCOMES***

Despite increasing pressure from the international community, the government of Sri Lanka has made little progress in curbing state repression and engaging in a meaningful accountability and reconciliation process.<sup>37</sup>

This reality on the ground should be the driving force behind the rationale for guiding principles in asylum cases. The lack of research around the methods used to establish these principles<sup>38</sup> as well as an absence of regional expertise can create a dangerously misguided policy resulting in a likely rise in risk on return.. Once these individuals have applied for asylum the assumption on behalf of the Sri Lankan state is that returnees have acknowledged an affiliation with the LTTE which is the bare minimum required to arrest, detain, and torture these individuals.<sup>39</sup>

As has been demonstrated in this report, both the context of a repressive state, with minimal adherence to democratic standards, coupled with periods of intense international pressure regarding institutionalized abuse and violations of international law create a high level of vulnerability for individuals who fall within the demographic determinants outlined above. In March of 2012, the UN Human Rights Council voted to pass a resolution pushing for accountability and the full implementation of a national Lessons Learned and Reconciliation Commission report. The resolution finally gained momentum around fears that there has been a structural shift towards a more inherently repressive state in Sri Lanka. Angered by the move, President Rajapaksa claimed, “*No external forces will be allowed to threaten the country’s sovereignty*”. He further turned the finger on Tamil opposition parties, accusing them of being “*conspirators, opportunists, and traitors*” for providing any information or support to the resolution.<sup>40</sup>

The patterns established here predict that with this, the strongest statement yet by the international community, the Sri Lankan government response is likely to be even more stringent and indiscriminate in its search for informants, particularly those living abroad with ties to the

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<sup>37</sup> Crisis Group March 2012 : Government Promises, Ground Realities

<sup>38</sup> Yeo, S. *Tamils and Torture: Assessing the country guidance case system and the UK’s non-refoulement obligations* (2012)

<sup>39</sup> <http://www.srilankaguardian.org/2012/09/reconciliation-human-rights-and.html>

<sup>40</sup> (<http://www.colombotelegraph.com/index.php/sri-lanka-reacts-to-unhrc-resolution-on-hr-violation/>)

nations who voted in favor of the resolution, including the UK. Concern over the lack of commitment to reconciliation was recently reiterated by U.S. Assistant Secretary of State Robert Blake, who *"emphasized the importance of progress in reducing the role and profile of the military in the north, and full respect for human rights."*<sup>41</sup>

The continued involuntary return of asylum seekers to Sri Lanka, particularly in a state of heightened surveillance and arrest, would be irresponsible and encourage continued impunity for human rights abuses, like those found in the sampled determinations

## **APPENDICES**

- i. Surveillance of Protests in London
- ii. Accountability in Sri Lanka

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<sup>41</sup> <http://www.thehindu.com/news/international/article3897165.ece>. (14th Sept 2012)

## APPENDIX 1: Surveillance of Protests in London

Embassy staff photographing protestors from balcony and on street, on th February 2011. Taken by a freelance photographer for Tamilnet. TAG is in possession of a witness statement evidencing this.



## APPENDIX 2: Chronology of Accountability in Sri Lanka

### Accountability in Sri Lanka: Chronology of International calls and local responses

#### ▪ June 2009:

##### International Event:

- UN chief urges for Sri Lanka War crimes probe <sup>i</sup>

##### GoSL Response

Following the military victory over the LTTE, the GoSL used visas to control access and the flow of information about conduct during the war.

- Canadian politician denied entry into Sri Lanka  
<http://tamilnet.com/art.html?catid=13&artid=29568>
- UN HR Rapporteur denied entry into Sri Lanka  
<http://www.sundaytimes.lk/110731/BusinessTimes/bt30.html>

#### ▪ July 2009:

##### International Event:

- Human Rights Leadership coalition urges US President Obama to initiate War crimes investigation <sup>ii</sup>
- Amnesty International pushes for an independent inquiry <sup>iii</sup>

##### GoSL Response

The Government begins to clamp down on media outlets, censoring state-run media

- Denial of visa extension to AP's bureau chief  
<http://tamilnet.com/art.html?catid=13&artid=29829>

▪ **August 2009:**

International Event

- **HRW presses for an international inquiry into War crimes following the release of Sri Lankan Army execution video**<sup>iv</sup>

GoSL response:

The GoSL starts a campaign against individuals providing information, or engaging in political dissent, on the island and abroad.

- *Increasing risk on return of activists in Sri Lanka*  
<http://www.unhcr.org/refworld/pdfid/4ae066de2.pdf>

▪ **September 2009**

GoSL response:

- *Major General Jegath Diaz [commander of the 57<sup>th</sup> Division] appointed as Deputy Ambassador to Germany and Switzerland*

▪ **October 2009:**

International Event

- **HRW urges US to launch international investigation into War Crimes**<sup>v</sup>
- **EU Commission finds Sri Lanka in breach with UN HR Right Conventions**<sup>vi</sup>
- **U.S. Department of State report to Congress on Incidents during the recent Conflict in Sri Lanka [21 Oct 2009] calls for investigations into war crimes in Sri Lanka [22 Oct 2009], ignites Congress debate**<sup>vii</sup>
- **UNHRC backs calls for Sri Lanka War Crimes probe**<sup>viii</sup>

GoSL response:

The GoSL fears that nations in the “West” with large diaspora populations are conspiring against them, and under the influence of LTTE-supporters.

- *Refusal of visa to two Canadian MPs*  
<http://tamilnet.com/art.html?catid=13&artid=30459>

▪ **November 2009:**

International Event:

- International Federation of Journalists publishes “ War’s End Brings New Challenges”<sup>ix</sup>

▪ **January 2010:**

International Event:

- Decision of the People’s Tribunal in Dublin on War Crimes in Sri Lanka published<sup>x</sup>

GoSL response:

***This begins the harsh crackdown on journalists, decried by organizations like Reporters Without Borders.***

- *Arrest of Channel 4 journalists*  
<http://tamilnet.com/art.html?catid=13&artid=29306>
- *Deportation of British journalist*  
<http://tamilnet.com/art.html?catid=13&artid=29079>
- *Sri Lanka blocks TamilNet*  
<http://tamilnet.com/art.html?catid=13&artid=22512>
- *Sri Lanka expells Swiss journalist*  
[http://www.swissinfo.ch/eng/news\\_digest/Swiss\\_journalist\\_told\\_to\\_leave\\_Sri\\_Lanka.html?cid=8194886](http://www.swissinfo.ch/eng/news_digest/Swiss_journalist_told_to_leave_Sri_Lanka.html?cid=8194886)

▪ **March 2010:**

International Event:

- US State Department publishes its “2009 Human Rights Report: Sri Lanka”<sup>xi</sup>

GoSL response:

The GoSL promotes the concept that the entire diaspora are still acting in the interest of the LTTE.

- *Diaspora organisations termed as ‘terrorist fronts’*  
[http://www.defence.lk/new.asp?fname=20100329\\_06](http://www.defence.lk/new.asp?fname=20100329_06)

▪ **May 2010:**

International Event:

- **Lessons Learnt and Rehabilitation Commission appointed by President Rajapaksa**
- **Crisis Group publishes “War Crimes in Sri Lanka”**

GoSL response:

Human rights concerns are painted as neo-colonial attempts to serve Western interests.

- *Accusation of bias against Amnesty International*  
<http://www.dailymirror.lk/index.php/news/2409-defence-ministry-challenges-ai-.html>
- *Diaspora activists called traitors who deserve capital punishment*  
<http://www.island.lk/2010/05/06/news2.html>

▪ **June 2010:**

International Event:

- **UN expert stresses domestic inquiries into extrajudicial killings insufficient<sup>xii</sup>**
- **UN Secretary General appoints expert panel to investigate War Crimes in Sri Lanka<sup>xiii</sup>**

▪ **July 2010:**

International Event:

- **UNHRC renews calls for an independent War Crime investigation at the UN Security Council<sup>xiv</sup>**

GoSL response:

The GoSL takes a hard line on NGO's operating in the former warzones, requiring presidential task force approval for all projects.

- *GoSL expels two foreign NGO workers*  
<http://tamilnet.com/art.html?catid=13&artid=32158>

▪ **August 2010:**

International Event:

- **Tamils Against Genocide files civil case against Maj. Gen. (retd.) Jagath Dias<sup>xv</sup>**

GoSL response:

- *Refusal of visa to international NGO official*  
<http://tamilnet.com/art.html?catid=13&artid=32623>

▪ **October 2010:**

International Event:

- **Intl' Human Rights group reject invite to Sri Lanka's LLRC<sup>xvi</sup>**
- **Amnesty urges British Foreign Secretary to push for independent War Crimes investigation into Sri Lanka<sup>xvii</sup>**

▪ **November 2010:**

International Event

- **Arrest warrant of President Rajapaksa attempt by British Tamils<sup>xviii</sup>**

GoSL response:

This event in particular raises the profile of British Tamils, or Tamils residing in the UK.

- *Al Jazeera journalists denied visa after critical report on Sri Lanka*  
<http://tamilnet.com/art.html?catid=13&artid=32999>

▪ **December 2010:**

International Event:

- British defence secretary cancels Sri Lanka trip amid calls for War Crimes investigation<sup>xxix</sup>
- British All Party Parliamentary Group for Tamils joins in call for independent investigation into War Crimes<sup>xxx</sup>

- **January 2011:**

- International Event:

- Amnesty International calls for investigation against President Rajapakse during US visit<sup>xxxi</sup>
    - HRW slams Sri Lanka on refusal of War Crimes investigation

- **February 2011:**

- International Event:

- Tamils Against Genocide files Civil Case against Rajapaksa
    - AI launches global action calling on UN to establish an international investigation into War Crimes<sup>xxii</sup>
    - US Senate Resolution calls for accountability on War Crimes in Sri Lanka<sup>xxiii</sup>
    - British APPGT renews calls to establish an international investigation<sup>xxiv</sup>

- **April 2011:**

- International Event:

- UN Panel of Experts publishes Report
    - HRW presses Sri Lanka for Wartime Disappearance accountability<sup>xxv</sup>
    - UNHRC chief renews calls for an independent investigation<sup>xxvi</sup>

- **May 2011:**

- International Event:

- Channel 4 “Sri Lanka’s Killing Fields Part 1”
    - Human Rights Groups urge US Department of State for accountability in Sri Lanka<sup>xxvii</sup>

GoSL response:

**Western nations, primarily the U.S. and UK are demonized in local press, and their accusations are dismissed.**

- *Accusation of “Sri Lanka’s Killing Fields” to be fake*  
[http://jdsrilanka.blogspot.co.uk/2011\\_06\\_16\\_archive.html](http://jdsrilanka.blogspot.co.uk/2011_06_16_archive.html)
- *Rejection of war crimes investigation*  
<http://tamilnet.com/art.html?catid=13&artid=34070>
- *President Rajapaksa calls external HR activism threat to national security*  
<http://www.dailymirror.lk/news/12083-stay-alert--mr.html>  
[http://www.priu.gov.lk/news\\_update/Current\\_Affairs/ca201111/20111123terrorists\\_attack\\_us\\_hiding\\_human\\_righ](http://www.priu.gov.lk/news_update/Current_Affairs/ca201111/20111123terrorists_attack_us_hiding_human_righ)

**July 2011:**

*International Event:*

**International Crisis Group publishes ‘Reconciliation in Sri Lanka: Harder than Ever’<sup>xxviii</sup>**

GoSL response:

**Increased reports emerge of Sri Lankan Embassies in Western nations engaging in surveillance on diaspora activists, while local monitoring through the military is expanded.**

▪ *Surveillance of diaspora activists [citation]*

<http://news.nationalpost.com/2011/07/01/canadian-detainee-wants-probe-into-detention-and-alleged-torture-in-sri-lanka/>

<http://www.canadiantamilcongress.ca/article.php?lan=eng&cat&id=3>  
<http://www.channel4.com/news/un-human-rights-council-urges-sri-lankan-accountability>

▪ *Arrest of British Tamil citizen alleged of helping channel 4 documentary*

<http://tamilnet.com/art.html?catid=13&artid=34156>

[http://www.bbc.co.uk/sinhala/news/story/2011/07/110708\\_channel4\\_tamil.shtml](http://www.bbc.co.uk/sinhala/news/story/2011/07/110708_channel4_tamil.shtml)

▪ *Attack on Tamil newspaper editor in Jaffna*

<http://www.google.com/hostednews/afp/article/ALeqM5gvVOM7vMupBbhkQw0l1pljswsImA?docId=CNG.373af95a8162edb3c0e98ffdbcf674d3.1a1>

▪ *Rise of white van abductions*

<http://www.rnw.nl/international-justice/article/sri-lanka%E2%80%99s-white-vans-deliver-fear-and-oppression>

▪ *Body of Muslim human rights activist exhumed*

<http://tamilnet.com/art.html?catid=13&artid=34235>

- **August 2011:**  
*International Event:*
  - **Complaint against Major General Jagath Dias<sup>xxix</sup>**
  - **Headline Today airs “I witnessed Genocide: Inside Lanka's Killing Fields 1& 2 ”**

*GoSL response:*

**All journalists on the island have security concerns, and their access to high security zones is restricted.**

- *Sri Lankan President issues threat to critical newspaper chairman*  
<http://en.rsf.org/sri-lanka-president-personally-phones-02-08-2011,40732.html>

- **September 2011:**  
*International Event:*
  - **Legal action filed against Major General Shavendra Silva<sup>xxx</sup>**

*GoSL response:*

**GoSL finds proof of a conspiracy, led by the Western nations and individuals in those countries.**

- *GoSL claims an international conspiracy*  
[http://www.bbc.co.uk/sinhala/news/story/2011/09/110930\\_mahinda\\_unhrc.shtml](http://www.bbc.co.uk/sinhala/news/story/2011/09/110930_mahinda_unhrc.shtml)
- *Arrest of British Tamil oppositional activist*  
<http://www.srilankaguardian.org/2011/09/british-citizens-held-prisoners-by-sri.html>
- *GoSL claims UN to be biased against Sri Lanka*  
[http://www.bbc.co.uk/sinhala/news/story/2011/09/110912\\_unhrc\\_mahinda\\_ai.shtml](http://www.bbc.co.uk/sinhala/news/story/2011/09/110912_unhrc_mahinda_ai.shtml)

▪ **October 2011:**

*International Event:*

- **Allegations of war crimes<sup>xxxix</sup>**
- **UK Labour Party joins in call for war crimes investigation<sup>xxxix</sup>**

GoSL response:

- *GoSL accuses unnamed EU Parliament member of being on LTTE payroll*  
[http://www.island.lk/index.php?page\\_cat=article\\_details&page=article-details&code\\_title=39754](http://www.island.lk/index.php?page_cat=article_details&page=article-details&code_title=39754)

▪ **December 2011:**

*International Event:*

- **New Zealand expresses support for an international investigation into Sri Lanka<sup>xxxix</sup>**

▪ **January 2012:**

*International Event:*

- **British FCO expresses disappointment over LLRC report<sup>xxxix</sup>**

GoSL response:

**The GoSL makes wide accusations of collaboration with the LTTE and terrorism.**

- *Defence Secretary says Sri Lanka under external threat*  
<http://www.ft.lk/2012/01/13/sri-lanka-is-still-under-threat-warns-defence-secy-part-i/>
- *Amnesty International called a 'terrorist front' organisation*  
[http://www.defence.lk/new.asp?fname=20120228\\_03FEA\\_art](http://www.defence.lk/new.asp?fname=20120228_03FEA_art)

▪ **February 2012:**

*International Event:*

- **European Union refuses to welcome LLRC, calls for UN investigation<sup>xxxix</sup>**
- **Elders publish a statement over LLRC**

GoSL response:

- *Human Rights Watch called a 'terrorist front' organisation*  
<http://www.dailymirror.lk/news/16891-hrw-is-promoting-pro-ltte-propaganda.html>

▪ **March 2012:**

International Event:

- **UN Human Rights Council Resolution**
- **UN Panel of expert member says US demands on Sri Lanka not enough<sup>xxxvi</sup>**
- **Channel 4 releases Sri Lanka's Killing Fields 2**

GoSL response:

**GoSL embarks on a co-ordinated diplomatic campaign, with a parallel campaign of threats to local and foreign activists in an attempt to shift the outcome of the UNHRC resolution.**

- *Talk of Eelam to be terrorist activity*  
<http://www.dailymirror.lk/top-story/18071-karunanidhi-can-have-eelam-in-india-gota.html>
- *GoSI warned Tamils in Northeast of Sri Lanka to support diaspora organisations*  
<http://www.crisisgroup.org/en/regions/asia/south-asia/sri-lanka/220-sri-lankas-north-ii-rebuilding-under-the-military.aspx>
- *Accusations against British MPs to be bought by Global Tamil Forum*  
[http://island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=50126](http://island.lk/index.php?page_cat=article-details&page=article-details&code_title=50126)
- *SL minister threatens Sri Lankan and diaspora activists who attend the UN Human Rights Session*  
<http://www.adaderana.lk/news.php?nid=17473&mode=beauti>  
<http://www.colombotelegraph.com/index.php/i-chased-poddala-warning-to-traitors-mervyn/>
- *Threats to civil society members attending UN HR session*  
<http://www.unmultimedia.org/tv/webcast/2012/03/pr-esidential-statement-15th-meeting-19th-session-human-rights-council.html>
- *Diaspora activist termed as 'pro-LTTE lobby groups'*  
<http://www.sundayobserver.lk/2012/04/01/fea04.asp>

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<sup>i</sup> Al Jazeera: "UN chief urges Sri Lanka inquiry" (June 2009)  
<<http://www.aljazeera.com/news/asia/2009/06/20096642943521220.html>> Accessed 8<sup>th</sup> September 2012

<sup>ii</sup> Human Rights Leadership Coalition (July 2009) <http://tamilnet.com/img/publish/2009/07/to-pres-obama-re-sri-lanka.pdf> Accessed 8<sup>th</sup> September 2012

<sup>iii</sup> Amnesty International: Sri Lanka: Statements by detained doctors underline need for independent inquiry (July 2009) [http://www.amnesty.org.uk/news\\_details.asp?NewsID=18314](http://www.amnesty.org.uk/news_details.asp?NewsID=18314) Accessed 8<sup>th</sup> September 2012

<sup>iv</sup> Human Rights watch (August 2009): Sri Lanka: Execution Video Shows Need for International Inquiry  
<http://www.hrw.org/news/2009/08/26/sri-lanka-execution-video-shows-need-international-inquiry> Accessed 8<sup>th</sup> September 2012

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<sup>v</sup> *Foreign Policy in focus: "Legacy of Abuse in Sri Lanka" (October 2009):*  
[http://www.fpif.org/articles/legacy\\_of\\_abuse\\_in\\_sri\\_lanka](http://www.fpif.org/articles/legacy_of_abuse_in_sri_lanka) Accessed 8<sup>th</sup> September 2012

<sup>vi</sup> COMMISSION OF THE EUROPEAN COMMUNITIES REPORT  
on the findings of the investigation with respect to the effective implementation of certain human rights conventions in Sri Lanka (October 2009): [http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc\\_145152.pdf](http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145152.pdf)  
Accessed 8<sup>th</sup> September 2012

<sup>vii</sup> US State Department: "Report to Congress on Incidents During the Recent Conflict in Sri Lanka" (21 October 2009): <http://www.state.gov/documents/organization/131025.pdf>  
September 2012

<sup>viii</sup> AFP: "UN rights office backs Sri Lanka war probe" 23 October 2009):  
[http://www.google.com/hostednews/afp/article/ALeqM5igtptgtgw0\\_C9Yi\\_AvLsqidsXyNbQ](http://www.google.com/hostednews/afp/article/ALeqM5igtptgtgw0_C9Yi_AvLsqidsXyNbQ) Accessed 8<sup>th</sup> September 2012

<sup>ix</sup> International Federation of Journalists: "War's End Brings New Challenges" (December 2009) <http://www.tamilnet.com/img/publish/2009/12/Doc15Report.pdf> Accessed 8<sup>th</sup> September 2012

<sup>x</sup> Permanent People's Tribunal "Tribunal On Sri Lanka" (14<sup>th</sup>-16<sup>th</sup> January 2010, Trinity College, Dublin)

<sup>xi</sup> US State Department: "2009 Human Rights Report: Sri Lanka" (March 2010)  
<http://www.state.gov/j/drl/rls/hrrpt/2009/sca/136093.htm> Accessed 8<sup>th</sup> September 2012

<sup>xii</sup> UN: "Domestic inquiries into extrajudicial killings insufficient, UN expert stresses" (June 2010)  
<http://www.un.org/apps/news/story.asp?NewsID=34905&Cr=alston&Cr1=#.UEYj742TuGk> Accessed 8<sup>th</sup> September 2012

<sup>xiii</sup> UN: "Ban appoints panel to advise on human rights issues during Sri Lankan conflict" (June 2010)  
<http://www.un.org/apps/news/story.asp?NewsID=35099&Cr=lanka&Cr1=#.UEYkWY2TuGk> Accessed 8<sup>th</sup> September 2012

<sup>xiv</sup> United Nations Human Rights: Open Debate on Protection of Civilians in Armed Conflict: Statement by Ms. Navi Pillay at the United Nations Security Council" (July 2010)  
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10197&LangID=e> Accessed 8<sup>th</sup> September 2012

<sup>xv</sup> Tamilnet: "Dias case filed in European Court, German Ambassador meets Swiss Tamils" (August 2010)  
<http://tamilnet.com/art.html?catid=13&artid=32317> Accessed 8<sup>th</sup> September 2012

<sup>xvi</sup> Human Rights watch: Sri Lanka: Groups Decline to Testify Before Flawed Commission (October 2010)

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<http://www.hrw.org/news/2010/10/13/sri-lanka-groups-decline-testify-flawed-commission> Accessed 8th September2012

<sup>xvii</sup> [Amnesty International: Sri Lanka: Hague must insist on independent investigation into war crimes when he meets his Sri Lankan counterpart, says Amnesty\(October 2010\)](#)

[http://www.amnesty.org.uk/news\\_details.asp?NewsID=19046](http://www.amnesty.org.uk/news_details.asp?NewsID=19046) Accessed 8th September2012

<sup>xviii</sup> The Guardian The Guardian, “War Crimes lawyers seek arrest of Sri Lankan President in Oxford” (30<sup>th</sup> November 2010) <<http://www.guardian.co.uk/world/2010/nov/30/sri-lanka-president-arrest-war-crimes>> Accessed 13<sup>th</sup> August 2012

<sup>xix</sup> [Tamilnet: Fox cancels trip amid Sri Lanka War Crimes accusations \(December 2010\)](#)

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