



Sri Lanka- Researched and compiled by the Refugee Documentation Centre of Ireland on Friday 31 May 2019

Information on Tamils including: treatment by state/security forces including accusations of being in LTTE; available state protection; & internal relocation options

In December 2018 the *United Nations Human Rights Council* states that:

“...the Special Rapporteur observed a pervasive and insidious form of stigmatization of the Tamil community. Tamils are severely underrepresented in all institutions, particularly in the security sector and the judiciary, despite the importance of ensuring that all institutions adequately reflect the ethnic, linguistic and religious make-up of the State” (United Nations Human Rights Council (14 December 2018) *Visit to Sri Lanka, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, p.1).

This document also states that:

“...individuals with various real or imputed links or association with the Liberation Tigers of Tamil Eelam have been detained for years without charge or trial, without any judicial review of their detention, and with almost no possibility of release” (ibid, p.6).

This report also notes that:

“The Special Rapporteur was informed of the important investment carried out by the Government to resettle Tamils and to further the economic development of the Northern Province, including the construction of 6,000 new houses, and a planned 50,000 in the next few years. He was repeatedly assured that there was no discrimination against the Tamils and that criminal law had been used against the Liberation Tigers of Tamil Eelam only. He was officially told that ill-treatment was a greater challenge in the south than in the north and east of Sri Lanka; and that there was disproportionate attention paid to the perceived negative treatment by the authorities of the Tamil population by Tamils themselves, the international community and civil society. At the same time, the Special Rapporteur observed a pervasive and insidious form of stigmatization of the Tamil community. Tamils are severely underrepresented in all institutions, particularly in the security sector and the judiciary, despite the importance allegedly attributed to ensuring that all institutions adequately reflect the ethnic, linguistic and religious make-up of the State. The authorities explained that despite the various governmental programmes to reach out to Tamils, it was the Tamils that did not want to integrate into governmental institutions, notably because of the language barrier or their lack of trust in the Government” (ibid, p.15).

It is also noted in this document

“...the surveillance of Tamil civil society, including women’s groups, and about the fear of reporting alleged human rights violations and sexual violence to the authorities” (ibid, p.16).

A publication issued in 2019 by *Freedom House* commenting on events of 2018 states that:

“...systemic discrimination, including via language laws and naturalization procedures, negatively affects Tamils’ political participation” (Freedom House (2019) *Freedom in the World 2019, Sri Lanka*, p.4).

This document also states that:

“Following the end of the civil war in 2009, the military presence in the Tamil-populated areas of the north and east increased. The Rajapaksa administration encouraged settlement by ethnic Sinhalese civilians by providing land certificates, housing, and other infrastructure, with the aim of diluting local Tamil majorities in these areas. While such policies ended after Rajapaksa left office in 2015, and some land has been released from military control, displacement of Tamil civilians remains a concern” (ibid, p.5).

This report also states that:

“Police and security forces are known to engage in abusive practices, including extrajudicial executions, forced disappearances, custodial rape, and torture, all of which disproportionately affect Tamils” (ibid, p.8).

A report published in March 2019 by the *United States Department of State* commenting on events of the preceding year notes that:

“The country's civil war that ended in 2009 caused widespread, prolonged displacement, including forced displacement by the government and the LTTE, particularly of Tamils. According to the Ministry of Resettlement, Rehabilitation, Northern Development, and Hindu Religious Affairs, 37,815 citizens remained IDPs as of June 30. The large majority resided in Jaffna, Kilinochchi, Mannar, and Batticaloa Districts in the north and east. While all IDPs had full freedom of movement, most were unable to return home due to land mines; restrictions designating their home areas as part of HSZs; lack of work opportunities; inability to access basic public services, including acquiring documents verifying land ownership; and lack of government resolution of competing land ownership claims and other war-related reasons. The government did not provide protection and assistance to IDPs in welfare camps” (United States Department of State (13 March 2019) *2018 Country Reports on Human Rights Practices: Sri Lanka*, p.11).

This report also states that:

“Both local and Indian-origin Tamils maintained they suffered longstanding, systematic discrimination in university education, government employment, housing, health services, language laws, and procedures for naturalization of noncitizens. Throughout the country, but especially in the north and east, Tamils reported security forces regularly monitored and harassed members of their community, especially activists and former or suspected former LTTE members” (ibid, pp.15-16).

In February 2019 *Freedom from Torture* states that:

“Freedom from Torture finds that torture has continued in a context of ongoing security operations in post-conflict Sri Lanka, despite the new government's promise of a "zero tolerance" policy on torture. This briefing examines 16 medico-legal reports prepared by Freedom from Torture for Sri Lankan nationals who were detained and tortured between 2015 and 2017. All of the people detained and tortured in our case set were Tamil. Most of those targeted and detained were accused by state authorities of ongoing involvement with the Liberation Tigers of Tamil Eelam (LTTE) - as part of a so-called "revival" or failing to surrender after the war, even though none disclosed any current affiliation” (Freedom from Torture (22 February 2019) *Too Little Change: Ongoing Torture in Security Operations in Sri Lanka*, p.1).

In February 2019 *Amnesty International* states that:

“While President Maithripala Sirisena said that all military-occupied civilian land in the predominantly ethnic Tamil north would be released by December 2018, progress has stalled, hindered in part by broad military claims of national security and the lack of a transparent process” (Amnesty International (25 February 2019) *Sri Lanka: Need for time-bound plan for implementation of commitments to the Human Rights Council*, p.1).

Reuters in May 2019 states:

“Sri Lankan government forces may never return swathes of land taken from ethnic Tamils during a decades-long civil war, land and human rights experts said on Friday, further impoverishing tens of thousands uprooted in the bloody conflict” (Reuters (17 May 2019) *Ten years after war ended, Sri Lankan Tamils may never get back land*).

References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

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