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Introduction

This Country of Origin Information Report was drawn up on the basis of the questions asked and points for attention mentioned in the Terms of Reference (ToR) compiled by the Ministry of Justice and Security, as established on 24 November 2023. This ToR, together with the report, is available at the Dutch Government's website.

This Thematic Country of Origin Information Report describes the situation of Tamils in Sri Lanka insofar as this affects the assessment of asylum applications and decision-making regarding the return of asylum seekers who have been rejected. The reporting period is from October 2014 up to and including April 2024. The Country of Origin Information Report is a factual, neutral and objective representation of the findings that were made during the period under consideration. It is not a policy document, nor does it reflect the government's vision or policy in relation to any given country or region, or reach any conclusions on immigration policy.

This Country of Origin Information Report has been compiled on the basis of public and confidential sources, using carefully selected, analysed and verified information. In the compilation of this report, use was made of information from various sources, including non-governmental organisations (NGOs), specialist literature, media reporting and relevant government agencies. Except where the facts are generally undisputed or unless stated otherwise, the content in this Country of Origin Information Report is based on multiple sources. The public sources that were consulted are listed in the appendices of this Country of Origin Information Report.

Some of the information used was obtained during a fact-finding mission to Colombo and Jaffna that took place in February 2024. This Country of Origin Information Report draws on information from interviews held on-site with relevant expert sources during this mission. In addition, some of the information used was obtained through other channels, including the diplomatic representation of the Netherlands in Sri Lanka, along with information originating from conversations and correspondence outside the context of the fact-finding mission. Such information was used primarily to support and augment passages founded on publicly available information. The sources are listed as 'confidential source' in the footnotes, and are accompanied by a date.

1 General

This section briefly describes general country information about Sri Lanka and the institutions that function there.

1.1 Country and people

Sri Lanka (officially: the Democratic Socialist Republic of Sri Lanka) is slightly smaller than the Netherlands and Belgium combined, with a population of about 22 million. The country consists of nine provinces: Western, Eastern, Southern, Northern, Central, North Central, North Western, Sabaragamuwa and Uva. The largest city, seat of the executive and judiciary and the commercial capital, is Colombo, in Western Province. The legislative bodies are based in the administrative capital, Sri Jayewardenepura Kotte (just outside Colombo).¹

According to the most recent 2012 census, the largest population groups in Sri Lanka were the Sinhalese (about 75% of the population), the Tamils (about 15%, of whom 11% were so-called Sri Lankan Tamils and 4% so-called Indian Tamils²) and Sri Lankan Muslims (around 9%).³ More recent sources give the same demographic distribution.⁴ Most Sinhalese are Buddhist, while most Tamils are Hindu (with a small Christian minority).⁵ Tamils are the largest population group in Northern Province (capital: Jaffna), with 93.8% of the population according to the 2012 census. A high proportion of the population of Eastern Province (capital: Trincomalee) is also Tamil (39.5%), but that province is more demographically diverse than Northern Province, being home to many Muslims (36.9%) and a smaller group of Sinhalese (23.2%). Sinhalese make up the majority of the population in the other provinces. Large groups of Indian Tamils live in the Central

¹ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 6, 6 June 2013; Sri Lanka Red Cross Society (SLRCS), *Provinces*, <https://www.redcross.lk/sri-lanka-country-profile/provinces/>, accessed 18 September 2023; Central Intelligence Agency (CIA), *The World Factbook (2022 Archive): Sri Lanka: Country summary*, <https://www.cia.gov/the-world-factbook/about/archives/2022/countries/sri-lanka/summaries/#geography>, accessed 18 September 2023; United Nations Population Fund (UNFPA), *World Population Dashboard: Sri Lanka*, <https://www.unfpa.org/data/world-population/LK>, accessed 18 September 2023; The World Bank, *World Development Indicators*, <https://databank.worldbank.org/reports.aspx?source=2&country=LKA>, accessed 18 September 2023.

² 'Sri Lanka Tamils' (sometimes called 'Ceylon Tamils' or 'Jaffna Tamils') is the designation given to the descendants of Tamil-speaking groups who migrated to Sri Lanka from southern India centuries ago. 'Indian Tamils' (sometimes called 'Up Country Tamils' or 'Estate Tamils') is the designation given to the descendants of Tamil-speaking groups who came to Sri Lanka later, often during the British colonial period (Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples: Sri Lanka*, <https://minorityrights.org/country/sri-lanka/>, accessed 18 September 2023).

³ Ministry of Finance and Planning, Department of Census and Statistics (supported by UNFPA Sri Lanka), *Census of population and housing, 2012: Key findings*, page 20, 12 December 2014. Available at: <https://srilanka.unfpa.org/sites/default/files/pub-pdf/Census-2012.pdf>.

⁴ CIA, *The World Factbook (2022 Archive): Sri Lanka: Country summary*, <https://www.cia.gov/the-world-factbook/about/archives/2022/countries/sri-lanka/summaries/#geography>, accessed 18 September 2023; Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples: Sri Lanka*, <https://minorityrights.org/country/sri-lanka/>, accessed 18 September 2023.

⁵ United States Department of State (USDoS), *Sri Lanka 2022 International religious freedom report*, 15 May 2023; Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples: Sri Lanka*, <https://minorityrights.org/country/sri-lanka/>, accessed 18 September 2023.

and Uva provinces.⁶ In 2012, Tamils made up about 11% of the population of Colombo.⁷ Sri Lanka's official languages are Sinhalese and Tamil.⁸

1.2 Political system

Sri Lanka has a presidential system. The president is both head of state, head of government and commander-in-chief of the armed forces. The president has important powers. He appoints (and dismisses) cabinet members, calls elections and is the head of the police force. The president is elected by general election for five years, with a limit of two terms.⁹ The most recent presidential election took place on 16 November 2019, when Gotabaya Rajapaksa was elected president. However, under pressure from large-scale protests against government policies that had led to a severe economic crisis, Rajapaksa submitted his resignation on 14 July 2022. Parliament appointed Ranil Wickremasinghe (United National Party, UNP) as president (see also section 2.1.4). The next presidential election is scheduled to take place between 17 September and 17 October 2024.

Legislative power rests with the single-chamber parliament. The 225 members of parliament are elected for a five-year term in 22 constituencies. The cabinet is accountable to parliament.¹⁰ The most recent parliamentary elections took place on 5 August 2020. The Sri Lanka People's Front (*Sri Lanka Podujana Peramuna*, SLPP) won 145 of the 225 parliamentary seats. SLPP leader and former president Mahinda Rajapaksa, brother of then-president Gotabaya Rajapaksa, was elected prime minister.¹¹ However, he too did not serve out his term. Under pressure from large-scale protests, Mahinda Rajapaksa resigned on 9 May 2022. He was succeeded by Ranil Wickremasinghe, who was appointed president two months later, after which Dinesh Gunawardena (SLPP) assumed the premiership (see also section 2.1.4).¹²

Besides presidential and parliamentary elections, Sri Lanka also has provincial and municipal elections.¹³

1.3 Civil war (1983-2009)

Between 1983 and 2009, Sri Lanka was embroiled in a civil war between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (hereafter: LTTE; also

⁶ Australian Government, Department of Foreign Affairs and Trade (DFAT), *DFAT Country information report Sri Lanka*, page 23, 2 May 2024; Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples: Sri Lanka*, <https://minorityrights.org/country/sri-lanka/>, accessed 18 September 2023; Ministry of Finance and Planning, Department of Census and Statistics, *Census of Population and Housing - 2012*, <http://www.statistics.gov.lk/PopHouSat/CPH2012Visualization/htdocs/index.php?usecase=indicator&action=Map&indId=10>, accessed 20 May 2024.

⁷ Department of Census and Statistics, *Census of population and housing of Sri Lanka; Table A3: Population by divisional secretariat, ethnic group and sex*, 2012. Available at: <http://www.statistics.gov.lk/pophousat/cph2011/pages/activities/Reports/District/Colombo/A3.pdf>.

⁸ CIA, *The World Factbook: Sri Lanka: People and society*, <https://www.cia.gov/the-world-factbook/countries/sri-lanka/#people-and-society>, accessed 29 March 2024.

⁹ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, pages 6-7, 6 June 2013; DFAT, *DFAT Country information report Sri Lanka*, pages 12-13, 23 December 2021.

¹⁰ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 7, 6 June 2013.

¹¹ Election Commission of Sri Lanka, *Parliament elections 2020: Votes, seats & national list seats by party*, 7 August 2020. Available at: <https://elections.gov.lk/>.

¹² Al Jazeera, *Sri Lanka swears in Dinesh Gunawardena as new prime minister*, 22 July 2022.

¹³ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 7, 6 June 2013.

called the 'Tamil Tigers'¹⁴) who sought to establish an independent state in the north and east of the country called *Tamil Eelam*.¹⁵ After several attempts (including international efforts) to reach a peace agreement or ceasefire failed, the Sri Lankan government under President Mahinda Rajapaksa launched a large-scale military offensive against the LTTE in August 2006.¹⁶ In 2007, government forces captured Eastern Province from the LTTE, and shifted the offensive towards Northern Province.¹⁷ Particularly this last phase of the civil war was characterised by a large-scale intensification of the violence. Government forces attacked civilians and civilian targets in Northern Province and denied the population food and medicine. For their part, forces of the LTTE prevented civilians from leaving areas under its control to seek safer areas. Repeated calls by the government to the LTTE to lay down its arms had no effect. The LTTE indicated that, while it agreed to a ceasefire, it would not relinquish its weapons. The government refused, and the military struggle intensified.¹⁸ Official figures on numbers of civilian deaths are lacking, but some sources report around 40,000 Tamil civilian casualties during this latest government offensive – particularly from September 2008. Many died as a result of shelling and bombing of non-military targets by Sri Lankan army units in Northern Province (especially in Vanni district).¹⁹

The offensive ended on 18 May 2009, when the government reported that the LTTE had been militarily defeated. The government also confirmed the death of LTTE leader Vellipulai Prabhakaran and other leaders of the organisation. This brought an end to Sri Lanka's civil war after 26 years, in which it was estimated that a total of between 80,000 and 100,000 people had been killed. These included an estimated tens of thousands of civilians, many of them in the final stages of the war.²⁰

¹⁴ For further information on the LTTE, see also: National Coordinator for Counterterrorism and Security (NCTV), *Kennisbank Terroristische Organisaties; Organisaties; Liberation Tigers of Tamil Eelam (LTTE)*, <https://kennisbankterrorisme.nctv.nl/organisaties/liberation-tigers-of-tamil-eelam-ltte>.

¹⁵ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (July 2011)*, pages 5-10, 26 October 2011; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 9, 6 June 2013.

¹⁶ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 9, 6 June 2013. For a more comprehensive description of events in the period 1983-2009, see: Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2010)*, pages 6-12, 1 September 2010, and Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (July 2011)*, pages 5-10, 26 October 2011.

¹⁷ USDoS, *Country Reports on Terrorism 2007 - Sri Lanka*, 30 April 2008; The New Humanitarian, *Sri Lanka: Conflict timeline*, 28 April 2009; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2010)*, page 10, 1 September 2010.

¹⁸ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2010)*, page 12, 1 September 2010.

¹⁹ USDoS, *Report to Congress on incidents during the recent conflict in Sri Lanka*, 2009; Council on Foreign Relations, *The Sri Lankan conflict*, 18 May 2009; The Independent, *Up to 40,000 civilians 'died in Sri Lanka offensive'*, 12 February 2010; UN Secretary-General, *Report of the Secretary-General's Panel of Experts on accountability in Sri Lanka*, 31 March 2011; UN Secretary-General, *Report of the Secretary-General's internal review panel on United Nations actions in Sri Lanka*, November 2012; Ratner, Steven R. "Accountability and the Sri Lankan Civil War," in: *American Journal of International Law* 106, no. 4, 2012; BBC News, *Sri Lanka government publishes war death toll statistics*, 24 February 2012; Georg Frerks, "'Life after death': Remembering the 'Tamil Tigers' in North-East Sri Lanka," in: *Civil Wars*, page 5, 10 February 2023.

²⁰ Human Rights Watch (HRW), *World Report 2010; Events of 2009*, page 347, 2010; UN Secretary-General, *Report of the Secretary-General's Panel of Experts on accountability in Sri Lanka*, 31 March 2011; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 9, 6 June 2013; Al Jazeera, *Sri Lanka starts count of civil war dead*, 28 November 2013; BBC News, *Sri Lanka civil war: Rajapaksa says thousands missing are dead*, 20 January 2020; Reuters, *Sri Lanka faces U.N. scrutiny over civil war crimes*, 23 March 2021. For a more comprehensive description of events in the period 1983-2009, see: Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2010)*, pages 6-12, 1 September 2010, and Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (July 2011)*, pages 5-10, 26 October 2011.

1.4 Public order and security forces

1.4.1 Armed forces

Sri Lanka's armed forces consist of three parts: the army, air force and navy. The president is the commander-in-chief of the armed forces and appoints the defence minister, the Chief of Defence Staff (CDS) and the commanders of the various army units.²¹

The Sri Lankan Army consists of about 20 infantry divisions and various independent brigades and regiments.²² Sri Lanka does not have compulsory military service.²³

According to World Bank data, the Sri Lankan armed forces employed 317,000 people in 2020. This was up from 2015, when 265,200 people were employed.²⁴ Spending on the armed forces was between 1.4% and 2.4% of gross domestic product (GDP) and between 8.6% and 12.5% of total government spending between 2015 and 2022, according to World Bank data.²⁵ The size of the armed forces declined after 2020, to around 260,000 troops in 2023, 200,000 of them in the army. In January 2023, the defence minister announced that the size of the army would be further reduced, to 135,000 soldiers by 2024, and 100,000 by 2030. This was reportedly mainly an austerity measure stemming from the economic recession.²⁶

1.4.2 Police

The Sri Lankan police falls under the Ministry of Public Security. The organisation is headed by the Inspector General of Police (IGP), who is appointed by the president. The police organisation is divided into nine provincial departments, each headed by a Senior Deputy Inspector General of Police (SDIG). The provincial departments are divided into 45 territorial divisions. Each department has several police stations. There were a total of 607 police stations in the country at the end of the reporting period.²⁷ In addition, the police have 80 functional divisions with a national focus on specialised tasks such as communication, criminal investigation, traffic control or

²¹ UN Human Rights Council, *Report of the OHCHR investigation on Sri Lanka (OISL) (A/HRC/30/CRP.2)*, pages 25-31, 16 September 2015; Global Security, *Sri Lanka - Ministry of Defence*, <https://www.globalsecurity.org/military/world/sri-lanka/mod.htm>, accessed 21 November 2023.

²² CIA, *The World Factbook: Sri Lanka: Military and Security*, <https://www.cia.gov/the-world-factbook/countries/sri-lanka/#military-and-security>, accessed 21 November 2023.

²³ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 58, 6 June 2013; CIA, *The World Factbook: Field Listing: Military service age and obligation*, <https://www.cia.gov/the-world-factbook/field/military-service-age-and-obligation/>, accessed 21 November 2023; Sri Lanka Ministry of Defence, *Army Act*, https://www.defence.lk/Publication/army_act, accessed 23 November 2023.

²⁴ The World Bank, *Data: Armed forces personnel, total - Sri Lanka*, <https://data.worldbank.org/>, accessed 21 November 2023.

²⁵ The World Bank, *Data: Military expenditure (current USD) - Sri Lanka*, <https://data.worldbank.org/>, accessed 21 November 2023; The World Bank, *Data: Military expenditure (% of GDP) - Sri Lanka*, <https://data.worldbank.org/>, accessed 21 November 2023.

²⁶ Financial Times, *Sri Lanka to slash size of its military by a third by 2024*, 13 January 2023; Reuters, *Sri Lanka to slash military by a third to cut costs*, 13 January 2023; Defense and Security Monitor, *Sri Lanka announces major cut to armed forces*, 17 January 2023; The Defense Post, *Sri Lanka to reduce military size by a third*, 20 January 2023; CIA, *The World Factbook: Sri Lanka: Military and Security*, <https://www.cia.gov/the-world-factbook/countries/sri-lanka/#military-and-security>, accessed 21 November 2023. See also: Daniel Alphonsus / National University of Singapore, Institute of South Asian Studies, *South Asia Scan; Sri Lanka's post-war defence budget: Overspending and underprotection*, November 2021; UN Human Rights Council, *Situation of human rights in Sri Lanka: Report of the United Nations High Commissioner for Human Rights (A/HRC/54/20)*, page 7, 6 September 2023.

²⁷ UN Human Rights Council, *A/HRC/30/CRP.2*, pages 28-29, 16 September 2015; Sri Lanka Police, *Performance Report 2019*, page 5, 2020; Sri Lanka Police, *History*, https://www.police.lk/?page_id=6537#, accessed 8 March 2024.

support services. Two of these functional divisions are the Criminal Investigation Department and the Terrorism Investigation Division.²⁸

1.4.2.1 Criminal Investigation Department

The Criminal Investigation Department (CID) is responsible for investigating serious crimes such as murder and rape, and organised crime. However, the department also plays a role in anti-terrorism operations and the immigration process at the national airport. CID officers are not uniformed. Over the years, the CID has been frequently linked by experts to the intimidation of political opponents, enforced disappearances and torture of prisoners.²⁹ According to sources, the detention location on the fourth floor of the CID headquarters in Colombo was particularly notorious.³⁰ Incidentally, one source added that although the location is popularly called the “fourth floor”, it is actually located on the fifth floor of the building.³¹

1.4.2.2 Terrorism Investigation Division

The Terrorism Investigation Division (TID; sometimes referred to as the Counterterrorism Investigation Division, CTID) also falls under the responsibility of the SDIG of the Criminal Investigation Department. The TID is tasked with conducting investigations into terrorist activities as described in the Prevention of Terrorism Act (PTA; see also section 3.1). The TID has likewise been frequently linked by experts to the intimidation of political opponents, enforced disappearances and torture of prisoners over the years. According to sources, the detention location on the sixth floor of the TID headquarters in Colombo was particularly notorious.³²

1.4.3 *Department of Immigration and Emigration*

Sri Lanka’s Department of Immigration and Emigration (DIE) is part of the Ministry of Public Security. The service is responsible for monitoring entry into and departure from Sri Lanka.³³ The DIE has headquarters in Colombo and regional offices in Matara (Southern Province), Kandy (Central Province), Vavuniya (Northern Province) and Kurunegala (North Western Province).³⁴

1.4.4 *Department for Registration of Persons*

Sri Lanka’s Department for Registration of Persons (DRP) is also part of the Ministry of Public Security. The DRP’s responsibilities include issuing National Identity Cards (NIC) and collecting and maintaining personal data in a National Personal Registry.³⁵

²⁸ UN Human Rights Council, *A/HRC/30/CRP.2*, pages 28-29, 16 September 2015; Sri Lanka Police, *Performance Report 2019*, page 6, 2020; Sri Lanka Police, *History*, https://www.police.lk/?page_id=6537#, accessed 21 November 2023.

²⁹ UN Human Rights Council, *A/HRC/30/CRP.2*, pages 30, 74, 75, 78 and 86-87, 16 September 2015; International Truth and Justice Project (ITJP), *Sri Lanka: Torture & sexual violence by security forces 2020-21*, pages 4, 11, 12, 21, 23 and 38, September 2021; DFAT, *DFAT Country information report Sri Lanka*, pages 40, 47 and 49, 23 December 2021.

³⁰ UN Human Rights Council, *A/HRC/30/CRP.2*, page 30, 16 September 2015; ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, page 52, September 2021.

³¹ Confidential source, 10 April 2024.

³² UN Human Rights Council, *A/HRC/30/CRP.2*, page 30, 16 September 2015; ITJP, *Terrorism Investigation Division: Sri Lankan police*, September 2019; ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, pages 4 and 52, September 2021; HRW, *“In a legal black hole”: Sri Lanka’s failure to reform the Prevention of Terrorism Act*, page 44, 7 February 2022; Amnesty International, *Urgent Action: Student leaders arbitrarily detained*, 8 November 2022.

³³ Department of Immigration and Emigration, <https://www.immigration.gov.lk/>, accessed 23 November 2023.

³⁴ Department of Immigration and Emigration, *Contact details, Regional offices*, https://www.immigration.gov.lk/pages_e.php?id=32, accessed 23 November 2023.

³⁵ Department for Registration of Persons, *Overview*, <https://drp.gov.lk/en/overview.php>, accessed 21 November 2023.

The DRP has a provincial office in each province, and there are DRP departments in the offices of the 335 Divisional Secretariats spread across the country.³⁶

1.4.5 Intelligence service

Sri Lanka's State Intelligence Service (SIS) falls under the Ministry of Defence and is responsible for intelligence collection at home and abroad.³⁷ The service also plays a role in the immigration process at the national airport in certain cases (see section 6.1).³⁸ After the end of the civil war, the SIS was responsible for tracing, reintegrating and monitoring former members of the LTTE.³⁹ It also reportedly engages in surveillance of, among others, journalists, civil society organisations and human rights activists (see also section 5.2).⁴⁰

1.5 Registration systems

The central system for registering Sri Lankan citizens is called the National Personal Registry. The DRP is responsible for collecting and maintaining personal data in this electronic registry.⁴¹ The registry has been operational since 1972 and contains the personal data of between 16 and 17 million Sri Lankans aged fifteen and above. Based on this registry, National Identity Cards (NIC) are issued, which citizens need for various administrative procedures such as applying for a passport or a driving licence, opening a bank account, voting, or presenting at checkpoints. More than ninety government agencies have access to the National Personal Registry, but only the DRP is authorised to enter or modify information in the registry.⁴² See section 4.3 for more information on the registry.

Sri Lanka also has a central criminal registration system.⁴³ See section 4.3.1 for more information on this system.

³⁶ Department for Registration of Persons, *Home*, <https://drp.gov.lk/en/home.php>, accessed 21 November 2023; Department for Registration of Persons, *Divisional office*, https://drp.gov.lk/en/divisional_office.php, accessed 21 November 2023.

³⁷ UN Human Rights Council, *A/HRC/30/CRP.2*, page 28, 16 September 2015; Kerl Fernando, 'Identifying the core challenge in the post-war peace setting in Sri Lanka: A focus on peace attitudes,' in: *Proceedings in Defence & Strategic Studies, 9th International Research Conference-KDU, Sri Lanka*, page 36, 2016.

³⁸ UK Home Office, *Country information and guidance; Sri Lanka: Tamil separatism (version 3.0)*, page 36, August 2016; UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 57, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, page 47, 23 December 2021; Confidential source, 2 February 2024; Confidential source, 2 February 2024; Confidential source, 13 February 2024; Confidential source, 14 February 2024; Confidential source, 14 February 2024.

³⁹ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, pages 15-16, 20 January 2020; Rohan Gunaratna and Bodhana Perera, 'Sri Lanka: The evolution of an offensive intelligence culture,' in: Shaffer, R., *The handbook of Asian intelligence cultures*, pages 309-322, 2022.

⁴⁰ UN Human Rights Council, *Promoting reconciliation, accountability and human rights in Sri Lanka: Report of the United Nations High Commissioner for Human Rights (A/HRC/46/20)*, page 10, 9 February 2021.

⁴¹ Department for Registration of Persons, *Overview*, <https://drp.gov.lk/en/overview.php>, accessed 21 November 2023.

⁴² Confidential source, 5 February 2024.

⁴³ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 24, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, page 24, 23 December 2021; Confidential source, 20 December 2023; Confidential source, 5 February 2024; Confidential source, 12 February 2024.

2 Political and social developments

This section starts by presenting the main political and administrative developments since October 2014. It subsequently discusses developments around the 13th amendment to the constitution, the current role of the Rajapaksa family, the current role of the LTTE and the current role of Tamil political parties.

2.1 The four presidents since 2005

Sri Lanka had four presidents during the reporting period: Mahinda Rajapaksa, Maithripala Sirisena, Gotabaya Rajapaksa and Ranil Wickremasinghe.

2.1.1 *Mahinda Rajapaksa's presidency - first term (2005-2010)*

Mahinda Rajapaksa, then incumbent prime minister and political leader of the United People's Freedom Alliance (UPFA), was elected president of Sri Lanka on 17 November 2005.⁴⁴ Rajapaksa, who was known as a hardliner with strong support among Sinhalese nationalists, promised to step up the political and military struggle against the LTTE that was raging fiercely at the time.⁴⁵

2.1.1.1 End of the civil war

President Rajapaksa's most visible achievement in his first term was the victory over the LTTE. The movement was militarily defeated on 18 May 2009 (see also section 1.3).⁴⁶

2.1.2 *Mahinda Rajapaksa's presidency - second term (2010-2015)*

The victory over the LTTE increased President Rajapaksa's popularity among Sri Lankans. On 26 January 2010, he was re-elected with a large majority of 57.8% of the votes, compared to 40% for his opponent Sarath Fonseka (New Democratic Front, NDF).⁴⁷

2.1.2.1 Reconciliation

Under national and international pressure to investigate alleged war crimes during the last phase of the civil war, President Rajapaksa created a Reconciliation Commission in May 2010 (*Lessons Learnt and Reconciliation Commission*, LLRC). It

⁴⁴ European Union, *EU Election observation mission Sri Lanka 2005; Final report on the presidential elections*, 17 November 2005; The Guardian, *Hardliner wins Sri Lankan presidency*, 18 November 2005; International Foundation for Electoral Systems (IFES), *Election Guide: Elections for Sri Lankan presidency*, Nov. 17, 2005, <https://www.electionguide.org/elections/id/1986/>, accessed 2 October 2023.

⁴⁵ BBC News, *Hardliner wins Sri Lanka election*, 18 November 2005; The Guardian, *Hardliner wins Sri Lankan presidency*, 18 November 2005; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2010)*, page 9, 1 September 2010; Breedveld, P., *Sri Lanka's failed reconciliation under the presidencies of Mahinda Rajapaksa and Maithripala Sirisena: A story of clashing nationalisms in a heavily polarized country*, 2021; Deutsche Welle (DW), *The rise and fall of Sri Lanka's powerful Rajapaksa dynasty*, 13 July 2022.

⁴⁶ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 9, 6 June 2013. For a more comprehensive description of events in the period 1983-2009, see: Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2010)*, pages 6-12, 1 September 2010, and Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (July 2011)*, pages 5-10, 26 October 2011.

⁴⁷ The Guardian, *President Mahinda Rajapaksa wins Sri Lanka election*, 27 January 2010; DW, *The rise and fall of Sri Lanka's powerful Rajapaksa dynasty*, 13 July 2022; IFES, *Election Guide: Elections for Sri Lankan presidency*, Jan. 26, 2010, <https://www.electionguide.org/elections/id/1986/>, accessed 2 October 2023.

was tasked with making recommendations to promote “national unity and reconciliation.”⁴⁸ On 16 December 2011, the LLRC presented its report, which contained conclusions and nearly 300 recommendations. Although the LLRC drew some lessons from the events during the civil war, the report was met with scepticism internationally and within the Tamil community. According to observers, the LLRC had fallen short of its mandate to conduct a thorough and independent investigation into alleged violations of humanitarian law of war. The report blamed most civilian deaths during the civil war on the LTTE, not Sri Lankan government forces.⁴⁹ In the following years, the international community (particularly through the UN Human Rights Council) continued to urge the Sri Lankan government to thoroughly investigate the events during the civil war, and hold perpetrators of war crimes and crimes against humanity accountable (see further section 2.1.5.2).⁵⁰

2.1.2.2 Treatment of minorities and opponents

The grievances of the Tamil population that had led to the 26-year civil war were not addressed during the Rajapaksa administration (2005-2015). The president pursued a Sinhalese-nationalist policy in which there was little or no room for Tamils’ grievances, reconciliation or accountability for government perpetrators.⁵¹ Although the government adopted some of the LLRC report’s recommendations, discrimination, intimidation and, reportedly, detention and torture of Tamils with alleged links to the LTTE continued to occur regularly.⁵² Commemorative activities for fallen LTTE fighters or LTTE leader Prabhakaran were also prohibited, as was the display of LTTE symbols. Tamils who engaged in these activities risked arrest and criminal prosecution.⁵³

Moreover, even after the end of the civil war, under President Rajapaksa the government continued to make frequent use of the provisions of the Prevention of Terrorism Act (PTA; see section 3.1) to detain Tamils with alleged links to the LTTE, opponents and journalists for extended periods without trial. Exact figures on numbers of arrests are not available.⁵⁴

2.1.2.3 Land appropriation by the government army

One of the main points of contention between the Sri Lankan government and the Tamil community in the years following the end of the civil war was the government army’s appropriation of large tracts of land in the Northern and Eastern provinces. During the civil war, hundreds of thousands of Tamils had been displaced in those provinces. On their return after the war ended, the army was found to have occupied parts of their land. In many cases, these were areas that the authorities

⁴⁸ NRC, *Sri Lanka wil zelf les uit oorlog tegen Tijgers trekken*, 22 June 2010; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2010)*, page 16, 1 September 2010; International Crisis Group (ICG), *Sri Lanka needs truth but not (yet) a truth commission*, 7 September 2012.

⁴⁹ International Federation for Human Rights, *Sri Lanka: LLRC report fails to address war crimes committed during the last stages of the civil war in 2009*, 20 December 2011; ICG, *Statement on the Report of Sri Lanka’s Lessons Learnt and Reconciliation Commission*, 22 December 2011; Ratner, Steven R. “Accountability and the Sri Lankan Civil War,” in: *American Journal of International Law* 106, no. 4, 2012; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, pages 31-32, 6 June 2013.

⁵⁰ ICG, *Sri Lanka needs truth but not (yet) a truth commission*, 7 September 2012; HRW, “*If we raise our voice they arrest us*”: *Sri Lanka’s proposed Truth and Reconciliation Commission*, 18 September 2012.

⁵¹ ICG, *Sri Lanka: Tamil politics and the quest for a political solution*, 20 November 2012.

⁵² ICG, *Sri Lanka: Tamil politics and the quest for a political solution*, 20 November 2012; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 50, 6 June 2013; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, pages 7-9 and 33-34, 2 October 2014.

⁵³ Georg Frerks, “Life after death”: Remembering the “Tamil Tigers” in North-East Sri Lanka, in: *Civil Wars*, page 14, 10 February 2023.

⁵⁴ Amnesty International, *Locked Away: Sri Lanka’s security detainees*, March 2012; Landinfo, *Sri Lanka: Human rights and security issues concerning the Tamil population in Colombo and the Northern Province*, pages 25-26, 7 December 2012; Centre for Policy Alternatives (CPA), *The need to repeal and replace the Prevention of Terrorism Act (PTA)*, 9 May 2013.

had designated High Security Zones (HSZ) to protect objects of strategic or military importance.⁵⁵ However, other cases involved land used by the government army for non-military activities, including real estate development and other business ventures such as travel agencies, arable farms, restaurants, hotels and golf courses. The Tamils saw the occupation of land in their traditional territories as enduring evidence of their marginalisation by Sri Lanka's Sinhalese majority.⁵⁶

During Mahinda Rajapaksa's second term, while small steps were taken to return land to its rightful owners, reports also continued to emerge indicating that the government army was persistently appropriating and occupying land belonging to Tamil owners in the Northern and Eastern provinces (by the end of the reporting period, however, more than 90% of the appropriated land had been released; see section 5.1.2).⁵⁷

2.1.2.4

The 18th amendment: centralisation of power

The presidency of Mahinda Rajapaksa (2005-2015) was characterised politically by a far-reaching appropriation of power by members of the Rajapaksa family and their confidants. Mahinda Rajapaksa was able to monopolise power in Sri Lanka within this small group of confidants through large-scale nepotism and the appointment of family members to influential positions.⁵⁸ One of Rajapaksa's most visible attempts to centralise power was the 18th amendment to the constitution, passed by parliament on 8 September 2010. The provisions of this amendment expanded the powers of the president, and reduced the control over his office. The most significant provisions were the abolition of the two-term limit for the presidency, the abolition of the Constitutional Council and the withdrawal of the 17th amendment to the constitution. That amendment had vested the power to appoint members of key state commissions in the Constitutional Council to prevent political influence on the bureaucracy and the legal system. The 18th amendment granted this power to the president. As a result, the independence and integrity of the judiciary and supervisory bodies came into question.⁵⁹

The far-reaching centralisation of power within a small group of confidants was also revealed in Rajapaksa's appointment of some of his brothers to important positions. For instance, Mahinda's brother Gotabaya was Secretary of Defence, his brother

⁵⁵ On this topic, see also: Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2010)*, page 25, 1 September 2010; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 17, 6 June 2013.

⁵⁶ International Displacement Monitoring Centre (IDMC), *Sri Lanka: A hidden displacement crisis*, 31 October 2012; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, pages 10 and 41, 2 October 2014; The Oakland Institute, *The long shadow of war: The struggle for justice in postwar Sri Lanka*, May 2015; The Guardian, *Sri Lanka accused of waging 'silent war' as Tamil land is appropriated by army*, 28 May 2015; HRW, *Sri Lanka after the Tigers: Letter from Mannar*, 19 February 2016; UN Human Rights Council, *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General; Promoting reconciliation, accountability and human rights in Sri Lanka (A/HRC/32/CRP.4)*, pages 4-5, 28 June 2016.

⁵⁷ IDMC, *Sri Lanka: A hidden displacement crisis*, pages 7-8, 31 October 2012; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, pages 10 and 41, 2 October 2014; The Oakland Institute, *The long shadow of war: The struggle for justice in postwar Sri Lanka*, May 2015; The Guardian, *Sri Lanka accused of waging 'silent war' as Tamil land is appropriated by army*, 28 May 2015; HRW, *Sri Lanka after the Tigers: Letter from Mannar*, 19 February 2016; UN Human Rights Council, *A/HRC/32/CRP.4*, pages 4-5, 28 June 2016.

⁵⁸ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, page 5, 2 October 2014.

⁵⁹ Transparency International Sri Lanka, *The forgotten Constitutional Council; An analysis of consequences of the non-implementation of the 17th Amendment*, 28 August 2008; Transparency International Sri Lanka, *Adverse impact of the 18th amendment on governance*, 2010; Reuters, *Factbox - Sri Lanka's 18th constitutional amendment*, 8 September 2010; Le Monde diplomatique, *Sri Lanka and the 18th amendment*, 10 September 2010; CPA, *The eighteenth amendment and the constitution: Substance and process*, 2011; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 27, 6 June 2013.

Basil was Minister of Economic Development and his brother Chamal was Speaker of Parliament.⁶⁰

2.1.2.5 Decline in popularity

The abolition of the two-presidential term limit enabled Mahinda Rajapaksa to run for a third presidential term in 2015. But his authoritarian rule, the persistent hint of corruption and nepotism, intimidation of political opponents, attacks on journalists, and growing resentment among Tamils caused his popularity among the population to decline. This decline was exacerbated by the 18th amendment, a thinly veiled attempt by Rajapaksa to hand more power to himself. In the run-up to the 2015 presidential election, the fight against authoritarianism, corruption and nepotism became the main focus of the campaign of Rajapaksa's opponent, Maithripala Sirisena of the Sri Lanka Freedom Party (SLFP).⁶¹

2.1.3 *Maithripala Sirisena's presidency (2015-2019)*

The election results of 8 January 2015 revealed that a majority of Sri Lankan voters did indeed oppose the excesses of 10 years of Rajapaksa rule. Maithripala Sirisena was elected president with 51.3% of the votes, compared to 47.6% for Rajapaksa.⁶² Among others, Sirisena benefitted from the vast majority of votes from Tamils and Muslims. He formed a unity government between his SLFP and Ranil Wickremasinghe's UNP.⁶³

Sirisena's presidency was initially characterised by improvements in civil liberties, rapprochement with the Tamil population and the first attempts to account for crimes committed during the civil war. However, Sirisena ultimately managed to achieve few concrete results.⁶⁴

2.1.3.1 Reconciliation

President Sirisena appointed Ranil Wickremasinghe as prime minister, and initially embarked on a course of democratisation of the country and rapprochement with the Tamil population. For instance, the government co-sponsored UN Human Rights Council resolution 30/1, which contained recommendations on the investigation of violations of humanitarian law of war during the civil war, bringing to justice soldiers responsible for it, rule of law reform, security sector reform and land release in the

⁶⁰ Al Jazeera, *Profile: Mahinda Rajapaksa*, 19 November 2010; UN Secretary-General, *Report of the Secretary-General's Panel of Experts on accountability in Sri Lanka*, page 10, 31 March 2011.

⁶¹ DW, *Sri Lankans vote for change*, 9 January 2015; Carnegie Endowment for International Peace, *What Sri Lanka's presidential election means for foreign policy*, 16 January 2015; The Guardian, *Mahinda Rajapaksa prepares for political comeback in Sri Lanka*, 16 April 2015; The Guardian, *Sri Lanka's prime minister defeats former president Rajapaksa in elections*, 18 August 2015; The Guardian, *Sri Lanka election result: Who is new President Maithripala Sirisena?*, 9 January 2015; Breedveld, P., *Sri Lanka's failed reconciliation under the presidencies of Mahinda Rajapaksa and Maithripala Sirisena: A story of clashing nationalisms in a heavily polarized country*, page 19, 2021.

⁶² Election Commission of Sri Lanka, *Presidential elections: District results by polling division and all island results*, page 111, 2015.

⁶³ BBC News, *Sri Lanka's Rajapaksa suffers shock election defeat*, 9 January 2015; DW, *Sri Lankans vote for change*, 9 January 2015; Carnegie Endowment for International Peace, *What Sri Lanka's presidential election means for foreign policy*, 16 January 2015; Breedveld, P., *Sri Lanka's failed reconciliation under the presidencies of Mahinda Rajapaksa and Maithripala Sirisena: A story of clashing nationalisms in a heavily polarized country*, page 19, 2021.

⁶⁴ Georg Frerks, "Life after death": Remembering the "Tamil Tigers" in North-East Sri Lanka,' in: *Civil Wars*, pages 2 and 15, 10 February 2023; ICG, *Sri Lanka needs truth but not (yet) a truth commission*, 7 September 2023; Freedom House, *Freedom on the net 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2023>, accessed 23 November 2023; Freedom House, *Freedom in the world 2024: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024; Confidential source, 5 December 2023; Confidential source, 8 December 2023; Confidential source, 22 December 2023; Confidential source, 5 February 2024.

Northern and Eastern provinces.⁶⁵ Sirisena's support for the resolution involved a clear break with Rajapaksa's administration, which had refused these measures and interference from the Human Rights Council.⁶⁶ In the first year of Sirisena's presidency, the government worked with the Office of the UN High Commissioner for Human Rights (OHCHR) and other UN agencies to investigate human rights violations, and convened public consultations on justice reforms in collaboration with civil society.⁶⁷ As a gesture of goodwill towards the Tamil population, Sirisena replaced the governor of the largely Tamil Northern Province, a military officer who had led government forces during the civil war that were allegedly responsible for war crimes.⁶⁸ In addition, Sirisena removed some Tamil organisations from the national list of proscribed organisations, and accelerated the return of land in Tamil territories to its rightful owners.⁶⁹ Symbolic of Sirisena's initial policy of reconciliation was his decision to allow the Tamil version of the Sri Lankan national anthem to be played on Independence Day in 2016.⁷⁰ In addition, Sirisena established the Office on Missing Persons (OMP), a government body with the mandate of 'searching and tracing persons who disappeared (during the civil war), and clarifying the circumstances under which they disappeared.'⁷¹

2.1.3.2 The 19th amendment: decentralisation of power

One of President Sirisena's most visible political reforms was the 19th amendment to the constitution, passed by parliament on 28 April 2015. This amendment was aimed at decentralising power, which had been centralised by Mahinda Rajapaksa. The provisions of the 19th amendment reversed many of the provisions of the 18th amendment: the Constitutional Council was reinstated and given the power to appoint members of key state commissions, and the presidency was again limited to two five-year terms.⁷²

2.1.3.3 The reconciliation process stalls

However, Sirisena's handling of corruption scandals that took place under his predecessor and his attempts at reconciliation with the Tamils bogged down after some time, generally without the intended result. The reconciliation process stalled, to the frustration of relatives of victims and the international community. The army remained the same size as during the civil war, and little significant progress was made in returning land to its rightful owners. Nor were the relatives of thousands of missing Tamils given clarity about the fate of these people. This led to a decline in

⁶⁵ UN General Assembly, Human Rights Council, *Resolution adopted by the Human Rights Council on 1 October 2015; 30/1 Promoting reconciliation, accountability and human rights in Sri Lanka (A/HRC/RES/30/1)*, 14 October 2015.

⁶⁶ UN General Assembly, Human Rights Council, *A/HRC/RES/30/1*, 14 October 2015; ICG, *Sri Lanka: Prevention should be at heart of new human rights council resolution*, 25 February 2021.

⁶⁷ The Guardian, *Sri Lanka's new president promises 'no more abductions, no more censorship'*, 10 January 2015; Reuters, *U.S. lauds Sri Lanka government on post-war Tamil reconciliation*, 24 November 2015; UN Human Rights Council, *A/HRC/32/CRP.4*, 28 June 2016; Breedveld, P., *Sri Lanka's failed reconciliation under the presidencies of Mahinda Rajapaksa and Maithripala Sirisena: A story of clashing nationalisms in a heavily polarized country*, page 20, 2021; HRW, *Open wounds and mounting dangers blocking accountability for grave abuses in Sri Lanka*, 1 February 2021.

⁶⁸ The New York Times, *In gesture to Tamils, Sri Lanka replaces provincial leader*, 15 January 2015; The Guardian, *Sri Lankan president appoints civilian governor in Tamil-controlled north*, 15 January 2015; Reuters, *Sri Lanka names ex-diplomat as governor of northern former war zone*, 16 January 2015.

⁶⁹ Reuters, *U.S. lauds Sri Lanka government on post-war Tamil reconciliation*, 24 November 2015; UN Human Rights Council, *A/HRC/32/CRP.4*, 28 June 2016.

⁷⁰ BBC News, *Sri Lankan anthem sung in Tamil for first time since 1949*, 4 February 2016; United States Congress, Congressional Research Service, *Sri Lanka: Background, reform, reconciliation, and geopolitical context*, page 9, 4 January 2017.

⁷¹ Parliament of the Democratic Socialist Republic of Sri Lanka, *Office on Missing Persons (Establishment, administration and discharge of functions) Act, No. 14 of 2016*, 26 August 2016.

⁷² London School of Economics (LSE), *The Nineteenth Amendment is a historic constitutional milestone in Sri Lanka's ongoing political development*, 6 May 2015; UN Human Rights Council, *A/HRC/46/20*, page 6, 9 February 2021; Breedveld, P., *Sri Lanka's failed reconciliation under the presidencies of Mahinda Rajapaksa and Maithripala Sirisena: A story of clashing nationalisms in a heavily polarized country*, page 20, 2021.

the popularity of the governing SLFP and UNP parties, and tensions within the unity government.⁷³

2.1.3.4 Return of Mahinda Rajapaksa

In February 2018, Mahinda Rajapaksa's SLPP won a major victory in local elections. This further weakened the position of President Sirisena and his unity government. It made him realise that a renewed alliance with Rajapaksa was his only chance of political survival. Tensions within the unity government subsequently rose further, particularly between Sirisena and Prime Minister Wickremasinghe. On 26 October 2018, Sirisena dismissed Wickremasinghe, appointing Mahinda Rajapaksa as prime minister in his place.⁷⁴

2.1.3.5 Constitutional crisis

Sirisena's actions plunged Sri Lanka into a constitutional crisis that would last for a month and a half. Prime Minister Wickremasinghe did not accept his resignation, as he claimed the president did not have the power to dismiss the prime minister; that power rested with parliament. Sirisena subsequently dissolved parliament on 9 November 2018 and called new elections for January 2019. The UNP and a number of civil parties took legal action in an attempt to reverse Wickremasinghe's dismissal and the dissolution of parliament. Pending that legal contest, Sri Lanka now had two prime ministers: Wickremasinghe and Rajapaksa. This situation lasted until 13 December 2018, when the Supreme Court ruled that Sirisena's actions had been unconstitutional. Rajapaksa subsequently withdrew his candidacy, and Sirisena reappointed Wickremasinghe as prime minister.⁷⁵

2.1.3.6 Terrorist attacks of Easter Sunday 2019

On 21 April 2019, Easter Sunday, Sri Lanka was rocked by the biggest terrorist attacks since the end of the civil war. Suicide bombers of the Islamic State (IS)-affiliated terrorist group National Thowheed Jamath (NTJ) attacked churches and hotels in Colombo, Negombo and Batticaloa, killing 269 people.⁷⁶ Both the Sri Lankan population and many politicians and foreign experts soon held President Sirisena responsible for failing to prevent the attacks. The president was said to have been too preoccupied with internal political disputes and therefore failed to see the attacks coming. Sirisena had reportedly received multiple warnings about NTJ from foreign security agencies, including possible dates of attacks, and even possible targets, but failed to act on them.⁷⁷

2.1.3.7 Return of Gotabaya Rajapaksa

Not long after the April 2019 attacks, Gotabaya Rajapaksa announced his candidacy for the November 2019 presidential election on behalf of the SLPP. Gotabaya was a

⁷³ Reuters, *Party backed by Sri Lanka's ex-president eyes big victory in local polls*, 11 February 2018; NRC, *Politieke crisis in Sri Lanka: moordplot en twee premiers*, 28 October 2018; The Guardian, *Sri Lanka's political crisis: everything you need to know*, 29 October 2018; NRC, *Sri Lanka heeft ineens twee premiers*, 30 October 2018; Dutch House of Representatives, *Session year 2018-2019; Mensenrechten in het buitenlandse beleid*; 32 735, *Letter from the Minister of Foreign Affairs, no. 231*, 20 December 2018; Confidential source, 30 October 2018.

⁷⁴ Reuters, *Party backed by Sri Lanka's ex-president eyes big victory in local polls*, 11 February 2018; NRC, *Politieke crisis in Sri Lanka: moordplot en twee premiers*, 28 October 2018; The Guardian, *Sri Lanka's political crisis: everything you need to know*, 29 October 2018; NRC, *Sri Lanka heeft ineens twee premiers*, 30 October 2018; Dutch House of Representatives, *Session year 2018-2019; Mensenrechten in het buitenlandse beleid*; 32 735, *Letter from the Minister of Foreign Affairs, no. 231*, 20 December 2018; Confidential source, 30 October 2018.

⁷⁵ Dutch House of Representatives, *Session year 2018-2019; Mensenrechten in het buitenlandse beleid*; 32 735, *Letter from the Minister of Foreign Affairs, no. 231*, 20 December 2018.

⁷⁶ NOS Nieuws, *Arrestaties na aanslagen Sri Lanka, 207 doden*, 21 April 2019; ICG, *Sri Lanka's Easter bombings: Peaceful coexistence under attack*, 23 April 2019; BBC News, *Sri Lanka attacks: Easter Sunday bombings marked one year on*, 21 April 2020.

⁷⁷ ICG, *Sri Lanka's Easter bombings: Peaceful coexistence under attack*, 23 April 2019; The Guardian, *Sri Lanka ex-president Sirisena ordered to compensate 2019 Easter bombing victims*, 12 January 2023; Confidential source, 5 May 2019.

former Secretary of Defence and brother of ex-president Mahinda Rajapaksa. In the aftermath of the attacks, the Sinhalese-nationalist Rajapaksa made strong leadership and national security the priorities of his campaign, frequently referring to his successful performance as Secretary of Defence, when he had managed to end the LTTE insurgency. He promised to again restore security in Sri Lanka, and eradicate terrorism.⁷⁸ Incumbent President Sirisena decided not to stand for re-election. His SLFP party backed Gotabaya Rajapaksa's candidature. Rajapaksa's main opponent during this election campaign was Sajith Premadasa of the UNP, Sirisena's former coalition partner.⁷⁹

2.1.4 *Gotabaya Rajapaksa's presidency (2019-2022)*

On 16 November 2019, Gotabaya Rajapaksa was elected president with 52.3% of the votes, compared to 42% for Sajith Premadasa. Premadasa won a majority of votes in the constituencies of Northern and Eastern provinces, but in all other provinces voters overwhelmingly voted for Rajapaksa.⁸⁰

Gotabaya Rajapaksa's presidency was marked by a return to the centralisation of power around the Rajapaksas and their confidants. Gotabaya Rajapaksa appointed his brother Mahinda as Prime Minister, and later his brother Basil as Minister of Finance, his brother Chamal as Minister of Irrigation and his nephew Namal as Minister of Youth and Sports.⁸¹ The return of the Rajapaksas and their Sinhalese nationalism culminated in August 2020 when their party won the general election by a landslide. The SLPP won 59% of the votes, the second party (*Samagi Jana Balawegaya*, SJB) received a mere 23.9%.⁸²

2.1.4.1 The 20th amendment: return to centralisation of power

In a renewed move to gain autocratic leadership, President Rajapaksa introduced the 20th amendment to the constitution, which was passed by parliament in October 2020. This amendment reversed many of the provisions of the 19th amendment that assured the independence of the judiciary and supervisory bodies. The Constitutional Council was again abolished, and appointment powers for key judicial and supervisory positions –including members of the Supreme Court, the Attorney General, the Inspector General of Police, the Auditor General, members of the Human Rights Commission Sri Lanka (HRCSL) and members of the electoral council –were assigned to the president.⁸³

2.1.4.2 Treatment of minorities

Like his brother Mahinda, President Gotabaya Rajapaksa pursued a Sinhalese-nationalist policy in which there was little room for the grievances of Tamils and

⁷⁸ ICG, *Sri Lanka's Easter bombings: Peaceful coexistence under attack*, 23 April 2019; Reuters, *Sri Lanka ex-defence chief launches presidential campaign, pledges safer nation*, 9 October 2019; Al Jazeera, *Gotabaya Rajapaksa wins Sri Lanka election*, 17 November 2019; ICG, *Sri Lanka's presidential election brings back a polarising wartime figure*, 18 November 2019; DW, *The rise and fall of Sri Lanka's powerful Rajapaksa dynasty*, 13 July 2022.

⁷⁹ Al Jazeera, *Sri Lanka's presidential election 2019: All you need to know*, 12 November 2019; CNN, *Security is the key issue as terror-hit Sri Lanka votes for a new President*, 15 November 2019; Al Jazeera, *Sri Lankans vote to elect new president after divisive campaign*, 16 November 2019.

⁸⁰ Election Commission of Sri Lanka, *Presidential elections 2019: All island results*, 17 November 2019.

⁸¹ Al Jazeera, *Sri Lanka's Rajapaksa family tightens grip with ministerial picks*, 9 July 2021; DW, *The rise and fall of Sri Lanka's powerful Rajapaksa dynasty*, 13 July 2022.

⁸² Election Commission of Sri Lanka, *Parliament elections 2020: Votes, seats & national list seats by party*, 7 August 2020.

⁸³ International Commission of Jurists (ICJ), *Sri Lanka: newly adopted 20th Amendment to the Constitution is blow to the rule of law*, 27 October 2020; Bertelsmann Stiftung, *BTI 2022 Country Report - Sri Lanka*, page 12, 2022; UN Human Rights Council, *A/HRC/46/20*, pages 7-8, 9 February 2021; HRW, *Open wounds and mounting dangers blocking accountability for grave abuses in Sri Lanka*, page 19, 1 February 2021; UN Human Rights Council, *A/HRC/54/20*, pages 4-5, 6 September 2023.

Muslims, reconciliation, or holding government perpetrators accountable.⁸⁴ The first signs of this were two decisions taken by Rajapaksa not long after his appointment in February 2020. First, he reversed his predecessor Sirisena's symbolic choice to also play the Tamil version of the Sri Lankan national anthem on Independence Day.⁸⁵ Second, he also decided to withdraw from the obligations arising from UN Human Rights Council resolution 30/1, a resolution that had been supported under Sirisena. Rajapaksa did not feel bound to answer the calls to accountability for alleged excesses by Sri Lankan troops during the civil war. There would be no reconciliation or more inclusive governance during his presidency.⁸⁶

2.1.4.3 Reconciliation

On 23 March 2021, the UN Human Rights Council adopted resolution 46/1.⁸⁷ The resolution followed a February 2021 report in which the council criticised President Rajapaksa's rejection of resolution 30/1, and the lack of progress by various cabinets on investigations into human rights violations, reconciliation and accountability for crimes committed.⁸⁸ Resolution 46/1 extended OHCHR's mandate to collect, analyse and preserve evidence of human rights violations and violations of humanitarian law in Sri Lanka; to develop strategies for future accountability processes; to advocate for victims and survivors; and to support relevant judicial and other proceedings.⁸⁹ The Rajapaksa government rejected the resolution, and in the period afterward took little to no steps to promote the resolution's call for investigations into, and accountability for, crimes committed.⁹⁰

2.1.4.4 The P2P march

Compared to the Sirisena period, the human rights situation under President Rajapaksa deteriorated. Rajapaksa and his government reportedly used the PTA to arrest and detain Tamil and Muslim activists, and did the same to alleged government opponents.⁹¹ Areas inhabited mainly by Tamils in northern and eastern Sri Lanka remained heavily militarised, and little progress was made with land restitution.⁹² The growing discontent among Tamils and Muslims manifested in February 2021 in a march through the traditional Tamil heartland in northeastern Sri Lanka, between the towns of Pottuvil (Eastern Province, Ampara district) and Polikandy (Northern Province, Jaffna district). The march would become known as

⁸⁴ ICG, *Sri Lanka's presidential election brings back a polarising wartime figure*, 18 November 2019; East Asia Forum, *Sri Lanka's return to ethnic majoritarianism*, 19 June 2020.

⁸⁵ Al Jazeera, *Sri Lanka scraps Tamil national anthem at Independence Day*, 4 February 2020.

⁸⁶ Al Jazeera, *Sri Lanka says it will withdraw from UN rights resolution*, 20 February 2020; Amnesty International, *Sri Lanka: Withdrawal from UN commitments requires robust response by Human Rights Council*, 27 February 2020; HRW, *UN Rights Council should uphold Sri Lanka commitments*, 3 March 2020; East Asia Forum, *Sri Lanka's return to ethnic majoritarianism*, 19 June 2020; DFAT, *DFAT Country information report Sri Lanka*, page 14, 23 December 2021.

⁸⁷ UN General Assembly, Human Rights Council, *Resolution adopted by the Human Rights Council on 23 March 2021; 46/1 Promoting reconciliation, accountability and human rights in Sri Lanka (A/HRC/RES/46/1)*, 26 March 2021.

⁸⁸ UN Human Rights Council, *A/HRC/46/20*, pages 4 and 11-12, 9 February 2021.

⁸⁹ UN General Assembly, Human Rights Council, *A/HRC/RES/46/1*, 26 March 2021; Office of the United Nations High Commissioner for Human Rights (OHCHR), *OHCHR Sri Lanka accountability project (2021)*, <https://www.ohchr.org/en/hr-bodies/hrc/sri-lanka-accountability/index>, accessed 19 October 2023.

⁹⁰ HRW, *Sri Lanka: Landmark UN resolution promotes justice*, 25 March 2021; UN Human Rights Council, *Situation of human rights in Sri Lanka: Comprehensive report of the United Nations High Commissioner for Human Rights (A/HRC/51/5)*, page 9, 4 October 2022; Confidential source, 7 September 2021.

⁹¹ HRW, *Open wounds and mounting dangers blocking accountability for grave abuses in Sri Lanka*, 1 February 2021; HRW, *"In a legal black hole": Sri Lanka's failure to reform the Prevention of Terrorism Act*, pages 1-2, 48, 7 February 2022; Austrian Red Cross, Austrian Centre for Country of Origin & Asylum Research and Documentation (ACCORD), *Sri Lanka: Situation of Tamils who participated in past protests; Query Response (a-12075-2)*, 10 February 2023.

⁹² East Asia Forum, *Sri Lanka's return to ethnic majoritarianism*, 19 June 2020; HRW, *Open wounds and mounting dangers blocking accountability for grave abuses in Sri Lanka*, 1 February 2021; HRW, *"In a legal black hole": Sri Lanka's failure to reform the Prevention of Terrorism Act*, pages 1-2, 48, 7 February 2022; NOS Nieuws, *Protesten in Sri Lanka gaan over meer dan de economie*, 9 May 2022; ACCORD, *Sri Lanka: Situation of Tamils who participated in past protests; Query Response (a-12075-2)*, 10 February 2023.

the 'P2P march'. The aim of the march was to draw attention to the main grievances and rights violations of Tamils and Muslims, including the continued militarisation of the Northern and Eastern provinces, the slow pace of land restitutions, the relatively unfair treatment of Tamil farmers and workers, the compulsory cremation of deceased Muslims,⁹³ and abuses under the PTA. Many Tamil and Muslim politicians participated in the protest march.⁹⁴ The authorities tried to prevent the march, for example through court rulings prohibiting participation or by erecting roadblocks. The march eventually took place from 3 February to 7 February 2021. The Tamil Guardian, a media outlet based in London, estimated the number of participants at 50,000.⁹⁵ No major disturbances took place during the march.⁹⁶

However, on 9 February 2021, the Minister of Public Security warned that participants in the P2P march could still be arrested or charged.⁹⁷ In the months that followed, reports emerged that this was indeed happening.⁹⁸ Exact numbers are not known. After the march, local news sources reported that at least ten opposition politicians had been summoned for questioning, or charged for not respecting the court ban on the demonstration.⁹⁹ The Tamil Guardian reported on 18 February 2021 that the first arrest of a citizen who had participated in the P2P march had taken place. The detainee was reportedly released after six hours of questioning.¹⁰⁰ In December 2021, the Tamil Guardian reported that 32 criminal cases were pending at the Pottuvil court against march participants, including journalists, activists and politicians.¹⁰¹ Further details are not known.

2.1.4.5 The 2022 demonstrations and the resignation of Gotabaya Rajapaksa
Large-scale protests against President Gotabaya Rajapaksa and his government erupted in 2022. Unlike the P2P march, the position of the Tamil community did not play a role in the 2022 protests.¹⁰² The 2022 protests were mainly a response to the economic recession Sri Lanka had fallen into under Rajapaksa's leadership – the worst economic crisis since independence in 1948. The crisis was mainly due to

⁹³ In March 2020, the Sri Lankan government decided that covid-19 victims had to be compulsorily cremated to prevent the spread of the virus. The decision was met with strong opposition from the Muslim community (DFAT, *DFAT Country information report Sri Lanka*, page 22, 23 December 2021).

⁹⁴ Office Français de Protection des Réfugiés et Apatrides (OFPRA), *Sri Lanka: Le marche P2P*, 23 February 2022; ACCORD, *Sri Lanka: Situation of Tamils who participated in past protests; Query Response (a-12075-2)*, 10 February 2023.

⁹⁵ Tamil Guardian, *Tens of thousands march to Polikandy*, 7 February 2021.

⁹⁶ The Morning, *The P2P march and beyond, re-imagining resistance amidst ethnic polarisation*, 23 February 2021; ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, September 2021; OFPRA, *Sri Lanka: Le marche P2P*, 23 February 2022; USDoS, *2021 Country reports on human rights practices: Sri Lanka*, pages 26-27, 12 April 2022; ACCORD, *Sri Lanka: Situation of Tamils who participated in past protests; Query Response (a-12075-2)*, 10 February 2023.

⁹⁷ Twitter, *Journalists for Democracy in Sri Lanka*, 9 February 2021, <https://twitter.com/JDSLanka/status/1359086757212532737>, accessed 13 October 2023.

⁹⁸ Tamil Guardian, *Tamil MPs summoned to court for participating in P2P march*, 14 February 2021; The Morning, *The P2P march and beyond, re-imagining resistance amidst ethnic polarisation*, 23 February 2021; ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, September 2021; OFPRA, *Sri Lanka: Le marche P2P*, 23 February 2022; USDoS, *2021 Country reports on human rights practices: Sri Lanka*, pages 26-27, 12 April 2022; ACCORD, *Sri Lanka: Situation of Tamils who participated in past protests; Query Response (a-12075-2)*, 10 February 2023.

⁹⁹ Colombo Gazette, *Summons issued on seven including MPs who attended P2P protest*, 13 February 2021; Tamil Guardian, *Tamil MPs summoned to court for participating in P2P march*, 14 February 2021; Tamil Guardian, *Mullaitivu police summon Ravikaran over P2P participation*, 18 February 2021; Lankasara, *Eight police stations question Tamil MP over #P2P protest*, 20 February 2021; Journalists for Democracy in Sri Lanka (JDS), *Submit or suffer: P2P and muzzling peaceful protest*, 6 April 2021.

¹⁰⁰ Tamil Guardian, *Tamil youth arrested in Jaffna for participating in P2P protest as Sri Lanka intensifies crackdown*, 18 February 2021.

¹⁰¹ Tamil Guardian, *Sri Lankan police persecute journalists that covered the P2P protests*, 22 December 2021.

¹⁰² Confidential source, 8 December 2023; Confidential source, 20 January 2024.

economic mismanagement by the government that had led to a weak investment climate, a persistent budget deficit, declining revenues and growing debts.¹⁰³

Sri Lankans took to the streets from March 2022 to protest against the government policies that had led to the crisis. The protests, which would become known as *Aragalaya* ('the struggle'), began on a small scale but quickly grew in size. Within a month, much of civil society had joined the movement, including parts of the public sector, trades unions, religious leaders and other professionals. On 31 March 2022, hundreds of protesters marched to Gotabaya Rajapaksa's private residence. Police used tear gas and water cannons to disperse the protesters, of whom fifty were injured. On 1 April 2022, the government declared a state of emergency, a decision that was followed by the shutdown of all social media platforms on 3 April. The shutdown lasted a day. However, the protests continued, and cracks also began to appear within the government – and even within the Rajapaksa family. On 3 April 2022, several cabinet members stepped down, including Namal, Chamal and Basil Rajapaksa. However, even this did not reduce the scale of the protests. Large numbers of protesters occupied Galle Face Green, a park in central Colombo, and established a protest camp there, which they named *GotaGoGama* ('Gota go to the village', aka *GoHomeGota*). Demonstrators established similar protest camps in several other cities around the country.¹⁰⁴

On 9 May 2022, the situation escalated further. Government supporters armed with sticks and clubs stormed Galle Face Green and other protest camps in the country. Anti-government protesters in turn attacked the homes of some MPs across the country. At least eight people were killed in the chaos, including an MP.¹⁰⁵ The situation forced Mahinda Rajapaksa to resign as prime minister the same day.¹⁰⁶ Gotabaya Rajapaksa appointed UNP's Ranil Wickremesinghe as his replacement.

However, even Mahinda Rajapaksa's departure did not bring back calm in Sri Lanka.¹⁰⁷ On 9 July 2022, tens of thousands of protesters gathered on Galle Face Green and marched towards the residence of Gotabaya Rajapaksa. Despite the use of tear gas by the police, the protesters managed to enter the presidential secretariat and the presidential palace. Photos and videos of Sri Lankans cooling off in the president's swimming pool, resting on his bed and picnicking in his garden spread around the world. The protesters encountered relatively little resistance;

¹⁰³ CNN, *How Sri Lanka's runaway President went from 'war hero' to fugitive*, 14 July 2022; BBC News, *Sri Lanka: why is the country in an economic crisis?*, 29 March 2023; The World Bank, *The World Bank in Sri Lanka*, <https://www.worldbank.org/en/country/srilanka/overview>, accessed 13 October 2023; International Monetary Fund (IMF), *Sri Lanka*, <https://www.imf.org/en/Countries/LKA>, accessed 16 October 2023.

¹⁰⁴ The Guardian, *Sri Lanka: 50 injured as protesters try to storm president's house amid economic crisis*, 1 April 2022; The Guardian, *Sri Lanka president declares public emergency after protests against economic crisis*, 2 April 2022; France24, *Sri Lanka's cabinet ministers resign amid protests, social media ban*, 3 April 2022; Konrad Adenauer Stiftung, *Sri Lanka: An assessment of the Gotabaya Rajapaksa presidency*, May 2022; The Diplomat, *Has the Gotabaya presidency entered its final days?* 10 May 2022; Australian Strategic Policy Institute (ASPI), *The Strategist, The fall of Sri Lanka's house of Rajapaksa*, 13 July 2022; DW, *The rise and fall of Sri Lanka's powerful Rajapaksa dynasty*, 13 July 2022; CNN, *How Sri Lanka's runaway President went from 'war hero' to fugitive*, 14 July 2022; CNN, *Sri Lanka's crisis rages on. Here's what we know*, 14 July 2022; OFPRA, *Sri Lanka: Le mouvement de protestation "Aragalaya" de 2022 contre le gouvernement des Rajapaksa*, 18 August 2022; Confidential source, 9 April 2022; Confidential source, 10 May 2022.

¹⁰⁵ Al Jazeera, *Sri Lanka MP among five killed as violence escalates*, 9 May 2022; HRW, *Sri Lanka: Government backers attack peaceful protesters*, 10 May 2022; Konrad Adenauer Stiftung, *Sri Lanka: An assessment of the Gotabaya Rajapaksa presidency*, May 2022; The Diplomat, *Has the Gotabaya presidency entered its final days?*, 10 May 2022; ASPI, *The Strategist, The fall of Sri Lanka's house of Rajapaksa*, 13 July 2022; UN Human Rights Council, *A/HRC/51/5*, page 8, 4 October 2022; Confidential source, 9 April 2022.

¹⁰⁶ BBC News, *Mahinda Rajapaksa: Sri Lankan PM resigns amid economic crisis*, 9 May 2022; NOS Nieuws, *Premier Sri Lanka dient ontslag in, ook uitgaansverbod na rellen*, 9 May 2022; Al Jazeera, *Sri Lanka PM Mahinda Rajapaksa resigns as crisis worsens*, 9 May 2022.

¹⁰⁷ Reuters, *Sri Lanka opposition, protesters push anti-government campaign despite new prime minister*, 14 May 2022; OFPRA, *Sri Lanka: Le mouvement de protestation "Aragalaya" de 2022 contre le gouvernement des Rajapaksa*, 18 August 2022; Confidential source, 10 May 2022.

although there were thousands of soldiers and police on hand to maintain order, no large-scale force was used to stop the protesters, although 55 injuries were reported.¹⁰⁸

The storming of his office and residence heralded the end of the presidency of Gotabaya, the last Rajapaksa who had managed to cling to power. He fled to the Maldives with his wife in July 2022. Just before his departure, he appointed Prime Minister Ranil Wickremasinghe as president.¹⁰⁹

2.1.5 *Ranil Wickremasinghe's presidency (from July 2022)*

In August 2022, the new president Ranil Wickremasinghe gave his first speech in parliament. He stressed that he wanted to work for the unity of all peoples and religions of Sri Lanka.¹¹⁰ During the first months of his presidency, this conciliatory attitude was effectively translated into some concrete steps towards democracy, the rule of law and the reconciliation process.¹¹¹

However, the first year and a half of Wickremasinghe's presidency was mainly characterised by increasing repressive measures targeting civil society, journalists, human rights activists, social media activists, and other critics of the authorities (see further section 5.2). The repression targeted all opinions that could be seen as critical, and not the Tamil community in particular. Most sources indicated that Wickremasinghe had learnt from the Aragalaya protests, and was determined not to allow the risk of critical voices bringing down a government again.¹¹²

2.1.5.1 The 21st amendment: return to decentralisation of power

One of Wickremasinghe's first achievements was the 21st amendment to the constitution, passed by parliament in October 2022. This amendment aimed to decentralise power, which had been centralised by Gotabaya Rajapaksa. Many of the provisions of the 20th amendment were reversed in the 21st amendment. Chief among these was the restoration of the Constitutional Council, which reclaimed the power to appoint members of key state commissions (including the HRCSL) from the president.¹¹³

2.1.5.2 Reconciliation

During the first months of his presidency, President Wickremasinghe decided to remove eight Tamil organisations that operated abroad from the official government

¹⁰⁸ Associated Press News (AP News), *Sri Lanka imposes curfew as cops fire tear gas at protesters*, 8 July 2022; OHCHR, *Call for restraint ahead of Sri Lanka protest*, 8 July 2022; Reuters, *Sri Lanka police impose curfew, fire tear gas as unrest escalates*, 8 July 2022; ASPI, *The fall of Sri Lanka's house of Rajapaksa*, 13 July 2022; CNN, *Sri Lanka's crisis rages on. Here's what we know*, 14 July 2022; Confidential source, 9 July 2022.

¹⁰⁹ AP News, *A brief history of the rise, fall of Sri Lanka's president*, 14 July 2022; CNN, *How Sri Lanka's runaway President went from 'war hero' to fugitive*, 14 July 2022; The Guardian, *Sri Lanka's president quits after fleeing protests in crisis-hit country*, 14 July 2022.

¹¹⁰ UN Human Rights Council, *A/HRC/51/5*, pages 2-3 and 7, 4 October 2022.

¹¹¹ UN Human Rights Council, *A/HRC/54/20*, page 7, 6 September 2023.

¹¹² HRW, *World Report 2024; Events of 2023*, pages 585-590, 11 January 2024; HRW, *Under Ranil Wickremesinghe, Sri Lanka is going fast - in reverse*, 14 February 2024; Confidential source, 5 December 2023; Confidential source, 8 December 2023; Confidential source, 19 January 2024; Confidential source, 19 January 2024; Confidential source, 5 February 2024; Confidential source, 12 February 2024; Confidential source, 14 February 2024.

¹¹³ Delegation of the European Union to Sri Lanka and the Maldives, *EU annual report on human rights and democracy in the world 2022 country updates: Sri Lanka*, 3 August 2023; UN Human Rights Council, *A/HRC/54/20*, pages 4-5, 6 September 2023.

list of proscribed organisations.¹¹⁴ He also allowed the Tamil version of the national anthem to be sung again on official occasions.¹¹⁵

During Wickremasinghe's presidency, however, calls persisted from both the Tamil and the international community to investigate crimes committed during the civil war, bring those responsible for these crimes to justice and launch serious reconciliation and rehabilitation efforts. To answer this call, Wickremasinghe initiated the establishment of a National Unity and Reconciliation Commission (NURC).¹¹⁶ However, the first steps towards the creation of the NURC did not satisfy observers. They mainly criticised the lack of coordination between the government and representatives of the affected communities, victims, bereaved families and civil society. The government maintained strong control over the work of the commission. As a result, critics had serious concerns about whether this commission would lead to just and lasting results (in which the previous attempts had failed).¹¹⁷

2.2 Developments regarding the 13th amendment

In 1987, the Sri Lankan parliament adopted the 13th amendment to the constitution. The aim of this amendment was to shift central power to the directly elected provincial governments of the nine provinces, which would also give the Tamil community in the Northern and Eastern provinces a greater degree of self-governance. Policy areas such as education, health, agriculture, housing, land ownership and police duties were to be transferred to provincial governments.¹¹⁸

In the years since 1987, although some powers had been transferred from the central government to the provincial governments, the most important provisions of the amendment (on land ownership and the police) were not implemented, mainly due to pressure from influential Sinhalese-nationalist groups. Many Tamil organisations too rejected the provisions of the 13th amendment, which in their view awarded Tamils insufficient self-determination. Moreover, the power that was vested in the provincial governments was limited in practice, because these governments continued to be supervised by the provincial governors, who were appointed by the

¹¹⁴ The Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary), *The United Nations Act, No. 45 of 1968; Amendment to the list of designated persons under regulation 4(7) of the United Nations Regulations No. 1 of 2012 (L.D.B. 7/2001[IV])*, 1 August 2022; USDoS, *2022 Country reports on human rights practices: Sri Lanka*, page 14, 20 March 2023; UK Foreign, Commonwealth & Development Office, *Corporate report human rights and democracy: the 2022 Foreign, Commonwealth & Development Office report*, 13 July 2023; Confidential source, 5 February 2024; Confidential source, 6 February 2024.

¹¹⁵ Freedom House, *Freedom in the world 2024: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024.

¹¹⁶ Amnesty International, Frontline Defenders, ICJ et al, *Sri Lanka's flawed plans for a 'truth commission'*, 4 September 2023; UN Human Rights Council, *A/HRC/54/20*, page 9, 6 September 2023; ICG, *Sri Lanka needs truth but not (yet) a truth commission*, 7 September 2023; HRW, *"If we raise our voice they arrest us": Sri Lanka's proposed Truth and Reconciliation Commission*, 18 September 2023.

¹¹⁷ Amnesty International, Frontline Defenders, ICJ et al, *Sri Lanka's flawed plans for a 'truth commission'*, 4 September 2023; UN Human Rights Council, *A/HRC/54/20*, page 9, 6 September 2023; ICG, *Sri Lanka needs truth but not (yet) a truth commission*, 7 September 2023; HRW, *"If we raise our voice they arrest us": Sri Lanka's proposed Truth and Reconciliation Commission*, 18 September 2023; HRW, *World Report 2024; Events of 2023*, pages 585-590, 11 January 2024; HRW, *Sri Lanka: New transitional justice process lacks credibility*, 29 January 2024; USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 8, April 2024; Confidential source, 5 December 2023; Confidential source, 2 February 2024; Confidential source, 8 February 2024.

¹¹⁸ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2010)*, page 16, 1 September 2010; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (July 2011)*, page 16, 26 October 2011; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, page 9, 2 October 2014.

president. Furthermore, no direct elections for provincial governments have been held since 2014.¹¹⁹

In Resolution 51/1 of October 2022, the UN Human Rights Council called on Sri Lanka to fulfil its commitments on the decentralisation of power.¹²⁰ While President Wickremasinghe and his party, the UNP, had always supported the full implementation of the 13th amendment, in practice they did little to enforce it.¹²¹ However, Wickremasinghe did suggest implementing the 13th amendment with the exception of the provisions that dealt with power over the police.¹²² Tamil organisations in their turn expressed little appetite for this.¹²³ At the end of the reporting period, no meaningful progress had been made on the implementation of the 13th Amendment.

2.3 Role of the Rajapaksas since July 2022

Mahinda and Gotabaya Rajapaksa stepped down as prime minister and president of Sri Lanka in May and July 2022, respectively. But their party, the SLPP, had received 59% of the votes in the 2020 parliamentary elections and still held a majority in parliament. President Wickremasinghe, whose UNP party occupied only one seat in parliament, therefore needed the Rajapaksa's support for every bill and policy proposal he tabled. As a result, the Rajapaksa's influence on national politics remained even after July 2022.¹²⁴

2.4 Role of the LTTE since the end of the civil war

Since the end of the civil war in 2009, the LTTE as an organisation has no longer played a role in Sri Lanka.¹²⁵ Nor did the Armed Conflict Location and Event Data

¹¹⁹ United States Congress, Congressional Research Service, *Sri Lanka: Background, reform, reconciliation, and geopolitical context*, page 8, 4 January 2017; Konrad Adenauer Stiftung, *Sri Lanka; An assessment of the Gotabaya Rajapaksa presidency*, page 6, May 2022; The South Asia Collective, Norwegian Agency for Development Cooperation (Norad), *South Asia state of minorities report 2022; Weakening human rights commitments and its impact on minorities*, page 211, February 2023; Tamil Guardian, *TNPF reiterate refusal to accept 13th Amendment in letter to Sri Lankan President*, 13 August 2023; UN Human Rights Council, *A/HRC/54/20*, page 2, 6 September 2023; USDoS, *Sri Lanka (11/07)*, <https://2009-2017.state.gov/outofdate/bgn/srilanka/96031.htm>, accessed 27 November 2023; Confidential source, 20 January 2024; Confidential source, 5 February 2024.

¹²⁰ UN Human Rights Council, *Resolution adopted by the Human Rights Council on 6 October 2022 (A/HRC/RES/51/1)*, 12 October 2022.

¹²¹ Confidential source, 5 December 2023; Confidential source, 8 December 2023; Confidential source, 5 February 2024.

¹²² Sri Lanka Presidential Secretariat, *Press Release: Let's collectively advance the 13th Amendment to the Constitution for the future betterment of the nation*, 9 August 2023.

¹²³ The Hindu, *Tamil National Alliance 'categorically rejects' Sri Lankan President's offer of 13th Amendment minus police powers*, 18 July 2023; The Hindu, *Focusing on 13th Amendment sans police powers 'practical', Sri Lankan President Ranil tells Parliament*, 9 August 2023; Tamil Guardian, *TNPF reiterates refusal to accept 13th Amendment in letter to Sri Lankan President*, 13 August 2023.

¹²⁴ Freedom House, *Freedom in the world 2024: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024; Confidential source, 5 December 2023; Confidential source, 8 December 2023; Confidential source, 22 December 2023; Confidential source, 19 January 2024; Confidential source, 19 January 2024.

¹²⁵ Immigration and Refugee Board of Canada (IRBC), *LKA105432.E: Sri Lanka: Activity of the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, including arrests, whether LTTE members have been responsible for extortion, disappearances or bombings since the government defeated the LTTE, and whether the LTTE has the capacity to regroup within Sri Lanka (2010-Feb. 2016)*, 15 March 2016; DFAT, *DFAT Country information report Sri Lanka*, page 25, 23 December 2021; USDoS, *Country reports on terrorism 2022*, page 300, 30 November 2023; Confidential source, 5 December 2023; Confidential source, 8 December 2023; Confidential source, 20 December 2023; Confidential source, 22 December 2023.

Project (ACLED) or the Global Terrorism Database (GTD) of the University of Maryland record any attacks by the LTTE after 18 May 2009.¹²⁶

During the current reporting period, however, the authorities continued to express their fear of a revival of the LTTE, particularly outside Sri Lanka.¹²⁷ For example, on the 2022 list of proscribed organisations, under the heading 'LTTE', the government noted: "Despite the military defeat of the LTTE in Sri Lanka its front organizations and structures continues to remain active overseas promoting LTTE ideology of creating a mono ethnic separate state of Tamil Eelam through terrorist means. Time to time observed several resurgence attempts within the country with assistance from pro LTTE groups operating overseas."¹²⁸

Even in recent years, arrests in Sri Lanka of persons for "attempts to revive the LTTE" were sometimes reported.¹²⁹ Based on information obtained from sources, it appears that this happened only on a small scale. Most sources consulted on the subject indicated that the arrests that did occur should not be construed as actual fear by the authorities of a resurgence of the LTTE in Sri Lanka. Rather, they saw the arrests as either an overreaction to actions characterised by the authorities as pro-LTTE – such as commemorating Tamil victims of the civil war or the anniversary of the birth or death of Prabakharan – or an attempt by the authorities to justify their extensive military presence in the north and east of the country, by emphasising that the 'enemy' LTTE was still to be feared.¹³⁰

2.5 Role of Tamil political parties

A multitude of political parties representing the Tamil population were active in Sri Lanka during the entire reporting period. The post-war Tamil political leadership no longer campaigned for an independent Tamil Eelam; the political debate shifted towards decentralisation, the reduction of military influence in the north and east, and the return of appropriated land to the citizens of those areas.¹³¹

The largest and most influential political party of Tamil signature was the Tamil National Alliance (TNA), an alliance between the parties *Ilankai Tamil Arasu Kachchi* (ITAK), People's Liberation Organisation of Tamil Eelam (PLOTE) and Tamil Eelam

¹²⁶ ACLED, <https://acleddata.com/data-export-tool/>, accessed 28 November 2023. Selected criteria: From: 18/05/2009 | To: 28/11/2023 | Country: Sri Lanka | Actor 1: LTTE: Liberation Tigers of Tamil Eelam; GTD, <https://www.start.umd.edu/gtd/search/>, accessed 28 November 2023. Selected criteria: When: Find incidents between 2009 to 2020 | Perpetrator group: Liberation Tigers of Tamil Eelam (LTTE).

¹²⁷ The Centre on Conflict, Development and Peacebuilding (CCDP), *CCDP Working Paper: An institutional history of the Liberation Tigers of Tamil Eelam (LTTE)*, page 71, October 2014; Catherin Ruth Craven, 'Constraining Tamil transnational political action: Security governance practices beyond the sending state,' in: *Journal of Global Security Studies*, 7(4), 2022; UK Home Office, *Country policy and information note: Tamil separatism, Sri Lanka, April 2023 (accessible version): Updated 14 April 2023*, 14 April 2023; South Asia Terrorism Portal (SATP), *Liberation Tigers of Tamil Eelam (LTTE)*, <https://www.satp.org/satporgtp/countries/srilanka/terroristoutfits/lte.htm>, accessed 27 November 2023.

¹²⁸ The Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary), *The United Nations Act, No. 45 of 1968; Amendment to the list of designated persons under regulation 4(7) of the United Nations Regulations No. 1 of 2012 (L.D.B. 7/2001[IV])*, page 1A, 1 August 2022. The Tamil organisations sanctioned since 1 August 2022 are: LTTE, Tamil Rehabilitation Organisation (TRO), Tamil Coordinating Committee (TCC), World Tamil Movement (WTM), Transnational Government of Tamil Eelam (TGTE), World Tamil Relief Fund (WTRF), Head Quarters Group (HQ Group), National Council of Canadian Tamils (NCCT) and Tamil Youth Organisation (TYO).

¹²⁹ IRBC, *LKA105432.E*, 15 March 2016; ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, September 2021; USDoS, *Country reports on terrorism 2021: Sri Lanka*, 27 February 2022; USDoS, *2021 Country reports on human rights practices: Sri Lanka*, pages 13-15, 12 April 2022.

¹³⁰ Confidential source, 22 December 2023; Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024.

¹³¹ Bertelsmann Stiftung, *BTI 2020 Country Report - Sri Lanka*, page 6, 2020; Confidential source, 5 February 2024; Confidential source, 6 February 2024.

Liberation Organization (TELO). In the 2020 parliamentary elections, the TNA won 10 parliamentary seats (out of 225 in total). The alliance thus became the third-largest party in parliament, and took its place in the opposition. Two other Tamil parties participated in the SLPP coalition that went on to govern the country: *Tamil Makkal Viduthalai Pulikal* (TMVP; formerly the Karuna Group) and the Eelam People's Democratic Party (EPDP).¹³²

Other Tamil parties that participated in the 2020 elections included the Tamil National People's Front (TNPf), Ceylon Workers' Congress (CWC), Tamil People's National Alliance (TPNA), All Ceylon Tamil Congress, Social Democratic Party of Tamils, and Tamil United Liberation Front (TULF). Many former members of the LTTE united in the Crusaders for Democracy (CFD), formed in 2015. It did not win any seats in the 2015 parliamentary elections, and did not participate in the 2020 elections.¹³³ In 2015, the Tamil Progressive Alliance (TPA) was formed, an alliance between the Workers National Front, Democratic People's Front, and Up-Country People's Front.¹³⁴ The TPA mainly focussed on Indian Tamils.

The most recent provincial government elections took place in 2013 and 2014. In these elections, the TNA became the largest party in both Northern and Eastern Province: in Northern Province, the party won 30 out of 38 seats, with 78.5% of the votes.¹³⁵ In Eastern Province, it won 6 out of 11 seats, with 50.8% of the votes.¹³⁶ At the end of the reporting period, Northern Province had a nonpartisan governor, Prince Sarojini Manmatharajah Charles. The governor of Eastern Province, Senthil Thondaman, was a member of the CWC.

¹³² DFAT, *DFAT Country information report Sri Lanka*, page 18, 23 December 2021; Daily FT, *The ITAK and Tamil National Alliance break-up*, 31 May 2023.

¹³³ DFAT, *DFAT Country information report Sri Lanka*, pages 24-25, 23 December 2021.

¹³⁴ Tamil Progressive Alliance, *The Constitution of the Tamil Progressive Alliance*, 20 February 2019.

¹³⁵ Election Commission of Sri Lanka, *Provincial Council elections results 2013*, 2013.

¹³⁶ Election Commission of Sri Lanka, *Provincial Council elections results 2012*, 2012.

3 Legislation and legal protection

This section describes developments during the reporting period with regard to the Prevention of Terrorism Act, the Online Safety Act and the Human Rights Commission Sri Lanka.

3.1 Prevention of Terrorism Act

The Sri Lankan Parliament introduced the Prevention of Terrorism Act (PTA) in 1979 as a temporary measure, specifically to combat “elements or groups of persons or associations that advocate the use of force as a means of, or an aid in, accomplishing governmental change in Sri Lanka.”¹³⁷ From 1982, the PTA had permanent status, and this remained so throughout the reporting period.

The PTA provided Sri Lankan investigative and security forces with powers that were not available under regular Sri Lankan criminal law. For example, under the provisions of the PTA, the police could arrest persons without a warrant. Suspects could subsequently be held in pre-trial detention for up to eighteen months, without charge or arraignment, for unspecified ‘unlawful activities’ (reduced to twelve months in 2022; see below). There was no option to apply for bail within that period. After the arraignment, the suspect could remain in detention until the criminal case officially started, which could be years later. During more than forty years of operation of the PTA, there were frequent reports of prolonged detention of persons without trial or conviction. Not only terror suspects, but also members of minorities and political dissidents were reportedly affected.¹³⁸

In addition, a provision of the PTA allowed investigative and security forces to introduce confessions made by suspects in detention, without the presence of a lawyer, as legitimate evidence in court. Such confessions were not accepted as evidence in regular Sri Lankan criminal law.¹³⁹ This provision reportedly encouraged assault and torture during detention, often resulting in false confessions. There were many reports of this occurring during the reporting period.¹⁴⁰ Moreover, the PTA

¹³⁷ Parliament of the Democratic Socialist Republic of Sri Lanka, *Prevention of Terrorism (temporary provisions) Act, No. 48 of 1979*, 20 July 1979.

¹³⁸ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, page 13, 2 October 2014; OHCHR, *Working group on arbitrary detention: preliminary findings from its visit to Sri Lanka (4 to 15 December 2017)*, 15 December 2017; HRW, *Locked up without evidence; Abuses under Sri Lanka’s Prevention of Terrorism Act*, 29 January 2018; HRW, *Sri Lanka Draft Counter Terrorism Act of 2018*, 21 October 2018; ITJP, *Terrorism Investigation Division: Sri Lankan police*, pages 16-17, September 2019; Amnesty International, *End the use of and repeal the draconian PTA*, February 2022; HRW, *“In a legal black hole”: Sri Lanka’s failure to reform the Prevention of Terrorism Act*, page 1, 7 February 2022; UN Human Rights Council, *Written statement submitted by Pasumai Thaayagam Foundation, a non-governmental organisation in special consultative status (A/HRC/49/NGO/230)*, 16 February 2022; OHCHR, *Sri Lanka: UN experts call for swift suspension of Prevention of Terrorism Act and reform of counter-terrorism law*, 2 March 2022; DFAT, *DFAT Country information report Sri Lanka*, pages 58-59, 2 May 2024.

¹³⁹ Amnesty International, *Countering terrorism at the expense of human rights*, page 5, January 2019; ITJP, *Terrorism Investigation Division: Sri Lankan police*, page 18, September 2019; HRW, *“In a legal black hole”: Sri Lanka’s failure to reform the Prevention of Terrorism Act*, pages 2, 35, 7 February 2022; Amnesty International, *End the use of and repeal the draconian PTA*, February 2022; Human Rights Commission of Sri Lanka (HRCSL), *The HRCSL’s Report relating to civil and political rights within the country for the review of Sri Lanka (6th periodic report) by the Human Rights Committee during its 137th Session*, pages 6-7, 25 January 2023; USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 11, April 2024.

¹⁴⁰ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, page 13, 2 October 2014; Amnesty International, *End the use of and repeal the draconian PTA*, February 2022; HRW, *“In a legal black hole”: Sri Lanka’s failure to reform the Prevention of Terrorism Act*, page 1, 7 February 2022; OHCHR,

provided immunity to government officials responsible for abuse if they were deemed to have acted in good faith or executed a legal order. This provision also encouraged ill-treatment and torture, according to sources.¹⁴¹

3.1.1 Attempts to amend the PTA

Various presidents attempted to repeal or amend the PTA between 2015 and 2024. President Sirisena wanted to replace the PTA with a new anti-terrorism act, as part of his co-sponsorship of UN Human Rights Council resolution 30/1. He announced a temporary moratorium on the application of the PTA.¹⁴² A draft Counter-Terrorism Act (CTA) was published in the Sri Lanka Gazette (similar to the Netherlands' Government Gazette) in September 2019.¹⁴³ Although the draft act contained some improvements over the PTA, the CTA also met resistance from human rights organisations. In particular, they felt that the draft act still used too vague and broad a definition of 'terrorism', and contained too few safeguards against abuse. Critics of the draft act also said it did too little to restrict the special powers of investigative and security forces as these applied under the PTA. Before the draft act could be debated in parliament, Sirisena's presidency came to an end. Gotabaya Rajapaksa withdrew the CTA and expressed support for the PTA.¹⁴⁴

Later, pressure from critics forced Rajapaksa to amend the PTA on some points. In February 2022, the amended version of the PTA was published in the Sri Lanka Gazette,¹⁴⁵ and was passed by parliament in March 2022. This amendment contained a few changes: it reduced the maximum period of pre-trial detention without arraignment or the possibility of applying for bail from eighteen months to twelve months, relaxed bail arrangements and provided for measures to expedite trials. The numbers of prisoners in pre-trial detention decreased partly as a result of this. The amended act also stipulated that the Human Rights Commission Sri Lanka (HRCSL) had to be notified of new detentions under the PTA, and enabled the monthly inspection of detainees. However, according to critics, even this amended PTA still contained too few safeguards against abuse.¹⁴⁶ In June 2022, the Rajapaksa government announced a moratorium on the application of the PTA.

Sri Lanka: UN experts call for swift suspension of Prevention of Terrorism Act and reform of counter-terrorism law, 2 March 2022; NOS Nieuws, *Protesten in Sri Lanka gaan over meer dan de economie*, 9 May 2022; Confidential source, 2 February 2024.

¹⁴¹ UN Secretary-General, *Report of the Secretary-General's Panel of Experts on accountability in Sri Lanka*, page 97, 31 March 2011; ITJP, *Terrorism Investigation Division: Sri Lankan police*, pages 16-17, September 2019; HRW, *"In a legal black hole": Sri Lanka's failure to reform the Prevention of Terrorism Act*, pages 19-20, 7 February 2022.

¹⁴² UN Human Rights Committee, *Sixth periodic report submitted by Sri Lanka under article 40 of the Covenant, due in 2017 (CCPR/C/LKA/6)*, page 9, 25 April 2019; USDoS, *Country Reports on Terrorism 2018: Sri Lanka*, page 60, October 2019.

¹⁴³ The Gazette of the Democratic Socialist Republic of Sri Lanka, *Part II of September 14, 2018; Supplement: Counter Terrorism A Bill*, 17 September 2018.

¹⁴⁴ HRW, *Sri Lanka draft Counter Terrorism Act of 2018*, 21 October 2018; Amnesty International, *Countering terrorism at the expense of human rights*, January 2019; Associated Press (AP), *Sri Lanka media rights activists decry new anti-terror laws*, 18 March 2019; DFAT, *DFAT Country information report Sri Lanka*, page 42, 23 December 2021; HRW, *"In a legal black hole": Sri Lanka's failure to reform the Prevention of Terrorism Act*, pages 20-21, 7 February 2022.

¹⁴⁵ The Parliament of the Democratic Socialist Republic of Sri Lanka, *Prevention of Terrorism (Temporary Provisions) (Amendment) A Bill to amend the Prevention of Terrorism (Temporary Provisions) Act, No. 48 of 1979*, 10 February 2022.

¹⁴⁶ CPA, *A commentary: Prevention of Terrorism (Amendment) Bill 2022*, January 2022; HRW, *"In a legal black hole": Sri Lanka's failure to reform the Prevention of Terrorism Act*, page 48, 7 February 2022; OHCHR, *Sri Lanka: UN experts call for swift suspension of Prevention of Terrorism Act and reform of counter-terrorism law*, 2 March 2022; Amnesty International, *Amnesty International commentary on the Prevention of Terrorism Act amendment bill*, 18 March 2022; HRW, *Sri Lanka: End use of terrorism law against protesters*, 31 August 2022; UN Human Rights Council, *A/HRC/51/5*, page 5, 4 October 2022; Immigration and Human Rights Law Review (IHRLR), *Prevention or creation of terrorism? The Sri Lankan Prevention of Terrorism Act*, 17 January 2023; USDoS, *Country reports on terrorism 2022: Sri Lanka*, 30 November 2023; Confidential source, 12 April 2022.

However, after President Wickremasinghe took office in July 2022, the authorities exercised the powers of the PTA once again, this time to arrest leaders of the Aragalaya protests.¹⁴⁷

The authorities published a new draft law to replace the PTA in March 2023: the Anti-Terrorism Bill (ATB).¹⁴⁸ This proposal contained some reforms that were viewed positively by human rights activists. These included the further simplification of bail options, ending the admissibility of confessions in police detention, and preventive measures against the occurrence of torture (including the possibility of regular and unannounced visits to detention centres by judges). However, other parts of the draft act were criticised. In particular, these were the still too vague and broad definition of 'terrorism' and the expansion of the powers of investigative and security forces.¹⁴⁹ In February 2024, the Supreme Court ruled that the ATB was unconstitutional in some respects (particularly where it concerned the definition of terrorism), and needed changing.¹⁵⁰ At the end of the reporting period, the ATB had not yet been debated by parliament. The PTA was still in force.¹⁵¹

3.1.2 *Detainees under the PTA*

The composition of the group of PTA detainees changed during the reporting period. During the previous reporting period (July 2013-September 2014), it was still mainly Tamils who were at risk of arrest under the PTA.¹⁵² In the current period, especially after the 2019 Easter attacks, the majority of persons arrested and detained under the PTA were Muslims.¹⁵³

The reported numbers of persons detained under the PTA fluctuated during the reporting period. The fluctuation in the data on numbers of arrestees in pre-trial detention is presumably related to the fact that arrestees were often arrested under the PTA but released after some time pending further legal proceedings. Those proceedings were often prolonged. There were not many actual convictions under the PTA during the reporting period. According to a source, the last actual criminal conviction under the PTA was that of journalist J.S. Tissainayagam in 2009.¹⁵⁴ Another source indicated that, during the current reporting period, many cases involving arrests under the PTA did not actually result in formal charges.¹⁵⁵

¹⁴⁷ UK Home Office, *Country policy and information note; Sri Lanka: Tamil separatism*, page 29, August 2022; USDoS, *2022 Country reports on human rights practices: Sri Lanka*, page 11, 20 March 2023; HRW, *World Report 2024; Events of 2023*, 11 January 2024; Amnesty International, 'Ready to suppress any protest'; *Sri Lanka: unlawful use of weapons during protests*, page 13, April 2024.

¹⁴⁸ The Gazette of the Democratic Socialist Republic of Sri Lanka, *Part II of March 17, 2023; Supplement: Anti-Terrorism A Bill*, 22 March 2023.

¹⁴⁹ UN Human Rights Council, *A/HRC/54/20*, pages 6-7, 6 September 2023; ICJ, *Sri Lanka: Revised version of anti-terror bill threatens human rights*, 25 September 2023; HRW, *World Report 2024; Events of 2023*, pages 585-590, 11 January 2024; Confidential source, 19 January 2024; Confidential source, 2 February 2024.

¹⁵⁰ Parliament of Sri Lanka, *News - Announcements by the Hon. Speaker - 20.02.2024*, 20 February 2024; CPA, *Anti-Terrorism Bill; Questions and answers*, March 2024.

¹⁵¹ OHCHR, *Call to Sri Lanka to revise anti-terrorism bill*, 22 January 2024; HRW, *Sri Lanka: New transitional justice process lacks credibility*, 29 January 2024; HRW, *Under Ranil Wickremesinghe, Sri Lanka is going fast - in reverse*, 14 February 2024; Amnesty International, *The state of the world's human rights*, page 351, April 2024; Confidential source, 28 February 2024.

¹⁵² Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, page 13, 2 October 2014.

¹⁵³ Shreen Abdul Saroor and Mytili Bala, 'Terrorising minorities through "counterterrorism",' in: S.A. Saroor, *Muslims in post-war Sri Lanka: Repression, resistance & reform*, 2022; Confidential source, 22 December 2023; Confidential source, 2 February 2024; Confidential source, 2 February 2024.

¹⁵⁴ CPJ, *International Press Freedom Awards: J.S. Tissainayagam, Sri Lanka, Sunday Times*, 2009; Confidential source, 12 February 2024.

¹⁵⁵ Confidential source, 2 February 2024.

Overall, the number of PTA detainees declined steadily, although there was a spike after the 2019 Easter attacks.¹⁵⁶ Particularly after 2022, reported numbers fell sharply. This could be related to the relaxation of bail conditions in March 2022.¹⁵⁷ In 2018, the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism noted that, at that time, 81 people were in pre-trial detention under the PTA, including 70 people for more than 5 years, and 12 of them for more than 10 years.¹⁵⁸ OHCHR reported that in January 2019, 61 people were still held in pre-trial detention under the PTA.¹⁵⁹ The HRCSL wrote to Human Rights Watch in 2022 that it was aware of 305 arrests under the PTA in 2019, 212 in 2020 and 109 in 2021. By the end of 2021, 392 persons were held in pre-trial detention under the PTA, of whom 329 had not yet been formally charged.¹⁶⁰ The US State Department wrote that by the end of 2021, about 300 Muslims were detained under the PTA, and about 180 Tamils.¹⁶¹

OHCHR reported in October 2022 that 47 persons were still detained under the PTA at that time, including 22 who had already been sentenced. Many of them had been arrested after the attacks on Easter Day 2019.¹⁶² In September 2023, OHCHR spoke of 25 persons serving prison sentences under the PTA, and a further 21 persons held in pre-trial detention under the PTA.¹⁶³ The US State Department also wrote that a total of 46 people were detained under the PTA in August 2023.¹⁶⁴ Sources consulted in December 2023 and February 2024 put the total number of persons detained under the PTA at that time at some dozens.¹⁶⁵ According to one source, a total of 12 people had been in pre-trial detention for longer than five years under the PTA.¹⁶⁶ On the ethnicity of the PTA prisoners still detained in February 2024, another source said that these included 13 Tamils in pre-trial detention and 8 Tamils with convictions.¹⁶⁷ Official figures on numbers of Tamils arrested under the PTA are not known.

¹⁵⁶ HRW, "In a legal black hole": Sri Lanka's failure to reform the Prevention of Terrorism Act, page 73, 7 February 2022; Confidential source, 22 December 2023.

¹⁵⁷ CPA, *A commentary: Prevention of Terrorism (Amendment) Bill 2022*, January 2022; HRW, "In a legal black hole": Sri Lanka's failure to reform the Prevention of Terrorism Act, page 48, 7 February 2022; OHCHR, *Sri Lanka: UN experts call for swift suspension of Prevention of Terrorism Act and reform of counter-terrorism law*, 2 March 2022; Amnesty International, *Amnesty International commentary on the Prevention of Terrorism Act amendment bill*, 18 March 2022; HRW, *Sri Lanka: End use of terrorism law against protesters*, 31 August 2022; UN Human Rights Council, *A/HRC/51/5*, page 5, 4 October 2022; IHLRLR, *Prevention or creation of terrorism? The Sri Lankan Prevention of Terrorism Act*, 17 January 2023; USDoS, *Country reports on terrorism 2022: Sri Lanka*, 30 November 2023; Confidential source, 2 February 2024.

¹⁵⁸ UN Human Rights Council, *Visit to Sri Lanka: Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/HRC/40/52/Add.3)*, page 6, 14 December 2018.

¹⁵⁹ UN Human Rights Committee, *CCPR/C/LKA/6*, page 9, 25 April 2019.

¹⁶⁰ HRW, "In a legal black hole": Sri Lanka's failure to reform the Prevention of Terrorism Act, pages 22, 72-74, 7 February 2022.

¹⁶¹ USDoS, *2021 Country reports on human rights practices: Sri Lanka*, page 13, 12 April 2022.

¹⁶² UN Human Rights Council, *A/HRC/51/5*, page 5, 4 October 2022.

¹⁶³ UN Human Rights Council, *A/HRC/54/20*, page 6, 6 September 2023.

¹⁶⁴ USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 18, April 2024.

¹⁶⁵ Confidential source, 22 December 2023; Confidential source, 6 February 2024; Confidential source, 12 February 2024.

¹⁶⁶ Confidential source, 2 February 2024.

¹⁶⁷ Confidential source, 6 February 2024.

3.2 Online Safety Act

During the first period of Ranil Wickremasinghe's presidency, apart from the Anti-Terrorism Bill, he also tabled other bills that were characterised by civil society as repressive and an attack on civil liberties.¹⁶⁸ The most visible of these was the Online Safety Act.¹⁶⁹

Wickremasinghe presented the bill in 2023 as a weapon in the fight against fake news, hate speech and cybercrime, including child abuse, data theft and online fraud.¹⁷⁰ However, critics of the bill pointed to what they saw as too vague and broad a definition of punishable online behaviour, the harsh penalties prescribed by the law, and the lack of independence of the yet to be established 'Online Safety Commission' which would have to determine which online activities are punishable and which are not. They saw the Online Safety Act as a barely veiled attack on freedom of expression, and a further attempt to curb critical online expression (see also section 5.2.4).¹⁷¹ In January 2024, the Online Safety Act was passed by parliament.¹⁷² At the end of the reporting period, it could not yet be determined to what extent the law was being used to punish online expressions that displeased the authorities.

3.3 Human Rights Commission Sri Lanka

The Human Rights Commission Sri Lanka (HRCSL) was established in 1996 with a mandate to investigate alleged human rights violations, advise the government on the formulation of laws and policies, and promote awareness about human rights in the country.¹⁷³ The HRCSL was given powers, among others to collect evidence of human rights violations, summon and hear witnesses, refer cases to courts, and make recommendations to stop further violations.¹⁷⁴ During the reporting period the commission dealt with complaints that concerned, among others, torture, arrests and detentions, and labour and civil law cases.¹⁷⁵ Commission members are appointed for a period of three years.¹⁷⁶

The UN Human Rights Council reported that the HRCSL broadly fulfilled its mandate objectively until 2006.¹⁷⁷ From 2006, however, critics at home and abroad

¹⁶⁸ Colombo Gazette, *Civil society collective calls for end to state repression in Sri Lanka*, 29 August 2023; HRW, *Under Ranil Wickremesinghe, Sri Lanka is going fast - in reverse*, 14 February 2024; Freedom House, *Freedom in the world 2024: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024; Confidential source, 28 February 2024; Confidential source, 13 February 2024.

¹⁶⁹ Parliament of the Democratic Socialist Republic of Sri Lanka, *Online Safety Act, No. 9 of 2024*, 2 February 2024.

¹⁷⁰ Al Jazeera, *Sri Lanka Parliament passes bill to regulate online content*, 24 January 2024.

¹⁷¹ ICJ, *Sri Lanka: Proposed Online Safety Bill would be an assault on freedom of expression, opinion, and information*, 29 September 2023; INFORM Human Rights Documentation Centre, *Repression of dissent in Sri Lanka in September 2023*, page 4, November 2023; HRW, *World Report 2024; Events of 2023*, 11 January 2024; Amnesty International, *Sri Lanka: Online Safety Act major blow to freedom of expression*, 24 January 2024; Amnesty International, *The state of the world's human rights*, page 351, April 2024.

¹⁷² BBC News, *Sri Lanka's controversial internet safety law comes into force*, 1 February 2024; Al Jazeera, *Sri Lanka Parliament passes bill to regulate online content*, 24 January 2024.

¹⁷³ Parliament of the Democratic Socialist Republic of Sri Lanka, *Human Rights Commission of Sri Lanka Act, No. 21 of 1996*, 21 August 1996; Ministry of Foreign Affairs, *General Official Report Sri Lanka (June 2013)*, pages 30-31, 6 June 2013; DFAT, *DFAT Country information report Sri Lanka*, page 16, 23 December 2021.

¹⁷⁴ UN Human Rights Council, *A/HRC/30/CRP.2*, pages 233-234, 16 September 2015.

¹⁷⁵ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, pages 30-31, 6 June 2013.

¹⁷⁶ Parliament of the Democratic Socialist Republic of Sri Lanka, *Human Rights Commission of Sri Lanka Act, No. 21 of 1996*, 21 August 1996; Asia Pacific Forum, IDLO, UNDP, *Human Rights Commission of Sri Lanka; Report of the regional national human rights institutions project on inclusion, the right to health and sexual orientation and gender identity*, 2013.

¹⁷⁷ UN Human Rights Council, *A/HRC/30/CRP.2*, pages 233-234, 16 September 2015.

increasingly expressed their doubts about the commission's objectivity and integrity. This was mainly related to the power to appoint commissioners. In that year, President Mahinda Rajapaksa bypassed the Constitutional Council for the first time in the appointment of commission members. As this compromised the objectivity and integrity of the commission, in 2007, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC¹⁷⁸) decided to downgrade the accreditation of the HRCSL from A status to B status.¹⁷⁹ In 2010, Rajapaksa formalised the President's power to appoint members of the HRCSL in the 18th amendment to the constitution.¹⁸⁰

President Sirisena introduced the 19th amendment to the constitution in 2015. That amendment prescribed a return to the original procedure for the appointment of members of the HRCSL, through the Constitutional Council. As this promoted the objectivity and integrity of the commission's work, the Global Alliance of National Human Rights Institutions (GANHRI, the ICC's successor) decided to restore the A status of the HRCSL.¹⁸¹

However, Sirisena's successor Gotabaya Rajapaksa ended the independent appointment of HRCSL members with the introduction of the 20th amendment to the constitution. In December 2021, GANHRI therefore decided to downgrade HRCSL's accreditation back to B status.¹⁸²

President Wickremasinghe returned the power to appoint members of the HRCSL to the Constitutional Council with the introduction of the 21st Amendment to the Constitution in October 2022. In June 2023, the president indeed appointed a new chairman and new members to the commission on the recommendation of the Council.¹⁸³ As this enhanced the integrity and objectivity of the commission, it was hoped that the HRCSL would regain A-status accreditation. At the end of the reporting period, however, this was not yet the case.¹⁸⁴ Sources consulted in this context in 2024 indicated that the new commission members had not been in office long enough to assess their independence and impartiality in the performance of their duties. According to several of these sources, initial signs were positive.¹⁸⁵ In this regard, one source noted that the biggest challenge for the HRCSL was not the

¹⁷⁸ The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) was a network organisation of human rights commissions. In 2016, the committee's name was changed to Global Alliance of National Human Rights Institutions (GANHRI).

¹⁷⁹ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, pages 30-31, 6 June 2013; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, pages 16-17, 2 October 2014; UN Human Rights Council, *A/HRC/30/CRP.2*, pages 233-234, 16 September 2015.

¹⁸⁰ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, pages 30-31, 6 June 2013; UN Human Rights Council, *A/HRC/30/CRP.2*, pages 22, 98 and 233-234, 16 September 2015.

¹⁸¹ UN Human Rights Committee, *CCPR/C/LKA/6*, page 4, 25 April 2019; UN Human Rights Council, *A/HRC/32/CRP.4*, page 4, 28 June 2016.

¹⁸² Bertelsmann Stiftung, *BTI 2020 Country Report - Sri Lanka*, page 14, 2020; Sri Lanka Brief, *Sri Lanka Human Rights Commission downgraded by UN body, the Global Alliance of National Human Rights Institutions*, 14 December 2021; DFAT, *DFAT Country information report Sri Lanka*, page 16, 23 December 2021; UN Human Rights Council, *A/HRC/51/5*, pages 4-5, 4 October 2022; UN Human Rights Council, *A/HRC/54/20*, page 5, 6 September 2023; OHCHR, GANHRI, *Chart of the status of national institutions // Accredited by the Global Alliance of National Human Rights Institutions: Accreditation status as of 29 November 2023*, 29 November 2023; Amnesty International, *Report 2022/23; The state of the world's human rights; Sri Lanka*, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/sri-lanka/report-sri-lanka/>, accessed 6 November 2023.

¹⁸³ UN Human Rights Council, *A/HRC/54/20*, page 5, 6 September 2023.

¹⁸⁴ UN Human Rights Council, *A/HRC/51/5*, pages 4-5, 4 October 2022; UN Human Rights Council, *A/HRC/54/20*, page 5, 6 September 2023; OHCHR, GANHRI, *Chart of the status of national institutions // Accredited by the Global Alliance of National Human Rights Institutions: Accreditation status as of 29 November 2023*, 29 November 2023.

¹⁸⁵ Confidential source, 22 December 2023; Confidential source, 12 February 2024.

independence or impartiality of the commission, but the lack of authority and power to enforce actual behavioural change on the authorities.¹⁸⁶

3.3.1 *Complaints receipt and handling*

Complaints could be filed in Sinhalese, Tamil or English.¹⁸⁷ During the reporting period, the HRCSL published annual data on the numbers of complaints received and the topics of the complaints. Based on the published data, the HRCSL received 37,489 complaints in the five years between 2018 and 2022. The category in which the most complaints were filed was 'personal freedom' (8,845 complaints, 23.6% of the total). These included complaints about 'arbitrary arrest/detention' (10.2%), 'torture' (5.8%) and 'harassment' (5.2%). Other common categories in which complaints were received were 'employment' (13.2%), 'inaction of government entities' (10.2%), 'education' (5.4%), and 'land and property rights' (4.5%).¹⁸⁸

The HRCSL also published annual reports outlining its handling of complaints received. The most recently published annual report is the report for the year 2021.¹⁸⁹ The HRCSL's approach to complaints received was as follows:¹⁹⁰

After receiving a complaint, HRCSL commissioners checked whether the complaint fell within the commission's mandate. In about 31% of the complaints handled between 2018 and 2021, this was found not to be the case.¹⁹¹ For the remaining complaints, the commission sought information from the complainant and the subject of the complaint. Between 2018 and 2021, 30% of cases stranded at this stage because the complainant failed to provide further or sufficient information.¹⁹² Almost 4% of complaints were withdrawn by the complainant before the case was handled. Some 65% of the complaints handled between 2018 and 2021 thus ended without a substantive investigation.

In cases where the complaint fell under the mandate and sufficient information was available, the HRCSL conducted an investigation. This was usually followed by a process of mediation. As part of the investigation, members of the HRCSL also had access to prisons and detention centres.¹⁹³ The investigation could end in a settlement or a recommendation. Between 2018 and 2021, 13% of all resolved cases involved a settlement. In about 11% of cases, compensation was offered to the complainant. About 7% of the cases were stayed pending a judicial enquiry. A recommendation was issued in about 2.5% of the resolved cases.¹⁹⁴ For example, the HRCSL could recommend criminal prosecution, the payment of financial

¹⁸⁶ Confidential source, 22 December 2023.

¹⁸⁷ HRCSL, *Make a complaint*, <https://www.hrsl.lk/make-a-complaint/>, accessed 29 March 2024.

¹⁸⁸ HRCSL, *Human Rights Commission of Sri Lanka Details of Complaints Received by Head Office & Regional Office – 2018*; HRCSL, *Human Rights Commission of Sri Lanka Details of Complaints Received by Head Office & Regional Office – 2019*; HRCSL, *Human Rights Commission of Sri Lanka Details of Complaints Received by Head Office & Regional Office – 2020*; HRCSL, *Human Rights Commission of Sri Lanka Details of Complaints Received by Head Office & Regional Office – 2021*; HRCSL, *Human Rights Commission of Sri Lanka Details of Complaints Received by Head Office & Regional Office – 2022*. These data are available at: <https://www.hrsl.lk/reports/statistics-of-complaints/>.

¹⁸⁹ HRCSL, *Annual report 2021, 2022*.

¹⁹⁰ Confidential source, 6 February 2024.

¹⁹¹ HRCSL, *Annual report 2018*, page 44, 2019; HRCSL, *Annual report 2019*, page 52, 2020; HRCSL, *Annual report 2020*, page 46, 2021; HRCSL, *Annual report 2021*, page 22, 2022.

¹⁹² HRCSL, *Annual report 2018*, page 44, 2019; HRCSL, *Annual report 2019*, page 52, 2020; HRCSL, *Annual report 2020*, page 46, 2021; HRCSL, *Annual report 2021*, page 22, 2022.

¹⁹³ USDoS, *2022 Country reports on human rights practices: Sri Lanka*, page 7, 20 March 2023; Confidential source, 22 December 2023.

¹⁹⁴ HRCSL, *Annual report 2018*, page 44, 2019; HRCSL, *Annual report 2019*, page 52, 2020; HRCSL, *Annual report 2020*, page 46, 2021; HRCSL, *Annual report 2021*, page 22, 2022.

compensation or disciplinary action.¹⁹⁵ The recommendations were published on the commission's website.¹⁹⁶ Almost 32% of the recommendations were issued in response to complaints about 'personal freedoms'.¹⁹⁷ It is not possible to indicate exactly how many of these recommendations were actually followed by the agencies concerned. The HRCSL did have the option to hold executives within those agencies (or, in extreme cases, the president) accountable if recommendations were not followed.¹⁹⁸

The data published by the HRCSL did not indicate the ethnicity of the complainant, nor the ethnicity of the subject of the complaint. However, a source indicated that complaints filed by Tamils were not over-represented in the data, and perhaps even under-represented. The source did add that this did not mean a priori that there were fewer complaints among Tamils; their possible underrepresentation among complainants could also be related to their suspicion of official bodies.¹⁹⁹

¹⁹⁵ Confidential source, 6 February 2024.

¹⁹⁶ HRCSL, *Case Recommendations*, available at: <https://www.hrsl.lk/case-recommendations/>.

¹⁹⁷ HRCSL, *Annual report 2018*, page 45, 2019; HRCSL, *Annual report 2019*, page 53, 2020; HRCSL, *Annual report 2020*, page 48, 2021; HRCSL, *Annual report 2021*, page 24, 2022.

¹⁹⁸ Confidential source, 6 February 2024.

¹⁹⁹ Confidential source, 6 February 2024.

4 Identity and documents

Sri Lanka's birth and identity registration system is described by sources as highly developed and robust. The most recent data on birth registration from the World Bank and USAID's Demographic and Health Surveys programme (DHS programme) dates from 2007. In that year, 97% of births were officially registered.²⁰⁰

4.1 Identification requirement

Sri Lanka has had a statutory general identification requirement from the age of fifteen since 2016.²⁰¹ Possession of a National Identity Card (NIC) is required to access government services (including public health and education services), open a bank account, or present at checkpoints.²⁰² This requirement is enforced by the authorities, for example by requiring the presentation of an NIC at checkpoints. According to a source, alternative identity documents such as a driver's licence or passport could suffice in some cases, but as a rule it was required to present an NIC.²⁰³

4.2 Identity and travel documents

4.2.1 National Identity Card

The vast majority of Sri Lankans possess an NIC. According to sources, in 2017, the percentage of citizens aged fifteen or over who had an NIC stood at 92%.²⁰⁴ A source consulted in 2019 put this rate at 95% of men and 90% of women.²⁰⁵ A source consulted in 2024 confirmed that only a very small percentage of citizens aged fifteen or over did not have an NIC.²⁰⁶

In principle, any Sri Lankan citizen can apply for and obtain an NIC. This also applies to Tamils.²⁰⁷ The NIC does not state the ethnicity or religion of the holder.²⁰⁸ All details on NICs issued to Sinhalese before 2014 were given in Sinhalese. All details on NICs issued to Tamils before 2014 were given in Tamil and Sinhalese. All details on NICs issued after 2014 are given in Sinhalese, Tamil and English, regardless of the applicant's ethnicity. NICs have an unlimited validity period.²⁰⁹

²⁰⁰ GSMA, *Digital Identity Country Report: Sri Lanka*, page 3, 22 February 2019; The World Bank, *Data / Completeness of birth registration (%)*, <https://data.worldbank.org/indicator/SP.REG.BRTH.ZS?view=chart>, accessed 8 November 2023.

²⁰¹ Parliament of the Democratic Socialist Republic of Sri Lanka, *Registration of Persons (Amendment) Act, No. 8 of 2016*, 8 July 2016; Department for Registration of Persons, *Obtaining NIC for the first time*, <http://drp.gov.lk/en/normal.php>, accessed 8 November 2023; Confidential source, 5 February 2024.

²⁰² DFAT, *DFAT Country information report Sri Lanka*, page 50, 23 December 2021; Confidential source, 5 February 2024; Confidential source, 8 February 2024.

²⁰³ Confidential source, 5 February 2024.

²⁰⁴ GSMA, *Exploring the gender gap in identification: Policy insights from 10 countries*, page 12, 23 February 2019; Center for Global Development, *Citizens and States: How can digital ID and payments improve state capacity and effectiveness*, page 28, 2020.

²⁰⁵ GSMA, *Digital Identity Country Report: Sri Lanka*, page 3, 22 February 2019.

²⁰⁶ Confidential source, 5 February 2024.

²⁰⁷ DFAT, *DFAT Country information report Sri Lanka*, page 50, 23 December 2021; Confidential source, 5 February 2024.

²⁰⁸ DFAT, *DFAT Country information report Sri Lanka*, page 50, 23 December 2021; Confidential source, 5 February 2024. Incidentally, Tamils and Muslims can generally be recognised by their names, which usually differ recognisably from Sinhalese names. See also section 6.2.2.

²⁰⁹ Confidential source, 5 February 2024.

Since 2017, authorities have been issuing electronic NICs (e-NICs). The e-NIC contains a machine-readable barcode, but no biometric data as yet. It is planned to include biometric data (in any case fingerprints) in the near future.²¹⁰ According to a source consulted in 2024, 7 million Sri Lankans possessed an e-NIC.²¹¹

4.2.1.1 Application procedure

The Department for Registration of Persons (DRP) is responsible for issuing NICs. Sri Lankan citizens must apply for an NIC at the age of fifteen. An application form, a birth certificate and passport photos must be submitted with the application. The passport photos must be taken at one of about 2,400 registered photo studios spread throughout the country. These photo studios send the photos electronically to the National Personal Registry. School-aged persons submit their application to their headmaster, residents of plantations²¹² submit their application to the plantation manager and others submit their applications to the local district officer (*grama niladhari*). The official in charge of collecting applications forwards them to the DRP department of one of the 335 Divisional Secretariats. These departments check the submitted documents and forward them to the provincial DRP offices. The NIC is sent to the applicant by post within a month of the application.²¹³ There is also a one-day service available.²¹⁴ The cost in February 2024 was 200 Sri Lankan rupees (LKR) for standard delivery and 2,000 LKR for the one-day service.²¹⁵

The Australian Department of Foreign Affairs and Trade (DFAT) and the Canadian Immigration and Refugee Board (IRBC) indicate that an NIC cannot be applied for and received outside Sri Lanka.²¹⁶

4.2.2 National passport

In principle, any Sri Lankan citizen can apply for and be issued a national passport. This also applies to Tamils. The passport does not indicate the holder's ethnicity or religion.²¹⁷ All details on the passport are given in English. A passport is valid for 10 years.²¹⁸

²¹⁰ GSMA, *Digital Identity Country Report: Sri Lanka*, page 7, 22 February 2019, available at: <https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/wp-content/uploads/2019/02/Digital-Identity-Country-Report-Sri-Lanka.pdf>; GSMA, *Exploring the gender gap in identification: Policy insights from 10 countries*, page 73, 23 February 2019, available at: <https://www.gsma.com/solutions-and-impact/connectivity-for-good/mobile-for-development/blog/exploring-the-gender-gap-in-identification-policy-insights-from-10-countries/>; Maheswaran Pragash, *E-NIC project in Sri Lanka: A critical analysis in reference to privacy issues*, <https://theshapeoflaw.wordpress.com/2020/05/10/e-nic-project-in-sri-lanka-a-critical-analysis-in-reference-to-privacy-issues/>, 10 May 2020; Confidential source, 5 February 2024.

²¹¹ Confidential source, 5 February 2024.

²¹² These are mainly so-called 'Indian Tamils' working on tea plantations in central Sri Lanka.

²¹³ GSMA, *Digital Identity Country Report: Sri Lanka*, pages 8-9, 22 February 2019; DFAT, *DFAT Country information report Sri Lanka*, page 50, 23 December 2021; Department for Registration of Persons, *Obtaining NIC for the first time*, <http://drp.gov.lk/en/normal.php>, accessed 11 December 2023; Department for Registration of Persons, *Divisional office*, https://drp.gov.lk/en/divisional_office.php, accessed 11 December 2023.

²¹⁴ Department for Registration of Persons, *Obtaining NIC under One Day Service*, <http://drp.gov.lk/en/normal.php>, accessed 11 December 2023; Confidential source, 5 February 2024.

²¹⁵ Department for Registration of Persons, *Obtaining NIC for the first time*, <http://drp.gov.lk/en/normal.php>, accessed 26 February 2024; Department for Registration of Persons, *Obtaining NIC under One Day Service*, <http://drp.gov.lk/en/normal.php>, accessed 26 February 2024. Based on the exchange rate of 3 June 2024, 200 LKR corresponds to about €0.61, and 2,000 LKR to about €6.14.

²¹⁶ IRBC, *LKA200299.E: Sri Lanka: Identity documents, including biometric passports, National Identity Cards (NICs), birth certificates, and driver's licences; requirements and procedures to obtain such documents; appearance and security features (2016-July 2020)*, 6 August 2020; DFAT, *DFAT Country information report Sri Lanka*, page 70, 2 May 2024.

²¹⁷ Incidentally, Tamils and Muslims can generally be recognised by their names, which usually differ recognisably from Sinhalese names. See also section 6.2.2.

²¹⁸ Department of Immigration and Emigration, *General information on passports*, https://www.immigration.gov.lk/pages_e.php?id=7, accessed 26 February 2024; Confidential source, 5 February 2024.

4.2.2.1 Application procedure

The Department of Immigration and Emigration (DIE) is responsible for issuing passports. An application form, the NIC, a birth certificate and passport photos must be submitted with the application. As with NICs, the passport photos must be taken at one of about 2,400 registered photo studios spread throughout the country. These photo studios send the photos electronically to the registry of the DIE. Applications can be submitted to the DIE headquarters in Colombo or to any of the regional offices in Matara (Southern Province), Kandy (Central Province), Vavuniya (Northern Province) and Kurunegala (North Western Province). The passport is issued within 30 days of the application. There is also a one-day service available. The cost in February 2024 was LKR 10,000 for standard delivery, and LKR 20,000 for the one-day service.²¹⁹

Sri Lankans residing abroad can apply for or renew passports at Sri Lankan diplomatic representations.²²⁰

4.3 National Personal Registry

The central system for registering Sri Lankan citizens is called the National Personal Registry. The DRP is responsible for collecting and maintaining personal data in this electronic registration system.²²¹ The registry has been operational since 1972, and contains the personal data of between 16 and 17 million Sri Lankans. The registry contains biographical details and the details of parents and grandparents. Ethnicity and religion are not mentioned.²²² All DRP departments in the 335 regional offices are connected to the registry. In addition, more than ninety other government agencies have access to the registry, including investigative agencies. Only the DRP is authorised to enter or modify information in the registry. At the end of the reporting period, the National Personal Registry did not yet contain any biometric data. It is planned to store biometric data (in any case fingerprints and facial images) in the registry in the near future.²²³

4.3.1 Data on criminal cases and investigations

The National Personal Registry does not include data on criminal cases and investigations, such as arrest warrants, convictions or bail. These data are recorded in a central criminal records system.²²⁴ This system, which is consulted at the airport upon entry and exit, in any case contains arrest warrants, convictions and bail information.²²⁵ According to one source, this system also contains the details of persons who are not subject to formal criminal proceedings, but have attracted the

²¹⁹ Department of Immigration and Emigration, *Issue of passports*, https://www.immigration.gov.lk/pages_e.php?id=8, accessed 26 February 2024; Confidential source, 14 February 2024. Based on the exchange rate of 3 June 2024, 10,000 LKR corresponds to about €30.68, and 20,000 LKR to about €61.37.

²²⁰ Department of Immigration and Emigration, *Immigration Circular No.: OM/2021/01*, 27 December 2021; Department of Immigration and Emigration, *Overseas applications*, https://www.immigration.gov.lk/pages_e.php?id=9, accessed 13 May 2024.

²²¹ Department for Registration of Persons, *Overview*, <https://drp.gov.lk/en/overview.php>, accessed 21 November 2023.

²²² Incidentally, Tamils and Muslims can generally be recognised by their names, which usually differ recognisably from Sinhalese names. See also section 6.2.2.

²²³ Confidential source, 5 February 2024.

²²⁴ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 24, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, page 24, 23 December 2021; Confidential source, 20 December 2023; Confidential source, 5 February 2024; Confidential source, 12 February 2024.

²²⁵ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 24, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, page 24, 23 December 2021; Confidential source, 20 December 2023.

authorities' attention for other reasons, such as suspicion of separatist activities or links to the LTTE. According to this source, the so-called 'stop list' and 'watch list' (see section 6.5) are created based on this central criminal records system.²²⁶ Australia's DFAT also indicated in a December 2021 report that Sri Lankan investigative agencies were using electronic databases that contained the details of both persons who were the subject of criminal proceedings and those who had attracted the attention of the authorities for other reasons, such as separatist or criminal activities.²²⁷

Persons subject to criminal proceedings or who have been released on bail can apply for and receive an NIC.²²⁸ A person released on bail cannot apply for and receive a passport. Upon release on bail, the passport must be surrendered to the authorities, and no new passport can be requested.²²⁹ It is unknown whether a person who is subject to criminal proceedings, but is not in detention, can apply for and receive a passport. However, it is known that travel bans issued by judicial authorities are recorded in the DIE's registration system. Persons with a travel ban are thus not eligible for the issuance of a passport.²³⁰

²²⁶ Confidential source, 20 December 2023.

²²⁷ DFAT, *DFAT Country information report Sri Lanka*, page 24, 23 December 2021.

²²⁸ Confidential source, 2 February 2024; Confidential source, 5 February 2024.

²²⁹ Confidential source, 2 February 2024; Confidential source, 14 February 2024.

²³⁰ Department of Immigration and Emigration, *Online travel document submission - local applicants*, <https://eservices.immigration.gov.lk/online/d/OnlineTD/#/home>, accessed 8 March 2024; Confidential source, 14 February 2024.

5 Human rights

This section contains a description of the human rights situation in Sri Lanka, particularly with regard to Tamils and to journalists, political opponents and human rights activists.

5.1 Position of Tamils

Tamils have long felt that they have been discriminated against and marginalised in comparison with Sri Lanka's Sinhalese majority.²³¹ However, during the reporting period, Tamils in Sri Lanka were not the subject of negative attention from the Sri Lankan authorities because of their ethnicity.²³² Furthermore, there has been an improvement in the human rights situation of Tamils since the previous Country of Origin Information Report (October 2014).²³³ Far fewer abuses targeting Tamils, as described in the previous report²³⁴ (such as abductions, killings and disappearances), took place during the current reporting period.²³⁵ Many sources point to the following key turning points:

- the presidency of Maithripala Sirisena (2015-2019), who introduced a more conciliatory stance towards the Tamil community,²³⁶
- the 2019 Easter attacks, which shifted the attention of investigative and security forces towards the Muslim community,²³⁷ and
- the 2022 Aragalaya protests, which further shifted the attention of the authorities to critical activists.²³⁸

So, where there was repression by the authorities, since 2019 this focused less on Tamils than Muslims, and since 2022 mainly on critics of government policies. Based on the information from the sources consulted, it appears that in the second half of the reporting period, the authorities saw the latter two groups as a greater threat than the Tamils.²³⁹

Although the focus of the security forces shifted to other groups, sources also indicated during the current reporting period that Tamils often did not feel treated

²³¹ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (July 2011)*, page 6, 26 October 2011; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 50, 6 June 2013; People for Equality and Relief in Lanka (PEARL), *State-sponsored Sinhalaization of the North-East*, pages 10-11, March 2022.

²³² UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 12, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, pages 18-20, 23 December 2021; DFAT, *DFAT Country information report Sri Lanka*, page 25, 2 May 2024; Confidential source, 6 February 2024.

²³³ Confidential source, 22 December 2023; Confidential source, 19 January 2024.

²³⁴ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, pages 9 and 34, 2 October 2014.

²³⁵ The Guardian, *Tamils fear prison and torture in Sri Lanka, 13 years after civil war ended*, 26 March 2022; DFAT, *DFAT Country information report Sri Lanka*, page 24, 2 May 2024; Confidential source, 19 January 2024; Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024.

²³⁶ Confidential source, 8 December 2023; Confidential source, 22 December 2023; Confidential source, 5 February 2024; Confidential source, 5 February 2024; Confidential source, 6 February 2024.

²³⁷ Confidential source, 2 February 2024; Confidential source, 2 February 2024.

²³⁸ Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 14 February 2024.

²³⁹ Confidential source, 2 February 2024; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 14 February 2024.

as equal citizens of Sri Lanka.²⁴⁰ The period after the end of the civil war was marked by persistent discontent among a section of Tamils in the north and east, who felt that their rights and grievances were not respected by the government.²⁴¹

A common complaint was the economic marginalisation of the country's traditional Tamil regions. However, most feelings of discrimination among Tamils centred around themes related to the civil war, such as the militarisation of traditional Tamil territories, commemoration of Tamil victims, calls for accountability for crimes committed during the civil war, and the fate of Tamils who disappeared during the war.²⁴²

These themes are discussed in detail below.

5.1.1 *Economic opportunities*

Two common complaints among Tamils in the north and east of the country were the lack of economic opportunities and the general economic marginalisation of the area. The Sri Lankan government reportedly invested very little in the development of these areas.²⁴³ At the end of the current reporting period Northern Province in particular suffered more acute poverty than the rest of Sri Lanka. In 2023, the Asian Development Bank calculated that the average income per person in this province was 35% below the national average, and identified an acute lack of economic opportunities and employment opportunities in the province.²⁴⁴ The World Bank and UNICEF reached similar conclusions in 2022.²⁴⁵ Unlike in the past, when laws like the Sinhala Only Act²⁴⁶ and the Standardization Act²⁴⁷ created legal barriers for Tamils to gain access to higher education and government jobs, there were no legal restrictions of Tamils' economic opportunities during the current reporting period. In practice, Tamils allegedly had more limited opportunities to secure government jobs or promotion than Sinhalese during the current reporting period as well, even if they worked in the private sector. The sources consulted gave several possible explanations for this, including discrimination, language deficiency (many Tamils were said to lack sufficient command of Sinhalese) and an educational disadvantage

²⁴⁰ UN Human Rights Council, *A/HRC/46/20*, page 14, 9 February 2021; Georg Frerks, "Life after death": Remembering the "Tamil Tigers" in North-East Sri Lanka,' in: *Civil Wars*, page 5, 10 February 2023; USDoS, *2022 Country reports on human rights practices: Sri Lanka*, page 36, 20 March 2023; Freedom House, *Freedom in the world 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2023>, accessed 25 November 2023; Confidential source, 5 December 2023; Confidential source, 5 February 2024; Confidential source, 8 February 2024; Confidential source, 12 February 2024.

²⁴¹ Georg Frerks, "Life after death": Remembering the "Tamil Tigers" in North-East Sri Lanka,' in: *Civil Wars*, page 5, 10 February 2023.

²⁴² Confidential source, 8 December 2023; Confidential source, 5 February 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024.

²⁴³ UN Human Rights Council, *A/HRC/46/20*, page 14, 9 February 2021; DFAT, *DFAT Country information report Sri Lanka*, pages 18-19, 23 December 2021; PEARL, *State-sponsored Sinhalization of the North-East*, page 13, March 2022; USDoS, *2022 Country reports on human rights practices: Sri Lanka*, page 36, 20 March 2023; Freedom House, *Freedom in the world 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2023>, accessed 25 November 2023; Confidential source, 8 December 2023; Confidential source, 20 December 2023; Confidential source, 20 January 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024.

²⁴⁴ Asian Development Bank, *Initial poverty and social analysis*, 9 March 2023.

²⁴⁵ World Bank Group, *Sri Lanka poverty update: Background report to Sri Lanka poverty assessment, 2022*; UNICEF, *Citizens budget 2022: Northern Provincial Council, 2022*.

²⁴⁶ The Official Language Act of 1956 (more commonly known as the Sinhala Only Act) prescribed that Sinhalese was the only official language of Sri Lanka. Although the act was in force for only a short time, it is said to have had a lasting effect on the ability of Tamils to obtain government jobs (Neil DeVotta, 'Standardization and ethnocracy in Sri Lanka', WIDER Working Paper, No. 2022/86, 2022).

²⁴⁷ The Standardization Act of 1972 established a quota system by district for admission to universities, which favoured Ethnic Sinhalese. Although the act was in force for only a few years, it is said to have had a lasting effect on Tamils' access to higher education (Neil DeVotta, 'Standardization and ethnocracy in Sri Lanka', WIDER Working Paper, No. 2022/86, 2022).

partly related to the civil war.²⁴⁸ Sources also said that Tamils had less opportunities in the police and the national army. Hardly any Tamils were said to enlist in the army. Tamils apparently found jobs in the police, but mainly in the lower positions.²⁴⁹ In this regard, one source pointed out that Tamils themselves were sometimes reluctant to work for the security forces. In particular, serving in the army is said to carry a stigma among Tamils.²⁵⁰

5.1.2 *Militarisation of the north and east*

As explained in section 2.1.2.3, one of the main points of contention between the Sri Lankan government and the Tamil community following the end of the civil war was the national army's appropriation of large tracts of land in the Northern and Eastern provinces.²⁵¹ The Tamil population of these areas saw the release of this land as an important part of dealing with the legacy of the war and reconciliation.²⁵² During the reporting period, the process of returning the appropriated land to the communities continued at a steady pace. Of the approximately 1 million hectares of land appropriated by the army during the civil war, more than 90% had been released by the end of the reporting period.²⁵³

Nevertheless, the large military presence in northern and eastern Sri Lanka was still evident throughout the reporting period. For example, the NGO People for Equality and Relief in Lanka (PEARL) estimated that there was 1 soldier for every 6 civilians in those mostly Tamil-inhabited areas in 2020. 16 of the 20 divisions of the government army and 4 of the 6 defence headquarters were stationed wholly or partly in the north and east.²⁵⁴ The Australian DFAT also reported in 2024 that there was 1 soldier for every 6 civilians in Northern Province.²⁵⁵ Other sources also reported that Northern Province had a disproportionate number of military camps,²⁵⁶ and this was also observed during the fact-finding mission for this report in February 2024.²⁵⁷ The large-scale military presence contributed greatly to the enduring sense among the Tamil population that the authorities distrusted them and were keeping an eye on them. As a result, they felt limited in their ability to express themselves publicly on issues that were sensitive for the authorities, such as the commemoration of Tamil victims of the civil war, the fate of Tamils who disappeared during the civil war, and calls for accountability for crimes committed during the civil war (see also sections 5.1.3 and 5.2.2).

²⁴⁸ DFAT, *DFAT Country information report Sri Lanka*, pages 18-19, 23 December 2021; DFAT, *DFAT Country information report Sri Lanka*, page 24, 2 May 2024; Freedom House, *Freedom in the world 2024: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024; Confidential source, 20 January 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024; Confidential source, 9 February 2024.

²⁴⁹ Confidential source, 8 February 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024.

²⁵⁰ Confidential source, 8 February 2024.

²⁵¹ IDMC, *Sri Lanka: A hidden displacement crisis*, 31 October 2012; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, pages 10 and 41, 2 October 2014; The Oakland Institute, *The long shadow of war: The struggle for justice in postwar Sri Lanka*, May 2015; The Guardian, *Sri Lanka accused of waging 'silent war' as Tamil land is appropriated by army*, 28 May 2015; HRW, *Sri Lanka after the Tigers: Letter from Mannar*, 19 February 2016; UN Human Rights Council, *A/HRC/32/CRP.4*, pages 4-5, 28 June 2016.

²⁵² UN Human Rights Council, *Promoting reconciliation, accountability and human rights in Sri Lanka - Report of the Office of the United Nations High Commissioner for Human Rights(A/HRC/49/9)*, page 5, 25 February 2022.

²⁵³ UN Human Rights Council, *A/HRC/46/20*, page 13, 9 February 2021; UN Human Rights Council, *A/HRC/49/9*, page 5, 25 February 2022; UN Human Rights Council, *A/HRC/51/5*, pages 10-11, 4 October 2022; UN Human Rights Council, *A/HRC/54/20*, page 8, 6 September 2023; USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 23, April 2024; Confidential source, 21 March 2023.

²⁵⁴ PEARL, *State-sponsored Sinhalaization of the North-East*, pages 23-24, March 2022.

²⁵⁵ DFAT, *DFAT Country information report Sri Lanka*, page 20, 2 May 2024.

²⁵⁶ PEARL, *State-sponsored Sinhalaization of the North-East*, page 26, March 2022; Tamil Guardian, *Occupation continues as Sri Lankan army conducts large-scale military exercise in Jaffna*, 25 January 2024.

²⁵⁷ Confidential source, 7 February 2024.

In addition, a new trend became apparent during the reporting period involving government bodies other than the military appropriating land in northern and eastern Sri Lanka. The state's Department of Archaeology played a main role in this. This government body appropriated land in the north and east with some regularity during the final years of the reporting period. This included both privately owned land and land on which Hindu shrines stood. The foundation for this land appropriation was often the claim that research had revealed that these sites had a Buddhist heritage, even though few, if any, Buddhists lived in those areas. With the help of the army, the authorities subsequently built Buddhist temples on the land, sometimes after demolishing the existing Hindu temples.²⁵⁸ It is not known exactly how many hectares of land are involved. The NGO PEARL reported that, in Eastern Province alone, the authorities identified 650 Buddhist archaeological heritage sites in this manner between June and December 2020.²⁵⁹ OHCHR identified 45 land disputes between January and November 2021 that involved government-designated Buddhist heritage.²⁶⁰ The Tamils saw the proliferation of Buddhist heritage sites in their traditionally predominantly Hindu territories as enduring evidence of their marginalisation by Sri Lanka's Buddhist-Singhalese majority.²⁶¹ Some of them reportedly also saw in it a sign of a deliberate plan by the authorities to change the demographic composition of traditional Tamil territories.²⁶²

5.1.3 Position of persons associated with the LTTE

5.1.3.1 Rehabilitation centres

After the end of the civil war in 2009, the Sri Lankan government established 24 rehabilitation centres for former members of the LTTE. These were called Protective Accommodation and Rehabilitation Centres (PARC). Here, former LTTE members were prepared for reintegration into society. About twelve thousand people ended up in these rehabilitation centres.²⁶³ They followed a programme aimed at their 'deradicalisation and rehabilitation', among others by means of education and

²⁵⁸ UN Human Rights Council, *A/HRC/49/9*, page 5, 25 February 2022; PEARL, *State-sponsored Sinhalaization of the North-East*, pages 34-36, March 2022; United States Commission on International Religious Freedom (USCIRF), *Country Update: Sri Lanka*, page 5, November 2022; UN Human Rights Council, *A/HRC/54/20*, page 8, 6 September 2023; HRW, *World Report 2024; Events of 2023*, 11 January 2024; Freedom House, *Freedom in the world 2024: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024; Confidential source, 5 February 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024.

²⁵⁹ PEARL, *State-sponsored Sinhalaization of the North-East*, pages 34-36, March 2022.

²⁶⁰ UN Human Rights Council, *A/HRC/49/9*, page 5, 25 February 2022.

²⁶¹ IDMC, *Sri Lanka: A hidden displacement crisis*, 31 October 2012; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, pages 10 and 41, 2 October 2014; The Oakland Institute, *The long shadow of war: The struggle for justice in postwar Sri Lanka*, May 2015; The Guardian, *Sri Lanka accused of waging 'silent war' as Tamil land is appropriated by army*, 28 May 2015; HRW, *Sri Lanka after the Tigers: Letter from Mannar*, 19 February 2016; UN Human Rights Council, *A/HRC/32/CRP.4*, pages 4-5, 28 June 2016.

²⁶² UK Foreign, Commonwealth & Development Office, *Corporate report human rights and democracy: the 2022 Foreign, Commonwealth & Development Office report*, 13 July 2023; Freedom House, *Freedom in the world 2024: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024; Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 8 February 2024.

²⁶³ ICJ, *ICJ Briefing Note: Beyond lawful constraints: Sri Lanka's mass detention of LTTE suspects*, page 10, September 2010; Amnesty International, *Locked Away: Sri Lanka's security detainees*, page 10, March 2012; Government of Sri Lanka, *Rehabilitation of ex-LTTE cadres nearing completion*, 6 June 2014; UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, pages 15-16, 20 January 2020; Modern Diplomacy, *Sri Lanka's post-conflict reconstruction*, 13 July 2021; ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, page 72, September 2021; DFAT, *DFAT Country information report Sri Lanka*, page 25, 23 December 2021; UK Home Office, *Country policy and information note: Tamil separatism, Sri Lanka, April 2023 (accessible version): Updated 14 April 2023*, 14 April 2023; Confidential source, 19 January 2024.

vocational training.²⁶⁴ Ex-combatants could be held in the centres for up to twelve months, a term that could be extended to up to two years. In the years after the war ended, there were some reports that detained ex-combatants could be exposed to torture in the rehabilitation centres.²⁶⁵

Over the years, various persons were declared rehabilitated and released, and many of the 24 centres were closed. For example, previous Country of Origin Information Reports mentioned that in 2010, 8,000 to 9,000 former combatants were still being held in the centres,²⁶⁶ in 2011, about 4,380 combatants were still being held in 9 remaining centres,²⁶⁷ in 2013, 600 to 750 combatants were still being held in 4 centres,²⁶⁸ and in 2014, about 200 combatants were still being held in the last 2 still active centres.²⁶⁹

A representative of Sri Lanka's Commissioner-General for Rehabilitation told a UK delegation in October 2019 that earlier that year, the last LTTE combatant had completed the rehabilitation process.²⁷⁰ There has been no indication of active rehabilitation centres since then, or that forced rehabilitation of LTTE ex-combatants has otherwise been taking place.²⁷¹

5.1.3.2 Current situation of former LTTE members

At the end of the reporting period, former members of the LTTE experienced no formal obstacles to participation in public life.²⁷² Although some former members were still serving prison sentences, others were living normal lives in public and some were politically active.²⁷³

Nevertheless, former members of the LTTE could face obstacles in their daily lives during the reporting period. These were mainly related to the fact that the authorities were reportedly still monitoring them. The sources consulted provided differing reports regarding the scale at which this had occurred in recent years. For example, the UK Home Office wrote in 2020 that rehabilitated LTTE members had to 'routinely' report to the army.²⁷⁴ The UN High Commissioner for Human Rights spoke of the 'intensive surveillance' of former members in 2022.²⁷⁵ The US State Department wrote in 2023 that Tamils reported that authorities 'regularly'

²⁶⁴ Amnesty International, *Locked Away: Sri Lanka's security detainees*, page 10, March 2012; Institute of Peace and Conflict Studies (IPCS), *Sri Lanka: Challenges of Rehabilitation and Reintegration*, 7 August 2013; Department of Government Information, Bureau of the Commissioner General of Rehabilitation, *Rehabilitation of ex combatants*, 2013.

²⁶⁵ ICJ, *ICJ Briefing Note: Beyond lawful constraints: Sri Lanka's mass detention of LTTE suspects*, page 10, September 2010; UN Human Rights Council, *A/HRC/30/CRP.2*, pages 77, 79, 112, 16 September 2015; HRW, *Sri Lanka: Draft 'Rehabilitation' Law would spur abuse*, 17 October 2022; Confidential source, 22 December 2023.

²⁶⁶ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2010)*, page 53, 1 September 2010.

²⁶⁷ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (July 2011)*, page 48, 26 October 2011.

²⁶⁸ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (June 2013)*, page 45, 6 June 2013.

²⁶⁹ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, page 30, 2 October 2014.

²⁷⁰ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 15, 20 January 2020.

²⁷¹ UK Home Office, *Country policy and information note: Tamil separatism, Sri Lanka, April 2023 (accessible version): Updated 14 April 2023*, 14 April 2023; Confidential source, 8 December 2023; Confidential source, 19 January 2024; Confidential source, 20 January 2024; Confidential source, 13 February 2024.

²⁷² DFAT, *DFAT Country information report Sri Lanka*, pages 24-25, 23 December 2021; Confidential source, 6 February 2024.

²⁷³ DFAT, *DFAT Country information report Sri Lanka*, pages 25-26, 23 December 2021; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024; Confidential source, 13 February 2024.

²⁷⁴ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 50, 20 January 2020.

²⁷⁵ UN Human Rights Council, *A/HRC/51/5*, page 7, 4 October 2022.

monitored former members.²⁷⁶ In contrast, Australia's DFAT reported in 2024 that former members of the LTTE were 'sometimes' monitored and interrogated.²⁷⁷ Other sources consulted in 2024 spoke of 'intensive surveillance'²⁷⁸ or 'regular visits' by the police or army.²⁷⁹ A further interpretation of terms like 'intensive' or 'regular' in this context cannot be provided. At the end of the reporting period, there was no evidence that security forces had used violence against former LTTE members while they were monitoring them. It is not possible to specify which former members were most at risk of being monitored. According to sources consulted, not all former members were monitored, and the choice of who was and was not intensively monitored was sometimes arbitrary.²⁸⁰ The authorities appeared to mainly monitor former members who were politically active or active for social causes, for example in the struggle for greater autonomy for the north and east, or in the search for people who disappeared during the civil war.²⁸¹ This did not depend on whether the former members had gone through the rehabilitation process.²⁸² One source reported that monitored former members of the LTTE were able to avoid monitoring by bribing the authorities.²⁸³

Monitoring by the authorities consisted mainly of home visits by security forces, imposed reporting requirements, calls to come to the police station or military camp for questioning, phone calls from officials, and home visits to family members or acquaintances. The officials would ask questions of them to assess whether they were still engaged in activities that the authorities considered to be dangerous to the state.²⁸⁴ According to sources, the agencies that conducted the monitoring included both the Sri Lankan State Intelligence Service (SIS) and the Criminal Investigation Department (CID), the Terrorism Investigation Division (TID) and military intelligence departments.²⁸⁵

The fact that many former LTTE members were still being monitored by the authorities often made it more difficult for them to fully reintegrate in their communities, as was pointed out by various sources consulted in this context. Other Tamils would often treat former members with suspicion. This was partly out of fear that associating with them would attract the negative attention of the authorities. But they reportedly also feared that former members of the LTTE would themselves be put under pressure to pass on information about fellow citizens to the authorities. Among others, this made it more difficult for former LTTE members in northern and eastern Sri Lanka to find paid employment to support themselves or otherwise develop socially.²⁸⁶

²⁷⁶ USDoS, *2022 Country reports on human rights practices: Sri Lanka*, page 36, 20 March 2023.

²⁷⁷ DFAT, *DFAT Country information report Sri Lanka*, page 25, 2 May 2024.

²⁷⁸ Confidential source, 2 February 2024; Confidential source, 5 February 2024.

²⁷⁹ Confidential source, 8 December 2023; Confidential source, 6 February 2024.

²⁸⁰ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 12, 20 January 2020; Confidential source, 8 February 2024; Confidential source, 12 February 2024.

²⁸¹ Confidential source, 12 February 2024; Confidential source, 13 February 2024.

²⁸² UN Human Rights Council, *A/HRC/32/CRP.4*, page 5, 28 June 2016; UN Human Rights Council, *A/HRC/51/5*, page 7, 4 October 2022; Confidential source, 8 December 2023; Confidential source, 19 January 2024; Confidential source, 20 January 2024.

²⁸³ Confidential source, 2 February 2024.

²⁸⁴ UN Human Rights Council, *A/HRC/32/CRP.4*, page 5, 28 June 2016; DFAT, *DFAT Country information report Sri Lanka*, pages 25-26, 23 December 2021; UN Human Rights Council, *A/HRC/51/5*, page 7, 4 October 2022; Confidential source, 22 December 2023; Confidential source, 19 January 2024; Confidential source, 6 February 2024.

²⁸⁵ Confidential source, 2 February 2024; Confidential source, 6 February 2024.

²⁸⁶ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 16, 20 January 2020; ACCORD, *Sri Lanka: Situation of Tamils with links to the Liberation Tigers of Tamil Eelam (LTTE); situation of family members of former LTTE members; Query response [a-12075-1]*, page 6, 16 February 2023; Confidential source, 5 December 2023; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 8 February 2024.

Incidentally, the monitoring of former members of the LTTE during the reporting period was not an isolated example. It should be seen in the context of the situation across the whole of Sri Lanka, where persons and institutions could be monitored by the authorities regardless of their ethnicity. In addition to former LTTE members, these included Muslim activists, journalists, non-governmental organisations (NGOs), human rights activists, student activists, and others critical of the authorities (see also section 5.2).²⁸⁷

5.1.3.3 Relatives of former LTTE members

Based on the information from the sources, it appears that family members of former LTTE members were particularly targeted by the Sri Lankan authorities during the reporting period if they actively campaigned for the commemoration of Tamil victims of the civil war, or the fate of persons who disappeared during the war.²⁸⁸ The authorities remained concerned that national and international attention would be drawn to the view that insufficient investigations had been carried out into possible war crimes committed during the civil war or the fate of the missing.²⁸⁹

During the reporting period, these family members could face monitoring, interrogation, harassment and unannounced visits from intelligence services and police officers, especially if they were actively involved in protests or commemorations. This was frequently reported.²⁹⁰ Most sources consulted in February 2024 also confirmed that persons who were visibly active in this area were at risk of monitoring and harassment by the authorities.²⁹¹ Based on the information from the sources, it appears that these people formed one of the most monitored groups. The degree of affiliation of former members with the LTTE played a less important role here; it was the activities of family members that formed a risk. Based on the sources, it appears that, particularly in the second half of the reporting period, this was limited to monitoring, visits and questioning. Sources used terms such as 'frequent' or 'regular' visits, or 'intensive surveillance'. Arrests and detentions of family members of former LTTE members reportedly occurred infrequently if at all.²⁹²

Particularly around symbolic commemorative days, such as Independence Day (4 February), *Maaveerar Naal* ('Heroes' Day', 27 November) and Prabhakaran's birth anniversary (26 November), the security forces stepped up harassment and monitoring of groups who campaigned for commemorations and the fate of Tamils

²⁸⁷ Confidential source, 5 December 2023; Confidential source, 5 February 2024; Confidential source, 6 February 2024.

²⁸⁸ See also: Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, page 33, 2 October 2014.

²⁸⁹ Confidential source, 19 January 2024; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 5 February 2024.

²⁹⁰ ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, pages 61-63, September 2021; Adayaalam Centre for Policy Research, *Situation Brief No. 6; Deteriorating security situation facing families of the disappeared in the North-East*, 16 May 2022; UN Human Rights Council, *A/HRC/51/5*, page 7, 4 October 2022; UK Foreign, Commonwealth & Development Office, *Corporate report human rights and democracy: the 2022 Foreign, Commonwealth & Development Office report*, 13 July 2023; UN Human Rights Council, *A/HRC/54/20*, page 8, 6 September 2023; Amnesty International, *'Ready to suppress any protest'; Sri Lanka: unlawful use of weapons during protests*, page 15, April 2024.

²⁹¹ Confidential source, 19 January 2024; Confidential source, 19 January 2024; Confidential source, 2 February 2024; Confidential source, 2 February 2024; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024; Confidential source, 12 February 2024; Confidential source, 12 February 2024; Confidential source, 13 February 2024.

²⁹² Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 12 February 2024.

who disappeared during the war.²⁹³ The security forces were often visibly present in large numbers at protests organised in northern and eastern Sri Lanka during the reporting period.²⁹⁴ Sometimes initiators of or participants in protests were arrested and detained, usually for short periods of time.²⁹⁵ However, it is not known whether family members of former LTTE members were among those arrested.²⁹⁶

In addition to persons who actively campaigned for the commemoration of Tamil victims of the civil war, or the fate of persons who disappeared during the war, other family members of former LTTE members were sometimes also monitored by the authorities during the reporting period. However, this was less often reported than the monitoring of family members who were active for the social causes described above, and so this information was fragmented. For example, some sources reported in the last years of the reporting period that family members of (prominent) former members of the LTTE residing abroad were questioned by security forces.²⁹⁷ There is no indication that these family members were at risk of arrest or detention.²⁹⁸

5.1.4

'Welfare centres'

About 280,000 Tamils displaced by acts of war were housed in displacement camps called 'welfare centres' after the war ended. These were often people who had originally lived in areas designated by the government as High Security Zones (HSZ). Some of these Tamils were still living in welfare centres during the reporting period.²⁹⁹ In 2014, there were still 32 such centres, housing 1,185 families, and 4,303 displaced persons in total.³⁰⁰ According to a source, in 2016, 3,261 displaced persons were still in welfare centres in Jaffna.³⁰¹ In early 2023, the UN reported that 2,324 displaced persons were still in welfare centres.³⁰² President Wickremasinghe stated in August 2023 that there were still 15 welfare centres in Jaffna, where 136

²⁹³ ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, page 59, September 2021; UN Human Rights Council, *A/HRC/54/20*, page 8, 6 September 2023; Confidential source, 2 February 2024; Confidential source, 13 February 2024.

²⁹⁴ Adayaalam Centre for Policy Research, *Situation Brief No. 6; Deteriorating security situation facing families of the disappeared in the North-East*, 16 May 2022; UK Foreign, Commonwealth & Development Office, *Corporate report human rights and democracy: the 2022 Foreign, Commonwealth & Development Office report*, 13 July 2023; UN Human Rights Council, *A/HRC/54/20*, page 8, 6 September 2023; Amnesty International, *'Ready to suppress any protest'; Sri Lanka: unlawful use of weapons during protests*, pages 24-26, April 2024.

²⁹⁵ HRW, *Sri Lanka: Tamils detained for commemorating war dead*, 6 December 2023; BBC Monitoring, *South Asia extremism digest 27 Nov-3 Dec 23*, 6 December 2023; USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 17, April 2024; Confidential source, 2 February 2024; Confidential source, 21 May 2024.

²⁹⁶ Sri Lanka Brief, *Sri Lanka Govt. launches crackdown on Tamil remembrance*, 27 November 2021; HRW, *Sri Lanka: Tamils detained for commemorating war dead*, 6 December 2023.

²⁹⁷ DFAT, *DFAT Country information report Sri Lanka*, page 27, 23 December 2021; ITJP, JDS, *Joint submission from International Truth and Justice Project Sri Lanka (ITJP-SL) and Journalists for Democracy (JDS) to fourth cycle of universal periodic*, 14 July 2022.

²⁹⁸ Confidential source, 19 January 2024; Confidential source, 2 February 2024.

²⁹⁹ UN Office for the Coordination of Humanitarian Affairs (OCHA), *Sri Lanka; Vanni Emergency; Situation report #22*, 18 June 2009; Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, pages 40-41, 2 October 2014; HRW, *"Why can't we go home?"; Military occupation of land in Sri Lanka*, 2018; Diotima Chattoraj, 'Narratives of Sri Lankan displaced Tamils living in welfare centres in Jaffna, Sri Lanka', in: *Journal of Maritime Studies and National Integration*, pages 67-74, 24 January 2019; HRCSL, *The HRCSL's Report relating to civil and political rights within the country for the review of Sri Lanka (6th periodic report) by the Human Rights Committee during its 137th Session*, page 5, 25 January 2023; UN Press Centre, *In Dialogue with Sri Lanka, experts of the Human Rights Committee commend settlement of internally displaced persons, raise issues concerning constitutional reform and impunity for military officers' alleged human rights violations*, 9 March 2023.

³⁰⁰ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, pages 40-41, 2 October 2014.

³⁰¹ Diotima Chattoraj, 'Narratives of Sri Lankan displaced Tamils living in welfare centres in Jaffna, Sri Lanka', in: *Journal of Maritime Studies and National Integration*, pages 67-74, 24 January 2019.

³⁰² UN Press Centre, *In Dialogue with Sri Lanka, experts of the Human Rights Committee commend settlement of internally displaced persons, raise issues concerning constitutional reform and impunity for military officers' alleged human rights violations*, 9 March 2023.

families lived.³⁰³ Sources consulted in this context in February 2024 stated that only a few welfare centres were still operational, all in Jaffna.³⁰⁴ According to one source, a total of 130 families were still living in those centres.³⁰⁵ Australia's DFAT wrote in May 2024 that 437 displaced persons were still living in 15 welfare centres in Jaffna.³⁰⁶

During the reporting period, the authorities made efforts to resettle residents of welfare centres, including by building new houses for them to move into.³⁰⁷

The International Organisation for Migration (IOM) and the United Nations Development Programme (UNDP) supported residents in the centres. According to 2 sources, living conditions in the remaining welfare centres were nevertheless harsh.³⁰⁸ One source reported that there was a lack of clean water, poor ventilation and lack of security in the centres.³⁰⁹

5.1.5 *Monitoring*

During the reporting period, the Sri Lankan authorities monitored citizens who expressed views critical to them or who were seen as a threat to national security for other reasons. This applied not only to certain groups of Tamils but, since 2019 (and even to a greater extent than Tamils), to Muslim activists, critical journalists, certain NGOs, human rights activists, student activists and others across Sri Lanka who were visibly critical of the authorities (see also section 5.2).³¹⁰

5.1.5.1 Monitoring of specific groups of Tamils

Not all Tamils in Sri Lanka were monitored during the reporting period, but the authorities did monitor certain groups of Tamils. Particularly in the north and east of the country, this most often concerned former members of the LTTE, persons who campaigned to draw attention to the fate of Tamils who disappeared during the civil war (see sections 5.1.3.2 and 5.1.3.3), journalists, human rights activists and NGO staff (see section 5.2). Monitoring by the authorities consisted mainly of home visits by security forces, calls to come to the police station or military camp for questioning, phone calls from officials and home visits to family members or acquaintances. Sources indicate that this monitoring was more intense in the past, particularly before 2015, than during most of the current reporting period.³¹¹ Nevertheless, based on the information from the sources consulted, it appears that monitoring was still taking place at the end of the reporting period.³¹²

³⁰³ News.lk - The government official news portal, *Let's collectively advance the 13th Amendment to the Constitution for the future betterment of the nation*, 9 August 2023.

³⁰⁴ Confidential source, 2 February 2024; Confidential source, 5 February 2024.

³⁰⁵ Confidential source, 8 February 2024.

³⁰⁶ DFAT, *DFAT Country information report Sri Lanka*, page 39, 2 May 2024.

³⁰⁷ DFAT, *DFAT Country information report Sri Lanka*, page 39, 23 December 2021; Confidential source, 8 February 2024.

³⁰⁸ Confidential source, 2 February 2024; Confidential source, 8 February 2024.

³⁰⁹ Confidential source, 2 February 2024.

³¹⁰ Confidential source, 5 December 2023; Confidential source, 5 February 2024; Confidential source, 6 February 2024.

³¹¹ USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 48, April 2024; Confidential source, 5 February 2024; Confidential source, 14 February 2024.

³¹² DFAT, *DFAT Country information report Sri Lanka*, page 20, 23 December 2021; UN Human Rights Council, *A/HRC/49/9*, page 7, 25 February 2022; USDoS, *2022 Country reports on human rights practices: Sri Lanka*, page 36, 20 March 2023; UN Human Rights Council, *A/HRC/54/20*, page 8, 6 September 2023; Confidential source, 21 March 2023; Confidential source, 8 December 2023; Confidential source, 22 December 2023; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 5 February 2024; Confidential source, 8 February 2024; Confidential source, 5 February 2024.

There was also (anecdotal) evidence that in some cases the authorities monitored persons living in Sri Lanka who were family members of persons involved in Tamil organisations abroad. Most of these sources indicated that, as far as was known, this only happened on a small scale.³¹³ Exact figures are not known.

5.1.6 *Freedom of movement*

Tamils in Sri Lanka experienced no formal travel restrictions. However, there were checkpoints in the north and east of the country throughout the reporting period, staffed by the national army or police.³¹⁴ Sources indicated that there were fewer checkpoints at the end of the reporting period than in previous years. The number was reported to have been higher before 2015 in particular.³¹⁵ Nevertheless, the UN and the Australian DFAT described, in 2021 and 2022 respectively, that the number of checkpoints in areas inhabited mainly by Tamils, especially in Northern Province, was disproportionately high compared to the rest of Sri Lanka.³¹⁶ The checkpoints were not only intended to monitor the activities of the people in these areas; they were also said to be intended as a measure against drug smuggling, that was reportedly on the rise since the end of the civil war (particularly by sea from India into northern Sri Lanka, and from there by land towards the south).³¹⁷ An exact number of checkpoints cannot be given. Sources did indicate that, around symbolic commemorative days like Independence Day or Maaveerar Naal, the number of checkpoints in the north and east increased.³¹⁸

At most checkpoints, identity checks were not carried out on every passing person. The identities of some persons were checked, while others were allowed to continue their journey unchecked. The same applied to passing vehicles. It is not known on what basis the authorities decided which persons and vehicles were checked and which were not.³¹⁹

Two consulted sources additionally reported that some former LTTE members who had a reporting obligation were required to report to the authorities when they left their area of residence.³²⁰

5.1.7 *Departing the country*

As far as is known, during the reporting period Tamils did not experience any problems leaving Sri Lanka based on their ethnicity.

Under section 51c of Sri Lanka's Immigrants and Emigrants Act, judicial authorities could issue travel bans to persons suspected of committing a crime, charged with a

³¹³ Confidential source, 5 December 2023; Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 8 February 2024.

³¹⁴ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 12, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, page 17, 23 December 2021; UN Human Rights Council, *A/HRC/49/9*, page 5, 25 February 2022; Freedom House, *Freedom in the world 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2023>, accessed 25 November 2023; Confidential source, 21 March 2023.

³¹⁵ DFAT, *DFAT Country information report Sri Lanka*, page 17, 23 December 2021; Freedom House, *Freedom in the world 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2023>, accessed 25 November 2023; Confidential source, 8 December 2023; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 8 February 2024.

³¹⁶ DFAT, *DFAT Country information report Sri Lanka*, page 17, 23 December 2021; UN Human Rights Council, *A/HRC/49/9*, page 5, 25 February 2022.

³¹⁷ Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 8 February 2024; Confidential source, 10 April 2024.

³¹⁸ Confidential source, 8 February 2024.

³¹⁹ Confidential source, 21 March 2023; Confidential source, 8 February 2024.

³²⁰ Confidential source, 6 February 2024; Confidential source, 8 February 2024.

crime or who had witnessed a crime.³²¹ Travel bans were recorded in the registration system of the Department of Immigration and Emigration (DIE). DIE officials consulted that system when people left Sri Lanka.³²² In principle, persons against whom a travel ban had been issued could not travel out of the country.

As described in section 4.3.1, there was also a criminal registration system in which criminal records such as arrest warrants, convictions or bail were recorded. According to sources, this system was consulted at the airport.³²³ According to one source consulted, the system also included the details of persons who were not subject to formal criminal proceedings, but were of interest to the authorities for other reasons, such as suspicion of separatist activities or links to the LTTE.³²⁴

A person released on bail had to surrender his or her passport to the authorities, and could not legally travel out of the country.³²⁵

5.1.8 *Tamil organisations*

A multitude of local and national non-governmental organisations (NGOs) were active in Sri Lanka during the reporting period, working for the Tamil people of the north and east of the country. These organisations worked in a variety of areas, including human rights, legal aid, the search for persons who disappeared during the civil war, the reintegration of prisoners and ex-combatants of the LTTE, psychosocial support for ex-combatants, the reintegration of returned migrants and asylum seekers, women's rights, children's rights, livelihood aid, social cohesion, and training and awareness raising in various areas such as drug abuse and sexual and gender-based violence.³²⁶

During the reporting period, these NGOs could face monitoring by the Sri Lankan authorities, depending on the policy area in which they were operating (see section 5.2.3).

5.2 **Position of journalists, political opponents and human rights activists**

Freedom of press and expression for journalists, political opponents and human rights activists fluctuated during the reporting period. This freedom was under the most pressure during Mahinda Rajapaksa's presidency (2005-2015). Much of that pressure fell away during Maithripala Sirisena's time in office (2015-2019).³²⁷ Under Gotabaya Rajapaksa (2019-2022), the freedoms of the media and civil society came under more pressure again, but not to the same extent as during Mahinda's presidency.³²⁸ In the first period of Ranil Wickremasinghe's presidency (from July

³²¹ Parliament of the Democratic Socialist Republic of Sri Lanka, *Immigrants and Emigrants (Amendment) Act, No. 16 of 1993 (Certified on 31st March, 1993)*, 2 April 1993.

³²² UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, pages 24 and 59, 20 January 2020; Confidential source, 20 December 2023; Confidential source, 14 February 2024.

³²³ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 24, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, page 24, 23 December 2021; Confidential source, 20 December 2023; Confidential source, 5 February 2024; Confidential source, 12 February 2024.

³²⁴ Confidential source, 20 December 2023.

³²⁵ Confidential source, 2 February 2024; Confidential source, 14 February 2024.

³²⁶ Confidential source, 5 February 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024; Confidential source, 9 February 2024; Confidential source, 12 February 2024.

³²⁷ Bertelsmann Stiftung, *BTI 2020 Country Report - Sri Lanka*, page 8, 2020; Freedom House, *Freedom in the world 2017: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2017>, accessed 12 March 2024; Confidential source, 21 December 2023.

³²⁸ Freedom House, *Freedom in the world 2021: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2021>, accessed 12 March 2024; Confidential source, 14 February 2024.

2022), the pressure seemed to increase further.³²⁹ Human Rights Watch warned of increasing levels of repression and reduced civil liberties in bills introduced by Wickramasinghe.³³⁰ The most visible of these was the Online Safety Act.³³¹

The Tamils were not the only people who experienced increasing pressure on their freedom of expression; anyone with opinions that could be seen as critical came under more pressure. The most sensitive issues for the authorities were corruption in government circles, allegations against individual politicians, and human rights in general.³³² Regarding the situation of Tamils in particular, the most sensitive issues were the militarisation of the north and east of the country, Tamil victims of the civil war, calls for accountability for crimes committed during the civil war, and the fate of Tamils who disappeared during the war.³³³

The situation of journalists, political opponents and human rights activists is discussed in more detail below.

5.2.1

Journalists

Although some of Sri Lanka's most important media outlets were state-owned, the country also had active independent media that could report on events objectively and report critically on government activity.³³⁴ In 2023, Sri Lanka ranked 135th out of a total of 180 countries on the World Press Freedom Index of *Reporters sans frontières* (RSF). That was an increase from 2022, when the country ranked 146th on the index, but a decrease from the previous three years, when it ranked 127th and 126th. During the final years of the civil war, the country had ranked around 160th on the index.³³⁵

During the civil war, journalists in Sri Lanka were at risk of being killed on the battlefield or deliberately murdered by one of the warring parties. For example, the database of the Committee to Protect Journalists (CPJ) lists 25 journalists who were killed while practising their profession between 1992 and 18 May 2009.³³⁶ Journalists were regularly harassed and attacked throughout Mahinda Rajapaksa's presidency (2005-2015), particularly if they reported critically on the government, corruption in government circles, or alleged human rights violations during the civil war. Particularly notorious during that period were the abductions of journalists and human rights activists in white vans by the so-called 'white van commando' (allegedly led by Gotabaya Rajapaksa). In some cases, victims were abducted and then intimidated and tortured; in other cases, they were murdered or

³²⁹ UN Human Rights Council, *A/HRC/51/5*, page 7, 4 October 2022; UN Human Rights Council, *A/HRC/54/20*, page 8, 6 September 2023.

³³⁰ HRW, *Under Ranil Wickremesinghe, Sri Lanka is going fast - in reverse*, 14 February 2024; Confidential source, 28 February 2024.

³³¹ Parliament of the Democratic Socialist Republic of Sri Lanka, *Online Safety Act, No. 9 of 2024*, 2 February 2024.

³³² Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 5 February 2024; Confidential source, 8 February 2024; Confidential source, 12 February 2024; Confidential source, 14 February 2024.

³³³ DFAT, *DFAT Country information report Sri Lanka*, page 15, 23 December 2021; USDoS, *2022 Country reports on human rights practices: Sri Lanka*, pages 17-18, 20 March 2023; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 5 February 2024; Confidential source, 8 February 2024.

³³⁴ Bertelsmann Stiftung, *BTI 2020 Country Report - Sri Lanka*, page 8, 2020; DFAT, *DFAT Country information report Sri Lanka*, page 30, 23 December 2021; USDoS, *2021 Country reports on human rights practices: Sri Lanka*, pages 21-22, 12 April 2022; DFAT, *DFAT Country information report Sri Lanka*, page 45, 2 May 2024; Reporters sans frontières (RSF), *Sri Lanka*, <https://rsf.org/en/country/sri-lanka>, accessed 12 March 2024; Freedom House, *Freedom in the world 2024: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024; Confidential source, 21 December 2023.

³³⁵ RSF, *World Press Freedom Index*, <https://rsf.org/en/index>, accessed 2 January 2024.

³³⁶ Committee to Protect Journalists (CPJ), *25 Journalists and media workers killed in Sri Lanka between 1992 and 2023 / Motive confirmed or unconfirmed*, <https://cpj.org/data/killed/>, accessed 2 January 2024.

disappeared.³³⁷ The safety of journalists improved after Mahinda Rajapaksa's presidency ended. No more journalists were killed because of their work.³³⁸

Journalists generally felt freer to investigate and critically report on abuses during the Sirisena period (2015-2019). Attacks by state actors on journalists were rare.³³⁹ However, Freedom House reports that, even during this period of relative freedom, many journalists exercised caution regarding the more politically sensitive topics.³⁴⁰ During Sirisena's presidency too, journalists reporting on the aftermath of the civil war, the militarisation of the north and east, and the fate of the Tamil population continued to be harassed by the authorities. However, this happened on a much smaller scale than before.³⁴¹

The International Federation of Journalists (IFJ) and Freedom House described how journalists again felt less free to report on social issues during Gotabaya Rajapaksa's presidency (2019-2022).³⁴² Nevertheless, the situation for journalists was less threatening than under his brother Mahinda. Many journalists reported critically on, among other things, abuse of power, corruption and the anti-government protests.³⁴³ However, others applied self-censorship. This was partly due to Gotabaya Rajapaksa's reputation: he was allegedly responsible for the disappearance of journalists under his brother Mahinda as Secretary of Defence.³⁴⁴ More than in the Sirisena period, journalists were monitored and sometimes arrested and interrogated.³⁴⁵ Journalists could be monitored and harassed for publishing on a variety of topics considered sensitive by the authorities. These topics included corruption, anti-government protests, issues related to the situation of Tamils and Muslims, and issues related to the civil war.

In the aftermath of the 2019 Easter attacks, a number of journalists were reportedly arrested and detained for some time, sometimes under the PTA.³⁴⁶ Several journalists were arrested and briefly detained during the 2022 Aragalaya protests as well, or assaulted by police while they were reporting on the protests.³⁴⁷ Journalists who reported on militarisation and accountability for crimes committed during the

³³⁷ Amnesty International, *Urgent Action: Demand investigation into missing journalist*, 26 January 2010; Center for Justice and Accountability, CPJ, *Report on harassment, intimidation, surveillance and attacks against journalists in Sri Lanka*, pages 2-6, 9 February 2021; ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, pages 34-37, September 2021; DFAT, *DFAT Country information report Sri Lanka*, pages 30-31, 23 December 2021; RSF, *Sri Lanka*, <https://rsf.org/en/country/sri-lanka>, accessed 12 March 2024.

³³⁸ RSF, *Sri Lanka*, <https://rsf.org/en/country/sri-lanka>, accessed 12 March 2024; CPJ, *25 Journalists and media workers killed in Sri Lanka between 1992 and 2023 / Motive confirmed or unconfirmed*, <https://cpj.org/data/killed/>, accessed 12 March 2024.

³³⁹ Bertelsmann Stiftung, *BTI 2020 Country Report - Sri Lanka*, page 8, 2020; Center for Justice and Accountability, CPJ, *Report on harassment, intimidation, surveillance and attacks against journalists in Sri Lanka*, page 2, 9 February 2021; OFPRA, *Sri Lanka: Le journal IBC Tamil*, page 4, 30 March 2023; Freedom House, *Freedom on the net 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2023>, accessed 23 November 2023.

³⁴⁰ Freedom House, *Freedom on the net 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2023>, accessed 23 November 2023.

³⁴¹ Bertelsmann Stiftung, *BTI 2020 Country Report - Sri Lanka*, page 8, 2020.

³⁴² International Federation of Journalists (IFJ), *States of control: Covid, cuts and impunity; South Asia press freedom report 2019-2020*, pages 68-75, 2021; Freedom House, *Freedom on the net 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2023>, accessed 23 November 2023.

³⁴³ USDoS, *2021 Country reports on human rights practices: Sri Lanka*, page 21, 12 April 2022; OFPRA, *Sri Lanka: Le journal IBC Tamil*, page 4, 30 March 2023; Confidential source, 12 February 2024; Confidential source, 14 February 2024.

³⁴⁴ CPJ, *Sri Lankan journalists turn to self-censorship under Rajapaksas as hope for justice fades*, 28 April 2020; OFPRA, *Sri Lanka: Le journal IBC Tamil*, page 4, 30 March 2023; Freedom House, *Freedom in the world 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2023>, accessed 25 November 2023; Confidential source, 5 February 2024.

³⁴⁵ RSF, *Sri Lanka: Harassment of journalists surges in first days of Rajapaksa presidency*, 3 December 2019.

³⁴⁶ Confidential source, 5 February 2024.

³⁴⁷ Freedom House, *Freedom in the World 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2023>, accessed 25 November 2023.

civil war also faced monitoring of their activities, and sometimes intimidation.³⁴⁸ RSF's database lists two Tamil journalists who were arrested under the PTA in 2020. They were arrested on suspicion of sedition and "attempts to revive the LTTE" after publishing about the militarisation of the north and east, and Tamil commemorations of the civil war. One of them was detained for a fortnight, the other for fifteen months.³⁴⁹ According to RSF and the *Office Français de Protection des Réfugiés et Apatrides* (OFPRA), Tamil journalists appear to have been most at risk of being monitored.³⁵⁰ Criminal convictions of journalists did not occur during Gotabaya Rajapaksa's presidency.³⁵¹

The tendency of many journalists to self-censor did not improve after Ranil Wickremasinghe took office (July 2022). He reportedly fuelled fears among journalists that critical reporting could lead to problems, particularly with bills that were seen as an attack on freedom of expression. During this period too, journalists continued to complain of monitoring by the authorities. This was not limited to journalists who investigated Tamil or civil war-related issues; publications on corruption, the Aragalaya protests or economic mismanagement could also attract negative attention from the authorities. Journalists who published about these matters could face questioning about their sources or research methods and conclusions, for example.³⁵² As far as could be ascertained, no large-scale arrests or long-term detentions of journalists took place. Nor were there any criminal convictions of journalists.³⁵³ A source consulted reported that representatives of the traditional media had more freedom to report on sensitive issues at the end of the reporting period, as the authorities' attention had shifted towards social media (particularly since the 2022 Aragalaya protests). The authorities apparently saw social media as a greater threat than traditional media (see section 5.2.4).³⁵⁴

5.2.2 Political opponents

During the reporting period, Sri Lanka had a diverse political landscape in which various ethnic, religious and ideological interests were represented. As of May 2024, 84 political parties were officially registered.³⁵⁵ Opposition groups were generally free to carry out peaceful activities without getting into trouble with the authorities.³⁵⁶ Opposition politicians did sometimes face police brutality and sometimes questioning, arrest and short-term detention if they participated in anti-

³⁴⁸ DFAT, *DFAT Country information report Sri Lanka*, page 15, 23 December 2021; USDoS, *2022 Country reports on human rights practices: Sri Lanka*, pages 17-18, 20 March 2023; OFPRA, *Sri Lanka: Le journal IBC Tamil*, page 4, 30 March 2023; USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 26, April 2024.

³⁴⁹ USDoS, *2022 Country reports on human rights practices: Sri Lanka*, pages 17-18, 20 March 2023; RSF, *Barometer; Total of victims of abuses*, <https://rsf.org/en/barometer>, accessed 12 March 2024; RSF, *RSF urges Sri Lankan government to stop hounding Tamil journalists*, 9 September 2022; OFPRA, *Sri Lanka: Le journal IBC Tamil*, page 4, 30 March 2023.

³⁵⁰ RSF, *RSF urges Sri Lankan government to stop hounding Tamil journalists*, 9 September 2022; OFPRA, *Sri Lanka: Le journal IBC Tamil*, page 4, 30 March 2023; Confidential source, 5 February 2024.

³⁵¹ Confidential source, 5 December 2023; Confidential source, 2 February 2024; Confidential source, 12 February 2024.

³⁵² UN Human Rights Council, *A/HRC/51/5*, page 7, 4 October 2022; USDoS, *2022 Country reports on human rights practices: Sri Lanka*, pages 17-18, 20 March 2023; UN Human Rights Council, *A/HRC/54/20*, page 8, 6 September 2023; Confidential source, 5 December 2023; Confidential source, 5 February 2024; Confidential source, 12 February 2024; Confidential source, 14 February 2024.

³⁵³ Confidential source, 5 December 2023; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 12 February 2024; Confidential source, 12 February 2024.

³⁵⁴ Confidential source, 14 February 2024.

³⁵⁵ Election Commission of Sri Lanka, *Details of recognized political parties (last modified date: 5/22/2024)*, https://elections.gov.lk/en/political_party/political_party_list_E.html, accessed 23 May 2024.

³⁵⁶ DFAT, *DFAT Country information report Sri Lanka*, page 24, 23 December 2021; DFAT, *DFAT Country information report Sri Lanka*, page 31, 2 May 2024; Freedom House, *Freedom in the world 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2023>, accessed 14 March 2024; Freedom House, *Freedom in the world 2024: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024; Confidential source, 12 February 2024.

government protests or protests to do with Tamil or civil war-related issues. For instance, some Tamil politicians who took part in the P2P march in 2021 (see section 2.1.4.4) were questioned by the TID,³⁵⁷ and some politicians who took part in protests against the construction of Buddhist temples in the north and east of the country were arrested.³⁵⁸ In 2021, the mayor of Jaffna, a member of the TNA, was arrested by the TID, allegedly because the new uniforms of Jaffna's municipal staff bore a strong resemblance to uniforms previously worn by the LTTE. He was released the same day.³⁵⁹ There were no large-scale arrests and detentions of opposition members during the reporting period.³⁶⁰

Some leading figures of the Aragalaya protests were arrested, sometimes months after the protests ended, often under the PTA. They were mostly released after a few weeks.³⁶¹

Throughout the reporting period, the authorities also continued to monitor certain groups of Tamils whose activities could be considered oppositional. This particularly concerned Tamils who actively campaigned against the militarisation of the north and east or for the commemoration of Tamil victims of the civil war, the search for people who disappeared during the civil war, and commemorative activities where symbols associated with the LTTE were displayed. Initiators of, or participants in, protests were sometimes arrested and detained, usually for short periods of time.³⁶² For example, Tamils could be arrested for wearing T-shirts with Prabhakaran's image during rallies, baking a birthday cake in Prabhakaran's honour, or keeping images of Prabhakaran in their mobile phones.³⁶³ The arrest of several people for spreading messages on social media about civil war commemorations or the LTTE was also reported (see also section 5.2.4). According to a source, commemorative activities became less and less problematic for the authorities in the last years of the reporting period, as long as no visible LTTE symbols were used in the process.³⁶⁴ The US State Department wrote that on 18 May 2023, the commemoration day of Tamil victims of the civil war took place peacefully, without incidents or intervention from the authorities.³⁶⁵

5.2.3 *Human rights activists*

A multitude of organisations were active in Sri Lanka during the reporting period, working for the Tamil people of the north and east of the country. These organisations worked in a variety of areas, including human rights, legal aid and

³⁵⁷ USDoS, *2021 Country reports on human rights practices: Sri Lanka*, pages 26-27, 12 April 2022; ACCORD, *Sri Lanka: Situation of Tamils who participated in past protests; Query Response (a-12075-2)*, 10 February 2023.

³⁵⁸ INFORM Human Rights Documentation Centre, *Repression of dissent; Annual report 2022*, page 30, May 2023.

³⁵⁹ PEARL, *PEARL condemns the arrest of the Mayor of Jaffna, Viswalingam Manivannan, and demands the dropping of all charges*, 9 April 2021; Tamil Guardian, *Mayor of Jaffna released on bail after arrest by Sri Lanka's Terrorism Investigation Division*, 9 April 2021.

³⁶⁰ Confidential source, 12 February 2024; Confidential source, 12 February 2024.

³⁶¹ UK Home Office, *Country policy and information note; Sri Lanka: Tamil separatism*, page 29, August 2022; USDoS, *2022 Country reports on human rights practices: Sri Lanka*, page 11, 20 March 2023; Freedom House, *Beyond the protests: Sri Lanka's Aragalaya movement and the uncertain future*, 26 October 2023; HRW, *World Report 2024; Events of 2023*, 11 January 2024; DFAT, *DFAT Country information report Sri Lanka*, page 59, 2 May 2024; Confidential source, 5 December 2023; Confidential source, 19 January 2024; Confidential source, 2 February 2024.

³⁶² HRW, *Sri Lanka: Tamils detained for commemorating war dead*, 6 December 2023; BBC Monitoring, *South Asia extremism digest 27 Nov-3 Dec 23*, 6 December 2023; See also: Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, page 33, 2 October 2014; USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 17, April 2024; Confidential source, 2 February 2024; Confidential source, 12 February 2024; Confidential source, 12 February 2024; Confidential source, 28 February 2024.

³⁶³ BBC Monitoring, *South Asia extremism digest 27 Nov-3 Dec 23*, 6 December 2023; Confidential source, 8 December 2023; Confidential source, 2 February 2024; Confidential source, 8 February 2024.

³⁶⁴ Confidential source, 2 February 2024.

³⁶⁵ USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 30, April 2024.

other issues related to the Tamil population or the civil war (see also section 5.1.8).³⁶⁶

During Mahinda Rajapaksa's presidency (2005-2015), human rights activists were regularly harassed, monitored and sometimes arrested, including after the end of the civil war.³⁶⁷

The situation improved under President Sirisena (2015-2019). Still, according to the Irish NGO Front Line Defenders, human rights activists remained at risk. This was reportedly especially true for activists in areas such as corruption, enforced disappearances, torture, the environment, and civil war-related issues, who could still face threats, harassment and persecution.³⁶⁸

The UN Human Rights Council issued more frequent reports of monitoring and harassment of human rights activists during the presidencies of Gotabaya Rajapaksa and Ranil Wickremasinghe.³⁶⁹ Activists hence felt more restricted in their activities. According to experts, the authorities increasingly saw the activities of these activists as a form of unwanted foreign interference, because the NGOs they worked for were often funded with foreign money.³⁷⁰ All the sources consulted on this subject reported that the authorities strictly supervised the activities and finances of NGOs, which the NGOs allegedly perceived as repressive.³⁷¹

Several sources consulted reported that this applied to human rights organisations across the country, regardless of their area of focus.³⁷² For example, Front Line Defenders investigated the harassment and arrest of, and threats against, human rights activists. The data published by the NGO includes activists who were active in areas such as anti-corruption, anti-government protests and student protests.³⁷³ However, based on the information from the sources consulted, it appears that the monitoring and harassment of NGOs applied to a greater extent to activists involved in the rights of the Tamil population in northern and eastern Sri Lanka.³⁷⁴ The most sensitive issues addressed by human rights activists were the militarisation of the north and east of the country, Tamil victims of the civil war, calls for accountability for crimes committed during the civil war, and the search for Tamils who disappeared during the war.³⁷⁵ Especially in northern and eastern Sri Lanka, human

³⁶⁶ Bertelsmann Stiftung, *BTI 2024 Country Report - Sri Lanka*, page 28, 2024; Confidential Source, 5 February 2024; Confidential Source, 8 February 2024; Confidential Source, 8 February 2024; Confidential Source, 9 February 2024; Confidential Source, 12 February 2024.

³⁶⁷ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, pages 21 and 41, 2 October 2014.

³⁶⁸ Front Line Defenders, *Sri Lanka*, <https://www.frontlinedefenders.org/en/location/sri-lanka>, accessed 12 March 2024.

³⁶⁹ UN Human Rights Council, *A/HRC/51/5*, page 7, 4 October 2022; UN Human Rights Council, *A/HRC/54/20*, page 8, 6 September 2023; Freedom House, *Freedom on the net 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2023>, accessed 23 November 2023.

³⁷⁰ Confidential source, 8 December 2023; Confidential source, 8 February 2024; Confidential source, 9 February 2024.

³⁷¹ USDoS, *2023 Country reports on human rights practices: Sri Lanka*, pages 32-33, 41-42, April 2024; Confidential source, 22 December 2023; Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 8 February 2024; Confidential source, 12 February 2024; Confidential source, 12 February 2024.

³⁷² Confidential source, 6 February 2024; Confidential source, 8 February 2024; Confidential source, 12 February 2024; Confidential source, 12 February 2024.

³⁷³ Front Line Defenders, *Sri Lanka*, <https://www.frontlinedefenders.org/en/location/sri-lanka>, accessed 12 March 2024.

³⁷⁴ Confidential source, 19 January 2024; Confidential source, 19 January 2024; Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024.

³⁷⁵ DFAT, *DFAT Country information report Sri Lanka*, page 15, 23 December 2021; USDoS, *2022 Country reports on human rights practices: Sri Lanka*, pages 17-18, 20 March 2023; Freedom House, *Freedom in the world 2024*:

rights activists could face visits from the police, when they would have to answer questions about the origin of their organisations' finances, their precise activities and the recipients of their services. NGOs also reported that officials of the security forces visited their workshops and asked for information from all the participants.³⁷⁶ Exact numbers of human rights activists who faced the situation described above are not available. There is no evidence that human rights activists were victims of targeted killings or enforced disappearance during the reporting period.

5.2.4 *Internet and social media*

Sri Lanka had a vibrant and diverse social media landscape during the reporting period, with widespread criticism of the government and support for protest movements and civil war or LTTE-related themes.³⁷⁷ The authorities did monitor online expressions on platforms such as Facebook, Instagram, YouTube and TikTok.³⁷⁸ A source said that the government had focussed more on social media since the 2022 Aragalaya protests. The authorities apparently saw social media as a greater threat than traditional media.³⁷⁹ Whether a social media user could face problems in response to online expressions did not depend on the size of the user's public footprint or the number of followers. Based on the information from the sources, it appears that both users with much influence or many followers, and those with little influence or few followers, could face problems.³⁸⁰ Particularly during the presidencies of Gotabaya Rajapaksa (2019-2022) and Ranil Wickremasinghe (from July 2022), posting expressions that the authorities deemed critical on online platforms could lead to questioning and sometimes arrest and prosecution.³⁸¹ Courts usually ruled in favour of the defendants in those cases.³⁸² There were no known convictions based on expressions on social media during the reporting period.³⁸³

In 2020 and 2021, the police questioned a number of social media users in response to posts they had made about the coronavirus on social media. Some of them were arrested. The authorities accused them of spreading false information about the virus.³⁸⁴ It is not known whether the arrests resulted in actual criminal charges.

In 2022, several social media users were questioned and some of them were arrested for online expressions about the Aragalaya protests. Many of those

Sri Lanka, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 5 February 2024; Confidential source, 8 February 2024.

³⁷⁶ UN Human Rights Council, *A/HRC/54/20*, page 8, 6 September 2023; Confidential source, 5 February 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024; Confidential source, 8 February 2024.

³⁷⁷ IFJ, *States of control: Covid, cuts and impunity; South Asia press freedom report 2019-2020*, pages 68-75, 2021; DFAT, *DFAT Country information report Sri Lanka*, page 30, 23 December 2021.

³⁷⁸ USDoS, *2023 Country reports on human rights practices: Sri Lanka*, pages 28-29, April 2024.

³⁷⁹ Confidential source, 14 February 2024.

³⁸⁰ Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 8 February 2024.

³⁸¹ Freedom House, *Freedom on the net 2022: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2022>, accessed 23 November 2023; Freedom House, *Freedom on the net 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2023>, accessed 23 November 2023.

³⁸² Confidential source, 12 February 2024.

³⁸³ Confidential source, 5 December 2023; Confidential source, 8 February 2024; Confidential source, 12 February 2024.

³⁸⁴ HRCSL, *Annual report 2020*, page 28, 2021; Freedom House, *Freedom on the net 2021: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2021>, accessed 23 November 2023; Freedom House, *Freedom on the net 2022: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2022>, accessed 23 November 2023.

arrested were released within days or weeks. It is not known whether the arrests resulted in actual criminal charges.³⁸⁵

Expressions interpreted by the authorities as criticism of Buddhism could also lead to problems for social media users.³⁸⁶ The two most visible cases were those of Shakthika Sathkumara and Nathasha Edirisooriya.

Sathkumara was arrested in February 2019 after he posted a short story on Facebook about the experiences of a Buddhist monk. Some Buddhists took offence at the content of the story. The police arrested Sathkumara and he was charged with inciting discrimination and violence. He was released on bail in August 2019. In February 2021, a court acquitted him of the charges.³⁸⁷

In May 2023, the CID arrested well-known comedian Nathasha Edirisooriya after she allegedly defamed Buddhism in a video on YouTube. Edirisooriya was accused of inciting discrimination and violence. In July 2023, she was released on bail by order of the Supreme Court.³⁸⁸ As far as is known, the court had not yet ruled on this case by the end of the reporting period.

Muslims who posted online expressions about discrimination against minorities could also be questioned about this by the CID. Sometimes they were arrested. The most visible case was that of Ramzy Razeek, who posted messages about this on Facebook. He was arrested in April 2020.³⁸⁹ Razeek was also accused of inciting discrimination and violence. He was released on bail after 5 months. In November 2023, he was acquitted by the Supreme Court.³⁹⁰

After 2020, there were also regular reports of interrogations and arrests of Tamils in the north and east of the country for expressions on social media associated with the commemoration of Tamil victims of the civil war or with the LTTE. Sometimes the interrogations and arrests took place based on the ban on "attempts to revive the LTTE".³⁹¹ The US State Department wrote in late 2021 that around 110 Tamils had been arrested that year for their expressions on social media.³⁹² OHCHR stated in 2022 that at least 70 Tamils had been arrested for expressions on social media. These expressions included commemorating Tamil victims, displaying images of Prabhakaran, or displaying symbols associated with the LTTE or Tamil nationalism.³⁹³ One visible case was that of Murugupillai Kokulathasan, who called

³⁸⁵ INFORM Human Rights Documentation Centre, *Repression of dissent; Annual report 2022*, page 6, May 2023; Freedom House, *Freedom on the net 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2023>, accessed 23 November 2023.

³⁸⁶ Freedom House, *Freedom on the net 2021: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2021>, accessed 23 November 2023; Confidential source, 6 February 2024.

³⁸⁷ UN Human Rights Council Working Group on Arbitrary Detention, *Opinions adopted by the Working Group on Arbitrary Detention at its eighty-seventh session, 27 April-1 May 2020; Opinion No. 8/2020 concerning Delankage Sameera Shakthika Sathkumara (Sri Lanka) (A/HRC/WGAD/2020/8)*, 22 May 2020; Economy Next, *Shakthika to sue for Rs 20 million in damages: lawyer*, 18 March 2021.

³⁸⁸ Civicus, *Sri Lanka: Release youth activist Nathasha Edirisooriya and drop charges*, 20 June 2023; Civicus, *Sri Lanka: End judicial harassment against activist Nathasha Edirisooriya*, 13 November 2023; Freedom House, *Freedom on the net 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2023>, accessed 23 November 2023.

³⁸⁹ Ruki Fernando, *Nathasha Edirisooriya, Ramzy Razeek, Shakthika Sathkumara and the ICCPR Act*, 14 November 2023; Freedom House, *Freedom on the net 2021: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2021>, accessed 23 November 2023.

³⁹⁰ Supreme Court of the Democratic Socialist Republic of Sri Lanka, *SC/FR Application No. 135/2020*, 14 November 2023.

³⁹¹ ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, page 32, September 2021; RSF, *RSF urges Sri Lankan government to stop hounding Tamil journalists*, 9 September 2022; Shreen Abdul Saroor and Mytili Bala, 'Terrorising minorities through 'counterterrorism'', in: S.A. Saroor, *Muslims in post-war Sri Lanka: Repression, resistance & reform*, page 99, 2022; Freedom House, *Freedom on the net 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2023>, accessed 23 November 2023; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 10 April 2024.

³⁹² USDoS, *2021 Country reports on human rights practices: Sri Lanka*, page 13, 12 April 2022.

³⁹³ UN Human Rights Council, *A/HRC/49/9*, page 10, 25 February 2022.

attention to the commemoration of Tamil victims of the civil war on Facebook. In 2020, the police arrested him under the PTA. Fifteen months later, he was released on bail.³⁹⁴ Further developments in the case are not known.

It is not known to what extent the Sri Lankan authorities monitored the social media expressions of persons who resided abroad. One of the sources consulted in 2024 reported that, if persons living abroad actively posted anti-government statements on social media, their family members in Sri Lanka could be questioned about it by Sri Lankan authorities. The source was also aware of an example of a person who had been denied entry to Sri Lanka because of expressions on social media.³⁹⁵

In January 2024, the Online Safety Act came into force and established regulations on punishable online behaviour (see section 3.2). Critics saw the act as a barely veiled attack on freedom of expression, and a further attempt to curb online critical expression.³⁹⁶ At the end of the reporting period, the extent to which the law was being used to target online expressions through criminal law could not be determined.

During the reporting period, most arrests for online expression were made under the International Covenant on Civil and Political Rights Act, or ICCPR Act. Although this act was introduced in 2007 to protect civil rights, the authorities in fact regularly used it to curb freedom of expression during the reporting period. For instance, the aforementioned Shakthika Sathkumara, Nathasha Edirisooriya and Ramzy Razeek were arrested under section 3 of the act (for 'inciting discrimination and violence').³⁹⁷

5.2.5 *Problems with third parties*

There are no indications that journalists, political opponents, human rights activists or persons who were involved with issues affecting Tamils had widespread problems with third parties because of their activities. Sources consulted about this did provide anecdotal information revealing that protesters or journalists could be physically confronted by Sinhalese counter-protestors, for example at commemorations of LTTE combatants or Tamils who disappeared during the war.³⁹⁸ According to some of these sources, the police did not intervene in these cases.³⁹⁹ One source stated that journalists had little to no problems with citizens, except that they could be subject to the occasional critical or offensive remark.⁴⁰⁰

³⁹⁴ UN Human Rights Council, A/HRC/49/9, page 10, 25 February 2022; RSF, *Sri Lanka: Tamil reporter held on absurd terrorism charge*, 7 March 2022.

³⁹⁵ Confidential source, 2 February 2024.

³⁹⁶ ICJ, *Sri Lanka: Proposed Online Safety Bill would be an assault on freedom of expression, opinion, and information*, 29 September 2023; INFORM Human Rights Documentation Centre, *Repression of dissent in Sri Lanka in September 2023*, page 4, November 2023; HRW, *World Report 2024; Events of 2023*, 11 January 2024; Amnesty International, *Sri Lanka: Online Safety Act major blow to freedom of expression*, 24 January 2024.

³⁹⁷ CPA, *Statement on recent arrests under the ICCPR Act & shrinking space for dissent*, 31 May 2023; Civicus, *Sri Lanka: Release youth activist Nathasha Edirisooriya and drop charges*, 20 June 2023; Civicus, *Sri Lanka: End judicial harassment against activist Nathasha Edirisooriya*, 13 November 2023; Ruki Fernando, *Nathasha Edirisooriya, Ramzy Razeek, Shakthika Sathkumara and the ICCPR Act*, 14 November 2023; Freedom House, *Freedom on the net 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-net/2023>, accessed 23 November 2023; USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 24, April 2024; Freedom House, *Freedom in the world 2024: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2024>, accessed 30 April 2024; Confidential source, 5 February 2024; Confidential source, 12 February 2024.

³⁹⁸ USDoS, *2023 Country reports on human rights practices: Sri Lanka*, pages 27, 30-31, April 2024; Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024.

³⁹⁹ Confidential source, 5 February 2024.

⁴⁰⁰ Confidential source, 5 February 2024.

5.3 Situation in prisons

The HRCSL published a study on conditions in Sri Lankan prisons in 2020. The commission described the conditions as a cause of concern. Prisoners reportedly faced unsanitary conditions, a lack of clean water and sanitation and a shortage of medical facilities in outdated prisons. The commission largely attributed the problems to prison overcrowding, which in turn stemmed partly from the large numbers of prisoners in pre-trial detention.⁴⁰¹ The US State Department and Australia's DFAT described a similar situation in 2024. Whether these conditions were different for Tamils than for other population groups cannot be ascertained based on the information from the sources.⁴⁰²

A visible incident involving Tamil prisoners took place in September 2021. The minister in charge of the prison system at the time visited a prison in Anuradhapura. He reportedly took two Tamil prisoners aside, forced them to kneel before him and threatened to kill them on the spot if they did not admit their involvement with the LTTE. Following public outrage over his actions, the minister felt compelled to resign not long after.⁴⁰³

Although both the Sri Lankan constitution and other laws prohibit torture,⁴⁰⁴ various parties including HRCSL, Human Rights Watch, the State Department and DFAT reported that detainees were assaulted and tortured in Sri Lanka during the reporting period. These practices were reportedly used in particular to force confessions.⁴⁰⁵ Various sources consulted on the subject in 2024 reported that these practices were less prevalent in the final years of the reporting period than in the previous years.⁴⁰⁶

Based on the information from the sources, it appears that suspects of all kinds of crimes could risk assault or torture in detention. However, some sources stressed that this applied more to those arrested under the PTA.⁴⁰⁷ Under the PTA, confessions made by suspects in detention, without the presence of a lawyer, could be introduced as legitimate evidence, which reportedly increased the likelihood of ill-treatment and torture.⁴⁰⁸

⁴⁰¹ HRCSL, *Prison study by the Human Rights Commission of Sri Lanka*, 25 November 2020.

⁴⁰² USDoS, *2023 Country reports on human rights practices: Sri Lanka*, pages 13-15, April 2024; DFAT, *DFAT Country information report Sri Lanka*, page 64, 2 May 2024.

⁴⁰³ CPA, *CPA Statement on allegations against Secretary of Prison Management and Prisoners' Rehabilitation*, 15 September 2021; Al Jazeera, *Sri Lankan prison minister resigns after alleged inmate threats*, 15 September 2021.

⁴⁰⁴ *The Constitution of the Democratic Socialist Republic of Sri Lanka (As amended up to 31st October 2022)*, source: <https://www.parliament.lk/files/pdf/constitution.pdf>.

⁴⁰⁵ HRCSL, *Prison study by the Human Rights Commission of Sri Lanka*, 25 November 2020; HRW, *Sri Lanka: Grave abuses under discredited law*, 7 February 2022; USDoS, *2023 Country reports on human rights practices: Sri Lanka*, page 11, April 2024; DFAT, *DFAT Country information report Sri Lanka*, page 56, 2 May 2024.

⁴⁰⁶ Confidential source, 19 January 2024; Confidential source, 2 February 2024; Confidential source, 6 February 2024.

⁴⁰⁷ UN Human Rights Council, *A/HRC/49/NGO/230*, page 2, 16 February 2022; Confidential source, 2 February 2024; Confidential source, 5 February 2024.

⁴⁰⁸ Ministry of Foreign Affairs, *General Country of Origin Information Report Sri Lanka (October 2014)*, page 13, 2 October 2014; Amnesty International, *End the use of and repeal the draconian PTA*, February 2022; HRW, *"In a legal black hole": Sri Lanka's failure to reform the Prevention of Terrorism Act*, page 1, 7 February 2022; OHCHR, *Sri Lanka: UN experts call for swift suspension of Prevention of Terrorism Act and reform of counter-terrorism law*, 2 March 2022; NOS Nieuws, *Protesten in Sri Lanka gaan over meer dan de economie*, 9 May 2022; Confidential source, 2 February 2024.

Although some sources stated that Tamils and other minorities were more at risk than Sinhalese of being mistreated or tortured,⁴⁰⁹ most sources consulted stressed that the risk was not limited to a particular region or ethnic group; it was a nationwide phenomenon that could affect members of all communities.⁴¹⁰

Nor does the data published by the HRCSL suggest that torture was more common among Tamils than other population groups. Of the torture complaints recorded by the commission in the five years between 2018 and 2022, 12.3% were filed in the Northern and Eastern provinces, and 87.7% in the remaining provinces of Sri Lanka.⁴¹¹

⁴⁰⁹ Freedom House, *Freedom in the World 2023: Sri Lanka*, <https://freedomhouse.org/country/sri-lanka/freedom-world/2023>, accessed 25 November 2023; ITJP, *Disappearance, torture and sexual violence of Tamils 2015-2022*, May 2024; Confidential source, 2 February 2024.

⁴¹⁰ DFAT, *DFAT Country information report Sri Lanka*, page 56, 2 May 2024; Confidential source, 22 December 2023; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024.

⁴¹¹ HRCSL, *Human Rights Commission of Sri Lanka Details of Complaints Received by Head Office & Regional Office – 2018*; HRCSL, *Human Rights Commission of Sri Lanka Details of Complaints Received by Head Office & Regional Office – 2019*; HRCSL, *Human Rights Commission of Sri Lanka Details of Complaints Received by Head Office & Regional Office – 2020*; HRCSL, *Human Rights Commission of Sri Lanka Details of Complaints Received by Head Office & Regional Office – 2021*; HRCSL, *Human Rights Commission of Sri Lanka Details of Complaints Received by Head Office & Regional Office – 2022*. These data are available at: <https://www.hrsl.lk/reports/statistics-of-complaints/>.

6 Return

This section describes the situation regarding the return to Sri Lanka of persons who have been residing abroad.

6.1 Return procedure at the airport

In the final years of the reporting period, the procedure for returning migrants arriving at Colombo International Airport was as follows:

Upon their arrival at the airport, returning migrants, including those who were forcibly returned, joined the queue for passport control. Passport control was carried out by a Department of Immigration and Emigration (DIE) officer. This officer checked the returnee's passport or temporary travel document and also verified the returnee's personal details in the DIE's registration system and in the central criminal records system.⁴¹² The DIE officer would interview the returnee, particularly about the manner in which they had left Sri Lanka (see also section 6.2.4).⁴¹³ The DIE mainly interviewed those persons returning on a temporary travel document.⁴¹⁴

After being checked by the DIE at passport control, some returnees were questioned by the Criminal Investigation Department (CID) during the reporting period. This interview mainly concerned possible criminal antecedents.⁴¹⁵ According to most sources, the CID did not interview persons who returned using their own passport during the reporting period, or were in any case less likely to interview them than they were to interview people who returned on a temporary travel document.⁴¹⁶ One source reported that the CID interviewed every returning migrant, regardless of the type of document they returned on.⁴¹⁷ The UK Home Office reported in 2020 that the CID questioned about 35 returnees per month at the airport, most of them about a possible illegal exit.⁴¹⁸ According to various sources, some returnees were also questioned by the Terrorism Investigation Division (TID) at the airport if there were indications that the returnee could be linked to the types of crimes that this department investigates.⁴¹⁹ In some cases, the returnee was also questioned afterwards by the State Intelligence Service (SIS).⁴²⁰ This questioning could concern the returnee's activities abroad, for example,⁴²¹ and according to one source mainly occurred when the migrant returned to Sri Lanka in the company of an escort from the departing country.⁴²²

⁴¹² Confidential source, 20 December 2023.

⁴¹³ Confidential source, 12 February 2024; Confidential source, 13 February 2024.

⁴¹⁴ Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024.

⁴¹⁵ Confidential source, 20 December 2023; Confidential source, 2 February 2024; Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024; Confidential source, 14 February 2024; Confidential source, 14 February 2024.

⁴¹⁶ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 17, 20 January 2020; UK Home Office, *Country policy and information note; Sri Lanka: Tamil separatism*, page 11, August 2022; Confidential source, 20 December 2023; Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024.

⁴¹⁷ Confidential source, 13 February 2024.

⁴¹⁸ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 27, 20 January 2020.

⁴¹⁹ Confidential source, 20 December 2023; Confidential source, 14 February 2024.

⁴²⁰ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 57, 20 January 2020; Confidential source, 2 February 2024; Confidential source, 2 February 2024; Confidential source, 13 February 2024; Confidential source, 14 February 2024; Confidential source, 14 February 2024.

⁴²¹ Confidential source, 12 February 2024.

⁴²² Confidential source, 2 February 2024.

Together, the questioning lasted several hours. The most common estimates from the sources consulted were between 3 and 4 hours.⁴²³ The questioning reportedly became significantly shorter and less intensive over the years (since 2015, according to two sources).⁴²⁴

After this questioning, returnees were usually able to leave the airport (see further section 6.2).⁴²⁵

6.1.1 *Scars and tattoos*

In the past, Sri Lankan authorities reportedly checked returning migrants at Colombo airport for the presence of scars or tattoos.⁴²⁶ Sources stated that the presence of scars or tattoos could be seen by the authorities as a sign that the migrant in question had fought for the LTTE.⁴²⁷ The Australian DFAT wrote in 2019 that persons were detained for this reason immediately after the end of the civil war, but that there was no evidence that this had happened later.⁴²⁸

Most sources consulted in 2024 confirmed that, to the best of their knowledge, returning migrants had not been checked for the presence of scars or tattoos in recent years.⁴²⁹ Three of those sources said they had never heard of this happening.⁴³⁰

6.1.2 *Checking online activities*

There are no indications that Sri Lankan authorities checked the online activities of returning migrants upon their arrival at Colombo airport.⁴³¹

6.1.3 *Facial recognition technology*

The authorities installed facial recognition technology at Colombo's international airport in January 2024.⁴³² According to various sources, this was intended to

⁴²³ Confidential source, 20 December 2023; Confidential source, 2 February 2024; Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 8 February 2024; Confidential source, 12 February 2024; Confidential source, 14 February 2024.

⁴²⁴ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 17, 20 January 2020; Confidential source, 2 February 2024; Confidential source, 14 February 2024.

⁴²⁵ DFAT, *DFAT Country information report Sri Lanka*, pages 65-66, 2 May 2024; Confidential source, 6 February 2024; Confidential source, 8 February 2024; Confidential source, 12 February 2024.

⁴²⁶ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 16, 20 January 2020; Confidential source, 12 February 2024; Confidential source, 14 February 2024.

⁴²⁷ DFAT, *DFAT Country information report Sri Lanka*, page 38, 4 November 2019; UN Committee against Torture, *Decision adopted by the Committee under article 22 of the Convention, concerning communication No. 834/2017 (CAT/C/71/D/834/2017)*, page 3, 13 September 2021; UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 16, 20 January 2020.

⁴²⁸ DFAT, *DFAT Country information report Sri Lanka*, page 38, 4 November 2019.

⁴²⁹ Confidential source, 8 December 2023; Confidential source, 20 January 2024; Confidential source, 2 February 2024; Confidential source, 8 February 2024; Confidential source, 12 February 2024; Confidential source, 13 February 2024; Confidential source, 14 February 2024.

⁴³⁰ Confidential source, 8 December 2023; Confidential source, 2 February 2024; Confidential source, 13 February 2024.

⁴³¹ Confidential source, 20 December 2023; Confidential source, 6 February 2024; Confidential source, 8 February 2024.

⁴³² Newswire, *New automated facial recognition system implemented at Katunayake Airport*, 6 January 2024; Biometric Update, *Many airports adopt face biometrics for easier travel, but some see a blunt security tool*, 15 January 2024; Daily Mirror, *Facial recognition system at airport; Photos of financial fraud suspects included*, 19 January 2024; Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024; Confidential source, 14 February 2024.

identify criminals who wanted to enter or depart the country.⁴³³ There was no indication that the authorities used facial recognition technology to identify returning Tamils who had been active for the Tamil cause abroad.⁴³⁴

6.2 Problems after return

This section discusses potential problems that migrants who voluntarily or forcibly returned to Sri Lanka during the reporting period could face after their arrival.

6.2.1 Arrests

In the past, Sri Lankan authorities reportedly arrested and detained returning migrants. Although some recent sources said that this continued to occur later in the reporting period,⁴³⁵ the vast majority of sources consulted in 2024 reported that, as far as is known, there were no arrests of returnees in the final years of the reporting period.⁴³⁶ One source specified that arrests of returnees occurred sporadically before 2015, but not after 2015.⁴³⁷ Another source was aware of a single arrest in the final years of the reporting period. The case involved a returned Tamil who was arrested by the SIS and released after several days of detention.⁴³⁸

However, persons who had left Sri Lanka illegally could face legal proceedings on that ground (see section 6.2.4).

6.2.2 Treatment of Tamils during the return process

Returning Tamils could be recognised by their names, which usually differ recognisably from Sinhalese and Islamic names.⁴³⁹ According to some sources, Tamils were treated no differently than other returnees on their return.⁴⁴⁰ However, other sources reported that Tamils were subjected to more questioning upon their return than others.⁴⁴¹

6.2.3 Monitoring of returned Tamils

Most of the sources consulted reported that Tamils were monitored by the authorities after returning to Sri Lanka from abroad. This monitoring reportedly consisted of home visits and sometimes phone calls from the security forces. This

⁴³³ Newswire, *New automated facial recognition system implemented at Katunayake Airport*, 6 January 2024; Biometric Update, *Many airports adopt face biometrics for easier travel, but some see a blunt security tool*, 15 January 2024; Confidential source, 14 February 2024.

⁴³⁴ Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024.

⁴³⁵ ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, September 2021; IRBC, *Country of Origin Information / Responses to Information Requests / LKA200988.E: Sri Lanka: Situation and treatment of returnees, including failed asylum seekers (2020-March 2022)*, 2 May 2022; Confidential source, 20 January 2024.

⁴³⁶ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, pages 17 and 57, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, page 47, 23 December 2021; Confidential source, 5 December 2023; Confidential source, 22 December 2023; Confidential source, 6 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024; Confidential source, 13 February 2024; Confidential source, 14 February 2024.

⁴³⁷ Confidential source, 14 February 2024.

⁴³⁸ Confidential source, 2 February 2024.

⁴³⁹ Confidential source, 8 December 2023; Confidential source, 20 December 2023; Confidential source, 20 January 2024; Confidential source, 6 February 2024.

⁴⁴⁰ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 17, 20 January 2020; Confidential source, 20 December 2023.

⁴⁴¹ IRBC, *LKA200988.E*, 2 May 2022; Confidential source, 6 February 2024.

was still the case at the end of the reporting period, according to these sources.⁴⁴² The sources provided differing reports regarding the scale at which this had occurred in recent years. For example, a source consulted in 2024 reported that Tamil returnees were 'definitely' monitored,⁴⁴³ while other sources reported that likely only returning former members of the LTTE were monitored,⁴⁴⁴ and that there was less monitoring of returnees than in the period prior to 2015.⁴⁴⁵ The Australian DFAT reported in 2021 that it was mainly returnees with links to the LTTE who were still being monitored, and that it had found no evidence of long-term and active monitoring of these returnees.⁴⁴⁶ DFAT also wrote in 2024 that recent Tamil returnees were not monitored much, if at all.⁴⁴⁷ Two other sources consulted on the matter revealed that monitoring of Tamil migrants did not involve more than a one-off home visit by the authorities after their return.⁴⁴⁸

The UN High Commissioner for Refugees (UNHCR) facilitates the voluntary return of Tamil migrants from Tamil Nadu, India. Recent data on numbers of returnees in recent years had not been published by the end of the reporting period. UNHCR wrote in previous annual reports that 563 families returned in 2018, 436 in 2019 and 97 in 2020.⁴⁴⁹ DFAT wrote in 2024 that UNHCR had facilitated the return of a total of 9,705 persons between 2011 and May 2022.⁴⁵⁰ Based on the UNHCR reports, it appears that Tamils returning to Sri Lanka from Tamil Nadu, especially in the last years of the reporting period, were not subjected to long-term and widespread monitoring by the authorities. For example, surveys of returnees asked them which agency visited their home to register them in Sri Lanka. In 2018, 13% of respondents reported that they had been visited by the CID, TID, police or army in that context.⁴⁵¹ In 2019 and 2020, respondents reported that there were few (if any) home visits by the CID, TID, police or army to register them.⁴⁵² Respondents who received home visits for purposes other than registration after their return also reported that the share of CID, TID, police and army in those home visits decreased. This was 26% in 2018, 8% in 2019 and 3% in 2020.⁴⁵³ In 2018, 2 out of 750 respondents said they were concerned for their own safety. One of these had been arrested, the other had been questioned and harassed by a security force.⁴⁵⁴ In 2019, 1 out of 153 respondents said they were concerned for their own safety. In 2020, this was 1 out of 69 respondents. UNHCR did not describe what these concerns were in its report for these years.⁴⁵⁵ More recent figures from UNHCR were not available at the end of the reporting period.

Other sources also suggest that there is no evidence that Tamils returning from Tamil Nadu experienced significant security problems in Sri Lanka.⁴⁵⁶

⁴⁴² Confidential source, 5 December 2023; Confidential source, 20 December 2023; Confidential source, 20 January 2024; Confidential source, 2 February 2024; Confidential source, 6 February 2024.

⁴⁴³ Confidential source, 2 February 2024.

⁴⁴⁴ Confidential source, 6 February 2024; Confidential source, 14 February 2024.

⁴⁴⁵ Confidential source, 14 February 2024.

⁴⁴⁶ DFAT, *DFAT Country information report Sri Lanka*, page 49, 23 December 2021.

⁴⁴⁷ DFAT, *DFAT Country information report Sri Lanka*, page 68, 2 May 2024.

⁴⁴⁸ Confidential source, 8 February 2024; Confidential source, 12 February 2024.

⁴⁴⁹ UN High Commissioner for Refugees (UNHCR), *Sri Lankan refugee returnees in 2019 and 2020*, page 7, October 2022.

⁴⁵⁰ DFAT, *DFAT Country information report Sri Lanka*, page 40, 2 May 2024.

⁴⁵¹ UNHCR, *Sri Lankan refugee returnees in 2018*, pages 15-16, September 2020.

⁴⁵² UNHCR, *Sri Lankan refugee returnees in 2019 and 2020*, page 16, October 2022.

⁴⁵³ UNHCR, *Sri Lankan refugee returnees in 2019 and 2020*, page 17, October 2022.

⁴⁵⁴ UNHCR, *Sri Lankan refugee returnees in 2018*, page 29, September 2020.

⁴⁵⁵ UNHCR, *Sri Lankan refugee returnees in 2019 and 2020*, page 59, October 2022.

⁴⁵⁶ DFAT, *DFAT Country information report Sri Lanka*, page 41, 2 May 2024; Confidential source, 14 February 2024.

6.2.4 *Illegal exit*

Under Section 45 of Sri Lanka's Immigrants and Emigrants Act, illegal exits are punishable by a fine of up to LKR 200,000 or imprisonment for up to 5 years.⁴⁵⁷ Based on the information from the sources consulted, it appears that any problems that returnees to Sri Lanka experienced were mostly related to their illegal exit.⁴⁵⁸ Fines were imposed on returnees who had left the country illegally.⁴⁵⁹ Based on the research conducted for the purpose of this report, it could not be established whether returnees had been sentenced to prison for this reason. The Australian DFAT reported in 2024 that it was only aware of fines imposed for illegal exit, and not of any custodial sentences.⁴⁶⁰

6.3 **Return of family members of former LTTE members**

Based on the research, no examples emerged of Tamils who had faced problems on their return to Sri Lanka because they are relatives of alleged or proven former LTTE members. Two sources consulted in 2024 reported that the authorities may have monitored family members after their return to Sri Lanka.⁴⁶¹ However, more concrete information on the subject is lacking.

6.4 **Return after involvement in Tamil organisations outside Sri Lanka**

During the reporting period, there were reports that the Sri Lankan authorities monitored persons who carried out activities for Tamil organisations outside Sri Lanka. This reportedly particularly happened in the UK and other countries with a significant Tamil diaspora.⁴⁶² Based on the information from the sources consulted for the purpose of this Country of Origin Information Report, it appears that the Sri Lankan authorities mainly monitored prominent figures from proscribed Tamil organisations abroad.⁴⁶³ These are the proscribed organisations that were published in the Sri Lanka Gazette. At the end of the reporting period, there were nine proscribed Tamil organisations on the list.⁴⁶⁴ The research for the purpose of this report was unable to establish whether Sri Lankan authorities also monitored members of the Tamil diaspora in the Netherlands. Some sources consulted stated that this was unlikely,⁴⁶⁵ others thought it was likely.⁴⁶⁶

⁴⁵⁷ Parliament of the Democratic Socialist Republic of Sri Lanka, *Immigrants and Emigrants (Amendment) Act, No. 31 of 2006 (Certified on 26th September, 2006)*, 29 September 2006. Based on the exchange rate of 3 June 2024, 200,000 LKR corresponds to about €613.66.

⁴⁵⁸ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 27, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, page 47, 23 December 2021; Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024; Confidential source, 13 February 2024; Confidential source, 14 February 2024.

⁴⁵⁹ Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024; Confidential source, 13 February 2024; Confidential source, 14 February 2024.

⁴⁶⁰ DFAT, *DFAT Country information report Sri Lanka*, page 67, 2 May 2024.

⁴⁶¹ Confidential source, 20 December 2023; Confidential source, 2 February 2024.

⁴⁶² Catherin Ruth Craven, 'Constraining Tamil transnational political action: Security governance practices beyond the sending state,' in: *Journal of Global Security Studies*, 7(4), 2022; ITJP, *Sri Lanka: Torture & sexual violence by security forces 2020-21*, pages 13 and 60, September 2021; UK Home Office, *Country policy and information note; Sri Lanka: Tamil separatism*, pages 34-37, August 2022; Confidential source, 19 January 2024; Confidential source, 5 February 2024.

⁴⁶³ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, pages 19-20, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, pages 26-27, 23 December 2021; Confidential source, 5 February 2024; Confidential source, 12 February 2024.

⁴⁶⁴ The Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary), *The United Nations Act, No. 45 of 1968; Amendment to the list of designated persons under regulation 4(7) of the United Nations Regulations No. 1 of 2012 (L.D.B. 7/2001[IV])*, 1 August 2022.

⁴⁶⁵ Confidential source, 5 December 2023; Confidential source, 8 December 2023.

⁴⁶⁶ Confidential source, 20 December 2023; Confidential source, 20 January 2024.

Several sources reported that it was not unusual for Sri Lankan Tamils living abroad to regularly visit Sri Lanka and not get into trouble there. The same was said to be true for Tamils with a more prominent political reputation.⁴⁶⁷ However, other sources pointed out that Tamils who had been active abroad for Tamil organisations reportedly could encounter problems on their return to Sri Lanka.⁴⁶⁸ However, this information was anecdotal in nature, and insufficient to establish exactly what those problems consisted of and whether it happened frequently. In this context, two sources indicated that diaspora members who were prominently active for Tamil organisations usually did not return to Sri Lanka for fear of getting into trouble.⁴⁶⁹ However, two other sources reported that the agencies who interviewed returning Tamils at Colombo airport were not aware of their political activities abroad.⁴⁷⁰

6.5 Stoplist and watchlist

According to various sources, the Sri Lankan authorities used a 'stoplist' and a 'watchlist' during the reporting period.⁴⁷¹ According to a source, both lists were compiled based on the central criminal records system.⁴⁷² The stoplist reportedly contained the personal details of persons against whom an arrest warrant or travel ban had been issued, or who were on an international wanted list. Persons on the stoplist could be detained upon their return to Sri Lanka.⁴⁷³ It was unclear what the specific profile was of persons who appeared on the watchlist. According to the Australian DFAT and another source, this could basically be any person who had attracted the negative attention of the Sri Lankan authorities.⁴⁷⁴ Other sources added that the watchlist included only the personal details of persons residing outside Sri Lanka, and could include, for example, persons whom the authorities linked to the LTTE or to other proscribed organisations or separatist activities abroad.⁴⁷⁵ Two sources indicated that Tamils and Muslims in particular were at risk of being placed on the watch list.⁴⁷⁶ The most common category, according to one of these sources, was Tamils who were active in the diaspora.⁴⁷⁷

At Colombo airport, Sri Lankan authorities checked the personal details of returning migrants against the watchlist.⁴⁷⁸ The authorities did not subsequently detain persons who appeared on the watchlist, but they were able to monitor their

⁴⁶⁷ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, pages 19-20, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, pages 26-27, 23 December 2021; Confidential source, 6 February 2024; Confidential source, 8 February 2024; Confidential source, 12 February 2024.

⁴⁶⁸ Catherin Ruth Craven, 'Constraining Tamil transnational political action: Security governance practices beyond the sending state,' in: *Journal of Global Security Studies*, 7(4), 2022; Confidential source, 20 December 2023; Confidential source, 20 January 2024.

⁴⁶⁹ Confidential source, 5 December 2023; Confidential source, 20 December 2023.

⁴⁷⁰ Confidential source, 8 February 2024; Confidential source, 12 February 2024.

⁴⁷¹ UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 24, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, page 24, 23 December 2021; IRBC, *LKA200988.E*, 2 May 2022; Confidential source, 20 December 2023.

⁴⁷² IRBC, *LKA200988.E*, 2 May 2022; Confidential source, 20 December 2023.

⁴⁷³ DFAT, *DFAT Country information report Sri Lanka*, page 24, 23 December 2021; IRBC, *LKA200988.E*, 2 May 2022; Confidential source, 20 December 2023.

⁴⁷⁴ DFAT, *DFAT Country information report Sri Lanka*, page 24, 23 December 2021; Confidential source, 20 December 2023.

⁴⁷⁵ IRBC, *LKA106007.E: Sri Lanka: entry and exit procedures at international airports, including security screening and documents required for citizens to enter and leave the country; treatment of returnees upon arrival at international airports, including failed asylum seekers and people who exited the country illegally; factors affecting the treatment, including ethnicity and religion (2015-November 2017)*, 10 November 2017; IRBC, *LKA200988.E*, 2 May 2022; Confidential source, 5 February 2024; Confidential source, 6 February 2024.

⁴⁷⁶ IRBC, *LKA200988.E*, 2 May 2022; Confidential source, 20 December 2023.

⁴⁷⁷ IRBC, *LKA200988.E*, 2 May 2022.

⁴⁷⁸ IRBC, *LKA106007.E*, 10 November 2017; UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 24, 20 January 2020; IRBC, *LKA200988.E*, 2 May 2022; Confidential source, 20 December 2023.

movements and keep an eye on them when they returned to their place of residence.⁴⁷⁹

6.6 Increased attention from the authorities

Based on the information from the sources consulted, it appears that in any case persons who had exited the country irregularly, who returned using a temporary travel document, or whose personal details appeared on the stoplist or watchlist, could receive increased attention from the authorities after their return to Sri Lanka.⁴⁸⁰ Persons who had left the country irregularly could be fined (see section 6.2.4), persons who returned using a temporary travel document could face additional questioning (see section 6.1), and persons on the watchlist could be monitored after their return (see section 6.5). Some sources further reported that the authorities would particularly pay more attention to persons who were prominently active for proscribed Tamil organisations, or who had openly advocated for an independent Tamil Eelam.⁴⁸¹ Other sources reported that persons who had been involved in the LTTE inside or outside Sri Lanka could also be monitored after their return.⁴⁸²

⁴⁷⁹ IRBC, *LKA106007.E*, 10 November 2017; UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 24, 20 January 2020; IRBC, *LKA200988.E*, 2 May 2022; Confidential source, 20 December 2023.

⁴⁸⁰ IRBC, *LKA106007.E*, 10 November 2017; UK Home Office, *Report of a Home Office fact-finding mission to Sri Lanka*, page 27, 20 January 2020; DFAT, *DFAT Country information report Sri Lanka*, pages 24 and 47, 23 December 2021; IRBC, *LKA200988.E*, 2 May 2022; Confidential source, 20 December 2023; Confidential source, 2 February 2024; Confidential source, 5 February 2024; Confidential source, 6 February 2024; Confidential source, 12 February 2024; Confidential source, 13 February 2024; Confidential source, 14 February 2024.

⁴⁸¹ Confidential source, 20 December 2023; Confidential source, 19 January 2024.

⁴⁸² Confidential source, 2 February 2024; Confidential source, 6 February 2024; Confidential source, 14 February 2024.

7 Appendices

7.1 Abbreviations used

- ACLED Armed Conflict Location and Event Data Project
- ATB Anti-Terrorism Bill
- CID Criminal Investigation Department
- CPJ Committee to Protect Journalists
- CTA Counter-Terrorism Act
- CWC Ceylon Workers' Congress
- DFAT Department of Foreign Affairs and Trade
- DIE Department of Immigration and Emigration
- DRP Department for Registration of Persons
- GANHRI Global Alliance of National Human Rights Institutions
- HRCSL Human Rights Commission Sri Lanka
- ICC Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
- ICCPR Act International Covenant on Civil and Political Rights Act
- IOM International Organisation for Migration
- IS Islamic State
- ITAK Ilankai Tamil Arasu Kachchi
- ITJP International Truth and Justice Project
- LKR Sri Lankan rupees
- LLRC Lessons Learnt and Reconciliation Commission
- LTTE Liberation Tigers of Tamil Eelam
- NDF New Democratic Front
- NGO Non-Governmental Organisation
- NIC National Identity Card
- NTJ National Thowheed Jamath
- NURC National Unity and Reconciliation Commission
- OFPRA Office Français de Protection des Réfugiés et Apatrides
- OHCHR Office of the UN High Commissioner for Human Rights
- OMP Office on Missing Persons
- P2P Pottuvil to Polikandy
- PLOTE People's Liberation Organisation of Tamil Eelam
- PTA Prevention of Terrorism Act
- RSF Reporters sans frontières
- SDIG Senior Deputy Inspector General
- SIS State Intelligence Service
- SJB Samagi Jana Balawegaya (United People's Power)
- SLFP Sri Lanka Freedom Party
- SLPFA Sri Lanka People's Freedom Alliance
- SLPP Sri Lanka Podujana Peramuna (Sri Lanka People's Front)
- TID Terrorism Investigation Division
- TNA Tamil National Alliance
- TPA Tamil Progressive Alliance
- UNDP UN Development Programme
- UNHCR UN High Commissioner for Refugees
- UNP United National Party
- UPFA United People's Freedom Alliance
- USDoS United States Department of State

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7.2.2 News sources

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Deutsche Welle	The Hindu
Economy Next	The New York Times

7.2.3 Websites

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7.3 Map of Sri Lanka



(The boundaries and place names on this map and the designations used should not be construed as an endorsement or acceptance thereof by the Kingdom of the Netherlands.)