



Australian Government

Department of Foreign Affairs and Trade



DFAT Thematic Report

People with Links to the
Liberation Tigers of Tamil Eelam

3 October 2014

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Map



1. Purpose and Scope

- 1.1 This thematic report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian Government policy with respect to Sri Lanka.
- 1.2 The report does not represent an exhaustive overview and has been prepared with regard to the current caseload for decision makers in Australia. The report does not contain policy guidance for decision makers.
- 1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the *Migration Act 1958* states that
Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.
- 1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources. It takes into account relevant and credible open source reports. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.
- 1.5 This thematic report examines the situation of People with Links to the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka. Information on the situation in Sri Lanka more broadly, including for Tamils, can be found in the October 2014 Country Report on Sri Lanka.

2. Background Information

2.1 Following independence in 1948, Sri Lanka experienced tensions between its majority Sinhalese and Tamil populations, the second-largest ethnic group in Sri Lanka. Sinhalese have traditionally considered that Tamils received preferential treatment under British rule. The growing dominance of Sinhala nationalist politics contributed to a series of policy changes that started with the 'Sinhala Only' *Official Language Act 1956*, which made Sinhala the only official language. These policy changes, designed to assist Sinhalese, particularly in the areas of education and employment, continued into and during the 1970s. This meant that many Tamils faced barriers to education and employment, creating a sense of marginalisation among the Tamil community.

2.2 The Liberation Tigers of Tamil Eelam (LTTE) was formed in 1976 with the main aim of establishing an independent Tamil state, Tamil Eelam, in the north and east of Sri Lanka. From 1983, the LTTE pursued this aim through a military campaign against the Government of Sri Lanka. A serious civil conflict, broken only by an internationally-brokered ceasefire from 2002 until 2006, lasted until May 2009.

2.3 At its peak in 2004, the LTTE exercised effective control of up to 15,000 square kilometres—or approximately three-quarters of the territory in the north and the east of Sri Lanka—with an armed force of approximately 18,000 combatants. The LTTE also maintained an intelligence wing and a political wing, all supported by an extensive administrative structure from its de-facto capital in Kilinochchi in Sri Lanka's north. This included a police force, law courts, postal services as well as television and radio broadcasting.

2.4 The mostly-Tamil civilian populations of the areas controlled by the LTTE were required to interact with the LTTE's military and civil administration as a matter of course. This included the payment of personal income taxes, sales taxes, licence fees and customs duties at the border of LTTE-controlled areas. The LTTE also supported its administration through foreign funding and both voluntary and forced recruitment of Tamils.

2.5 During the period of the conflict, the LTTE also actively suppressed alternative Tamil political groups, such as the moderate Tamil United Liberation Front (TULF), including through violent attacks on TULF members throughout Sri Lanka. The LTTE also suppressed other Tamil militant groups.

End of the conflict

2.6 On 18 May 2009, the Government announced its military victory over the LTTE and complete territorial control over Sri Lanka. Hundreds of thousands of people were displaced and tens of thousands of people were killed during the conflict. Most of the LTTE's military and political leadership were killed during the conflict, particularly during its final months.

2.7 Towards the end of the conflict, a large number of LTTE members were arrested and detained by Government security forces following their surrender or capture. According to a 2010 report by the International Commission of Jurists, any association with the LTTE at that time was grounds for arrest. The large majority of those arrested were sent to Government-run rehabilitation centres. A smaller number were prosecuted through Sri Lanka's court system. In addition to those arrested, many civilians were also questioned and released towards the end of the conflict.

2.8 DFAT assesses that, as of October 2014, the LTTE does not exist as an organised force and any former LTTE members within Sri Lanka would have only minimal capacity to exert influence on civilians or those returning from abroad.

Imputed membership of the Liberation Tigers of Tamil Eelam (LTTE)

2.9 The United Nations High Commissioner for Refugees' (UNHCR's) December 2012 Eligibility Guidelines for Sri Lanka note that a person's real or perceived links with the LTTE may give rise to a need for international refugee protection. Although the nature of these links can vary, this may include:

- 1) Persons who held senior positions with considerable authority in the LTTE civilian administration, when the LTTE was in control of large parts of what are now the northern and eastern provinces of Sri Lanka;
- 2) Former LTTE combatants or "cadres";
- 3) Former LTTE combatants or "cadres" who, due to injury or other reason, were employed by the LTTE in functions within the administration, intelligence, "computer branch" or media (newspaper and radio);
- 4) Former LTTE supporters who may never have undergone military training, but were involved in sheltering or transporting LTTE personnel, or the supply and transport of goods for the LTTE;
- 5) LTTE fundraisers and propaganda activists and those with, or perceived as having had, links to the Sri Lankan diaspora that provided funding and other support to the LTTE;
- 6) Persons with family links or who are dependent on or otherwise closely related to persons with the above profiles.

2.10 Accurately identifying people according to these categories can be difficult. However, depending on their risk profile, former LTTE members may be subject to monitoring, arrest, detention or prosecution by Sri Lankan authorities.

High-profile former LTTE members

2.11 Those at highest risk of monitoring, arrest, detention or prosecution include the LTTE's former leadership, regardless of whether they performed a combat or civilian role during the conflict. Although most of the LTTE's military, political and administrative leadership were killed during the conflict, a number of others either surrendered or were captured and sent to rehabilitation centres or prosecuted. Some former leaders may have left Sri Lanka before, during or after the conflict (see also 'Former LTTE members living outside of Sri Lanka', below). In addition to the LTTE's former leadership, a number of other former members were suspected to have committed terrorist or serious criminal acts during the conflict, or to have provided weapons or explosives to the LTTE.

2.12 DFAT assesses that these high-profile ('high risk' or 'hardcore') former members would likely be arrested, detained and prosecuted through Sri Lanka's criminal courts, often following a period of detention in a rehabilitation centre. Although many high-profile members may have already been released following their detention and prosecution, any other high-profile members who remain at large or return to Sri Lanka would likely be arrested, detained and prosecuted in this way. Following their release from rehabilitation or prison, high-profile former LTTE members are likely to be intensely monitored by Sri Lankan authorities.

Low-profile former LTTE members

2.13 In addition to a relatively small number of high-profile LTTE members, many thousands of LTTE members have been arrested and detained in rehabilitation centres since the end of the conflict. Generally, this would include former combatants, those employed in administrative or other roles and those who may have provided a high level of non-military material support to the LTTE during the conflict.

2.14 DFAT assesses that, although the great majority of these low-profile ('low-risk') former members have already been released following their detention, any other low-profile LTTE members who came to the attention of Sri Lankan authorities would be detained and may be sent to rehabilitation centres. Following their release from rehabilitation centres, low-profile former LTTE members may be monitored but generally are not prosecuted.

Former LTTE members living outside of Sri Lanka

2.15 Although Sri Lankan Tamils have emigrated abroad since independence in 1948, the number of Tamils who left Sri Lanka grew quickly after the start of the civil conflict. There are at least one million Sri Lankan Tamils living outside of Sri Lanka, including in Canada, the UK, the Indian State of Tamil Nadu,

France, Germany, Switzerland, Australia, Malaysia, the Netherlands, Norway and Denmark. Members of the Sri Lankan Tamil diaspora may be citizens of those countries, dual-nationals or will have arrangements to stay legally in their country of residence. Many members of the Tamil diaspora return to Sri Lanka to visit family members, for holidays and for business. Remittances from Tamil diasporas have traditionally been, and continue to be, an important source of income for family and community members in Sri Lanka.

2.16 Some members of the Tamil diaspora played a central role during the conflict, particularly as a source of funding, weapons and other material support for the LTTE, but also as political advocates for a separate Tamil state in Sri Lanka. Many countries' designation of the LTTE as a terrorist organisation after September 2001 made it more difficult for the organisation to raise funds from Tamil diaspora communities.

2.17 Some Tamil diaspora groups have traditionally held and continue to hold public demonstrations in their countries of residence to support a separate Tamil state in Sri Lanka. High-profile leaders of pro-LTTE diaspora groups may come to the attention of Sri Lankan authorities as a result of their participation in such demonstrations.

2.18 In general, DFAT assesses that Sri Lankan authorities may monitor any member of the Tamil diaspora returning to Sri Lanka, depending on their risk profile.

International sanctions and warrants

2.19 The LTTE was first designated as a proscribed organisation in Sri Lanka in 1998. The proscription was lifted in 2002, but re-imposed since 2009 under Sri Lanka's Public Security Ordinance.

2.20 In March 2014, Sri Lanka gazetted 16 groups (including the LTTE) and 424 individuals under United Nations' Security Council (UNSC) Resolution 1373 for their alleged association with terrorism. Under Sri Lankan law, the gazettal imposes targeted financial sanctions on those listed, most of whom live outside of Sri Lanka.

2.21 Through Interpol's 'Red Notices', Sri Lankan authorities have also sought the arrest of a number of Tamils currently living outside of Sri Lanka for terrorism offences. In issuing these Red Notices, Sri Lankan authorities must provide certain assurances to Interpol prior to the publication of Red Notices, including that the offence is a 'serious ordinary law crime'.

2.22 Although these measures do not, in and of themselves, compel third countries to arrest or detain those listed, DFAT assesses that they are likely to increase the risk for these individuals travelling abroad, particularly to Sri Lanka. Because of close inter-personal connections and a high-level of awareness of the political situation in Sri Lanka within the Tamil diaspora, those groups and individuals listed are likely to be aware of their listing.

2.23 In some cases, suspected former LTTE members wanted by Sri Lankan authorities have been arrested and deported to Sri Lanka. In May 2014, three Sri Lankans were arrested by Malaysian authorities outside of Kuala Lumpur in Malaysia. The three were returned to Sri Lanka in July 2014. A further four suspected former LTTE members were arrested by Malaysian authorities in and around Kuala Lumpur in July 2014.

Australian sanctions

2.24 Australia listed the LTTE on 21 December 2001 pursuant to UNSC Resolution 1373 'to prevent and suppress the financing of terrorist acts'. Australia's Minister for Foreign Affairs renewed the listing in November 2013 with effect for a further three years. It is therefore an offence under Australian law to make assets (including funds) available to the LTTE, whether directly or indirectly, or to use or deal with LTTE assets.

Family members

2.25 DFAT is aware of but cannot verify cases where close relatives have been arrested and detained because of their family connections with former LTTE members. However, close relatives of the LTTE members who are wanted by Sri Lankan authorities are likely to be subject to monitoring.

Civilians living in areas formerly controlled by the LTTE

2.26 According to the UN High Commissioner for Refugees' eligibility guidelines released in July 2010, due to the improved human rights and security situation there was 'no longer a need for group based protection

mechanisms or for the presumption of eligibility for Sri Lankans of Tamil ethnicity originating from the north of the country' (see also 'Tamils' in the October 2014 Country Report on Sri Lanka).

2.27 Because of the pervasiveness of LTTE control in the north and east during the civil conflict, most Tamils from these areas are likely to have paid taxes to or provided a low-level of material support to the LTTE. DFAT assesses that those Tamil civilians who were not members of the LTTE, including those who may have provided a low-level of support to the LTTE, may be monitored by Sri Lankan authorities, but are at a low risk of being detained or prosecuted.

Scarring

2.28 DFAT is aware of reports that people with conflict-related scarring are more likely to be the subject of adverse attention by Sri Lankan authorities. Freedom from Torture's 2011 report 'Out of the Silence' documents an unidentified number of people detained by Sri Lankan authorities in April or May 2009, immediately following the end of the conflict. According to the report, they were removed to a separate place of detention because their scarring was evidence of LTTE membership. However, DFAT notes that the cases raised in the report date from the immediate end of the conflict and has no more recent evidence to indicate that people have been detained due to conflict-related scarring.

Exclusion from International Refugee Protection

2.29 The UNHCR's 2012 Eligibility Guidelines for Sri Lanka indicate that some members of the Sri Lankan forces and the LTTE may be excluded from international refugee protection on the basis of involvement in war crimes and serious violations of human rights committed during the conflict. This can include: abductions and enforced disappearances; indiscriminate attacks on civilians; forced displacement; torture and other cruel, inhuman and degrading treatment; murder, including political assassination; mass killings; extrajudicial and summary executions; rape; and forced recruitment for the commission of attacks and/or military service and/or labour, including recruitment (sometimes through abduction) of children.

3. Discrimination

3.1 Most former LTTE members experience at least some form of cohort-specific official discrimination. Such adverse attention can include monitoring, harassment, arrest, detention or prosecution according to the former members' risk profile. Societal discrimination against most former LTTE members is generally low for those who live in Tamil-majority areas in the north and east.

Official Discrimination

Participation in public life

3.2 There are no legal barriers to former LTTE members participating in public life, including in politics. For example, former LTTE member Vinayagamoorthy Muralitharan, also known as Karuna, was appointed as a national list member of the ruling United People's Freedom Alliance (UPFA) in 2008 and currently serves as the Deputy Minister for Resettlement. Karuna's former deputy in the LTTE, Sivanesathurai Chandrakanthan, also known as Pillayan, was elected as Chief Minister of the Eastern Province in May 2008 having contested the election as part of a coalition with the ruling UPFA. Both Karuna and Pillayan converted to the Government before the end of the conflict and before they obtained political office. Although she was not a member of the LTTE, Ananthi Sasitharan, the wife of the leader of the LTTE's political wing in Trincomalee, was elected to office as a candidate for the Tamil National Alliance (TNA) in the September 2013 Northern Provincial Council elections.

3.3 In practice, DFAT assesses that there are relatively few former LTTE members who participate in public life or seek public office. However, this does not prevent members of other, non-LTTE Tamil political parties from being elected to public office (see also 'Tamils' in the October 2014 Country Report on Sri Lanka).

Monitoring

3.4 Sri Lankan authorities remain sensitive to the potential re-emergence of the LTTE throughout the country. According to expert testimony provided to a hearing of the UK's Upper Tribunal on Immigration and Asylum, Sri Lankan authorities collect and maintain sophisticated intelligence on former LTTE members and supporters, including 'stop' and 'watch' electronic databases. 'Stop' lists include names of those for whom there is an extant court order, arrest warrant or order to impound their Sri Lankan passport while 'watch' lists include names of those for whom Sri Lankan security services consider to be of interest, including for separatist or criminal activities. Those on a watch list are not reasonably likely to be detained, including on arrival at the airport, but are likely to be monitored.

3.5 In the north and east, Sri Lankan security forces maintain a significant presence and a high level of awareness of the civilian populations of the area. For example, according to a 2013 UNHCR survey, 87 per cent of mostly Tamil Internally Displaced People (IDPs) who had returned to their homes in the north and east had been registered by the military and 71 per cent had been visited by the military or the police Criminal Investigation Department (CID) for interviews. Sri Lankan authorities have also increased their security presence in the north and east from time to time. For example, in March 2014, a number of check-points were established due to an alleged resurgence of LTTE activity. DFAT is aware of credible reports of people being stopped, detained and questioned by security forces at the time.

3.6 Although any resident of the north and the east may be monitored by security forces, DFAT assesses that monitoring is likely to be most acute for high-profile former LTTE members who have been released from rehabilitation or prison and for those suspected to be planning terrorist or serious criminal acts.

Public gatherings

3.7 Most public gatherings in the north and the east are monitored by the police or military. The Government remains sensitive to those expressing views that could be considered sympathetic to the LTTE. In November 2012, Jaffna University students clashed with security forces during protests on campus. The protests were in response to the military entering the university to disrupt commemoration of LTTE 'Martyr's Day'. During the protest, security forces were filmed charging at students with batons and beating them. A number of students were subsequently detained and sent to rehabilitation centres. All have since been released. In May 2014, the Government banned public commemoration ceremonies in the north and east to honour the war dead on the anniversary of the end of the war.

Arrest and detention

3.8 Under Regulation 22 of Sri Lanka's Emergency Regulations 2005 (repealed in 2011), administrative detention in rehabilitation centres or elsewhere was possible for up to two years without judicial review or access to legal representation. Some of these provisions were replaced by similar regulations under the *Prevention of Terrorism Act 1979* (PTA). Under the PTA, suspects can be held without charge for three-month periods, not exceeding a total of 18 months. In addition to those arrested under the PTA, some former LTTE members have been arrested and detained on other criminal charges.

3.9 In total, thousands of former LTTE members have been arrested and detained by Sri Lanka security forces under Emergency Regulations, the PTA or other criminal charges. According to Sri Lanka's Minister for External Affairs GL Peiris, as of March 2014, a total of 12,288 LTTE members had been arrested and sent to rehabilitation centres since the end of the conflict. The majority of those in rehabilitation have since been released and DFAT understands that 130 former LTTE members remained in rehabilitation as of June 2014. In addition to those released from and remaining in rehabilitation, 85 'LTTE combatants' were facing criminal prosecution in the courts as of March 2014 (see 'Prosecution', below).

3.10 DFAT is not able to independently verify the number of former LTTE members in detention as former members continue to be identified and arrested, detained and prosecuted within Sri Lanka's criminal justice system. According to the 2013 Annual Report of the Ministry of Rehabilitation and Prison Reform, as of 31 August 2013, Sri Lanka's prisons (including rehabilitation centres) held a total of 381 LTTE prisoners, 2,096 LTTE suspects and 41 other LTTE prisoners pending their appeals.

Rehabilitation

3.11 Originally, those undergoing rehabilitation were interned at 24 rehabilitation centres located across Sri Lanka. DFAT understands that in many cases, civilians were detained alongside admitted or alleged combatants in rehabilitation centres. As of June 2014, DFAT understands that only three rehabilitation centres that have been used for rehabilitation remain functioning, in Vavuniya, Welikanda and Kandakadu. These centres are no longer used exclusively for rehabilitation of former LTTE members and may also be used for the rehabilitation of drug addicts.

3.12 The International Committee of the Red Cross (ICRC) suspended visits to people held in prisons under the responsibility of the Ministry of Rehabilitation and Prison Reforms (MRPR), including rehabilitation centres following a dispute with prison authorities in March 2010. The ICRC resumed monitoring of the centres in April 2013.

3.13 Although the activities undertaken in rehabilitation programs vary, there has been a focus on education and training. Adult males are given training in welding, masonry, plumbing, driving, tailoring, wiring, language skills, computer skills and livelihood opportunities such as vegetable cultivation. Adult females are given training in cookery, beauty therapy, tailoring, language and computer skills. The rehabilitation program also includes sporting activities. Former child soldiers have been tutored for Ordinary Level and Advanced Level examinations.

3.14 According to the website of the Bureau of the Commissioner-General for Rehabilitation, in addition to these education and training activities, those in rehabilitation programs have undertaken 'Spiritual, Religious and Cultural Rehabilitation' which is focused on 'returning to cultural and family norms'. Those in rehabilitation have also undertaken 'Psychological Development and Counselling' which aims to correct 'distorted mind sets of ex-combatants to effect attitudinal change.'

3.15 DFAT assesses that a further purpose of rehabilitation programs has been to allow Sri Lankan authorities to screen high-profile from low-profile LTTE members, to determine those who should be prosecuted for terrorism or other offences. This has been done using interviews with detainees, information

provided by informants and other relevant information to categorise former LTTE members based on their depth of involvement, period of involvement and the activities they conducted.

Prosecution

3.16 Consistent with Sri Lanka's Constitution, a person is presumed innocent until proven guilty and the onus of proof is on the prosecution, except for offences under the PTA where the onus is on the accused to prove their innocence. Suspects are tried by jury in criminal cases but not in cases brought under the PTA. Evidentiary requirements are governed by Sri Lanka's Evidence Ordinance 1896, but there are exceptions for cases under the PTA which admits certain kinds of confessions that would not be admitted in other criminal cases. All suspects have access to legal representation and the right to appeal convictions.

3.17 Depending on a suspect's profile and the evidence available, the Attorney-General may seek admission to a rehabilitation program, a prison sentence, or in rare cases, to dismiss a case. Recommendations for rehabilitation alone are usually only made for low-profile detainees. Some high-profile detainees have been given prison sentences following their detention in rehabilitation centres (see also 'Judiciary' in the October 2014 Country Report on Sri Lanka).

3.18 DFAT has no information on overall conviction rates for LTTE members, but the lower standards required for cases brought under the PTA would suggest the potential for a higher rate of conviction. On sentencing outcomes, Norwegian Country of Origin Information Centre Landinfo stated in a December 2012 report that prosecutors frequently sought life imprisonment for cases brought under the PTA. However, most of those convicted were sentenced to only two years imprisonment.

Experience following release from rehabilitation

3.19 The majority of former LTTE members who have been released from rehabilitation centres have returned to their places of origin. Upon release, detainees are required to register with local civilian Grama Niladhari (Village Officer) to be eligible to receive financial and other support for repatriation. Registration with a local Village Officer is a general requirement for all citizens throughout Sri Lanka to access public services and to enrol to vote.

3.20 Former LTTE members are also required to register with the local military unit's Civil Affairs Office. Although there are no formal parole arrangements for those released from rehabilitation, many may be subject to ongoing monitoring and reporting requirements, the level of which can vary from district to district but generally depends on the background of the individual. For example, low-profile members may be required to report every week, especially when first returning to their places of origin; others report on a monthly basis; others do not have to report but receive irregular visits at home; and still others have no contact at all with local police or military. High-profile former members are likely to be intensely monitored and have higher reporting requirements.

3.21 DFAT understands that if a released detainee leaves their area of origin they may be expected to provide information about their destination, who they will visit and how long they will be away. Family members may have to lodge a security bond for their return. However, this requirement is not widely enforced. Families may be questioned if the released detainee fails to register or is found to have left the village when officials visit to check on them.

3.22 DFAT is aware of reports that some of those released from rehabilitation centres have been re-arrested. Such arrests have occurred for both high-profile and low-profile former LTTE members. The Government of Sri Lanka has said that re-arrests of LTTE members released from rehabilitation are generally made due to additional information about involvement in acts of terrorism. Despite the high level of monitoring of those released from rehabilitation centres, relatively few re-arrests have occurred.

Civil Defence Force

3.23 Some former LTTE members who completed rehabilitation have been recruited to Sri Lanka's Civil Defence Force (CDF). The CDF was established in 2012 to act as a supplementary force to assist Sri Lanka's armed forces and police to protect law and order. The US State Department's 2013 Human Rights Report suggests a further reason for the creation of the CDF was to provide jobs to youths who were former LTTE members who may not otherwise be able to find steady employment. DFAT understands that as of early 2014, around 3,400 members of the CDF have been recruited, and around 2,000 of these are rehabilitated members of the LTTE.

3.24 There has been some criticism of such recruitment by civil society groups, some of which report that it is not always voluntary. DFAT assesses that, while it is unlikely the military forces individuals to join the CDF, it is credible that some individuals may feel pressured into signing up because they fear the consequences of not doing so. However, it is difficult to assess the proportion of recruits to whom this applies. Many recruits would likely also decide to join for economic reasons, due to a lack of employment opportunities in many areas of the Northern Province.

3.25 Sri Lankan media has reported that persons who have undergone rehabilitation have been asked to take part in government-initiated activities, such as rallies, in the north. Refusal to do so may result in harassment and intimidation. For example, according to media reports, a group that attacked a Tamil National Alliance (TNA) political meeting in Kilinochchi in March 2013 included former LTTE members who were employed in the CDF.

Societal discrimination

3.26 A range of interlocutors have described to DFAT how former LTTE members released from rehabilitation were generally accepted back into their communities, despite some suspicion that they may act as informants for Sri Lankan authorities.

3.27 Former members who are female face some additional difficulties, including the risk of sexual harassment and stigmatisation within the community, such as the inability to find a marriage partner or secure employment. While credible NGOs have reported on these issues, it is very difficult to verify complaints.

3.28 DFAT assesses that many low-profile former members of the LTTE experience a persistent low level of societal discrimination directed at them in the north and east. It is likely that this societal discrimination remains at a low level because of an understanding among the Tamil populations in these areas that many people were forced to participate in LTTE activities.

3.29 Those members of the LTTE who committed war crimes and serious violations of human rights against the Tamil population in the north and the east during the conflict are likely to be at a moderate risk of societal discrimination. This may include those former members who were responsible for forced recruitment, particularly of children, or those who committed acts of torture and other cruel, inhuman or degrading treatment against the Tamil population.

Economic conditions for former LTTE members

3.30 Many former LTTE members have reported difficulty establishing businesses or finding regular employment following their release from rehabilitation. According to the Bureau of the Commissioner General of Rehabilitation, many are employed in manual labour, fishing, farming or in the CDF. However, the unemployment rate among rehabilitated former LTTE members is reportedly 11 per cent, more than double the national unemployment rate. This may be due to a number of factors, including conflict-related disabilities suffered by former members or reluctance to hire known former members based on an employer's fear of monitoring by authorities. As a result of reporting requirements following their release from rehabilitation, some former LTTE members may also feel compelled to remain close to their place of residence, which could limit their ability to pursue work opportunities elsewhere.

3.31 DFAT assesses that the difficulty finding employment is also likely to relate to broader economic conditions in Sri Lanka, particularly in the north and east. Although there have been improvements since the end of the conflict, the economies of these areas were cut off from international capital and trading markets for most of the 30 year period of the conflict which greatly limited economic development during that time. The economic situation in these areas affects not only former LTTE members released from rehabilitation but also IDPs who have returned after the conflict and the civilian population more generally.

3.32 The Sri Lankan Government and non-government organisations have established a number of programs to assist those released from rehabilitation centres. Most, but not all, will have undertaken vocational education programs in rehabilitation centres. Many will have had access to post-release programs run by the International Organisation for Migration (IOM), ICRC and Sri Lankan Government agencies. For example, in 2010, the Commissioner-General for Rehabilitation announced that the Government would provide a loan scheme for both former LTTE members and IDPs who require assistance to commence livelihood activities.

4. Violence

4.1 The conflict between the Government and the LTTE ended in May 2009 with the military defeat of the LTTE. The security situation in Sri Lanka has greatly improved as a result—no terrorist or large-scale military attacks have occurred since the end of the conflict. Considering that there have been relatively few incidents of violence involving former LTTE members since the end of the conflict, DFAT assesses that they are generally at a low risk of personal harm from violence involving Sri Lankan authorities or non-state actors.

Arbitrary Deprivation of Life

Extra-judicial killings

4.2 Three Tamil men with alleged connections to the LTTE were shot and killed by the Sri Lankan military conducting a cordon and search operation in Vavuniya District during April 2014. Sri Lankan authorities reportedly retrieved arms, ammunition and explosives from those killed. These were reportedly the first LTTE-related killings since the end of the conflict in 2009.

Enforced or involuntary disappearances

4.3 As reported in the October 2014 Country Report on Sri Lanka, over 16,000 Sri Lankans remained missing or unaccounted for since 1990, many of whom are likely to have been members or supporters of the LTTE. Some people imputed to be associated with the LTTE are reported to have been abducted by the Eelam People's Democratic Party (EPDP) or other para-military groups. DFAT assesses that although the number of abductions and disappearances has dropped considerably, there have been credible reports of enforced or involuntary disappearances since the end of the conflict.

4.4 Although the majority of disappearances remain unresolved, in at least one case, a former LTTE member who had reportedly disappeared in 2009 was arrested by police on arrival in India in 2014. Kathiravel Thayapararaja was reported by a number of media sources to have been tortured and killed by Sri Lankan security forces. However, Thayapararaja, his family and a number of other Sri Lankan Tamils were arrested by police in India after landing illegally at Arichamunai in Tamil Nadu, India in May 2014.

Deaths in custody

4.5 Two LTTE suspects, Ganesan Nimalaruban and Dilrukshan Mariyadas died after allegedly being assaulted while in custody during June 2012. Their deaths followed a prison mutiny at Vavuniya Prison in June 2012 during which a group of inmates, mostly LTTE-suspects, held hostage three prison guards. Ganesan Nimalaruban died on 4 July and Dilrukshan Mariyadas died on 8 August while being treated for injuries sustained during the operation by the paramilitary Special Task Force (STF) to free the prison guards. Sri Lanka's Supreme Court denied Ganesan Nimalaruban's family leave to proceed with a fundamental rights case in October 2013.

Torture

4.6 As noted in the October 2014 Country Report on Sri Lanka, there have been credible reports of torture carried out by Sri Lankan security forces, in some cases resulting in death. Reports of torture come from a wide range of actors.

4.7 In relation to people with suspected links to the LTTE, DFAT is aware of publications including Freedom From Torture's 2011 report 'Out of the Silence', Amnesty International's 2012 report 'Locked Away: Sri Lanka's Security Detainees', and those raised by Human Rights Watch in 2012. Verifying these allegations is complicated by the fact that many have been made anonymously, often to third parties. Many of these cases relate to the period immediately following the end of the conflict.

4.8 DFAT has no information on the overall incidence of torture among people with suspected links to the LTTE. However, DFAT assesses that there is a moderate risk of torture or mistreatment for high-profile former LTTE members who are suspected of committing serious crimes, including terrorism offences. This is due in part to the use of torture to extract information or confessions from suspects, and the extended period these people may spend in pre-trial detention. There is a lower risk of torture or mistreatment for the majority of low-profile people with links to the LTTE.

5. Other Considerations

Documentation

Release certificates

5.1 DFAT understands that suspected LTTE members released from rehabilitation and not detained for other reasons are issued a Release Certificate by the Commissioner-General of Rehabilitation. The certificate contains no information about the legal basis or reasons for the released detainee's detention.

National Identity Card

5.2 Former LTTE members can obtain National Identity Cards (NICs). The Sri Lankan Government has taken steps to facilitate obtaining NICs for those who have successfully completed the rehabilitation process.

Passports and temporary travel documents

5.3 There are no legal restrictions on obtaining a passport that apply only to rehabilitated former LTTE cadres. Procedures for applying for a passport are consistent with those for other Sri Lankans. For more information see 'Passports and temporary travel documents' in the October 2014 Country Report on Sri Lanka.