

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Credible Allegations of Arrest and Torture upon Return

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(New York) The United Kingdom should suspend deportations of ethnic Tamil asylum seekers to Sri Lanka and immediately review its policies and information about the countrys rights situation used to assess their claims, Human Rights Watch said today. Research by Human Rights Watch has found that some returned Tamil asylum seekers from the United Kingdom have been subjected to arbitrary arrest and [torture](#) upon their return to Sri Lanka.

In recent months the British government has sent Tamil asylum seekers back to [Sri Lanka](#) on charter flights. Human Rights Watch expressed particular concern about the next scheduled deportation from the United Kingdom of about 100 Tamil asylum seekers, scheduled for February 28, 2012.

The British government has an international legal obligation not to deport people who have a credible fear of torture upon return, said Brad Adams, Asia director at Human Rights Watch. Convincing reports of arbitrary arrests and torture demand that the UK government suspend returns of rejected Tamil asylum seekers to Sri Lanka until it can fairly and thoroughly assess their individual claims based on up-to-date human rights information on Sri Lanka.

Human Rights Watch has documented eight recent cases in which people deported to Sri Lanka have faced serious abuses. A Tamil deportee from the United Kingdom, RS (a pseudonym for security reasons), said that army soldiers in Sri Lanka arrested him on December 29, 2011. He alleged that during interrogation he was beaten with batons and burned with cigarettes, and that his head was doused with kerosene. He also said that his head was submerged in a bucket of water, that he was hung upside down, and that hot chilis were placed under his head and chest. He said that as a result of this torture, he confessed to being a member of the separatist Liberation Tigers of Tamil Eelam (LTTE), which were defeated in May 2009. He said that he paid a substantial bribe to escape from detention, and fled back to the United Kingdom, where he has applied for asylum.

DB, a Tamil deported from the United Kingdom in 2011, said that he was arrested at a Sri Lankan army checkpoint on December 10. He alleged that he was forced to strip naked and burned with cigarettes and beaten until he agreed to sign a document in Sinhala. He said the soldiers told him he had to work as an informer for the army to identify former LTTE cadres. Like RS, he said he escaped detention after a family member paid a bribe for his release, then secured false documents to return to the United Kingdom, where he has again applied for asylum status.

Another 2011 deportee, AH, alleges that he was arrested by the police Criminal Investigation Department (CID) soon after arriving in Colombo, Sri Lankas capital. He said that he was stripped naked and was beaten and tortured until a family member paid a bribe for his release.

Human Rights Watch has also documented cases of Tamil deportees who alleged to have been subjected to rape as a form of torture upon their return to Sri Lanka. In December 2010, CB was arrested at the Colombo airport on his return and was detained for a month by the CID. He said that during this time he was beaten with metal rods and raped four or five times by two men. As he described it, one man would hold him down while the other raped him.

BK, a Tamil woman, alleges that she was arrested at Colombo airport by the CID on her return in April 2010 and kept in detention. She says was raped by several men many times during the course of her detention. She described profuse bleeding as a result of these rapes. Both CB and BK managed to secure their release after relatives intervened to bribe the officials holding them. Both fled Sri Lanka and are seeking asylum in the United Kingdom.

Human Rights Watch has obtained medical evidence supporting each of the above claims of torture.

Asylum tribunals in the United Kingdom have recently concluded that the lack of an official identification card is not a risk factor for returnees. However, in two cases returnees alleged that they were specifically targeted because they did not possess the required IDs.

At a parliamentary debate on Sri Lanka on February 22, Foreign and Commonwealth Office Minister Alexander Burt said: We are aware of media allegations that returnees are being abused. All have been investigated by the high commission, and no evidence has been found to substantiate any of them.

Human Rights Watch and others have learned that returnees are met at the Colombo airport by UK embassy staff and given a document with the contact information for the embassy. British officials have stated that they do not have the capacity to monitor the safety of returnees and that returnees may fear retaliation from the Sri Lankan government if they make contact with the UK embassy.

The United Kingdom and other countries considering the claims of Tamil asylum seekers need to recognize the reality of what may await them on return, Adams said. Meeting returnees at the airport and giving them a phone number has not prevented them from being wrongfully arrested and mistreated. This should come as no surprise since abuses against Tamils suspected of links to the LTTE have long been recorded in official UK documents.

The UK Border Agency's Operational Guidance Note on Sri Lanka, last updated in December, acknowledges that torture is widespread in Sri Lanka: The UN Committee Against Torture (UNCAT) stated that they remain seriously concerned about the continued and consistent allegations of widespread use of torture and other cruel, inhuman or degrading treatment of suspects in police custody, especially to extract confessions or information to be used in criminal proceedings. The Committee is further concerned at reports that suggest that torture and ill-treatment perpetrated by state actors, both the military and the police, have continued in many parts of the country after the conflict ended in May 2009 and is still occurring in 2011. In 2011 the UNCAT issued a scathing statement about Sri Lanka in which it called for an end to the practice.

However, the Operational Guidance Note in section 5 on Returns makes no mention of Tamil ethnicity as a factor to consider.

The United Kingdom is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which states in article 3 that no state shall expel, return (refouler) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. In making such determinations, the authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Human Rights Watch called for the Sri Lankan government to stop targeting Tamil returnees and end the use of torture and other ill-treatment in custody. Sri Lanka is also a party to the Convention against Torture.

The Sri Lankan government has a long record of torture and mistreatment that has not ended with the end of the long war with the LTTE, Adams said. The government needs to take serious and public measures to end these cruel practices.

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