

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	403
Land:	Sri Lanka
Kilde:	Amnesty International
Titel:	Annual Report 2011 – Sri Lanka
Udgivet:	13. maj 2011
Optaget på baggrundsmaterialet:	10. juni 2011

Title	Amnesty International Annual Report 2011 - Sri Lanka
Publisher	Amnesty International
Country	Sri Lanka
Publication Date	13 May 2011
Cite as	Amnesty International, <i>Amnesty International Annual Report 2011 - Sri Lanka</i> , 13 May 2011, available at: http://www.unhcr.org/refworld/docid/4dce153c44.html [accessed 30 May 2011]



Amnesty International Annual Report 2011 - Sri Lanka

Head of state and government: **Mahinda Rajapaksa**

Death penalty: **abolitionist in practice**

Population: **20.4 million**

Life expectancy: **74.4 years**

Under-5 mortality (m/f): **21/18 per 1,000**

Adult literacy: **90.6 per cent**

The Sri Lankan government failed to effectively address impunity for past human rights violations, and continued to subject people to enforced disappearances and torture and other ill-treatment. The authorities imposed severe restrictions on freedom of expression, assembly and association. Thousands of Tamil people suspected of ties with the Liberation Tigers of Tamil Eelam (LTTE) remained detained without charge. Both sides in the conflict that ended in May 2009 have been accused of war crimes; Amnesty International called for an independent international investigation.

Background

President Mahinda Rajapaksa was elected to a second term in January in the first peace time election in 26 years. His main opponent, former Army Chief of Staff Sarath Fonseka, was arrested after the election and charged with engaging in politics while in military service and corrupt arms procurement, for which he received a 30-month prison sentence in September. Sarath Fonseka also faced criminal charges, including that he made false accusations in a local newspaper that Sri Lanka's Defence Secretary had ordered the killing of surrendered LTTE members in May 2009. Journalists and trade unionists suspected of supporting the opposition were victims of a post-election crackdown.

In March, UN Secretary-General Ban Ki-moon announced plans to establish a Panel of Experts to advise him on accountability issues in Sri Lanka. President Rajapaksa protested against the announcement and appointed an ad hoc Lessons Learnt and Reconciliation Commission (LLRC) to examine the failure of the 2002 ceasefire, but its terms of reference made no mention of seeking accountability for violations of human rights or humanitarian law. Sri Lanka lost its preferential access to the EU market in August because it failed to respond to a set of conditions laid down by the European Commission to address shortcomings in its implementation of three UN human rights conventions.

The outcome of the April parliamentary elections, subsequent cabinet appointments, and new legislation consolidated power in the immediate Rajapaksa family, which controlled five key ministries and more than 90 state institutions. A Constitutional amendment in September removed the two-term limit on the presidency and gave the President direct control of appointments to institutions important to human rights protection, including the National Police Commission, the Human Rights Commission and the Judicial Services Commission.

The authorities continued to deny access to human rights organizations and other independent observers to visit the country to conduct research. In October, Amnesty International, Human Rights Watch and the International Crisis Group declined an invitation to testify before the LLRC, noting its severe shortcomings, including the Commission's inadequate mandate, insufficient guarantees of independence, and lack of witness protection.

Internally displaced people

About 20,000 of some 300,000 people who were displaced by armed conflict in 2009 remained in government displacement camps in the north; shelters and health facilities continued to deteriorate. Sri Lanka's Defence Ministry continued to control humanitarian access to these camps and to places of resettlement. Many families who left the camps still lived in unsettled conditions and continued to depend on food aid. Tens of thousands remained with host families and some 1,400 remained at transit sites.

Violations by government-allied armed groups

Armed Tamil groups aligned with the government continued to operate in Sri Lanka and commit abuses and violations, including attacks on critics, abductions for ransom, enforced disappearances and killings.

- In March, former parliamentarian Suresh Premachandran accused members of the Eelam People's Democratic Party (EPDP) in Jaffna of killing 17-year-old Thiruchelvam Kapilthev. Suresh Premachandran said the police ignored statements by friends of the victim that implicated the EPDP, and said they were protecting the killers because of the upcoming parliamentary election.

Enforced disappearances

Enforced disappearances and abductions for ransom carried out by members of the security forces were reported in many parts of the country, particularly in northern and eastern Sri Lanka and in Colombo. Hundreds of LTTE members who reportedly disappeared after they had surrendered to the army in 2009 remained unaccounted for.

- An eyewitness testifying before the LLRC in August told Commissioners that her family members, including two children, had surrendered to the army in the Vadduvaikkal area in May 2009 and that she had seen those who surrendered being taken away in 16 buses along the Mullaitivu Road. She said she had searched for them at detention centres and prisons but failed to locate them. Two priests who encouraged them to surrender were also missing.

Arbitrary arrests and detentions

The Sri Lankan government continued to rely on the Prevention of Terrorism Act (PTA) and emergency regulations that grant the authorities broad powers to arrest and detain suspects and to circumvent normal procedural safeguards against arbitrary arrest and detention. In April, Amnesty International called on Sri Lanka's new Parliament to lift the State of Emergency, in force almost continuously since 1971, and abolish the PTA and other associated security laws and regulations. In May, the authorities lifted some emergency provisions restricting freedom of expression and association and allowing for household registration, but other laws containing similar provisions remained in effect.

Thousands of people with alleged LTTE links were detained without charge or trial for "rehabilitation" or investigation. About 6,000 of more than 11,000 people arbitrarily detained in 2009 for "rehabilitation" remained in detention camps without access to lawyers, courts or the ICRC; many gained some access to families during the year. There was also evidence of secret detention in the north. Officials said 700 to 800 detainees identified by the state as "hardcore" LTTE members and held separately would be investigated by the authorities for possible prosecution. Hundreds more were held without charge in police lock-ups and southern prisons under the PTA and emergency regulations; some had been detained for years. Most of the detainees were Tamil; some were Sinhalese.

- In October, a lawyer representing four Sinhalese men accused of supporting the LTTE said his clients had been detained without charge for almost three years. The men were among 25 trade union activists and journalists abducted in February 2007 and later found in the custody of the police's Terrorism Investigation Division (TID); 21 were eventually released by the courts without charge.

Torture and other ill-treatment

Police and army personnel continued to torture or otherwise ill-treat detainees. Victims included detained Tamils suspected of links to the LTTE and individuals arrested for suspected "ordinary" criminal offences. Some people died in custody after being tortured by police.

- In videotaped testimony made available by Janasansadaya, a Sri Lankan NGO, Samarasinghe Pushpakumara said he was detained on 10 November and tortured by Beruwala police after an officer pretended to hire him as a driver and then arrested him for burglary. Samarasinghe Pushpakumara said he was assaulted, threatened with criminal charges for possession of drugs or bombs, and told he could be killed. He was blindfolded and tied to a bed for two days before police released him without charge, but with a warning to keep silent about his treatment.

Extrajudicial executions

Police killings of criminal suspects in apparent staged "encounters" or "escape" attempts continued to be reported; police descriptions of the cases were often strikingly similar.

- The deaths in custody in September of Suresh Kumar of Matale, Ranmukage Ajith Prasanna of Embilipitiya and Dhammala Arachchige Lakshman of Hanwella were all reported by an NGO, the Asian Human Rights Commission. In each case, police claimed that the victim was taken from the police station to identify a weapons cache, attempted to escape, and was shot.

Impunity

Investigations into human rights violations by the military, police and other official bodies and individuals made no apparent progress; court cases did not proceed. Military and civilian officials rejected allegations that Sri Lankan forces had violated international humanitarian law in the final phase of the armed conflict that ended in May 2009 and made repeated public statements claiming that "zero civilian casualties" had occurred.

On 6 July, Minister Wimal Weerawansa led a demonstration that temporarily closed down the UN's Colombo office in an unsuccessful bid to force Secretary-General Ban Ki-moon to withdraw his panel of experts.

Hundreds of people seeking news of relatives who disappeared after arrest by the army attempted to testify before the LLRC when it held sessions in the north and east starting

in August. Few were able to speak to the Commissioners, and there were reports that witnesses were photographed and threatened. The Commission's interim report made useful recommendations to safeguard the rights of detainees and address other public grievances, but failed to address the need for accountability.

Suspected perpetrators of human rights violations continued to hold responsible positions in government.

In November, the government investigated claims that the LTTE killed captured soldiers as the army advanced towards Kilinochchi, but continued to reject allegations that its own forces killed civilians and captured combatants during the armed conflict.

Human rights defenders

Human rights defenders continued to be arbitrarily arrested, abducted, attacked and threatened.

- Pattani Razeek, head of the Community Trust Fund, a Sri Lankan NGO, went missing on 11 February when he left Polonnaruwa city to travel to the eastern town of Valaichchenai. His family lodged a complaint with the local police in Puttalam town where he lived, and also reported his enforced disappearance to the Human Rights Commission of Sri Lanka, but his whereabouts have not been traced. A suspect with alleged political links accused of making ransom demands remained at large.

Journalists

Journalists were physically assaulted, abducted, intimidated and harassed by both government personnel and members of government-allied armed groups. Little effort was made to investigate attacks or bring perpetrators to justice.

- Prageeth Eknaligoda, an outspoken critic of the Sri Lankan government, went missing on 24 January. He had been reporting on the 26 January presidential elections and had completed an analysis that favoured the opposition candidate, Sarath Fonseka. Police said investigations had revealed nothing about his whereabouts or the circumstances of his disappearance, and a habeas corpus petition filed by his family in the Colombo High Court was subjected to repeated delays.
- In May, Sri Lanka's Minister of External Affairs announced that the government would pardon J.S. Tissainayagam, the first journalist in Sri Lanka to be convicted under the Prevention of Terrorism Act. He was released on bail in January following an appeal. He left Sri Lanka in June.

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