

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	470
Land:	Sri Lanka
Kilde:	UK Foreign and Commonwealth Office
Titel:	Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Sri Lanka
Udgivet:	10. april 2014
Optaget på baggrundsmaterialet:	30. juli 2014

[EN](#) | [DE](#)

- **Source:**
FCO - UK Foreign and Commonwealth Office
- **Title:**
Human Rights and Democracy Report 2013: Sri Lanka - Country of Concern update
- **Publication date:**
10 April 2014
- **ecoi.net summary:** Quarterly updates on human rights situation [ID 273729]
- **Countries:**
Sri Lanka
- **Original link** <https://www.gov.uk/government/publications/sri-lanka-country-of-concern/sri-lanka-country-of-concern-latest-update-31-march-2014>

Recommended citation:

FCO - UK Foreign and Commonwealth Office: Human Rights and Democracy Report 2013: Sri Lanka - Country of Concern update, 10 April 2014 (available at [ecoi.net](http://www.ecoi.net))
http://www.ecoi.net/local_link/273729/389493_en.html (accessed 05 May 2014)



Human Rights and Democracy Report 2013: Sri Lanka - Country of Concern update

Published 10 April 2014

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The human rights situation in Sri Lanka has not improved during the past three months. Reports from the north of detention and harassment of activists continued.

On 13 March, a local activist and her 13-year-old daughter, who were leading protests focused on the disappeared, were detained under the Prevention of Terrorists Act (PTA) in Kilinochchi for "harbouring a criminal". The local magistrate ordered the activist to be detained for 16 days under anti-terrorism laws. Her daughter has been placed in social care. Local and international activists have condemned the arrests.

Two well-known Sri Lankan human rights defenders, Ruki Fernando and Father Praveen Mahesan, were detained by the Terrorist Investigations Department (TID) on 16 March. Minister for Asia, Hugo Swire, raised concerns over the arrests and detention. Mr Swire urged the government of Sri Lanka to allow both detainees immediate access to lawyers and their families, to respect human rights defenders, and to uphold the principles of free expression and movement. Following domestic and international outcries, the activists were released two days later, but they remain under court order and investigation. The abduction of a community leader critical of the state's urban land acquisition policy, by unidentified persons, also received prominent coverage in the local media. Following continued public protests, the victim was subsequently freed. The UK has consistently urged the Sri Lankan government to fulfil their international obligations on human rights, and has made clear that human rights defenders and activists should not be subject to harassment and intimidation.

There were a number of reports of alleged incidents of torture in police custody including by the Asian Human Rights Commission. The custodial death of a murder suspect in Rathnapura in March under questionable circumstances also received wide media coverage. Reports noted that a three-member committee appointed to look into the killing of 27 prisoners in Colombo's Welikada prison had handed their report to the Minister of Prisons and Prison Reforms. Opposition party Peoples' Liberation Front (JVP) and civil society have urged the government to release the report and make public the Committee's findings.

There were a number of incidents involving Christian and Muslim places of worship during the last three months. A local NGO noted 35 incidents of attacks and instances of intimidation against evangelical churches, most notably the January attacks on two churches in Hikkaduwa (in the south) and one in Homagama

(Colombo suburb) by mobs including Buddhist monks. On 27 March, two bombs were thrown at a mosque in Dambulla (in the north central province). The mosque has been repeatedly targeted by extremist groups throughout the last two years. Activists noted a general lack of proper investigation into these instances, while Muslim activists have also complained of arbitrary use of laws to force closures of mosques and madrasas (religious schools).

There was also no improvement in the situation for freedom of expression during the last three months. Sri Lanka dropped three places to 165 out of 180 in the 2014 World Press Freedom Index.

The Sri Lankan Supreme Court on 21 February overturned a Court of Appeal decision on the impeachment of the former Chief Justice Shirani Bandaranayake last year. The Court of Appeal in January 2013 ruled that the report of a Parliamentary Select Committee on the impeachment of the Chief Justice was null and void. Last year, a number of domestic and international actors, including the International Commission of Jurists, the UN Special Rapporteur on the independence of judges and lawyers, and the Bar Council of England and Wales, noted concerns at the dismissal. In a statement at the time of the impeachment, a Foreign & Commonwealth Office spokesperson said that the impeachment ran "contrary to the clear rulings of Sri Lanka's highest courts, and the proceedings appear to contravene basic principles of fairness, due process and respect for the independence of the judiciary and the Commonwealth Latimer House Principles."

Human remains continue to be discovered in various areas of northern Sri Lanka which saw some of the heaviest fighting between government forces and the Liberation Tamil Tigers of Eelam (LTTE). In her report to the UN Human Rights Council (UNHRC), the UN High Commissioner for Human Rights recommended that the Sri Lankan government undertake "independent and credible criminal and forensic investigations with international assistance into all alleged violations of human rights and humanitarian law, including recently discovered mass graves."

Positively, there was some progress in the investigation into the 2011 murder of British national Khuram Shaikh. The trial commenced in the Colombo High Court on 26 March and is due to continue in the coming months.

Provincial elections were held in the western and southern provinces on 29 March. Elections were generally peaceful, despite one fatality following an inter-party clash. Local election observers monitored the elections, and we will study their report closely.

International focus on Sri Lanka also continued during the first three months of 2014. On 24 February, the Office of the UN High Commissioner for Human Rights published a report on reconciliation and accountability in Sri Lanka. The report recommended that the UNHRC established an international inquiry mechanism to investigate further alleged violations of international human rights and humanitarian law during the Sri Lankan conflict. The UK strongly supported the assessment of the UN High Commissioner for Human Rights. Following the publication of the report, Mr Swire remarked that "the international community now has a duty to act, and we will be using our position on the UN Human Rights Council to actively press for an international investigation given the lack of a credible domestic accountability process to date."

On 27 March, the UNHRC adopted by 23 votes to 12, with 12 abstentions, a resolution which establishes an international investigation into allegations of violations and abuses of international law on both sides of the conflict, and calls on the Sri Lankan government to make progress on accountability, reconciliation and human rights. The UK was a main co-sponsor of the resolution, which builds on the texts of resolutions in 2012 and 2013. Following the vote, the Prime Minister said that the resolution was "triggered by the failure of the Sri Lankan government to stand by its promises to credibly and independently investigate alleged violations on both sides during the war". The Prime Minister also hoped that the Sri Lankan President would seize the fresh opportunity to work with the international community to heal the issues of the past, and reconcile communities across Sri Lanka. #####This publication is part of the [2013 Human Rights and Democracy Report](#).