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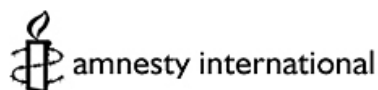
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Amnesty International Annual Report 2012 - Sri Lanka

Head of state and government: **Mahinda Rajapaksa**Death penalty: **abolitionist in practice**Population: **21 million**Life expectancy: **74.9 years**Under-5 mortality: **14.7 per 1,000**Adult literacy: **90.6 per cent**

The government continued to arbitrarily detain, torture or ill-treat people and subject people to enforced disappearance. It failed to address most instances of impunity for violations of human rights and humanitarian law. The government rejected repeated allegations of war crimes committed by both sides of the conflict that ended in 2009, prompting Amnesty International to reiterate calls for an independent international investigation.

Background

Sri Lanka continued to rely on security laws and a military apparatus that perpetuated human rights violations. It resisted efforts to increase official transparency when it blocked an opposition-sponsored Right to Information Bill in June. The country remained prone to political violence, and efforts at ethnic reconciliation made little progress. On 30 August, Sri Lanka lifted the State of Emergency, in place almost continuously for decades, but retained the repressive Prevention of Terrorism Act (PTA). It introduced new regulations under the PTA to: maintain the ban on the Liberation Tigers of Tamil Eelam (LTTE); continue detention of LTTE suspects without charge or trial; and retain High Security Zones under military control. The army was deployed for civil policing, and the Special Task Force (an elite police commando unit with a history of abuse) was active island-wide. The army restricted freedom of association and assembly in the north and east, requiring prior permission even for family celebrations. Security forces required Tamil residents in these areas to register household members despite a court judgement declaring the practice discriminatory.

Internally displaced people

Almost 400,000 conflict displaced people returned to the north by the end of 2011, but many of them continued to live in insecure conditions with poor housing and poor access to health care and education. Some 16,000 people remained in government-run camps. The authorities planned to close remaining displacement camps and relocate about 5,500 individuals from areas that remained under military control in Mullaitivu to a jungle location in Kombavil. Advocates for the displaced voiced concerns that relocation would not be voluntary.

Violations by government-allied armed groups

Gangs linked to the security forces and government-aligned political parties, including the Eelam People's Democratic Party, Tamil People's Liberation Tigers and the Sri Lanka Freedom Party, were blamed for robberies, abductions, rapes, assaults and murders in Jaffna, eastern Sri Lanka, and increasingly in other parts of the country. Political activists, returning displaced people, and former LTTE members were targets.

Enforced disappearances

Enforced disappearances continued to be reported, and thousands of cases from earlier years remained unresolved. The government failed to ratify the International Convention against enforced disappearance.

In January, witnesses appeared before Sri Lanka's Lessons Learnt and Reconciliation Commission (LLRC) in Mannar and Madhu, trying to find loved ones seen surrendering to the army in May 2009.

- On 30 June, hundreds of demonstrators in the capital, Colombo, demanded to know the fate and whereabouts of missing family members they believed were abducted by government squads. Similarly, over 1,300 people approached newly opened Terrorist Investigation Department information centres in June, seeking information on missing relatives believed to be in government custody; few found answers.

The Sri Lankan Police Department reported in July that 1,700 people had been abducted since 2009, most of them for ransom.

Arbitrary arrests and detentions

The government acknowledged in November that 876 adults remained in administrative detention under the PTA; 845 were Tamil men and 18 were Tamil women. These detainees were among nearly 12,000 alleged LTTE members who surrendered or were captured by the army and then detained for months or years without charge in the aftermath of the conflict. People detained for "rehabilitation" were gradually released in batches (about 1,000 were held at year's end); those released remained under military surveillance, and were reportedly subjected to harassment by the authorities.

- On 23 August, soldiers assaulted and detained scores of young men from Navanthurai, in Jaffna district. Earlier, the villagers had protested against military protection of "grease devils" (mysterious strangers, sometimes described as being smeared with grease or face paint, widely believed to be attacking civilians, especially women). More than 50 petitions were filed with the Jaffna Court by residents claiming their rights had been violated by security force reprisals in "grease devil" incidents.

Torture and other ill-treatment

Torture and other ill-treatment of criminal suspects and those detained on suspicion of links to the LTTE remained widespread, despite laws prohibiting torture. Rape and other gender-based violence amounting to torture were not taken seriously by the authorities. Sexual violence went largely under-reported and, where reported, was poorly investigated.

Excessive use of force

On 30 May, police fired tear gas and live ammunition at demonstrating workers and trade unionists in the country's largest export processing zone. Hundreds of demonstrators and police were reported injured; 21-year-old Roshan Chanaka was killed. President Rajapaksa ordered an inquiry. The Inspector General of Police resigned following the incident; several other high-ranking police officers were transferred.

Deaths in custody

Deaths in police custody persisted, many of them under suspicious circumstances. Police often claimed that victims were killed trying to escape.

- Police said Asanka Botheju drowned in the Kelaniya river, Colombo, on 30 August while identifying a weapons cache. He had been illegally detained for 19 days.
- Gayan Saranga from the town of Dompe died on 29 September. Police claimed he fell from a police vehicle while being taken to identify stolen property. Witnesses said he was tortured at the police station.
- Four Angulana policemen received death sentences in August for the custodial murder of two young men in 2009.

Lack of accountability

The government failed to adequately investigate or prosecute most alleged violations of human rights and humanitarian law, including those committed in the final phase of the armed conflict, and rejected the findings of the UN Secretary-General's Panel of Experts on Accountability in Sri Lanka.

The Panel concluded that there were credible allegations that war crimes and crimes against humanity had been committed by both sides. It found that the LLRC, touted by officials as a sufficient accountability mechanism to address wartime events, was "deeply flawed" and was not adequately independent or impartial. It recommended that the Secretary-General establish an independent investigation into the allegations and order a review of UN actions on Sri Lanka. The UN Human Rights Council failed to act on its recommendations.

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The LLRC's final report, made public on 16 December, acknowledged serious human rights problems in Sri Lanka, but fell short of fully addressing allegations of war crimes and crimes against humanity committed during the final phases of the conflict. It took the government's responses uncritically, reinforcing the need for an independent international investigation.

Sri Lankan officials, including the country's President and senior diplomats, faced complaints in Swiss, German and US courts that they were responsible for murder, torture and military attacks on civilians.

- In October, Australian police were urged to investigate war crimes allegations against Sri Lanka's High Commissioner in Canberra. In the Netherlands, five alleged LTTE members were convicted of illegal fundraising for the LTTE but acquitted of membership of a terrorist organization and, by extension, responsibility for recruitment of child soldiers and murder, as alleged by prosecutors.
- Former Army Commander Sarath Fonseka was sentenced to three years in prison in November for inciting communal hatred. He alleged that Sri Lanka's Defence Secretary had ordered the killing of surrendering LTTE cadres at the end of the war.
- In a rare prosecution of military personnel for human rights violations, three soldiers accused of raping and killing a young woman in northern Sri Lanka in 1996 were sentenced to death in a Sri Lankan court on 30 March; they immediately appealed against the convictions.

Human rights defenders

Suppression of peaceful dissent remained common. Human rights defenders who engaged in international advocacy or interacted with international NGOs or diplomats were portrayed in the state media as traitors and subjected to anonymous threats and smear campaigns.

- On 22 August, Perumal Sivakumara of Puttalam district died after being beaten by police Special Task Force personnel; there was no investigation.
- A body believed to be that of human rights defender Pattani Razeek, missing since February 2010, was exhumed in July 2011 from a partially constructed house in eastern Sri Lanka. Two suspects with ties to a government minister were arrested after months of official inaction.
- Political activists Lalith Kumar Weeraraj and Kugan Muruganathan disappeared on 9 December in Jaffna while organizing a demonstration calling for the release of detainees held without charge since the end of the war. Colleagues alleged they were abducted by the military.

Freedom of expression – journalists

The authorities attacked and censored media workers and outlets, and failed to provide accountability for attacks on journalists. On 7 November, the government blocked websites whose content was deemed "injurious" to Sri Lanka's image, and announced that any website featuring information about Sri Lanka should register with the Ministry of Mass Media and Information or face potential legal action.

- Bennet Rupasinghe, news editor of the Lanka E News website, was arrested on 31 March and accused of threatening a suspect linked to an arson attack against the website's office. He was released on bail in April. The website was blocked in Sri Lanka in October after it reported that ruling party politician Baratha Lakshman Premachandra was shot and killed along with four others in an altercation with another ruling party politician.
- In late July, Gnanasundaram Kuhanathan, news editor of the Jaffna-based *Uthayan* newspaper, was attacked by unidentified men wielding iron bars and left in a critical condition.

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