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Human Rights Annual Report 2009 - Countries of Concern: Sri Lanka

In May, the Sri Lankan government achieved a decisive military victory in its long-standing conflict against the Liberation Tigers of Tamil Eelam (LTTE). Over the course of the 26-year conflict, law and order had been eroded and a culture of impunity developed, both in government and LTTE-controlled parts of the country. Following the end of the war the human rights situation has improved but remains a serious concern. Media freedom continues to be under threat and abductions of civilians, although reduced in number, continue.

The poor human rights situation is exacerbated by weak policing and judicial systems. The Sri Lankan Human Rights Commission – the state-run body tasked with monitoring and reporting on human rights violations is not politically or financially independent. As a result, the UN has reduced its official assessment of its effectiveness. Witness and victim protection is rudimentary and there are credible reports that witnesses to crimes allegedly committed by the security forces have been killed or threatened to prevent them giving evidence. While there are some positive signs that the government is tackling the culture of impunity, no action has been taken in cases alleging police malpractice in relation to suspected LTTE members. We continue to urge the government to identify and prosecute those responsible for the most serious human rights cases, such as the killing of Action Contre La Faim workers in 2006 and the assassination of a leading newspaper editor in January.

The UK has been at the forefront of international efforts to contribute to an improvement in the human rights situation in Sri Lanka, both in its direct dealings with the government and in concert with international partners. Lasting peace in Sri Lanka and genuine reconciliation between Sri Lanka's communities will depend in large part on the promotion and protection of the rights of all Sri Lankans, irrespective of their ethnic or religious background. The Presidential election in January 2010 gave President Rajapakse a new mandate. The Prime Minister and the Foreign Secretary encouraged the government to take this opportunity to make progress on national reconciliation. We have also been encouraging the government to address concerns such as the pre-election violence that resulted in five deaths and the arrest, on unspecified charges, of Presidential candidate, Sarath Fonseka. We supported EU action on the Generalised System of Preference Plus (GSP+) (see page 69) in response to the human rights situation. We will also continue to urge the government to produce the National Action Plan on Human Rights that it gave an undertaking to draw up as part of the UN Human Rights Council's Universal Periodic Review (UPR) of Sri Lanka in 2008.

As the conflict entered its final months, between January and May, the LTTE are reported to have prevented civilians leaving their territory and to have used them as "human shields". Civilians were repeatedly displaced as the army advanced, creating almost 280,000 Internally Displaced Persons (IDP). Government restrictions on access to the north made it difficult for the UN, the International Committee of the Red Cross (ICRC) and other

humanitarian agencies to deliver essential food supplies and medical assistance to these civilians. The government also prevented journalists from travelling to the conflict area, which added to the difficulties of obtaining an independent assessment of the way the war was being fought.

We were gravely concerned by reports of persistent heavy shelling of civilian areas and by the satellite images that confirmed damage to civilian sites, including the hospital at Puthukuduirippu. Civilians who were in LTTE territory in the latter stages of the war have confirmed that the LTTE carried out a range of abuses, such as forced recruitment of civilians (including children) and the shooting of civilians who attempted to leave the conflict zone. During the fighting the UK consistently called for a humanitarian ceasefire and urged both sides to abide by their obligations under International Humanitarian Law (IHL).

Since the end of the conflict we have been calling, along with the EU, for an independent and credible process to address possible violations of IHL. The Sri Lankan government has made little progress. In August, Channel 4 broadcast mobile-phone footage purporting to show a Sri Lankan army soldier carrying out a number of extrajudicial killings. On 7 January 2010, Philip Alston, the UN Special Rapporteur on extra judicial summary or arbitrary executions, stated that initial investigations suggested the video was genuine. The Sri Lankan government maintain that the footage is fake. Whether genuine or not, the concerns it raises underline the importance of a credible investigation to establish whether either party to the conflict was responsible for violations. In October, President Rajapakse announced the formation of a committee to look into a US State Department report on possible violations. In late December, the President extended the deadline for the committee to report until the end of April 2010.

Internal Displacement

By the end of the war the Sri Lankan government had transferred approximately 280,000 civilians from the former conflict areas to camps in the north of Sri Lanka. Conditions have now improved to the extent that basic needs are being met.

The government denied the IDPs in the camps in Vavuniya their right to freedom of movement. They also initially imposed restrictions on access to the camps for humanitarian agencies although these have now eased. The UK has repeatedly called for:

- > freedom of movement for the IDPs held in the camps in Vavuniya;
- > their safe return to home areas as soon as is practically possible; and
- > unrestricted humanitarian access for humanitarian agencies to provide both protection and assistance to IDPs in both the camps and places of return.

The UK has also offered practical assistance. Since September 2008, the Department for International Development (DFID) has allocated £12.5 million to support the impartial humanitarian agencies provide vital assistance. This has included the provision of emergency shelter, support to improve water and sanitation conditions in the camps, and support to agencies to help in the de-mining process.

There remain significant protection concerns for both displaced and returning civilians, as well as for at least 11,500 suspected ex-combatants to whom the ICRC has no access and who themselves have no access to due legal process regarding their detention. There are additionally some 3,000 long-term medical cases still in hospitals and other medical establishments, and an unknown number of vulnerable people released to institutions who have lost links to their families and communities.

The Foreign Secretary visited Sri Lanka with French Foreign Minister Bernard Kouchner, in April, when they pressed for a humanitarian ceasefire and for improvements in the conditions of the IDPs. Des Browne, the Prime Minister's Special Envoy for Sri Lanka, conveyed similar messages when he took part in a cross-party visit by MPs in May. Mike Foster, the Parliamentary Under-Secretary of State for DFID, visited twice, in April and October, to witness the conditions in the camps and to press for improvements. During his second visit he announced that given our concerns about the length of time that the closed camps were remaining in place and lack of progress on freedom of movement or the returns process, the UK would cease funding for all new works in the existing camps with effect from the end of December. This was in line with funding decisions taken by other bilateral donors.

At the end of October, the government began to release IDPs from the camps in Vavuniya and allowed them to return to their home areas or to stay with family and friends. UN official figures report that as of 15 January 2010, around 187,500 people had been released from the camps, of which 158,500 have returned to their home areas, whilst 29,000 vulnerable people have been housed with host families or in institutions. Following the visit of Sir John Holmes, the UN Emergency Relief Coordinator, to Sri Lanka in November, the Sri Lankan government announced that from 1 December all IDPs remaining in the camps would have their freedom of movement restored. Since this announcement was made, restrictions have eased but the situation is still far from one of full freedom of movement.

Freedom of Expression

Sri Lanka ranks 162 out of 175 countries in the Reporters without Borders Press Freedom Index 2009. The environment for free expression deteriorated in the early part of 2009 as the conflict intensified. In January, an armed gang attacked the studios of Sri Lanka's biggest independent TV network, Maharaja Television, and a few days later the Chief Editor of the Sunday Leader, Lasantha Wickrematunga, was shot dead in broad daylight in a busy suburb of Colombo. Both the UK and the EU issued statements condemning the killing of Wickrematunga and calling for a rigorous investigation. Media outlets that criticised the government's conduct of the war were at particular threat. On some occasions individual journalists were branded as "traitors" on official websites and subsequently threatened or attacked. A number of prominent journalists and media activists have left Sri Lanka during 2009 as a result of the climate of intimidation.

Although there has been a reduction in high-profile attacks on journalists since June, many journalists who continue to practise are self-censoring their work to reduce risks to their safety, and the overall environment for journalists remains threatening. A Tamil journalist, J S Tissainayagam, was sentenced to 20 years' imprisonment on 31 August for charges related to his writing. In addition, Tamillanguage newspapers (such as Sudar Oli, Uthayan and Valampuri) continue to operate in extremely difficult conditions, with their staff regularly receiving anonymous threats.

The UK has consistently urged the government of Sri Lanka to promote and protect the right to freedom of expression. The Foreign Secretary raised our concern at the sentencing of Mr Tissainayagam and the message this sent on media freedom in Sri Lanka to Foreign Minister Bogollogama on 9 September. The EU also raised its concerns in a statement on 3 September. We are aware that Mr Tissainayagam is appealing and we will continue to follow the case.

Disappearances and Abductions

Reports of abductions and disappearances of civilians continued throughout 2009. In the vast majority of cases the reported victims are Tamil civilians. There have been persistent allegations of Sri Lankan security-force involvement. Mr Vidyatharan, editor of a Tamil newspaper, was arrested in February at a family funeral in a manner that led his family initially to report the incident as an abduction. A Tamil human rights defender was abducted at gunpoint within hours of the courts releasing him from police custody in May. A Sinhalese student was abducted, tortured and subsequently released in August following a dispute with the son of a senior police officer. Although fewer in number, reports of abductions have continued throughout the latter stages of the year.

Paramilitary activities

There has been little LTTE activity in Sri Lanka following the end of the fighting in May but a number of other armed groups continue to operate. The Tamil Makkal Viduthalai Pulikal (TMVP) and cadres loyal to Muralitharan (aka Karuna), a Tamil government minister and former senior LTTE member, are reported to continue to carry arms in the east. The People's Liberation Organisation of Tamil Eelam and other Tamil paramilitary groups are alleged to have been active in IDP camps in Vavuniya. And in Jaffna in the far north, Eelam People's Democratic Party, a government-aligned Tamil political party, is reported to be continuing to engage in paramilitary activity and to threaten political opponents. There have been claims that some of these groups disarmed in the latter stages of 2009 but there has been no verifiable disarmament process. Reported instances of paramilitary activity have decreased in the last few months of 2009 but allegations persist that these groups are perpetrating human rights abuses and pursuing criminal activity.

UNICEF reported very few cases of child recruitment in 2009 by paramilitary groups, other than the LTTE. A tripartite agreement signed by the TMVP, the Sri Lankan government and UNICEF in December 2008 has led to the release of the majority of child soldiers recruited in the east in the past few years. During the latter stages of the conflict, the LTTE continued to actively recruit children but following the war's end child recruits have been placed in government-led rehabilitation programmes.

Impunity

Throughout the conflict with the LTTE successive Sri Lankan governments have failed to take robust measures to address human rights violations. There has been no progress on investigations into a number of high profile cases, including the assassination of Mr Wickrematunga at the start of 2009. The Presidential Commission of Inquiry presented the results of its investigations in July into 16 high-profile human rights cases, including the 2006 murder of Action Contre La Faim aid workers. The Commission's report has not been made public and there has been no follow-up to date.

In 2009, the government also announced investigations into certain high-profile cases of police brutality, such as the killing of two youths in Angulana in the south in August. However, there has been no investigation into allegations that the police deliberately killed a number of leading underworld criminals while in custody in July and August. The police currently have extraordinary powers granted by Emergency Regulations, such as the ability to detain terrorist suspects for up to one year without referring them to an independent body and to search property

without a warrant, put in place to counter LTTE terrorism and which remain in force.

UN Human Rights Council

In May, we supported the convening of a Special Session of the UN Human Rights Council (HRC) on Sri Lanka. Although we were unable to support the subsequent resolution, other aspects of the session were more positive. We believe it was appropriate that the HRC provided a forum for scrutiny of the situation at such a critical juncture (for further details see page 60).

Supporting the Rehabilitation and Reintegration of Child Soldiers

In 2009, the Conflict Pool provided £392,000 through UNICEF and other local partners to support the rehabilitation and re-integration of former child soldiers in Sri Lanka. UNICEF has worked with the government to create a centre for the rehabilitation of children leaving armed groups. Since the centre was established last year nearly 300 former child combatants have received assistance. The centre provides children with education, vocational training and psychosocial support.

Following the end of the conflict in May 2009, there has been a large increase in the number of children received at the rehabilitation centre. Many will stay for at least a year, to receive support and learn new skills before they are gradually re-integrated back into society.

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