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Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Country updates: Sri Lanka

Latest Update: 31 December 2013

The human rights situation in Sri Lanka did not improve during the last three months, although the international focus on the country's human rights record intensified during the Commonwealth Heads of Government Meeting (CHOGM) in November.

There were a number of incidents during the week of CHOGM. On 13 November, family members of the disappeared from the north were prevented by security forces from travelling to Colombo to attend a human rights festival. The festival itself was attacked on 14 November, allegedly by pro-government protestors who previously attacked the Sri Lankan Opposition Leader's vehicle. A Tamil youth at the event was temporarily detained and allegedly attacked by the police. The police obtained a court order preventing protests and processions in Colombo during the 15 and 16 November, resulting in the cancellation of a candlelight vigil by human rights defenders. Part of the British Channel 4 team in Sri Lanka for CHOGM decided to cut short their visit, citing extensive intimidation and surveillance, including an apparently government-orchestrated protest which prevented the train they were travelling on from reaching the North.

During his CHOGM visit, British Prime Minister David Cameron said that the UK would be forced to use its position in the UN Human Rights Council to support the call by the UN High Commissioner for Human Rights to establish an independent international investigation, if Sri Lanka failed to set up a credible, transparent and independent domestic process by March 2014. The Prime Minister also urged the Sri Lankan government to agree a meaningful political settlement with the North, including demilitarisation, and to fully implement Lessons Learnt and Reconciliation Commission (LLRC) recommendations. The Prime Minister was also able to undertake a visit to Jaffna, the first visit of any Head of Government to the Northern Province since Sri Lanka's Independence in 1948. This visit allowed him to see the situation on the ground for himself, and speak to some of those affected by the conflict to hear their concerns directly. The Prime Minister was accompanied to Jaffna by media organisations such as BBC, ITV, Sky and Channel 4, which helped to contribute to increased scrutiny on human rights and accountability issues in Sri Lanka during CHOGM. Foreign Secretary William Hague called on Sri Lanka to end the culture of impunity on violence against women during an event addressing civil society, members of the Sri Lankan government, campaigners and the media on preventing sexual violence in conflict. The Foreign Secretary and Minister for Sri Lanka and the Commonwealth Hugo Swire met a wide range of Sri Lankan civil society actors and human rights defenders, including media activists, families of the disappeared, those working on torture prevention, and women's rights activists. We have emphasised to the Sri Lankan

government that the human rights defenders, journalists and members of the public whom Ministers met during CHOGM should not face any reprisals. Our High Commission in Colombo is closely monitoring this situation post-CHOGM.

Concerns continued over the culture of impunity in Sri Lanka. On 14 October a Sri Lankan court released on bail 12 Special Task Force personnel accused of killing five Tamil students in the eastern town of Trincomalee in 2006 (the 'Trinco 5'). The case had been re-opened for investigation in July this year. On 3 December French NGO, Action Against Hunger (ACF), in a report on the assassination of 17 ACF humanitarian aid workers in Sri Lanka, alleged that the aid workers were assassinated by members of the Sri Lankan security forces and the crime was covered up by "top Sri Lankan authorities". In December, newspapers reported that the Sri Lankan Human Rights Commission had postponed the National Inquiry on Torture that was due to be set up with assistance from the Commonwealth Secretariat, on a request from civil society. Prominent civil society actors have disassociated themselves from the request.

There were a number of custodial deaths of suspects under questionable circumstances during the period, in addition to two reported abductions. One of the alleged victims returned days later while the other remains missing. In a statement, civil society activists condemned the detention of seven Tamil youths under the Prevention of Terrorism Act (PTA) following their arrest in November. All seven remain in detention. Activists were concerned that the arrests were unfounded and would perpetuate the climate of fear and insecurity of the people of the North. A 10 December Human Rights Day demonstration by the families of the disappeared in the eastern town of Trincomalee was attacked by unidentified masked men. EU Heads of Missions in Colombo in their Human Rights Day message encouraged the government to extend further invitations to facilitate outstanding visit requests by other UN special mandate holders, including the Working Group on Enforced or Involuntary Disappearances. There were also a number of attacks on Christian churches and mosques during the period, including three on Christmas Eve.

Positively, the Sri Lankan External Affairs Minister told diplomats in December that a proposed Witness Protection Bill was nearly at the end of the parliamentary process. The Commission investigating wartime disappearances extended its deadline to receive complaints. The Commission's mandate was also extended by six months. Dr. Chaloka Beyani, the UN Special Rapporteur on Human Rights of Internally Displaced Persons (IDPs), visited Sri Lanka from 2-6 December. He noted Sri Lanka's "impressive strides in rebuilding infrastructure" and highlighted the need for more durable housing, access to social services, and the creation of livelihood opportunities. He also noted that of equal importance is an environment allowing the resettled and remaining IDPs to exercise their property rights, receive information on missing family members and access legal services.

Update: 30 September 2013

The overall human rights situation in Sri Lanka remains of concern, with mixed developments over the past three months.

Positive developments included: the transfer of police oversight from the Ministry of Defence to a new Ministry of Law and Order (both fall under the jurisdiction of the President); progress in investigations into the 2006 murder of five students in Trincomalee, with arrests of 12 Police Special Task Force (STF) personnel; the appointment of a Commission of Inquiry on Disappearances tasked with investigating disappearances in the north and east from 1990 to 2009; proposed amendments to the Penal Code to criminalise enforced disappearances; and assurances that the military would return some private land in the north within the next three months (however, reports persist of moves to regulate the compulsory acquisition of private land already taken over by the military).

The UN High Commissioner for Human Rights, Navi Pillay, visited Sri Lanka from the 25-31 August. While acknowledging progress on resettlement of internally displaced persons and physical reconstruction, she noted that physical reconstruction alone would not bring reconciliation, dignity or lasting peace. She also expressed concern that Sri Lanka was showing signs of heading in an 'increasingly authoritarian direction' and over the protection of those who met her from reprisals, intimidation and attacks. In a statement to the Human Rights Council on 25 September, she congratulated the Sri Lankan government on progress made on resettlement, reconstruction and rehabilitation, but expressed concern on a number of areas, including militarisation, accountability, religious tensions, and the fact that 'white van' disappearances in other parts of the country would not fall within the scope of the planned Commission of Inquiry on Disappearances.

Attacks against Muslims and Christians have continued. Local NGOs documented 227 incidents against Muslims and 60 against Christians, including attacks on places of worship and businesses, assaults, threats and harassment, seizure of property and hate speech. The most serious incident was the attack on Grandpass mosque in Colombo on 11 August, which resulted in the imposition of police curfew on two nights. The UK has urged the Sri Lankan government to take early action to promote the peaceful coexistence of religions, and to investigate attacks and prosecute those responsible. Three civilians were killed on 1 August during a military crack-down on a peaceful protest in Weliveriya, a Colombo suburb. The military publically defended its actions. Then Minister for Sri Lanka, Alistair Burt, released a statement outlining the UK's serious concern at these killings, and calling for an investigation. Investigations by the police and the national Human Rights Commission

are continuing. The EU Heads of Mission in Colombo issued a statement on 20 August expressing concern over the Weliveriya incident and the attacks on mosques and churches. They stated that the right to freedom of peaceful assembly and the right to freedom of worship were fundamental to democratic societies and needed state protection, and called on the Sri Lankan authorities to ensure justice through speedy, impartial investigations.

Provincial elections were held on 21 September in three provinces, including the first such election in the war-affected north. Although there were incidents of violence and violations of electoral law in the run-up (including intimidation, harassment and abuse of state resources), polling day itself was generally peaceful. Local election observers noted that the elections were “relatively free from violence, though not from intimidation”. However, Commonwealth election observers expressed concern over reports of military involvement in the intimidation of the electorate in the north.

With regard to freedom of expression, the country dropped two places, (from 72 in 2012 to 74), in this year’s Freedom House *press* index. Assaults on journalists continued. A journalist from Jaffna-based Uthayan newspaper was assaulted by an unidentified group on 10 July, while a senior Colombo-based journalist left the country following death threats and an attack on her home. Media rights groups also expressed concern over reports of attacks on journalists covering the Weliveriya demonstration. Mr Burt highlighted the importance of free media access to the Commonwealth Heads of Government Meeting (CHOGM) in November both publicly and in meetings with members of the Sri Lankan government. The Sri Lankan government subsequently stated that Commonwealth accredited journalists would not be denied entry to the country during CHOGM, although there have been statements to the contrary from representatives of the Sri Lankan government.

An EU statement on 30 August, to commemorate the International Day of the Disappeared, called upon the new Commission on Disappearances to ensure credible and transparent investigations consistent with international standards. The EU also called on the government to investigate existing cases and to invite the UN Working Group on Enforced or Involuntary Disappearances to visit the country. The Sri Lankan government has accepted visit requests from the Special Rapporteur on internally displaced persons and the Special Rapporteur on education. Nine requests by other UN special procedures mandate-holders to visit the country are also pending, including the Special Rapporteur on human rights defenders, and the Special Rapporteur on minority issues.

Update: 30 June 2013

The human rights situation in Sri Lanka between April and June saw both positive and negative developments, and we continued to regularly raise our human rights concerns with the Sri Lankan government. The UK welcomed the Sri Lankan Permanent Representative’s announcement to the EU Parliament that Sri Lanka will investigate the Channel 4 video footage alleging war crimes. The High Commissioner for Human Rights will undertake a visit to Sri Lanka in August. The Sri Lankan Permanent Representative told the UN Human Rights Council in May that a centralised, comprehensive database of detainees had been established by the Terrorism Investigation Division (TID) and investigations on 1,628 cases were completed. Families of missing detainees however maintained that the database was not freely accessible.

The UK welcomed the announcement that Northern Provincial Council elections will take place in September. However, the debate continued over devolution of power. In May a government coalition member introduced a motion in Parliament to abolish the 13th amendment to the constitution which devolves power to the provinces. The Sri Lankan Defence Secretary said that empowering a “hostile” provincial administration with land and police powers would have grave repercussions. There were also increased reports of land takeovers in Tamil areas. On 15 May over a thousand landowners from the north filed writ applications challenging the acquisition of their land as being “illegal and unlawful”.

There were continued restrictions on freedom of expression during the last three months. The Jaffna based Uthayan newspaper was repeatedly attacked, including an arson attack on the eve of the Sinhala and Tamil New Year. There was a failed attempt to abduct the editor of an anti- government Sinhala language newspaper on 30 May. Opposition politicians, particularly MPs from the Tamil National Alliance, reported increased threats and harassment. In May, Azad Sally, an anti-government Muslim politician was arrested under the Prevention of Terrorism Act over press comments. He was subsequently released on a Presidential directive.

The BBC World Service suspended Sinhala and Tamil broadcasts citing “targeted interference” of Tamil programming. A number of local and international activists including the Committee to Protect Journalists and Human Rights Watch raised concerns over plans to introduce a code of media ethics. The Media Minister said that the code would not become law, but legal ramifications of non-compliance remained unclear. Government officials were also quoted as stating that new digital/social media needed to be monitored as it had the potential to “destabilise nations” and “affect serious change”. The UK raised concerns over attacks on media institutions and threats to freedom of expression with Sri Lankan authorities.

There were a number of attacks on minority religious sites and continued campaigns against Christians and Muslims during the quarter. On 12 April a peaceful vigil against religiously motivated hate campaigns was dispersed by the police.

There were also concerns surrounding Freedom of Association. On 21 April a protest held by the political party the Democratic People's Front calling for wage hikes in the plantations sector was disrupted by persons allegedly connected to a ruling party politician. Party Leader Mano Ganesan sustained minor injuries during the incident.

A ruling party MP told Parliament on 5 June that disappeared journalist Prageeth Ekneligoda was currently living in France. The MP was asked to give evidence at the inquiry into the disappearance. In a separate case regarding the death of a detainee during a prison riot, Chief Justice Mohan Peiris was quoted as stating that "human rights are there to protect the majority and not the minority of criminals". 25 June marked 18 months since the murder of British National Khuram Sheikh. The High Commission expressed concern that no progress had been made in the murder investigation.

NGOs expressed concern about increasing restrictions on their operations in the country. Amnesty International in its latest report accused Sri Lanka of intensifying its crackdown on dissent and urged the Commonwealth not to hold the Commonwealth Heads of Government Meeting (CHOGM) in Sri Lanka unless the country's human rights situation improved. In May, the British Prime Minister announced his decision to attend CHOGM. A government spokesman told media that "we do not think that turning away from the problem is the best way to make progress in Sri Lanka...." The Prime Minister will use his visit to ".....shine a light on what is going on in the country, what has been achieved and what more needs to be done".

The British High Commission in Colombo marked the International Day Against Homophobia in May with a presentation of a cheque to Equal Ground, a non-profit organisation seeking rights for the LGBT community.

Update: 31 March 2013

FCO Minister Alistair Burt visited Sri Lanka from 31 January – 2 February. He met key political figures, NGOs and international organisations during engagements in Colombo and the north of the country. Delivering a lecture in Colombo, the Minister raised concerns about recent developments in Sri Lanka and called on the government to uphold human rights and the rule of law and to implement the Lessons Learnt and Reconciliation Commission (LLRC) report in full. He also said that the UK looked towards Sri Lanka, as host of the Commonwealth Heads of Government Meeting, to demonstrate its commitment to Commonwealth values.

In January the Sri Lankan President ratified the dismissal of Chief Justice Shirani Bandaranayake, who was impeached by Parliament in December. Ms. Bandaranaike and opposition members of the panel walked out of the Parliamentary Select Committee before proceedings concluded, alleging an unfair and highly politicised process. The Sri Lankan Supreme Court ruled that the process was unconstitutional and a number of domestic and international actors also expressed concerns. The UK raised concerns about freedom of expression, the impeachment of the Chief Justice and the rejection of recommendations relating to the independence of the judiciary during the adoption of Sri Lanka's Universal Periodic Review.

In February the International Crisis Group expressed concern that attacks on the judiciary and political dissent had "accelerated Sri Lanka's authoritarian turn" and were "a threat to long-term stability and peace". The report also noted with concern the upsurge in attacks by extremist Buddhists on Muslim religious sites and businesses in recent months. There were a number of attacks on Christian and Muslim religious establishments and Muslim-owned businesses by extremist groups. Physical attacks on mosques, anti-Muslim public rallies and processions were accompanied by calls to boycott Muslim business establishments, a halt to issuing halal certificates and offensive campaigns on social media.

On 5 January a local councillor was shot down by unidentified gunmen in a Colombo suburb. Suspects arrested in connection to the murder were linked to a government Minister. On 3 March there was a further allegation of an enforced disappearance, when Jaffna newspapers reported the disappearance of a 39 year old man who had previously been abducted in 2006. Campaigners have blamed previous abductions on paramilitary groups and security forces. Two Jaffna University students detained following student protests in November 2012 were released in January. Reports from the former conflict zone indicated that over 45 ex-combatants linked to the Liberation Tigers of Tamil Eelam (LTTE) before the final stages of the war were arrested in the north and east. A few have been released, but the majority remain in detention.

A military court of inquiry appointed to investigate allegations against the military over their conduct during the war completed its report in January. The three-page summary said that the Army took every precaution to avoid civilian casualties but recommended that military operations be re-evaluated to minimize or eliminate collateral damage in future. The final report was not made public.

In the last three months there were a number of incidents involving the media. On 15 February British-Sri Lankan journalist Faraz Shauketaly survived an assassination attempt by unidentified gunmen at his residence. Two days later a BBC crew reporting on a Buddhist extremist rally were threatened by a mob. The team were placed under "citizen's arrest" and temporarily detained. Tamil newspaper delivery staff in Jaffna were attacked on three separate occasions. On 26 March the BBC World Service suspended retransmission of its Tamil language broadcasts by the Sri Lankan Broadcasting Corporation citing "targeted interference" following censoring of programmes.

On 5 March police prevented hundreds of family members of the disappeared in Vavuniya from travelling to Colombo to stage a protest and hand over a petition to the UN calling for information about missing relatives and international interventions to seek justice.

International focus on Sri Lanka also continued during the quarter. On 15 March the United Nations Human Rights Council (UN HRC) adopted Sri Lanka's second Universal Periodic Review report. On 21 March the UN HRC adopted by 25 votes to 13 with eight abstentions a resolution calling on the Sri Lankan Government to promote accountability and reconciliation and encouraging the government to cooperate with the Office of the High Commissioner for Human Rights and special procedures mandate holders. The UK co-sponsored the US-led resolution, which builds on the text of a 2012 resolution.

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