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Amnesty International Report 2014/15

Democratic Socialist Republic of Sri Lanka

Head of state and government: Maithripala Sirisena

Unlawful detentions and torture by security forces were carried out with impunity as the authorities continued to rely on the Prevention of Terrorism Act to arrest and detain suspects without charge or trial. Human rights defenders and family members of people subjected to enforced disappearance were threatened and arrested, and fatal attacks on religious minorities went unpunished. Systematic impunity for alleged war crimes and crimes against humanity led the UN Human Rights Council in March to pass a resolution calling for a comprehensive investigation to be undertaken by the UN Office of the High Commissioner for Human Rights – a move the government opposed and refused to co-operate with. Human rights defenders received threats of reprisals by government officials and supporters if they were suspected of contacting investigators or otherwise advocating human rights accountability. Political violence and intimidation – mainly against political opposition supporters and civil society activists – were reported in the run-up to the snap presidential election called for January 2015.

Arbitrary arrests and detentions

Tamils suspected of links to the Liberation Tigers of Tamil Eelam (LTTE) continued to be arrested and detained under the Prevention of Terrorism Act (PTA) instead of ordinary criminal law. The PTA permits extended administrative detention, and shifts the burden of proof to a detainee alleging torture or other ill-treatment. It also restricts freedoms of expression and association and has been used to detain critics.

Torture and other ill-treatment

Torture and other ill-treatment of detainees – including sexual violence – remained widespread in Sri Lanka, especially at the moment of apprehension and during early stages of pre-trial detention. Victims reported torture of both adult and juvenile detainees; these included individuals arrested in the context of security operations as well as suspects in ordinary criminal cases.

Excessive use of force

Unnecessary and excessive use of force, causing the deaths of demonstrators, continued to be reported and to go unpunished. In May, four army officers suspended in the wake of an internal inquiry into the shooting and killing of demonstrators in a 2013 protest against pollution of the water supply in Weliveriya were reinstated and assigned to new posts. One victim in this incident was reportedly beaten to death while sheltering in a church. The army's report on the shooting was not made public.

Deaths in custody

In June, the Friday Forum, an informal citizens' group, called on the Inspector General of Police to take action against the killings of criminal suspects while in police custody. Police often claimed that the suspects were killed in self-defence or while trying to escape. The Bar Association of Sri Lanka also condemned the killing of suspects in police custody. In late 2013, four men who had been arrested for the alleged murder of a police constable and his wife died under suspicious circumstances in custody within a two-week period. The Bar Association released a statement in December 2013 expressing concern that the police explanations were virtually identical to those of past cases and that the deaths appeared to be extrajudicial executions.

Enforced disappearances

The ad hoc Presidential Commission to Investigate into Complaints Regarding Missing Persons (the Disappearances Commission) was appointed in August 2013 to examine complaints between 10 June 1990 and 19 May 2009. It received some 15,000 civilian complaints as well as about 5,000 cases of missing armed forces personnel. By August 2014, the Commission had reportedly begun inquiries into less than 5% of these cases, or 462 complaints. Some complaints, which the Commission said were being analyzed for further investigation, were potentially over a decade old.

Impunity

Serious violations of international law committed during the armed conflict, including enforced disappearances, extrajudicial executions and the intentional shelling of civilians and protected areas such as hospitals, remain unaddressed. The government continued to deny that such violations occurred until 15 July when it announced that it was expanding its Disappearances Commission to investigate other alleged crimes under international law. A panel of international lawyers was appointed to advise the government.

Refugees and asylum-seekers

Sri Lanka detained and forcefully deported asylum-seekers without adequately assessing their asylum claims, including individuals who were registered with UNHCR, the UN refugee agency, and were awaiting interviews. Authorities arrested and detained 328 asylum-seekers between June and mid-September, and deported 183 of them to Pakistan and Afghanistan. UNHCR said in September that it believed there were still more than 100 people of concern to them in detention, including 38 Pakistani nationals and 64 Afghan nationals. Many belonged to minority religious groups which were subject to discrimination and violence in their home countries.

Human rights defenders

Authorities continued to threaten, harass and arrest human rights defenders, including lawyers, family members of the disappeared and other activists. None of the incidents known to Amnesty International were effectively investigated, and no prosecutions were initiated. People calling for accountability for past and current human rights violations, including human rights defenders attempting to communicate concerns to the UN, were harassed and threatened. In some instances, individuals suspected of “internationalizing” these issues through association with foreign colleagues were detained. Women activists in northern Sri Lanka were questioned and arrested: significantly, Balendran Jeyakumari, whose son was the victim of an alleged enforced disappearance, remained held since her arbitrary detention under the PTA in March. Prominent human rights defenders Ruki Fernando and Father Praveen Mahesan faced continued restrictions imposed by the courts after they were arrested for attempting to investigate her case.¹

Freedoms of expression, peaceful assembly, association and movement

There were continuing reports of intimidation and harassment of journalists by state officials, including physical attacks, death threats and politically motivated charges. Perpetrators acted with impunity in these cases; none of the incidents were adequately investigated, and those suspected of criminal conduct were not prosecuted. Impunity also persisted for older cases of violence against journalists, including for unlawful killings and enforced disappearances.

On 18 May, the fifth anniversary of the end of Sri Lanka's armed conflict, the military sealed the offices of Uthayan, a Jaffna-based newspaper. The newspaper and its employees had faced previous forced closures, threats and violent attacks.

Civil society organizations also came under pressure. On 1 July, the Ministry of Defence issued a memorandum to "all non-governmental organizations" warning them to stop holding press conferences, workshops and journalists' trainings, or disseminating press releases.

Students in many parts of the country were violently attacked, and there were repeated efforts by the authorities to prevent them from organizing, including by prohibiting student unions and suspending student activists.

In October, travel restrictions were reimposed requiring foreign travellers to the Northern Province to obtain clearance from the Ministry of Defence.

In December, election monitors recorded dozens of reports of political violence, including attacks on political rallies, assaults and arson damage, most perpetrated by members of the ruling party.

Justice system

The independence of judicial institutions in Sri Lanka was compromised by the removal of checks and balances protecting the separation of powers. The 18th amendment to the Constitution, passed in 2010, gave the President the power to appoint and remove: the Chief Justice and judges of the Supreme Court; the President and judges of the Court of Appeal; the Attorney General and members of the Judicial Service Commission, which is the body responsible for appointments, transfers, dismissals and disciplinary control of judicial officers. In 2013, after the Supreme Court ruled against the government in several important cases, the Chief Justice was impeached by Parliament and then removed from office by the President, despite a Supreme Court decision that the impeachment was unconstitutional.

Discrimination – attacks on minorities

Discrimination against ethnic, linguistic and religious minorities, including members of Tamil, Muslim and Christian communities, continued. Minorities were singled out for arbitrary restrictions on freedoms of expression and association. Tamils, particularly those from the north of the country, were harassed, threatened and arrested by security forces which suspected them of sympathy or links with the LTTE, based largely on their ethnicity and place of origin or residence.

The army and police actively suppressed the rights of northern Tamils to advocate for justice publicly or to commemorate or mourn those killed in the armed conflict. Hindu and Christian religious observance was restricted in Tamil communities of northern Sri Lanka around key dates

and the army's requirement that all public gatherings, including family events, be reported to local military authorities discouraged participation in these activities.

Police failed to protect religious minorities when they faced violence by communal forces, and did not arrest perpetrators of such violence, even when there was photographic evidence to identify them. Threats, harassment and violence against Muslims, Christians and their places of worship escalated in 2014 when large-scale violence in a Muslim neighbourhood in June in Aluthgama resulted in deaths and injuries among residents and the destruction of homes and businesses.

1. Activists in northern Sri Lanka at risk (ASA 37/006/2014) www.amnesty.org/en/documents/ASA37/006/2014/en

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CONTACT

e: contactus@amnesty.org

t: +44-20-74135500

f: +44-20-79561157

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