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Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sri Lanka

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Contents

1. [Elections](#)
2. [Freedom of Expression and Assembly](#)
3. [Human Rights Defenders](#)
4. [Access to Justice and the Rule of Law](#)
5. [Death Penalty](#)
6. [Torture and Cruel, Inhuman or Degrading Treatment](#)
7. [Freedom of Religion or Belief](#)
8. [Minority Rights](#)
9. [Working with the UN](#)
10. [Give your comments and questions about the report](#)

The human rights situation in Sri Lanka continued to be of concern in 2014, with little overall improvement. The UK remained concerned over a number of issues: restrictions on freedom of expression and assembly; increases in attacks on Muslim and Evangelical Christian minorities; reports of torture and allegations of extrajudicial killings; and restrictions faced by minority Tamils in formerly conflict-affected areas in the north and east. Human rights defenders (HRDs) and those with dissenting voices were intimidated and subjected to harassment.

Sri Lanka's poor human rights situation was exacerbated by the weakness of state institutions and the judicial system. The Sri Lankan government expanded the mandate of the Presidential Commission to Inquire into Complaints Regarding Missing Persons to investigate and report on matters during the final stages of Sri Lanka's conflict. However, they refused to cooperate meaningfully with a number of key international human rights mechanisms on the issue of war crimes and accountability, including the UN Human Rights Council (HRC) and the Office of the High Commissioner for Human Rights (OHCHR).

The UK used its position in the HRC to urge the international community to establish an independent international

investigation into alleged serious violations and abuses of human rights in Sri Lanka during the recent conflict, due to the absence of a credible Sri Lankan domestic process. On 27 March 2014, the HRC adopted a resolution which established the OHCHR Investigation in Sri Lanka (OISL). The resolution, cosponsored by the UK, also called on the Sri Lankan government to make progress on addressing ongoing human rights and reconciliation issues, including establishing a credible domestic accountability process.

The UK consistently urged the Sri Lankan government to fulfil their international obligations on human rights. We made clear that the activities of HRDs were legitimate and that they should not be subject to harassment and intimidation. Our High Commission in Colombo actively monitored the human rights situation around the country through meetings with a variety of organisations, and actively promoted human rights across various media. The UK also funded projects and programmes specifically designed to improve the human rights situation, including on police reform and women's rights.

Presidential elections were called for January 2015. The UK was concerned at the conduct of the election campaigning in late 2014, including abuses of state resources and incidents of violence. We continued to see respect for human rights, a sustainable political settlement and accountability for alleged war crimes as priorities for any future government.

Elections

Provincial elections held in the Western and Southern Provinces in March were generally peaceful, despite one fatality following an inter-party confrontation. In contrast, Provincial Council elections held in Uva in September saw violence and the largescale abuse of state resources. Over 300 reports of campaign violence, including three serious incidents on election day, were reported by election monitors. The Mayor of Bandarawela and an Eastern Provincial Council member were hospitalised following separate assaults. Local election monitor, People's Action for Free and Fair Elections, did not consider the election free and fair, pointing to violence, widespread abuse of state property, and the use of public servants in election propaganda activities.

Following the November announcement of Presidential elections for January 2015, related violent incidents began to be reported. Up to the end of December 2014, local election monitors recorded 293 incidents of election-related violence. 168 of these were major incidents, including 21 instances of firearms being used, two attempted murders, 40 assaults, five incidents of arson, and one attempted abduction. The vast majority of attacks were allegedly by pro-government groups targeting the opposition.

On 29 December, Commonwealth Secretary, General Kamalesh Sharma, stated that the people of Sri Lanka must be able to "freely exercise their franchise, in an enabling environment marked by transparency, a level playing field, and adherence to the laws and norms that govern a credible and peaceful election". The UN Secretary General Ban Ki-moon conveyed his "strong expectation" that the government of Sri Lanka would ensure "the peaceful and credible conduct" of elections.

Freedom of Expression and Assembly

Restrictions on freedom of expression and assembly were reported throughout 2014, with continued intimidation, harassment, and a number of attacks on journalists, civil society, artists and opposition politicians. Sri Lanka dropped three places, to 165 out of 180, in the 2014 World Press Freedom Index.

There were many reported incidents of intimidation of journalists. In April, in an incident condemned by Reporters Without Borders, a journalist was attacked with iron rods in the northern province of Jaffna. Also in April, law enforcement representatives extensively questioned the editor of a leading Colombo-based newspaper following the publication of a photograph of a senior government official's wife with a controversial caption. A Tamil monthly newspaper faced harassment, and a distributor of the paper was assaulted and his newspapers dumped in a nearby reservoir by an armed gang.

In separate incidents in July, a leading political analyst and a film maker were subject to threats and harassment. A journalist was interrogated by law enforcement over his reporting of the Aluthgama riots and his work with Aljazeera. The President of the Bar Association faced intimidation following a number of outspoken comments.

NGOs involved in journalism training were targeted on several occasions, and hotels hosting investigative journalism workshops were subject to threats and intimidation. For example, individuals and journalists involved in organising a training course for Transparency International were subject to death threats, and those who travelled for the training were allegedly obstructed by Sri Lankan security forces. In July, a mob stormed the Sri Lanka Press Institute, disrupting a journalism training programme. On 1 July, the Ministry of Defence and Urban Development instructed NGOs not to train journalists, hold press conferences, or issue press releases unless specifically agreed, noting that such activities "exceeded their mandate".

The Committee to Protect Journalists, Front Line Defenders, the International Press Institute, Reporters Without Borders, and Transparency International all expressed concern about escalating intimidation. They called on the Sri Lankan authorities to take action to protect the safety of civil society. The British High Commissioner to Sri Lanka issued a statement on World Press Freedom Day noting that Sri Lankan journalists worked against a difficult backdrop of harassment and intimidation. He encouraged the government to renew its commitment to free expression by protecting journalists and ensuring investigations into past crimes.

Opposition MPs also faced violence, including a group of United National Party MPs and accompanying media personnel. They were attacked by a mob when touring the international airport and a port, Hambantota, in May. There were a number of attacks on street drama teams and artists. Incidents related to freedom of assembly were reported throughout the year. In March, a local activist Jeyakumari Balendran and her 13-year-old daughter, who were leading protests on the “disappeared”, were detained under the Prevention of Terrorists Act for allegedly harbouring a terror suspect. The local magistrate ordered Jeyakumari to be detained for 16 days under anti-terrorism laws, and her daughter was placed in social care. Local and international activists condemned the arrests. Jeyakumari remains in detention and her case is not scheduled to be heard until 13 March 2015, which would mark one year since her arrest.

A group of monks disrupted a meeting between civil society and representatives of families of the “disappeared”. Posters organising an event to commemorate the “disappeared”, which vilified leading civil society figures, were discovered on 25 October. Stones were thrown at the residence of the chief organiser of this event.

In May, 18 students leading protests in Colombo were arrested; four were later admitted to hospital with injuries. The main university students’ union, the Inter University Student Federation, alleged that the students’ injuries were a result of police torture, and had resulted in the blinding of one victim. Civil society organisations condemned the “assault, arrest and alleged torture” of the students. In December, students protesting over education rights were dispersed with water cannons and tear gas, and then allegedly further attacked by police, resulting in 28 students being hospitalised.

In other incidents, protesting fishermen were pelted with stones, and three were subsequently hospitalised. Two union leaders were allegedly subject to assault by unidentified groups on 25 October. The Free Trade Zone and General Employees Services Union, in a letter to the Inspector General of Police, said that “it is clear that our Trade Union leaders are being suppressed systematically”.

Human Rights Defenders

HRDs working in Sri Lanka continued to report harassment, intimidation, and increasing restrictions on their work. Several HRDs were labelled as Tamil Tiger supporters by a progovernment paper. Investigations into past incidents, from 2008 to the present, also failed to make any progress.

There was a domestic and international outcry after the Terrorist Investigations Department arrested two well-known Sri Lankan HRDs in March. The Foreign & Commonwealth Office (FCO) Minister for South Asia, Hugo Swire, was among those who raised concerns over the arrests and detention. Although released two days later, they remained under court order and investigation. A community leader, critical of the state’s urban land acquisition policy, was abducted by unidentified persons, but similarly released after public protest.

In November, Mayuri Inoka, the wife of a man allegedly abducted by members of the local police in 2013, was also abducted, but managed to escape. She told the media that she was threatened with the same fate as her husband if she did not stop her campaign to find him. In the north, a Citizens’ Committee Chairman, at the forefront of a campaign to release a HRD detained for over 200 days without charge, was attacked with iron rods, and threatened with death if he continued his campaign.

Throughout 2014, the UK consistently urged the Sri Lankan government to fulfil their international obligations on human rights, and to act to stop the harassment and intimidation of HRDs.

Access to Justice and the Rule of Law

In February, the Sri Lankan Supreme Court overturned a 2013 Court of Appeal ruling that had found the report of a Parliamentary Select Committee on the impeachment of the Chief Justice null and void. The impeachment had drawn considerable national and international criticism, including from the International Commission of Jurists, the UN Special Rapporteur on the independence of judges and lawyers, and the Bar Council of England and Wales.

The “Assistance to and Protection of Victims of Crime and Witnesses” Bill was presented to Parliament on 10 September. The UK welcomed the move and hopes to see the bill passed in 2015. However, concerns over detention issues remain, with reports of suspicious deaths in custody, and deaths of suspects shot by police while allegedly attempting to flee. The Friday Forum, a local civil society organisation, also raised concerns about the

deaths of alleged criminals under arrest “in very suspicious circumstances”.

In July, the Sri Lankan government appointed an international Advisory Council to advise the Presidential Commission to Inquire into Complaints Regarding Missing Persons, established to investigate disappearances in the north and east from 1990- 2009. Concerns remain over the effectiveness, capacity and independence of the inquiry.

Death Penalty

Sri Lanka has maintained a de facto moratorium on the death penalty since 1976, but again abstained on the UN General Assembly Third Committee “Moratorium on the use of the Death Penalty” resolution in December.

Torture and Cruel, Inhuman or Degrading Treatment

There were continued allegations of police involvement in torture and custodial deaths, as well as in extrajudicial killings throughout 2014. The Asian Human Rights Commission (AHRC) reported that a 17-year old in police custody was “severely tortured along with his brother and another family member”, denied medical treatment, and “died in the remand prison while his brother held him in his arms”.

Freedom of Religion or Belief

There were a high number of incidents targeting minority Christian and Muslim communities. On 15 June, violence erupted between Muslims and Sinhala Buddhists in Aluthgama and neighbouring Dharga Town in the south west, with the majority of the attacks against Muslims. These clashes and the subsequent rioting, which continued until 17 June, left at least three Muslims and one Tamil dead, scores injured, and dozens of homes and businesses destroyed. Inflammatory statements made by extremist Buddhist organisations, such as the Bodu Bala Sena, were blamed by many for rising tensions. The international community, including the UK and many international organisations, such as Amnesty International and the Organisation of Islamic Countries, expressed their concerns, and urged a thorough investigation into the attacks. They urged the Sri Lankan government to ensure that the rule of law was upheld, and welcomed assurance to investigate and take action against those responsible for the incidents. President Rajapaksa pledged to investigate the June violence, but no prosecutions had taken place by the end of 2014.

A local NGO noted attacks and intimidation against evangelical churches by mobs that included Buddhist monks. Evangelical Christian churches continued to report attacks on individuals, churches and prayer meetings, threats and harassment, restrictions on their right to assembly, and unfair administrative burdens. In March, two bombs were thrown at a mosque that had been repeatedly targeted by extremist groups for two years.

The HRC resolution of 27 March expressed alarm at the significant surge in attacks against members of religious minorities in Sri Lanka. It called upon the Sri Lankan government to end continuing incidents of human rights violations, and to investigate all alleged attacks on members of religious minority groups and places of worship.

Although communal violence between Buddhists and Muslims decreased towards the end of 2014, tensions remained, and sporadic attacks on Muslim and Christian places of worship and businesses continued to take place.

Minority Rights

There was no progress on seeking or achieving a political settlement with the minority Tamil community. There remained concerns over the situation in the predominantly Tamil and Muslim areas in the north and east. The UK continued to urge the government to work with the Tamil National Alliance to find a political solution.

In April, three Tamil Tiger operatives were killed by security forces near Vavuniya in the north during a reported confrontation. Subsequent security operations in the north and east saw scores detained and questioned, house-to-house searches, over 60 arrests under the Prevention of Terrorism Act, and restrictions on movement in some areas.

Although military drawback was evident in some areas, there was still a high level of military involvement in commercial and other civil activities, and the occupation of land in high security zones or military cantonments. The security forces have been accused of human rights violations, including rape, in these areas. Land rights continued to be an issue, with claims that Tamil land was being appropriated by the military and government for reallocation to the Sinhala majority.

On 10 October, the Ministry of Defence announced that all foreign passport holders would require prior permission to travel to the north.

Other Issues

Working with the UN

International focus on Sri Lanka intensified during 2014. On 24 February, the Office of the United Nations High Commissioner for Human Rights (OHCHR) published a report on reconciliation and accountability in Sri Lanka. The report recommended that the HRC establish an international inquiry mechanism to further investigate alleged violations of international human rights and humanitarian law during the Sri Lankan conflict, due to the lack of political will of the Sri Lankan government to make progress. The UK strongly supported the assessment of the UN High Commissioner for Human Rights.

On 27 March, the HRC adopted a resolution which established an international investigation into allegations of serious violations and abuses of human rights on both sides of the conflict, and called 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 built on the texts of resolutions in 2012 and 2013. Following the vote, Prime Minister David Cameron 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”.

On 19 August, President Rajapaksa announced that HRC-mandated investigators would not be allowed to visit Sri Lanka. The UN High Commissioner for Human Rights presented an oral update to the HRC on 22 September. He regretted the Sri Lankan government’s rejection of the HRC resolution and decision not to cooperate with the investigation. He also raised concerns over “threats currently being leveled against the human rights community in Sri Lanka, as well as prospective victims and witnesses”, and deplored recent “incitement and violence against the country’s Muslim and Christian minorities”. The UK has consistently called on Sri Lanka to engage with the investigation and expressed concern about threats and intimidation against those wanting to give evidence to the investigation.

This publication is part of the [2014 Human Rights and Democracy Report](#).