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Amnesty International Report 2010 - Sri Lanka

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Head of state and government: Mahinda Rajapaksa

Death penalty: abolitionist in practice

Population: 20.2 million

Life expectancy: 74 years

Under-5 mortality (m/f): 21/18 per 1,000

Adult literacy: 90.8 per cent

Some 300,000 Tamil civilians were displaced by armed conflict, and subsequently detained in government camps. Those suspected of ties with the Liberation Tigers of Tamil Eelam (LTTE) – more than 12,000 – were detained separately. Many were held incommunicado and sometimes in facilities not designed to hold prisoners or in secret places of detention. Civilians were trapped for months prior to the conflict's end in May without adequate food, shelter, sanitation and medical care, or access to humanitarian aid. The LTTE used civilians as human shields and used threats and violence to prevent them from fleeing the conflict zone. Government artillery killed and wounded civilians, including patients in hospitals and medical workers. The government failed to address impunity for past human rights violations, and continued to carry out enforced disappearances and torture. Hundreds of Tamils continued to be detained in the south for lengthy periods without charge under special security legislation. Human rights defenders and journalists were killed, assaulted, threatened and jailed. Police killings of criminal suspects intensified.

Background

In May, the Sri Lankan government declared victory over the LTTE, ending more than 25 years of armed conflict. But an end to fighting did not end the government's reliance on draconian security legislation or stem human rights violations.

Armed conflict

Both the Sri Lankan government and the LTTE violated international humanitarian law. The government used heavy weaponry indiscriminately in areas densely populated with

civilians. The LTTE forcibly recruited adults and children as combatants, used civilians as human shields against the approaching government forces, and attacked civilians who tried to escape. Independent accounts from the conflict areas were limited as access by the media, the UN and humanitarian agencies was restricted. According to UN estimates, thousands of civilians died in the fighting. Displaced people reported enforced disappearances of young men separated from their families by the military as civilians crossed into government territory and underwent military screening to identify LTTE combatants.

The government did not begin to reopen the A9 highway – the only land route to the Jaffna Peninsula – until July, thus severely restricting civilian access to humanitarian supplies during the first half of the year. Private vehicles were banned until late December.

Internally displaced people

By the end of May, civilians displaced by fighting were confined to government camps in the north and east where conditions were crowded and unsanitary. Many thousands of other civilians also remained displaced from earlier stages of the conflict. The Sri Lankan government initially banned humanitarian agencies from the newly established camps, which were run by the military, but gradually eased restrictions to allow delivery of relief material. Humanitarian workers were not permitted to speak to displaced people. Visits by journalists were tightly controlled, and no independent human rights monitoring was permitted. The ICRC lost access to the displaced when the government directed them to downgrade activities after fighting concluded. By year's end, restrictions on freedom of movement had been relaxed, but over 100,000 people remained in the camps.

Abuses by armed groups

LTTE

The LTTE recruited children as fighters and punished people who resisted forced recruitment. They imposed a strict pass system, hindering thousands of families from the Wanni region from moving to safer areas. As conflict intensified and territory controlled by the LTTE diminished, they actively prevented civilians from escaping, including shooting at those who tried to flee.

The LTTE also deliberately targeted civilians. They launched indiscriminate attacks outside the conflict zone, including suicide bombings and an aerial assault on Colombo.

- On 10 March, a suicide bombing of a Muslim religious procession in southern Sri Lanka killed 14 civilians and injured 50.

Government-allied armed groups

Armed groups allied with the government were used for counter-insurgency, including the Eelam People's Democratic Party, the People's Liberation Organization of Tamil Eelam, and the Tamil People's Liberation Front (TMVP). Members carried out enforced disappearances and hostage-taking for ransom, unlawful killings, and recruitment of child soldiers, including from camps housing internally displaced people. TMVP members and cadres loyal to the former TMVP leader, V. Muralitharan (known as Karuna), were accused by local parents of child recruitment in Batticaloa district. Internecine violence between supporters of the two factions resulted in civilian deaths.

Enforced disappearances

The government continued to carry out enforced disappearances as part of its counter-insurgency strategy. Enforced disappearances were reported in many parts of the country, particularly in northern and eastern Sri Lanka and in Colombo.

Arbitrary arrests and detentions

The security forces used emergency regulations to arrest and detain many thousands of Tamils suspected of LTTE links. People were arrested in various contexts, including in displacement camps, during search operations and at security checkpoints throughout the country.

- On 26 March, more than 300 people, most of them Tamil, were arrested in a search operation conducted between 6pm and 6am in the town of Gampaha, about 24km north-west of Colombo.

Hundreds of people remained detained without charge in police lock-ups and southern prisons under the Prevention of Terrorism Act and emergency regulations on suspicion of links to the LTTE; in November, 20 were released for lack of evidence.

- On 18 September, some 36 Tamil prisoners on hunger strike protesting against their prolonged detention without trial at Welikada jail said they were beaten by prison guards. Beatings by prison guards in November injured 22 Tamil prisoners, seven of them seriously.

Extrajudicial executions

Police killings of criminal suspects escalated after President Mahinda Rajapaksa ordered a crackdown on underworld activity in July. At least five alleged gang leaders were abducted and killed in July alone.

- In mid-August, thousands of Sri Lankans took to the streets to protest against the killing of two young men by police in Angulana, a suburb of Colombo, after a woman with police links accused them of harassment. Witnesses say the victims were beaten and otherwise tortured before being taken out of the station; their bodies were found the next day.

Impunity

Investigations into human rights violations by the military and police stalled. Court cases did not proceed as witnesses refused to come forward for fear of reprisals. In June, a Presidential Commission of Inquiry, established to look into serious violations of human rights committed since 2006, was disbanded without completing its mandated tasks. Of the 16 cases referred, only seven were investigated, with reports on five finalized. No reports were made public and no inquiry resulted in prosecutions.

People suspected of committing human rights violations continued to hold responsible positions in government. Minister of National Integration Vinayamoorthy Muralitharan (alias Karuna) and Chief Minister of the Eastern Province Sivanathurai Chandrakanthan (alias Pillayan) were reportedly responsible for abducting teenagers to serve as child soldiers, and holding as hostage, torturing and unlawfully killing civilians and people suspected of links to the LTTE. Both men were formerly LTTE members. There was no official investigation into any allegations of abuse.

- In September, Joséph Douglas Peiris and four other police officers were released on bail by the Supreme Court after they challenged convictions related to enforced disappearances carried out in July 1989. In August, a Gampaha court had sentenced the men to five years' hard labour for abducting two brothers (one of whom was killed) with intent to murder, and keeping the youths in illegal custody. The crimes were committed in the context of government counter-insurgency operations. The case took 20 years to prosecute.

Human rights defenders

Human rights defenders continued to be subjected to arbitrary arrests, enforced

disappearances, attacks and threats.

- Sinnavan Stephen Sunthararaj of the Centre for Human Rights and Development was abducted by uniformed men in May, just hours after his release from two months in police detention without charge. He remained missing at year's end.
- Five doctors who provided eyewitness accounts of civilian casualties in the final phase of the armed conflict were detained by the Sri Lankan army in May. In July, they were apparently compelled to publicly recant their earlier reports of Sri Lankan military attacks on civilians. Four of the five were released in August and permitted to resume work. The fifth, Dr Sivapalan, was released in late December.
- In August, Dr Paikiasothy Saravanamuttu, Director of the Colombo-based Centre for Policy Alternatives, received an anonymous letter posted to his home address, threatening to kill him if the EU withdrew Sri Lanka's Generalized System of Preference Plus tariff concession, which was in jeopardy because of Sri Lanka's failure to live up to its human rights commitments. In September he was detained and questioned by police at Bandaranaike International airport.

Journalists

Journalists were killed, physically assaulted, abducted, intimidated and harassed by both government personnel and members of armed groups. Little effort was made to investigate attacks or bring perpetrators to justice.

- Lasantha Wickrematunge, outspoken critic of the Sri Lankan government and editor of the Sunday Leader newspaper, was shot and killed on his way to work on 8 January.
- On 1 June, unidentified assailants abducted and assaulted Poddala Jayantha, General Secretary of the Working Journalists Association in Sri Lanka. His attackers called him a traitor, shaved his beard, beat him with iron bars, broke his leg and crushed his fingers, saying it was to prevent him from writing.
- On 31 August, journalist and prisoner of conscience Jayaprakash Sittampalam Tissainayagam was sentenced to 20 years' hard labour on terrorism charges for articles he wrote in 2006 criticizing the military's treatment of civilians in eastern Sri Lanka. His colleagues V. Jasiharan and V. Vallarmathy were released in October after 19 months in detention. The charges were dropped when they agreed not to pursue a fundamental rights complaint against the authorities.

Amnesty International visit/reports

- The authorities denied Amnesty International permission to visit the country.
- Stop the War on Civilians in Sri Lanka: A briefing on the humanitarian crisis and lack of human rights protection (ASA 37/004/2009)
- Twenty years of make-believe. Sri Lanka's Commissions of Inquiry (ASA 37/005/2009)
- Letter to the Security Council: The situation in Sri Lanka (ASA 37/009/2009)
- Sri Lanka: Government misrepresentations regarding the scale of the crisis (ASA 37/012/2009)
- Unlock the Camps in Sri Lanka (ASA 37/016/2009)

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