

# AMNESTY INTERNATIONAL MEDIA BRIEFING

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## Human rights in Sri Lanka

### Introduction

On 15-17 November 2013, Sri Lanka will host the biennial Commonwealth Heads of Government Meeting (CHOGM) in its capital Colombo, after which Sri Lanka is expected to chair the Commonwealth for two years. The choice of venue has, to say the least, proved controversial given Sri Lanka's appalling human rights record.

This briefing outlines some of the concerns Amnesty International has about the human rights situation in Sri Lanka.

### The Commonwealth and human rights in Sri Lanka

*"The Commonwealth's silence on Sri Lanka's human rights record has been nothing short of shameful. This a country where serious war crimes allegations have gone uninvestigated, and where the government today is leading a vicious campaign against critics daring to oppose it.*

*"The Sri Lankan government must not be allowed to use CHOGM as an opportunity to whitewash abuses of the past and present. As Chair of the Commonwealth, Sri Lanka would even be responsible for addressing the human rights of other member states – a role it is woefully ill-suited for."*

Polly Truscott, Amnesty International's Deputy Asia Pacific Director

By hosting CHOGM in Colombo, the Commonwealth is giving an extraordinary and ill-deserved seal of approval to impunity for human rights violations in Sri Lanka. The country's leaders have been accused of alleged war crimes committed during the last stages of the armed conflict, described in a UN report as "a grave assault on the entire regime of international law". Today, the government is slowly but surely dismantling institutions, including the judiciary, that protect human rights.

The 2009 Trinidad Affirmation, which enshrines the organization's values including human rights, reads like a checklist of what the Sri Lankan authorities have failed to do. As Chair of the Commonwealth, President Mahinda Rajapaksa would be expected to help the Secretary-General address any violations of human rights and other Commonwealth values, a role Sri Lanka is currently not fit to perform.

Amnesty International is calling on Commonwealth leaders to highlight and condemn past and ongoing human rights abuses in Sri Lanka during CHOGM, and to ensure that the country is not entrusted to Chair the organization for the next two years.

### No accountability for past crimes

During Sri Lanka's armed conflict (which ended in May 2009), and in particular during its final bloody months, according to UN estimates 40,000 civilians or more may have been killed. While many died at the hands of the Tamil Tigers, witnesses have alleged that government forces were responsible for the vast majority of casualties.

The Sri Lankan government continues to proclaim, in the face of all the evidence to the contrary, that its troops followed a "zero civilian casualties" policy. Its own domestic bodies set up to investigate allegations - including the so-called Lessons Learnt and Reconciliation Committee (LLRC) - have been little more than window dressing for the international community. Even the LLRC's recommendations have not been effectively implemented. Meanwhile Sri Lanka continues to oppose widespread calls for an independent and credible international investigation into alleged war crimes.

In September this year, the UN High Commissioner for Human Rights Navi Pillay expressed her dismay at the government's unwillingness to independently or credibly investigate alleged abuses, and said that the international community would have to conduct its own inquiries if there was still no progress by March 2014.

### **Enforced disappearances**

Sri Lanka has among the highest number of reported enforced disappearances in the world. While many enforced disappearances happened during the armed conflict, it is still an ongoing problem in Sri Lanka, with government opponents, journalists and other activists among the victims. This now even has a term – “white van kidnappings”, where people who challenge the government's narrative are last seen being taken away in trademark white vans.

Some 12,000 complaints of enforced disappearances have been submitted to the UN since the 1980s. But the actual number of disappeared is probably much higher, with at least 30,000 cases alleged up to 1994 and many thousands reported after that.

### **Attacks on critics**

Being a critic is dangerous in Sri Lanka. Since the end of the armed conflict, the government led by President Mahinda Rajapaksa has increasingly concentrated powers in its own hands, and led a harsh assault on dissenting voices. Journalists, members of the judiciary, human rights activists and opposition politicians are among those who have been targeted in a disturbing pattern of government-sanctioned abuse, often involving the security forces or their proxies. Amnesty International documented the post-war crackdown in detail in the report [Assault on Dissent](#) (30 April 2013).

### **Human rights defenders at risk around CHOGM**

Sri Lanka's disturbing record of harassing and intimidating human rights defenders tends to intensify around events when Sri Lanka is in the global spotlight, such as UN Human Rights Council sessions, or the visit of UN High Commissioner Navi Pillay to Sri Lanka in August 2013. Amnesty International is extremely concerned that the government will step up repression around CHOGM to hide civil society activism from visiting media and diplomats, and has called on the Commonwealth to monitor and condemn any targeting of human rights defenders during the summit.

### **Media being silenced**

Journalists continue to suffer intimidation, threats and attacks for reports that are critical of the government. At least 15 have been killed since 2006, and according to the Sri Lanka's Free Media Movement more than 80 journalists have fled Sri Lanka since 2005. Media in the war-torn and Tamil majority north are particularly at risk. In July this year, Kunalan Dileep, a journalist with the Jaffna-based *Uthayan* newspaper was assaulted. This was the third attack against staff of the paper in six months, none of which have been effectively investigated.

In late October, police broke up a Free Media Movement workshop in Colombo and interrogated two representatives of the International Federation of Journalists who the police claimed violated their visas by attending the event.

### **Justice system**

The independence of the judiciary is a fundamental Commonwealth value, but one the government of Sri Lanka has shown little respect for. In January of this year, the government impeached Chief Justice Shirani Bandaranayake on charges of misconduct, despite the Supreme Court ruling the procedure unconstitutional; her real “offence” appears to have been her failure to side with the Presidency.

But the Chief Justice's dismissal was just the culmination of months of government interference in the workings of the judiciary. Lawyers and judges had expressed public concern over other alleged government interference, with many complaining of receiving threats or being harassed if they were involved in cases dealing with human rights violations by the government.

### **Torture and other ill-treatment**

Torture in police custody is rampant in Sri Lanka. Sri Lanka's national human rights commission recorded 86 complaints of torture in the first three months of 2013 alone. In 2012, Amnesty

International documented at least five cases of deaths in custody after beatings or other ill-treatment by the police. Just one example is Chandrasiri Dassanayake, a witness in a case against the local police in Wadduwa, who died in custody on 15 April 2012 after witnesses reported seeing him beaten by the police.

#### **Harassment/Intimidation by Military Personnel**

Residents of Tamil-majority northern Sri Lanka have reported regular harassment and threats by Sri Lankan military personnel, who continue to remain in high numbers in the region, including attempts to restrict freedom of expression and association. There were widespread reports of army intimidation around the recent local elections in the Northern Province. In the south, four people were killed on 1 August when the army was brought in to quell a demonstration of villagers demanding clean drinking water. In August, President Rajapaksa announced that he was setting up a new ministry to oversee the police. While ostensibly a move to delink the police from the Ministry of Defence, the new ministry will be headed by a former Army Chief of Staff, and President Rajapaksa still retains direct control over both ministries.

#### **Attacks on religious minorities**

Members of minority religious groups like Christian and Muslims have been targeted in a number of attacks by supporters of Sinhala Buddhist organizations in the post-war years, with concerns raised about inadequate police protection and response. In October, the Bodu Bala Sena, a Sinhala Buddhist nationalist organization, announced that it would resume agitation against the sale of halal foods in Sri Lanka. Supporters of the group have been involved in violent attacks on Muslims and Muslim places of worship - in some cases complicity by the police and the ruling party has also been alleged. More than 35 threats and attacks on Christian places of worship have also been reported since January 2013.

#### **Further information and spokespeople**

Steve Crawshaw, Director of the Office of the Secretary General, is attending CHOGM events as Amnesty International's representative and is available for interviews from Colombo. There are also spokespeople in London.

For further information please contact:

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