

Submission by: Front Line Defenders – the International Foundation for the Protection of Human Rights Defenders

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Introduction

1. The following submission has been prepared based on information received from independent human rights defenders and organisations in Sri Lanka from January 2009 to April 2012.
2. Front Line Defenders (<http://www.frontlinedefenders.org>) is an international human rights NGO based in Ireland with Special Consultative Status with the Economic and Social Council of the United Nations. We have expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration of the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

General trends facing human rights defenders in Sri Lanka

3. The government of Sri Lanka has not kept its commitments to the people of Sri Lanka and the UN Human Rights Council in taking credible steps to provide justice and accountability for widespread and serious wartime abuses from all sides. For almost three years, the international community had waited patiently for the government to keep its promises. Sri Lankan human rights defenders (HRDs) who have endured war and abuses for decades, without any measure of justice, have been waiting much longer.
4. In post conflict Sri Lanka, HRDs continue to be branded and vilified as supporters of the Liberation Tigers of Tamil Eelam (LTTE) for their legitimate work in the promotion and protection of human rights. The trends reported to Front Line Defenders include enforced disappearances, extrajudicial killings, and smear campaigns by state media and government officials. HRDs who work with international mechanisms such as the UN Human Rights Council also face abuses in Geneva and when they return back to Sri Lanka.
5. Front Line Defenders has received testimonies from HRDs about how they and their colleagues have faced death threats or received physical abuse from the security forces, but chose to remain silent for fear that the level of threats will increase if they report these incidents to regional and international human rights NGOs.
6. In her report to the Human Rights Council in 2011, Ms Margaret Sekkagya, the Special

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Rapporteur on the situation of human rights defenders expressed her regret that no response has been recorded from the Sri Lankan authorities on the various communication she had sent during the reporting period. The Special Rapporteur also expressed deep concern about the reported climate of fear, including criminalisation, threats and intimidation against HRDs. She is especially concerned at the threats that may have been related to their cooperation with the UN Human Rights Council and Special Procedure mandate holders, which explains the lower number of complaints received during 2010.

Abductions and enforced disappearances

6. At the UPR review in 2008, Sri Lanka accepted the recommendation from Sweden in adopting measures to investigate, prosecute and punish those responsible for serious human rights violations, such as enforced disappearances, in accordance with international norms and in a transparent manner. Despite the acceptance, abductions and enforced disappearance cases have continued. In addition, investigations (even if commenced) seem to be blocked or put on hold.
7. Such is the case of Mr **Pattani Razeek**, the Managing Trustee of the Community Trust Fund (CTF) and an Executive Committee Member of the Asian Forum for Human Rights and Development (FORUM-ASIA) who initially disappeared in February 2010 and was found dead in July 2011. For over a year, the police made no attempt to apprehend and question the main suspect in his disappearance, Mr Shahabdeen Nowshaadh, a former CTF employee, despite evidence linking him to several ransom calls made to Pattani Razeek's family on his mobile number following his disappearance. It was not until July 2011 that Shahabdeen Nowshaadh was arrested, despite being identified by police in May-June 2010. Pattanee Razeek's family believes that the failure to take action against Shahabdeen Nowshaadh is connected to his connections to the Minister of Industry and Commerce, Mr Rishad Bathiudeen. To this day no significant progress has been made on the case.
8. The disappearance of Mr **Sinnavan Stephen Sunthararaj**, Centre for Human Rights and Development (CHRD) project manager, was well known for documenting cases of child abuse in Jaffna and was also the District Child Coordinator from 2003 to 2005. Mr Sunthararaj was last seen on the evening of 7 May 2009 when he was abducted by unknown gunmen in army uniforms whilst travelling in his lawyer's car, a few hours after his release. 1 February 2012 marked the 1000th day of Sinnavan Stephen Sunthararaj's enforced disappearance. In December 2009, the Permanent Secretary to the Ministry of Foreign Affairs, Mr. Palitha Kohana, informed United States Embassy and European Union officials in a meeting that that Mr Sunthararaj had not been abducted but arrested, probably by intelligence services. Since then, Mr Sunthararaj's wife has been writing to the Office of the President of Sri Lanka, urging him to reveal Mr Sunthararaj's place of detention and calling for his immediate release. She has still not received any response, in spite all her efforts. Since May 2009 no information has been obtained concerning his whereabouts.

Extra-judicial killings

9. The recommendations submitted by the Sri Lankan government-appointed Lessons Learnt and Reconciliation Commission (LLRC) five months ago have still not been implemented. The commission was created to look into matters of extra-judicial killings and come out with recommendations as to what action should be taken. Considering that it merely calls on the government to initiate credible and independent investigations into allegations of war crimes and to provide the Human Rights Council with an action plan on accountability, the inaction on the part of the state implies that the Sri Lankan Government has not taken seriously the commitment it made to various countries at the last UPR session in 2008 "to increase its efforts to further prevent cases of extra-judicial killings and ensure that all

perpetrators are brought to justice”.

10. Mr **Lasantha Wickramatunga**, editor-in-chief of the Sunday Leader newspaper and long-time critic of the Government's policy and the war with the Tamil Tiger rebels, was shot at by unidentified gunmen on the Attidiya Road, Ratmalana, as he drove to work on the morning of 8 January 2009. Four men, on two motorcycles, reportedly blocked his path close to the Malagala Model School. He was taken to the Kalubowila Teaching Hospital with serious head injuries and a team of neuro-surgeons operated on him for almost three hours before he died. To this date, there has not been proper investigation into the case and no perpetrator has been brought to justice.

Smear campaign by state-controlled media and government officials

11. Speaking at the 19th session of the Human Rights Council in March 2012, the Special Rapporteur on the situation of human rights defenders sharply criticised Sri Lanka's national media for campaigning against and endangering human rights defenders on the island. She made note of her concern on the grave situation and promised to look closely into and raise awareness. Cases of media smear campaigns are considered very dangerous as they mobilise whole groups of influential people against stand alone NGOs, more so individuals which find it practically impossible to continue with their lives, let alone human rights activities. HRDs in Sri Lanka know that a media smear campaign is one of the first warnings, a very dangerous one.
12. On 21 February 2012, Minister of Fisheries and Aquatic Resources Development, Dr Rajitha Senarathne, in a statement to Parliament, directly accused Mr **Herman Kumara** of organising the fishermen's protests, referring to him as a murderer and underworld thug. On 20 and 21 February, state-controlled newspapers The Dinamina and The Daily reported a statement made by Minister of Construction, Engineering Services, Housing and Common Amenities, Mr Wimal Weerawansa, alleging that “a Non-Governmental Organisation is behind the recent fishermen's protests in Chilaw.” This came after the protests in February 2012 against the increase in fuel prices, several fisher people were injured when police opened fire, and on 15 February 2012 a fisherman was killed. Although Herman Kumara and his organisation NAFSO were reportedly not involved in the protests, he had been subjected to verbal attacks by government ministers and to a media smear campaign alleging that he and his organisation instigated the protests.

Attacks against human rights defenders who use UN mechanisms in their work

13. HRDs and journalists who are believed to have links with the international community including the UN are accused of conspiring against the Government and supporting the LTTE. In September 2011, exiled Sri Lankan HRD Mr **Sunanda Deshapriya** was attacked in the state-media and on several websites, following his attendance of an informal meeting during the UN Human Rights Council in Geneva. Since May 2009, Sunanda Deshapriya has been living in exile in Geneva as a result of threats issued against him following his participation in the 10th Session of the Human Rights Council in March 2009 and 11th Special Session on Sri Lanka in May 2009. He has been repeatedly targeted by smear campaigns against him in the Sri Lanka media. Numerous calls have been made to have him killed as a result of his legitimate human rights work.
14. In January 2011, a state controlled newspaper published the names of fifteen HRDs from the north who attended training on the UN complaints mechanism. One HRD named in the article, faced serious threats and surveillance afterwards. From September to November 2011, one defender was tortured by the military and intelligence officers who accused him of documenting cases of disappearances and detention and sending information to the UN. He is currently seeking protection abroad.

15. From 9 to 23 March 2012, Dr **Paikiasothy Saravunammutta**, Ms **Nimalka Fernando**, Ms **Sunila Abeysekera**, and Mr **Sunanda Deshpriya** were targeted by government media and a Government Minister after their participation in the 19th Session of the Human Rights Council, where they had been lobbying to expose human rights violations in Sri Lanka. Paikiasothy Saravunammutta is the Executive Director of the Centre for Policy Alternatives. Nimalka Fernando is the President of the International Movement against All Forms of Discrimination and Racism. Sunila Abeysekera is the Executive Director of INFORM Human Rights Documentation and is a recipient of the 1998 UN Human Rights Prize.
16. Since March 2012, State affiliated newspapers, news websites, TV and radio stations, and government websites have been conducting a smear campaign against the defenders and accusing them of treason and of being affiliated with the Liberation Tigers of Tamil Eelam (LTTE), a separatist armed group that operated in Northern Sri Lanka. The human rights defenders have also been accused by the state media of receiving money to work against the interest of the country. On 23 March, the Minister of Public Relations Mr Meryn Silva reportedly threatened the defenders with physical harm if they set foot in Sri Lanka.

Developments since the previous Universal Periodic Review session

15. As of April 2012, the Special Rapporteur on the situation of human rights defenders have sent a request to visit the country in 2008 and a follow up request in 2010, however a positive response is yet to be received. This shows a trend of unwillingness to cooperate on the multiplicity of issues with regards to human rights defenders on the part of the Sri Lankan government.
16. In the last UPR session, the Sri Lankan Government accepted three recommendations which specifically address issues concerning human rights defenders namely for the Sri Lankan authorities to:
 - ▲ “Take measures to ensure access to humanitarian assistance for vulnerable populations and take further measures to protect civilians, including human rights defenders and humanitarian workers” (Recommended by Canada and Ireland).
 - ▲ “Ensure a safe environment for human rights defenders’ activities and that perpetrators of the murder, attacks, threats and harassment of human rights defenders be brought to justice” (Recommended by Ireland).
 - ▲ “Take measure to safeguard freedom of expression and protect human rights defenders, and effectively investigate allegation of attacks on journalists, media personnel and human rights defenders and prosecute those responsible” (Recommended by Poland).
17. Front Line Defenders regret that these recommendations have not been seriously addressed by the Sri Lankan authorities. As reported by this submission, HRDs continue to face severe criminalisation by government officials, security forces, and state controlled media. Impunity and violence against human rights defenders have not been fully and thoroughly investigated by the authorities in a transparent and timely manner.
18. **In conclusion, Front Line Defenders calls upon the UN Human Rights Council to urge the Sri Lankan authorities to prioritise the protection of human rights defenders and in doing so to:**
 1. Conduct an independent inquiry into the source of threats, ill-treatment, and all forms of intimidation and harassment directed towards all human rights defenders mentioned in this report;

2. Take urgent measures to end extra-judicial killings and enforced disappearances of human rights defenders, investigate all the cases, and bring those responsible to justice;
3. Ensure that all human rights defenders in Sri Lanka are free to carry out their legitimate human rights activities free from persecution;
4. Take measures to ensure that government officials or other public figures refrain from making statements or declaration stigmatising the legitimate work of human rights defenders;
5. Cooperate fully with the Special Rapporteur on the situation of human rights defenders by responding to urgent appeals and letters of allegations and accept the mandate-holder's continued requests to visit the country;
6. Fully implement the UN Declaration on Human Rights Defenders and the previously adopted UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of HRDs at all levels;