



Tamil Information Centre

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Submissions by the Tamil Information Centre on Sri Lanka

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1.0 Introduction

- 1.1 Human rights are violated with impunity in Sri Lanka and the people are in constant fear of denouncement as opponents of the Sri Lankan government or the Liberation Tigers of Tamil Eelam (LTTE). The security services and the paramilitaries can strike at will. The paramilitaries are fully integrated into the army's battle strategy and linked to government units through common purposes. Arbitrary arrests, abductions, torture and killings are commonplace. Thousands of people have fled their homeland rather than live under militarized regimes controlling the island. The treatment of Tamils and the denial of their legitimate rights and safeguards confirm that the human rights of the Tamil people of Sri Lanka are not protected by the rule of law.
- 1.2 The government continues its repressive policy, which includes killings, abduction for ransom, torture, bombardment of civilian areas and targeted assassinations. It has sought to stifle freedom of expression and association and to control the media by threats, attacks, assassinations and destruction of media offices. It has targeted human rights defenders and has denigrated officers of the UN and other international agencies involved in humanitarian work, in furtherance of its attempts to use humanitarian aid as a weapon of war. It has prevented adequate humanitarian aid reaching the displaced people in the north-east region, and the security forces and intelligence services have murdered scores of humanitarian workers.
- 1.3 The LTTE's record of abuses against civilians has also worsened. The LTTE has been responsible for serious human rights abuses, including threats, intimidation, abductions, killing of civilians, hostage-taking, use of child soldiers, assassinations and cruel and inhuman treatment of opponents. The LTTE is also guilty of grossly unfair demands on the people and forced displacement of civilians.

2.0 Arrest and detention

- 2.1 Arrests of Tamils are taking place in Sri Lanka's north-east, in many areas of the south and the hill country. Thousands of Tamils have been arrested in the last two years and many are still in prisons or detention centres, police stations or in military camps. Most arrests are not carried out on evidence of involvement in some illegal activity but on the mere basis of ethnicity.

2.2 A large number of Tamils, including women and students were rounded-up in the Colombo area between 29 November and 4 December 2007 and subject to degrading treatment. The government said on 5 December 2007 that 2,554 Tamils were taken into custody, 2,352 were released after interrogation, and 202 were detained for further investigation. These statistics are open to question. The security forces often deliberately neglect to record the names of all the persons taken into custody during round-ups and this has led to disappearance of hundreds of Tamils. The arrests took place during cordon and search operations although most victims were in possession of more than one identity document - such as national identity cards, passports, police registration certificates, Village Headman certificates and evidence of employment or trade in Colombo. The persons were not informed of the reasons for the arrest or detention. Their relatives were not informed of the whereabouts of the detainees. The security forces are not following even the few safeguards provided in the Emergency Regulations (ER) and the Presidential Directives.

2.4 The ER and the Prevention of Terrorism Act (PTA) give wide powers to the security forces and State officers, and both laws have been condemned as falling far below international standards by the UN and international human rights agencies, which have been repeatedly calling on the government to repeal these laws or introduce the necessary amendments to bring them into line with international standards. The Sri Lankan government has not only ignored these calls but has used these draconian laws to the fullest extent resulting in grave human rights violations. The ERs and the PTA, which are almost exclusively used against the Tamil community, encourage impunity among the security forces, and have led to arbitrary arrests, illegal detention, torture, rape, disappearance and extra-judicial executions.

3.0 Torture

3.1 Torture and ill-treatment are carried out by the armed forces, paramilitary groups and the police in military camps and police stations. There are allegations of sexual violence and abuse of women and children in custody, and intimidation of and threats against persons reporting torture. There are no effective witness and victim protection mechanisms in cases of torture. Torture has continued in Sri Lanka for several decades and is widespread, systematic and institutionalized, despite international condemnation.

3.2 The military and the police use various extreme physical and psychological beastly torture methods. Some of these are as follows: 1) beating with plastic pipes filled with cement, batons, belts or chains; 2) stamping wearing boots; 3) Hanging by the legs and beating all parts of the body; 4) burning with cigarettes; 5) suffocating by covering the head with plastic bags soaked in petrol; 6) beating on the soles of the feet; 7) inserting bottle, baton or barbed wire into the rectum; 8) applying chilli powder or other material to sensitive parts of the body; 9) detaining in a dark room; 10) kicking and punching repeatedly; 11) tying to a chair and beating; 12) tying the hand together and hanging from a pole; 13) giving electric shocks; 14) repeatedly smashing the head on a wall; inserting needles into finger nails and other parts of the body; 16) injecting liquids into various parts of the body; 17) deprivation of sleep.

3.3 Some of the victims of torture have been forced to join paramilitary groups, give evidence against other people or to spy for the military. The Tamil victims are almost always forced to sign a confession under torture or threat of torture and these confessions are used in evidence against them in court. The provisions of the ER and PTA which allow confessions as evidence in court encourage torture.

4.0 Killings and death threats

4.1 More than 5,000 people are reported to have died in north-east Sri Lanka since August 2006. These include extra-judicial executions. The Sri Lankan security forces, the non-state paramilitary groups aligned to the military and the LTTE are responsible for the killing of civilians. TIC sources have compiled a list of 1,907 deaths in the north-east between September 2005 and April 2007. There were 1,064 civilians among the dead, including 95 women and 133 children.¹ In many cases of civilian deaths, the killings have been carried out by

¹ The list does not include all the killings.

the so called “unidentified persons” arriving at homes and shooting them or taking them away to other places and murdering them.

4.2 Many civilians, including journalists, human rights defenders, officers of NGOs, government officers and even Tamil MPs have received death threats from the military. Many of those threatened have taken refuge in the Jaffna prison, where they are held along with other prisoners. The military has also directly threatened members of the judiciary with death, and the judges in army-controlled areas of the north-east are unable to perform their duties effectively.

5.0 Disappearances

5.1 In Colombo and other areas of southern Sri Lanka, 88 Tamils were abducted since February 2006. The persons abducted include journalists, students and women. The bodies of 12 people were found later and the fate of 60 people is unknown. Sixteen people were released after paying huge sums of money as ransom, which are paid into named bank accounts. But the Banks and the Police are not willing to investigate contravention of the Prevention of Money Laundering Act No 5 of 2006. Individuals, members of organizations and parliamentarians who investigated the abductions have received death threats.

5.2 In addition to the killings, and the disappearances in the east and Colombo, TIC sources have compiled a list of 900 people who went missing in Jaffna alone between December 2005 and August 2007. Of these, 252 were traced subsequently, 129 of whom were found in security force detention (78 were released later). This means, no information had been given by the security forces about detention to the relatives or the Sri Lanka Human Rights Commission (SLHRC) as required by the Presidential Directives. Seventeen people who went missing were brought in vehicles and dropped at various places by unidentified persons. The dead bodies of 13 other persons were later found. According to the list, 648 are still missing and people have witnessed 194 of them being abducted by the security forces.

5.3 Disappearance of people takes place during cordon and search operations, at military checkpoints and during curfew hours. People living near military installations are vulnerable. Often abductions are carried out in white vans, a hallmark of military death squads. During search operations, security force personnel in uniform cover their faces with black scarves in order to hide their identity. The daily curfew in Jaffna between 7.00pm and 5.00am and the cover of night enable the security forces to enter into houses and carry out abductions. Because of the curfew, people are vulnerable and there is no way to escape or call for help. The abductors have no difficulty in passing through several checkpoints with the victims.

5.4 In addition to abuses by security forces, parents and relatives continue to complain that forcible recruitment by the LTTE is taking place in areas controlled by them as well as other parts of the northeast.

6.0 Impunity

6.1 The government’s attitude and its refusal to take action on human rights violations are encouraging further abuses and impunity among security forces and government officers. Four Presidential Commissions inquired into 37,662 of the 54,404 complaints of disappearances, which took place between January 1988 and December 1995 and found evidence of disappearance in 21,115 cases. No enquiries have been conducted into another 16,742 cases of disappearances. No further action has been taken in the 21,115 cases where the commissions have recorded the names of the security force personnel responsible for the disappearances. A new Presidential Commission was appointed in 2006 with a mandate to inquire into complaints of abductions, disappearances and unexplained killings. But the government has not published the reports and has failed to take any action on the recommendations.

6.2 Human rights violations, including torture, are not probed by the police. In many instances, the investigators themselves have turned protectors or defenders of the perpetrators, and witnesses have been threatened. The security forces have carried out a number of massacres of Tamil civilians, most of which remain un-

investigated. Many Tamil civilians have also been killed in aerial bombardment by the Sri Lanka airforce and the Sri Lankan government has always denied that civilians were killed.

- 6.3 Since Mahinda Rajapakse became President, the government has encouraged human rights violations against Tamil civilians by the security forces. This is done by government ministers and officers making war-mongering statements, the taking the stance that the peace process will begin only after the LTTE is destroyed and the territory under LTTE control is liberated. They are also telling the public not to criticize the security forces, even regarding grave violation of human rights.

7.0 Human rights institutions

- 7.1 It is clear from the inaction even in the cases of serious human rights violations, the SLHRC which should be independent, is now functioning fully under the control of the Sri Lankan government and has failed to provide protection to the people in accordance with its mandate. It has failed to adequately monitor human rights violations and to investigate abuses. It lacks transparency and accountability. It has failed systematically to hold inquiries into abuses and publish reports. As a consequence, it has totally lost the confidence of the people and people's institutions.

In June 2007, International Independent Group of Eminent Persons (IIGEP) expressed concern that the conduct of the Presidential Commission appointed by the Sri Lankan government in November 2006 to inquire into complaints of abductions, disappearances and unexplained killings is inconsistent with international norms and standards.

8.0 Human rights defenders

- 8.1 Human rights defenders, journalists and even MPs have been threatened with death or other physical harm to force to keep quiet or abandon the cause they are pursuing. A Tamil MP has informed the TIC that "The threats and pressure come from government ministers and from persons linked to high government authorities". Information received by the TIC indicates that the persons most at risk of abuse in Sri Lanka are human rights defenders who persistently criticize the warring parties for human rights violations; reveal the links of politicians with the police officers and armed gangs involved in abuses; reveal corruption involving members of the administration and law enforcement officers; or reveal abuses against minorities.
- 8.2 Hundreds of human rights defenders have received death threats and many of them have been attacked. Many have left their homes and localities in the face of continued threats and many others have fled the country. Agents of the State including the police, army, and other law enforcement agencies, for whom successive governments of Sri Lanka have been directly accountable, have continued to perpetrate violations against human rights defenders.
- 8.3 Between January 2006 and September 2007, at least 57 humanitarian workers were killed in Sri Lanka. In many of the killings, government agencies, security forces or government-aligned paramilitaries are suspected to be involved. NGOs maintaining a position independent of the government in defense of human rights are under severe pressure from the Sri Lankan government as well as the LTTE and the paramilitary groups. The government has forced some humanitarian agencies to leave the country and denied visas to foreign aid workers. During the past two years, 12 media personnel have been killed in Sri Lanka. President Rajapakse, Defence Secretary Gotabhaya Rajapakse and the army commander have summoned meetings of media representatives on several occasions to warn them against criticizing the war. Trade unions and trade union rights are also under attack in Sri Lanka.

9.0 Hostile Supreme Court

- 9.1 The Judiciary led by Chief Justice Sarath N. Silva has become a partner of the executive in the violation of the rights of the people. The Chief Justice has warned some lawyers who represent victims of human rights abuses, in open court, that he will remove them from the Lawyers' Roll, if any more human rights cases are filed.

Impartial judges hearing human rights cases against the security forces in the north-east have been threatened and transferred to other areas. The Judicial Services Commission, which is headed by the Chief Justice, sent a circular letter on 22 August 2006 to all judges in the north-east instructing them not to interfere in the activities of the security forces.

- 9.2 The Supreme Court, on a petition filed by employer organization Joint Apparel Association Forum (JAAF) claiming that trade union action constituted an infringement of their rights, issued a restraining order on 25 July 2007 forbidding the trade union actions until 27 November 2007 and ordered the police and military to take immediate steps to ensure the trade unions complied with the decision.

10.0 Withdrawal from the ceasefire and displacement

- 10.1 On 2 January 2008, the Sri Lankan government withdrew from the ceasefire agreement of 22 February 2002. As a consequence, the Sri Lanka Monitoring Mission (SLMM), established to monitor ceasefire violations, has come to an end. The withdrawal of the government from the ceasefire and resumption of hostilities will result in further displacement and great human suffering.

- 10.2 Since August 2006, the government has imposed restrictions on food, fuel, medicines, raw materials and other essential needs to the LTTE-controlled areas of the north-east. It has imposed restrictions on materials that are essential for health, education, agriculture, transport and communication. It has also restricted legitimate livelihood activities such as fishing. The TIC has received information that the hospitals in the north-east suffer from acute shortage of doctors, hospital staff and medicines.

11.0 The International Community

- 11.1 Within the last two years the human rights situation has gravely deteriorated and the Sri Lankan government, rather than taking measures to protect the people, has unleashed its power on the people themselves, resulting in enormous suffering, particularly for the Tamil people in the island, and in erosion of democracy. The government has also made it clear by words and action that it will not take, for the foreseeable future, any measure to put the peace process back on track.

12.0 Request of the Tamil Information Centre

12.1 The Tamil Information Centre calls up on the UN Human Rights Council to

- a) take urgent measures for the presence of an international human rights monitoring body with access to all parts of Sri Lanka and access to all relevant institutions with a view to improving human rights on the ground and ensuring Sri Lanka's human rights obligations and commitments;**
- b) ensure that a mechanism for investigation of human rights violations throughout the island, which meets the requirements of independence, credibility, effectiveness and empowerment is established, with international participation, so that it contributes to public confidence, peace and stability in all parts of Sri Lanka;**
- c) ensure that impunity is dealt with in Sri Lanka, paying special attention to the laws and regulations that contribute to impunity, particularly through proper, adequate and impartial investigations into allegations of torture, rape, disappearances and extra-judicial executions, and that the perpetrators, irrespective of their ethnic origin, position or status, are prosecuted.**
- d) impress upon the Sri Lankan government that the role of human rights defenders in the protection of human rights and fundamental freedoms has been recognized by the UN, urge the government to end all attacks, verbal and physical, on human rights defenders, and promote a mechanism for the protection of the human rights defenders that ensures ability to carry out their work unimpeded.**