

2013 'Year in Review': Sri Lanka

December 2013



உலகத் தமிழர் பேரவை
Global Tamil Forum

Introduction

This 2013 'Year in Review' of Sri Lanka summarises the plight many people continue to face on the island, particularly Tamils.

The on-going perpetration of human rights violations, the lack of accountability for alleged war crimes and crimes against humanity arising from the end of the armed conflict in 2009, and the authoritarian actions of the Government of Sri Lanka continued to undermine reconciliation and the chances of a sustainable peace. The focus on Sri Lanka and the awareness of the ground realities has increased, despite the intensive efforts of the Government to hide its behaviour from the world.

As we head towards 2014, Global Tamil Forum (GTF) urges all members of the international community – governments, parliamentarians, civil society organisations and concerned citizens alike – to support the establishment of an independent, international inquiry, which can credibly investigate the conduct of the final months of Sri Lanka's war. This mechanism, under UN auspices, is imperative to ensure truth and justice for the tens of thousands who perished. It is a fundamental precondition of reconciliation. If this happens, there will be a genuine opportunity to set Sri Lanka on the path to a better future and a lasting peace.

Human Rights

"The Government of Sri Lanka is fully committed to protecting human rights defenders"
Government of Sri Lanka, 2013

Ground Realities

- In August, the UN High Commissioner for Human Rights, Navi Pillay, expressed her grave concerns regarding the *"curtailment or denial of personal freedoms and human rights [...] persistent impunity and the failure of the rule of law."*
- Many human rights defenders and citizens who had the chance to meet the High Commissioner, during her visit to the island, were intimidated by the security forces. *"This type of surveillance and harassment appears to be getting worse in Sri Lanka"*, Ms Pillay said.
- Draconian anti-terror legislation used to detain people without charge for lengthy periods has not been repealed and, in January, the Sri Lankan Parliament passed a law doubling separate police detention powers from 24 to 48 hours.
- In February, Human Rights Watch reported on the use of torture and sexual violence on Tamil detainees. *"Torture in police custody persists with impunity"*, according to Amnesty International.

Sri Lanka is "heading in an increasingly authoritarian direction"
UN High Commissioner for Human Rights, Navi Pillay, 2013

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5676

Number of recorded enforced disappearances in Sri Lanka, according to a 2013 UN report. 2nd most in world behind Iraq.

Human Rights continued...

- Retribution against peaceful protests was commonplace. For example, Tamil relatives of the disappeared, who were raising awareness of their plight, were attacked in Eastern Sri Lanka on Human Rights Day, 10th December. In August, three unarmed Sinhalese protestors, demonstrating against the pollution of a water supply in the town of Weliveriya, were killed, with many more injured, by members of the military and police.

- Internally Displaced People (IDPs) returned or resettled to the North and East continued to face hardship. In December, the UN Special Rapporteur on IDPs said *“tens of thousands [...] live in very precarious conditions and need more durable housing, access to social services, and the creation of livelihood opportunities.”*

Accountability

The “protection of civilian life was a key factor in the formulation of a policy for carrying out military operations. [...] the Commission concludes that the Security Forces had not deliberately targeted the civilians in the No Fire Zones”

Sri Lanka Army Report on Final Stages of War, 2013

Ground Realities

- The Government flouted its obligations in regards to accountability. There was still no accountability, in 2013, for the allegations of war crimes and crimes against humanity arising from the end of the conflict. In March, a 2nd UN Human Rights Council resolution in as many years was adopted, which noted *“with concern”* the failure of the Government’s domestic accountability process to address these issues.
- The team behind the Nobel Peace Prize-nominated ‘Sri Lanka’s Killing Fields’ films released ‘No Fire Zone’, in 2013, which revealed further evidence of alleged war crimes and crimes against humanity.
- Calls for an independent, international investigation continued to grow. The UN High Commissioner for Human Rights, the UK Prime Minister, the European Parliament and others in 2013 said that if there is no credible domestic mechanism established by March 2014, then an international inquiry should be initiated.
- In January, the Sri Lankan army released a report which maintained that there was no deliberate shelling of civilians by Government forces, and which called for the formulation of Sri Lanka’s own rules to deal with internal conflict situations, despite its international humanitarian and human rights law obligations.

“The absence of accountability for the serious violations of human rights and international humanitarian standards during and after the civil war is unacceptable”
Prime Minister of Canada, Rt. Hon Mr Stephen Harper MP, 2013

Militarisation

“The presence and strength of the military in the North has been reduced considerably. [...] The high security zones have ceased to exist”

Government of Sri Lanka, 2013

Ground Realities

- The on-going militarisation of the Tamil majority North and East of the island has displaced civilians, restricted economic opportunities and seen a clampdown on freedom of movement, expression and assembly.
- In May, 1474 Tamils from Jaffna in the North filed a case in Sri Lanka’s courts to stop the Government of Sri Lanka appropriating over 6,000 acres of private land to be used by the military. Many more are also engaged in similar court action. In August 2013, the Tamil National Alliance (TNA), the democratically elected voice of the Tamil people in Sri Lanka, moved a motion in Parliament calling for an investigation into land grabs by the State.
- The ethnic demography of the region continued to be re-engineered in 2013. According to the TNA Chief Minister of the Northern Province, C.V. Wigneswaran, the military *“plan to bring [Sinhalese] people from the South and resettle them along with army families. Similar to what they did in the East, they are trying to colonise the North as well.”*
- Women in Sri Lanka are facing increasing levels of sexual violence and insecurity. *“The government is actively contributing to the insecurity of minority women through the militarization of the north and east and by maintaining a climate of impunity where human rights violations continue”*, Minority Rights Group stated in October 2013.

89,000

Estimated number of war widows in the former conflict areas – North and East of Sri Lanka, according to Minority Rights Group.

“President Mahinda Rajapaksa’s administration is reluctant to allow devolution to begin, preferring to maintain de facto military rule in the North”
International Crisis Group, 2013

Politics

“We in Sri Lanka are stepping into a new era of peace, stability and renewed economic opportunities”
President Rajapaksa, 2013

Ground Realities

- The Commonwealth Heads of Government Meeting (CHOGM), held in Colombo in November, was overshadowed by human rights concerns in Sri Lanka. The Prime Ministers of India, Canada and Mauritius boycotted the event. Only 27 of the 53 invited Heads of Government attended – the lowest for many years.
- At CHOGM, the UK Prime Minister, Rt. Hon David Cameron MP, became the first Head of Government of any country to visit the North of Sri Lanka, since 1948. He raised serious human rights concerns and stated that if by March 2014 *“Sri Lanka doesn’t deliver an independent investigation [into war crimes allegations], the world will need to ensure an international investigation is carried out instead.”*
- In 2013, no further progress was made on a comprehensive political settlement to address the root cause of the armed conflict – the marginalisation of the Tamil people.

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Number of people prosecuted for alleged involvement in the perpetration of war crimes and crimes against humanity arising from the end of the conflict.

Politics continued...

- Bilateral discussions on a political settlement, between the TNA and the Government, which were halted in 2012, did not resume in 2013. In November, the leader of the TNA, Hon. R Sampanthan MP, reaffirmed his belief that the Parliamentary Select Committee – established as a replacement for the talks – was an attempt “*to scuttle the prospects of a political solution.*”
- Under intense international pressure, the Northern Provincial Council (NPC) elections were held in September, the first time in 25 years. Despite efforts to obtain support with gifts, promises and intimidation, President Rajapaksa’s Party was defeated by the TNA, who won 78% of the vote and 30 of 38 Council seats. TNA candidates and members were harassed and attacked, by the security forces.
- Prior to the NPC elections, the Government attempted to strip police and land powers from the prospective Council. In spite of the 13th Amendment to the Constitution enshrining such devolution, the President declared in July that “*no one can take land or police powers away from me.*” Within a week of the NPC result, the Supreme Court stripped the Council of power over land rights.

“The military in the [Northern Provincial Council] electoral campaign was consistently described to the mission as a significant obstacle to a credible electoral process”
Commonwealth Election Observer Mission, 2013

Rule of Law and Independence of the Judiciary

“We have a legal system in Sri Lanka [...] If there [are] any violations, we will take action against anyone. So we are open. We have nothing to hide.”

President Rajapaksa, 2013

Ground Realities

- In January 2013, Hon. Dr Shirani Bandaranayake, was illegally removed from her position as Chief Justice, on spurious charges, following her decision to question legislation on the centralisation of development funding. It was a move to stifle the independence of the judiciary. She was replaced by the former cabinet legal advisor and close ally of the President, Mohan Peiris.
- Along with many other cases of unresolved human rights violations, there has been no accountability for the murder of 17 Action Against Hunger aid workers in Muttur or for the deaths of 5 Tamil students in Trincomalee, both in 2006.
- There is a culture of impunity in Sri Lanka, as Government forces are allegedly complicit in the perpetration of these atrocities. In December, Action Against Hunger released a detailed report on the Muttur massacre, which concluded that the 17 aid workers “*were likely assassinated by members of Sri Lankan security forces and the criminals must have been covered up by Sri Lankan top authorities.*”

“The impeachment of the Supreme Court’s Chief Justice [...] was a particularly disturbing sign that the authorities do not plan to tolerate dissent or disagreement, showing blatant disregard for the rule of law and the independence of the judiciary”

The Elders, 2013

Religious Freedom

"We should march towards progress giving the highest priority to the principles of tolerance with unity and determination"

President Rajapaksa, 2013

Ground Realities

- There is heightened intolerance of non-Buddhist faiths. Islamic, Hindu and Christian sites and structures have been desecrated and their respective cultural practices insulted.
- Attacks against Protestant Christians have increased significantly, according to Christian Solidarity Worldwide. There were 64 recorded acts of violence from January to September 2013, including arson attacks, church demolitions, mob attacks, and physical assaults.
- The UN Human Rights Chief, Navi Pillay, received *"a compilation of 227 incidents of religious attacks, threats, incitement to hatred against Muslims alone that were recorded between January and July 2013."*
- Senior members of the Government of Sri Lanka are closely linked with extremist Buddhist-Sinhalese nationalist group, including Bodu Bala Sena (BBS) – The Buddhist Strength Force, who are seen to be inciting hatred against Muslims. In March, BBS' leadership academy was opened by the Defence Secretary, Gotabaya Rajapaksa, who stated in his address that *"the venerable monks always came forward to protect our country, race, religion and culture."*

"A climate of intolerance and fear continues to sweep the island as the government's stranglehold on the population grows ever tighter"

Amnesty International, 2013

Freedom of Expression

"We have given freedom to the media"

Mass Media and Information Minister Keheliya Rambukwella, 2013

Ground Realities

- Sri Lanka ranks 162nd out of 179 countries in the 2013 Reporters Without Borders press freedom index – below Burma, Russia and Iraq. The country was graded 4th worst country in the world by the 2013 Committee to Protect Journalists (CPJ) Impunity Index.
- The Tamil language daily, *Uthayan* – a critic of Government policy, has been attacked at least three times this year. Staff were seriously assaulted and the printing presses burned. 10 serious assaults have taken place on the newspaper's personnel since 2011.
- Faraz Shauketaly, a reporter for the Sunday Leader newspaper, was shot by gunmen in February. The assailants have not been brought to justice – a common theme of attacks on the media.
- In March, the BBC had to suspend BBC Tamil programming following continuing interference and interruption by the Sri Lanka Broadcasting Corporation.

"Freedom of expression is under a sustained assault in Sri Lanka"
UN High Commissioner for Human Rights, 2013

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Percentage of Sri Lanka's budget expenditure allocated to ministries under control of President Rajapaksa and two of his brothers, according to opposition UNP Party.

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Global Tamil Forum



Tel: +44 (0)208 251 2820

Address: PO Box 2048, Croydon, CR90 9LE

Web: www.globaltamilforum.org

Email: info@globaltamilforum.org