

## Sri Lanka

The aftermath of Sri Lanka's quarter century-long civil war, which ended in May 2009 with the defeat of the separatist Liberation Tigers of Tamil Eelam (LTTE), continued to dominate events in 2011. In April United Nations Secretary-General Ban Ki-moon released a report by a panel of experts that concluded that both government forces and the LTTE conducted military operations "with flagrant disregard for the protection, rights, welfare and lives of civilians and failed to respect the norms of international law." The panel recommended the establishment of an international investigative mechanism. Sri Lankan officials responded by vilifying the report and the panel members.

The government has failed to conduct credible investigations into alleged war crimes by security forces, dismissing the overwhelming body of evidence as LTTE propaganda. The government's Lessons Learnt and Reconciliation Commission (LLRC), characterized as a national accountability mechanism, is deeply flawed, does not meet international standards for such commissions, and has failed to systematically inquire into alleged abuses.

In August the government allowed emergency regulations in place for nearly three decades to lapse, but overbroad detention powers remained in place under other laws and new regulations. Several thousand detainees continue to be held without trial, in violation of international law.

### Accountability

Sri Lanka has made no progress toward justice for the extensive laws of war violations committed by both sides during the long civil war, including the government's indiscriminate shelling of civilians and the LTTE's use of thousands of civilians as "human shields" in the final months of the conflict. Since the war ended the government has not launched a single credible investigation into alleged abuses. The lack of investigation was especially conspicuous with regard to several incidents featured in a June 2011 program on the British television station Channel 4, showing gruesome images of what appear to be summary executions of captured and bound combatants. Incredibly, the government

repeatedly has dismissed the footage as fabricated despite several independent expert reports finding it authentic.

In May the Sri Lankan Defense Ministry held an international conference in Colombo, the capital, on defeating terrorism that gave scant attention to government abuses. In August the Defense Ministry issued its own report, conceding for the first time that government forces caused civilian deaths in the final months of the conflict, but taking no responsibility for laws of war violations and concluding peremptorily without further investigation that the deaths were the unfortunate collateral damage of war.

Impunity for serious violations also continues for older cases. Despite strong evidence of involvement by government forces in the execution-style slayings of 17 aid workers and five students in separate incidents in 2006, government inquiries continue to languish and no one has been arrested for the crimes.

The government has repeatedly extended the deadline for the LLRC. The LLRC's mandate focuses on the breakdown of the 2002 ceasefire between the government and the LTTE, and does not explicitly require it to investigate alleged war crimes during the conflict. The LLRC heard testimony but undertook no investigations into such allegations. The LLRC was due to submit its report to President Mahinda Rajapaksa on November 15. The government has stated that the report will be made public but has not indicated when it will do so. The government has not acted on the LLRC's preliminary recommendations.

### **Torture, Enforced Disappearances, and Arbitrary Detention**

While the government allowed longstanding emergency regulations to lapse in August, it failed to rescind other legislation granting police and other security forces overbroad detention powers and it adopted new regulations that in effect continue several of the emergency provisions. The president continues to issue monthly decrees granting the armed forces search and detention powers.

Despite the end of the formal state of emergency, the government also continues to hold several thousand people initially detained under the emergency regulations. Many have been held for years without trial, in violation of international law. The government has so far refused to even publish lists of those detained.

The government has gradually released many, but not all, of the more than 11,000 suspected LTTE members detained at the end of the war and sent to so-called

rehabilitation centers. The government denied detainees important due process guarantees, such as access to legal counsel, and thousands spent two years or more in detention. There are reports that some people released from the rehabilitation centers were harassed by security forces after they returned home.

In 2011, new reports of “disappearances” and abductions in the north and the east emerged, some linked to political parties and others to criminal gangs. The government has lifted its restriction on travel to parts of the north, although it maintains a very high security presence. Violence, including sexual assault, by so-called grease devils, some of whom could allegedly be traced to military camps, highlighted insecurity in the north and east.

The Prevention of Terrorism Act gives police broad powers over suspects in custody. Sri Lanka has a long history of torture by the police forces, at times resulting in death.

### **Civil Society and Opposition Members**

Free expression remained under assault in 2011. Gnanasundaram Kuhanathan, editor of a Jaffna-based newspaper, was beaten with iron bars by a group of unidentified youths in late July. He was severely injured and required hospitalization. In July a team of Radio Netherlands journalists were harassed by police and later robbed and attacked at gunpoint by a gang in a white van, a notorious symbol of terror in Sri Lanka. Lal Wickrematunge, chairman of the *Sunday Leader* and brother of Lasantha Wickrematunge (who was gunned down in 2009), received a phone call from President Rajapaksa in response to an article on high-level corruption in which the president said to Wickrematunge, “You are writing lies, outrageous lies! You can attack me politically, but if you attack me personally, I will know how to attack you personally too.”

There have been no further developments regarding the killing of Lasantha Wickrematunge or the disappearance of Prageeth Ekneligoda, a contributor to Lanka e-news, who has been missing since January 24, 2010.

Members and supporters of the Tamil National Alliance (TNA), campaigning ahead of local elections in Jaffna in June, were attacked by army personnel wielding rods, batons, and sticks. Among the injured were TNA members and police officers assigned to provide security to the parliamentarians. The results of an investigation into the incident ordered by the secretary of defense are not known.

In November the government blocked at least six news websites claiming that they had maligned the character of the president and other top government officials.

## **Reconciliation Efforts**

Reconciliation efforts, meant to address longstanding grievances of the ethnic Tamil population, have been slow at best. Local elections in March, July, and October further consolidated the hold of Rajapaksa's ruling alliance, although the TNA garnered significant victories in the north. The TNA and the government have been in negotiations to deal with, among other matters, devolution of powers to the provinces, a key issue underpinning the civil war. The talks have been rife with tension, with the TNA accusing the government of deceitful and facetious behavior, and the government accusing the TNA of issuing LTTE-type ultimatums as a result of its electoral victory in the north. The TNA left talks with the government in August but has since returned.

In September the TNA reacted angrily to government statements at the UN Human Rights Council (HRC) in Geneva, saying government claims that reconciliation efforts have been predicated on "building trust and amity" between the communities is not supported by the experience of the Tamil people.

## **Internally Displaced Persons**

The vast majority of the nearly 300,000 civilians illegally confined in military-controlled detention centers after the war have moved out of the centers back into communities, although not necessarily into their original homes. About 110,000 persons still live with host families or in camps and several thousand are not able to return because their home areas have not been demined. The government has still not granted international demining agencies access to several areas.

## **Key International Actors**

Pressure on accountability from key international actors mounted following the April release of a damning panel report commissioned by the UN secretary-general. Several countries—including Britain, Canada, Australia, and the United States—called on Sri Lanka to investigate the allegations contained in the report. The European Parliament adopted a resolution in May urging Sri Lanka to immediately investigate the allegations and the European Union to "support further efforts to strengthen the accountability process in Sri Lanka and to support the UN report." Even India, which had largely stayed silent on alleged abuses in Sri Lanka, added to the pressure in May when it called for investigations. Also in

May the UN special rapporteur on extrajudicial, summary, or arbitrary executions called on the government to investigate “textbook examples of extrajudicial executions” in Sri Lanka following a review of evidence related to government execution of prisoners.

In September UN Secretary-General Ban Ki-moon submitted the panel report on the war to the president of the HRC and, acting on one of the report’s recommendations, announced that the UN would undertake a separate inquiry into the its own actions in Sri Lanka during the final months of the war.

While several countries called for accountability for laws of war violations during the September HRC session, the Council failed to act following Ban’s transmission of the panel report and has not yet taken steps towards establishing an international accountability mechanism, the main recommendation in the report.

Several governments indicated that they will support an international accountability mechanism if the LLRC report fails to properly address accountability issues. US Assistant Secretary of State Robert Blake said during a trip to Sri Lanka in September that unless there is a full, credible, and independent accounting, “there will be pressure for some sort of alternative mechanism.” The UK has likewise said that it will “support the international community in revisiting all options” unless the Sri Lankan government demonstrates progress by the end of 2011.

US legislation restricts military aid to Sri Lanka, subject to strict conditions regarding progress on accountability and human rights.

At a Commonwealth summit in October, Canadian Prime Minister Stephen Harper called for a boycott of a planned Commonwealth heads of government summit in Sri Lanka in 2013, should Sri Lanka fail to improve its human rights record by that time.