



January 2008

country summary

Sri Lanka

In the continuing conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), both sides show little regard for the safety and well-being of civilians—and violate international humanitarian law—by indiscriminately firing on civilian areas and unnecessarily preventing the delivery of humanitarian aid. Since the breakdown of the ceasefire and the resumption of major military operations in mid-2006, hundreds of civilians have been killed and over 208,000 persons remain displaced as of October 31.

Government security forces are implicated in extrajudicial killings, enforced disappearances, forcibly returning internally displaced persons (IDPs) to unsafe areas, restricting media freedoms, apparent complicity with the abusive Karuna group, and widespread impunity for serious human rights violations. Hundreds of people have been detained under newly strengthened Emergency Regulations that give the government broad powers of arrest and detention without charge. The regulations have been used to conduct mass arbitrary arrests of ethnic Tamils in the capital Colombo, as well as to detain political opponents, journalists, and civil society activists.

In areas under its control, the LTTE continues to forcibly conscript children and adults, control the media, and suppress freedoms of expression, association and assembly. In contested areas, the LTTE continues to conduct targeted killings of perceived political opponents. On November 28, two bombings attributed to the LTTE killed 18 civilians in Colombo.

The Karuna group, which has been aligned with government forces since breaking away from the LTTE in 2004, openly engaged in child recruitment, extortion, abductions for ransom, and political killings. Its expelled leader Colonel Karuna was arrested by UK immigration authorities in London in October.

Internal Displacement

Nearly 315,000 people, mostly Tamil and Muslim, have fled their homes in the north and east because of renewed hostilities. Currently over 200,000 remain displaced in the east; many have been displaced multiple times. Returning IDPs face regular threats and occasional violence, including abductions, by both the LTTE and pro-government armed groups. In several instances during 2007, government authorities forced IDPs to return to insecure areas. Others are unlikely ever to be able to return to their homes following the government's announcement in May of the creation of "High Security Zones" that include "special economic areas" on land where thousands of families once lived.

Abductions and Enforced Disappearances

More than 1,100 new "disappearances" or abductions were reported between January 2006 and June 2007, the vast majority Tamils. While the LTTE has long been responsible for abductions, most recent reported "disappearances" implicate government forces or armed groups acting with government complicity, who target young Tamil men deemed to be part of the LTTE's civilian support network. On the northern Jaffna peninsula alone, in areas under strict military control, more than 800 persons were reported missing from December 2005 to April 2007. The national Human Rights Commission (HRC) does not publicize its data on "disappearances," yet credible sources maintain that about 1,000 cases were reported to the HRC in 2006 and over 300 cases in the first four months of 2007. A prominent Sri Lankan NGO, the Law and Society Trust, says that, on average, five persons are either killed or "disappeared" each day in Sri Lanka. The group recorded 540 cases of "disappearances" between January 1 and August 31, 2007.

In the lawlessness that has grown since the return to conflict, Tamil armed groups and criminal elements have committed numerous abductions for ransom. The victims were mostly businessmen from the Tamil community in Colombo.

Emergency Regulations

In December 2006 the government expanded the Emergency Regulations that were reintroduced in August 2005, labeling a range of peaceful activities as "terrorist

offenses.” Using sweeping language, the regulations criminalize any action threatening public order that aims to bring about “political or governmental change” or compels the government “to do or abstain from doing any act.” The government has used the regulations to detain political opponents, journalists, and civil society activists, and at this writing has provided no information about the number of people held and their whereabouts.

On November 22, 2006, agents of the Terrorist Investigation Division arrested Munusamy Parameswary, a reporter for the weekly newspaper *Mawbima*, under the Emergency Regulations, accusing her of “helping the LTTE” and of being “a suspected suicide bomber.” On March 22, 2007, the Supreme Court found no reasonable grounds for her detention and ordered her release.

Before Parameswary’s release, on February 27, the Terrorist Investigation Division arrested Dushantha Basnayake, spokesman and financial director of Standard Newspapers Ltd., the company that publishes *Mawbima* and the English-language weekly *Sunday Standard*. They detained Basnayake for over two months also under the Emergency Regulations, eventually releasing him on bail. On March 13 the government froze the assets of Standard Newspapers, citing suspected links to the LTTE, and neither *Mawbima* nor the *Sunday Standard* have been published since March 29.

Impunity

The Sri Lankan government fails to hold members of the security forces and non-state armed groups accountable for abuses. Key parts of the criminal justice system, such as the police and the Attorney General’s Office, have not effectively investigated human rights violations or brought perpetrators to justice. Victims of abuses by security forces and non-state armed groups are apprehensive about complaining to the authorities for fear of retaliation, especially in the absence of functioning victim and witness protection mechanisms. A draft witness protection bill is still pending.

Sri Lanka’s Human Rights Commission is of limited capacity and political weight, and unable to investigate specific incidents and make recommendations for redress,

primarily for lack of cooperation from the government. Independence of the Human Rights Commission and other constitutional bodies has been undermined since 2006, when Sri Lankan President Mahinda Rajapaksa directly appointed commission members, contrary to the constitution.

Given their limited resources and mandate, and lack of support from government agencies and the security forces, the Presidential Commission of Inquiry and the International Independent Group of Eminent Persons (IIGEP) have been ineffectual in investigating the 15 incidents of grave human rights abuses selected for inquiry. In its first statement in August 2007, the IIGEP noted that the Commission of Inquiry and the IIGEP are not a substitute for robust, effective national and international human rights monitoring to address the country's broader human rights problems. In early November the president extended the term of the Commission of Inquiry by an additional year, but determined that the body cannot examine practices of the Attorney General's Office.

The Nordic-led Sri Lanka Monitoring Mission (SLMM), created to monitor violations of the 2002 ceasefire, has had a significantly reduced role since the effective end of the ceasefire in mid-2006 and due to restrictions on its access.

Child Soldiers

The United Nations Children's Fund (UNICEF) documented 210 cases of recruitment and re-recruitment of children by the Karuna group from December 2006 to September 2007, and an almost identical number of cases of recruitment or re-recruitment by the LTTE in the same period. Fear often prevented parents from reporting cases, however.

Evictions of Tamils from Colombo

On June 7, 2007, 376 Tamils resident in Colombo were forcibly evicted and expelled from the city by security forces. While the government cited security reasons, those evicted included infants, the elderly, the sick; some evictees had been resident in Colombo for over a decade. Following an interim order halting the process arising from a fundamental rights petition filed by the Centre for Policy Alternatives, an NGO,

the government reportedly brought back 140 of those expelled. The prime minister apologized on behalf of the government, although the defense secretary defended the decision. President Rajapaksa ordered a commission to investigate the evictions but it is unclear how the commission will be constituted or what action, if any, it will take.

Media Freedom

The environment for media freedom continues to worsen. Tamil journalists in particular work under severe threat from both the government and LTTE, but the government also pressures Sinhala-language outlets that present critical news and views.

The Karuna group impedes and at times has blocked circulation of some Tamil-language newspapers in the north and east, including by issuing death threats to newspaper distributors in Trincomalee. There was no apparent effort by the government to address these actions or arrest those responsible.

Sri Lankan Migrant Workers

More than 660,000 Sri Lankan women work abroad as domestic workers, nearly 90 percent in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates. Poor monitoring of labor recruiters has allowed unscrupulous labor agents and their unlicensed sub-agents to demand illegal, exorbitant fees from prospective migrant domestic workers, leaving them highly indebted. Labor agents often deceive women about their conditions of employment, including the country where they will work and their salary. In mid-2007 the government instituted measures to provide migrant workers greater information about their employment contracts; the impact of these efforts is not yet clear. Once abroad domestic workers face a wide range of abuses, including long hours, no rest days, forced confinement, extremely low wages, physical and sexual abuse, and conditions that amount to forced labor (see Saudi Arabia and UAE chapters). Sri Lankan consular officials often provide little or no assistance to domestic workers who approach them with cases of unpaid wages and abuse.

Human Rights Defenders and Humanitarian Workers

Human rights defenders, community leaders, and humanitarian workers in Sri Lanka have particularly come under attack. The government tries to silence those questioning or criticizing its approach to the armed conflict or its human rights record. It has dismissed peaceful critics as “traitors,” “terrorist sympathizers,” and “supporters of the LTTE.” The Law and Society Trust reported that from January 2006 to August 2007, 40 humanitarian workers and religious leaders had been killed and 20 “disappeared.” During an August 2007 visit, UN Under-Secretary for Humanitarian Affairs and Emergency Relief John Holmes described Sri Lanka as “one of the most dangerous places for aid workers in the world.” The chief government whip and cabinet minister Jeyaraj Fernandupulle dismissed Holmes as a “terrorist.”

In areas under its control the LTTE prevents development of any independent and effective human rights institutions. Domestic human rights organizations critical of the LTTE have justifiable concerns for their safety.

Key International Actors

Expressions of concern about the situation in Sri Lanka grew in 2007 but international action on human rights was slow and lacked cohesion.

In early May the UK suspended around US\$3 million of debt relief aid to the Sri Lankan government, citing concerns over human rights and defense spending. In June the European Parliament Committee on Development conducted a hearing on the humanitarian and human rights situation in Sri Lanka since the December 2004 tsunami. There was little support within the Parliament to pass a resolution on Sri Lanka, however.

The US increasingly criticized the Sri Lankan government and the LTTE for failing to stem human rights abuses. Notably, at the end of a three-day visit in May, US Assistant Secretary of State for South and Central Asian Affairs Richard Boucher expressed strong concern about the spate of abductions, killings, and attacks on the media in Sri Lanka. In October the US for the first time called on the Sri Lankan government to cooperate with the United Nations in establishing an international human rights monitoring mission to investigate and report on human rights abuses

by all sides to the conflict. The US government's Millennium Challenge Corporation suspended more than US\$110 million in aid due to concerns about the country's human rights situation.

European Union members on the UN Human Rights Council sought unsuccessfully to adopt a resolution on human rights in Sri Lanka. The Sri Lankan government sought to thwart such efforts by inviting United Nations High Commissioner for Human Rights Louise Arbour and Special Rapporteur on Torture Manfred Nowak. Both UN officials visited Sri Lanka in October 2007. At the end of the high commissioner's five-day visit, Human Rights Minister Mahinda Samarasinghe told Arbour that Sri Lanka would not agree to her call for UN monitoring of human rights in the country. Authorities tried to dismiss allegations of human rights violations as propaganda by separatist Tamil Tiger rebels, but Arbour stated she believed there were "credible allegations that deserved to be investigated." She also expressed concern about the culture of impunity and a disturbing lack of investigations that undermines confidence in institutions set up to protect human rights.