



## Minority Rights Group International submission on Sri Lanka to the 14<sup>th</sup> session of the Universal Periodic Review

### Introduction

1. Nearly three years since the end of the armed conflict reports of serious human rights violations continue to occur in a climate of impunity. The Government of Sri Lanka (GoSL) continues to deny wide ranging allegations of war crimes and other violations of international human rights and humanitarian laws during the last stages of the conflict and has taken no steps to conduct an impartial and independent investigation into these allegations. There have also been no substantive efforts towards reconciliation between communities, particularly in the war-ravaged areas.
2. This submission will concentrate solely on Sri Lanka's ethnic minorities – 18 percent Sri Lankan Tamils and Tamils of Indian origin and 8 percent Muslims. Minorities are spread across the country but the northern province (Jaffna and Vanni –Killinochi, Mannar and Mulaitivu districts) and Eastern province (Trincomlamee, Ampara and Batticaloa districts) have a higher concentration of minorities. It will focus on two aspects; firstly, how minorities are disproportionately the victims of human rights violations in Sri Lanka and secondly on the government's failure to promote and protect minority rights in Sri Lanka. The reporting period here is the 2008-2012.
3. All of the information in this submission is sourced from MRG publications and documents which are listed below.

### Extra-judicial killings

4. In 2009 there was a wave of extra judicial killings of Tamils that were reported in the northern town of Jaffna and in camps of Internally Displaced Persons (IDPs). The number of incidents reported decreased in 2010, 2011 and 2012 but continued to occur. The following two cases are examples of incidents that occurred during that period:
  - 28-year-old Sampanthan Sakhitharan, a teacher at Chaavakachcheari Hindu College, Jaffna, died on 15 March 2011 after he was abducted, attacked and tortured, reportedly following a dispute with military officers in Tirunelveli in Jaffna.
  - The Deputy Director of Education of Jaffna District, Markandu Sivalingam, was shot dead on 26/11/10 by armed men in Urumpiai, Jaffna. He had reportedly refused to instruct schools in his educational zone to sing the national anthem in the Sinhala language.
5. Killings are perpetrated by a number of different actors including, state armed forces – police, associates of government ministers, military; military intelligence officers; former Liberation Tigers of Tamil Eelam (LTTE) cadres who have been armed and work as state agents and para-military groups that work with the government such as the Eelam's Peoples Democratic Party (EPDP) and Tamil Makkal Vidithulai Pulikal (TMVP).
6. A large majority of the killings that occurred during this period have never been properly investigated nor have the perpetrators been brought to justice.

### Arbitrary detention

7. A large number of Tamils remain in detention having been arrested under the Prevention of Terrorism Act (PTA) and Emergency Regulations (ER). A large number of these individuals are

- being detained without conviction. Despite the government lifting ER, they have not taken any substantial action to release people detained under these laws or release them.
8. In the aftermath of the armed conflict, when civilians were returning to their homes, the Sri Lankan military told people that if anyone had been part of the LTTE, or worked for the movement 'even for one day' they should surrender. Hundreds of Tamil civilians, some LTTE cadres, others who had been forcibly recruited to the movement and or had done non-military work like dig bunkers, surrendered at the time. These people were all detained under PTA and ER. Many of them, commonly known as 'surrenderees' remain in detention.
  9. The Sri Lankan government continues to maintain detention centres that are not publicly known. Neither the ICRC, nor family members of those detained have access to these people or to these centres.
  10. There are reports of wide scale torture taking place in these detention centres.

### **Disappearances and abductions**

11. As in the case of extra-judicial killings, there was a wave of abductions and disappearance reported in Sri Lanka in the period 2007-2009. None of these cases have been properly investigated.
12. A majority of people abducted and disappeared during the period 2007-2010 were Tamils.
13. In many cases there was evidence that the perpetrators were state actors and/or agents of the state.
14. In 2010 and 2011 reports of abductions and disappearances continued but the number of reported cases decreased from previous years.
15. In the five month period October 2011 – February 2012, there were 32 abductions reported in the media. Seven of these people were found dead and bore signs of extra-judicial killing. A number of them were from the Tamil and Muslim community.
  - In February 2011 year Ramasamy Prabhakaran, a Tamil businessman who filed a case against Sri Lankan police for torture, unlawful arrest and detention, was abducted at his home in Colombo by armed men. He was due to appear in court on February 13.

### **Militarisation and restriction to freedoms in the former conflict areas.**

16. According to MRG research, In the Jaffna peninsula there are some 40,000 army officers, a ratio of approximately 1:11 of military personnel to civilians. The situation in the Vanni is much worse. The ratio of military personnel to civilians there is reported to be 1:3.
17. The military has also been give key civilian administrative positions, examples include Governor of the Northern Province and Governor of the Eastern Province.
18. There are frequent incidents of assault of civilians by armed men, in some cases in military uniform. Examples of incidents include –
  - In July 2011 an attack by men in military uniform on members of the Tamil National Alliance (TNA) during a propaganda meeting in Saiva Mahasabai Hall, Alaveddi, Jaffna located in Thellipalai Divisional secretariat. There has been no legal action taken on this case.
  - In November 2011, Thavapaln, the President of the Jaffna University Student Union was assaulted by a group of armed men, close to a military check post at Manaltharai lane.
19. There is virtually no freedom of expression or freedom of assembly in the Vanni and very limited freedoms in Jaffna, Trincomalee and the Eastern province. Independent Sri Lankan journalists and international media organisations can't travel freely in the Vanni. There is hardly any reporting on the situation of civilians or on human rights violations in this area.

20. Freedom of assembly is severely curtailed in the Vanni and in parts of the north and east. In the Vanni people are not allowed to independently gather even if it is to discuss socio-economic issues such as income generation projects.
21. MRG research has found that civilians are constantly monitored by state agents, including military intelligence and members of paramilitary groups. In the Vanni district the public have to get military permission to conduct any event, even a family function.

### **Restrictions to civil society and situation of Human Rights Defenders (HRDs)**

22. As in Colombo and other major towns, in Jaffna too, it is not uncommon for the Criminal Investigation Department (CID), the Terrorist Investigation Department (TID), the Civil Protection Force (CPC) or other military and police officials to enter the offices of NGOs, question workers about their activities and demand reports.
23. Human Rights Defenders from these areas are under a particularly high level of risk. In the reporting period there have been many cases of killings, disappearance and abductions of HRDs.
  - In December 2010, Lalith Kumara Weeraraju and Kugan Muruganandan, organising a meeting ahead of human rights day in the northern town of Jaffna, were forcibly disappeared.
  - In 2011 police discovered the body of Pattani Razik, a Muslim human rights defender. Mr. Razeek had disappeared on 11 February 2010. Based on witness accounts police investigations found his abductor was Mr. Shahabeen Noushadh, the personal assistant of a senior government minister. Naushadh was arrested on 8 July 2011 but subsequently let out on bail. There has been no progress on the case since he was let out on bail.
24. There are also continuing cases of threats, harassment and intimidation of minority HRDs or HRDs working on minority rights. Some prominent cases include: the Executive Director of the Centre for Policy Alternatives, Dr. P. Saravanamuthu, the Bishop of Mannar, Raiyappu Joseph and the politician and academic, Prof Sitambalam.
25. In Colombo and other major cities, working on issues of human and minority rights is extremely difficult. Organisations known to do this work are targeted for verbal attacks, criticism, intimidation and harassment by government ministers and nationalist politicians and activists.
26. In some towns, the offices of Tamil or Muslim NGOs, or NGOs known to be working with minority communities, are routinely visited by police and CID. Sometimes they are asked to hand over information on their projects, their donors and their activities. Sometimes police or CID attend events and question the organizers on the issues being raised.
27. In the Vanni, local and international NGOs working in the resettlement areas face numerous restrictions.
28. All NGO/INGOs operating projects in the Northern Province must register with the Presidential Task Force (PTF), which will forward its recommendations to the Director General of the NGO Secretariat, who will then refer the list to the Military Liaison Officer (MLO) for 'further clearance and final approval'.
29. The National Secretariat for NGOs (the NGO Secretariat), which monitors and approves the work of NGOs, under Gazette No. 1651/20 of 30 April 2010, has been brought under the control of the Ministry of Defence.

### **Sexual violence**

30. Sexual violence and attacks against women have risen sharply since the armed conflict ended in 2009. The Regional Doctor of the Jaffna Hospital, Sinniah Sivaroopan, reported to BBC on March 7, 2012, that in the previous two months there have been 56 cases of rape and severe violence against women and girl children reported to his hospital. According to him, in 2010 the number of incidents of violence against women was 102 and in 2011 it rose to 182 .
31. According to women activists working in these areas a number of these crimes have been committed by members of paramilitary and state military personal. In other instances the sexual violence has been committed by community members or even family members.
32. There have been reports of rape. In one case in the Visvadamu area (one of the resettlement zones), on 6 June 2010, a group of men reportedly went to the houses of two women – a 28 year-old mother of two and a 38 year-old mother of five – and raped them. The women made a complaint to the nearby army camp and to the police station, subsequent to which six soldiers were arrested by the police.
33. One particularly shocking case is that of A 13 year-old Tamil girl, Jesudasan Lakshini, from the Delft Island in the Jaffna district, who was found raped and killed on 10 March, 2012. The lead suspect in the killing is a 31 year-old man Kanthasami Jegatheswaran, a member of a paramilitary group attached to the Eelam People’s Democratic Party (EPDP).

### **Return and resettlement**

34. There are groups of displaced who remain neglected in Sri Lanka. A few thousand remained in the notorious Menik Farm camps and have very limited access to facilities and support. An estimated 84,000 remain displaced due to the creation of military High Security Zones (HSZs), and close to 300,000 Muslims are still displaced as a result of the LTTE’s ethnic cleansing policies in 1990.
35. The situation of the Muslims displaced in 1990 is unique and problematic as they were excluded from resettlement plans by the government and are not considered for funds and assistance for resettlement by most international donors.

### **Land Rights**

36. Following the end of the conflict, issues over land remain. According to minority activists interviewed by MRG specific ways in which the state appears to be involved in land issues were: taking over land for security purposes or under various ministries; and supporting, assisting and, in some cases, sponsoring people from the Sinhalese community to settle in the north and east. There were concerns raised by minority politicians and activists to MRG that these actions represent an attempt by the Sri Lankan government to alter the demographic make-up of the north and east.
37. According to the North East Secretariat for Human Rights (NESOHR), 220 sq. km, or one-third of the total land area of Jaffna district has been taken over for an HSZ, displacing an estimated 70,000 people. In Trincomalee, in 2006, 102 sq. km of land was taken over for an HSZ in Samboor and Muttur East, displacing some 15,000 people.
38. Several Tamils and Muslims have also lost their land to ad hoc, undeclared, HSZs in a number of locations. In Mannar a large area of coastal land has been taken over, encompassing the Muslim and Tamil villages of Silvathurai and Mullikulam, to which displaced people have been returning. In Silvathurai, a Muslim village, 220 families were unable to return to their homes because of the HSZ.
39. In eastern Sri Lanka, at the end of the conflict when returning displaced persons attempted to access their land to start cultivation, they were told that the land had been taken over by government ministries or departments. They include the Ministry of

Environment, Ministry of Tourism, Department of Forestry, Department of Archaeology, Department of Tourism, Department of Coast Conservation, Department of Wildlife and the Mahaweli Authority (the government body that oversees development and agriculture projects linked to the Mahaweli, which is the longest river in Sri Lanka). Most of the land is state-owned and leased out on a permit scheme, but some is privately owned.

## Culture and Religion

40. There also is concern among Muslims and Tamils in both the north and east about the emergence of Buddhist religious symbols in the area. People in these areas, in the east of Sri Lanka in particular, say that statues of the Buddha and Buddhist shrines are appearing in places where previously they did not exist.
41. There are also reports of cases where areas in eastern Sri Lanka have been demarcated as Buddhist religious sites because Buddhist artefacts have been found there.
42. In conjunction with this trend, Tamil worshippers have reported harassment while visiting temples. In one 2011 report from Trincomalee, Tamils were harassed when going to the site of a temple which was destroyed by the military in Lanka Puttanam village.
43. Meanwhile in Jaffna, Tamil Hindus were prevented from using a cemetery in the former Valligamam North security zone and worshippers have been stopped and their identity checked while visiting certain temples.
44. Another issue for Tamils in the north is the practice of replacing Tamil place names with Sinhalese names. This often occurs after an area has been linked to a Buddhist religious event and turned into a site of pilgrimage. For example, Thiruvadinalai in Jaffna, has now been renamed Jambukolapatune.
45. In 2009 the government announced that the national anthem could no longer be sung in Tamil and had to be only sung in the Sinhalese language.

## Development

46. Development in the north and east is taking place under two main schemes: in the north 'Vadakkinn Vasantham' (Northern Spring), in the east 'Nagenahira Udanaya' (Eastern Awakening). Large-scale development projects can be seen across the north and east, particularly the building of roads and bridges.
47. There was concern amongst minorities over the lack of consultation and participation of local people in the projects, the undermining of local indigenous knowledge, and the politicization and ethnicization of the process. In 2009 the President appointed a task force on northern development. There was only one Tamil and one Muslim out of the 19 members implementing development in an area where nearly 100 per cent of the population are from minority groups.

## References

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