

# AMNESTY INTERNATIONAL

## Public Statement

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### **Sri Lanka: Amnesty International writes to Minister of Human Rights**

Amnesty International has written to the Minister of Disaster Management and Human Rights, Mahinda Samarasinghe, on the occasion of the fourth session of the UN Human Rights Council in 2007. Amnesty International welcomes the commitment of the Government of Sri Lanka to continue to brief the UN Human Rights Council in a comprehensive manner<sup>1</sup> and has encouraged Minister Samarasinghe to include the following issues in an overview of the human rights situation when he addresses the Council at its fourth session on 12 March 2007.

According to Amnesty International's information, the human rights situation in Sri Lanka continues to deteriorate seriously. It is important for the international community to learn what the Government of Sri Lanka is doing and will do to stem further deterioration of the situation, bring about improvements, and end impunity for past human rights violations. Many civilians are caught up in the fighting between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam and urgently require effective protection. More than 220,000 civilians have been displaced by the violence. Amnesty International is concerned that the parties to the conflict are not doing all they can to protect the civilian population. Humanitarian access to civilians has been severely curtailed and humanitarian personnel have been attacked and killed. The Jaffna Peninsula remains isolated with a lack of food, dwindling medical supplies and severe restrictions on travel. Reports of political killings and enforced disappearances by the government and armed groups are re-emerging and increasing. A climate of impunity persists.

A mechanism is urgently required to address the current lack of protection for civilians. In light of decades of impunity for perpetrators of violations of international human rights and humanitarian law in Sri Lanka, characterised by the failure of the authorities to investigate and prosecute such perpetrators, there is a need for effective and sustained international monitoring and investigation of human rights abuses. Given the deteriorating situation it is critical that the Human Rights Council is briefed on what action the Government of Sri Lanka is taking in response to the High Commissioner for Human Rights' recommendation that 'a broader international mechanism is still needed to monitor, ultimately prevent, human rights violations in the longer term.'<sup>2</sup>

Of particular concern are the increasingly numerous reports of enforced disappearances and unlawful killings in Sri Lanka, including over 1,000 reported extrajudicial executions and unlawful killings in 2006<sup>3</sup> and hundreds of disappearances across the country. Amnesty International welcomes the acknowledgement by the government of Sri Lanka on 7 March 2007<sup>4</sup> that some defence personnel may be involved in abductions, killings and disappearances and urges the government to investigate all such allegations, above and beyond the small group that have been arrested so far. Amnesty International notes the Government of Sri Lanka's recent statement entitled 'Baseless Allegations of Abductions and Disappearances'<sup>5</sup> and welcomes the findings of a number of police investigations that have identified the safe whereabouts of a number of persons reported to be disappeared or abducted. However, Amnesty International emphasises that the nine cases highlighted in this statement are a selected few and do not address the 5749 outstanding cases in Sri Lanka being reviewed by the Working Group on Enforced and Involuntary Disappearances, several hundred of which have been reported since 2006, and include many which implicate members of the security forces. The Government must ensure sustained investigations into all alleged unlawful killings and enforced disappearances, with a view to identification of suspects and prosecution in proceedings that fully respect international fair trial standards. This was a need also identified by the Special Rapporteur on extrajudicial, summary or arbitrary executions following this visit to Sri Lanka in 2005.<sup>6</sup> Without such measures, the killings and disappearances will continue unabated and many cases will continue to be left unresolved. It will be important for the government to update the Council on steps taken to act on the recommendations made by the Special Rapporteur.

Amnesty International is also concerned about reports of the increasingly arbitrary nature of detentions taking place in Sri Lanka. The organization has received numerous reports of cases where no receipts or records of detention are being made available to family members of those who have been arrested, despite the Presidential warrant of July 2006 requiring such notifications. Compounding this, a lack of clarity about where significant numbers of detainees are being held exposes them to increased risks of torture or ill-treatment as well as becoming victims of enforced disappearance. Amnesty International has strongly encouraged Minister Samarasinghe to provide information to the Council about measures by the Sri Lankan government to ensure that the detention procedures fully adhere to national

and international legal standards. In light of the escalation of these reports Amnesty International has suggested that the Government of Sri Lanka should consider inviting the Working Group on Arbitrary Detention to Sri Lanka and facilitating the visit of the Working Group on Enforced and Involuntary Disappearances as a matter of urgency.

Amnesty International has also urged Minister Samarasinghe to consider updating the Human Rights Council on how the Victim and Witness Protection Unit of the Commission of Inquiry and the International Independent Group of Eminent Persons, announced by Commission Chairman Justice N. K. Udalgama in January 2007,<sup>7</sup> will ensure the safety of not only victims and witnesses but also those conducting the investigations and others involved with the Commission in any way. Amnesty International is concerned that this Unit is not fully functional despite the fact that the Commission has already publicly called for representations from the public.

Amnesty International looks forward to the clarification of the issues highlighted in this statement, by Minister Samarasinghe when he addresses the Human Rights Council on 12 March.

#### Footnotes:

1. Statement by Delegation of Sri Lanka following update by High Commissioner of Human Rights at the Human Rights Council on 29 November 2006.
2. UN Press Release, High Commissioner for Human Rights Hopes New Inquiry Commission on Killings and Disappearances in Sri Lanka Will Prove Effective, 6 November 2006. ([www.unhcr.ch/hurricane/hurricane.nsf/view01/67DAEA0611B7C3D0C125721E005F3EA4?opendocument](http://www.unhcr.ch/hurricane/hurricane.nsf/view01/67DAEA0611B7C3D0C125721E005F3EA4?opendocument))
3. Home for Human Rights; open letter to Philip Alston 8 September 2006
4. <http://today.reuters.com/news/CrisesArticle.aspx?storyId=COL285170>
5. [http://www.peaceinsrilanka.com/peace2005/Insidepage/SCOPPDaily\\_Report/SCOPP\\_report080307.asp](http://www.peaceinsrilanka.com/peace2005/Insidepage/SCOPPDaily_Report/SCOPP_report080307.asp)
6. Report of the Special Rapporteur, Philip Alston; Mission to Sri Lanka (28 November to 6 December 2005) E/CN.4/2006/53/Add.5 27 March 2006.
7. Daily Mirror, 10 January (<http://www.dailymirror.lk/2007/01/10/news/1.asp>).