

AMNESTY INTERNATIONAL

Public Statement

AI Index: ASA 37/019/2007 (Public)
News Service No: 170
4 September 2007

Sri Lanka: Amnesty International calls on the United Nations Human Rights Council to address violations

Amnesty International urges the United Nations Human Rights Council to call on the government of Sri Lanka to address ongoing failures to respect human rights in the context of the armed conflict between government forces, the Liberation Tigers of Tamil Eelam (LTTE) and other armed groups. Grave violations of human rights and international humanitarian law by all parties to the conflict characterize the hostilities which have escalated since April 2006.

Unlawful killings, abductions and enforced disappearances of civilians are daily occurrences in Sri Lanka. Several hundred cases of enforced disappearances and several hundred unlawful killings have been registered in the first six months of 2007. Amnesty International is also concerned about a rising incidence of killings of journalists by unidentified armed men, and tightened restrictions on freedom of expression. The organization today called on members of the Human Rights Council to seek opportunities during its Sixth session to take action to address the rapidly deteriorating situation in the country.

Failure to protect civilians

There is an urgent and ongoing need for sustained and effective protection for civilians. At least 4,000 people are reported to have lost their lives in the conflict since late 2005; nine civilians including two children were reported to have been killed over the weekend in Mannar where over 4,000 Persons have allegedly been displaced in recent days. Amnesty International is gravely concerned that civilians have not just been "caught in crossfire", but have also been deliberately targeted by the security forces, the LTTE and other armed groups.

Amnesty International remains particularly concerned over the failure to protect civilians in the north and east of the country. The number of reported unlawful killings and enforced disappearances has increased amid a continued failure to identify and bring to justice those responsible for human rights violations. The National Human Rights Commission in Jaffna reported that, in the first three weeks of August 2007 alone, 21 cases of enforced disappearances and 13 cases of unlawful killings took place. At least 290,000 civilians have been displaced due to ongoing military operations by both sides. The majority of those displaced are women and children. Humanitarian access to civilians has been severely curtailed and over 30 humanitarian workers have been killed since 2006. While the government has condemned acts of violence against humanitarian staff, there has been a marked absence of impartial, effective investigations leading to the prosecution of those responsible. Amnesty International urges the authorities to ensure the provision of appropriate assistance to the civilian populations in the north and eastern provinces and to cooperate fully in facilitating the work of humanitarian agencies.

Many internally displaced persons (IDPs) continue to live in fear, sustained in part by the LTTE's continued involvement in widespread human rights abuses including unlawful killings and abductions. In addition to the threat of LTTE reprisals, many IDPs report that they are reluctant to return to their places of origin because of the threat of forced LTTE recruitment of both adults and children. Amnesty International has repeatedly raised its concerns on this issue with the LTTE and urged the organization to fulfil its pledge to release all child soldiers.

The Karuna faction, a breakaway group from the LTTE, continues to recruit children in government-controlled areas particularly in Batticaloa District. Amnesty International reported in April 2007 that humanitarian agencies in the East also report a number of incidents of extortion and threats by the Karuna faction. Philip Alston, the Special Rapporteur on Extrajudicial, Summary or Arbitrary executions, said in 2006 that the government should publicly reiterate its renunciation of any form of collaboration with the Karuna group.

Attacks on journalists

The number of attacks on journalists, particularly those considered part of the Tamil media, has escalated. Ten media workers have been killed since the beginning of 2006 and another journalist, a victim of an enforced disappearance, is presumed dead. There has been a serious failure by the authorities to conduct effective investigations leading to the prosecution of those responsible for such unlawful killings.

There are grounds to fear a return to a pattern of the security forces involvement in extrajudicial killing of journalists and others. In a recent illustrative incident, Sahathevan Deluxshan, 22, a media student at Jaffna University Media Research and Training Center and a part time journalist, was shot dead by unidentified men on 2 August 2007 in Jaffna town. Jaffna is a high security zone under the control of the Sri Lankan military and has a series of checkpoints to control the movement of armed groups. That the attack occurred during curfew hours provides grounds for concerns that military personnel may have been involved or complicit in the shooting.

Restrictions on freedom of expression: the Emergency Regulations

Over many years Amnesty International has repeatedly expressed concern about certain provisions of the Emergency Regulations (ER) that threaten to impose unjustified and disproportionate restrictions on freedom of expression. Amnesty International remains concerned at the restrictions placed on civil and political rights under the Emergency Regulations which were made more restrictive in 2006 after their reintroduction in August 2005. The new set of regulations allows the government to deploy the military and detain without charge anyone suspected of terrorist activities. For example, Regulation 6 of the 2006 ER criminalizes, not only "terrorism" and "any specified terrorist activity," but also "any other activity in furtherance of any act of terrorism or specified terrorist activity committed by any person, group or groups of persons." Regulation 7 provides, among other things, that:

"no person shall ...promote, encourage, support, advise, assist, act on behalf of; or organize or take part in any activity or event of, any person, group, groups of persons or an organization which acts in contravention of regulation 6 of these regulations."

Many provisions are very vaguely and generally worded, and therefore may be interpreted as criminalizing a wide range of activities, including media investigations and reporting. The organization is also concerned at their allegedly discriminatory application with regard to Tamils.

Combating impunity: the need for effective investigations

As human rights abuses in the context of the conflict have increased, Amnesty International is gravely concerned about a persistent climate of impunity reported by human rights activists and other civil society actors in Sri Lanka. A need for systematic monitoring and prompt, impartial and effective investigations remains acute, made all the more necessary by an extremely small proportion of these human rights violations ever having proceeded to trial or conviction of perpetrators in the past.

In response to international criticism of the human rights crisis in Sri Lanka, the government established a Commission of Inquiry (CoI) and International Independent Group of Eminent Persons (IIGEP) in September 2006. While Amnesty International welcomes steps to address impunity, it is concerned that the mandate of the CoI and IIGEP is limited to 16 cases (with the possibility of new additions) and cannot address the broader range of human rights violations, particularly the most recent incidents. It is cause for concern that the IIGEP may only advise the CoI and that the CoI is obligated to report only to the Sri Lankan President and is not formally part of the country's justice system. The continuing absence of an operational witness protection programme poses a serious obstacle to the work of the CoI and other investigative bodies, as highlighted by the IIGEP themselves in June 2007.

Amnesty International believes that other existing national monitoring and investigation mechanisms, such as the Sri Lankan National Human Rights Commission (HRCSL) are not provided with sufficient resources and do not have the capacity to address the current scale of human rights violations. The CoI cannot fulfil this role either, given its case-limited and retrospective scope.

Amnesty International calls for an international human rights monitoring presence to support and augment the capacity of national bodies tasked with human rights protection. Amnesty International is convinced that international observers actively monitoring respect for international human rights and international humanitarian law by all sides would act as an effective deterrent to abuses and would contribute to a clear identification of suspected perpetrators. Monitors could independently investigate claims and counter-claims, reporting publicly on their findings and on the degree of cooperation (or lack thereof) of the parties in conflict. The scheduled visit to Sri Lanka by the High Commissioner for Human Rights in October can be an important step in assisting the government of Sri Lanka to develop programmes to protect human rights and must lead to specific measures to protect the civilian population.

Amnesty International urges the Human Rights Council to call on the Sri Lankan government to:

- o invite an international human rights monitoring presence to independently investigate violations of international human rights and humanitarian law, facilitate its operation and consider its recommendations;
- o abolish the Emergency Regulations currently in force or bring them into line with internationally accepted law standards of human rights, including the right to life, freedom from arbitrary detention, discrimination, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment;
- o urgently enact and implement legislation protecting victims and witnesses to crimes, including violations of international human rights and humanitarian law, in accordance with international law and standards;
- o launch prompt, impartial and independent investigations into all cases of killings, enforced disappearance, torture or ill-treatment and other serious violations of international law, in order to establish the facts and make them known, ensure that the perpetrators are brought to justice as well as ensuring reparation for victims and survivors;
- o ratify the UN Convention for the Protection of All Persons from Enforced Disappearances;
- o invite the UN Working Group on Enforced Involuntary Disappearances (WGEID) to visit the country and implement its previous recommendations without delay;
- o make public the findings of all national commissions of inquiry set up to investigate human rights abuses;
- o urge the Sri Lankan government to implement without delay recommendations made by Human Rights Treaty Bodies and Special Procedures.