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# SRI LANKA: SUPPRESSING G CALLS FOR JUSTICE



## INTRODUCTION

Sri Lanka's armed conflict has been over for nearly five years. These five years should have been a time for families and communities torn apart by decades of war to reunite, rebuild and heal, and for victims of human rights violations committed during the conflict to secure truth, reparation and justice. But five years on, healing and justice are still remote goals. Sri Lankans have watched their political leaders deny victims their human rights and wage an intensive assault against critics – including human rights advocates.

At the same time political leaders have exploited religious tensions, leading to attacks and violence against minorities with impunity. Several activist Buddhist organizations have emerged with alleged links to high government officials and political platforms that are closely aligned with those of the ruling party. These groups are responsible for organizing protests and attacks against religious minorities and places of worship, as well as threats and smear campaigns against human rights defenders, minority opposition politicians, and international visitors who advocate human rights accountability in Sri Lanka.<sup>1</sup>

Some Buddhist groups opposed the August 2013 visit of the UN High Commissioner on Human Rights Navi Pillay and launched a demonstration demanding she be ejected from Sri Lanka after she called on the Sri Lankan authorities to conduct a credible investigation into alleged war crimes. Sri Lanka's Defence Secretary Gotabhaya Rajapaksa reacted to Navi Pillay's visit by saying she was influenced by Liberation Tigers of Tamil Eelam (LTTE) propaganda.<sup>2</sup> Ravana Balaya (Ravana Force), a nationalist organization comprised of Buddhist monks and lay people mounted a demonstration against calls similar to Pillay's made by UK Prime Minister David Cameron in November.

Buddhist groups have also been implicated in efforts to close down churches and mosques, including by using their influence with the Urban Development Authority– which falls under the Ministry of Defence, high ranking police and other local officials.

Sri Lankan police have failed to protect religious minorities and their places of worship from violent attacks and have not arrested perpetrators, even when there was apparently photographic evidence to identify them.<sup>3</sup>

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<sup>1</sup> Bodu Bala Sena, Sihala Ravaya (Roar), Ravana Balaya, and Hela Bodhu Pawura are four such organizations.

<sup>2</sup> "Gotabhaya Rajapaksa criticises Navi Pillay visit," The Hindu, 3 September 2013, <http://www.thehindu.com/news/international/south-asia/gotabhaya-rajapaksa-criticises-navi-pillay-visit/article5089460.ece>, accessed 20 January 2014.

<sup>3</sup> "Legacies of impunity," Daily Financial Times (Sri Lanka), 16 January 2014, <http://www.ft.lk/2014/01/16/legacies-of-impunity/>, accessed 20 January 2014.

A climate of impunity prevails. For decades the government has failed to investigate human rights violations effectively even when they possibly amount to war crimes or crimes against humanity. To break the cycle of impunity Amnesty International is calling as a priority for an independent international investigation into crimes under international law committed during the conflict and following its end.

Hiding the truth of what happened during the war may protect Sri Lanka's political or military leadership in the short run, but it will not heal the harm suffered by the victims or the deep divisions in society. Violations and abuses of human rights and humanitarian law were committed on a massive scale over more than two decades of conflict by successive Sri Lankan governments and allied and opposing armed groups, principally the LTTE. In the course of defeating the LTTE, the Sri Lankan government ejected international humanitarian workers and journalists who could bear witness to military excesses and then launched a massive military campaign against the LTTE that also allegedly killed tens of thousands of civilians caught between the warring forces.<sup>4</sup> Survivors have testified to gross violations on both sides, but a full accounting of what happened, particularly in the final phase of the armed conflict requires independent international investigation. In the immediate aftermath of the conflict, survivors were subjected to arbitrary detention in closed camps for the internally displaced, where hundreds of thousands of people were held for many months, and in "rehabilitation camps" and detention centres for some 11,000 people the authorities believed had ties to the LTTE. Abuses reported during this period - including rape, torture and extrajudicial executions also need to be investigated.<sup>5</sup>

Since the conflict ended domestic calls for accountability for war time violations have been treated as treasonous by Sri Lankan officials, particularly if those calls appear to be aimed outward - at the international community. A persistent pattern of harassment and threats against human rights defenders, political activists and critical journalists has had a profound chilling effect on freedom of expression and association in Sri Lanka.

In April 2013, Amnesty International released Sri Lanka's Assault on Dissent, an in depth look at the development of the Sri Lankan government's campaign to silence criticism of its human rights record and consolidate political power.<sup>6</sup> This briefing provides an update, illustrating how in the past year the Sri Lankan government has continued to pressure its critics, especially those advocating for the human rights of victims of the conflict, as well as those it suspects of

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<sup>4</sup> See, Report of The Secretary General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011, [http://www.un.org/News/dh/infocus/Sri\\_Lanka/POE\\_Report\\_Full.pdf](http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf), accessed 24 February 2014.

<sup>5</sup> See, *Unlock the Camps: Safety and Dignity for the Displaced Now*, Amnesty International, 10 August 2009, ASA 37/016/2009, <http://www.amnesty.org/en/library/asset/ASA37/016/2009/en/5de112c8-c8d4-4c31-8144-2a69aa9fff58/asa370162009en.html>; and *Locked Away, Sri Lanka's Security Detainees*, Amnesty International 2012, ASA 37/003/2012, <http://www.amnesty.org/en/library/asset/ASA37/003/2012/en/ebe85f43-3b61-4072-a8ab-a6e504da58e6/asa370032012en.pdf>.

<sup>6</sup> *Sri Lanka's Assault on Dissent*, Amnesty International, 30 April 2013, ASA 37/003/2013, <http://www.amnesty.org/en/library/info/ASA37/003/2013/en>.

supporting calls for an international investigation into alleged war crimes. Amnesty International notes with particular concern the increasing role of activist religious groups capable of instigating communal violence in the targeting of Sri Lankan human rights defenders and other outspoken individuals.

Incidents have occurred around international visits, such as the visit of UN High Commissioner for Human Rights Navi Pillay in August,<sup>7</sup> and successive UN Human Rights Council sessions in Geneva as Sri Lankan authorities have attempted to prevent information about human rights violations from reaching the UN, and have tried to discredit activists who speak out about these violations or advocate accountability.<sup>8</sup> Harassment, threats and arrest of activists was reported around the Commonwealth Heads of Government Meeting (CHOGM) in Colombo in November and after a visit to Sri Lanka in January 2014 by the US Ambassador-at-Large for War Crimes Issues. What follows are a few prominent incidents that took place in late 2013 and early 2014.

## RETALIATION FOR MEETING WITH US AMBASSADOR-AT-LARGE FOR WAR CRIMES ISSUES

On 16 January 2014, Ravana Balaya reportedly filed a police complaint demanding the arrest of the Catholic Bishop of Mannar Rayappu Joseph and Jaffna's Bishop Thomas Soundranayagam for providing Stephen J Rapp, the US Ambassador-at-Large for War Crimes Issues, what they called "false information" about alleged crimes committed during Sri Lanka's armed conflict. They referred particularly to comments reportedly made by the two calling for an international investigation into the Sri Lankan army's alleged use of prohibited weapons (cluster munitions and chemical weapons, allegations as yet unverified), as well as attacks on hospitals and places of worship and blockades of food and medicine to Tamil civilians.

Two days earlier *The Island* newspaper citing a senior Defence Ministry source had said that the Defence Ministry was "seriously considering" sending Northern Provincial Council (NPC) member Ananthi Sasitharan to a "rehabilitation" facility to prevent her from "propagating separatist sentiments" after she met with Ambassador Rapp during his visit to Sri Lanka.<sup>9</sup> Ananthi Sasitharan, who was elected to the NPC in September also reportedly received threats after helping to organize a demonstration during UK Prime Minister David Cameron's visit to Jaffna. She filed a complaint with the Human Rights Commission of Sri Lanka.

Ananthi Sasitharan has been a vocal advocate for accountability for enforced disappearances

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<sup>7</sup> For example, in August, a Jesuit priest who runs a local NGO in the town of Trincomalee that documents human rights violations – reported receiving a late night visit from plain clothed police officers who grilled him for four hours about his meeting with Pillay.

<sup>8</sup> See, *Sri Lanka's Assault on Dissent*, Amnesty International, 30 April 2013, ASA 37/003/2013, <http://www.amnesty.org/en/library/info/ASA37/003/2013/en>.

<sup>9</sup> "MOD ponders rehabilitating NPC member Ananthi," *The Island*, 14 January 2014, [http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=95913](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=95913), accessed 20 January 2014.

since her husband, former LTTE political head for Trincomalee district Sasitharan alias Ezhilan, disappeared after he reportedly surrendered to the Army along with other LTTE members in May 2009, an incident she has testified to witnessing. She has been the target of previous threats, including a raid on her house by armed men in military uniforms on the eve of the election. Several people were injured in the attack, including an election monitor.<sup>10</sup>

## THREATENED FOR MEETING WITH VISITING CANADIAN MP

According to TNA MP Sivagnanam Sritharan, on 3 January 2014, two unidentified men harassed and verbally abused his wife S. Sivagnanakumary and threatened Sritharan's life for allegedly meeting with visiting Tamil Canadian MP Rathika Sitsabaiesan.

"They were using filthy, hatred threatening words against me. Finally they told her that my days are countered [numbered]. After that they have gone and again came back around 3 pm in the same motor bike and went away. Again they were coming at 8.30 pm and hanging around my house. My wife and children were terrified with these unknown people's activities...."<sup>11</sup>

Sritharan has been the target of previous threats and attacks, including a mob attack on a political meeting at his Kilinochchi residence in March 2013 that injured 13 people. His office was twice raided by operatives with the Terrorist Investigation Division (TID), who he alleges planted false evidence against members of his staff who were arrested and detained for lengthy periods without charge.

In October 2013, the Sri Lanka press reported that the Ravana Balaya had publicly pledged to block Sritharan from coming to Colombo to attend Parliament if he called for Sinhala people to leave Jaffna.<sup>12</sup>

On 24 January, TID officers reportedly questioned and photographed Gunaratnam Sarwanandha, a staff member in Sritharan's Kilinochchi office who serves as Secretary of the TNA's Youth Forum. The officers reportedly wanted to know whether he had previously belonged to the LTTE.

## USE OF SRI LANKA'S IMMIGRATION DEPARTMENT TO SILENCE DISSENT

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<sup>10</sup> DBS Jeyaraj, "Attack Launched After Midnight on TNA Woman Candidate Ananthi Sasitharan's Residence at Chulipuram," 19 September 2013, <http://dbsjeyaraj.com/dbsj/archives/25930>, accessed 20 January 2014.

<sup>11</sup> Email correspondence, 6 January 2014.

<sup>12</sup> "TNA MP Sridharan not permitted to visit Colombo: Ravana Balaya," LankaSri News, 18 October 2013, <http://www.lankasrinews.com/view.php?222cR7Zxc223wXG7bce2dQPD4bce2i0CA0ade4eKBJ0bdebcFU304dt4qA4304du8nP43>, accessed 24 February 2014.

The Sri Lankan government has deported several foreign visitors for allegedly participating in political or human rights related meetings and increasingly using the immigration department officials to put pressure on others. Amnesty International acknowledges the prerogative of states to control the entry into and stay of non-nationals in their territory, but is concerned with the apparent use of immigration controls to suppress dissent and prevent Sri Lankans from interacting with foreign visitors on human rights issues.

On 4 January 2014, the day after the threats to Sritharan, in an article featured on Sri Lanka's Defence Ministry website, Gotabhaya Rajapaksa accused "foreigners" and in particular members of the Sri Lankan Tamil diaspora of misusing tourist visas to engage in "political activities" such as "projecting false propaganda on human rights violations against the country."<sup>13</sup>

Rathika Sitsabaiesan, the Canadian MP Sritharan was accused of meeting has been outspoken about human rights issues in Sri Lanka and has advocated formation of a Canadian parliamentary committee to investigate alleged war crimes. Sitsabaiesan said she was under surveillance during her trip to northern Sri Lanka and that she was questioned on 2 January by three men claiming to be immigration officers who had details of her movements and wanted her to divulge her contacts. The Controller of Immigration reportedly phoned Rathika Sitsabaiesan and confirmed that she was being followed.<sup>14</sup>

The Sri Lankan authorities do not easily grant visas for people openly engaging in what they consider to be political or human rights related work and have harassed and questioned Sri Lankans who meet with such visitors. The Government imposes restrictions on activities it permits visitors arriving on tourist visas to engage in, including specifically barring participation in civil society gatherings and particularly those related to politics and journalism.<sup>15</sup>

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<sup>13</sup> "Some tourists engage in politics," *Ceylon Today*, 4 January 2014, [http://www.defence.lk/new.asp?fname=Some\\_tourists\\_engage\\_in\\_politics\\_20140104\\_02](http://www.defence.lk/new.asp?fname=Some_tourists_engage_in_politics_20140104_02), accessed 20 January 2014.

<sup>14</sup> 'New Democrat MP Rathika Sitsabaiesan says she was followed, interrogated in Sri Lanka,' *The Star*, 20 January 2013, [http://www.thestar.com/news/canada/2014/01/16/new\\_democrat\\_mp\\_rathika\\_sitsabaiesan\\_says\\_she\\_w\\_as\\_followed\\_interrogated\\_in\\_sri\\_lanka.html](http://www.thestar.com/news/canada/2014/01/16/new_democrat_mp_rathika_sitsabaiesan_says_she_w_as_followed_interrogated_in_sri_lanka.html), accessed 20 January 2014.

<sup>15</sup> Electronic Travel Authorization is relatively new in Sri Lanka and procedures and restrictions have changed frequently. As of January 2014 it was not possible to apply online for a business visa, which was required for visitors intending to: "Participate in business meetings and negotiations; conferences, workshops and seminars," as well as short term training programs; art, music and dance events; "visiting project related matters;" participating in religious events and in "symposium." The authorities further specify that Electronic Travel Authorization is not available on line for Media/Journalist activities including the: "To participate in Media/Journalist conferences, workshops or seminars etc.; To engage in Meetings, Seminars, Conferences etc., with Political parties and groups; to engage in the activities carried out by the NGO or INGO." See, Sri Lanka Electronic Authorization System, How to Submit an ETA [http://www.eta.gov.lk/slvisa/visainfo/apply.jsp?locale=en\\_US](http://www.eta.gov.lk/slvisa/visainfo/apply.jsp?locale=en_US), accessed 24 February 2014.

An Indian journalist, Tamil Prabhakaran, was detained for 3 days and interrogated by TID, who claimed he had taken pictures of military installations -- an accusation Prabhakaran denied -- and had interviewed Tamil politicians when he was on a tourist visa. TID eventually determined that the journalist was not a threat and deported him from Sri Lanka on 28 December 2013. Prabhakaran claimed he was psychologically tortured in detention, including being given petrol when he asked for water.<sup>16</sup>

The arrest of Shanmugampillai Jayapalan, known professionally as V.I.S. Jayabalan, a well-known author, film actor, and political commentator is another example of Sri Lanka's use of immigration laws to suppress dissent. Jayabalan -- a Norwegian citizen of Sri Lankan descent -- was arrested on 22 November 2013 in northern Sri Lanka on his way to visit his mother's grave in Mankulam. He was initially detained in Vavuniya before being transferred to Colombo. Authorities have reportedly said he violated the terms of his tourist visa by attending meetings and making public statements that "create unrest amongst communities."<sup>17</sup> Jayabalan was deported from Sri Lanka on 26 November.

In November 2013, the UK Channel 4 television news team, known for their investigative reporting on Sri Lanka's human rights situation, travelled to Sri Lanka to report on events around CHOGM but left the country early, after days of what they described as surveillance and harassment by security forces. What they allege was that a planned and government sponsored mob prevented the team from travelling to the north by train. The team finally decided to leave after six men appeared at their hotel early on the morning of the 17 November demanding entry and claiming they were from the immigration police. They accused the journalists of violating the conditions of their visas by "attempting to enter the president's palace" an accusation then Channel 4 team denied.

Another incident had occurred in the lead up to CHOGM. On 30 October, the Free Media Movement hosted a meeting in Colombo to discuss freedom of expression challenges in Sri Lanka since the end of the armed conflict. But immigration officers and police stopped the proceedings. Two foreign representatives from the International Federation of Journalists were detained in their hotel rooms and subjected to lengthy questioning -- ostensibly on visa issues, but they were also reportedly questioned about their contacts and previous work on media freedom in the country. The police also reportedly wiped the contents of their computer hard drives before allowing them to leave the country. They were deported on 1 November.

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<sup>16</sup> Deported Journalist Claims Torture in SL, Express News, 29 December 2013, <http://www.newindianexpress.com/cities/chennai/Deported-Journalist-Claims-Torture-in-SL/2013/12/29/article1970901.ece?pageNumber=1&parentId=142625&operation=comment>, accessed 20 January 2014.

<sup>17</sup> "Jayabalan arrested in Mankulam to be brought to Colombo," News First, 24 November 2013, <http://newsfirst.lk/english/2013/11/v-s-jejabalan-arrested-mankulam-vavuniya-violation-immigration-emigration-laws-will-brought-colombo-investigations/5357>, accessed 20 January 2014.



## RETALIATION FOR PROTESTING ENFORCED DISAPPEARANCES

Credible allegations that the Sri Lankan military and allied paramilitary groups engaged in enforced disappearances have been a major focus of calls for truth and justice at domestic and international levels. And activists protesting enforced disappearances in Sri Lanka have faced frequent retaliation for their activities.

According to an account by Suntharam Mahendran, Secretary of the Committee for Investigation of Disappearances which was carried on a Sri Lankan news website, on 10 December 2013, Human Rights Day, police stood by as a pro-government group of about 25 people attempted to break up a peaceful protest by the Committee for Investigation of Disappearances in Trincomalee. They tore up banners and photographs held by relatives of the missing and assaulted protestors. Suntharam Mahendran reported that he and several other protestors were badly beaten by their assailants while the police looked on.<sup>18</sup> They later sought medical treatment at Trincomalee Hospital. 'Lawyers for Democracy' also condemned the attack:

"What is of deep concern is the impunity with which these criminal acts are committed in the presence of police officers and in the view of the public. There is no problem in identifying the culprits as video pictures of these incidents were widely telecast in the electronic media. What concerns us is the statements made by the media spokesman of the police in every case of attack on people by armed groups is that the police is investigating these incidents but up to now not a single prosecution has been instituted against the culprits in such incidents,"<sup>19</sup>

Another incident had occurred in the early hours of 21 November 2013, according to Sri Lankan human rights defenders who contacted Amnesty International. Sunesh Soosai of Mannar in northern Sri Lanka, received a threatening phone call and his house was visited by unidentified men believed to be intelligence operatives pounding on the door and demanding that he come outside. It was the second time since July that Sunesh has been threatened because of his activism. Sunesh is the Mannar District Coordinator for the National Fisheries Solidarity Movement (NAFSO) and is engaged in campaigns against enforced disappearances, promoting the rights of fishermen, protesting land grabs by the military, and advocating for the rights of the internally displaced.

At 1.30 am on 21 November, a man calling himself Rishwan reportedly telephoned Sunesh and ordered him to come outside. The caller spoke Tamil with a Sinhala accent. He accused Sunesh

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<sup>18</sup> Attack on the Human Rights Campaigners on the International Human Rights Day – 2013, Lanka News Web, 29 December 2013, <http://www.lankanewsweb.com/news/6111-attack-on-the-human-right-s-campaigners-on-the-international-human-rights-day-2013>, accessed 20 January 2014.

<sup>19</sup> "Lawyers Condemn Attack On Disappearances Protestors On HR Day," Colombo Telegraph, 17 December 2013, <https://www.colombotelegraph.com/index.php/lawyers-condemn-attack-on-disappearances-protestors-on-hr-day/>, accessed 20 January 2014.

of campaigning against the government in Jaffna, where he had recently participated in a demonstration against enforced disappearances timed to coincide with CHOGM and visits to Jaffna by the UK Prime Minister and New Zealand Foreign Minister. Sunesh was out of town at the time he received the call, but did not tell the caller this since his wife and young children were home alone. The assailants reportedly banged on the front door of the house for about half an hour before going away.

Sunesh had received previous threatening visits in October and November and had lodged complaints with the police, but no action was taken. The caller on 21 November referred to an earlier visit, saying, "We should have abducted you the first time. Do you want to be alive? Do you want any harm to your family?" Sunesh said he would inform Bishop Rayappu Joseph and other priests about the harassment, but the caller said he was not afraid of anyone.

The Mannar Citizens Committee subsequently wrote an open letter to President Rajapaksa expressing concern about this and other incidents of "security excesses, CID threats and intimidation" against democratic and human rights workers in the north and east, which they said occurred "almost daily."

According to correspondence received from a colleague, during the demonstration in Jaffna during CHOGM, three suspected intelligence operatives in civil dress were reportedly seen pointing at Sunesh and saying they needed to "do something" about him.

In an earlier incident, on 13 November buses carrying members of Families of the Disappeared were stopped by a police roadblock as they tried to travel to Colombo to participate in a human rights festival and demonstration calling for accountability for enforced disappearances, which was timed to coincide with CHOGM. Buses travelling from the northern towns of Kilinochchi, Mullaithivu and Mannar were stopped. The passengers were primarily women whose male relatives had disappeared during or after Sri Lanka's armed conflict, many of them were allegedly taken into custody by the security forces.

The Bodu Bala Sana (BBS), an activist Buddhist organization that reportedly enjoys the support of high ranking Sri Lankan officials,<sup>20</sup> picketed the same human rights festival, parading with photos of human rights activists. Their posters included slogans such as, "Traitors who betray for dollars'.

## MORE DEATH THREATS AGAINST NIMALKA FERNANDO, HUMAN RIGHTS DEFENDER, TRADE UNION ACTIVIST

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<sup>20</sup> DBS Jeyaraj, "Defence Secretary Gotabhaya Rajapaksa Openly Supportive of 'Ethno Religious Fascist' Organization Bodhu Bala Sena, 10 March 2013, <http://dbsjeyaraj.com/dbsj/archives/17939>, accessed 24 February 2014.

Nimalka Fernando, a prominent human rights defender and trade union activist has been the target of repeated smear campaigns and threats, often related to her UN advocacy. On 4 November 2013 she was threatened and denigrated during a radio broadcast by the state-owned Sri Lankan Broadcasting Corporation (SLBC). Among the criticisms implied during that broadcast was that Fernando should be “eliminated” for “carrying tales” to the UN Human Rights Council.

According to Fernando’s complaint to Sri Lanka’s Inspector General of Police, the threats came after an interview she gave to the Island newspaper in October where she called for the abolition of laws used to harass sex workers and prohibiting abortion. She also advocated safe sex and more protective reproductive health policies in Sri Lanka. Several newspaper and radio pieces on the subject followed, including a public debate with the Secretary of the Jathika Hela Urumaya (JHU) a Buddhist monk-led political party), who had reportedly accused her of destroying Sri Lankan culture and traditions.

At around 9am on 4 November friends alerted Fernando to the SLBC radio broadcast in which listeners called for her to be “eliminated.” Even the title of the program, “Stoning the Sinner Woman” was an invitation to violence. The radio show featured clips from a previous radio interview and gave a profile of Fernando, describing her as 59 years old, divorced, serving 30 organisations from whom it was suggested she received large amounts of money, and that since 1989 she had “carried tales” to the international community. Nimalka Fernando has for many years engaged in human rights advocacy at the international level, and has been previously threatened by a government official for her activism at the UN Human Rights Council.

According to Fernando, several callers to the program advocated violence against her, but the SLBC Chairman, who hosted the program, did not discourage callers from making derogatory remarks and threats. “He did not disassociate himself from these comments which called for my annihilation. I heard a caller referring to me as a prostitute. The Chairperson of the SLBC encouraged all these comments and further encouraged openly defamation and my annihilation.” She lists several remarks that were particularly chilling:

- “We cannot allow persons like Nimalka Fernando to live in this society.”
- “We use insecticides to eliminate the spread of mosquitoes. Some mosquitoes develop a resistance to such spray. These people are like that. We have to find a method to destroy them.”
- “If we do something to them the government will be blamed by the human rights people. We should use a lorry and cause an accident.”
- “There is something call cleaning in the army. Mr Gotabaya knows this. We should hand her over to the cleaning system.”

And, apparently referring to the upcoming session of the UN Human Rights Council in March 2014, where Sri Lanka’s progress in responding to alleged war crimes is to be reviewed and where there are indications that a new resolution will be introduced calling for an independent international investigation of these alleged crimes:

- “Chairperson, today you have started a good activity. Continue this up to March 2014 and begin to deal with the NGO clan one by one.”

## CONCLUSION

Since taking office in 2005, the Rajapaksa government has targeted civil society - individuals as well as organizations - suspected of holding dissenting views, advocating for human rights and justice, or of collecting human rights information. In particular authorities have tried to prevent Sri Lankans from communicating with the UN and other members of the international community about serious violations of human rights they have witnessed. The increasing role of communal groups in the targeting of Sri Lankan human rights defenders, dissidents and minorities is a matter of considerable and growing concern.

The Sri Lankan government denies that impunity prevails in Sri Lanka but in almost all cases has failed to ensure justice for the victims of serious violations of human rights, and has rejected allegations that crimes under international law were committed by its forces during Sri Lanka's protracted armed conflict.

Given the Sri Lankan government's persistent unwillingness to permit open and independent examination of these allegations and its failure to end the cycle of impunity, Amnesty International reiterates its now urgent call on the UN to establish an independent international investigation into alleged war crimes, crimes against humanity and other crimes under international law committed by all sides during the armed conflict. This should include investigations into violations that took place in the lead up to the Sri Lankan government's final northern offensive, and in its aftermath.

## RECOMMENDATIONS

### **UN member states should support the UN in:**

- Establishing a credible and independent international investigation into allegations of crimes under international law committed by Sri Lankan government forces and allied armed groups as well as the LTTE. The investigation should be conducted in accordance with international standards and, where sufficient admissible evidence is found, lead to the criminal prosecution of those suspected of committing crimes in full conformity with international standards for fair trial;
- Conducting close ongoing international monitoring of the human rights situation in Sri Lanka, including of the effectiveness of any domestic accountability processes;
- Strengthening UN measures to prevent intimidation or reprisals by the Sri Lankan government against individuals who seek to cooperate or have cooperated with the UN, its representatives and mechanisms in the field of human rights, with a the goal of ensuring protection for human rights defenders and guaranteeing their right to freedom of expression.

**Amnesty International calls on the Sri Lankan authorities to:**

- Ensure the rights to freedom of expression, freedom of peaceful assembly, and freedom of association, in compliance with Sri Lanka's obligations under international law and standards;
- Publicly acknowledge that attacks, including threats, detention, harassment, intimidation and killings, have been committed against journalists, lawyers, human rights defenders, civil society activists and others for exercising their right to freedom of expression; and state unequivocally that such acts will not be tolerated, regardless of the opinions such individuals hold and express, and regardless of the rank or political affiliation of those suspected of the committing criminal offences;
- Promptly, independently, impartially and effectively investigate all attacks on individuals, irrespective of the identity of perpetrators or victims. Those suspected of committing attacks, including any officials in positions of command who ordered them, or who knew or had reason to know about them and did not take measures to prevent or punish them, must be prosecuted in proceedings which meet international fair trial standards;
- Cooperate fully with the UN special procedures mandate holders by responding positively to outstanding requests for invitations to visit Sri Lanka and by providing them with unfettered access. Mandate holders awaiting responses include the UN Special Rapporteur on Freedom of Expression; the Special Rapporteur on Freedom of Association and Assembly; the Special Rapporteur on the Independence of Judges and Lawyers; the Special Rapporteur on the situation of human rights defenders; the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on Extrajudicial Executions, and the Independent Expert of Minority issues;
- Ensure that all suspected perpetrators of crimes under international law including war crimes and crimes against humanity, are prosecuted in proceedings which comply with international standards for fair trial.

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