



General Assembly

Distr.: General
6 September 2013

English only

Human Rights Council

Twenty-fourth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Liberation, a non- governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human rights situation in Sri Lanka

Context

Liberation welcomes High Commissioner Navi Pillai's visit to Sri Lanka at the end of August. We remain concerned about the safety and security of the victims and witnesses who came forward to meet her in a highly militarised environment. Liberation calls upon the Sri Lankan government to: grant her access to people who are victims of human rights violations or who are related to victims, to prisons and to the former war zones in the North and the East.

The conventional war was brought to an end with heavy civilian casualties. Subsequently the violence faced by the surviving Tamil population has escalated to new levels. Instead of taking genuine steps to bring about lasting peace, the Sri Lankan state has chosen the path of: triumphalism, subjugation, deprivation and increased state terror against the Tamil people.

After four years, relief, rehabilitation and reconstruction projects do not approach the level required for a region devastated by war for over 25 years. The government has not shown any signs that it is serious about addressing the needs of the war-affected people: in the four years since 2009, it has yet to carry out a comprehensive needs assessment for the North and East. Instead, it has systematically blocked Non Governmental Organisations and community-based organisations working in the north and east, hampering efforts to collect the data required for project formulation and prioritisation.

In the meantime, the Sri Lankan state continues to persecute of the Tamil people, depriving them of their land and livelihoods in various ways. Senior cabinet ministers openly support Sinhala/Buddhist extremist organisations which whip up racial and religious hatred against non-Sinhala/Buddhist communities.¹ Attacks on non-Sinhala/Buddhist people, their property and cultural identities are carried out in the presence of the Sri Lankan police. Video evidence shows the police providing protection to the attackers during their criminal acts.²

Accountability and justice

The Sri Lankan government continues to defy calls for accountability for its conduct of a war that ended in May 2009. Evidence collated and various reports produced by the UN panel of experts, documentaries by the UK Channel 4, Amnesty International, Human Rights Watch, International Crisis Group and many other human rights defenders have pointed to the need for an international independent investigation into the Mullivaikkal Massacre and the summary execution of those in captivity by the Sri Lankan military. The Sri Lankan Government declared that there were only 70,000³ civilians in the war zone when there were in fact more than 450,000 people. It maintained that there were "zero civilian casualties" when it was pounding its own. It declared "No fire zones" with heavy artillery, in order to maximise death of innocent Tamil people. In the absence of any accountability the Sri Lankan state's acts of genocide are continue. The Tamil people continue to be driven out of the island on a daily basis. Accountability and justice are paramount for lasting peace in the island of Sri Lanka.

The development deception

There is no transparency in public spending in the North and East by the Sri Lankan government. Despite showcasing the re-laying of the A9 highway as an example of the re-development in the North and East, funds allocated to such projects are shrouded in secrecy.

There are several examples of projects aimed at glorifying the military and eradicating Tamil history and culture, being passed off as development work, siphoning off international development aid. These include the construction of: military bases, war monuments, Buddhist Temples and Pagodas; the cost of demolishing Tamil places of worship; the cost of renaming Tamil villages and streets with Sinhala names and demographic re-engineering through building new Sinhala settlements in Tamil areas.

The Tamil population in the war-torn areas is deliberately excluded by the Sri Lankan government from planning and performing any work that is passed off as “Relief, Rehabilitation, Reconstruction and Development” in violation of the principles of “Subsidiarity” (UNDP policy of good governance).

Refugees and Internally displaced persons

The Sri Lankan state – although it has now dispersed those it held involuntarily in post-war internment camps – has not allowed many of them to return to their original places of abode.⁴ It has also prevented others, also displaced due to the escalation of war, from returning to their own towns and villages – four years after the end of the war. As of September 2012, more than 115,000 IDPs registered as returnees had not reached a durable solution to their plight.⁵

Many of the IDPs’ lands and homes have either been taken over by the military or new Sinhala settlers from the south.⁶ Those who were allowed to return to their original homes have found their houses badly damaged, with roofs missing and walls crumbling. No meaningful assistance has been provided for them to restart their lives. No details are available of assistance provided so far for those IDPs and other war victims. No comprehensive report has yet been published by the government to show how many victims have been and are being provided rehabilitation support, with a breakdown of the type of relief and rehabilitation provided, and a profile of the beneficiaries. It is not known how many people benefited from livelihood, housing, medical and other support in the last four years or how many more are still on a waiting list, should one exist.

Official statistics show that there are 93,000 IDPs in Sri Lanka and that 470,000 have been resettled. These figures do not include those who were displaced before 2009, many of whom had multiple displacements during the war. They are still living with friends and relatives unable to return to their land still occupied by the military or within the high security zone.⁷ Those claimed to have been resettled have not been given the support they desperately need. Apart from clean water, sanitation and social infrastructure facilities they are not provided livelihood support. The most vulnerable amongst them (90,000 widows, 30,000 orphans, 25,000 disabled, and those who lost their livelihoods)⁸ face serious difficulties in their day-to-day lives. They face threats from the military, the paramilitary and the predatory elements of the society who prey on the vulnerable.

Detainees

The Government of Sri Lanka has refused to release the names and whereabouts of those arrested and detained during the last phase of the war.

An estimated 18,000 males and females suspected of having had links with LTTE had either surrendered or were arrested during the final days of war. Many were taken from military detention centres to secret locations after May 2009. The Government has not provided a full list of detainees to the ICRC or any other humanitarian agency. These detainees have been denied access to their relatives or legal representation. It is feared that many of them have undergone severe torture, mutilation and sexual violence – and that many have been murdered – while in state custody. The relatives of those who were taken into state custody in north and east Sri Lanka have been forced by the military to accept

death certificates for those missing. The military has been coercing these relatives who are trying to trace the whereabouts of their loved ones who were taken away by the military in front of their eyes.⁹ Relatives have been warned of “serious consequences” should they raise any issues in this regard.

The missing

According to the records of the Sri Lankan Government Agent offices of Mullaitivu and Kilinochchi districts, the population of Vanni was 429,059 in October 2008.¹⁰ According to a UN update from July 2009, the number of people under government control after the war was 282,380. Bringing this discrepancy to light, the Catholic Bishop of Mannar, Rt. Rev. Dr. Rayappu Joseph, gave the following submission to the LLRC:¹¹

Liberation calls upon the United Nations to bring about an International Independent investigation into War Crimes and Crimes against Humanity committed by all parties during the final phase of the war as well as ongoing human rights violations being committed by the Sri Lankan military and the police forces.

Notes:

- ¹ Defence secretary Gotabaya Rajapakse behind the Bodhu Bala sena
- ² Pepiliyana “Fashion Bug” Attack
- ³ Press Conference 22 February 2009 – Brigadier Udaya Nanayakkara – Military Spokesman
- ⁴ In Search of Justice: Story of the people of Kepapilavu -Sunday Times, 13 January 2013
- ⁵ A Hidden Displacement Crisis - Internal Displacement Monitoring Centre
- ⁶ Replaying History: Land Grabs in the North and East
- ⁷ A Hidden Displacement Crisis - Internal Displacement Monitoring Centre
- ⁸ A Hidden Displacement Crisis - Internal Displacement Monitoring Centre
- ⁹ Sri Lanka military to issue death certificates for disappeared – Journalists for Democracy in Sri Lanka
- ¹⁰ 146,679 Vanni people missing within a year of war
- ¹¹ Submission by the Catholic Diocese of Mannar to the LLRC 8th January 2011