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Agenda item 2

Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General

Written statement* submitted by Tournier la page, a non- governmental organization in special consultative status

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

[14 February 2017]

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

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PTA A Draconian Law against Tamils*

The UN Human Rights Council passed Resolution 30/1 on September 25, 2015 co-sponsored by Sri Lanka and the United States. The resolution underlined the government's obligation to promote reconciliation, accountability and human rights in Sri Lanka, especially addressing the concerns of detainees held under the discriminatory national security law, the Prevention of Terrorism Act (PTA). However, despite the assurances given by the 'good governance' government, very little progress has been made in terms of arrests and detention under the PTA.

Even after the change of government, the arrest of the ex- carders who have been released after the so called 'rehabilitation program' and who were trying to flee from the place of origin were arrested during their departure or arrival at the Airport. Even though they secure jobs through agencies who are functioning in the Middle East, they are unable to proceed with their travel. However, since January to May 2016, more than 20 persons were arrested at the airport while either during arrival or departure.

The political detainees detained under the remand order of the Magistrate went on a hunger Strike from 12th to 17th October 2015, resulted in some detainees being hospitalized due to their critical conditions. Since there had been pressure from both local and international activists and organizations, and following the assurances given by the Government after the 30th Human Rights Council Session in September 2015 where the OISL report and 4th resolution was passed on Sri Lanka, the government agreed to release a total of 39 PTA detainees from the New Magazine Prison in Colombo on very strict bail conditions.

After some time 18 of them were ordered rehabilitation without any justification. The attitude of Attorney General's Department clearly shows the lack of interest and the will to release the political detainees nor expediting their cases.

Once again on April 19, 2016 the detainees held a hunger strike. The demand of the political prisoners is that they be released unconditionally. They cite a precedent set in 1991 and 1989 when Sinhalese rebels from the South were released without court cases and with minimum conditions.

Since April 02, 2016 more than 35 persons were arrested in connection with a case revamping LTTE in Chavakachcheri, Jaffna. Most of them were taken in a van which had no number plates or any other identification. Families were provided with limited information about their arrests and no arrest receipts were handed over to the families. The arrests took place across North and East provinces. Visits by family members were restricted and the arrestees were demanded to give a statement before the magistrate, instructed by the TID under section 127 of Criminal Procedure Court with the assurance of their release.

The change of government has not changed the military structure nor their behavioral attitude towards the Tamil communities, especially people living in war affected areas. Although it has been 07 years since the war ended. This leads to the question of freedom of movement, liberty and freedom from impunity.

There are four detainees who are having cases in various High Courts and were continuously held at the Boosa Detention centre—a well-known notorious detention camp. The said detainees were not transferred to remand prisons and their freedom of liberty, right to access legal consultation and communication with family members were widely restricted and their movement within the Boosa detention center have been restricted in comparison to other detainees.

Therefore, we request you to call upon the government of Sri Lanka to recommend the following.

1. Release political detainees unconditionally. The political prisoners must be released immediately which would be encourage an effective transitional justice process thus ensuring lasting reconciliation.

2. Review and repeal the undemocratic piece of law- The Prevention of Terrorism Act (PTA). The Act should be replaced by laws complied for due process and with international law. However, the government should not wait for the repeal of the PTA, it should end abuses by the terrorism investigation division of the police, which continues to detain suspects without charge, often holding them in abusive and humiliating ways, in contravention of procedures outlined by Sri Lanka Human Rights Commission.
3. Ensure that the OMP (Office of the Missing Persons) function under the control international agencies such as the UN with the participation of international special prosecutors and judges as the victims have no faith in any local mechanisms or persons attached to the police, military or Judiciary.

*Collectif La Paix au Sri Lanka, Swiss Council of Eelam Tamil (SCET), NGOs without consultative status, also share the views expressed in this statement.