



General Assembly

Distr.: General
23 February 2012

English only

Human Rights Council

Nineteenth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), 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.

[13 February 2012]

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

Human Rights Council is urged to urgently protect HRDs and Journalists in Northern Sri Lanka

The Pax Romana would like to express its grave concern that despite regularly receiving information concerning widespread and numerous cases of attacks, threats and restrictions against the Human Rights Defenders (HRDs) and fundamental freedoms in Northern Sri Lanka, the Human Rights Council has failed to take effective action to have a tangible impact on the prevention of further abuses on the ground. The Pax Romana urges the Human Rights Council (HRC) to take immediate action to protect those HRDs and NGOs who belong to the ethnic, religious and linguistic minorities who are being targeted, so their work for the fundamental freedoms in Northern Sri Lanka can continue without fear and obstacles.

Introduction

In the last few years, many HRDs, including journalists and political activists critical of the government have been threatened, attacked, intimidated, detained on false charges, disappeared or killed. In each case, they were selectively targeted because they dared to express dissenting opinions or because they encouraged others to do so. Political groups and opposition activists have also faced severe reprisals, particularly since 2010. HRDs and journalists working in the North of Sri Lanka face particular threats and violent reprisals from the military and State-supported paramilitary groups. Many feel vulnerable and unable to access the same avenues for protection and support as HRDs operating in the rest of Sri Lanka. HRDs who are believed to have gathered information on human rights abuses, or have details of crimes against civilians during the war and who are believed to collaborate with international human rights organizations including the UN have faced serious threats to their lives and are often unable to live safely in Sri Lanka.

Development

On 9th December 2011, Lalith Kumar Weeraratne and Kugan Murugandan were abducted in Jaffna while organizing a press conference to be held in Jaffna on 10th December, International Human Rights day. Lalith, is a HRD and political activist, who has worked extensively in the North and East of Sri Lanka. He has campaigned against arbitrary detentions and enforced disappearances in the North and organized several campaigns and protests against disappearances in several cities in the North. Lalith faced several threat and attacks from police and military due to his work. In March 2011, he was abducted while organizing a protest in Mannar by persons who identified themselves as army officers, held in an abandoned factory and threatened before being released the following day. In November 2011, Lalith and several others were severely beaten by an armed group following a protest against disappearances in Jaffna town. To date there has been no information regarding their whereabouts and there appears to be no credible investigation into the abduction¹. On 15th December, cabinet spokesperson, Minister Keheliya Rambukwella told the media at a cabinet briefing that Lalith and Kugan had not been abducted and that 'they were there'². On 19th January 2012, Minister Nimal Siripala de Silva

¹ See <http://groundviews.org/2011/12/19/disappearance-of-human-rights-defenders-political-activists-lalith-kumar-weeraratne-and-kugan-murugandan-on-9th-december-2011/>

² See <http://www.thesundayleader.lk/2011/12/18/parent-seeks-hrc-intervention-to-find-whereabouts/>; <http://soundcloud.com/lanka-views/keheliya>

informed parliament that the police had made no progress in the investigations into the abduction³.

On 10th December 2011, a group of HRDs from the South traveling to Jaffna to attend a protest to mark human rights day in Jaffna were detained by police and prevented from attending the protest. The group was accused of attempting to provoke ethnic tensions and undoing what the military had achieved after years of struggle against terrorism⁴.

On 17th January 2012, again, a group of HRDs from the South traveling to Jaffna to attend a protest organized by platform of civil society groups against disappearances and abductions, were harassed, checked and finally stopped by police at Puliyankulam on the A9 road (Kandy-Jaffna road) and prevented from reaching Jaffna⁵. At around 1.30 pm of the same day, at Thinakural Rest, a hotel in Jaffna where the group had planned a press conference, was attacked by a mob of armed thugs⁶.

Several HRDs who document human rights violations in the North and are believed to collaborate with the international community including the UN, work under constant threat of violent reprisals by the military or state-supported paramilitary groups.

In January 2011, the names of a group of human rights defenders that participated in a human rights training in the North, were printed in a mainstream national Sinhalese newspaper, along with the organizers, portraying all as traitors. Previous articles published in the state media in October 2010, had accused the same group of being traitors/enemies of the State and also indicated that they were being investigated for furnishing false information to the international community. Following the article in January 2011, one HRD in the North who was named in the article, received serious threats and intimidation by the military. In September – October 2011, he was repeatedly called for questioning by the military/intelligence officers and severely beaten and tortured during interrogation.

Many HRDs and activists believed to be sending information to the international community are often stopped and harassed by state intelligence officers, at the international airport in Sri Lanka. One HRD from the North was stopped and questioned at the airport in December 2010 and another HRD from the North was questioned and slapped on arrival at the airport in September 2011.

Two religious leaders attempting to do human rights documentation work in Vanni was questioned by state authorities in January 2012.

In February 2012, the military questioned several people from North who made representations to a visiting delegation of the government of United States of America. A religious leader who hosted the meeting was also questioned.

Journalists critical of the government continue to suffer threats and attacks. Journalists at the Uthayan newspaper in Jaffna have been repeatedly targeted. On 28th May 2011 an Uthayan reporter was attacked by armed thugs while travelling to work.⁷ On 29th July 2011, Uthayan News Editor Mr. G. Kuganathan was assaulted with iron rods in Jaffna and was in critical condition before recovering at the hospital⁸.

³ See <http://www.dailymirror.lk/news/16200-unable-to-find-any-trace-of-missing-dissidents-govt.html>

⁴ See <http://groundviews.org/2011/12/14/42-political-activists-and-hrds-detained-and-prevented-from-participating-in-peaceful-protest-in-jaffna-town-on-human-rights-day/>

⁵ See <http://transcurrents.com/news-views/archives/7430>

⁶ See Network for Rights, Press Release, 18th January 2012, available at <http://nfrsrilanka.wordpress.com/>

⁷ See <http://www.thesundayleader.lk/2011/06/12/uthayan-under-fresh-attack/>

⁸ See <http://www.jdslanka.org/2011/07/sri-lanka-senior-tamil-journalist.html>

On 16th October 2011, a Jaffna University Student Union leader and an outspoken civil rights activist, was brutally assaulted with iron rods⁹. In December 2011, a poster titled “last warning” with names of 8 student activists and 3 lecturers was displayed at the Jaffna University.¹⁰ To date, there has been no credible police investigation into these attacks.

There are also severe restrictions on the freedom of assembly and association in the North. The military demand advance notification of any meetings and events including social events and attend such events without invitation. These requirements are extra-legal and are not sanctioned by law. Events including religious events take place under strict surveillance and fear of disruption by the military/police.

On 16th June 2011, a meeting of the Tamil National Alliance (TNA), was attacked by the Army¹¹. On 1st April, a Catholic Priest who had spoken about problems facing Jaffna civilians at a meeting with the visiting Congress of Religions delegation, had cow dung thrown at him. Such incidents have also instilled fear amongst human rights defenders, journalists, opposition politicians and anyone holding dissenting views with the government.

The report tabled in parliament by Mr. M.A. Sumanthiran, TNA Member of Parliament on 21st October 2011, expresses serious concern about attacks carried out with impunity in the North by several ‘unidentified groups’ including the attack on the Uthayan News Editor and Student Union leader of the Jaffna University. The report states that these attacks are widely seen as attempts to stifle dissent and freedom of expression in the North and East¹².

In 2011, one senior journalist critical of the government from Jaffna and a prominent HRD from the North who was engaged in documentation of human rights violations and submitting information to UN and other international bodies fled the country in fear. They have joined the large number of Sri Lankan HRDs and journalists who have fled the country and unable to return due to a fear of persecution in Sri Lanka.

Conclusion and recommendations

The intimidation, threats have resulted in severe setbacks to human rights documentation, advocacy by HRDs in North and East, and also the level of assistance provided to victims and families of victims. HRDs and journalists are labeled as terrorists in the State media which is often a precursor to more violent reprisals. No credible investigation has been conducted into any of the threats, attacks, killings and disappearances of HRDs to date. The police have shown an unwillingness and inability to protect HRDs and their families.

Against this backdrop of impunity and continuing insecurity, it is important to strengthen safeguards, protection and support for HRDs in Sri Lanka, particularly in the North. It is important to ensure that same laws that apply to rest of the country are applied to the North.

The Human Rights Council should urge the Government of Sri Lanka to provide an environment devoid of fear in the North for HRDs and NGOs, and to prosecute suspects and convict perpetrators.

⁹ See <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-211-2011>

¹⁰ See <http://www.srilankabrief.org/2011/12/death-threat-issued-to-8-student.html>

¹¹ See http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=28134 and <http://groundviews.org/2011/07/05/the-attack-on-tna-parliamentarians-in-jaffna-a-timeline-of-outrageous-denials/>

¹² Situation Report submitted by Mr. M.A. Sumanthiran to parliament on 21st October 2011 available at <http://dbsjeyaraj.com/dbsj/archives/2759>