

## Sri Lankan Government Pledge

No. 9 : Sri Lanka will undertake to do the following

- Furtherance of international human rights

## Violations of Human Rights

- Unlawful arrests and detentions in Jaffna and other parts of North and the East.
- Increase of numbers of disappearances
- Extra-Judicial killings
- Abductions taking place in Colombo by a white van.
- Recruitment of children both by LTTE and Karuna faction. List of children missing in June 2007 submitted to the Minister of Human Rights and IGP in August 2006. **No response received**

The last months have seen a return to violations prevalent before the Cease Fire Agreement in 2002. The Result is the arrests of thousands of people purely on the basis that they are Tamils and on the other hand both parties to the conflict, the Armed Forces and the LTTTE have acted into total disregard to the civilian protection.

Today Sri Lanka records for Asia the highest frequency of cases of disappearances reported to UN.

The Commission of Inquiry appointed in September 2006 to investigation into sixteen major incidents have not been able to provide necessary confidence to the community and families affected.

## Racial profiling – related to violations

Men are victims of more than 90% of killings and 97% of disappearances. Those belonging to the Tamil community are over whelming affected. Although Tamils make up only 16% of the population 78% victims of killings and 84% victims of disappearance are Tamils.

Five Tamil youths were killed in Trincomalee in April 2006 The father of one of them has fled the country without being able to provide credible information to conclude the investigations properly.

### Torture

Practice of Torture  
Media Release of Mr Manfred Nowak SP  
"Though the Government has disagreed, in my opinion the high number of indictments for torture filed by the Attorney General's Office, the number of successful fundamental rights cases decided by the Supreme Court of Sri Lanka, as well as the high number of complaints that the National Human Rights Commission continues to receive on an almost daily basis indicates that torture is widely practiced in Sri Lanka."  
*Source: [Freemedia Movement](#)*

## Evidence

Some cases from August/September 2007, as reported to the NHRC:  
*August 05:* Sritharan Tharshakan (21); went to Kandarodi camp at around 12.30 to collect his NIC taken from him on August 4; **never returned home.**

*September 5:* Sunderam Jeyasuddhan (27) of Manduvil West, Kodikamam, sought protection at the HRC saying that his NIC had been taken from him and when he went to the camp to reclaim it, **he was intimidated;**

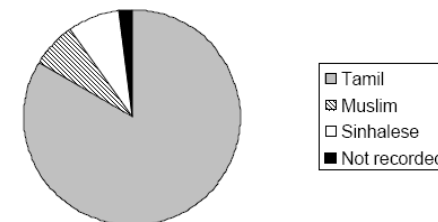
Kandiah Selvakumari (30) of Sivan Kovilady in Chavakachcheri **had her NIC taken** away by soldiers who came to the house seeking her husband who was in hiding; they asked her to report to the camp, and when she went there **she was badly assaulted;** She along with her husband Kandeepan and three children Kasthuri (9), Niroja (5) and Kowshika h(1) have all sought protection from the HRC.

*September 10:* Thurairajah Nisokunar (20) of Manduvil East, Kodikamam, sought protection from HRC saying that his **NIC** had been taken by the army and each time he went to the camp to try and recover it, **he was beaten.**

*September 11:* Alexandran Jeyaseelan (23) of Manduvil East, Kodikamam sought

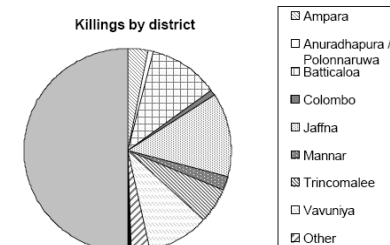
## Reference

Killings by ethnicity



Ethnicity	n	%
Tamil	554	83.73
Muslim	43	6.48
Sinhalese	53	7.98
Not recorded	12	1.81
	662	100.00

Killings by district



District	n	%
Ampara	40	6.02
Anuradhapura / Polonnaruwa	13	1.96
Batticaloa	145	21.99
Colombo	11	1.66
Jaffna	178	26.81
Mannar	27	4.07
Trincomalee	76	11.45
Vavuniya	130	19.58
Other	35	5.42
Not recorded	7	1.05
	662	100.00

Source  
Civil Monitoring Commission 31<sup>st</sup> October 2007

A wave of abductions amongst Muslim business people in the capital city Colombo has not been properly investigated. In the months of April and May 2007 abductions and extortions amongst the wealthy Muslim people appeared.

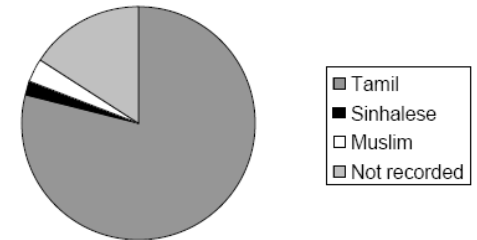
In June 2007 the Police arrested one of the Air Force officers named by a Senior Opposition MP to be involved in the said abductions. Up to date no actions have been taken to bring charges against him.

protection from the **HRC after military took away his NIC.**

Subramaniam Nagendran (33) of Varani, Jaffna, sought protection with the HRC saying that his NIC was taken by the army during a cordon and search operation on 12.03.2007. He was asked to report to the army once a week; **each time he went there he was assaulted.** Recently some men came to his home looking for him and questioned his family members about his whereabouts.

**Missing persons:**  
January to August 2007  
540

Disappearances by ethnicity



Ethnicity	n	%
Tamil	426	78.89
Sinhalese	10	1.85
Muslim	19	3.52
Not recorded	85	15.74
	540	100.00

Source  
Civil Monitoring Commission 31<sup>st</sup> October 2007

- Humanitarian law.

### Humanitarian Conditions

### Racial Profiling

### Evidence

### Reference

According to UNHCR around 350,000 civilians are registered as internally displaced during the past two years. In the year 2006 itself a further 15,658 Sri Lankans have sought refuge in India. 57 aid workers have been killed up to now.

From 2006 to present day Sri Lanka's "War on Terror" has extended to a "War of Words" against Humanitarian and Human Rights organizations.

Statement of Chief Government Whip Minister Jeyaraj Fernandopulle, referring to UN Under Secretary General for Humanitarian Affairs, John Holmes, August 2007  
"I would say Holmes is completely a terrorist, a terrorist who supports terrorism.."

- IDP concerns are listed below from our fact finding missions dated
  - Non compliance of IDP resettlement Principles
  - Ministry of Defense regulations restricting movement of aid-workers during the past 2 years
  - Killing of ACF workers and other aid workers during the said period pledges were given.

Apparent ethnisation of relief distribution delays in reaching affected areas tantamounting to punishing communities in the LTTTE controlled areas

Arrests and involuntary disappearances of civilians and IDPs, including those done during cordon and search operations, continue to be reported to NGOs and other agencies such as the Human Rights Commission (HRC), OCHA, UNICEF, ICRC, SLMM. 16 cases of disappearances had been reported to The Human Rights Commission in April 2007

57 Humanitarian workers killed and disappeared  
[Details of Humanitarian Workers killed article](#)

- Create a national legal framework for the protection of IDPs, using the Guiding Principles of Internal Displacement.

	Freedom of expression	Racial Profiling	Evidence	Reference:
<p>Invitation to Special Rapporteurs</p> <ul style="list-style-type: none"> <li>- Freedom of expression and opinion</li> <li>- Torture</li> </ul>	<p><b>January 2008</b> : Sri Lanka rated fifth deadliest in the world for journalists by IFJ.</p> <p>Incidents:</p>	<ul style="list-style-type: none"> <li>- Majority of journalists killed during the period under review are Tamils.</li> <li>- Attack on the only Tamil newspaper establishment situated in the high security zone in Jaffna not yet investigated</li> </ul>	<p>2008 incidents and events</p> <ul style="list-style-type: none"> <li>• 1st January: Defense Ministry attacks an English daily</li> <li>• 2nd January: Para-military group threatens a journalist</li> <li>• 2nd January: Three journalists receive death threats</li> <li>• 5th January: Leading media trade union activists receive death threats</li> <li>• 7th January: Government Minister accuses leading journalist of promoting terrorism</li> <li>• 9th January: Attempts to silence "Jaffna" daily <i>Uthayan</i></li> <li>• 10th January: Journalist stabbed</li> <li>• 19th January: Rumors will be dealt with punishment - MCNS</li> <li>• 27th January: Defense Secretary favours censorship and criminalizing defamation</li> <li>• 28th January: Unofficial censorship prevails</li> <li>• 28th January: Associate Editor stabbed</li> <li>• 30th January: Popular column dropped under government pressure</li> <li>• 30th January: Armed men break into journalist's home</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.freemediasrilanka.org">http://www.freemediasrilanka.org</a></li> </ul> <p>"Eleven media practitioners have been killed in Sri Lanka since August 2005, placing it second after Iraq in the list of media worker deaths. None of the investigations into the murders have led to prosecutions."</p> <p>Source: <a href="#">Return to War: Human Rights Under Siege</a></p>

Monitoring Bodies and GOSL	Submissions	Delay	Concluding observation	Ground Reality
<p>Cooperating with Human Rights Treaty Monitoring Bodies by submitting Period Reports on time Party to the Optional Protocol to the Convention of the Rights of the Child, on the sale of children, Child Prostitution and Child Pornography</p>	<p>1. Treaty Body CERD Last submission 14/08/2001</p>	<p>The committee has considered the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> periodic reports of Sri Lanka which were due on 20<sup>th</sup> March 1995, 1997 and 1999 only on the <b>7<sup>th</sup>/08/2001</b></p>	<p><b>14<sup>th</sup>/08/2001</b> Principle subjects of concern:</p> <p>1. Restrictions placed on CPR under PTA and emergency regulations and their alleged discriminatory application with regard to Tamils (332)</p> <p>2. Concern about the situation of the civilians living in the North and East particularly IDPs; recommended that State party continue to provide assistance and work with humanitarian agencies. (333)</p> <p>3. Tamils of Indian origin particularly plantation workers and their descendents (334)</p> <p>4. Re. the Veddass; to recognize and protect their rights to own, develop, control and use their communal lands, territories and resources. (335)</p> <p>5. To provide updated data on the demographic composition of the population, (337)</p> <p>6. The State part was invited to provide relevant information on 20<sup>th</sup> March 2003 regarding the following – (a) Content of the devolution regime for regions (b) Scope of restrictions on the movement of Tamils living in the North and Eastern provinces (c) Situation of the Veddass (d) Situation of stateless persons (e) Measures taken to eliminate racial discrimination (f) the application of the PTA and ER particularly the application to Tamils and other ethnic groups.</p>	<p>1. Arbitrary arrests and detention of Tamils continuing under E.R where provisions of PTA has been included during the period under review for UPR - Eviction of Tamils from lodges in Colombo on 7<sup>th</sup> June 2007</p> <p>2. (a) Since 2006 the State party not adhering to Treaty Body observation. Refer to Ministry of Defense guide lines/ memos violating basic humanitarian principles (b) Killing of ACF workers (c ) Threat and killings of aid workers in government controlled areas</p> <p>3. (a) Citizenship law reformed in the year 2002 to facilitate granting of citizenship.</p> <p>4. No new provisions have been made to secure their rights. They continue to be tried for poaching thereby making them vulnerable in their own lands.</p> <p>5. (a) No new census taken after 2000. (b)No demographic nor gender disaggregated data available related to tsunami affected areas in the national institutions</p> <p><b>6. We request the State party to provide the same information as they come for the pier review under UPR.</b></p> <ul style="list-style-type: none"> <li>• New ID with a photograph and basic detail of person including ethnicity for the Tamil community only in the North and East.</li> <li>• Permit from the Army for citizens of the North Jaffna to travel to South.</li> </ul>

Sri Lankan  
Government  
Pledge

**Recommendations**

**Build capacity** of the Ministry of Human Rights, Human Rights Commission of Sri Lanka and other independent statutory bodies

- There is an urgent need for mechanisms to communicate local community leaders' concerns to the security forces to prevent both human rights and humanitarian crises.
- There is a continued need for an international presence in conflict areas and among displaced communities. The withdrawal of INGOs, often the only external witnesses in conflict areas, has increased people's fear of the security forces' violence.
- The climate of fear and impunity must be addressed by a UN human rights monitoring mechanism that can push for the prosecutions of perpetrators through support for investigations and adequate witness protection.
- The international community and the President's Commission of Inquiry should address the question of command responsibility, particularly the present dispensation in the Defence Ministry. Without so doing, it would be very unfair to ask witnesses to come forward.
- Review of all Ministry of Defence circulars related to delivery of humanitarian assistance in relation to compliance with humanitarian laws governing conflict situations and wars.
- Development of a code of conduct to stop racial profiling in the media with regard to conflict reporting
- Establishing the independence of the Human Rights Commission of Sri Lanka and the Police Commission based on the provisions of the 17<sup>th</sup> Amendment of the Constitution of Sri Lanka
- Assure IDP principles and norms adherence in the resettlement of the displaced.
- Immediate investigation into East Reawakening Program (Nagenhira Navodaya) to monitor discriminatory practices and racial profiling causing Human Rights violations and causing inter-racial disharmony
- Stopping of hate speeches made in parliament against civil society engagement for Peace and Human Rights thereby demonstrating respect for freedom of association, freedom of speech and promotions of Human Rights.
- Take action against Cabinet Ministers who call upon for the elimination of civil society activists working for Peace, Human Rights and media freedom.

**Remains to be a reality ----- Pledge unfulfilled**

Introduction of the  
Human Rights Charter