

## Minority Rights Group International UPR Submission on Sri Lanka

Minority Rights Group International (MRG) is an international NGO in Special Consultative Status with ECOSOC. MRG works to secure the rights of minorities and indigenous peoples worldwide.

This report will focus on the situation of minorities and violations of minority rights in Sri Lanka.<sup>1</sup>

In January 2008 the Sri Lankan government unilaterally abrogated a 5 year Norwegian brokered cease-fire. Two weeks after the government's announcement the Scandinavian cease-fire monitoring team announced they were withdrawing from Sri Lanka.<sup>2</sup>

Since August 2006 both the government and the Tamil Tigers, the militant group fighting for a separate state for ethnic minority Tamils in the north and east of Sri Lanka, have been engaged in active warfare. The Sri Lankan government's military operation in eastern Sri Lanka that led to the capture of the eastern province resulted in a massive humanitarian crisis with close to 300,000 displaced. The government some months later in contravention of international law forcefully returned people to their homes. In the new wave of fighting post the breakdown of the cease-fire several civilians have been killed and displaced. Civilians have also been targeted in specific military attacks and in Tamil Tiger bombings.<sup>3</sup>

Sri Lanka is also facing a severe human rights crisis with a rise in incidents of extra judicial killings and enforced disappearance. In almost all cases minority Tamils and in some cases Muslims have been the victims. The government, Tigers and other paramilitary groups including the Tigers breakaway Karuna faction have been responsible for the human rights violations. There is substantial evidence that the Sri Lankan military is colluding with the Karuna group and other para-military groups on human rights violations. There have also been a host of other violations including abductions, torture, extortion, threats and intimidation.

The government uses tough anti-terror laws to arrest and detain large numbers of people, in most cases minority Tamils, on suspicion of involvement with the Tigers. There have been media reports of instances where up to 1000 people have been rounded up in anti-terror search operations. In almost all of the cases international laws are not adhered to.

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<sup>1</sup> The attached briefing paper contains detailed information and references for all the statements made in this summary up to December 2007.

<sup>2</sup> Please see MRG statement issued in January 2008. see <http://www.minorityrights.org/?lid=4621>

<sup>3</sup> See for example <http://www.guardian.co.uk/international/story/0,2252338,00.html>

The government has also pursued an extremely antagonistic approach to international organisations and human rights organisations working in Sri Lanka. Human Rights defenders have been killed, attacked and targeted for verbal abuse. Aid workers, religious leaders and journalists have also been targeted for human rights abuses.

The government has failed to protect human rights of Sri Lankans, particularly ethnic minorities and certain other vulnerable groups. In some cases the government itself is responsible for violations, in other cases they turn a blind eye to human rights abuses committed by other groups. The Tamil Tigers are also targeting civilians and involved in human rights violations.

Following the departure of the Scandinavian monitors there has been a gap in international monitoring in Sri Lanka. The country's National Human Rights Commission is not properly functioning and was recently downgraded by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. An independent Commission appointed to look at a list of 17 selected major human rights violations that occurred in the year 2006, has also failed to carry out its mandate. There is currently no proper monitoring, recording or investigating of alleged human rights violations. There is also a great sense of impunity in the country with virtually no police investigations or judicial scrutiny of human rights cases. Recent positive judgements by the Supreme Court of Sri Lanka<sup>4</sup> on restrictions to military search operations have not been implemented by the military seriously undermining the role of the judiciary.<sup>5</sup>

Despite this situation the Sri Lankan government continues to ignore growing calls from the UN, the international community and international human rights organisation for an OHCHR office to be opened in Sri Lanka with field monitors.

### **Suggested Questions and Recommendations for the Sri Lankan government**

- Request detailed information from the Sri Lankan government on the level of human rights monitoring currently taking place, including figures for violations such as extra-judicial killings, enforced disappearances, abductions and extortion.
- Request specific figures from the government on the numbers of ethnic minorities arrested and detained under anti- terrorism legislation
- Request information on what special measures the government is taking to protect the lives and rights of minority Tamils and Muslims who are targets of human rights violations in the north and east.
- Request figures on the number of cases of extra-judicial killings, torture, enforced disappearance and abductions that the police are currently investigating. How many of these cases are being prosecuted? What is the ethnic breakdown of the victims of these cases?
- Request information on the government's role with paramilitary groups, particularly on why these groups are able to operate and commit human rights abuses in government controlled territories.

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<sup>4</sup> See: <http://afp.google.com/article/ALeqM5hsTEWINLrCM6IHqxnn4igh2JOHlw> and [http://www.colombopage.com/archive\\_07/December453342SL.html](http://www.colombopage.com/archive_07/December453342SL.html)

<sup>5</sup> MRG interviews with Sri Lankan human rights activists February 2008.

- Request information on the extent to which the government, in areas under their control, monitors the activities of paramilitary groups and whether the government plans to disarm them.
- Request information on what measures the government is taking to protect targeted groups of people like journalists, human rights activists, aid workers and religious leaders.
  
- Recommend, and encourage the Sri Lankan government to adopt as a voluntary commitment of the UPR, that the OHCHR open a country office to assist the government in monitoring the human rights situation.
- Recommend that the government fully implements the 17<sup>th</sup> amendment to the constitution that envisages the creation of a constitutional council that appoints members to the Human Rights Commission.
- Recommend that the government fully implement recent Supreme Court decisions on road blocks in the capital Colombo and time restrictions on search operations.
- Recommend that the government to open its anti-terror detention facility for inspection by human rights groups.