



General Assembly

Distr.
GENERAL

A/HRC/7/NGO/93
26 February 2008

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Seventh session
Agenda item 4

**HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S
ATTENTION**

**Written statement* submitted by Asian Forum for Human Rights and Development
(FORUM-ASIA), 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.

[24 February 2008]

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

Killings and Disappearances in Sri Lanka

1. Introduction

On 16 January 2008, the Government of Sri Lanka (GoSL) unilaterally withdrew from its 2002 Ceasefire Agreement (CFA) with the Liberation Tigers of Tamil Eelam (LTTE). This withdrawal has led to a sharp rise in attacks on civilians in both combat and non-combat areas. The prior existence of the CFA did not mean there were no killings and disappearances in Sri Lanka, though the Agreement did initially bring about a reduction in levels of violence. The Sri Lanka Monitoring Mission (SLMM), a Scandinavian body created to monitor adherence to the CFA, reported less than 130 deaths related to the conflict during the first three years of the of the CFA. However, in the fifteen months between November 2005 and February 2007 the SLMM noted nearly 4000 conflict-related killings.¹

Threats to integrity of the person and the right to liberty escalated after the November 2005 presidential elections. In Batticaloa, an MP representing the Tamil National Alliance (TNA) was shot dead while participating in a Christmas day service in a church in December 2005. This was followed on the 2 January 2006 by the killing of five young students in Trincomalee. This trend continued throughout 2006 and 2007.

2. Lack of Official Reporting on Killings and Disappearances

Although individual cases of killings and disappearances are reported almost daily in the media, no official Sri Lankan body has produced public reports of killings and disappearances. After visiting Sri Lanka in October 2007, the UN High Commissioner for Human Rights, said that she was “convinced that one of the major human rights shortcomings in Sri Lanka is rooted in the absence of reliable and authoritative information on the credible allegations of human rights abuses.”²

Amongst the various commissions and committees appointed by the Government to examine incidents of abductions, disappearances and attacks on civilians resulting in deaths is a Commission on Abductions, Attacks on Civilians and Killings, headed by Hon. Mahanama Tillekeratne. As with previous commissions appointed in the 1990s to inquire into disappearances, this Commission, has not made any report available to the public. However, on one occasion the Commissioner communicated to the media that 430 people had been killed between September 2006 and Feb 2007, and that 2,020 people had been reported as disappeared or abducted. Out of the disappeared, he stated that 1,134 had been found alive while the fate of the other 886 was unknown.³

The National Human Rights Commission has not put out any figures on killings and disappearances, although some of its branches have released information to the public through the media.

¹ See SLMM press release dated 22 February 2007, available at http://www.slmm.lk/press_releases/CFA%205%20years.pdf

² “Press Statement by High Commissioner for Human Rights on Conclusion of her Visit to Sri Lanka,” 13 October 2007. Available from <http://www2.ohchr.org/english/press/newsFrameset-2.htm>

³ See news report at http://www.bbc.co.uk/sinhala/news/story/2007/06/070628_mahanama.shtml

With the GoSL's unilateral abrogation of the CFA, the SLMM was also forced to leave the country. Though the SLMM's mandate was limited to monitoring ceasefire violations and it had a field presence in just a few cities in the northern and eastern districts, it still managed to document and report on killings and disappearances. Its absence during the current escalation of violence widens the existing protection gap.

3. Numbers Killed according to Human Rights Organizations

Although statutory bodies tasked with human rights protection in the country have displayed an inability or unwillingness to provide the public with information about the human rights situation, other groups have regularly documented killings and disappearances. The Civil Monitoring Commission (CMC), the Free Media Movement (FMM) and the Law & Society Trust (LST) co-authored a non-exhaustive working document detailing killings and disappearances that occurred between January and August 2007. The document, submitted to the Presidential Commission of Inquiry and other relevant domestic bodies, as well as the UN Special Procedures dealing with Disappearances and Extrajudicial Executions, reported 662 killings and 540 disappearances between January and August, an average of five such violations per day.⁴

The only statistics available on LTTE controlled areas are from the North East Secretariat on Human Rights (NESOHR), which is widely regarded as biased towards the LTTE. NESOHR reported 486 disappearances and 775 killings in 2007.⁵ The Asian Human Rights Commission (AHRHC) released the names of 53 persons killed as well as 53 who were disappeared during the month of October 2007 and released the names of a further 63 persons killed during November 2007.⁶

4. The Tamil Community and Jaffna Residents: the Major Targets

Based on the information in these reports, it is clear that most of the victims were from the ethnic Tamil minority. According to the CMC-FMM-LST document, more than 78% of the victims of killings and 84% of the victims of disappearances⁷ were members of the Tamil community, which itself makes up around 16% of the overall population.

The majority of the disappearances and killings have been concentrated in just a few districts, particularly Jaffna. More than half of reported disappearances and 28% of reported killings have taken place in Jaffna⁸. Young, male Tamils are at an especially high

⁴ Working document released by the Civil Monitoring Commission, Free Media Movement and Law & Society Trust, 31 October 2007, available at www.lawandsocietytrust.org

⁵ NESOHR Annual report on Human Rights, dated 5 January 2008, available at http://www.nesohr.org/files/2007_Annual_Report_on_Human_Rights.pdf Detailed monthly reports with names of victims, places and dates of incidences also available at www.nesohr.org

⁶ See AHRHC urgent appeals: dated 13 November 2007 available at <http://www.ahrchk.net/ua/mainfile.php/2007/2661>, 22 November 2007, available at <http://www.ahrchk.net/ua/mainfile.php/2007/2671/> and 20 December 2007 available at <http://www.ahrchk.net/ua/mainfile.php/2007/2702>

⁷ CMC, FMM & LST, "Second submission..." 31 October 2007. Available at <http://www.lawandsocietytrust.org>

⁸ Ibid.

risk of human rights abuses, and this is particularly the case in the Jaffna area. According to the CMC-FMM-LST submission to the Commission of Inquiry, approximately 22% of all reported disappearances from January to August 2007 affected young, male Tamils in Jaffna. The submission notes that, “[T]his skewed distribution means that risk is highly predictable and suggests that protection measures would be most effective if focused on this group.”⁹

5. Targeting of Political and Religious Leaders, the Press and Humanitarian Workers

Several parliamentarians have been amongst those killed, including three Tamil MPs who spoke out about human rights violations against minority Tamils.¹⁰ Two ministers have also been assassinated since 2005, including a Foreign Minister who was a vocal opponent of the LTTE in both the domestic and international arenas who was killed on 12 August 2005.¹¹ Mr. Kethesh Loganathan, a longtime minority rights advocate and Deputy Head of the Government’s peace secretariat, was assassinated exactly a year later, on 12 August 2006.

Two Catholic priests and a Buddhist monk involved in assisting and protecting internally displaced persons (IDPs) and promoting ethnic harmony in the North and East were killed or subjected to disappearance.¹² A Hindu priest was killed after participating in a ceremony involving the President.¹³ IDPs have also been killed as they sought refuge in churches.¹⁴

Members of the press in Sri Lanka continue to be targets of violence. The Press Emblem Campaign named Sri Lanka as the third most dangerous place in the world for journalists, with 7 killed in 2007 and 4 killed in 2006.¹⁵ In January of 2008, a leading global media network also named Sri Lanka as highly dangerous for journalists, labelling it as fourth most dangerous on its world-wide list.¹⁶ Reports by the Asian Human Rights Commission regularly describe the perpetration of State violence against journalists in Sri Lanka and note that journalists have been mainly targeted by the police.¹⁷

⁹ Ibid.

¹⁰ Mr. Joseph Pararajasingham, shot dead while attending Christmas service on 25 December 2005; Mr. Raviraj, shot dead within a High Security Zone in Colombo on 10 November 2006 and Mr. T. Maheswaran, shot dead on 1 January 2008, while attending a New Year service in a Hindu Kovil.

¹¹ Former Foreign Minister Mr. Lakshman Kadirgamar killed on 12 August 2005 and Mr. D. M. Dissanayake, non cabinet minister for Nation Building, killed on 8 January 2008

¹² Written statement to the 6th session of the UN Human Rights Council, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G07/140/16/PDF/G0714016.pdf?OpenElement> and joint statement by 22 civil society groups in Sri Lanka dated 2 October 2007, available at www.lawandsocietytrust.org

¹³ Written statement to the 6th session of the UN Human Rights Council, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G07/140/16/PDF/G0714016.pdf?OpenElement>

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¹⁵ See Press Emblem Campaign media release dated 17 December 2007. Available at <http://www.presseblem.ch/7545.html>

¹⁶ AHRC, “Sri Lanka: Police allegedly attempt to abduct a journalist,” January 2008. Available at <http://www.ahrchk.net/ua/mainfile.php/2008/2710/>

¹⁷ AHRC: SRI LANKA: Alleged torture and fabrication of charges against a journalist by Kalpitiya police. Available at <http://www.ahrchk.net/ua/mainfile.php/2008/2717/>. For further reports of police violence against journalists, see cases UAC-001-2008 and UA-310-2007.

65 humanitarian actors were killed or disappeared in 2006-2007. All but two of these incidents occurred in the north and east. One such incident, in August 2006, saw the execution of 17 staff belonging to one aid agency.¹⁸

In addition to the above groups, civilians continue to be targeted in Sri Lanka. Claymore mines and suicide bombings occur in public places, including in buses and at train stations. Such incidents have claimed hundreds of lives in the north and east as well as in Colombo and other provinces.

6. Involvement and Complicity of Government and the LTTE

Many of the killings and disappearances, particularly around Colombo and Jaffna, have occurred in high security zones with heavy military presence; in Jaffna, many of these violations have occurred during military-imposed curfew times. In such cases, the involvement or complicity of security forces seems unavoidable.

Based on the LTTE's *modus operandi* for decades, they are likely to be responsible for the high-profile killings of individuals associated with the Government as well as bombings targeting civilians in areas outside the north and east.

7. Impunity: Inability and unwillingness of domestic mechanisms to address impunity and deter further violations

Over the last two years, the Sri Lankan Government has consistently downplayed and even denied the seriousness of the human rights protection crisis in Sri Lanka, a crisis which has seen thousands of citizens become the victims of killings and disappearances. Mechanisms intended to protect the human rights of all Sri Lankans have been undermined through unconstitutional political appointments, such as to the National Human Rights Commission, which was recently downgraded to "B" status by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) for its lack of independence and failure to fulfill its legal mandate. Investigations into these violations are inadequate and do not meet international standards, as repeatedly pointed out by the International Independent Group of Eminent Persons (IIGEP), a body appointed to observe the work of a much publicized Presidential Commission of Inquiry.¹⁹ Even when indictments are made, witnesses are routinely intimidated and therefore unwilling to testify, leading to a situation of impunity for even the gravest rights violations. The Government's response to this – setting up ad hoc committees and commissions – has been ineffective in bringing perpetrators to justice, and has done nothing to deter further killings and disappearances.

¹⁸ See compilation on "Incidents of killings and disappearances of those in humanitarian service," prepared by Law & Society Trust, February 2008, available at www.lawandsocietytrust.org

¹⁹ See public statements by IIGEP, on 19th Dec. 2007, 19th Sept. 2007, 15th June 2007 and 11th June 2007, available at <http://www.iigep.org/press-releases.htm>

8. Recommendations

In the above context, as an immediate short term measure, it is urgent to establish an presence at the country level of the Office of the High Commissioner for Human Rights (OHCHR) in Sri Lanka, in order to offer civilians, particularly the minority Tamil community, a sense of hope that they can live in dignity and safety.
