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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

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.

[14 February 2011]

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

Human Rights Council is urged to protect human rights defenders and fundamental freedoms in post war North and East in Sri Lanka¹

The Pax Romana, a non-governmental organization in special consultative status with ECOSOC, would like to express its grave concern that despite regularly receiving information concerning widespread and numerous cases of attacks, threats and restrictions to the Human Rights defenders (HRDs) and fundamental freedoms in post war North and East in 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 post war North and East of Sri Lanka can continue without fear and obstacles.

Introduction

In the year after the war between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) ended, people in the North who had borne the brunt of the war, anticipated a gradual recovery from years of violence and displacement and enjoy their rights and freedoms as citizens. However, these expectations have been constrained by severe restrictions, threats and attacks on freedom of assembly, association, expression and movement, particular targeting human rights defenders (HRDs).

1. Suppressing of freedom of assembly & association

In May 2010, displaced persons who were protesting during a visit by two Government Ministers about the takeover of their land by the Navy were detained and threatened. Later in 2010, a religious leader who supported efforts by a community organization to organize a peaceful protest regarding water facilities was threatened by the military.

People in recently resettled villages of Vanni area have been prevented from meeting together to form associations and discuss and take actions on community issues.²

During May 2010, the military cancelled several religious and cultural events planned in the North to remember those killed during the war. Organizers were threatened.³ These events would have raised visibility and awareness about killings that has yet to be formally acknowledged by the government. On the 20th May the Media and Information Minister

¹ Some names of victims, places, dates had been withheld due to fear of reprisals. Formal complaints have not been lodged regarding most incidents due to lack of confidence in domestic mechanisms and fear of reprisals. See also the analysis of the Minority Rights Group in pages 12-13 of the latest report available at <http://www.minorityrights.org/10458/reports/no-war-no-peace-the-denial-of-minority-rights-and-justice-in-sri-lanka.html>

² See <http://groundviews.org/2010/05/26/vanni-in-the-year-after-war-tears-of-despair-and-fear/>

³ See <http://groundviews.org/2010/06/18/celebrating-war-victory-and-banning-commemoration-of-dead-civilians-this-is-%E2%80%9CChome-grown-indigenous%E2%80%9D-reconciliation-and-freedom-in-sri-lanka/> and section D, part 11 of Mannar Catholic Church's Submission to the LLRC available at http://transcurrents.com/tc/2011/01/post_609.html

told the media that Tamil people cannot be allowed to make public campaigns when they commemorate their children and family who died in the war.⁴

2. Killings, threats and intimidation of human rights defenders

On 26th December 2010, a Tamil Deputy Director of Education in Jaffna was shot dead, after he had opposed the singing of the National Anthem of Sri Lanka in the majority language of Sinhalese.⁵ On 31st December 2010, an activist who had campaigned against environmental damage due to sand excavation in Jaffna was shot dead.⁶

Also in December 2010, a HRD in the North, who has been helping to organize families of disappeared people received threatening calls, was subjected to surveillance and questioning by intelligence agents. Another HRD in the North documenting human rights violations also received threatening phone calls and was questioned at the airport. In the East, a HRD was threatened and was compelled to leave the country in 2010, while in February 2011, a priest from Batticaloa, well known for his work on Child rights was arrested along with five of his staff. Also in the East, women human rights defenders who had attended training were questioned about the training by police officers.

In late 2010 and early 2011, local newspapers ran a series of articles regarding HRDs in North who had followed training on submitting complaints to UN.⁷ The names of the participants as well as names of organizations that organized and conducted the training were published, portraying them as traitors and terrorist sympathizers. One of the participants was interrogated by intelligence agents.

3. Restrictive government structures

NGOs interested to work with civilians in newly resettled areas of the North have made numerous complaints about difficulties in getting the permission of the government and the military.⁸ The procedures vary from time to time and have been described as long and complicated. Interventions aimed at empowering communities to stand up for their rights are not allowed and one HRD was scolded during a meeting in Colombo, for raising these.. On one occasion, it took over 45 minute for one Woman HRD to explain to a Presidential Task Force official why they run a shelter for battered women and why they assist abandoned pregnant women to take DNA tests.

Former military officers are Governors in both the North and East and local HRDs report that these Sinhalese men operate more from wartime military mindset than civilian perspective⁹ and that they often obstruct development work in the North and East by NGOs.

⁴ <http://www.lankaenews.com/English/news.php?id=9568>

⁵ See <http://nfrsrilanka.wordpress.com/2010/12/29/sri-lanka-director-education-in-jaffna-shot-dead-for-speaking-out/> and also <http://nfrsrilanka.wordpress.com/2010/12/30/sri-lanka-denies-nfr-allegation-on-the-killing-of-jaffna-education-director-print-e-mail-thursday/> for response of the Government and clarifications by civil society

⁶ See <http://nfrsrilanka.wordpress.com/2011/01/03/the-re-immersion-of-fear-psychosis-the-jaffna-district/>

⁷ Divaina of 3rd October 2010, 2nd & 23rd January 2011, Dinamina of 15th January 2011 and Island of 22nd October 2010

⁸ See <http://www.reliefweb.int/rw/rwb.nsf/db900sid/FERB-888J8E?OpenDocument&emid=ACOS-635PHK>

⁹ See section D, part 10 of the Mannar Catholic Church's submission to the LLRC available at http://transcurrents.com/tc/2011/01/post_609.html

NGOs and community leaders have also been instructed that no events or functions should be organized without the presence of the military government politicians.¹⁰

Travel restrictions on foreign nationals to the North restrict information about abuses being shared with the international community and deny war-affected people opportunities to get assistance from well-wishers. One reporter who managed to go to Vanni reported that she was told by Ministry of Defense that “clearance is required in order to prevent journalists from reporting bad things on what is happening in Jaffna and Vanni”.¹¹

4. Restrictions and intimidation during hearings of the Reconciliation Commission

Hearings of the Lessons Learnt and Reconciliation Commission (LLRC)¹² in the North and East provided a rare opportunity for civilians to voice their grievances and report violations. A woman who gave testimony about her husband disappearing after surrendering to the Army, had the military visiting her residence and also received phone calls threatening her. In Jaffna, there were reports of a systematic intimidation campaign to discourage residents from appearing before the LLRC.¹³

HRDs who attended some hearings were photographed questioned and warned not to share information with foreign media. One HRD reported that an Army officer, stood close to her and monitored the notes she was taking. In Mannar, a soldier had made witnesses nervous by taking photographs.¹⁴ Foreign media was banned from covering some hearings in the North.¹⁵ During hearings in Jaffna, a local journalist had been threatened.

5. Threats and attacks on media

In the East, anti corruption crusader and editor of the "Vaara Ureikal" was attacked in February 2011.¹⁶ The paper's office was also attacked in September 2010.¹⁷ In January 2011, a journalist working in the Ampara District was assaulted while he was on his way to report on the distribution of food to flood victims of the area for refusing demands by a local politician for favorable coverage.¹⁸ In December, a journalist of the Thinakaran newspaper in Batticaloa was assaulted.¹⁹ In July 2010, a journalist and HRD in Mannar,

¹⁰ See section D, part 11 of the Mannar Catholic Church's submission to the LLRC, available at http://transcurrents.com/tc/2011/01/post_609.html

¹¹ See end note to article by the reporter, available at <http://www.thesamosa.co.uk/index.php/sri-lanka-special-report/49-news-and-features/358-sri-lanka-fear-and-trauma-one-year-on.html>

¹² A Government appointed body, see official website at <http://www.llrc.lk/>

¹³ See http://www.caffesrilanka.org/LLRC_should_ensure_a_free_and_secure_environment_where_people_can_give_evidence-5-2457.html

¹⁴ See <http://www.bbc.co.uk/news/world-south-asia-12154294>

¹⁵ See <http://www.bbc.co.uk/news/world-south-asia-11729962> and <http://www.bbc.co.uk/news/world-south-asia-11349494>

¹⁶ See <http://nfrsrilanka.wordpress.com/2011/02/10/sri-lanka-vaara-uraikal-editor-assaulted/>

¹⁷ See Networking for Rights Action Alert of 16th September 2010

¹⁸ See <http://nfrsrilanka.wordpress.com/2011/01/07/sri-lanka-assault-on-senior-journalist-in-ampara-district/>

¹⁹ See <http://nfrsrilanka.wordpress.com/2010/12/27/sri-lanka-vice-chancellor-bans-human-rights-defender-speaking-at-university-while-intimidations-and-threats-to-media-and-hrds%E2%80%9999-continue/>

was attacked.²⁰ Tamil newspapers in the Northern Province that often report on minority rights issues, have complained of threats and intimidation against their journalists and staff. Douglas Devananda, a Cabinet Minister and the leader of the Eelam People's Democratic Party (EPDP), has publicly warned the editor of *Yarl Thinakural* and its administrative manager for having published front page news on the attack on an election.²¹

6. 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 by them to victims and families of victims.

The Human Rights Council should urge the government of Sri Lanka to provide an environment devoid of fear in the North and East for HRDs and NGOs to operate and take actions to acknowledge problems, investigate allegations of violations, prosecute suspects and convict perpetrators. The long line of incidents and absolute impunity indicates the need for international monitoring and assistance to HRDs in the North and East, including by the UN Country Team and Diplomatic community in Colombo.

²⁰ See <http://www.lankasrinews.net/view.php?2bIAQUe0d3lme0ecLBY44a4z54Acd3cYB2dc2Amd3a434O X3e230Mm30>

²¹ Mediafreedom in Sri Lanka report 4 & 5