

---

# SRI LANKA'S HUMAN RIGHTS CRISIS

## EXECUTIVE SUMMARY AND RECOMMENDATIONS BY THE EUROPEAN UNION

**T**he resumption of war between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) has been accompanied by widespread human rights abuses by both sides. While the LTTE has continued its deliberately provocative attacks on the military and Sinhalese civilians as well as its violent repression of Tamil dissenters and forced recruitment of both adults and children, the government is using extra-judicial killings and enforced disappearances as part of a brutal counter-insurgency campaign. The likely results will be the further embitterment of the Tamil population and a further cycle of war, terrorism and repression. Without ignoring or minimising the serious violations of the LTTE, the international community needs to bring more pressure to bear on the government, through UN mechanisms, a reappraisal of aid policies and intensified political engagement. The alternative is a further decline into authoritarianism, violence, terrorism and repression.

Civilians are repeatedly caught up in the fighting. More than 1,500 have been killed and more than 250,000 displaced since early 2006. There have been hundreds of extra-judicial killings, and more than 1,000 people are still unaccounted for, presumed to be the victims of enforced disappearances. Hundreds more have been detained under newly strengthened Emergency Regulations that give the government broad powers of arrest and detention without charge. The security forces have also expelled hundreds of Tamils from Colombo. Forces commanded by the ex-LTTE commander Karuna, leader of the Tamil Makkal Viduthalai Pulikal (TMVP) now aligned with the government, engage in child recruitment, extortion, abductions for ransom and political assassinations.

While many deaths result from military clashes, the army – assisted by pro-government Tamil paramilitaries – is also engaged in a deliberate policy of extra-judicial killings and abductions of Tamils considered part of the LTTE's civilian support network. Targeted assassinations have been particularly frequent in Jaffna and parts of the east, often victimizing civilians with no connection to the LTTE. Political killings, abductions and disappearances have also spread to Colombo, where abductions for ransom have targeted both Tamils and Muslims.

Tamils are increasingly fearful and alienated from a government that claims to be liberating them from the LTTE but has failed to promote any viable political solution to the conflict. The violence and abuse suffered by many Tamils has ensured increased support and funding for the insurgents. The counter-insurgency campaign is leading to more authoritarianism in the country as a whole. Officials now routinely brand their political critics and human rights advocates as LTTE sympathisers, while political opponents and journalists have been arrested under the Emergency Regulations. What began as an effort to target LTTE supporters shows disturbing signs of becoming generalized repression of dissent. While routinely attacking moderate democratic forces, the government has given free rein to Sinhalese nationalist groups.

For the most part the government has responded to criticism with denial, obfuscation and virulent, verbal attacks on its critics. In an attempt to deflect international criticism, it has also established new institutions to investigate allegations of human rights abuses. A Presidential Commission of Inquiry (Col), backed by a panel of international observers, is investigating a series of atrocities. However, the history of such institutions in Sri Lanka is grounds for scepticism: previous commissions have been ineffective in stopping abuses or prosecuting perpetrators.

In any case, the Col is no substitute for proper action by the law enforcement agencies and judiciary to investigate and prosecute abuses. The national Human Rights Commission is deeply flawed and has lost all credibility after being stocked by political appointees. Other domestic institutions are increasingly politicised or dysfunctional, leading to calls for an international human rights monitoring mission, which may be the only way to end the present wave of abuses. The international community has responded to the renewed conflict and human rights abuses, however, in a disjointed and lacklustre way. While there has been some public criticism, there is little sign of a coordinated approach that would put real pressure on the government to change course.

If the government does not begin to reassert the rule of law, it may find itself unable to bring under control the violent forces that have been unleashed – including the TMVP, other Tamil paramilitaries and criminal elements. The nature of the campaign against the LTTE has spawned a rise in general lawlessness. Democratic state institutions are increasingly threatened by the development of a regime that is becoming more authoritarian.

## RECOMMENDATIONS

### To the Sri Lankan Government:

1. Pursue vigorously investigations, indictments and prosecutions against those alleged to be involved in atrocities.
2. End the policy of extra-judicial killings and disappearances and take active measures to prevent abductions, killings and arbitrary detentions in government-controlled areas.
3. Assert effective control over the TMVP paramilitary group by:
  - (a) restricting it in civilian areas to unarmed political activity;
  - (b) arresting and prosecuting all members engaged in criminal activities, including abduction, child recruitment, extra-judicial killings and robbery; and
  - (c) strictly limiting the role of TMVP members in administration, relief and resettlement programs.
4. Prevent, prosecute and end any government facilitation of child recruitment by pro-government paramilitaries.
5. Guarantee the constitutional right to freedom of movement and residence of all citizens and end all threats and harassment by security forces of Tamils visiting Colombo.
6. Appoint the Constitutional Council and allow it to nominate the members of independent commissions, including the Human Rights Commission and National Police Commission.
7. Ensure that the Human Rights Commission publishes accurate data on complaints, and publish the report of the Mahanama Tillakeratne Commission on disappearances and other reports commissioned by the government on human rights issues.
8. Establish and implement safeguards against arbitrary and abusive detentions, including by:
  - (a) repealing those aspects of the Emergency Regulations that are not consistent with international human rights norms;
  - (b) enforcing existing laws and presidential directives providing for transparent arrests and detentions and instituting strong penalties for non-compliance;
  - (c) allowing the Human Rights Commission and the International Committee of the Red Cross (ICRC) to visit all places of detention, including TMVP offices; and

(d) prosecuting officers who refuse to identify themselves, take down complaints or give receipts to family members when a suspect is arrested.

9. Give every possible assistance to the Commission of Inquiry, including by:

- (a) providing sufficient funds to retain private counsel so it need not rely on government lawyers;
- (b) establishing and properly funding effective witness protection procedures;
- (c) providing it full documentation and ensuring that officials called to testify cooperate fully; and
- (d) proceeding expeditiously with prosecutions.

10. Invite the UN High Commissioner for Human Rights and other UN representatives, including the UN Working Group on Enforced and Voluntary Disappearances, to visit Sri Lanka.

11. Allow the Office of the UN High Commissioner for Human Rights (OHCHR) to establish a human rights field operation mandated to monitor abuses by all parties, protect civilians and perform capacity building in support of domestic institutions.

12. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and renew commitments to other human rights treaties, by new legislation if necessary.

13. Incorporate the concept of command responsibility into law and make forced disappearance a criminal offence.

### To the Liberation Tigers of Tamil Eelam (LTTE):

14. Cease all political killings, abductions, extortion and suicide bombings and suppression of dissent.

15. Open all prisons and detention centres to inspection by the ICRC and the Sri Lanka Monitoring Mission (SLMM) and cooperate fully with international bodies, including The United Nations Children's Fund (UNICEF) and the OHCHR.

16. Cease all forced recruitment, of children and adults, and forced military training of civilians.

17. End harassment of humanitarian agencies and forced recruitment of their staff.

### To the International Community:

18. Support a strengthened resolution in the UN Human Rights Council calling for an OHCHR human rights field operation mandated to undertake monitoring, protection, and capacity-building activities.

19. Maintain political engagement, through high-level contacts and visits, including a visit by senior members of the U.S. Congress and similar visits by delegations from other parliaments.

20. Maintain pressure on LTTE financing and extortion of the Tamil diaspora.

21. Encourage the UN Security Council to impose targeted sanctions against both the LTTE and the TMVP if they continue to recruit child soldiers.

22. Support capacity building for domestic human rights protection, including:

(a) funding and enabling an effective witness protection program that includes provisions for asylum and assistance to witnesses outside the country;

(b) suspending funding for the Human Rights Commission (other than special aid for its effective regional offices) until its

members are reappointed on nomination of a new Constitutional Council; and

(c) giving more effective support to civil society organisations, particularly those committed to civilian protection and coordinated monitoring, documentation and advocacy initiatives.

23. Convene a consultation meeting of bilateral and multilateral donors to discuss new approaches that take into account widespread human rights abuses and the renewal of conflict, including significantly limiting aid to the government and increasing support for civilian protection and humanitarian initiatives. ■

Colombo/Brussels, 14 June 2007

**Forthcoming from the SSA**

## **International McCarthyism: The Case of Rhoda Miller de Silva**

**Selected Writings, with a Commentary**

**by**

**Judy Waters Pasqualge**

In 1954 Rhoda Miller de Silva was labelled as a subversive and deported from Sri Lanka (and separated from her husband Joe). A journalist from New York, who had already published books on post-war Poland and the Rosenberg case, Rhoda, supported by friends in New York, would successfully challenge the United States-inspired deportation. She returned to Sri Lanka and became noted for her hard-hitting weekly column in the *Ceylon Daily News* on current affairs, covering global and local issues. This book contains forty of these articles, with those on Sri Lanka providing a good view of the country in the late 1960s; many of the topics are still highly relevant today. Also included are excerpts from several of her books. The commentary on her 'life and times' is a story that weaves in and out of the US during the New Deal and Cold War, the Russia of her Jewish immigrant parents (and those of her first cousin, writer and activist Howard Fast), and Sri Lanka in the 1950s, '60s and '70s.