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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).

Suppression of human rights defenders in Sri Lanka

The Pax Romana wishes to communicate to the Human Rights Council a series of concerns with regard to the critical situation of human rights defenders in Sri Lanka, which continues to comprise amongst the most numerous and grave violations in the Asian region, based on our documentation throughout of the year preceding the 16th session of the Human Rights Council.

1. Background

Threats and attacks against human rights defenders (HRDs) in Sri Lanka continued after the end of the war in 2009. The emergency regulations and prevention of terrorism act remains and even in late 2010, it was used to arrest and detain those opposing constitutional amendments. In June 2010, the NGO secretariat along with other key departments including the Attorney General's Department were brought under the Ministry of Defense¹, controlled by the Secretary Defense, who has publicly threatened HRDs and journalists. New means of censorship have been used by GoSL to prevent independent media coverage and publication of material critical of GoSL.²

2. Embargo on information relating to allegations of war crimes

Attempts to expose evidence of war crimes has resulted in violent reprisals. Journalist Prageeth Ekneligoda, who wrote about the use of chemical weapons against civilian targets in the North, disappeared in January 2010. Witnesses that came forward to give testimony at the Lessons Learnt and Reconciliation Commission (LLRC)³ were intimidated and a human rights defender in the North who helped families to lodge complaints to the LLRC was intimidated.

3. Attacks on HRDs claiming accountability

HRDs, including those in exile, collaborating with the international community in calling for accountability have been threatened, harassed and vilified in local press.⁴ Opposition MP Dr. Jayawardane and New Left Front leader Dr. Wickramabahu were accused of instigating protests against President Rajapakse abroad and of providing information regarding war crimes to international bodies. Dr. Jayawardane was attacked inside

¹ <http://www.dailymirror.lk/print/index.php/news/front-page-news/13101-ngo-secretariatunder-defence-ministry-now-.html>

² In July 2009 GoSL officially reactivated the Press Council Act of 1973, which includes powers to fine and/or impose punitive measures including lengthy prison terms, proscribed the publishing of articles that discussed internal communications of the government and cabinet decisions, military matters affecting national security, and details of economic policy that could lead to artificial shortages or speculative price increases. See RSF report at <http://en.rsf.org/sri-lanka-less-anti-media-violence-in-2010-30-12-2010,39197.html>

³ A Government appointed body, see official website at <http://www.llrc.lk/>

⁴ A news report in the Sinhalese newspaper Irida Lankadeepa of 30th May 2010 carried a report accusing two NGOs of working to deny Sri Lanka the GSP+ trade privileges. In the same paper, Media Minister had told that he doesn't want exiled journalists to return as they are anti-Sri Lankan. See also Silumina news report of 20th June 2010, the Sinhalese version available at http://www.silumina.lk/2010/06/20/_art.asp?fn=aa1006204

Parliament and Dr. Wickramabahu and his supporters were attacked by Government thugs as he arrived at the Sri Lanka's International Airport.

3. Attacks on NGOs

There has been strong reaction against local and international NGOs. Four staff members, including the Director and the persons in charge of HRDs project of the Nonviolent Peaceforce, which provided protection and support to HRDs, were forced to leave the country at short notice⁵. Mr. Pattani Razeek, Managing Trustee of the Community Trust Fund disappeared in February 2010. Visas, work permits and access to North for foreign nationals doing human rights and humanitarian work remains difficult to obtain.

4. Persecution of those campaigning for free and fair elections

In the immediate aftermath of the January Presidential Election, several state media workers who campaigned against the misuse of state media resources, were assaulted, threatened, services terminated and suspended. One person was forced to flee overseas, but even after he left, his family was subjected to intimidations.⁶

5. Persecution of opposition members of parliament and political activists

2010 -2011 also witnessed a wave of political persecution which involved attacks against opposition forces that were protesting against alleged government abuses and corruption. Common Opposition Candidate for the Presidential elections and elected Member of Parliament, General Sarath Fonseka was tried and convicted by a military tribunal and is currently serving a prison sentence. There has been concerns expressed that the arrest, charges and even the military tribunal is politically motivated. On 4th February 2011, Independence Day in Sri Lanka, a peaceful opposition protest rally calling for release of General Fonseka was brutally attacked while Police officers stood by.⁷ Protesting Opposition politicians, religious leaders and political activists have been attacked detained or hauled before courts on false charges on other occasions also⁸.

⁵ Nonviolent Peaceforce, Director Ms. Tiffany Eastham senior staff members Mr. Ali Palh, Ms. Elizabeth Ogaya and Dan Hogan were ordered to leave Sri Lanka at short notice.

⁶ See <http://asiapacific.ifj.org/en/articles/threats-against-exiled-journalists-family-in-sri-lanka-must-cease>

⁷ See the personal testimony of the attack narrated by Mr. Harsha De Silva, Member of Parliament at <http://www.lankajournal.com/2011/02/celebrating-freedom-a-personal-account-harsha-de-silva/>

⁸ See <http://print.dailymirror.lk/news/front-image/7682-fasting-monks-forcibly-removed-.html>, http://www.lankatruth.com/index.php?option=com_content&view=article&id=6400:leaders-of-dna-including-vijithe-herath-arrested-&catid=34:lead-news&Itemid=50, http://www.lankatruth.com/index.php?option=com_content&view=article&id=4692:police-brutally-attack-demonstration-at-dehiaththakandiya%E2%80%93two-journalists-arrested&catid=35:local&Itemid=62, http://www.lankatruth.com/index.php?option=com_content&view=article&id=4703:joint-attack-by-thugs-a-police-at-anuradhapura-&catid=35:local&Itemid=6 The JVP an opposition party- filed a fundamental rights (FR) petition in the Supreme Court over the arrest of its members during such a protest in Galle on August 12, 2010. See also <http://www.bbc.co.uk/news/world-south-asia-11425865>

6. Curtailment of right to discuss human rights ideas and publish dissenting views

Printer and publisher, Jayampathi Bulathsinhala and his family were arrested and detained under emergency regulations due to his involvement in the campaign against the 18th amendment to the constitution.⁹ University discussions and forums organized to discuss the amendment were banned.¹⁰ Several HRDs and political activists have been arrested for distributing leaflets and pasting posters on rights issues.¹¹ A well known human rights defender was prevented from speaking at an event organized at the University of Colombo by the United Nations, to celebrate international human rights day on 10th December 2010.¹² An academic conference in Jaffna was also cancelled as the Government aligned Mayor had withdrawn the conference facilities that had been pre-booked.¹³

7. Attacks against social – political movements

Local mobilizations against government policies and practices have also come under intimidation. Fisheries Union leaders who protested against the proposed ‘sea plane’ project were arrested and charged with conspiring against the Government while a farmer’s summit organized by an opposition party was also obstructed¹⁴. Several protests by the Inter University Student’s Federation (IUSF) have been crushed by State forces and student representatives have been attacked or detained. Protests by other civic groups have also been attacked.¹⁵ On 9th December the Colombo High Court granting bail to IUSF Convener, ordered him not to participate in any students’ movements, political meetings or paste posters. Campaigners fighting against forced evictions in the Colombo district have been threatened and repeatedly harassed by pro-Government thugs. In December 2010, two HRDs who worked to promote citizen’s action and participation against Government policies were threatened and forced to leave the country.

⁹ On 8th September 2010, the Government passed the 18th Amendment to the Constitution which removed the cap on the number of terms a President could be elected and extinguished key constitutional checks against the concentration of power in the Executive President. See <http://groundviews.org/category/issues/18th-amendment/> for critiques of the amendment

¹⁰ See <http://www.thesundayleader.lk/2010/09/06/seminar-on-amendments-blocked/>

¹¹ See <http://nfrsrilanka.blogspot.com/2010/12/another-violation-of-media-freedom-in.html>, http://www.lankatruth.com/index.php?option=com_content&view=article&id=6619:jvp-activists-distributing-leaflets-at-nuwaraeliya-arrested-without-any-charges&catid=35:local&Itemid=62 and <http://www.dailymirror.lk/index.php/news/5349-six-university-students-arrested.html>

¹² 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%99-continue/>

¹³ See http://sundaytimes.lk/101219/News/nws_07.html

¹⁴ See http://www.lankatruth.com/index.php?option=com_content&view=article&id=6724:government-obstructs-jvp-farmers-summit-at-dambulla-&catid=35:local&Itemid=62

¹⁵ See http://www.bbc.co.uk/sinhala/news/story/2010/07/100716_golden_key.shtml

8. Attacks and intimidation of media personnel and media institutions

Journalists and media institutions critical of the Government's military policy and rights abuses have been subjected to attacks, website critical of the government was blocked and several journalists and media personal went into exile in 2010.¹⁶

9. Impunity and failure to Investigate prosecute and convict perpetrators

To the best of our knowledge, no one has been prosecuted and convicted for attacks against human rights defenders and those with dissenting opinions since 2006. Even when fundamental rights applications are filed by victims, applicants had to 'settle' their cases with the State, trading their right to justice in favor of freedom and ability to live without further intimidation. In one case, the police had identified the primary suspect, but have failed to question or arrest the suspect due to his political connection to a Government minister.¹⁷

10. Conclusion and recommendations

The crackdown on human rights defenders had resulted in reduction of documentation of past and present violations, complaints lodged to domestic and international bodies, self censorship in writing and speaking about human rights and many HRDs and independent journalists fleeing overseas. HRDs who remain in Sri Lanka operate with a deep fear and a sense of vulnerability and helplessness. Families of HRDs, particularly children have also been negatively affected, as their parents were forced into hiding, give up their livelihood or flee overseas.

The Human Rights Council is urged to address continuing repression of HRDs in Sri Lanka and call on the GoSL to ensure that the above incidences and similar ones are fully investigated in an impartial manner and prosecute and convict perpetrators, irrespective of whether they are State- or non-State actors and ensure an environment devoid of fear for human rights defenders and opposition political activists.

¹⁶ See below websites for details of threats, attacks and restrictions on freedom of expression: <http://sunandadeshapriya.wordpress.com/>, <http://nfrsilanka.wordpress.com/>, <http://www.nfrsilanka.blogspot.com/>, <http://en.rsf.org/sri-lanka.html> and <http://asiapacific.ifj.org/en/articles?search=sri+lanka>

¹⁷ See http://transcurrents.com/tc/2011/02/disappearance_of_mr_pattani_ra.html#more