

Escalating Authoritarianism in Sri Lanka

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People for Equality and Relief in Lanka (PEARL), founded in 2005, is a grassroots advocacy organization committed to ending human rights abuses and promoting equality, rights, and justice in Sri Lanka. PEARL mobilizes communities using direct advocacy, online action alerts, peace rallies, and other community events to improve the human rights situation in Sri Lanka.

Sri Lanka's Escalating Authoritarianism

Current Situation:

- Threats against journalists are increasing, and intimidation and harassment suffocates free speech on the island.
- Movement is extremely restricted, especially throughout Tamil areas. Traveling through heavily-militarized checkpoints is deeply invasive and threatening for Tamils.
- The ability to associate freely has been curtailed sharply, and gatherings of four or more people in the Vanni require prior permission from the Ministry of Defense.
- Amidst this militarization, the Government of Sri Lanka (GoSL) has also settled Sinhalese people in traditional Tamil lands in the North and East.¹
- Impunity reigns as the GoSL has repeatedly made promises to set up commissions of inquiry for accountability and recognition of crimes, including egregious war crimes, crimes against humanity and genocide, committed against Tamil civilians. All of these have failed.²

Overview:

Since Sri Lanka's independence in 1948, the Government of Sri Lanka (GoSL) has systematically discriminated against the Tamil minority on the basis of ethnicity in all areas of life. Most violently, the GoSL-sponsored pogroms against Tamils in 1958, 1960, 1977, and 1983, demonstrate the structural violence facing the Tamil community in Sri Lanka.^{3, 4}

Although the armed conflict between the Liberation Tigers of Tamil Eelam (LTTE) and GoSL military forces concluded in May 2009 with the LTTE's defeat, the ethno-political conflict in Sri Lanka has not been resolved.⁵ Ongoing human rights violations include the appropriation and militarization of Tamil lands, detention of internally displaced persons (IDPs), government-sponsored demographic changes in Tamil areas, as well as the government's failure to investigate attacks on the media. Sri Lanka ranks 163 out of 178 countries regarding media freedom in 2011, down five places from 2010.⁶ Sri Lanka is also the fourth worst country in

¹ Land in the Northern Province: Post-War Politics, Policy and Practices, p. 139-170.

² Amnesty International, "Twenty Years of Make-Believe: Sri Lanka's Commissions of Inquiry," Amnesty International Publications, 2009.

³ Black July '83, 28 Years, "Remembering Silenced Voices," Tamil Canadian Congress, 2011.

⁴ Jeyaraj, D.B.S., Horror of a pogrom: Remembering "Black July" 1983, July 2010.

⁵ Ethnic-based marginalization and violence by government-backed groups, armed forces, paramilitaries and mobs still continue today. See Asian Human Rights Commission, "The State of Human Rights in Sri Lanka in 2011."

⁶ Reporters Without Borders, "Press Freedom Index 2011-2012," <http://en.rsf.org/press-freedom-index-2011-2012,1043.html>.

combating anti-press violence; nine journalists have been murdered with no convictions since 2005 under the Rajapaksa administration.⁷

For reconciliation to be achieved, the GoSL must ensure the return of the rule of law in Tamil areas; however, there has been no progress here. The focus of this report will be on the rise of authoritarianism, as this is a long-standing historical concern fundamentally affecting the rights and livelihoods of Tamils in Sri Lanka.

Recommendations:

- The UN Office of the High Commissioner for Human Rights must immediately establish a robust human rights monitoring mission in Sri Lanka, particularly in the North and East;
- The UN Human Rights Council must immediately establish a Commission of Inquiry to investigate allegations of war crimes, crimes against humanity, and genocide against Tamils in Sri Lanka;
- The UN Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions, Torture, Freedom of Expression, Cultural Rights, Right to Peaceful Assembly and Association, Freedom of Opinion and Expression, Independence of Judges and Lawyers, Truth, Justice and Reconciliation, Physical and Mental Health, Violence Against Women, Racism, and the Special Advisers on the Prevention of Genocide and Prevention and Resolution of Conflicts should conduct official visits to Sri Lanka and should report back to the Office of the High Commissioner for Human Rights.

Key words: impunity, free speech, free association, security, military, paramilitary, reconciliation, accountability, democracy, authoritarianism

Lack of Freedom of Movement:

1. The government continues to prohibit access to some IDPs' homes. As of January 2012, 300,000 individuals remained persons of concern under UNHCR's mandate, with 110,000 persons still living with host families or in camps.⁸ As of February 2012, 90,000 IDPs in the North are still unable to return home.⁹ As of July 2011, demining by humanitarian organizations could not begin in nine localities in the Mullaitivu District, because the government denied these groups access and thus, some IDPs cannot resettle

⁷ Committee to Protect Journalists, "Attacks on the Press in 2011: Sri Lanka," <http://cpj.org/2012/02/attacks-on-the-press-in-2011-sri-lanka.php>.

⁸ Human Rights Watch, "Country Report: Sri Lanka," page 4, January 2012, http://www.hrw.org/sites/default/files/related_material/srilanka_2012.pdf.

⁹ *Sri Lanka Bulletin No. 2: The Current Situation on the Ground* for the 18th Human Rights Council session, page 2, February 2012.

due to uncleared land mines or designation of areas as High Security Zones (HSZ).¹⁰ Fifteen localities in Jaffna also remain closed.^{11, 12} 20,000 IDPs are still in GoSL's camps in the North, where shelter, health, and medical facilities steadily deteriorate.¹³ The North is heavily restricted to NGOs and international organizations.¹⁴

2. IDPs from several villages in the North are not permitted to return home, and instead, are forced to resettle in the interior village of Kombavil in Mullaitivu where they are unable to carry out their traditional livelihood of fishing.¹⁵ IDPs in Poonthottam Camp in Vavuniya refused to resettle in the Vanni because they were not given essential bare necessities by the government to start a new life. To force them out of the IDP camp, the GoSL shuts off water and electricity.^{16, 17}

Liberty and Security of the Person:

3. Sri Lankan law requires authorities to inform an arrested person of the reason for their arrest and to bring the arrestee before a magistrate within 24 hours. However, it often takes several days, sometimes weeks or months before detainees see a magistrate.¹⁸ Police can detain a person for up to one year under detention orders issued by a deputy inspector general of police. Some detentions have been extended beyond one year under the Prevention of Terrorism Act (PTA) by the Defense Secretary.¹⁹ Additionally, there is no procedure for addressing the 11,000 ex-LTTE detainees, who are thus effectively denied any legal pathway to return to society.

¹⁰ 97 percent of IDPs at Menik Farm camp came from heavily mined areas in the Mullaitivu District. *See* US State Department, *2010 Human Rights Report: Sri Lanka*, www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm.

¹¹ Internal Displacement Monitoring Centre, "Sri Lanka: IDPs and returnees remain in need of protection and assistance," <http://www.internal-displacement.org/countries/srilanka>.

¹² US State Department, "2010 Human Rights Report: Sri Lanka," www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm.

¹³ Amnesty International, "Annual Report 2011: Sri Lanka," <http://www.amnesty.org/en/region/sri-lanka/report-2011#section-132-3>

¹⁴ US State Department, *ibid.*

¹⁵ MA Sumanthiran MP, "Issues and Problems Facing People of the Northern and Eastern Provinces," tabled in Parliament on 7 July 2011, <http://www.scribd.com/doc/59795125/ISSUES-AND-PROBLEMS-FACING-PEOPLE-OF-THE-NORTHERN-AND-EASTERN-PROVINCES>.

¹⁶ *Sri Lanka Bulletin: The Current Situation on the Ground* for the 18th Human Rights Council session, page 1, September 2011.

¹⁷ US State Department, *ibid.*

¹⁸ US State Department, *ibid.*

¹⁹ US State Department, *2010 Human Rights Report: Sri Lanka*, www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm.

4. Numerous people have been detained for their mere opposition to the government.²⁰ Some individuals have been imprisoned at length for political reasons; notably, main opposition presidential candidate and former army commander Sarath Fonseka. He was detained on February 8, 2010 by the military and ultimately sentenced to 30 months. Independent observers concluded that this was a political detention.²¹
5. On June 17, 2011, police violently arrested Alhaj Farook Mohomad Ikram without providing the reason for his arrest or answering his later requests for redress.²² In September 2011, several university students were detained for hooting at the Minister of Education during a public event. More student protests followed in October, which resulted in additional student arrests and detentions.²³

Attacks on Freedom of Speech and Freedom of the Press:

6. Freedom of speech and freedom of the press is protected by law, but is heavily restricted in practice. Twenty-five journalists have been in exile since 2001, putting Sri Lanka in seventh place for countries from which the most journalists have fled.²⁴ Unsolved attacks include the 2010 disappearance of cartoonist Prageeth Eknelygoda and the infamous 2009 murder of prominent news editor Lasantha Wickrematunga.
7. President Rajapaksa has blocked access to websites, including that of the main opposition party (UNP) and there are also concerns that GoSL is responsible for blocking Internet access to several Tamil news websites. At least five websites were blocked inside the country for being critical of the government.^{25, 26}
8. Media access to the North is heavily restricted; foreign journalists must obtain prior clearance from the Ministry of Defense.²⁷ The Ministry of Defense has prevented BBC

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Committee to Protect Journalists, "Attacks on the Press in 2011: Sri Lanka," <http://cpj.org/2012/02/attacks-on-the-press-in-2011-sri-lanka.php>

²⁵ *Sri Lanka Bulletin No. 2* for the 18th Human Rights Council session, page 2, February 2012.

²⁶ The sister websites *Groundviews* and *Vikalpa* are the last independent news sites based in Sri Lanka. *Lanka eNews* publishes out of London, but has been blocked domestically. Additionally, domestic access to the independent *Lanka News Web* was shut down. See Committee to Protect Journalists, "Attacks on the Press in 2009: Sri Lanka," <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>

²⁷ Committee to Protect Journalists, "Attacks on the Press in 2011: Sri Lanka," <http://cpj.org/2012/02/attacks-on-the-press-in-2011-sri-lanka.php>

journalists from attending public Lessons Learnt and Reconciliation Commission sessions in the North.²⁸ The GoSL pressures media to print stories that portray the GoSL positively and accuse those that criticize GoSL of treason. In the North, the police have a unit to control media references to the Rajapaksas. Consequently, many journalists choose self-censorship or even self-exile.²⁹ Both Tamils and Sinhalese journalists have been targeted – though Tamils have been disproportionately affected – and continue to be harassed.

9. Throughout the summer of 2008, President Mahinda Rajapaksa told journalists not to criticize the army and its operations. In May 2008, Keith Noyahr of the English weekly *The Nation* was viciously beaten following threats against him and fled Sri Lanka. Iqbal Athas of *The Sunday Times*, stopped writing after threats including some by the Defense Secretary.³⁰
10. In January 2009, *The Sunday Leader* editor Lasantha Wickrematunga was murdered by eight men. Wickrematunga predicted his murder at the government's hands in an editorial published posthumously. Upali Tennakoon of the Sinhalese pro-government weekly *Rivira*, was severely injured by four men in January 2009; afterwards, he fled the country. Also in January 2009, the MTV/MBC station in Pannipitiya was attacked. In May 2009, Defense Secretary ordered a Britain's Channel 4 News team to leave the country after airing footage from a Tamil refugee camp.³¹ In June 2009, Poddala Jayantha of the Sri Lanka Working Journalists Association was severely beaten after his photograph and other journalists' were shown on GoSL-run television, when Inspector General of Police called journalists traitors to be "dealt with."³² The government ordered Associated Press Bureau Chief Ravi Nessman out in July 2009. Also that month, the GoSL reactivated the Press Council Act of 1973, which imposes punitive measures and proscribes certain content for publication.³³ Furthermore, substantial intimidation drove at least 11 Sri Lankan journalists into exile between June 2008 and June 2009.³⁴

²⁸ US State Department, *2010 Human Rights Report: Sri Lanka*, www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm.

²⁹ Ibid.

³⁰ Committee to Protect Journalists, "Attacks on the Press in 2008: Sri Lanka," <http://cpj.org/2009/02/attacks-on-the-press-in-2008-sri-lanka.php>

³¹ Their news report alleged that guards at the Vavuniya camp left corpses to rot, that food and water were in short supply, and that sexual abuse was prevalent. See Committee to Protect Journalists, "Attacks on the Press in 2009: Sri Lanka," <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>.

³² US State Department, *2010 Human Rights Report: Sri Lanka*, www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm.

³³ US State Department, *2010 Human Rights Report: Sri Lanka*, www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm.

³⁴ Committee to Protect Journalists, "Attacks on the Press in 2009: Sri Lanka," <http://cpj.org/2010/02/attacks-on-the-press-2009-sri-lanka.php>.

11. In July 2010, masked assailants, suspected by local groups to be Ministry of Defense personnel, attacked Siyatha television, burning the studios and injuring two employees. In November 2010, persons with suspected affiliation with a paramilitary group threatened local journalists at a public session of the Lessons Learnt and Reconciliation Commission in Kayts, off the Jaffna Peninsula.
12. Prageeth Eknaligoda, a critic of the GoSL, disappeared in January 2011. Additionally, Governmental repression of the media has recently extended to Western sources.³⁵ In July 2011, GoSL officials intimidated Radio Netherlands Worldwide (RNW) reporters on their trip through the North and East. They were interrogated late at night and the next morning, they were attacked at gunpoint by men in a white van. In July 2011, the chief news editor of Jaffna-based Tamil newspaper *Uthayan*, Gnanasundaram Kuhanathan, was seriously attacked near a military post.³⁶
13. In February 2012, Puvi Rahumathulla of the magazine *Vaara Uraikal* which has been critical of the government, was attacked by a group while distributing copies.³⁷
14. GoSL occasionally informally prohibit Tamil cultural productions, allegedly because the GoSL did not have a Tamil translator who could understand and approve the production's content.³⁸ Furthermore, the GoSL intimidates academics into practicing self-censorship and avoiding criticism of government officials.³⁹

Militarization of Tamil Lands:

15. GoSL has maintained heavy military presence in the North and East since 2009. The military forcibly registered and photographed Tamils in all districts in the North. In the Vanni it is impossible to have a meeting with four or more people without the permission and, frequently, presence of military officials.⁴⁰ There are army camps in or around all villages in Mullaitivu, Kilinochchi and most villages in Jaffna as well as sentry posts every one to two miles along major and secondary roads in the North.⁴¹

³⁵ *Sri Lanka Bulletin: The Current Situation on the Ground* for the 18th Human Rights Council session, page 3, September 2011.

³⁶ *Ibid.*

³⁷ *Sri Lanka Bulletin No. 2* for the 18th Human Rights Council session, page 2, February 2012

³⁸ US State Department, *2010 Human Rights Report: Sri Lanka*, www.state.gov/g/drl/rls/hrrpt/2010/sca/154486.htm.

³⁹ *Ibid.*

⁴⁰ International Crisis Group Asia Report, *Sri Lanka's North I: The Denial of Minority Rights*, page 9, March 16, 2012, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/219-sri-lankas-north-i-the-denial-of-minority-rights.pdf>.

⁴¹ *Sri Lanka Bulletin* for the 18th Human Rights Council session, page 2, September 2011.

16. The GoSL has appointed retired military officers as governors for two provinces in the North.⁴² Senior leaders of the military are involved with nearly all aspects of life; ex-military personnel are involved in project and agency approval processes, and local commanders have the power to approve beneficiaries for humanitarian projects. NGOs and development agencies are required to invite local commanders for consultations, openings and project disbursement events.⁴³ Military commanders take over decision-making with regard to resettlement and land-related issues. The military also regularly takes charge of meetings run by civilian authorities.⁴⁴

17. Throughout the Vanni, many plots of land have been and are being appropriated by the military for agricultural purposes.⁴⁵ Near Kaepaulavu in Mullaitivu district, families have been told they cannot return home because of mines, but their paddy fields are being used by the military.⁴⁶ Security forces have also taken over schools, churches and private properties in heavily majority Tamil areas like Jaffna, Mannar, and Mullaitivu.⁴⁷

Structural Violence Against Cultural Rights:

18. The GoSL has been promoting demographic changes in traditionally Tamil areas via forcible land transfers and government-sponsored settlement of Sinhalese families into the North. The army plays a central role in settling Sinhalese, blocking access for Tamils to their lands, and acting as the ultimate arbiter of disputes and policy enforcer.⁴⁸ The military helped 165 Sinhalese families move into Kokkachchaankulam in Vavuniya. Meanwhile, displaced Tamil residents have been prohibited from returning.⁴⁹

19. The GoSL has designated lands in the North and East, including Sembimalai and Thiriyaya, for building Buddhist temples. Almost 30 Buddhist statues were erected in the

⁴² Ibid.

⁴³ International Crisis Group Asia Report, *Sri Lanka's North II: Rebuilding Under the Military*, page 15, March 16, 2012, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/220-sri-lankas-north-ii-rebuilding-under-the-military.pdf>

⁴⁴ Ibid., page 16.

⁴⁵ Ibid., page 22.

⁴⁶ Ibid., page 22.

⁴⁷ MA Sumanthiran MP, "Issues and Problems Facing People of the Northern and Eastern Provinces," tabled in Parliament on 7 July 2011, <http://www.scribd.com/doc/59795125/ISSUES-AND-PROBLEMS-FACING-PEOPLE-OF-THE-NORTHERN-AND-EASTERN-PROVINCES>.

⁴⁸ International Crisis Group Asia Report, *Sri Lanka's North I: The Denial of Minority Rights*, page 24.

⁴⁹ *Sri Lanka Bulletin* for the 18th Human Rights Council session, page 2, September 2011.

Palaly High Security Zone in Jaffna.⁵⁰ This militarization has also resulted in the desecration of religious and cultural landmarks. In November 2009, Tamil Hindus found damaged and missing relics at a temple in Muttur in Trincomalee, and this remains largely uninvestigated.⁵¹ Furthermore, the GoSL has denied permission to rebuild destroyed or damaged Hindu temples.⁵²

20. Street and village names in the North are being changed from Tamil to Sinhalese. At least one village has been renamed from Tamil (Kokachankulam) to Sinhalese (Kolobaswewa). Some of the streets and villages have also been renamed in honor of fallen army personnel.⁵³

21. The GoSL is replacing Tamil civil servants and filling vacant positions in the North and East with Sinhalese civil servants and administrators.⁵⁴ Senior Tamil officials' interpretation of government policies are increasingly overruled by local military commanders. This reflects the rising authoritarianism covering the island.

⁵⁰ Ibid.

⁵¹ MA Sumanthiran MP, "Issues and Problems Facing People of the Northern and Eastern Provinces," tabled in Parliament on 7 July 2011, <http://www.scribd.com/doc/59795125/ISSUES-AND-PROBLEMS-FACING-PEOPLE-OF-THE-NORTHERN-AND-EASTERN-PROVINCES>.

⁵² *Sri Lanka Bulletin: The Current Situation on the Ground* for the 18th Human Rights Council session, page 2, September 2011.

⁵³ Ibid., page 17.

⁵⁴ Ibid., page 8.