

Do Human Rights Exist?

IMADR Asia, Platform for Freedom and South Asia Alliance for Poverty Eradication (SAAPE) jointly organized a meeting **“Do Human Rights Exist?”** at Library and Documentation Services Board Auditorium, 14, Independence Avenue, Colombo 7 on Friday, 10 December, 2010 at 09:30 am.

More than 150 activists from social and political organizations, civil society, religious leaders and general public participated in this meeting. There were participants representing the North, South, East, West, North West, and central parts of Sri Lanka.

Mr Herman Kumara chaired the meeting. The Keynote speaker was Mr Sudarshana Gunawardena, Attorney at Law and Executive Director Rights Now. The meeting was also addressed by Ms Nimalka Fernando, President IMADR and Mr Brito Fernando, National Convener Platform for Freedom.

The Present Situation in regard to Human Rights

By Nimalka Fernando

She started with a general background and history of the UN convention and Universal Declaration on Human Rights. This was adopted after the massacre of non-Germans by Hitler as a preventive measure to stop future massacres. But conventions alone are mere pieces of papers. The governments have to make sure the conventions are implemented.

At the moment when we are celebrating the human rights day, the 2011 budget has only allocated 0.06% for women. For education 5% and health 4% were allocated from the total budget. The male and female MPs will raise their arms in support of the government budget. And they deny the rights of people.

Some 300,000 Tamil civilians were displaced by armed conflict, and subsequently detained in government camps. Those suspected of ties with the Liberation Tigers of Tamil Eelam (LTTE) - more than 12,000 - were detained separately. Many were held incommunicado and sometimes in facilities not designed to hold prisoners or in secret places of detention. Civilians were trapped for months prior to the conflict's end in May without adequate food, shelter, sanitation and medical care, or access to humanitarian aid. The LTTE used civilians as human shields and used threats and violence to prevent them from fleeing the conflict zone. Government artillery killed and wounded civilians, including patients in hospitals and medical workers. The government failed to address impunity for past human

rights violations, and continued to carry out enforced disappearances and torture. Hundreds of Tamils continued to be detained in the south for lengthy periods without charge under special security legislation. Human rights defenders and journalists were killed, assaulted, threatened and jailed. Police killings of criminal suspects intensified.

The government continued to carry out enforced disappearances as part of its counter-insurgency strategy. Enforced disappearances were reported in many parts of the country, particularly in northern and eastern Sri Lanka and in Colombo.

The security forces used emergency regulations to arrest and detain many thousands of Tamils suspected of LTTE links. People were arrested in various contexts, including in displacement camps, during search operations and at security checkpoints throughout the country. On 26 March, more than 300 people, most of them Tamil, were arrested in a search operation conducted between 6pm and 6am in the town of Gampaha, about 24km north-west of Colombo. Hundreds of people remained detained without charge in police lock-ups and southern prisons under the Prevention of Terrorism Act and emergency regulations on suspicion of links to the LTTE; in November, 20 were released for lack of evidence.

On 18 September, some 36 Tamil prisoners on hunger strike protesting against their prolonged detention without trial at Welikada jail said they were beaten by prison guards. Beatings by prison guards in November injured 22 Tamil prisoners, seven of them seriously.

Police killings of criminal suspects escalated after President Mahinda Rajapaksa ordered a crackdown on underworld activity in July. At least five alleged gang leaders were abducted and killed in July alone. In mid-August, thousands of Sri Lankans took to the streets to protest against the killing of two young men by police in Angulana, a suburb of Colombo, after a woman with police links accused them of harassment. Witnesses say the victims were beaten and otherwise tortured before being taken out of the station; their bodies were found the next day.

Investigations into human rights violations by the military and police stalled. Court cases did not proceed as witnesses refused to come forward for fear of reprisals. In June, a Presidential Commission of Inquiry, established to look into serious violations of human rights committed since 2006, was disbanded without completing its mandated tasks. Of the 16 cases referred, only seven were investigated, with reports on five finalized. No reports were made public and no inquiry resulted in prosecutions.

People suspected of committing human rights violations continued to hold responsible positions in government. Minister of National Integration Vinayagamoorthy Muralitharan (alias Karuna) and Chief Minister of the Eastern Province Sivanesanthurai Chandrakanthan (alias Pillayan) were reportedly responsible for abducting teenagers to serve as child soldiers, and holding as hostage, torturing and

unlawfully killing civilians and people suspected of links to the LTTE. Both men were formerly LTTE members. There was no official investigation into any allegations of abuse. In September, Joseph Douglas Peiris and four other police officers were released on bail by the Supreme Court after they challenged convictions related to enforced disappearances carried out in July 1989. In August, a Gampaha court had sentenced the men to five years' hard labour for abducting two brothers (one of whom was killed) with intent to murder, and keeping the youths in illegal custody. The crimes were committed in the context of government counter-insurgency operations. The case took 20 years to prosecute.

Human rights defenders continued to be subjected to arbitrary arrests, enforced disappearances, attacks and threats. Sinnavan Stephen Sunthararaj of the Centre for Human Rights and Development was abducted by uniformed men in May, just hours after his release from two months in police detention without charge. He remained missing at year's end.

Five doctors who provided eyewitness accounts of civilian casualties in the final phase of the armed conflict were detained by the Sri Lankan army in May. In July, they were apparently compelled to publicly recant their earlier reports of Sri Lankan military attacks on civilians. Four of the five were released in August and permitted to resume work. The fifth, Dr Sivapalan, was released in late December.

In August, Dr Paikiasothy Saravanamuttu, Director of the Colombo-based Centre for Policy Alternatives, received an anonymous letter posted to his home address, threatening to kill him if the EU withdrew Sri Lanka's Generalized System of Preference Plus tariff concession, which was in jeopardy because of Sri Lanka's failure to live up to its human rights commitments. In September he was detained and questioned by police at Bandaranaike International airport.

Journalists were killed, physically assaulted, abducted, intimidated and harassed by both government personnel and members of armed groups. Little effort was made to investigate attacks or bring perpetrators to justice. Prageeth Eknaligoda is missing, Lasantha Wickramatunge was murdered. But where are the results of the investigations? If the presidency was given to a certain person by majority vote he is only the guardian of the country. People haven't given him a mandate to be a despot.

Lasantha Wickrematunge, outspoken critic of the Sri Lankan government and editor of the Sunday Leader newspaper, was shot and killed on his way to work on 8 January. On 1 June, unidentified assailants abducted and assaulted Poddala Jayantha, General Secretary of the Working Journalists Association in Sri Lanka. His attackers called him a traitor, shaved his beard, beat him with iron bars, broke his leg and crushed his fingers, saying it was to prevent him from writing. On 31 August, journalist and prisoner of conscience Jayaprakash Sittampalam Tissainayagam was sentenced to 20 years' hard labour on terrorism charges for articles he wrote in 2006 criticizing the military's treatment of civilians in

eastern Sri Lanka. His colleagues V. Jasiharan and V. Vallarmathy were released in October after 19 months in detention. The charges were dropped when they agreed not to pursue a fundamental rights complaint against the authorities.

The Sri Lankan authorities denied Amnesty International permission to visit the country. Society is highly militarized.

The Role of Human Right Defenders

By Brito Fernando.

Who is a Human Rights Defender? Human rights defenders are individuals, groups of people or organizations who promote and protect human rights through peaceful and non-violent means. Human rights defenders expose violations and campaign for redress for victims. They are the people who on their own or with others take action to ensure the promotion and protection of human rights for all. The important thing is not who they are, but what they do. Human rights defenders take peaceful action and believe everybody has equal rights. They uncover violations subject violations to public scrutiny, press for those responsible to be accountable, empower individuals and communities to claim their basic entitlements as human beings. Throughout history, courageous and visionary people have sought to extend the boundaries of human rights protection to those outside its boundaries, whether it be those living in slavery, workers unprotected against exploitation or women denied the vote.

Everyone has a responsibility to protect human rights. As the Declaration on Human Rights Defenders affirms:

"Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics".

Professional human rights defenders have many skills and years of experience, but there is no mystery to defending human rights. We all hold the potential to become human rights defenders.

During the 88/89 period where a large number of disappearances took place In Sri Lanka the current President Mr Mahinda Rajapakse was talking and acting upon it. But once he came to power a large number of disappearances have taken place and no one can talk about them because a white van would kidnap the person who is taking against the disappearance and that person would get disappeared too.

In the present context nationalism is used as a weapon against talking of human rights violations.

Do Human Rights Exist?

By Sudarshana Gunawardena

Do human rights exist in Sri Lanka? The UNDP organized a human rights day program at the Colombo University and Ms Sunila Abesekara, Executive Director of INFORM and Human Rights Defender, was invited as the keynote speaker. But the vice-chancellor of Colombo University decided not to permit Sunila to speak at the Colombo University. Thus the UNDP had to cancel their program at the University and relocate it. The situation is so bad in Sri Lanka even the UN cannot talk about human rights.

In the present context the Supreme Court judge advice the president of the student union not to get involved in student activity, which means a violation of fundamental right of engaging in student activity during university period. The Supreme Court of Sri Lanka is a part of the human rights violation mechanism.

Are all the communities in Sri Lanka enjoying their human rights equally? If we have the environment and protection to talk about Human Right violations then Human Rights exists.

When the violation of human rights happen a picket, rally or a petition or case was filed at the court. But in the present context none of these methods are effective. Thus the human rights defenders have to take a different role now. They should not act as buffer zones. They should allow the people to directly face the situation of violation of their human rights and then to guide the people to protect their rights once it has been violated by the state.

The meeting was followed by a Protest at Lipton Circus at 12.30 pm. Human Right activists, representatives from social and political organizations, civil society, religious leaders, politicians and general public participated.



Section of the crowd present at the meeting