

The International Movement Against All Forms of Discrimination and Racism, an NGO with Consultative Status with the UN ECOSOC

**Joint Oral statement delivered by Mr. Daisuke Shirane on behalf of
International Movement against All Forms of Discrimination and Racism (IMADR),
Asian Forum for Human Rights and Development (FORUM-ASIA) and
Asian Legal Resource Centre (ALRC)**

September 22, 2009

IMADR Statement, Human Rights Council 12th Session

IMADR, Forum Asia and ALRC associate in making this intervention to draw the attention of the Council to the following issues in relation to Sri Lanka.

Although the war has ended arguably, threats to democracy and human rights violations have not diminished. A different plight forms the gravest assault on human rights and fundamental freedoms enshrined in the Constitution and the UDHR. Over 250,000 people are in camps as IDPs. Their freedom of movement is restricted and access to them is even denied to democratically elected Members of the Parliament. We must reiterate that IDPs are not criminals but victims of the war. Nothing can justify this largest strangulation of democracy and human rights in the history of Sri Lanka.

Mr. Tissanayagam, a Tamil journalist, has been sentenced to 20 years rigorous imprisonment under the Prevention of Terrorism Act. Journalists and Human rights defenders are often detained under this draconian law and held for long period without charges being brought against them. 3 Sinhala journalists were detained recently for photographing the construction of a mansion allegedly belonging to a relative of the President. Another example is Mr Shantha Fernando of the National Christian Council, who remains under detention since July 2009 without any charges being brought against him. The only crime he is purported to have committed is taking documents and a CD with information related to the conflict and IDP situation to share with his partners abroad. Furthermore several people have been killed during so called encounter killings with the Police and extra-judicial killings are on the rise. The case of 2 Sinhala youth killed by the Police and later found dumped near the seashore illustrates the prevailing culture of impunity. The Police has also intervened to give false birth dates of 2 young girls, who were child labourers in the plantation sector whose dead bodies were found dumped in a canal in Colombo.

A leading human rights defender, Dr Saravanamuttu, has received a death threat for his advocacy with the EU. Lawyers and human rights defenders continue to be labeled as traitors and such accusations can easily lead to fascist style execution by extremist elements. Leading civil society activists have been interrogated by the CID for the advertisement published in solidarity with Dr Saravanamuttu calling for his safety.

This litany can go on, but our aim is to recall the members of the Council to the various commitments and pledges given by Sri Lanka to you, to concerned member states, to the Secretary General and to other international institutions.

The resettlements of IDPs within 180 days have not been initiated. They wish to go back to their villages, rather than be forced to go to areas selected by the government. Access to camps remains restricted and people continue to disappear from within. Many children and adults are missing and no list of the over 10,000 persons detained on suspicion of being members of the LTTE has been made available. Families continue to be separated.

Even though the government of Sri Lanka has stated that due process was followed re Mr Tissanayagam, the law itself is inherently draconian in nature. For example, the use of confession extracted under duress as evidence is deplorable.

We call upon the Sri Lankan government to facilitate investigation of all allegations revealed by various media institutions related to extra-judicial killings. A transparent process would facilitate accountability and pave the way to build confidence among the Tamil community, which is much required for lasting peace.

The implementation of the 13th and 17th amendment is still outstanding. National legislation has not come into effect to the ICCPR.

Mr President, taking into consideration the above we call on this session, to consider whether the commitment to the principles of non-interference can be any longer valid, when the situation in Sri Lanka continues to deteriorate.

Thank you, Mr. President