



## Challenges and attacks against civil society in Sri Lanka

Human Rights Committee NGO Briefing, 7<sup>th</sup> October 2014

Thank you Mr. Chair,

This is a joint statement by IMADR and FORUM-ASIA together with civil society organisations in Sri Lanka, including Rights Now Collective for Democracy. The current situation in Sri Lanka contradicts the ICCPR. Incidences of torture, disappearances, extra-judicial killings and custodial deaths have neither been effectively investigated nor compensated. Human rights defenders and civil society organisations working on such issues are often targeted with impunity and subjected to intimidation, harassment and reprisals.

For example on 4th August 2014, a group of hard-line Buddhist monks and others, claiming to represent families of missing soldiers, forcibly entered prominent church premises in Colombo that hosts the Centre for Society and Religion and disrupted a meeting. They abused and threatened organisers and human rights defenders present at the meeting including family members of the disappeared from Mannar in Northern Sri Lanka. Despite receiving complaints from two civil society representatives, the police have failed to take any action against those responsible. Human rights defenders working on disappearances continue to be harassed by various pro-Government forces and labelled as “traitors” by different actors including the State-controlled media and pro-Government agitators.

Another example is that of three prominent human rights defenders, Ms. Balendran Jeyakumari, Mr. Ruki Fernando and Father Praveen Mahesan who were arbitrary arrested this year under the Prevention of Terrorism Act (PTA). Ms. Jeyakumari is still in detention without charges. Mr. Fernando, who is present here, is banned from speaking to anyone, locally or internationally, on anything related to his case. Furthermore, he needs to get a permission from court anytime he leaves the country.

Further restricting civil society space, in his 1st July 2014 letter the Director/Registrar of the National Secretariat for Non Governmental Organisations has clearly threatened the fundamental freedoms of human rights defenders. Copies of this letter were circulated to this committee. According to it, activities deemed “unauthorised” now face the consequence of being “dismantled”. It is feared that the letter targets NGOs that cooperate with the UN or urge the government to uphold democratic principles, respect the rule of law, investigate into disappearances, and inquire into alleged crimes committed during the war and into continuing violations.

We have seen large scales disappearances and extra-judicial killings and the discoveries of mass graves in Matale, Mannar and the Eastern Province. Defenders who work on such issues are repeatedly subjected to fear and intimidation. The situation in the country requires your immediate attention, including in particular the persistent and systematic attacks and reprisals against human rights defenders.<sup>1</sup>

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<sup>1</sup> Several cases of attacks and reprisals against human rights defenders can be found mentioned in: The Situation of Human Rights Defenders in Sri Lanka - Human Rights Committee Briefing Paper jointly submitted by ISHR and FORUM-ASIA:

We lastly note that GOSL has taken no step to address the previous 14 concluding observations issued by this Committee in 2003 and hope for better results this time.

Thank you for your attention.

### **Further issues of concern**

- **Act No. 56 of 2007:** While appreciating the adoption of the Act it is noted that it is yet to give effect to certain rights in the ICCPR including the right to life.
- **The adoption of the 18<sup>th</sup> amendment to the Constitution:** The amendment has allowed to hold indefinite presidential term, eliminate the Constitutional Council, increase the Executive's control over the appointments of officials to the Election Commission, the Public Service Commission, the National Police Commission, the Human Rights Commission of Sri Lanka, the Permanent Commission to Investigate Allegations of Bribery and Corruption, the Finance Commission, and the Delimitation Commission. It also enables the President to appoint the Chief Justice and the Judges of the Supreme Court, the President and the Judges of the Court of Appeal, the Members of the Judicial Service Commission, other than the Chairman, the Attorney-General, the Auditor-General, the Parliamentary Commissioner for Administration, and the Secretary-General of Parliament.
- **Discrimination of non-nationals:** Arbitrary detention and deportation Pakistani asylum seekers which have violated the principle of Non-refoulement.
- **Rise of Buddhist religious extremism and hate speech:** Increasing number of attacks against Muslims and Christians, while the Government has failed to prosecute the extreme Buddhist group, Bodu Bala Sena (BBS), a responsible group for the religious violence. The Government has also failed to give effect to its own Act No 56 of 2007.
- **Prolonged detention under the Prevention of Terrorism Act.**
- **Continuing surveillance of civil society organisation:** The Ministry of Defence exercises authority to NGOs, since the NGO secretariat is placed under this Ministry.
- **Continuing attacks against peaceful demonstrations, meetings and workshops organized by civil society:** No investigation has been carried out against perpetrators both in the North and South.
- **Continuing persecution of family members of the disappeared in the North and East:** It has been restricting their advocacy and exposures, since the authorities such as the Terrorism Investigation Department and Criminal Investigation Department has been threatening them.
- **Removal of the Chief Justice by unlawful impeachment process.**