

Briefing Notes



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19th Session of the Human Rights Council, Geneva



SRI LANKA NEVER VIOLATED HUMAN RIGHTS. The main slogan of the agitations in Colombo against the Sri Lanka resolution at the UN HRC in March 2012. The campaign in its entirety goes against the essence of the LLRC report. The Prime Minister is leading the protest in this picture.

LLRC RECOMMENDATIONS: DENIAL, DISTORTION AND NON-IMPLEMENTATION



CONTENTS

500 Days is not enough?	page 3
"The failure cast doubt on the sincerity of purpose"	page 4
Killing of Trinco 5:the lies in Geneva must stop	page 5
Response to the statement by Mr. Mohan Peiris to the UN Committee against Torture	page 6
Premier Tamil party speaks again ...	page 7
Our duty to Sri Lanka, and human rights	page 8
Lawyers Call for an Immediate Halt to Ongoing Abductions	page 9
Reality versus GOSL Pronouncements: Implementation of LLRC Recommendations	page 10
THE TRUTH: LLRC 100 days after	page 13
Attacks on Human Rights Defenders Escalate	page 17
Clergy intimidated for writing to UNCHR	page 18
Endnotes	page 19

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see <http://www.srilankabrief.org/>*



Lessons learned and reconciliation commission on a field visit

500 Days is not enough?

The interim recommendations of 10 Sep 2010 have not been fully implemented—even more that 500 days have passed. The LLRC itself lamented on this non-implementation:

"The Commission regrets that full effect has not yet been given to its Interim Recommendations. Delay in taking effective remedial action would only result in a breakdown, of law and order and the consequent erosion of the Rule of Law and the confidence of, the people in the reconciliation process." (Paragraph 8.190)

LLRC states that immediate action on interim recommendations "would provide relief and engender a sense of confidence among the people affected by the conflict and also provide an impetus to the reconciliation process"

- Interim recommendations have not been implemented after 500 days
- Amongst these recommendations not implemented is a particularly significant recommendation: to publish a list of detainees

The quarry GoSL never answered on implementation of Interim Recommendations And what happened to the IAAG?

The Friday Forum encouraged when approval was granted by the Cabinet in October 2010 to set up an Inter-Agency Advisory Group (IAAG) under your (Mr. Mohan Peiris) leadership, comprising very senior officials of the government, to facilitate the early implementation of the interim recommendations made by the LLRC.

In February 2011 the Minister of External Affairs, Prof G.L. Peiris, briefed the diplomatic community on the progress made by the IAAG in implementing the recommendations of the LLRC through practical measures and strengthening the related processes at the same time.

The members of Friday Forum would appreciate if you could kindly direct us to the relevant published information sources or linked web sites, where Friday Forum members as well as the public can access information which shows the current state of progress in implementing the LLRC interim recommendations, the details of the relevant strategic action steps taken in pursuit of such implementation, associated process improvements implemented, any remaining recommendations yet to be implemented and the assessed outcomes of such implementation in realizing the goals set by the LLRC in making the interim recommendations.

Friday Forum, 15 Aug 2011



"The failure cast doubt on the sincerity of purpose"

- Jayantha Dhanapala, GoSL nominee for the post of UNSG (2005)



M. Peiris

On 21 February 2012, the 'Friday Forum', a group of concerned citizens, sent a letter to Mr. Mohan Peiris, Chairman of the Inter-Agency Commission to Implement the Interim Recommendations of the LLRC, regarding the non-implementation of the LLRC interim recommendations. This letter was signed by Mr. Jayantha Dhanapala and Mrs. Manori Muttetuwegama.



J. Dhanapala

To Mr. Mohan Peiris, P.C. Special Advisor to the Cabinet of Ministers, & Chairman Inter-Agency Commission to Implement the Interim Recommendations of the LLRC.

Dear Mr. Peiris,

We address this note to you in the capacity of the Chairman of the Inter Agency Advisory Committee appointed by the cabinet to effectively implement at the earliest the interim recommendations of the LLRC.

The failure to effectively implement transparently and at the earliest opportunity the LLRC Interim recommendations on "Detention", especially paragraph (b) quoted below goes against the spirit of implementation articulated by you. Worse, the failure tends to cast doubt on the sincerity of purpose of not only the implementing agency which you chair, but also of professed official policy itself.

"b) A major concern raised before the Commission was the fact that many people did not know the whereabouts of family members in detention as they were being shifted from camp to camp.

Accordingly, the Commission recommends an independent unit being established e.g. Ministry of Justice, to address the following issues-

1. Publishing a list of names of those in detention
2. When a person is discharged a certificate be issued so that the same person is not taken in to custody again, unless new evidence is discovered against him for being linked with the LTTE
3. To look in to the general issue of laws delays (To expedite prosecution or discharge detainees)."

We urge you to meaningful steps to correct this aspect of the Inter Agency Advisory Committee's work. In this we re-iterate our previous submission to you dated 15th August 2011 and Reminder of 11th November 2011.

Yours Sincerely,
Jayantha Dhanapala

Manouri Muttetuwegama

On behalf of Friday Forum, the Group of Concerned Citizens

Mr. Jayantha Dhanapala, Senior diplomat, Under Secretary General to re-establish the Department of Disarmament (1998-2003), Secretary General of the Secretariat for Coordinating the Peace Process

Mrs. Manori Muttetuwegama, Commissioner, Commission of Inquiry into Alleged Serious Violations of Human Rights (1996 - 1998)

The above is an edited version of their letter.

Killing of Trinco 5:the lies in Geneva must stop

Does GoSL believe that those whom it is addressing in Geneva are fools or idiots?



Funeral of the five students killed
on 02 Jan 2006 by security forces

Meanwhile we are informed by a former Attorney General again in Geneva, (at this rate, we would be hearing more of 'apparent' state policies from Geneva rather than from Colombo), not only that fresh investigations and prosecutions would be initiated into the two instances of extrajudicial killings in Trincomalee and Mutur in 2006 but also that a long pending Witness Protection Bill, would be implemented. Yet, this statement raises more questions than it answers.

As regards the 2006 extrajudicial killings, it seems that the Government of Sri Lanka believes that those whom it is addressing are fools or idiots, to put the matter bluntly. Two and a half months have lapsed since the LLRC findings were made public but the report of the Udalgama Commission which comprehensively examined these two cases, as acknowledged in the LLRC

report, has not been publicly released. In the absence thereof of minimum evidence of bona fides, what is this talk of fresh investigations? These are antics best left for domestic consumption.

Further, as far as the Witness Protection Bill is concerned, are we to expect a draft to be speedily passed by our 'actively interested' legislators purely for the sake of saying that we now have such a law?

At least now, this administration must abandon its disastrous and dishonest policies. And most importantly, the lies in Geneva must stop.

By Kishali Pinto Jayawardene

*From: The lies need to stop, at least now,
<http://sundaytimes.lk/120311/Columns/focus.html>*

AG Dept refutes Mohan Peiris's claim on Trinco 5

No request to re-open investigations – AG Dept

Solicitor General Palitha Fernando has said the Attorney General (AG) has not received any official communication to reopen investigations into the killing of five students in Trincomalee in 2006.

Fernando has told the media that until such communication is received to reopen an inquiry, the modalities and the nature of an investigation could not be revealed.

During an interactive session in Geneva with representatives of countries interested in the Sri Lankan issue, former Attorney General Mohan Peiris gave an assurance that investigations relating to the students' killings will be reopened.

The students were killed on January 2, 2006 near the Gandhi Statue on the Trincomalee beach.



Mr. Peiris,
lies must stop!



Response to the statement by Mr. Mohan Peiris to the UN Committee against Torture

Sandya Eknaligoda writes

To
Mr. Joao Nataf, Secretary
United Nations Committee against Torture, Geneva

Dear Sir,

I am the wife of cartoonist and journalist Prageeth Eknaligoda who was disappeared on 24 January 2010.

I wish to submit the following facts to the United Nations Committee against Torture (the Committee) regarding the disappearance of my husband Prageeth Eknaligoda, the search conducted afterwards to find him. I write with reference to the oral statement made by Mr. Mohan Peiris, former Attorney General and currently legal advisor to the President of Sri Lanka who represented the Government of Sri Lanka before the Committee, in which he made a specific reference to my husband in the statement to the Committee on 9 November 2011.



Sandya Eknaligoda 2nd from the left, holding the photograph of her husband.

My husband Prageeth Eknaligoda went missing on 24 January 2010. Since then as a responsible citizen of Sri Lanka, I asked the authorities to assist in finding Prageeth by taking the following actions:

- *Lodging a complaint with the Homagama police station on 25 Jan 2010.*
- *By writing to the President of Sri Lanka Mr. Mahinda Rajapaksa on 17 Feb 2010.*
- *Lodging a complaint with the National Human Rights Commission of Sri Lanka on 2 Feb 2010.*
- *Filing two writ applications a habeas corpus and mandamus in the Court of Appeal on 19 Feb 2010.*
- *By writing to parliamentarians and cabinet ministers on 21 April 2010 and 13 Dec 2010.*
- *And by writing to the first lady Mrs. Shiranthi Rajapaksa on 28 April 2011.*

I have not received a response or a solution from any of these places.

As a respondent to the habeas corpus application [CA(writ)01/2010], the attorney General who was at that time Mr. Mohan Peiris has failed to submit the information which he had provided to your Committee, during the objections made by Attorney General's department in the habeas corpus case, while he held the office of Attorney General of Sri Lanka.

I believe that the statement made by Mr. Mohan Peiris to your Committee is an irresponsible and a mala fide act as he had not presented any of this information to me, my children and the Sri Lankan Courts and as he hid those facts from us.

The former Attorney General has also stated to the Committee that the campaign I am carrying out to find my husband is fake. I reject this statement and consider it offensive to me and my children who, are already traumatized by the disappearance of Prageeth.

I request you to clarify the accuracy of the statement made by Mr. Mohan Peiris to your Committee and if the statement has any truth to assist me and my children to find Prageeth and to let us meet him, and further to pressure the Sri Lankan Government to meet this request made by me to your Committee.

Thanking you,

Yours faithfully,
Sandya Eknaligoda



Premier Tamil party speaks again ...

The TNA fully supports action by the Council as a first and necessary step towards ensuring peace, justice and reconciliation in Sri Lanka

5.1. As the opportunities for post war peace and reconciliation in Sri Lanka gradually slip away, the members of the UNHRC must act urgently to prevent an ominous slide towards a recurrence of the tragedies of the past.

5.2. The Council must ensure that the Sri Lankan government immediately takes steps to offer a political solution to the Tamil people to resolve the long-festering and deep-seated national problem and also address serious concerns about human rights and governance.

5.3. The Council must also urgently address questions of truth and justice relating to grave violations of international human rights and humanitarian law, in order to transform the culture of impunity prevailing in the country to one of accountability.

5.4. The Sri Lankan government has persistently claimed that, if provided time and space, it will evolve homegrown processes that will address the need for a political solution, improvement in human rights and accountability. This claim must be evaluated against the chronic unwillingness of the government to honour its own commitments to the people of Sri Lanka and the international community. Some of these commitments have been repeated for many years, with no progress made on the ground.

5.5. Moreover, the trajectory of the government's conduct indicates that, if given time and space, that time and space will be utilized to pursue the agenda that the government has brazenly undertaken despite assurances to the contrary. That agenda entails the silencing of the democratic voice of the Tamil people, the entrenching of power at the centre

and the transformation of the linguistic, cultural and religious composition of the North and East so as to negate the need for a political solution.

5.6. Sri Lanka's failure to make good on its own assurances requires that the Council act now. The principle of complementarity in international law requires that where a state is unwilling or unable to institute credible measures to advance justice in keeping with its commitments, international mechanisms must be activated.

5.7. The TNA states that the failure of the Council to act will enable governments, which in fact demonstrate no commitment to change, to escape their obligations by merely making empty promises of reform. This will entrench a dangerous and harmful precedent of Council sanctioned impunity.

5.8. The TNA therefore fully supports action by the Council at its 19th Session as a first and necessary step towards ensuring peace, justice and reconciliation in Sri Lanka.

5.9. The TNA believes that action by the Council would be in the larger interest of all the constituent Peoples of Sri Lanka.



R. Sampanthan

Leader,

Tamil National Alliance

From: TNA response to the position of the GoSL at the 19th session of the UN HRC - [http://](http://www.srilankabrief.org/2012/03/broken-promises-tna-response-to.html)

www.srilankabrief.org/2012/03/broken-promises-tna-response-to.html

Worrying practice by Ministry of Defence - Lawyers for Democracy

« The continued practice of having the police and the military within the Ministry of Defence is a further worrying practice and complete disregard of the recommendations made by the Government's own LLRC. »

Lal Wijenayake, Convener of LfD

<http://www.srilankabrief.org/2012/03/lawyers-call-for-immediate-halt-to.html>



Our duty to Sri Lanka, and human rights

It is not just Sri Lanka's people that the UN Human Rights Council must serve this week, but the cause of international law; This week the UN Human Rights Council has an opportunity and a duty to help Sri Lanka advance its own efforts on accountability and reconciliation. Both are essential if a lasting peace is to be achieved. In doing so, the Council will not only be serving Sri Lanka, but those worldwide who believe there are universal rights and international legal obligations we all share.

Nearly three years since the defeat of the Liberation Tigers of Tamil Eelam (LTTE) by the Sri Lankan government there has still been no serious domestic investigation of the many allegations of war crimes and crimes against humanity committed by both sides during the civil war's final stages. These tragic events cannot simply be ignored.

While the Sri Lankan government's own report from its Lessons Learned and Reconciliation Commission, published last December, includes important findings on reconciliation, and represents a potentially useful opportunity to begin a national dialogue on the conflict, it is disappointing in its failure to address seriously accountability issues. The recent announcement that the army intends to investigate its own actions during the conflict is not the kind of independent inquiry that is required.

In the absence of a credible and independent investigation into what happened in Sri Lanka, the Human Rights Council has an obligation to uphold human rights law and international humanitarian law during its upcoming 2012 sessions. As the UN report said: "The conduct of the war by both sides represented a grave assault on the entire regime of international law designed to protect individual dignity during both war and peace. The victory of one side has emboldened some to believe that these rules may now be disregarded in the cause of fighting terrorism."

Against this background, and continuing reports of human rights violations by the authorities, we urge the council to support a resolution that seeks accountability for the terrible violations of international law that have taken place, and establishes mechanisms to monitor progress on the steps the government is taking on accountability. If there is insufficient progress by the government in establishing a credible accountability process in the near future, we urge council members to support the establishment of an independent investigation.



By **Desmond Tutu** and **Mary Robinson**

Archbishop Desmond Tutu and former Irish President Mary Robinson are members of The Elders, global leaders working for peace and human rights.

This is an edited version of the original article published on <http://www.guardian.co.uk/commentisfree/2012/feb/26/our-duty-sri-lanka-human-rights>.

Lawyers Call for an Immediate Halt to Ongoing Abductions

13 March 2012



Criminal white van record of Rajapakses exposed: culprits released unlawfully –hereunder are the startling facts

-Murderous Rajapakses try to kill their own Mayor Idi Amin style using the Army para group

(Lanka-e-News-11.March.2012, 11.45PM) It has now come to light that the Rajapakse regime criminals with the white van who were for the first time caught by the people and handed over to the Wellampitiya police comprised two Captains, a Lieutenant and a Corporal. These criminals associated with the raging white van murder syndrome had been freed from the police custody unlawfully and taken away by Western zone seiner DIG Anura Senanayake who had arrived at the police station early morning at about 4.40 yesterday . Anything of this most lawless Idi Amin style operation had not been recorded in the police registers.

Lanka e news wishes give details of these four white Van criminals ; they are :

Lanka e News article on the Kolonnawa abductions

'Lawyers for Democracy' (LfD) is gravely concerned with the breakdown of law and order and the rising cases of abductions in Sri Lanka. On 11th March 2012 media reported of the failed incident of a 'white van' abduction in Kolonnawa/ Wellampitiya where the suspects were subsequently handed to the police by the public.

LfD has since come to learn that the police have released the suspects at the order of a senior police officer without producing them before a court of law.

The spate of recent abductions and disappearances is alarming. In January and February 2012 alone eleven cases of abductions have been reported from across Sri Lanka with at least seven of these cases being linked to 'white vans'. These incidents have received attention as a result of the Government of Sri Lanka coming under increased scrutiny recently of their human rights record. According to a report issued in February 2012 by the United Nations Working Group on Enforced or Involuntary Disappearances, 5671 cases of involuntary disappearances remain outstanding in Lanka. The ongoing abductions including the failed attempt in Wellampitiya confirms a culture of impunity with which perpetrators operate, raising questions to the nexus with the Defence authorities. This failed attempt in Wellampitiya further confirms the role of Government security forces in

abductions in Sri Lanka.

LfD sees this present incident as another that erodes the criminal justice system in Sri Lanka and exacerbates the culture of impunity, and a further confirmation of the politicization of the police in Sri Lanka. The continued practice of having the police and the military within the Ministry of Defence is a further worrying practice and complete disregard of the recommendations made by the Government's own Lessons Learnt and Reconciliation Commission (LLRC). In its final report issued in November 2011, the LLRC specifically states that the police force should be outside of the purview of the Defence establishment, a recommendation like so many others that have yet to be implemented.

In light of this dangerous situation with the rising number of abductions and culture impunity, LfD calls on the Government to immediately address this trend and to prosecute those who are involved in such incidents.

'Lawyers of Democracy' (LfD) is a representative body of legal practitioners throughout the island. It was established on 10 December 2009.

Conveners include Lal Wijenayaka, Chandrapala Kumara, K.S. Ratnavale, J.C. Weliamuna, Sudath Netthisinghe and Sudarshana Gunawardana.

Sgd/ Lal Wijenayake,
Convener of Lawyers for Democracy (LfD)



Exclusive for

REALITY VERSUS GO

Implementation of LL

On March 8, the US delegation in Geneva organized an Informal Consultation to discuss the draft text of the Resolution on Sri Lanka that they are proposing to bring before the 19th session of the UN Human Rights Council.

At this meeting, Presidential Advisor and former Attorney General unveiled a Road Map for the implementation of the Recommendations of the LLRC which has up to now been kept a tightly guarded secret, even in Colombo.

According to Mr. Peiris, the LLRC recommendations have been divided into 4 parts by the government, on the basis of short-term, medium-term and long-term achievables.

Note: The LLRC report in full is not available yet in Sinhala and in Tamil, the two national languages of Sri Lanka.

What Mohan Peiris says:

Section I focuses on national policy. There are 33 recommendations clustered into this category. A Ministerial Sub-Committee and the Parliamentary Select Committee both fall under this category. The government is waiting for the TNA nomination to start the PSC process. They are updating the electoral register in the North; once that is done, they will hold Provincial Council elections.

What he does **not** say:

The TNA has rejected participating in the PSC process very clearly.

The updating of the electoral registers in the Northern Province has been accompanied by allegations that the government is using this process to alter the demographic balance of the area and reduce Tamil political influence.

In the absence of the Provincial Council, the Governor, a retired army official appointed by the President, has total control over all executive and administrative decisions in the north. This mandate included overseeing all activities of the Northern Provincial Council administration which is headed by a Chief Secretary, who is a senior member of the state Administrative Service.

What Mohan Peiris says:

Section II focuses on the final phase of the conflict. 9 of the LLRC recommendations are apparently clustered together. There is a Working Committee under the President, a Board of Inquiry and a Court of Inquiry, all implementing the recommendations falling under this category. The findings of the two Inquiries will be sent to the A G's Department for action. There will also be prosecution in the case of killing of 5 students in Trincomalee and in the ACF case in due course.



Tamil IDPs

(Continued on page 11)



Sri Lanka Brief

SL PRONOUNCEMENTS

RC recommendations

What he does **not** say:

The 5-member Court of Inquiry which has been appointed by the Army Commander to probe into all observations made by the LLRC regarding civilian casualties and regarding the Channel 4 video can only subject those against whom any serious evidence is produced to a general Court Martial. They will not be subject to prosecution under the normal laws of the land. Army commander has made a statement saying that no eye witness has come forward to give evidence for the inquiry.

The killing of the 5 students in Trincomalee took place in January 2006. The killing of 17 workers of Action contra l'Faim (ACF) in Mutur took place in August 2006. Both cases were the subject of judicial inquiry as well as inquiry by the Commission of Inquiry headed by Justice Udagama appointed in November 2007. Implementing the recommendations of the Udagama Commission is one of the LLRC recommendations. In the case of the ACF killings, in July 2009, the CoI exonerated the security forces and tried to blame ACF for 'gross negligence'. Key witnesses were unable to testify due to the suspension of video conferencing facilities which enabled those witnesses and family members who had fled abroad in fear of reprisals to speak. In the case of the 5 students, the CoI inquiry came to a halt with the suspension of video conferencing. The case in the Trincomalee District Court (DR 11/1-2006) has been dragging on since 2006. **The Solicitor General has said he knows nothing of any such new initiative to proceed with these investigations.**

What Mohan Peiris says:

NOTHING on **Section III** focusing on national security ;

On **Section IV** focusing on resettlement and development. The 6 recommendations in this section include reconciliation, language policy, education, arts and culture, land policy etc. Implementation of recommendations in this Section will be carried out under the supervision of the Presidential Task Force (PTF) which functions directly under the President.



What he does **not** say:

The legal basis for the establishment and mandate of the 19 member PTF are unclear. Appointed in May 2009 by the President, the PTF for Northern Development includes the Minister for Economic Development, Basil Rajapaksa, who serves as Chairman of the PTF; Defence Secretary, Gotabaya Rajapaksa; the Army Commander; and the Northern Province Governor.

The Land Circular of July 2011 (Circular 2011/04), which gave military a role in dispute resolution over land issues, has been challenged through a Writ application (620/2011) and a Fundamental Rights application (494/2011) which were filed in the Court of Appeal and the Supreme Court respectively by TNA National List MP M.A. Sumanthiran. On 9 November 2011 the Court of Appeal issued an order staying the public notice calling



Right to protest – disappearing right in Sri Lanka
Photo credit: Lankaleaks

for applications for land in the North and East and the Attorney General's Department undertook to revise the Circular.

What Mohan Peiris says:

The Presidential Secretariat, the Attorney General's Department, the National Human Rights Commission and the Special Envoy on Human Rights are all a part of the team charged with implementation of the LLRC recommendations. The National Human Rights Action Plan (NHRAP) is in place and has a work plan. There is a Cabinet Sub-Committee functioning under the President, to oversee the implementation. We also have an inter-Ministerial Committee.

What he does **not** say:

The National Human Rights Action Plan has not yet been submitted to Parliament, or discussed by elected members of that body.

The National Human Rights Commission has been downgraded to Status B by the ICC which oversees compliance with the Rome Principles of National Human rights Institutions due to its lack of independence. A member of the Commission recently resigned citing inability to perform his duties without interference.

The Attorney General's department functions under the President.

by Nagachampa

We request the government to ...

- *rapidly remove the military from all civil engagements [nos. 5.104(2.4) and 8.211]*
- *disarm and disband all illegal armed groups immediately [no. 5.66]*
- *establish independent Commissions for public administration and the police [nos. 8.209]*
- *devolve power in meeting with the needs and aspirations of the people [pages 275 – 277 and 307-308]*
- *establish the people's Right to Information immediately [page 353]*
- *along with all recommendations that would allow the people living in Northern and Eastern provinces to live a decent, peaceful life as well.*

Citizens Rights

Kusal Perera & Sudharshana Gunawardne

<http://www.srilankabrief.org/2012/03/llrc-recommendations-should-be.html>



THE TRUTH: LLRC 100 days after

On 15 May 2010, the Lessons Learnt and Reconciliation Commission (LLRC) was established by the President of Sri Lanka. On 10 September 2010, the LLRC issued interim recommendations. On 15 November 2011, the LLRC submitted its' final report to the President.

So now, it is more than 100 days after the final report of the LLRC and more than 500 days since the interim recommendations. Full implementation of all recommendations of the LLRC will of course take time, certainly more than 100 days. But surely some recommendations, including the interim recommendations, could have been implemented by now?



Ramasamy Prabakaran, a Tamil businessman, was abducted in front of his wife and their three year old daughter, shortly before his case accusing the police of torture was due to be heard. He had been held for two-and-a-half years by the police and, he claimed, badly tortured before being released without charge. His wife and daughter have had no news of his fate. <http://www.bbc.co.uk/news/world-asia-17356575>

To date, no one knows which ministry, department, officials in the government will be responsible for implementing the recommendations. No one knows what recommendations the government plans to implement and what the government doesn't want to implement. No one knows the time line for implanting any of the recommendations. No one knows whether opposition parties, professional bodies, academics, religious leaders, civil society etc. will be able to participate in decision making and implementing the LLRC's recommendations and if yes, how. To the best of our knowledge, there is also no plan of action presented to parliament or the public regarding the implementation of LLRC recommendations.

Below are some significant incidents / events in the 100 days after the LLRC final report, which relate directly to the conclusions and recommendations of the LLRC:

- 1. LLRC recommends a political solution to address root causes of the conflict**
 - But our President and Ministers have announced that we will have to live with "13 minus" – no land and police powers to provincial councils under the 13th Amendment to the constitution, although this has been part of our constitution for almost 25 years!
 - No progress in talks with Tamil National Alliance (TNA);
 - No follow up to the All Party Representative Committee (APRC) process.
- 2. LLRC recognized that the process of reconciliation requires a full acknowledgement of the tragedy of the conflict and a collective act of contrition by political leaders and civil society, of both Sinhala and Tamil communities**
 - There is no formal process initiated by the Government to acknowledge tragedies of the conflict;
 - No such act of contrition has happened;
 - Attempts by communities in the north and civil society to document and acknowledge the tragedy of the conflict is actively discouraged and has been met with threats and intimidation.



3. **LLRC recommended freedom for people in the North to grieve and mourn**
 - But there has been no initiative to restore in anyway the memorials and cemeteries of LTTE cadres that were destroyed during and after the end of the in 2009;
 - After the obstructions and threats to organizer of religious events to grieve for those killed in May 2010, no public announcement has been made that events to grieve and mourn are permitted in conflict affected areas.
4. **LLRC recommended a separate event to express solidarity with all victims of the conflict on National Day (4 February)**
 - This was ignored although other elaborate arrangements were made to celebrate the national day on 4 February 2012.¹
5. **LLRC recommended a household survey to calculate casualties**
 - A group of volunteers engaged in documenting casualties in some villagers in the Vanni were questioned by military and told by government officials that they needed permission from the military to carry out this work.
6. **LLRC recommended National Anthem to be sung in both languages**
 - On national day (4 February) , it was sung only in Sinhalese;²
 - No official directions issued to sing the National Anthem in both languages.
7. **LLRC recommended religious freedom, especially in the conflict affected areas**
 - On 26 (Velupillai Prabhakaran's Birthday) and 27 (LTTE Heroes Day) November 2011, the military interrupted Christian and Hindu religious services and rituals in the North. The military ordered lights not to be lit, bells not to be rung even though these are routine activities and religious traditions. In one village, military personnel had even asked a Catholic Church to celebrate the customary Sunday Mass on Monday! In December 2011, military instructed some former detainees in the North not to join a religious pilgrimage. The military gave permission after a Priest intervened on their behalf, but promptly organized a compulsory meeting for all ex-detainees on the day of the pilgrimage, ensuring they could not attend the pilgrimage.
8. **LLRC recommended reducing military presence in the North**
 - There are indications about new military camps in the North even in 2012;³
 - Military presence continues to be very strong in the North.⁴
9. **LLRC recommended phasing out the role of military in civilian activities**
 - Military continues to run and even build new shops, restaurants, hair saloons, farms, boat services etc;⁵
 - The Governors for the Northern & Eastern Provinces continue to be retired Sinhalese Military personnel and the Government Agent (District Secretary) for the Trincomalee district continues also to be a retired Sinhalese Military Officer.
10. **LLRC recognizes Freedom of Expression as pivotal to reconciliation and recommended action to prevent harassment and attacks on media personal and institutions**
 - Police sought a court order to prevent the "Black January" protest on 25th January 2012 organized by the Alliance of Media organizations against media suppression.⁶ However the police allowed a large pro-government protest to take place, blocking the road near the Fort Railway station, where the black January protest was supposed to be held. The police also permitted the pro-government protests to take place on 27th February 2012 which blocked the road at the same location. State media continue to make false accusations against press freedom activists and organizations about making submissions regarding GSP+ and participation at the 19th session of the UN Human Rights Council, implying that they and still are supporting terrorism.⁷
 - Websites critical of the government continue to be blocked without any basis and despite three hearings of the Supreme Court leave to proceed has not yet been granted on the fundamental rights case;⁸
 - Student activists and academics in Jaffna university faced series of threats in end 2011.⁹



11. LLRC recognizes Freedom of Association as important for reconciliation and should not be arbitrarily restricted and also states that civil society should be encouraged to carry out community development work

- A NGO office in a highly protected area in Colombo was broken into in January 2012;¹⁰
- NGOs and other community based organizations are compelled by the military to invite and seek the permission of the military for any type of community development initiatives in the North;
- Civilians who met a visiting USA Government delegation in the North and a Christian Priest who hosted the meeting were questioned and intimidated by military;
- An elderly man celebrating birthday in Vanni in the North, was questioned and not allowed to celebrate birthday. Often, people in the Vanni are not even allowed to have social functions without getting permission or informing the military;
- People in the North were compelled and coerced by the military to attend protests against the resolution on UN Human Rights Council on 27 February 2012.



Anthony Fernando, a fisherman, was killed when police opened fire at a peaceful agitation held by fisher folk against the increase in fuel prices in Chilaw on 18 February 2012. He was survived by the wife and two daughters.

12. LLRC recommended the freedom to organize peaceful events and meetings

- A fisherman protesting against the fuel price hike shot dead by police and several others injured in February 2012;¹¹
- Two major opposition political party protests against the fuel price hike were attacked by Police;¹²
- A Human Rights day event was obstructed in Jaffna on 10 December 2012;¹³
- A campaign against disappearances scheduled to be held in Jaffna had to be cancelled due to sustained military interference on 17 January 2012.¹⁴

13. LLRC recommended independent investigations and prosecutions in relation to instances which point towards security forces responsibility for civilian deaths and injuries, disappearances and specifically the Channel 4 video

- No action has been taken or plan of action announced except the appointment of a Military Inquiry in lieu of the recommended "Independent Inquiry".¹⁵

14. LLRC recommended authorities to keep families informed of progress being made in locating missing persons

- Despite the pronouncement by Cabinet's legal advisor in early November 2011 to the UN Committee Against Torture that disappeared journalist Prageeth Eknaligoda is living abroad, the family has not been informed to date– despite repeated requests by his wife through the Courts and National Human Rights Commission for details of his whereabouts;
- A Minister has been quoted claiming that Lalith and Kugan, two political activists abducted in Jaffna in Dec. 2011 have not been abducted and "are there" and "will appear in courts soon" – but the families have not been informed about this matter;¹⁶
- Even the LLRC had not informed families from whom they claimed to have received more than 3,000 complaints and promised to "look into them" regarding steps taken and progress made in locating whereabouts of the disappeared/missing persons.



Lalith Weeraratne campaigned against disappearances, before he too vanished.
<http://www.bbc.co.uk/news/world-asia-17356575>

15. LLRC said it is alarmed by the large number of abductions and recommended measures to address disappearances

- A torture victim who challenged the state and police officers was abducted two days before the case was to be taken up in Supreme Courts, after threats to withdraw the case;¹⁷
- A man in prison custody was abducted next to the main court complex in Colombo;¹⁸
- Two political activists were abducted in Jaffna on 9 December 2011;¹⁹
- More than 23 abductions reported since the LLRC report and at least 11 dead bodies found in February alone.²⁰

16. LLRC recommended to inform family about changes of place of detention

- Families were not informed about the transfer of 180 detainees from New Magazine Prison in Colombo, in January 2012.

17. LLRC recommended appointment of a Police Commission

- President appointed members of the Police Commission, but members include a Buddhist Monk against whom there are serious allegations of criminal activities including involvement in the riots against Tamil civilians in July 1983.²¹

18. LLRC recognizes the freedom of movement of IDPs to resettle in place of origin and that the government must be clear in their policy about areas where people can resettle and options available

- 72 families have been relocated to Thimbili, Kombavil,²² far from their places of origin, where access is difficult for their traditional livelihood of fishing, when they have expressed their preference to be resettled in their own village;²³
- Displaced persons in areas such as Mullikulam (Mannar district), Sampoor (Trincomalee district) and Palaly (Jaffna district) are not allowed to resettle in the villages of their origin due to military occupation;
- No options and clear information has been provided to these people, as well as several thousand languishing in Menik Farm who are not allowed to go back to their villages.

by Jude, CMB

Hardly a constructive response

Even the LLRC felt constrained to complain that its interim recommendations had not been implemented. Instead, the government has chosen to paper over issues of accountability for the loss of civilian lives during the war's final weeks. Much to the exasperation of allies such as India, it has also blown hot and cold about a settlement of Tamil political aspirations. Sri Lanka must realise that its own interests require it urgently to address these twin bases of national reconciliation. Sadly, its response to the Geneva challenge has been to whip up anti-U.S., anti-West, Sinhala nationalist protests at home, creating an atmosphere of an island under siege. This is hardly a constructive response; if anything, the government's over-the-top campaign may further sharpen ethnic cleavages in the country.

Editorial, The Hindu,

<http://www.srilankabrief.org/2012/03/sri-lanka-against-itself-hindu.html#more>



Attacks on Human Rights Defenders Escalate

The campaign mounted by the GoSL and its media agencies against Sri Lankan human rights defenders, which started to escalate since January this year, is now reaching epic proportions. On a daily basis the state television channels broadcast 'pseudo' news about the progress of the discussions on the US Resolution on Sri Lanka at the 19th session of the UN Human Rights Council in Geneva; the state owned and controlled newspapers follow suit. Much of what is said is untruth and misinformation, in addition of being slanderous and defamatory.

The main charge levelled against Sri Lankan human rights defenders is that they are LTTE supporters and in the pay of foreign interests. There is no attempt to counter the questions being asked of the GoSL regarding past and on-going human rights violations, nor is there any attempt to put forward any initiatives that the Government is taking to build a constructive dialogue on accountability, justice and reconciliation in the country.

These pathetic defensive actions only serve to strengthen the perception of Sri Lanka as a country that resists any criticism, no matter how constructive it may be, because it knows its actions do not bear scrutiny.

Saddest of all is the fact that although the discussion in Geneva is about implementation of the recommendations of the LLRC, the actions of the Government only serve to disclose its utter contempt for the principles of tolerance and reconciliation which form the core of the LLRC's findings.

What better than to quote from the LLRC Final Report:

"Relationship building following violent conflict, addressing issues of lack of trust, prejudice, and intolerance whilst accepting commonalities and differences, is the essence of reconciliation." (para 9.173)

"The culture of suspicion, fear, mistrust and violence needs to be removed and opportunities and space opened up in which people can hear each other and be heard." (para 9.174)

State-owned media continue unprecedented hate mongering ...

"The NGO gang who went to Geneva to oppose their motherland have joined LTTE supporters are engaging in a conspiracy against Sri Lanka. More details are revealed.

(Dr. Pakiasothy) Saravanamuttu went to Geneva and tried to present this incident to the international community as one more example of genocidal and barbaric behaviour prevailing in Sri Lanka. [Visuals of Dr. Saravanamuttu shown].

Another key NGO activist [visual of HRW table] who addressed the international community at the same event said that on the 13th of March, the army in the Jaffna peninsula had raped a 13-year old girl. [Visuals of Sunila Abeysekera shown].

Another NGO activist, Dr. Nimalka Fernando, has introduced the motherland to the international gathering by saying that Sri Lanka was the hell of Asia.

It has come to our attention that another NGO activist who has been a leader in the campaign of mudslinging against the government of Sri Lanka from outside the country for some time now, Sunanda Deshapriya, has also been seen in circulation in Geneva now. [Visuals of Sunanda Deshapriya and some others shown]."



Clergy intimidated for writing to UNCHR



Bishop of Mannar

On **1 March 2012**, the Catholic Bishop of Mannar the Rev. Rayappu Joseph, along with thirty other members of the Catholic clergy in northern Sri Lanka, wrote to the President and members of the UN Human Rights Council to 'act decisively in relation to Sri Lanka, to enable Sri Lankans to move towards genuine reconciliation'. Although the letter was intended to be a private one, it was leaked to the press by interested parties and provoked an extremely hostile response from certain sections of the government and of Sinhala society. There were attacks on the Bishop in the press (for example in the Sunday Divayina) and on websites. Leading figures in the Jathika Hela Urumaya Party and in the National Freedom front went on record calling for his arrest and prosecution.

On **8 March 2012**, unidentified persons desecrated the statue of the Virgin Mary at Our Lady of Mount Carmel church in Ellamaruthankulam, Vavuniya.

On **12 March 2012**, a group of 63 persons, including 32 clergymen and women from the south wrote a letter in support of their brethren in the north.

Civil society organizations have expressed their grave concern regarding the safety of the Bishop and others associated with the 1 March 2012 letter.

The statement of the clergy dated 12 March 2012

To: The President and all members of the United Nations Human Rights Council

We the undersigned, endorse the concerns and calls made in the letter of 1st March 2012 to the President and Members of the UN Human Rights Council by 31 Catholic clergy from Northern Sri Lanka, including the Bishop of Mannar.

We also express our grave concerns about intimidation and discrediting of the signatories of the initial letter and in particular the Bishop of Mannar, by media such as the Sunday Divaina, websites and even government's coalition partners such as the Jathika Hela Urumaya and National Freedom Front by accusing the Bishop of aspiring to become Cardinal of Tamil Eelam and that he should be arrested and prosecuted.

To build peace implement LLRC recommendations

We wish to earnestly urge that the government come up with some symbolic gestures and acts that would lead the nation towards harmony and reconciliation. Permit us to identify some of the recommendations. The report needs to be disseminated to the masses. It would be necessary to have the report, particularly its recommendations; translated into the two official languages of the nation.

The **Catholic Bishops' Conference** of Sri Lanka

Endnotes

pages 13—16:

- ¹ See http://peace-srilanka.org/index.php?option=com_content&view=article&id=434:implementing-llrc-could-have-started-on-independence-day&catid=1:latest&Itemid=121
- ² See http://peace-srilanka.org/index.php?option=com_content&view=article&id=434:implementing-llrc-could-have-started-on-independence-day&catid=1:latest&Itemid=121
- ³ See <http://www.thesundayleader.lk/2012/02/19/land-allocation-for-army-upsets-mannar-women/>
- ⁴ See <http://transcurrents.com/news-views/archives/8602> and <http://groundviews.org/2011/11/19/post-war-situation-in-northern-sri-lanka-prospects-for-reconciliation/>
- ⁵ See <http://dbsjeyaraj.com/dbsj/archives/3325> and <http://groundviews.org/2011/11/19/post-war-situation-in-northern-sri-lanka-prospects-for-reconciliation/>
- ⁶ See <http://transcurrents.com/news-views/archives/8602>
- ⁷ See <http://transcurrents.com/news-views/archives/8602>
- ⁸ See <http://www.lankastandard.com/2011/11/violation-of-freedom-of-expression-on-the-internet/>
- ⁹ See <http://www.srilankabrief.org/2011/12/death-threat-issued-to-8-student.html>, <http://www.srilankabrief.org/2011/11/university-students-in-jaffna-still.html> and <http://www.srilankabrief.org/2011/12/sla-steps-up-harassment-on-university.html>
- ¹⁰ See <https://nfrsri Lanka.wordpress.com/2012/01/24/sri-lanka-viluthu-a-tamil-advocacy-institution-in-colombo-attacked-and-ransacked-nfr/>
- ¹¹ <http://www.thesundayleader.lk/2012/02/19/shoot-to-kill-policy/>
- ¹² See <http://dbsjeyaraj.com/dbsj/archives/4294> and <http://www.asianmirror.lk/english/index.php/main-news/6221-tear-and-water-cannon-attacks-for-jvp-rally>
- ¹³ See <http://groundviews.org/2011/12/14/42-political-activists-and-hrds-detained-and-prevented-from-participating-in-peaceful-protest-in-jaffna-town-on-human-rights-day/>
- ¹⁴ See <http://transcurrents.com/news-views/archives/7430>
- ¹⁵ See <http://www.hrw.org/news/2012/02/15/sri-lanka-army-inquiry-delaying-tactic>
- ¹⁶ See <http://sundaytimes.lk/120108/Columns/political.html>
- ¹⁷ See <http://transcurrents.com/news-views/archives/7942>
- ¹⁸ See http://www.bbc.co.uk/sinhala/news/story/2012/02/120213_prison_abduction.shtml
- ¹⁹ <http://groundviews.org/2011/12/19/disappearance-of-human-rights-defenders-political-activists-lalith-kumar-weeraratne-and-kugan-murugan-on-9th-december-2011/>
- ²⁰ See <http://groundviews.org/2012/02/26/new-wave-of-abductions-and-dead-bodies-in-sri-lanka/>
- ²¹ See <http://colombotelegraph.com/2012/02/20/a-criminal-monk-to-the-police-commission/>
- ²² See <http://groundviews.org/2011/10/03/re-displacement-of-menik-farm-inmates-to-kombavil-mullativu/>
- ²³ See <http://groundviews.org/2011/10/03/re-displacement-of-menik-farm-inmates-to-kombavil-mullativu/>

We, the North East Women's Network, call upon the UN and its member states to help Sri Lanka on its road to reconciliation and peace through accountability and justice and to strengthen its domestic mechanisms by ensuring international monitoring. We call upon the Sri Lankan State to view the proposed resolution at the UN Human Rights Council as a tool for the implementation of its vision for a multi-cultural and multi-ethnic community and for ensuring long lasting peace for the women who have lost so much and continue to suffer. The Sri Lankan government has been given an opportunity to make real its promises to the ethnic minorities, especially the women in this country who have suffered from three decades of war. We hope the government will fulfill this promise and make women real citizens of this nation.

North-East Women's Network, Sri Lanka