



Tamil Information Centre

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Committed to Human Rights and Community Development

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The UK government must review their position on Sri Lanka

The Tamil Information Centre (TIC) has urged the British Home Minister to review UK's position on Sri Lanka and stop all involuntary return of the Tamil asylum seekers in view of the human security concerns and the worsening human rights situation in the island.

The TIC, an organization working to promote and protect the rights of asylum seekers and refugees from Sri Lanka, has made representations to the Minister expressing its concern over continuing removal of Tamil asylum seekers, while the human rights situation has deteriorated to dangerous levels in the recent months. This has brought about a detrimental effect on the dignity and well-being of the people and community relations. The TIC statement underscores the Sri Lankan government's continuing failure to provide protection to the Tamils and the lack of commitment and capacity to uphold law and order.

The TIC representation highlights the intensifying security force cordon and search operations in the wake of the assassination of Foreign Minister Lakshman Kadirgamar. In Colombo alone in December 2005, more than 900 Tamils were arbitrarily arrested and some of them are in detention for further questioning. Arrests are taking place under Regulations introduced after a state of Emergency was declared in August 2005. These Emergency Regulations are similar to those that were in force before July 2001 and grant wide powers of arrest and detention to the security forces.

Police torture has continued, and with the powers granted under Emergency Regulations it is feared that torture and disappearances will increase. A huge number of Tamils from the north-east and the Hill Country suffered torture at the hands of the security forces, but charges have been brought only in respect of very few cases and it is unclear whether anyone has been convicted. Some 40 other Tamils are still held under the Prevention of Terrorism Act (PTA). They are in detention for several years, but their cases are still pending.

In the case of disappearances, four Presidential Commissions enquired into 37,662 complaints of disappearance which took place between January 1988 and December 1995 and found evidence of disappearance in 21,115 cases. No further action has been taken in these cases although the commissions have recorded the names of the security force personnel responsible for the disappearances. These personnel continue in their positions and some of them have been promoted.

In recent months, there has been a significant increase in the number of assaults, injury and extra-judicial killings by the security forces in the north-east. The Liberation Tigers of Tamil Eelam (LTTE) and Tamil groups aligned to the Sri Lankan government are also accused of many other killings, attacks and destruction. The UN Special Rapporteur on Extra-Judicial Executions said in December 2005 that the failure to effectively investigate the killings has resulted in many areas of the north-east becoming zones of impunity for killers with different motivations and affiliations

UNHCR reported on 20 January 2006 that since 12 January 2006 some 50 refugees have arrived in the coast of the south Indian state of Tamil Nadu fearing an escalation in the violence, which points to a worrisome deterioration of the security situation in north-east Sri Lanka. UNHCR has also reported about internal displacement saying that displacement figures are expected to rise. Many people have been displaced in Trincomalee and a large number have left the Jaffna peninsula for the Vanni region.

The action taken by the government is insignificant in relation to the scale of the human rights violations that have been committed. This has encouraged impunity and has led to further violations. No action has been taken in a number of massacre cases. There has been no progress in other cases such as the Chemmani massacres. The accused persons in the Bindunuwewa massacre case and the main accused persons in the Udathlawinne massacre case have been acquitted, giving rise to fears that the police and the Attorney General's Department have deliberately presented the cases in a manner that will result in acquittal.

The TIC has further stated that the human rights institutions in Sri Lanka lack the necessary power to provide protection against violations. The Supreme Court has no power to punish offenders. The Sri Lanka Human Rights Commission is also weak and lacks credibility. The amendments to the Human Rights Commission Act recommended by international agencies to strengthen the Commission have not so far been carried out. In addition, the Supreme Court has so far failed to make rules under the Human Rights Commission Act to enable the Commission to refer human rights cases to courts. The Sri Lanka Monitoring Mission (SLMM) has no power of investigation and has no presence in some of the districts of the north-east.

The Sri Lankan government has not appointed the Constitutional Council thereby not only preventing its functioning but also other constitutional bodies such as the Police Commission and the Public Service Commission. In violation of the Sri Lankan Constitution the government has decided to hand over the powers of these bodies to ministers. It was the initiative of the Police Commission that resulted in some policemen being charged for human rights violations.

The TIC has observed that it is evident from the Foreign and Commonwealth Office's Travel Advice on Sri Lanka dated 23 January 2006, the British High Commission in Colombo has noted the seriousness of the situation. The TIC has also said that it is pleased that the FCO's statement evidently recognizes that involuntary return of Tamils at the present time is inappropriate given the grave risks of arbitrary arrest, detention, torture and disappearances.

The TIC has stressed that the conditions in Sri Lanka do not currently allow for return in safety and dignity and has urged the Minister to reconsider UK's current position to return failed Tamil asylum seekers and grant them complementary protection, allowing them to stay in the UK. The TIC has also requested the Minister to remove Sri Lanka from the list of safe countries so that failed asylum seekers are not fast tracked through the Oakington Reception Centre.

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