

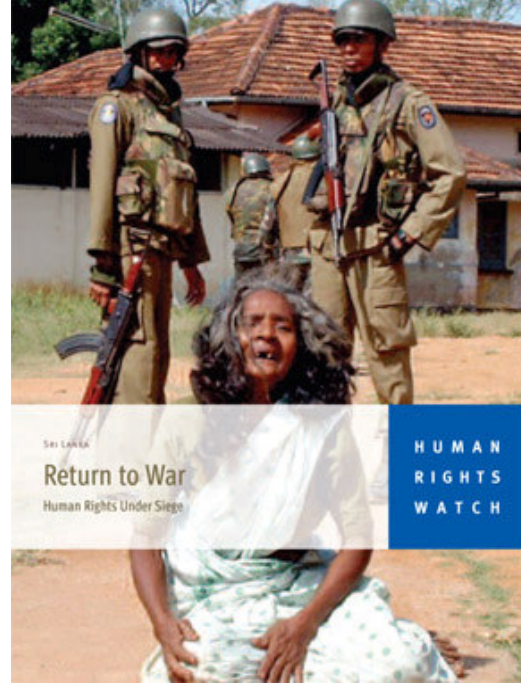
Return to War

Human Rights Under Siege

Summary

“My wife was bathing at the well near my hut. I heard one big boom and saw smoke.... Then I saw her lying near the well.... Blood was all around. I called her but she didn’t speak.”

—Father of two whose wife died in the army shelling of the displaced persons camp at Kathiravelli on November 8, 2006



Sri Lanka is in the midst of a human rights crisis. The ceasefire between the government and the armed secessionist Liberation Tigers of Tamil Eelam (LTTE) exists only in name. Since mid-2006, when major military operations resumed, civilians have paid a heavy price, both directly in the fighting and in the dramatic increase in abductions, killings, and “disappearances.” The return to war has brought serious violations of international human rights and humanitarian law.

The LTTE is much to blame. The group, fighting for an independent Tamil state, has directly targeted civilians with remote-controlled landmines and suicide bombers, murdered perceived political opponents, and forcibly recruited ethnic Tamils into its forces, many of them children. In the areas of the country’s north and east under its control, the LTTE harshly represses the rights to free expression, association, and movement.

Return to War highlights human rights abuses by the government from January 2006 to July 2007.

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Human Rights Watch has long documented abuses by the LTTE, particularly the LTTE's systematic recruitment and use of children as soldiers, the targeted killings of political opponents, and its abusive fundraising tactics abroad. We will continue to report on LTTE abuses and press the LTTE to change its practices.

“Return to War: Human Rights Under Siege,” however, focuses primarily on abuses by the Sri Lankan government and allied armed groups, which have got decidedly worse over the past year. As the hostilities have increased, the government's respect for international law has sharply declined, with it often appearing indifferent to the impact on civilians in the north and east.

The report does not aim to be a comprehensive account. Rather, it highlights with examples the main areas of concern, from violations of the laws of war and extrajudicial killings to unlawful restrictions on the media and nongovernmental organizations and the widespread impunity enjoyed by state security forces. It uses victim and eyewitness accounts to document indiscriminate attacks on civilians, the forced return of internally displaced persons, and the spate of arrests and “disappearances” by government forces and allied groups. Case studies reveal how the rights to freedom of expression and association are increasingly under threat from a government intolerant of criticism and dissent. Ethnic Tamils have suffered the brunt of abuses, but members of the Muslim and majority Sinhalese populations have also been victims of government rights violations.

After major military operations resumed in mid-2006, civilians have paid a heavy price, both directly in the fighting and in the dramatic increase in abductions, killings, and “disappearances.”



Sea Street in Colombo is the location of many Tamil-owned businesses and shops. Since mid-2006 the government-affiliated Karuna group has been implicated in the abductions of Tamil businessmen and holding them for ransom. © 2007 Fred Abrahams/Human Rights Watch

As the hostilities have increased, the government's respect for international law has sharply declined, with it often appearing indifferent to the impact on civilians in the north and east.

Sri Lanka's defense establishment is particularly responsible for abuses. The armed forces, led by Defense Secretary Gothabaya Rajapaksa, have driven policy on the ethnic conflict since President Mahinda Rajapaksa was elected in November 2005 (the two are brothers). After an LTTE attempt on the defense secretary's life, the government expanded draconian Emergency Regulations, in place from the previous government, that grant the security forces sweeping powers of detention and arrest. Over the past 18 months the Rajapaksa government has detained under the regulations hundreds of primarily young Tamil men suspected of being LTTE members or supporters.

Some of the most serious international law violations have taken place during armed hostilities, resulting in unnecessary civilian deaths and massive civilian displacement. Both the government and the LTTE have shown a brazen disregard for the well-being of civilians. In one of the most deadly incidents of recent years, government shelling in the eastern Vaharai area on November 8, 2006, hit school grounds that were housing thousands of displaced civilians, killing 62 and wounding 47.

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Three of these five children died in the Kathiravelli school attack: Gunanathan Suveeka, age 8 (first from left), Gunanathan Rajkumar, 6 (third from left) and Gunanathan Sarojinidari, 8 (fifth from left). © 2006 private

Ethnic Tamils have borne the brunt of abuses, but members of the Muslim and majority Sinhalese populations have also been victims of government rights violations.

Government forces failed to distinguish between combatants and civilians and may have purposely targeted the school. In other instances, the LTTE has purposely deployed among civilians, endangering their lives, and prevented them from fleeing areas under attack.

Some 315,000 people have had to flee their homes due to fighting since August 2006; 100,000 fled in March 2007 alone. The government has failed adequately to provide for the needs of the displaced. Indiscriminate shelling and restrictions on humanitarian aid has often compelled civilians to flee. The government has at times forcibly returned displaced persons after it deemed their home areas “cleared” of the LTTE, often without adequate security or humanitarian assistance in place.



Tamil boy in a displaced persons camp outside Batticaloa town in February 2007. © 2007 Fred Abrahams/Human Rights Watch

The government has forcibly returned displaced persons after it deemed their home areas “cleared” of the LTTE, often disregarding their security and well-being.

The number of abductions and enforced disappearances is spiraling. The national Human Rights Commission said it recorded roughly 1,000 cases in 2006, plus nearly 100 more in the first two months of 2007. Witnesses in a large number of these cases implicate government security forces. While many of the “disappeared” likely have been killed, some may be in detention, held under the newly imposed Emergency Regulations.



Professor S. Raveendranath, 56, vice-chancellor at Eastern University in Batticaloa, went missing from a High Security Zone in Colombo on December 15, 2006. © 2006 courtesy of the Raveendranath family

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The Karuna group, a Tamil armed group under the leadership of V. Muralitharan that split from the LTTE in 2004, now cooperates with Sri Lankan security forces in their common fight against the LTTE. There is a clear pattern of complicity by the security forces in abductions, extrajudicial executions, and extortion committed by the Karuna group. Despite mounting evidence, the government has taken no effective steps to curb the illegal activities of the group or conduct serious prosecutions against members of the security forces for being complicit in these acts.

Ironically, the serious deterioration in the government's human rights record is taking place under a president who was once a human rights activist.



The mother of an abducted boy from Batticaloa district holds a photograph of her son.
© 2006 Fred Abrahams/Human Rights Watch

The government has increasingly sought to silence those who question or criticize its approach to the armed conflict or its human rights record. It has dismissed peaceful critics as “traitors,” “terrorist sympathizers,” and “supporters of the LTTE.” The government has used counterterrorism legislation against journalists who expose human rights abuses, official corruption, or otherwise question the government's handling of the conflict with the LTTE. With 11 journalists being killed by various parties to the conflict since August 2005, media freedom has come under severe threat.

Ironically, the serious deterioration in the government's human rights record is taking place under a president who was once a human rights activist, known for getting dossiers of the "disappeared" out of the country to the United Nations Commission on Human Rights in 1990. President Rajapaksa's official biography trumpets him as a "champion of human rights," but he has failed to demonstrate those qualities during his presidency.

Impunity for human rights violations by government security forces, long a problem in Sri Lanka, remains a disturbing norm. Government institutions have proved inadequate to deal with the scale and intensity of abuse.

Recommendations

Human Rights Watch urges the Sri Lankan government, the LTTE, the Karuna group, and key international actors to respond with urgency to the human rights crisis in Sri Lanka. Specifically, we call on all relevant actors to:

- **Establish a human rights monitoring mission** under United Nations auspices to investigate abuses by all parties, report publicly on abuses to enable prosecutions, and facilitate efforts to improve human rights at the local level.
- **Improve humanitarian access to populations at risk**, including by ending unnecessary restrictions on humanitarian agencies.
- **Cease all deliberate and indiscriminate attacks on civilians**, facilitate rather than prevent civilians leaving areas of active fighting, and provide humanitarian agencies safe passage to populations at risk.
- **End use of Emergency Regulations to clamp down on** and threaten media, humanitarian and human rights groups, and other civil society organizations.
- **Regularly publicize the names of all persons detained by**

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the military and police under Emergency Regulations and other laws, and provide detainees due process rights, including access to their families and legal representation and to challenge the lawfulness of their detention.

- **Cease the forced recruitment of all persons**, end all recruitment of children, and permit those unlawfully recruited to return to their families.

Full recommendations can be found in Chapter XI of the report.

Return to War is available free for download at
<http://hrw.org/reports/2007/srilankao807/>.

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