

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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### Annual reports

Events of 2005

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The human rights situation in Sri Lanka worsened in 2005. The December 2004 tsunami wrought tremendous destruction, particularly to the areas already most affected by the countrys protracted civil war. Thirty thousand people died and up to eight hundred thousand were displaced. Sectarian interests hijacked aid distribution mechanisms, compromising the modest successes of the post-tsunami recovery and rehabilitation effort. Killings, particularly of Tamils in opposition to the Liberation Tigers of Tamil Eelam (LTTE), an armed group advocating a separate homeland for Tamils, reached an alarming rate of one per day by June 2005, and included the assassination of Foreign Minister Lakshman Kadirgamar in August. The LTTE continued to recruit child soldiers. Torture and mistreatment by police continued to be a problem.

Presidential elections were held on November, 17, 2005, with Mahinda Rajapakse, of the ruling party, winning by a slim margin. There was very low voter turnout at the polls in the north and the east after the LTTE discouraged Tamils from voting. Rajapakses candidacy was backed by hard-line Sinhala nationalist parties.

#### ***Political Killings***

Since February 2002, when the government and the LTTE signed a ceasefire agreement (CFA), an estimated two hundred Tamils have been killed for apparently political reasons. Most of the killings have been attributed to the LTTE. As of September 2005, the Norwegian-led Sri Lanka Monitoring Mission (SLMM) had received 1,466 reports of abductions for politically motivated reasons, and had certified at least 641 cases of abduction as violations of the CFA.

On February 11, 2005, E. Kaushalyan, the LTTEs Batticaloa-Amparai district political head, was killed together with five other members of his convoy. He was the most senior member of the LTTE to be killed since the CFA.

In May 2005, Dharmeratnam Sivaram, a senior journalist and the outspoken editor of the pro-Tamil news website [www.tamilnet.com](http://www.tamilnet.com), was killed by unknown assailants in Colombo. Relanghai Selvarajah, a Tamil radio producer fiercely critical of the LTTE, was shot dead in Colombo on August 13. On October 12, K. Rajadorai, the president of Jaffna Central College, and also a LTTE critic, was shot dead by a suspected LTTE cadre. Rajadorai had close connections with the Eelam Peoples Democratic Party, an anti-LTTE Tamil party disarmed under the CFA. Numerous EPDP members have been victims of attack allegedly by the LTTE.

On August 13, 2005, unknown gunmen shot and killed Sri Lankas foreign minister, Lakshman Kadirgamar, at his home in Colombo. Kadirgamar, a Tamil member of the ruling party, the Sri Lanka Freedom Party, had led the campaign to have the LTTE labeled a terrorist organization by several countries. It was widely acknowledged that he topped the LTTEs list of political targets.

President Chandrika Kumaratunga immediately announced emergency rule following Kadirgamars assassination. In contrast to her past responses to the killings of Tamils, she immediately called for a thorough investigation, deploying thousands of police officers throughout Colombo.

In the context of the political killings, many human rights defenders, particularly Tamils in the north and east, have been forced to either

stop their work or go into hiding. Several human rights defenders have had to flee the country over the last year as a direct result of the intimidation generated by the killings.

### ***Child Soldiers***

The LTTE has a history of recruiting children to serve in combat. Sri Lanka has ratified the Optional Protocol to the Convention on the Rights of the Child, which prohibits all use of children under eighteen in armed conflict and all recruitment of children by non-state armed groups.

Under a 2003 action plan signed by the LTTE and the Sri Lankan government, the LTTE agreed to release children from its forces. But not only has the LTTE failed to comply, human rights and other groups have reported ongoing child recruitment by the LTTE, which in spite of international condemnation refuses to acknowledge the practice. Recruitment rates dropped during the first half of 2005 following the tsunami, but increased significantly in mid-2005, with numerous reports of child recruitment taking place at temple festivals in the east. During July alone the United Nations Children's Fund (UNICEF) documented 139 cases of child recruitment, the highest level recorded during any single month since late 2003. During the first nine months of 2005 UNICEF documented a total of 483 cases of child recruitment; the true total is believed to be higher, as many cases are never reported. During the same period, 146 children were released from the LTTE.

Those who campaign against child conscription are at risk. On October 11, 2005, the principal of Kopay Christian College in Jaffna, who publicly voiced his criticisms, was shot dead in his home.

### ***Police Torture and Deaths in Custody***

In 2003 the National Human Rights Commission (NHRC) and the Police Commission agreed on measures including ensuring that families and lawyers have access to detainees, displaying written summaries of detainees rights in police stations, and holding officers in command responsible for torture in their stations. In spite of these attempts at reform, the NHRC reported an increase in custodial deaths, with at least nineteen cases reported in 2005 alone, and cases of police torture continue to be reported. For example, on February 2, 2005, D.D. went to visit a friend in Kiriella police custody. While there, two police officers detained and assaulted D.D. They also made him place his fingerprints on an item of evidence, and forced him to sign a false statement. On May 19, twenty-six-year-old H.F. was severely tortured at Panadura police station. He was forced to sit with his head between his knees, and was beaten and kicked all over. The police took him to a doctor who insisted on hospitalizing H.F., but the police refused and returned him to the police station. He was further forced to sign a statement claiming that his injuries had occurred prior to his arrest.

There are reports of police torture of children as well. On June 11, 2005, an eleven-year-old boy accused of stealing money was beaten and sexually tortured in the Kahawatte police station. The police officers squeezed his genitals, tied his legs, and beat him severely in order to extract a confession. In another case, a twelve-year-old boy was severely beaten by police from the Wattagama police station. The police had come to his house to look for his father, and, not finding the father there, assaulted the young boy instead.

The police continue to enjoy great impunity. While some cases of deaths in custody and torture have been investigated, no one has been prosecuted or punished as yet. In May 2005 the Supreme Court acquitted all the defendants in the October 2000 mob killing of twenty-seven Tamil detainees at the Bindunuwewa detention facility. The youngest inmate in the camp was twelve years old at the time of his death. An independent commission of inquiry into the killings faulted the local police commissioners, A.W. Dayaratne and Jayantha Senivaratna, for failure to protect the inmates from the attack despite prior knowledge that a planned demonstration might turn violent. Neither officer has been indicted or even disciplined, and all others who were tried were acquitted.

### ***Tsunami***

Reconstruction work is taking place in the communities affected by the December 26, 2004 tsunami, but not at a pace to match the needs. Nearly a year on, government bureaucracies and delays in international financing have left most of the displaced still in temporary shelters.

Since early 2005, minority Tamil and Muslim communities have accused the government of discrimination in the distribution of post-tsunami aid. In an attempt to address some of these concerns, the government of Sri Lanka and the LTTE signed an agreement known as the Post-Tsunami Operational Management Structure (P-TOMS, also known as the joint mechanism), intended to ensure fair and equitable distribution of aid to the north and east.

However, the implementation of P-TOMS has stalled due to political parties quarrels over who has the right to participate in and control the process. Those opposed to the LTTE, particularly rival Tamil parties, objected to the government-like authority given to the LTTE under the joint mechanism. The Sri Lanka Muslim Congress complained about its exclusion from the joint mechanism, and interpreted it as further evidence of discrimination against its community. The JVP, a Sinhala nationalist party, decried any agreement signed with the LTTE, left the ruling coalition in protest, and launched a legal challenge that led the Supreme Court to issue a stay order on the implementation of sections of P-TOMS.

### ***Key International Actors***

The donor community has increasingly spoken out against political killings in the past year, notably in a March 2005 statement by the European Union's commissioner for external relations. The SLMM, which has resisted including human rights monitoring, finally acknowledged that such killings do fall within its mandate. Following the killing of Lakshman Kadirgamar, the international community, and particularly the four co-chairs of the donor conference, stressed the need to re-examine the CFA and to strengthen respect for it by all parties to the conflict. In September the E.U. imposed a travel ban on the LTTE, announcing that its member states would no longer receive LTTE delegations. It also reiterated its condemnation of political killings and child recruitment by the LTTE.

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