

# Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations  
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## County Monitor Report – Sri Lanka

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Since taking on the role of LRWC Sri Lanka monitor in May 2009, there have been a number of pressing issues concerning Sri Lanka. During the final phase of the armed conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam grave human rights violations took place and many of these have continued post-conflict. There are currently over 150,000 internally displaced persons (IDPs) languishing in government run internment camps. Independent and free media in Sri Lanka are constantly under attack: in the past two years, 10 journalists have been killed in Sri Lanka and over 30 are currently exiled abroad. Lawyers, judges and human rights defenders are routinely intimidated, harassed and threatened. In short, the rule of law in Sri Lanka has broken down. As the Sri Lanka monitor for LRWC I have undertaken several tasks over the past few months to highlight the humanitarian and human rights issues in Sri Lanka.

### ***UN Advocacy***

Under the accreditation of LRWC, Gary Ananadasangaree and I attended the 11<sup>th</sup> Special Session of the United Nations Human Rights Council (UNHRC) on Sri Lanka from May 26-27<sup>th</sup> in Geneva. Gary made an oral statement during the session. Our advocacy efforts concerning the situation in Sri Lanka focused around ensuring that there was safe space for human rights defenders to advocate for effective measures to investigate allegations of war crimes and crimes against humanities that occurred during the final phase of the conflict and to urge the Government of Sri Lanka to allow IDPs to return to their traditional villages.

Gary and I also attended the 12<sup>th</sup> session of the UNHRC in Geneva, under the accreditation of LRWC. During this session we held informal and formal meetings with various NGOs such as Amnesty International, Asia Forum and the Asian Human Rights Commission. We also met with county missions including missions for Germany, United Kingdom, United States, Norway and Sweden and with the Canadian Ambassador. Meetings were also arranged with UN officials, such as the Secretary General's Special Representative on Children and Armed Conflict, the South Asia Desk Officer at the Office of the High Commissioner for Human Rights, the Special Rapporteur on IDPs, the Senior Asia desk officer at the UNHCR, the assistant to the Special Rapporteur on the Independence of Judges and Lawyers, and the Sri Lanka desk officer at the International Committee of the Red Cross. Our advocacy efforts during this session focused around the situation of the IDPs in the government run camps and also advocating for an independent international investigation into war crimes that took place during the armed conflict. Gary also made an [oral statement](#) at the session expressing concerns about the deteriorating human rights situation in Sri Lanka.

### ***Letter Writing***

In August, LRWC was deeply concerned about death threats made against Dr. Paikiasothy Saravanamuttu, the executive director of the Center for Policy Alternatives, an independent and non-partisan public policy institute focusing on issues of democratic governance, human rights and peace

through programmes of research and advocacy in Sri Lanka. As leading figures in the Sri Lankan public policy through the Centre for Policy Alternatives, Dr. Saravanamuttu and his colleague Mr. Rohan Edrisinha have been tireless advocates for peace in Sri Lanka. They have consistently criticized human rights abuses committed by all parties to the Sri Lankan conflict. Their criticism of the human rights record of the Sri Lankan government related to European Union aid renewal in the wake of the 2004 tsunami has recently put their lives at risk. Dr. Saravanamuttu received in writing a death threat indicating that he “Will be killed” for his advocacy concerning Sri Lanka continuing to receive EU GSP status.

On behalf of LRWC, I drafted a [letter](#) dated August 28, 2009 outlining our concerns for the safety of Dr. Saravanamuttu and his colleagues at the CPA and stating, “It is apparent from the information available to LRWC, that Dr. Saravanamuttu has been targeted with the threat of execution because of his lawful efforts to promote human rights and democracy in Sri Lanka. LRWC requests the Government of Sri Lanka to: 1. immediately put in place protective measures to the safety and freedom to work of Dr. Saravanamuttu, the CPA staff, and all human rights defenders in Sri Lanka; and, 2. launch an independent investigation to identify all persons suspected of involvement in directing, authoring and communicating the death threat against Dr. Saravanamuttu; and, 3. ensure the proper prosecution of suspects identified before an impartial and independent court.” Dr. Saravanamuttu is now a guest lecturer at the University of Toronto as part of their ‘scholars at risk’ programme.

### ***Reports***

On behalf of LRWC, I drafted a [report](#) to the Special Rapporteur on the Independence of Judges and Lawyers on the general trends of attacks on the independence and safety of judges and lawyers in Sri Lanka. The report highlighted deep flaws in the judicial system due to the lack of implementation of the 17<sup>th</sup> amendment to the Constitution of Sri Lanka, threats to lawyers and judges, and the culture of impunity concerning investigations into human rights violations.

The report made the following recommendations to the Government of Sri Lanka:

- implement the 17th Amendment to the Constitution of Sri Lanka to restore independence to important public institutions such as the JSC.
- allow independent international investigation into allegations of war crimes committed during the period of the armed conflict.
- establish and support an adequately resourced, carefully instituted and technically well-supported witness protection system.
- allow the Office of the UN High Commissioner for Human Rights to establish a human rights field operation mandated to monitor human rights abuses, protect civilians and perform capacity building in support of domestic institutions.

### ***Education and Panel Discussion***

On Monday November 16<sup>th</sup> 2009, LRWC and Amnesty International/Canada co-sponsored a panel discussion *Illusionary Justice: Threats to the Rule of Law and Human Rights in Sri Lanka* held in the Donald Lamont Learning Centre at the Law Society of Upper Canada, Toronto. The panel discussion, moderated by the Senior Associate Editor of the Toronto Sun, Lorrie Goldstein, featured Dr. Paikiasothy Saravanamuttu, the executive director of the Centre for Policy Alternative in Sri Lanka, the South Asia researcher for Amnesty International, Ms. Yolanda Foster, and Queen’s University law professor, Prof. Sharry Aiken. Around eighty lawyers, law students, academics, and human rights activists attended the panel discussion. The evening included a lively question and answer session, and was followed by a wine and cheese reception.

### ***Future Activities***

In addition to continuing to monitor the independence of the legal system in Sri Lanka and threats to lawyers, judges and human rights defenders, the priorities for the coming month include continuing to hold the Sri Lankan government accountable to its promise to release IDPs from the camps and allow them to return to their traditional villages, and to advocate for an international independent investigation into war crimes and crimes against humanity that have taken place during the armed conflict in Sri Lanka.

### ***Challenges***

There are a number of challenges concerning the effective monitoring of the country situation in Sri Lanka. One of the foremost challenges is the lack of information flowing out of the country. The Government of Sri Lanka continues to suppress independent media reports of human rights conditions in the country. Thus, it is difficult to obtain first hand reports about the current human rights and humanitarian situation. Advocacy could be greatly improved if there is better collaboration with local NGOs that doing human rights work on the ground in Sri Lanka. This will also improve the reporting mechanism of responding to threats against lawyers, judges and human rights defenders in the country. It would also be beneficial to make contacts with lawyers groups and professional associations in Sri Lanka.