



Transitional Justice in Sri Lanka – Burning issues of war victims

Sri Lanka experienced a long, bitter civil war with tens of thousands of deaths, which brutally ended almost eight years ago. Still, little emphasis has been given to social healing, integrating communities, memorializing and responding to multiple claims for justice. In the last few years, the focus of the Sri Lankan government has been on development and economic growth and not on reconciliation. As a direct witness, I would like to focus on three burning issues that have clearly left their marks on the lives of the victims of the war. These issues are enforced disappearances, political prisoners and the continued militarization.

Enforced Disappearances

In 2011, the Bishop of Mannar at that time, Rt. Rev. Rayappu Joseph, who appeared in front of the “Lessons Learnt and Reconciliation Commission” (LLRC), has put on record that the fate of 146,679 people remained unaccounted for after the end of the war in 2009.¹ To this date, not one single person has been identified and no responses have been given to the families, at all. Statements made by Prime Minister Ranil Wickramasinghe indicate that the Government of Sri Lanka (GoSL) has no intention to investigate the fate of the missing people. In January 2016, he stated that the missing people are most probably dead.² In January 2017, he said in front of the parliament that the persons who have disappeared during the ethnic conflict might have left the country illegally.³ However, in November 2015, a Tamil family, whose whereabouts were unknown after surrendering to Sri Lankan military in May 2009, were dropped off by unknown people in Jaffna, after 6 years in secret custody.⁴ On the 23rd January 2017, 14 families whose relatives have disappeared started a hunger strike to demand investigations into what happened to their missing family members.⁵ After four days, the hunger strike was suspended, as the families received the promise that they could meet with government representatives in Colombo.⁶ However, the meeting with the Inspector General of the Police, the State Defense Minister and the Minister of Rehabilitation did not produce any tangible results.⁷ Even under the current government, there are several reports about abductions. The International Truth and Justice Project Sri Lanka has collected evidence of 38 cases of abductions in the years 2015 and 2016.⁸

Political Prisoners and the Prevention of Terrorism Act (PTA)

Despite repeated commitments to repeal the PTA, which enables extended periods of detention without trial and contributes to the practice of torture, this draconian legislation still remains in force. According to the Human Rights Commission of Sri Lanka, in May 2016, 111 persons remain in remand custody

¹ Cf. Diocese of Mannar, Submission by the Catholic Diocese of Mannar to the Lessons Learnt and Reconciliation Commission (January 2011).

² Cf. <http://www.ceylonews.com/2016/01/large-number-of-sri-lanka-missing-are-dead-ranil/>

³ Cf. <http://www.newindianexpress.com/world/2017/jan/26/sri-lankan-pm-says-missing-persons-may-have-left-the-country-illegally-1563758--1.html>

⁴ Cf. <http://www.tamilguardian.com/content/tamil-family-%E2%80%98disappeared%E2%80%99-released-after-6-years-sri-lankan-custody?articleid=16493>

⁵ Cf. https://www.nytimes.com/2017/01/26/world/asia/sri-lanka-hunger-strike-missing.html?_r=0

⁶ Cf. <http://www.sundaytimes.lk/170129/news/disappeared-people-fast-called-off-after-assurance-by-ruwan-226685.html>

⁷ Cf. Meeting of journalist and human rights activists on 12th February 2016 with Kasipillai Jeyavanitha, who was a member of the committee which met the ministers in Colombo on 9th February 2017.

⁸ Cf. <http://www.itjpsl.com/assets/press/ITJP-Chart-2015-and-2016-cases.pdf>

under the PTA, 29 of them have not been indicted.⁹ The Human Rights lawyer K.S. Ratnavale claims that there currently are about 160 political prisoners in remand custody.¹⁰ The government even continues to apply the PTA to make new arrests. For example in March/April 2016, the “Terrorist Investigation Department” (TID) Colombo detained at least 24 Tamils at different prisons, relying on the PTA. Some of these arrests looked very much like abductions.¹¹ The TID has resumed abduction-style ‘arrests’ also in January 2017, when two former members of the “Liberation Tigers of Tamil Eelam” (LTTE) were detained by the TID. Their families were not informed and they were not given any valid reason for their detention.¹² Furthermore, torture of detainees is still a widespread practice. The UN Special Rapporteur on torture, Mr. Juan E. Mendez, says that there is a “culture of torture” in Sri Lanka.¹³

Continued militarization and occupation of land

Seven years after the end of the armed conflict, the number of military forces deployed in the Northeast of SL has still not been reduced and President Srisena has repeatedly insisted that the military presence will be maintained, due to the threats to national security. Even if the amount of military checkpoints has been reduced, the army is still heavily involved in public life and the economy. They are engaged in business activities, large scale property development and farming.¹⁴ According to the “Centre for Policy Alternatives” (CPA), in March 2016, a total of 12,751.24 acres of land, including state and privately owned land, continued to be occupied in the Northern Province alone. In the Jaffna district, 73,9475 acres of state-owned land and 6,400 acres of privately owned land remained under military occupation.¹⁵ Since then, a part of it has been released to the public. However, the Commander of the Jaffna Security Forces, Major General Mahesh Senanayake, said that 4419 acres of land which belongs to the Jaffna Security Forces Headquarters, the Palaly airfield and the military cantonment will not be released for civilian use.¹⁶ Tens of thousands of people are still internally displaced on the Jaffna Peninsula. Several thousands of them continue to live in camps, where the precarious living conditions are not adequate for families.¹⁷ According to social media reports, the military is acquiring even more land for their use. For instance, in Vadduvaakal and Mullivaikkal, the military has occupied 617 acres of land.¹⁸ In Keppapulavu and Pillakudiyurpu, in the Mullaithivu District, the Sri Lankan Air Force has occupied land that belongs to 249 families. These people are protesting since 31st January 2017, claiming their land back. Furthermore, 49 families of Puthukudiyurpu have been protesting since 3rd February 2017, urging the army to leave the 19 acres of traditional land they are currently occupying.¹⁹

⁹ Cf. Human Rights Commission of Sri Lanka: Report of the Human Rights Commission to the Committee against Torture. Review of the 5th Periodic Report of Sri Lanka, October 2016.

¹⁰ Cf. <http://www.thehindu.com/news/international/Draft-of-new-counter-terror-law-triggers-old-fears-in-Sri-Lanka/article15801625.ece>

¹¹ Cf. <http://groundviews.org/2016/06/28/continuing-abuse-under-pta-abductions-arbitrary-arrests-unlawful-detentions-and-torture/>

¹² Cf. <https://www.tamilnet.com/art.html?catid=13&artid=38559>

¹³ Cf. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Sri Lanka (December 2016).

¹⁴ Cf. Society for Threatened Peoples, Under Military’s Shadow. Local communities and militarization on the Jaffna Peninsula (October 2016).

¹⁵ Cf. Centre for Policy Alternatives, Land Occupation in the Northern Province: A Commentary on Ground Realities (March 2016).

¹⁶ Cf. <http://www.thesundayleader.lk/2016/09/26/army-sticks-to-its-guns-on-palaly-land/>

¹⁷ Cf. Society for Threatened Peoples, Under Military’s Shadow.

¹⁸ Cf. See for example the twitter feed of @garikaalan

¹⁹ Cf. Commission For Justice & Peace of The Catholic Diocese of Jaffna, Keppapulavu and Puthukudiyurpu – Situation Report (18. February 2017).