

Civil Monitoring Commission

Post Box 803, Colombo #72
Bankshall Street, Colombo 11
Tel: +9411 2473511
Fax: +9411 2435961
ganesan@eureka.lk

Free Media Movement

237/ 22, Vijaya Kumaratunga Road
Colombo 5
Tel: +94 74 519 567
Fax: +94 1 821236
<http://www.freemediasrilanka.org/index.php>
Email: info@freemediasrilanka.org

Law & Society Trust

3, Kynsey Terrace
Colombo 8
Tel: +94 11 269 1228
Fax: +94 11 2686843
<http://www.lawandsocietytrust.org/>
Email: lst@eureka.lk

FOR PUBLIC RELEASE

31 October 2007

Second submission to the Presidential Commission of Inquiry and public on human rights violations in Sri Lanka: January – August 2007

The Law & Society Trust, in collaboration with four local partners including the Civil Monitoring Commission and the Free Media Movement, has updated a working document listing 662 persons killed and 540 persons disappeared during the period 1 January to 31 August 2007. This amounts to a total of 1212 – roughly five victims per day. The document provides revised data for the first six months of the year, with corrections based on newly received information and deletions due to accidental repetition, and provides additional information for July and August.

This complete confidential document, with names, locations of incidents and all available data, has been submitted as before to the Presidential Commission of Inquiry (“the Commission”) and the Presidential Commission regarding the incidents of abductions, disappearances and attacks on civilians resulting in deaths throughout the Island, headed by Mahanama Tillakaratne, well as relevant members of Government, including the Ministry for Human Rights and Disaster Management, the Human Rights Commission and the Attorney General. In addition, copies were sent to the UN Working Group on Enforced and Involuntary Disappearances and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, amongst others.

Some of our local partners did not wish to be named to ensure that they remain free to document violations – it is for this reason that the document is confidential.

Please note that this is not, nor is it intended to be, an exhaustive document and is the result of work done in a difficult, hostile and dangerous environment, with concerns for the physical safety of human rights defenders involved.

Basis for submission to the Commission

Though the Commission has been asked to look specifically at 16 cases, plus the assassination of TNA MP N Raviraj, we note that the wording of the Commission’s mandate – “to obtain information, investigate and inquire into alleged serious human rights violations

arising since 1st August 2005” – provides an omnibus clause which permits consideration of cases outside of those specified in the mandate.

In particular, we expect the Commission to give priority and focus on examining the adequacy and propriety of the investigations already conducted into these incidents, especially in the absence of credible reporting and an acknowledgement of these killings and disappearances by the government and other statutory bodies with a mandate for human rights protection in the country.

It is our hope that the investigations by the Commission, with assistance of the International Independent Group of Eminent Persons (IIGEP), will lead to identification of perpetrators and prosecution, thereby ensuring justice to victims and their family members, and more importantly, will directly address the prevailing culture of impunity.

However, in the long term we believe it is not ad hoc bodies such as the Commission that should address these violations, but statutory domestic human rights protection mechanisms, cooperating with and assisted by the international community, particularly the United Nations.

We also hope that by bringing together information from a range of reliable sources on killings, missing persons, and other rights violations, this document may give the public some sense of the enormity of the current human rights crisis in Sri Lanka.

Methodology

The information in the confidential working document – the basis for this summary report – was obtained through the following methods:

- direct reporting of incidents by witnesses or family members to organisations with a district presence (ie, offices or individuals);
- Tamil, Sinhala and English media monitoring

To the extent possible, this information has been cross-checked to ensure that there is no multiple reporting of the same incident. Sources used for cross checking include University Teachers for Human Rights (Jaffna) – UTHR(J), Foundation for Co-Existence’s Daily Situation Reports, Tamil Centre for Human Rights’ March to August 2007 documentation on arrests / detention, and updates from the Asian Human Rights Commission.

Government responses and updates on the 1st working document:

The Commission of Inquiry and the Ministry of Human Rights have separately acknowledged receipt of the 1st working document. The Government commented on the working document and the issues it raises in Geneva during the September sessions of the UN Human Rights Council and in the local media, and also through direct communication with LST.

Through a letter dated 3 September 2007, the Ministry of Human Rights indicated to us that relevant authorities had been instructed to take action on the cases submitted. However, to date, we are not aware of progress made on any of the cases. Although the letter and subsequent telephone conversations with Ministry staff mentioned shortcomings in the initial working document, no specific information about duplication, inaccuracies etc. has been sent to us by the Ministry to date, despite our requests.

During the 6th session of the Human Rights Council in September 2007, Ms Shiranee Goonetilleke, Legal Advisor to SCOPP, responded to civil society observations about attacks on religious leaders and places of worship, a matter raised in this report, by noting that any attacks on such persons and places were “isolated incidents” and would be “dealt with as we have shown in the case of Father Jim Brown.”¹ Given the lack of progress in investigations in the case of Father Jim Brown, the fact that it is before the Commission is not a reassuring prospect for the protection of religious leaders, humanitarian actors and civilians in general.

The working document was also mentioned in Geneva by Prof. Rajiva Wijesinha, in reply to an NGO statement delivered by Ms Nimalka Fernando. He noted that the document included the names of eight soldiers “artfully disguised to seem Tamil, at least to an untutored eye unfamiliar with the language.”²

This was followed by two reports earlier this month in the Sri Lankan press, both of which seemed to focus on less than 10 cases out of 943 cases submitted, in order to undermine the veracity of the whole. One was a *Daily Mirror* article, in which Hon Minister Mahinda Samarasinghe referred disparagingly to “three NGO ‘companies’ that had compiled a list of people who had allegedly been abducted.” Government investigations turned up “army officers killed in action and a Filipino tourist who was recuperating abroad after being accidentally shot for not identifying himself in Trincomalee.” On this basis, those who created the document were accused of having “ulterior motives and [working] for unknown parties – maybe even the LTTE. Nonetheless we are prepared to answer these false charges.”³ We have written to Hon Minister Samarasinghe asking for details of these alleged errors, however we have not yet received a reply.

In an interview published in *Lakbima News*, Prof Wijesinha stated that “we found another eight names...[which] belonged to eight security personnel killed by the Tigers.”⁴ He acknowledged that this in itself does not mean the other names are not valid, but he also sought to cast doubt.

However we welcome the fact that Prof Wijesinha responded constructively to our queries regarding the alleged inclusion of soldiers, by a letter dated 29 October 2007, in which he

¹ <http://www.un.org/webcast/unhrc/archive.asp?go=070913> (webcast); also http://portal.ohchr.org/portal/page/portal/HRCExtranet/6thSession/OralStatements/140907/Ta b16/Tab2/3.Sri_Lanka.pdf

² See www.lankamission.org

³ *Daily Mirror*, Uditha Jayasinghe and Ravindu Peiris, “UNHRC resolution a dead letter – Minister,” 05 October 2007, p. 1

⁴ *Lakbima News*, interview by Ranga Jayasuriya with Prof Rajiva Wijesinha, “Government is a victim of lies,” 14 October 2007, p. 14

named six soldiers killed in action which had been included in the document. Still, the contradiction between this clarification, which cites **six** soldiers, and his previous reported statement, which cites **eight**, is of concern.

Overall, the revision and updating based on government responses and our own information **increases** the total number of civilians killed or disappeared over the period January – June 2007 to 995, not 943 as in the 1st submission. In terms of killings, 40 cases have been removed and 26 have been added. In terms of disappearances, 9 cases have been removed and 75 added.

Content of the Summary Report

The attached summary report contains three sections (the first two are based on information in the confidential working document): a brief narrative analysis, graphs with tables summarising disappearances and killings from January to August 2007, and a compilation of published material from reliable and credible sources. These are namely the Sri Lanka Monitoring Mission (SLMM) and UNICEF for the period January to August 2007 on killings and missing persons as well as recruitment of child soldiers.

Analysis

The following pages break down the 662 killings and 540 disappearances by gender, age, ethnicity and district. In looking at this aggregate data it must be remembered that every number represents a named person on the confidential list. Beyond highlighting the high levels of ongoing human rights abuses, these figures indicate a number of trends.

- Certain sectors of the population are disproportionately affected by disappearances and killings:
 - Men are victims of more than 90% of killings and 97% of disappearances
 - Disappearances and killings affect young people disproportionately – 45% of those killed and almost 60% of those disappeared are 30 years old or younger
 - Tamils are overwhelmingly affected. Although Tamils make up only 16% of the population, 78% of victims of killings and 84% of victims of disappearances are Tamil
 - Amongst the cases are:
 - 14 humanitarian workers and religious leaders killed
 - 9 humanitarian workers disappeared
 - 3 media personnel killed
 - 5 media personnel disappeared
 - 25 children killed
 - 43 children disappeared
 - The majority of disappearances and killings are concentrated in just a few districts, particularly Jaffna. More than half of reported disappearances and 28% of reported killings took place in Jaffna. For disappearances this was

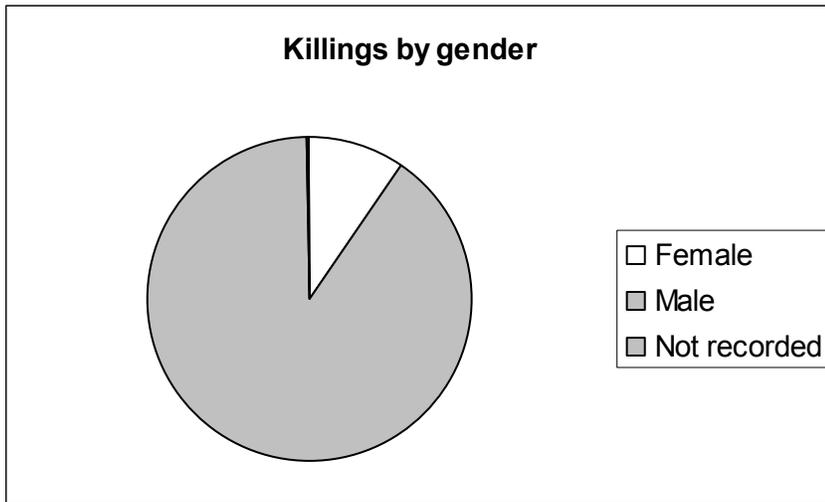
followed by Colombo (14.4%) and Mannar and Batticaloa (7% each). For killings Jaffna was followed by Batticaloa (20%) and Vavuniya (18%)

- Seen cumulatively, this means that young, male Tamils face very high rates of human rights abuses, particularly in Jaffna. **Approximately 22% of all reported disappearances from January to August – one in five – affected young, male Tamils in Jaffna.** In contrast, no Sinhalese women were reported disappeared anywhere in the country. This skewed distribution means that risk is highly predictable and suggests that protection measures would be most effective if focused on this group.
- Although incomplete data means that it is difficult to comment on trends, it suggests killings and disappearances gradually fell until July, but rose sharply in August.

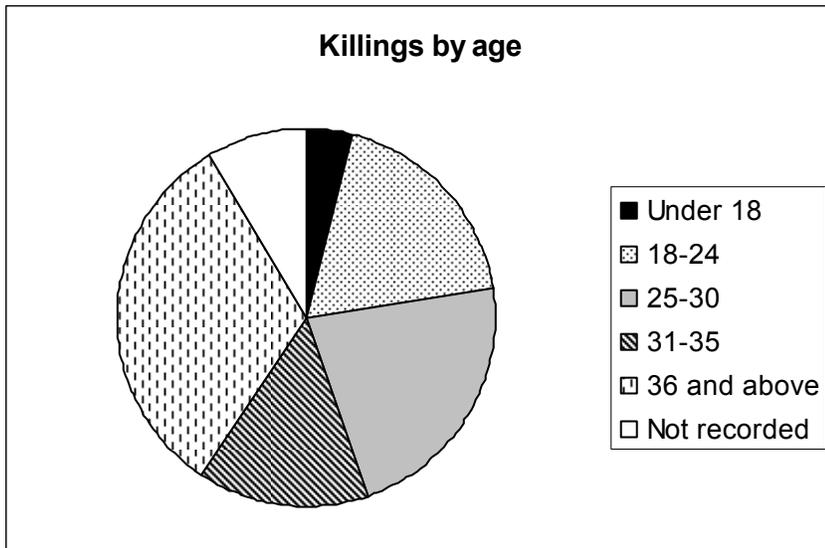
We will continue to collect, analyze and distribute this data regularly. We welcome all credible contributions and constructive feedback.

Please contact Mr Ruki Fernando (+94 773874160 or rukiii@gmail.com) or Ms Dulani Kulasinghe (+94 775796507 or dulani_kulasinghe@yahoo.com) with questions about the information contained in this report.

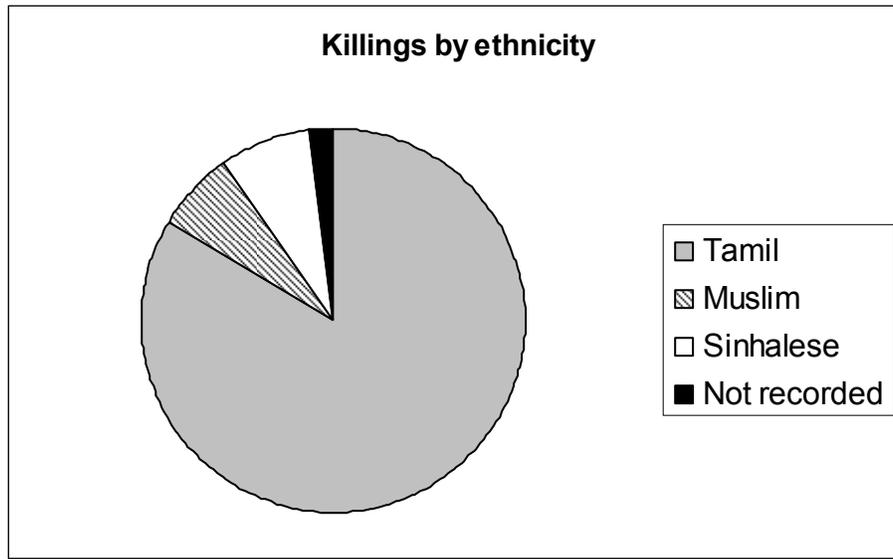
Summary Graphs and Tables Killings January – August 2007



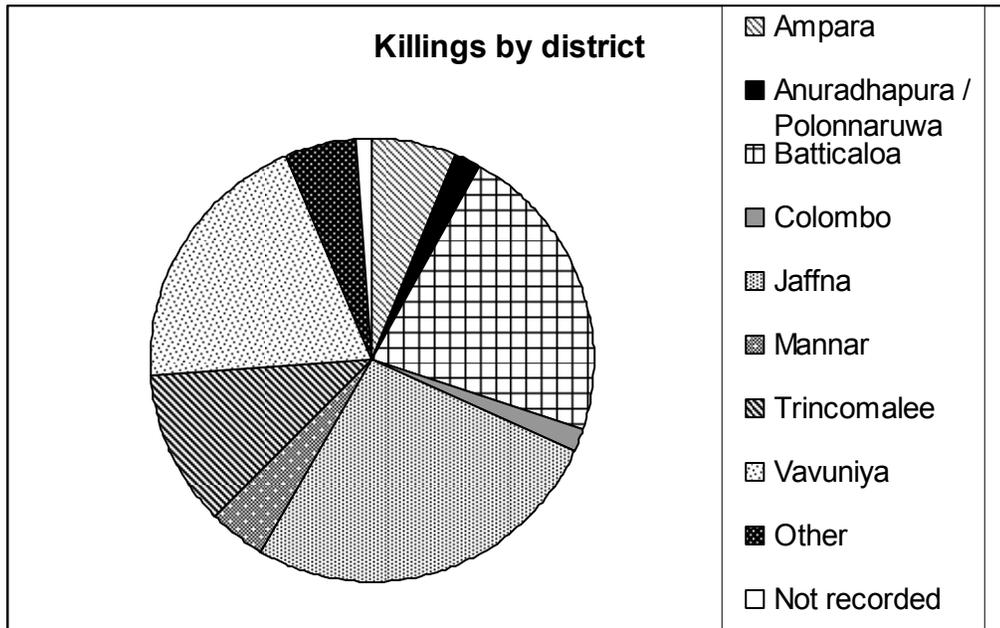
Gender	n	%
Female	65	9.79
Male	595	89.91
Not recorded	2	0.30
	662	100.00



Age	n	%
Under 18	25	3.77
18-24	124	18.67
25-30	148	22.29
31-35	98	14.76
36 and above	211	31.78
Not recorded	56	8.73
	662	100

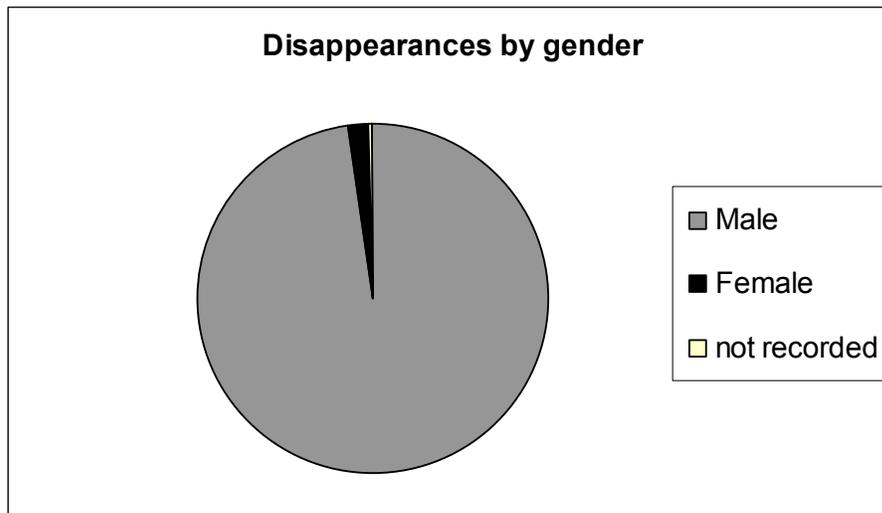


Ethnicity	n	%
Tamil	554	83.73
Muslim	43	6.48
Sinhalese	53	7.98
Not recorded	12	1.81
	662	100.00

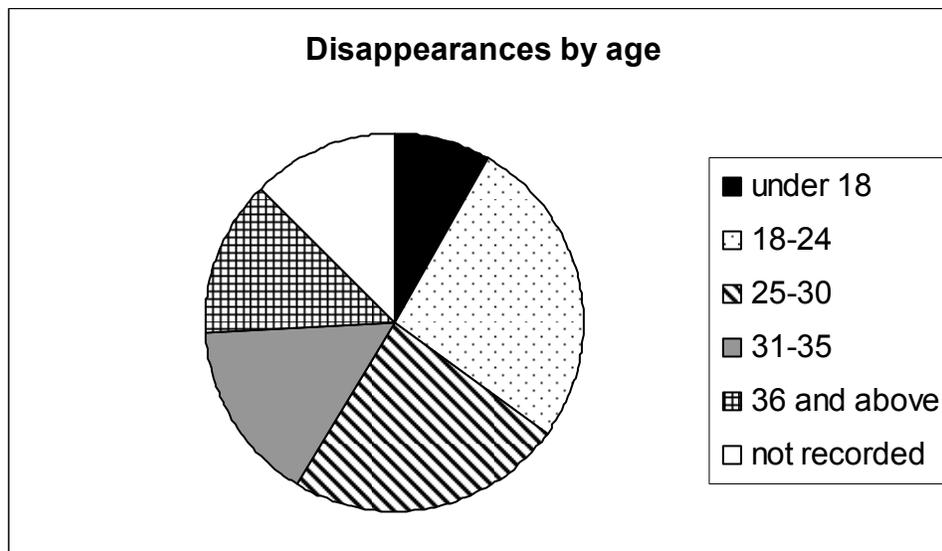


District	n	%
Ampara	40	6.02
Anuradhapura / Polonnaruwa	13	1.96
Batticaloa	145	21.99
Colombo	11	1.66
Jaffna	178	26.81
Mannar	27	4.07
Trincomalee	76	11.45
Vavuniya	130	19.58
Other	35	5.42
Not recorded	7	1.05
	662	100.00

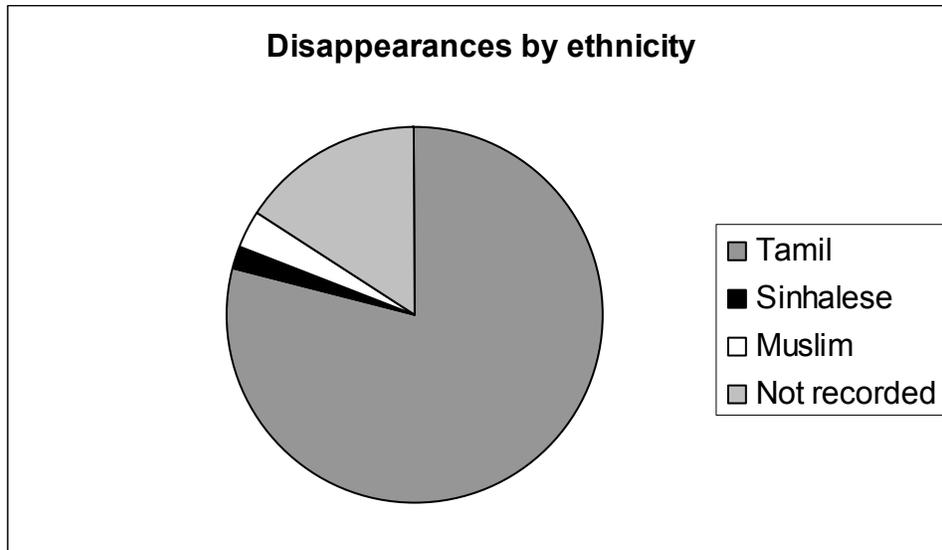
Summary Graphs and Tables Disappearances January – August 2007



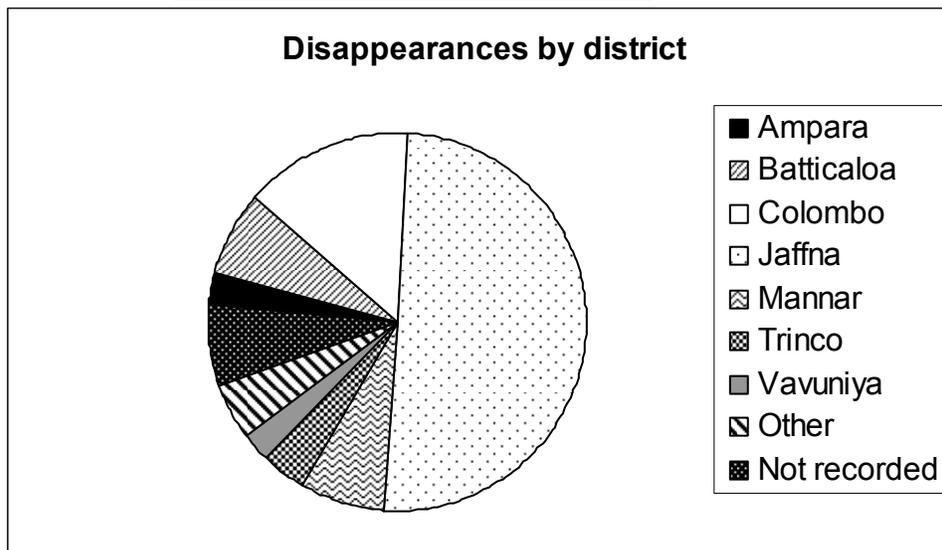
Gender	n	%
Male	528	97.78
Female	11	2.04
Not recorded	1	0.19
	540	100.00



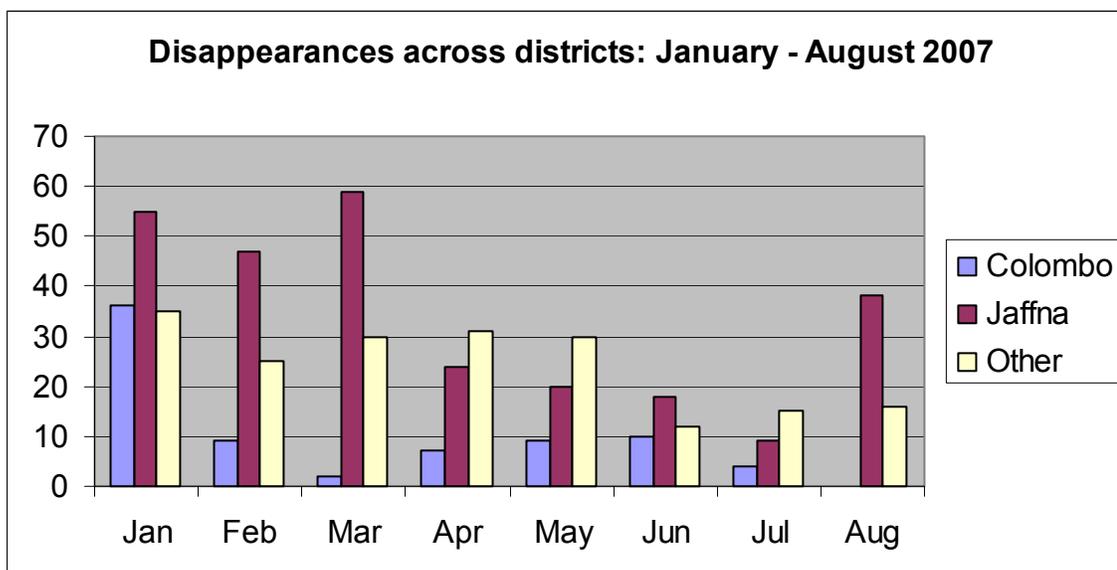
Age	n	%
Under 18	45	8.33
18-24	144	26.67
25-30	127	23.52
31-35	84	15.56
36 and above	73	13.52
Not recorded	67	12.41
	540	100.00



Ethnicity	n	%
Tamil	426	78.89
Sinhalese	10	1.85
Muslim	19	3.52
Not recorded	85	15.74
	540	100.00



Location	n	%
Ampara	15	2.78
Batticaloa	39	7.22
Colombo	78	14.44
Jaffna	271	50.19
Mannar	40	7.41
Trinco	20	3.70
Vavuniya	14	2.59
Other	26	4.81
Not recorded	37	6.85
	540	100.00



Disappearances - table corresponding to graph above

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
Colombo	36	9	2	7	9	10	4	0
Jaffna	55	47	59	24	20	18	9	38
Other	35	25	30	31	30	12	15	16

All disappearances January - August 2007

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
Ampara	1	0	1	0	2	3	7	1
Batticaloa	6	1	10	4	5	3	3	7
Colombo	36	9	2	7	9	10	4	0
Jaffna	55	47	59	24	20	18	9	38
Mannar	6	5	1	16	5	1	4	2
Trincomalee	0	0	2	6	7	1	1	4
Vavuniya	3	1	2	1	6	1	0	0
Other	4	5	7	3	4	2	0	2
Unknown	15	13	7	1	1	1	0	0

CHILDREN AFFECTED BY THE CONFLICT:

A. UNDERAGE RECRUITMENT / CHILD SOLDIERS

In a public document on its website, in reference to its monitoring and reporting, UNICEF states: “UNICEF continuously checks its database on under age recruitment to ensure its accuracy. UNICEF only withdraws recruits from its database when it is able to verify their release through an official letter of release, or by establishing that the child is reunited with his or her parents. UNICEF estimates that its database only reflects a third of the actual number of children recruited.” See http://www.unicef.org/srilanka/Monitoring_and_Reporting_August_Update.pdf

Organisation	Region covered	Period	Child recruits
UNICEF	All island	January – August 2007	Held by LTTE 1469 Held by Karuna 214
			Total 1683

B. CHILDREN ABDUCTED OR KILLED – according to working document

Reports of children abducted or killed which appear in the working document can be summarised as follows:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Total
Children killed	03	01	04	09	01	03	03	01	25
Children abducted	10	04	07	04	10	03	03	02	43
Total	13	05	11	13	11	06	06	03	68

KILLINGS

Based on the updated confidential working document already passed to the Presidential Commission of Inquiry, a number of reliable sources estimate the number of civilians killed from January to August 2007 is **662** persons. To the best of our knowledge, this figure represents civilians only.

Please note that our previous public report of SLMM data mistakenly included combatants with civilian casualties. The data below has been revised and therefore does not include unidentified civilian casualties or deaths of combatants. However, the numbers below are neither absolute nor exact due to the imprecise nature of the SLMM reports.

Though there are numerous public sources on killings in Sri Lanka, it has not previously been possible to see the most credible information in a single glance. This is compiled here to give a general idea of the impact of the conflict.

Organisation	Region covered	Period	Number killed
Sri Lanka Monitoring Mission (SLMM)	NE	January to August 2007	Jan - 60
			Feb - 59
			Mar - 48
			Apr - 131
			May - 37*
			Jun - 31
			July - 26
			August - 29
			Total- 421

* Details for May cover the first two weeks only, as accounts of casualty figures for the final two weeks vary greatly between the Government and the LTTE.

MISSING

Based on the updated confidential working document already passed to the Presidential Commission of Inquiry, reliable sources put the number of disappearances from January to August 2007 at **540** persons. To the best of our knowledge, this figure represents civilians only.

SLMM figures, quoted below, have also been checked and should reflect numbers of missing civilians only. As stated above, these numbers are not exact due to the imprecise nature of the SLMM reports.

Organisation	Region covered	Period	Number missing
Sri Lanka Monitoring Mission (SLMM)	NE	January – June 2007	Jan – 38*
			Feb – 68
			Mar – 43
			Apr – 62
			May – 30
			Jun – 46
			Jul – 7
			Aug – 18
			Total – 312

*Definite numbers are not always mentioned, yet the statements below suggest the status of abductions:

“The situation in Vavuniya remained tense; due to... increased numbers of direct assassinations and abductions.”

“There are still many abductions in the Batticaloa district...Although the figures are still elevated, they are smaller than last week’s. Abductions are reported in the other districts as well, but not as many.”

(January Reports)

“Abductions are still taking place, mostly in Batticaloa and Vavuniya, but also in other districts.”

“The number of abductions was lower this week (4th Week- Feb) than the week before. In Batticaloa four abductions were reported, compared to 19 last week.”

(February Reports)

“In Jaffna mass abductions, disappearances and killings continue. No proper investigations are made into these killings by GOSL, even though they are taking place close to heavily guarded sentry posts and areas.”

“Assassinations and abductions in Batticaloa continue. This week alone SLMM received fourteen abduction cases, seven of them against the Government, four against LTTE and three against TMVP (Karuna). Also two persons have been reported missing.”

(March Reports)

“In Jaffna the number of abductions also dropped....One person was abducted this week, as compared with 4 last week, and 8 the week before that.”

(April Reports)

“The number of abductions in the Eastern Region decreased this week, from 11 last week to 3 this week, all of which occurred in Trincomalee district.”

“Abductions are still taking place in Batticaloa and Ampara districts. Perpetrators are most often suspected to be members of TMVP or LTTE, although some times it is the Army or police who are accused of abductions.”

(May Reports)

“There has been a significant increase of child abductions reported in the Batticaloa and Ampara districts.”

“Thirty-four abductions were reported this week [11-17 June] as compared with nine last week. In Trincomalee district, three abductions were reported, in Ampara district fourteen and in Batticaloa district seventeen. Of these sixteen were minors. This is a significant rise compared to the two minors reported as abducted last week. Six civilians were assassinated during the week.”

(June Reports)

“Street violence in Jaffna continued through extortion, assassinations and abductions. Youth and businessmen were targeted as violence picked up compared to [the] previous week.” (3rd Week)

(July Reports)

“The unrest continued in Jaffna, where the SLMM received reports on 10 assassinations during the week (1st Week)”

“Abductions were still being reported in the north, with the SLMM receiving three complaints. According to the complaints abductions were regularly carried out in broad daylight...” (2nd Week)

(August Reports)

Human Rights Commission of Sri Lanka (HRCSL)

Figures requested but not available at the time of publishing this report.