

## **Losing Battles but Winning Wars: How the Sri Lankan Government is Crushing Dissent**

To many external observers the Government of Sri Lanka appeared to lose the plot somewhat during the recent UN Human Rights Council (HRC) session. A series of overt and heavy handed attempts to silence dissent, even as the session was discussing a resolution censuring Sri Lanka, appeared to illustrate precisely the point that Sri Lanka's critics were making and guarantee the passing of a resolution calling for an international investigation into war crimes committed in Sri Lanka.

However, it is my view that these actions were not simply strategic errors on the part of the government, nor evidence of their indifference or imperviousness to the impact they were having in Geneva. Instead, the Government of Sri Lanka's actions should be considered as a deliberate part of a long-term strategic plan. These actions gained them considerable ground in their long term objectives of pacifying the Tamil majority areas of Sri Lanka by force, silencing internal dissent, and building a lasting regime with the Rajapaksa family at its apex – in return for which, the loss of the HRC resolution was considered a price worth paying.

My thesis is that the Government of Sri Lanka, or sections within the ruling family, conceded that the resolution could not be prevented but nevertheless felt that the success of the resolution was damaging their interests. They therefore set out to ensure that it could never happen again, and that the potential positive impacts of the resolution would be negated. They did this through a series of actions designed to:

- Cut the flow of information from the most oppressed areas of northern Sri Lanka to the international community in two places: between northern Sri Lanka and the largely Colombo based civil society organisations, through which most international NGOs and diplomatic missions compiled their documentation; and between northern Sri Lanka and groups in the global Tamil diaspora, through which most news stories flowed to the outside world.
- Intimidate Sri Lankan civil society into silence so that the passing and subsequent findings of the HRC resolution did not open up any public space which could be used to question the actions of the regime.
- Intimidate the population of the northern province of Sri Lanka more generally, so as to cut at the source any dissent towards, or further information about, the levels of oppression that currently exist.

It is my further view that the international community, media, and global civil society (my own organisation, the Sri Lanka Campaign, included) made an understandable but fatal error in reducing the level of attention and advocacy on Sri Lanka in the aftermath of the resolution, which allowed the government's strategy to win out. The result is that Sri Lanka's future has never looked more perilous, and that only a series of robust, substantive,

and targeted sanctions and further actions will bring Sri Lanka back onto a steadier course.

Finally, I note disturbing similarities between the situation in Sri Lanka currently and that in the spring of 2008 where the arrest and detention of JS Tissainayagam and other crackdowns caused a similar chilling effect on civil society. This started a process which culminated in the murder, with impunity, of at least 14 media workers over the subsequent 15 months [1] and which also created a permissible political climate for the catastrophic loss of civilian life in early 2009. We should therefore be deeply concerned about where this current crackdown will end, what it may be paving the way for, and whether the international community will once again fail to act if and when the situation further escalates.

### **What Happened: A Brief Summary of Events, March-May 2014**

As was typical of Human Rights Council sessions the Government of Sri Lanka went out of their way to intimidate critics into silence, using state media to denounce by name those who interacted with UN mechanisms [2]. This has sadly become par for the course in recent years.

But the situation escalated dramatically when Jeyakumari Balendran, a prominent mother of a victim of disappearance, was detained in her home in Kilinochchi on 13th March on the dubious charge of involvement with persons trying to revive the LTTE. It was at this point that the name “Gobi” (or Gopi) first came to prominence as that of a purported Tamil Tiger revivalist seeking to reconstitute the terrorist organisation in the North (a development which I turn to in further detail below). Jeyakumari was apparently slapped and beaten in the course of her questioning, and had severe difficulty seeing a lawyer for the first couple of weeks of her detention. She has remained in Boosa detention centre – a place notorious for torture – ever since, while her 13-year-old daughter Vibooshika has been placed in the care of an orphanage.

Things escalated still further when Ruki Fernando, one of Sri Lanka’s most prominent and outspoken human rights activists, and Fr Praveen Mahesan, the former director of the Centre for Peace and Reconciliation, were arrested two days later while investigating the circumstances surrounding Jeyakumari’s arrest and the wellbeing of her daughter. Fernando and Mahesan were aggressively questioned for many hours, but not mistreated. They did however frequently request access to lawyers to no avail, while at least five delegations of lawyers requested access to them and were turned away.

There had already been some outcry, both domestically and internationally, over the arrest of Jeyakumari. However the arrest of the more prominent and internationally connected Fernando and Fr Mahesan brought the advocacy to a much higher level, both in terms of the amount of activity and its impact. A significant portion of international media attention became

focused on the issue [3], and many diplomatic missions issued statements [4].

It appears that this caused something of a rethink for the Government of Sri Lanka. The initial media statements from the Sri Lankan Government and Government-owned newspapers made it clear that they regarded Fernando and Mahesan's human rights work as the primary reason for their arrest, and that they were to be prosecuted for giving information to the international community [5]. The language was very similar to that used during the arrest and prosecution of JS Tissainayagam and everything about the Government's attitude suggested that it was likely that their detention was to last for many months, if not years. However, following the sustained media and civil society pressure the Government's attitude changed markedly: Fernando and Mahesan were released after 48 hours, subsequent Government statements made it clear that their investigation was in relation to their involvement in events leading up to Jeyakumari's arrest only, and the previous more aggressive statements were taken down [6].

This seeming about face and victory for Sri Lankan civil society brought about great rejoicing but, partly as a result and despite the best efforts of sections of the human rights community, crucial momentum in the campaign to free Jeyakumari Balendran was lost [7]. Two days later the Government of Sri Lanka hit back: filing a gagging order preventing Fernando and Mahesan from speaking to the media or leaving the country, demanding that their mobile phones and personal computers be handed over to the Terrorist Investigation Department, and ordering armed police to roughly confront Fernando and a colleague in the street in what initially appeared to be an attempt at arresting him once again.

While the Government's previous actions were met with a robust and co-ordinated civil society response and significant media attention, this development instead had a chilling effect on the advocacy of all involved and therefore barely received any coverage. There were numerous reasons for this: the natural effects of exhaustion following a gruelling release campaign, the spirit-sapping effect of the sheer brazenness of the Sri Lankan Government in making such a move (and the message this sent about the level of impunity they believed they enjoyed), and most influentially, the uncertainty as to whether further campaigning or reporting on the issue would exacerbate the situation and goad the Sri Lankan Government into re-arresting the pair. This chilling of advocacy manifested itself in a number of different ways, but perhaps the most obvious example was the way a number of the people who had most vocally supported the release of Mahesan and Fernando on Twitter immediately made their tweets private in response to the news.

This muting of civil society and the consequent lack of information has meant that it has become increasingly difficult to determine what subsequently took place, particularly in the rural areas of Tamil northern

Sri Lanka. However, we know that concurrent with, and following, the arrest of Balendran, Fernando and Mahesan there was a significant crackdown and widespread violations of human rights, particularly in the north. While the ongoing crackdown has made it difficult to verify facts it can be said with confidence [8] that:

- At least 60 (and possibly up to 90) other people were arrested or detained in connection with the attempts to track down “Gobi”. Around 40 were released over the subsequent weeks and months while at least 20 more, including Jeyakumari Balendran, are still being held in Boosa detention centre.

No evidence relating to any of these people has ever been produced in court and many were kept for many weeks before they were allowed to talk to lawyers, their families, or the Red Cross. Some may still not have had access to a lawyer. Lawyers acting for Jeyakumari Balendran filed a fundamental rights petition demanding her release but five months later it is still yet to be heard in court. On the three occasions on which the petition has been slated to be heard proceedings have been deferred to another day due to the non-appearance of lawyers for the Government

There are reports of some of those detained, including Jeyakumari Balendran, having received violent treatment in the course of their questioning. Eyewitnesses claimed army personnel intimidated her and her daughter and were “kicking [her] and hitting her on her face and pulling her by the hair,” and that “[their] signatures were obtained on papers containing false information”. Credible allegations exist that one of those detained had a miscarriage in the course of her detention.

As far as we can tell, with the exception of Jeyakumari Balendran, none of those arrested have links to human rights or political movements. However the Kilinochchi organiser of the Tamil National People’s Front (TNPFF), Mr. Thangaraj Jegatheeswaran was arrested separately on suspicion of “reviving the LTTE” - the same blanket charge used against the other detained.

- Yet again the Government of Sri Lanka made heavy handed attempts to prevent any commemoration of the dead by Northern Tamils at the time of the anniversary of the end of Sri Lanka’s civil war. This campaign was particularly centred on Jaffna University which the Sri Lankan Army forced to shut down for the duration of the anniversary. Tamil academics, students and journalists in Jaffna were further targeted by leaflets (seemingly distributed by the Government) threatening death to anybody commemorating the anniversary. The President of the Jaffna Teacher’s Union was questioned by the Terrorism Investigation Department (TID). On the 16<sup>th</sup> of May 17 students were arrested and several of them severely beaten – four

were hospitalised. A few weeks later two students were abducted and tortured for several days, seemingly by army military intelligence.

- Religious remembrance ceremonies were also banned and disrupted, and those accused of holding them have been questioned. Newspaper and political offices were also blockaded or otherwise disrupted at the time of the anniversary.
- A freelance Tamil journalist Sivagnanam Selvatheepan was attacked and severely beaten by unknown assailants on April the 14<sup>th</sup>.
- On April the 21<sup>st</sup> Journalists covering an opposition United National Party (UNP) visit to Magampura Port, Hambantota were threatened, pelted with eggs and stones, and chased away by a mob that included a pistol wielding government politician.
- At the same time, a number of Government affiliated organisations (the Buddhist nationalist group, the BBS; the minor coalition partner, the JHU; and junior minister Keheliya Rambukwella) have kept up a steady stream of statements in Government friendly media arguing that collaborating with the UN investigation should or would be considered an act of treason – an allegation also made personally against members of the Tamil National Alliance and the Catholic Bishop of Mannar.

It was against this backdrop that the Government of Sri Lanka announced the proscription of 16 Tamil diaspora groups (including the LTTE) and 424 individuals, listing them as terrorists. This will be explored in more detail later.

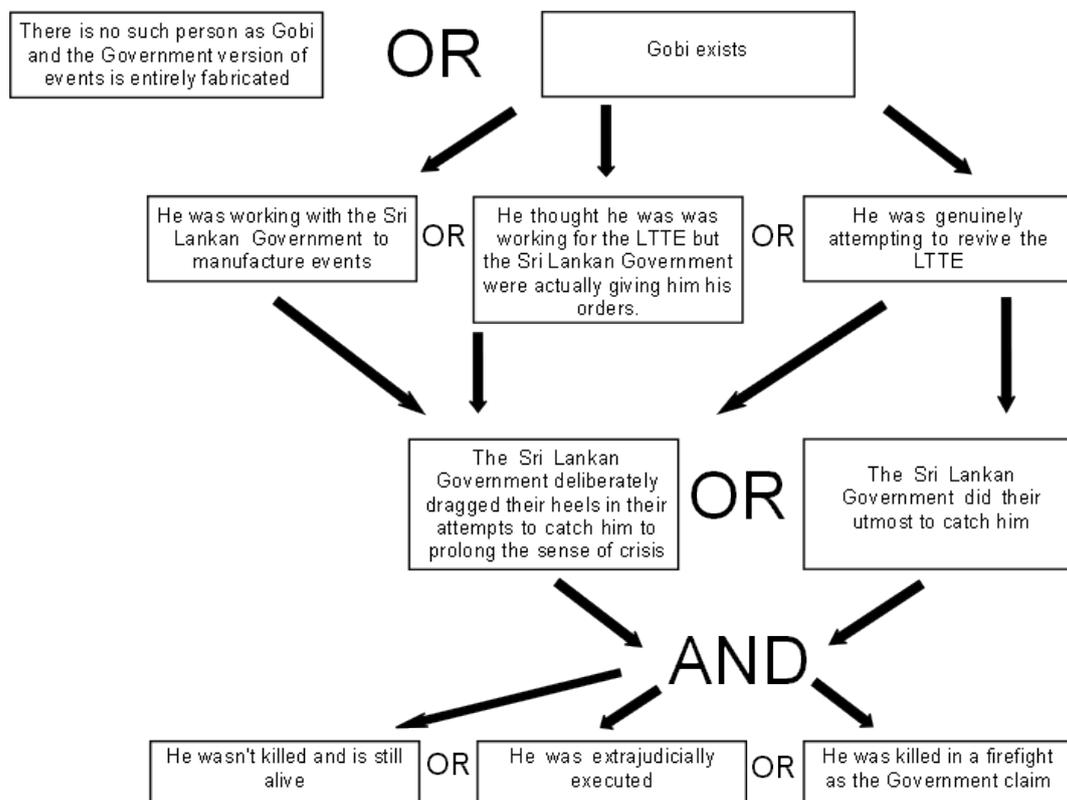
### **Digging Deeper, Part I: the Rise and Fall of “Gobi”**

According to the Sri Lankan Government, Selvanayagam Kajeepan AKA Gobi was a member of the LTTE who was engaged in an attempt to revive armed resistance in Sri Lanka. They further claim he had been working in Switzerland to raise money for the LTTE and returned to Sri Lanka in early 2014 at which point he procured and hid a variety of weapons [9]. The Sri Lankan authorities caught up with him on 13<sup>th</sup> March at which point he shot a police officer and ran to hide in Jeyakumari Balendran’s house. From here he escaped again and was at large until he and his two associates were finally killed in a gunfight with authorities on the night of 11<sup>th</sup> April.

However no evidence has been produced to back up this version of events, and, as the Sri Lanka Campaign has previously stated, several key parts of the story were directly contradicted by eyewitness statements and fly in the face of sheer common sense [10]. In particular, it seems exceptionally unlikely that Gobi could have escaped Jeyakumari Balendran’s house – which was surrounded by many hundreds of police and army personnel - without some form of collusion with the authorities. It is also surprising and

suspicious that no photographs exist of either the injured police officer or of the bodies of Gobi and his associates. Gobi was also previously reported to have been arrested and taken into custody on both the 13<sup>th</sup> March and the 8<sup>th</sup> April, and yet was apparently at liberty when killed on 11<sup>th</sup> April [ibid]. Other aspects of the case, including the suspicious and uncharacteristic rapidity with which friendly aspects of the Sri Lankan media were able to obtain details (some on social media even intimating that they had prior knowledge of events [ibid]), and the fact that a significant military build up in the area had started weeks before the events in question, point to this being a co-ordinated, and potentially stage-managed, series of events.

The Government of Sri Lanka's refusal to provide any corroborating evidence or any further detail with respect to the case means that we cannot rule out any of the following options:



While there is no firm evidence on which to base a conclusion, the balance of probability does appear to suggest that the most likely option is that Gobi was a real person, and that he is now dead. He may well have been attempting to revive the LTTE. How he died, or who he was working for, are questions around which there is far less clarity. What is clear, and indeed self-evident to those with any familiarity with heavy militarised northern Sri Lanka, is that any attempt to revive the LTTE at this moment would be

inevitably doomed to failure, and thus that the risk posed by Gobi was hugely overstated.

It is also clear that the Sri Lankan Government used the crisis to its advantage, and presented it as justification for the military clampdown in the north and the attempts to silence civil society. This is further intimated by the lack of consistency across the Government of Sri Lanka's statements: in July Government Spokesman Keheliya Rambukwella told the media that the Government had no interest in prosecuting LTTE perpetrators of war crimes because "the LTTE is a dead organisation...there is no one left on the ground level [11]".

No evidence has been presented to link any of those arrested with Gobi – with the exception of his wife and mother, neither of whom have been implicated in any illegal activity. Jeyakumari Balendran has always claimed that a man charged into her house without warning and that he was immediately followed by police. The Government of Sri Lanka's case against her was supposed to have been supported by the fact that when her house was searched a "Menelab F-3 type mine detector" was found. However, while the use of this martial terminology evokes the idea that there is something inherently sinister about owning such a device, the reality is that this item is a perfectly ordinary metal detector. Owning a metal detector is not a crime and does not suggest terrorist activity.

Jeyakumari Balendran was the mother of a disappearance victim whose last trace, captured by photographs, was in a government detention facility. She was involved in protests directed at British Prime Minister David Cameron during the Commonwealth Heads of Government Meeting, and her daughter placed a garland around the neck of visiting UN High Commissioner for Human Rights Navi Pillay. She would thus seem a strange choice of person for Gobi to hide with, but a very sensible choice of person to be deliberately targeted by the Sri Lankan Government.

Regardless of her role in events, the fact that the Sri Lankan Government has been able to detain her without evidence for so long in a place notorious for torture, the fact that the Sri Lankan Government was able to hold her incommunicado so long, and the fact that protest from the international and diplomatic community have been so muted and coverage has been so lacking, has meant that the perception has spread throughout northern Sri Lanka, particularly among families of victims of the disappeared, that she is being punished for her activism and punished with impunity. This has made people considerably less willing to come forward to demand justice for their family members.

Due to the dearth of information regarding the other people detained it is difficult to determine any form of pattern with respect to their arrests. However, as far as we can tell the arrests were quasi-random, with a bias towards rehabilitated former LTTE cadres. In the past the Government of Sri

Lanka has often used random or semi-random targeting of individuals in order to increase the climate of fear.

## **Digging Deeper Part II: the Proscription of the Tamil Diaspora Groups**

The Government of Sri Lanka announced in a gazette this spring that it was proscribing 16 organisations and 424 individuals as terrorists. This announcement was made on the 31<sup>st</sup> March but the gazette in question bears a signature date of the 21<sup>st</sup> March and the groups therein were described as having been listed on the 25<sup>th</sup> February. These timings are interesting as it suggests that the Sri Lankan Government made the decision to ban these groups before or during the Human Rights Council session, but waited until the session was over before announcing that it had done so.

No evidence has been presented to implicate any of those listed as involved in terrorism, and while some on the list clearly were involved in such activities, as we will go on to discuss the inclusion of many of the people and organisations on the list is clearly absurd.

The Sri Lankan Government made a great deal [12] out of how this proscription was in line with UN Security Council Resolution 1373 on financing of terrorism (a rare example of the Government of Sri Lanka seeking to use, rather than resist, UN legal doctrine). However in actuality the gazette cites a number of items of purely domestic law [13] which, while they have serious consequences domestically, has no standing in international law nor legal consequences for any country or individual outside of Sri Lanka. This is an issue about which the Sri Lankan Government has deliberately engendered a lack of clarity.

Indeed UN Security Council Resolution 1373 merely contains an exhortation to UN members to freeze the funds of terrorist groups, but makes no mention of what is to be considered a terrorist group or how such groups should be defined. The clear implication is that it is for individual member states to decide who they consider to be terrorists. Thus the Government of Sri Lanka's gazette should have no implications for these processes in any other nation. This has been confirmed by the statements of other nations who chose to comment on the gazette, all of which have refused to give the Gazette any value. Canada in particular were scathing in its commentary [14].

Furthermore implementation of Resolution 1373 is monitored by the Counter Terrorism Committee and The Counter-Terrorism Committee Executive Directorate (CTED) (consisting of a group of 40 staff). These two bodies are also largely silent on the issue of which groups should be considered terrorist, but they do issue best practice guidelines [15]. These suggest that

- The issue of defining which groups are to be considered terrorists is left to the UN Security Council, Interpol, and individual member states.
- “Criminalising terrorist financing solely on the basis of aiding and abetting, attempt, or conspiracy does not comply with this Recommendation”. Most of the Government of Sri Lanka’s allegations against most of the organisations and individuals on the list would seemingly fall into this category.

Who is on the list of banned individuals and organisations? As the Government of Sri Lanka has never published a rationale for the list, or presented any evidence to support it, it is hard to gauge precisely why those particular individuals and organisations were chosen. Only 21 of the 424 individuals listed are subject to Interpol “red” stop notices [16] which indicates that Interpol has accepted a request from the Sri Lankan Government that these people should be sought for purposes of arrest. There is nothing therefore to suggest that any of the remaining 403 individuals have links to terrorist groups, and while it is entirely possible that some do have such links, or have had such links in the past, the vast majority appear not to.

As for the organisations: academic studies [17] suggest that there are links between the LTTE and one of the groups listed: the World Tamil Movement. A second group, the Tamil Rehabilitation Organisation, has been listed as an LTTE front group in the past in the United States [18]. A third group, the Tamil Coordinating Committee France, was ordered to be disbanded by French courts in 2009 [19], they in turn were linked to a fourth group: the World Tamil Coordinating Committee. The LTTE themselves are also mentioned in the list, as are two groups: The Tamil Eelam People’s Assembly and the Headquarters Group, are virtually unheard of outside of the context of this list and Government of Sri Lanka statements surrounding LTTE front groups. Another group, the World Tamil Relief Fund, by the Sri Lankan Government’s own admission, no longer exists [20].

Thus of the 16 organisations listed: six potentially have or had links to the LTTE (although the existence of two of these groups could be disputed, as could the lack of evidence presented against some of the others), two have ceased functioning, and eight have no known links to the LTTE.

In some cases the listings are patently absurd. At least two of the individuals listed are dead [21] while, as the Tamil National Alliance (TNA) has pointed out [22], several of the groups listed (including, but not limited to, the GTF, ATC, and CTC) have repeatedly renounced violent separatism and stressed their commitments to a lasting peace in Sri Lanka and to a political solution. The TNA could have gone further and mentioned that several of the banned groups and individuals (GTF, BTF, CTC, ATC and the President of USTPAC) signed a joint letter [23] in which they asked the Human Rights Council to investigate allegations of war crimes against the

LTTE. This would be an unusual move for a group of organisations purported to support the use of terror.

The list is also riddled with inconsistencies: one of the largest and most effective Tamil diaspora groups USTPAC, is not listed, but its President, Elias Jeyarajah is. Conversely, other organisations are listed but their staff are not. The groups listed do not represent all of the largest, best funded, or most active of those working on the issue, and are far from the most ideological. Indeed most are fairly mainstream in their views and one, the Australian Tamil Congress, was not founded until after the LTTE was effectively disbanded.

Interviews with a number of people knowledgeable about Tamil diaspora matters and links to the LTTE brought out the following common themes:

- Around 50 or so of the people on the list had LTTE sympathies at one point or another and may have been involved with the LTTE in some capacity, although in most cases there is no proof of this. The rest had no involvement with the LTTE and in several cases were actively opposed to the LTTE.
- The list has sections which are highly accurate but exceedingly out of date, and other sections which are entirely inaccurate. The accurate sections give a fairly good picture of those involved in Tamil diaspora activities (but not necessarily with the LTTE) around 2002, but are at least 11 or 12 years out of date, with the result that most of those contained therein have not been politically active for many years.

Taking all these things together, it appears, and interviewees agreed, that the list was designed with two primary objectives in mind:

- a) To be semi-random, as a lack of predictability heightens the sense of fear and means a wider pool of people feel they are at risk of being targeted.
- b) To include a smattering of names and organisations which are plausible, and use them to impugn the reputation of the other names on the list. These include a disproportionate number of prominent officials from moderate and mainstream Tamil activist groups, particularly those that have been most effective in lobbying at the Human Rights Council.

We will go on to discuss what we believe to be the primary reason for this shortly, but it is worth briefly mentioning two secondary reasons:

- Ever since the Tamil National Alliance (TNA) won the Northern Provincial Council (NPC) Elections in September 2013 the Government of Sri Lanka has been attempting to ensure the NPC's failure by stripping it of powers and starving it of funds. The TNA had hoped to use funding from the Tamil diaspora to circumvent this problem [24].

This proscription creates a serious barrier to that happening as it will now be illegal for the TNA to receive funds from any of the individuals or organisations on the list, which includes many of the largest diaspora groups who would have been most able to support the TNA. Of course this does not just apply to the TNA and NPC but any NGO, community group, or even farming collective looking to receive diaspora assistance.

- By listing many of the more moderate and effective groups and individuals, the Government of Sri Lanka can hope to curb their impact and strengthen the relative position of more extreme voices within the diaspora. This will both ensure that diaspora activism is less effective, and that it is more extreme, thus helping to produce a far more credible set of bogeymen.

Of course, the ostensible reason for the gazette was based in the claim that the LTTE are continuing to operate a significant money laundering campaign. Much was made out of a summary of a 2014 US State Department report [25] which stated that the “LTTE’s financial network of support continued to operate throughout 2013”. However it should be noted that this same document also stated that “the LTTE has been largely inactive since its military defeat in Sri Lanka in 2009” and that “there have been no known attacks in Sri Lanka that could verifiably be attributed to the LTTE since the end of the war”. Furthermore, this document was only a summary of the full State Department report [26] which makes no mention of the LTTE continuing to operate, makes it clear that the State Department’s concerns about the LTTE pre-date 2009, and make it clear that they believe the Government of Sri Lanka is using concern about terrorist funding to crack down on legitimate dissent. To quote, “there were criticisms that this search for terrorists was extended well beyond its utility and expanded to target legitimate political opponents of the government.”

In short, it appears the idea of a resurgent LTTE raising funding overseas is as fanciful as that of the LTTE regrouping within Sri Lanka.

### **Analysis: Why this Happened**

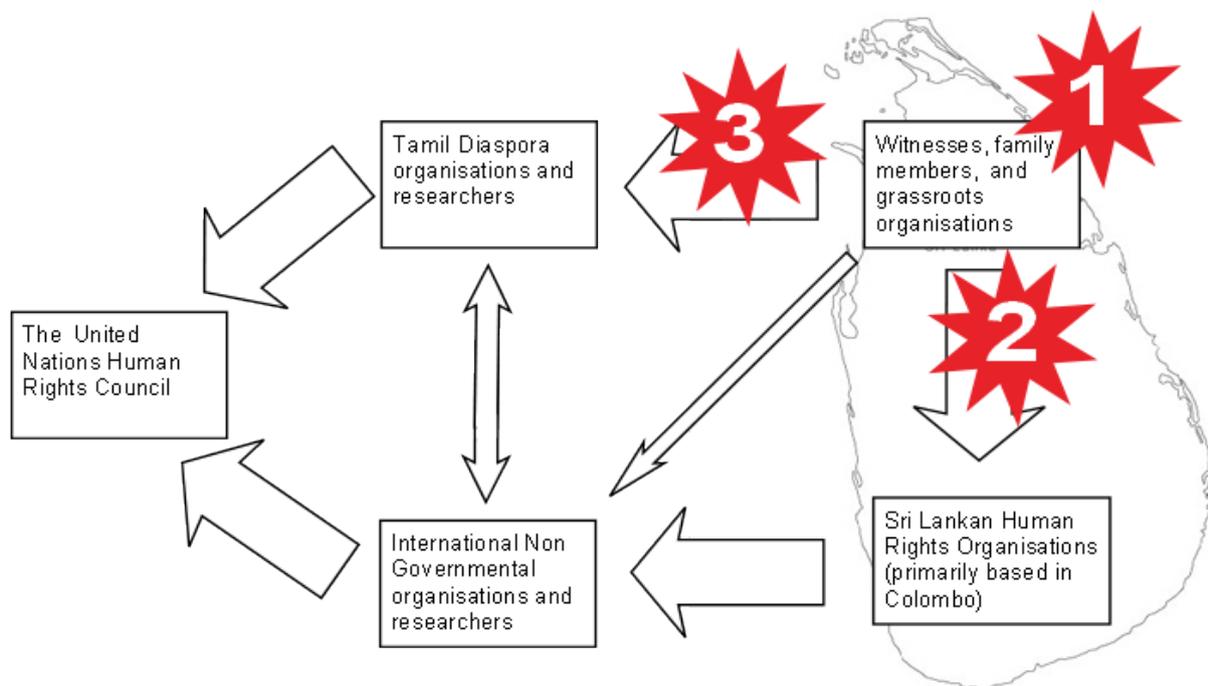
In March the Human Rights Council finally voted to establish an independent international investigation into war crimes and crimes against humanity committed between 2002 and 2011. It had been obvious to many outside observers for some weeks that this was the most probable outcome. Thus, while the Government of Sri Lanka’s actions certainly did nothing to support their case, they will have been aware by mid February that the battle was in any case lost.

But this state of affairs, with a concerned and committed Human Rights Council determined to pass such a resolution, did not occur overnight. It marked the culmination of a five year process, a process that started from the least promising of all possible positions: with the Human Rights Council

passing a motion lauding Sri Lanka for its conduct during the war. It will have not escaped the Government of Sri Lanka's attention that the main cause of this change was the steady stream of detailed and accurate information available to Human Rights Council members as to the current human rights situation in the north of the island and shedding further light on the events of 2009; thus demonstrating the effects of the culture of impunity engendered by Sri Lanka's lack of accountability, and the failure of domestic reconciliation initiatives.

The Government of Sri Lanka has proven itself incredibly brutal in its past attempts to crush dissenting aspects of civil society. In 2009 and 2010 14 media workers were killed, and over 50 were chased into exile [1], and potentially thousands of Tamil civilians were disappeared [27]. The consequence was a culture of fear and self-censorship which allowed the Government of Sri Lanka to continue to keep dissent within acceptable limits without the need for as many highly visible violations of this kind. However, as Sri Lankan civil society had clearly now recovered to the point where it could start to cause problems for the Government's careful process of reputation management, a new approach was needed which would silence the Government's critics without causing unacceptable levels of international opprobrium.

Broadly speaking information flowed to the Human Rights Council as follows:



This is of course a simplification, but it serves to illustrate the primary mechanisms through which the majority of information is collected and disseminated. This process is of course entirely legal, and is indeed a vital aspect of the healthy functioning of any civil society in the world. Nevertheless it represented a significant threat to the Government of Sri Lanka's ability to perform human rights violations in the Tamil majority areas of Sri Lanka without detection by the Human Rights Council.

Furthermore, while the battle for the Human Rights Council had ultimately already been decided, one could place the international community, or indeed the media and thus international public opinion, in the left hand box of the diagram above. And these things continue to matter to the Sri Lankan Government, which has consistently demonstrated that, while it may increasingly act like a rogue state, it is not willing to be treated as one. In particular the state of international public opinion is likely to be key in deciding whether the quest for global accountability fritters out after the Human Rights Council mandated investigation concludes, or if it continues to the point where it starts to impact the culture of impunity in Sri Lanka and thus prevents the Sri Lankan Government from continuing to use the threat of violence as a tool for pacifying Tamil majority areas of Sri Lanka.

The Sri Lankan Government therefore sets out to prevent the flow of information, viewing the negative opinion of the Human Rights Council as a sacrifice worth making. It prevented the flow by a concerted series of actions designed to target the three places indicated on the diagram.

**Part 1:** The Government of Sri Lanka continued and stepped up its attempts to intimidate the public in Tamil majority areas, particularly the Vanni. The manhunt for "Gobi" was a considerable help in this regard, allowing as it did for increased roadblocks and house-to-house searches. The spate of arrests, and their semi-random nature, were also a part of this, as was the persecution of students at Jaffna University and of Tamil civil society leaders and politicians.

Above all though the starkest message has been sent by the continued persecution of Jeyakumari Balendran, and the manner in which the international community and NGOs have been unwilling or unable to support her. This has been taken as a message by all those working in the north, that if they attempt to ask for justice for their family members, or if they interface in any way with UN processes or the international community, then the Government of Sri Lanka will persecute them and the international community will not protect them.

**Part 2:** Sri Lankan civil society is incredibly diverse, and it can be dangerous to generalise about it. However it is true that there is something of a divide within Sri Lankan civil society between two groups. The first is a group about which one could use several, if not always all, of the following

words: Colombo based, predominantly Sinhalese, English speaking, well connected to the outside world, poorly connected to the Vanni, has difficulty conducting fieldwork in the north. Conversely the second group could be described using several (again not always all) of the following: grassroots, predominantly Tamil, Tamil speaking, poorly connected to the outside world, well connected in the Vanni, strong networks in the north. Ruki Fernando belongs somewhere in between these two groups [28]. In this he is not unique, but he is unusual. In particular he is highly unusual in that he is a member of the internationally well-connected Colombo-based civil society but he conducts extensive periods of fieldwork in the north.

It was for this reason that he was targeted by the Sri Lankan Government, but even more than his treatment in detention (light by Sri Lankan standards), a strong message was sent by the manner in which he was treated upon release. The gagging order, the travel ban, and the attempts to access his electronic communications were all targeted attacks on Ruki Fernando's way of working. The strong suggestion was that the Sri Lankan Government will not tolerate Colombo civil society conducting fact finding missions to the Vanni. This message has been taken on board, with a drastic effect on the flow of information out of northern Sri Lanka.

**Part 3:** Criminalising Tamil diaspora groups potentially means that anyone within Sri Lanka risks criminal charges if they converse with anyone who is a member of any such group. Many of the groups that are listed had a membership of many thousands of people, including blood relatives of many people currently living in Sri Lanka. It is incredibly unclear, and the Government of Sri Lanka has kept it deliberately so, what this will mean for people living in the north, and what forms of interactions will be tolerated. But this uncertainty acts as a major disincentive to anyone in northern Sri Lanka from interfacing in any way with any diaspora group, lest their actions or intentions be misinterpreted.

Therefore, taken together, these actions have had the effect of casting a veil over what is happening in the Vanni area of Northern Sri Lanka, with the consequence that much of the worst excesses of Sri Lankan Government oppression go unreported. This allows the Sri Lankan Government to eat its cake and have it, to use oppression to control the Tamil Majority areas of Sri Lanka without the need for meaningful reconciliation, whilst still avoiding the consequences that would usually follow from such action.

This strategy appears to be the brainchild of Gotabaya Rajapaksa: the President's brother and defence secretary – who personally commands the agencies involved in all the recent actions. Various actions, in particular the rapid reversal in policy leading to Ruki Fernando and Fr Praveen Mahesan's release, suggest that it is not a universally supported strategy within the Sri Lankan Government. It is therefore vital that the costs and consequences of such a policy be increased, and the impacts mitigated, to ensure that both the strategy, and Gotabaya's supporters, lose favour within the Government.

## **Recommendations: how can Sri Lanka's fate be altered?**

### **Thoughts for Sri Lankan civil society**

It would be presumptuous to make recommendations to Sri Lankan civil society from the security of a different continent – particularly when we are not required to bear the often violent brunt of the Government of Sri Lanka's response. Instead I present some thoughts for consideration; it is for Sri Lankan civil society to decide how best to respond to them.

Gene Sharp is one of the most respected theorists in the area of responses to oppression. His various works [29] outline some of the strategic considerations that must lie behind any attempts to take on the might of the state. While his work largely concentrates on non-violent revolutions of the form seen across Eastern Europe in the '90s, Central Asia in the '00s, and Arab states in the '10s, it is applicable to all forms of dissent, particularly those that have as their goal a substantial rebalancing of the power dynamic between political and civil society, something that is needed in Sri Lanka.

One of Sharp's key theories is that of "political ju-jitsu". This holds that those that dissent can use the brutality of the regime as a tool against it; that the Government's actions, rather than suppressing dissent, can instead spark outrage and an increased sympathy for the dissenters. This involves a strategic consideration of how to respond to acts of repression. The traditional response in Sri Lanka, as with most places in the world, is to retreat in the face of repression. In other words to "lie low" and employ self-censorship until the situation improves. However strategically such an action ensures that the repression is effective, and so the overall situation worsens. Sharp suggests an alternative strategy, which is to escalate dissent in the face of repression. This frequently results in further and more extreme repression, but if this too results in further dissent then the dynamic of political ju-jitsu is established, and will eventually lead to a defeat for the regime.

Unfortunately the price of this strategy in terms of human suffering is often high, and when dealing with a regime as brutal as Sri Lanka it is often higher than civil society is willing or able to pay. The Sri Lankan Government's intractability in the face of civil society action is neither in the country's best interests or its own (a branch that does not bend will eventually break) but it does provide a resolute defence to such pressure. However while the price of the strategy is high, there is also a high price inflicted over a longer timeframe by perpetual cycles of repression followed by self-censorship followed - after a lull - by yet more repression and yet deeper self-censorship.

Ultimately it is for Sri Lankan civil society to decide how best to respond to these challenges. But given that at the moment the Government of Sri Lanka is enjoying considerable success in its attempts to quiet civil society,

it is worth giving some thought as to what might be the best strategy to adopt when faced by the kind of concerted campaign we saw in March.

## **Recommendations to the United Nations**

### **To the Office of the High Commissioner for Human Rights and the investigative team of the HRC mandated investigation:**

- Given the Sri Lankan Government's seeming willingness to go to any lengths to prevent the communication of information to the international community, the investigative team must proceed with extreme caution in seeking information for their inquiry. Proper witness protection, provided by independent experts, is absolutely vital to the safety of those wishing to testify.
- Furthermore it is likely that security concerns will make it exceedingly difficult for any testimony from Sri Lanka to be heard as part of the investigation, or for an investigative team to travel to Sri Lanka. Even if such a team were allowed in they would no doubt represent a significant security threat to anyone they met. The investigative team must be mindful of this, and seek to build the necessary documentation from the multiple sources of information available without endangering the lives of those in Sri Lanka.
- An investigative mechanism would ideally serve two functions. The first would be to establish the facts. The second would be to fulfil the need that many witnesses and victims in the North of Sri Lanka feel to tell their story, and through a truth-telling mechanism to start the process of reconciliation. The reality of the situation in Sri Lanka is that this is not currently possible, and this spring's events demonstrate that any meaningful mechanism would imperil any who engaged with it. Therefore it is important that the Office of the High Commissioner manage expectations in this regard, and make it clear that a truth telling process – while vital – is not currently possible.
- An investigative mechanism could however facilitate the process of reconciliation by recommending the creation and curation of a voluntary fund for reparations to victims of violations by all sides – along the model of the voluntary aspects of the International Criminal Court's Trust Fund for Victims, and with a view to potentially subsequently expanding it to include fines and forfeitures. This fund would accept donations from within and outside Sri Lanka, and distribute those donations to victims identified by the investigative mechanism.

### **To the UN Counter Terrorism Committee, the Counter-Terrorism Committee Executive Directorate, and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism:**

- To be aware that the Government of Sri Lanka is using the language of UNSC resolution 1373 in a way which was never intended, and as a cover for the suppression of legitimate dissent, and to condemn such use.
- To publicly confirm that they consider the gazette listing 424 individuals and 16 organisations as terrorist supporters to have no standing, and that they would not encourage any actions to be taken on the basis of the gazette.
- To state which, if any, of the individuals and organisations listed therein are potentially of concern to their mandate, and to publicly confirm that none of the others listed are.

**To the Special Rapporteur on the situation of human rights defenders:**

- To read this report.

**Recommendation to the Governments of South Africa**

The Government of South Africa is sponsoring a trilateral dialogue between the Government of Sri Lanka, the Tamil National Alliance, and the Tamil diaspora – represented by the Global Tamil Forum [30]. Now that the Government of Sri Lanka has declared the Global Tamil Forum illegal it seems farcical to suggest that the dialogue can continue. Yet the Government of South Africa has not been clear about the future of the dialogue, nor has it contradicted the Government of Sri Lanka claims that South Africa is helping to establish a truth and reconciliation process for Sri Lanka. Our concern is that this talk can be used as a smoke screen by the Sri Lankan Government to disguise its negative intentions with respect to reconciliation, and escape censure by the international community.

The Government of South Africa's credibility on questions of reconciliation means that its attitude is important to international public opinion. But the Government of South Africa needs to be mindful that it does not make the mistake the Commonwealth did, and lose that credibility by making too many concessions to the Sri Lankan Government.

The Government of South Africa could helpfully clarify:

- That the trilateral dialogue can only work if all three parties recognise each others' right to exist. Thus it cannot continue while the Government of Sri Lanka continues to view the Global Tamil Forum as an illegal group.
- That truth and reconciliation commissions are victim-led processes, and that the idea of a perpetrator-led truth and reconciliation commission is an oxymoron. A truth and reconciliation process is not

appropriate for Sri Lanka at the current time, and could not be until the victims themselves feel able to lead such a process.

### **Recommendations to the International community**

The primary tool which the Government of Sri Lanka has used to repress dissent is the Prevention of Terrorism Act (PTA). This draconian piece of legislation allows the Sri Lankan Government to detain any individual, apparently at a whim and without evidence, for up to 18 months. It also allows for incommunicado detention which in turn facilitates torture. And it allows for blanket punishments, a tool that is used, for example, to criminalise anyone who interacts in any way with any person or organisation on the list of banned groups.

Thus while continuing to apply pressure on individual cases, it is important that the international community focus its attention on pressuring the Government of Sri Lanka to repeal the Prevention of Terrorism Act, and release all those detained under it.

The international community also needs to be aware that the Sri Lankan Government is clearly increasingly willing to withstand pressure if it is not backed up by meaningful sanctions for non-compliance. Tougher measures are therefore needed. The Sri Lanka Campaign recommends a travel ban on all members of the institutions most responsible for the suppression of dissent: the Terrorist Investigation Department (TID) and Criminal Investigation Department (CID). As well as these sanctions being directly targeted at the most culpable elements of the Sri Lankan regime, they will cause a significant amount of dissatisfaction among Gotabaya Rajapaksa's staff, dissatisfaction that in turn will be directly expressed to him.

The international community also needs to rethink its attitude to Jeyakumari Balendran and push strongly for her release, and the others detained at the same time. Fairly or unfairly the perception among many has been that Jeyakumari Balendran didn't receive the support and coverage that Ruki Fernando and Fr Praveen Mahesan did [31] for reasons connected to race, class, language and clique. This has had a seriously deleterious effect on Tamil human rights activism, as previously discussed.

Many in the international community would counter that the reason for the difference in treatment was simply that the embassies and high commissions in Sri Lanka knew Fernando and Mahesan well, and thus knew the charges against them were patently absurd, whereas the lack of similar assurances about Balendran and the others detained caused them to err on the side of caution. But this attitude, which essentially holds human rights activists guilty until proven innocent, sends an exceptionally dangerous message to the Sri Lankan Government that the international community will tolerate abuse of activists provided the Government make flimsy and unsupported assertions against them.

Furthermore, given the inherent iniquity of all detentions under the PTA, one would feel that it would be a simple matter to oppose the detention of Balendran and the others detained on the general principle that no detentions under the PTA can be justified. Yet few in the international community adopted this position.

Most disappointingly of all the international community markedly failed to raise questions of process, visit the detained in Boosa, or push for access for lawyers or family members. These steps could be legitimately performed for any detained person, regardless of their guilt or innocence. In Sri Lanka, where the government is peddling the dangerous narrative that only “good” people deserve human rights, it is even more important to demand that all detainees receive due process.

There is also a pressing need for Embassies and High Commissions in Colombo to appraise and rethink their protection strategies for human rights defenders. Over the last few years, the Sri Lanka Campaign and colleagues have on several occasions raised concerns about the wellbeing of various Sri Lankan human rights defenders to staff at sympathetic missions. We were invariably told that the activists in question were “known to the mission” and that this should afford them some security. Given that Balendran, Fernando, and Mahesan were also known to the mission, it seems wise to conduct a proper impact assessment of missions’ ability to protect HRDs with a view to either improving the ability to afford protection, reducing expectations for protection, or both.

A comprehensive impact assessment would analyse in turn all the various tools and strategies used by missions in their protection work, determine if and how they have been successful, and come to conclusions as to what tools should be used in what situations, and what the likely results will be.

An impact assessment seems to be particularly necessary at the moment as there is a perception that the quality of human rights protection afforded by missions has, on average, dropped over the last three or four years. Whereas previously missions took a lead role in organising visits to detainees at risk, created a roster for such visits, pro-actively supported the flight of those most at risk, and prepared a contingency fund to support those in danger, it now seems that very few – if any – of those steps are being taken.

Indeed it seems as though in some cases contact with missions might even be detrimental to the security of activists. A recent report, *Sri Lanka’s unfinished war* [32], detailed the stories of 40 recent abductions by Sri Lankan security forces and found that a common thread was that many were abducted directly after having applied for travel visas, ie directly after having been in contact with Colombo missions. While activists’ interactions with the missions are somewhat different, this pattern suggests that communications with missions are not secure and that such actions pique the interest of the security forces. This is something to which Colombo’s embassies and high commissions need to give serious thought.

This is also an apt moment to reiterate the Sri Lanka Campaign's long standing request for consistency in foreign policy. The value in calling for an independent international investigation into war crimes in Sri Lanka, and in taking a tough stand on human rights violations, is significantly muted if it comes from Governments that continue to deport asylum seekers, including victims of sexual violence, back to Sri Lanka and that continue to sell arms to Sri Lanka and offer support and training to aspects of Sri Lanka's security apparatus, notably the police.

### **Recommendations to the Catholic Church and other Christian Churches**

There is a long tradition of human rights activism within the Catholic Church in Sri Lanka. Several catholic activists have suffered in the course of their work and several have been killed (including Fr Jim Brown, Fr Francis Joseph, Fr "Kili" Karunaratnam and Fr. Pakiaranjith). Two of those recently arrested had significant links to the Catholic Church: Fr Praveen Mahesan is a Catholic priest and an Oblate of Mary Immaculate; Ruki Fernando is the former Asian coordinator of the International Young Christian Students Movement, former coordinator of the National Peace Program of Caritas Sri Lanka, and has done a significant amount of work with church groups of all denominations in Sri Lanka. The intervention of the Catholic Church and other Christian Churches was an important factor in securing their release and demonstrates that they have considerable clout with the Sri Lankan Government, clout which will increase if the Pope is to visit Sri Lanka [33].

It would therefore have considerable impact if the Catholic Church and other Christian churches were to push for the release of the other people held in detention, and for the repeal of the Prevention of Terrorism Act. As Sri Lanka starts to ever more closely resemble the Chile or Argentina of the 1980s the Catholic Church, led by a survivor of those times, once again faces the challenge of how to respond to similar acts of brutality and oppression.

If the Pope is to visit Sri Lanka he should go to Jaffna, should spend time with victims of war crimes and their families, and should not shy away from criticizing his hosts for their failures with respect to reconciliation and justice.

### **Recommendations to the media and International Non-Governmental Organisations**

It was not only the response of the international community that fuels the perception that Jeyakumari Balendran, for reasons connected to race, class, language and clique, did not receive the support and coverage afforded to Ruki Fernando and Fr Praveen Mahesan. The response of the media and the international human rights community also played their part.

The timing, profile, and convenient narrative and timeframe of Fernando and Mahesan's arrests; coupled with the fact that Fernando was well known to many many journalists and activists, made their arrests more news friendly. But it is the continued detention of Jeyakumari Balendran, far more than Fernando and Mahesan's experiences, that continues to have a chilling effect on the willingness of families of the disappeared, and victims themselves, to speak out.

The arrest of Fernando and Mahesan was merely a small part of a bigger story: the story of how the Government of Sri Lanka continues to get away with suppressing the civilian population of the northern province to the extent that international lawyers have deemed a crime against humanity [34], and is pursuing a strategy that serves to silence all the channels through which this might become known.

If the media and International Non-Governmental Organisations can thwart this plan, and shine a light on the reality of life in the North of the country, then there may yet be hope for Sri Lanka.

## **Footnotes**

1 - <http://www.jdslanka.org/index.php/killed-media-workers/40-killed-media-workers/84-media-workers-killed-in-2008> and <http://www.jdslanka.org/index.php/killed-media-workers/40-killed-media-workers/85-media-workers-killed-in-2009>

2 - <http://www.rupavahini.lk/index.php/main-news/english-news/1736-2014-03-06> at 11:19

3 - <http://www.theguardian.com/world/2014/mar/17/sri-lanka-arrests-human-rights-activists-terrorism-law>

[http://www.nytimes.com/2014/03/18/world/asia/arrests-of-rights-activists-in-sri-lanka-raise-fears-of-a-crackdown.html?\\_r=0](http://www.nytimes.com/2014/03/18/world/asia/arrests-of-rights-activists-in-sri-lanka-raise-fears-of-a-crackdown.html?_r=0)

4 - <https://geneva.usmission.gov/2014/03/26/high-commissioners-report-highlights-serious-human-rights-concerns-in-sri-lanka/>

5 - [http://www.colombopage.com/archive\\_14A/Mar17\\_1395037800CH.php](http://www.colombopage.com/archive_14A/Mar17_1395037800CH.php)  
They were also linked to the National Peace Council (NPC), an exceptionally middle of the road NGO that did not have particularly close links to either individual. This could be interpreted as a declaration of war on the entire human rights sector, as the NPC marked perhaps the least antagonistic end of the human rights spectrum.

6 - This press release was subsequently taken down:



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## National Peace Council Tiger Links Dared

Prominent NPC activists in TID custody

### Close contacts with LTTE faction trying to revive Eelam

Ruki Fernando and Fr Praveen Mahesan, prominent activists of the National Peace Council (NPC), were taken into custody in Kilinochchi by the Terrorist Investigation Division (TID), Military spokesman Brigadier Ruwan Wanigasekera yesterday said.

"They were taken into custody for questioning under the Prevention of Terrorism Act, because of their alleged connections with hardcore LTTE cadre Kajipan Ponnai Selvanayagan, who is also known as Gopi, according to military sources. Gopi had fired shots at an IP injuring him on March 13. Both Ruki Fernando and Fr.Praveen Mahesan had been with Gopi and his close contacts," he said.

After surrendering to the Sri Lanka Army on May 22, 2009, Gopi escaped from the IDP camp. He had worked in a Middle Eastern country for a few years before he went to Europe. He has become a member of the LTTE breakaway Nediyan faction which is currently functioning undercover in Norway.

Nediyan is a terrorist faction that is trying to revive the LTTE in Sri Lanka to establish a separate state. Gopi had however come to Sri Lanka from Europe with a mission to fan the flames of terrorism.

The Sri Lanka Army recovered posters and handbills from a location in Kilinochchi along with 356 T 56 guns, mortar ammunition and claymore bombs. "The TID had arrested Balendran Jayakumari for harbouring a wanted criminal- Gopi, who had come to Sri Lanka with a mission to rekindle terrorism," sources said.

Jayakumari had a F3 type mine detector in her possession." We suspect that she and Gopi used this machine to unearth weapons, because they know as former LTTE cadres where they had been buried. "Both Ruki Fernando and Fr Mahesan, who call themselves human rights defenders had often met these terrorist activists. They are being questioned because the matter concerns national security," the Military spokesman said.

**Courtesy :** Daily News

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7 – There is of course another possibility, which is that the arrest and subsequent release of Ruki Fernando and Fr Praveen Mahesan was deliberately orchestrated in such a way that their release would provide a sop to activists and derail the campaign on behalf of Jeyakumari Balendran. If indeed this were the tactic then it was highly effective. But given both the Government of Sri Lanka’s pronouncements during Fernando and Mahesan’s detention and the fact that, for the reasons subsequently discussed, the campaign for Balendran’s release was far more muted, it seems unlikely that this was the case.

Of course we must also acknowledge that the Sri Lankan Government – while exceedingly centralised – is not entirely monolithic and it is possible that different decisions were made at different times by different people pursuing different strategies. It certainly appears that there are two strong voices within Sri Lankan Governmental policy when it comes to civil society and human rights. The first, utterly adversarial and uncompromising, is fairly self-evidently associated with the President’s brother Gotabaya Rajapaksa. There is occasionally a second voice which is more conciliatory, and which has a key role in presenting the Government of Sri Lanka’s actions in such a way as to allow a more favourable interpretation by the

international community and to stave off pressure for international action. It is less clear who the architect of this second voice is, but it could potentially be the President himself, or those tasked with the business of spinning Sri Lanka's actions to the international community: the Foreign Minister GL Peiris, the de-facto "Minister for Human Rights" Mahinda Samarasinghe, and staff at the Sri Lankan permanent mission to the United Nations in Geneva.

8 - *Repression of Dissent in Sri Lanka January – March 2014*, Inform Human Rights Documentation Centre, *Repression of Dissent in Sri Lanka April 2014*, Inform Human Rights Documentation Centre, *Repression of Dissent in Sri Lanka May 2014*, Inform Human Rights Documentation Centre,

[http://en.rsf.org/sri-lanka-tamil-journalist-attacked-18-04-](http://en.rsf.org/sri-lanka-tamil-journalist-attacked-18-04-2014,46169.html)

[2014,46169.html](http://en.rsf.org/sri-lanka-tamil-journalist-attacked-18-04-2014,46169.html), <http://groundviews.org/2014/04/13/continuing-detention-of-tamil-women-and-a-girl-child-under-the-prevention-of-terrorism-act> and

<http://www.tamilguardian.com/article.asp?articleid=1198>

9 – *The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations office at Geneva briefing note 136/2014*

10 - <http://blog.srilankacampaign.org/2014/04/death-of-gobi-should-mean-release-of.html>, <http://blog.srilankacampaign.org/2014/03/the-very-worrying-current-situation-in.html>, *Case of Balendran Jeyakumari - Human Rights Defender detained on March 13, 2014* Sri Lanka Campaign briefing,

[http://onlineuthayan.com/News\\_More.php?id=860682850911342733](http://onlineuthayan.com/News_More.php?id=860682850911342733) and <http://www.bbc.co.uk/news/world-asia-26984716>

11 – <http://www.ft.lk/2014/07/04/no-interest-in-prosecuting-ex-tigers-keheliya/>

12 - *The Gazette of the Democratic Socialist Republic of Sri Lanka No. 1854/41*

13 – *The United Nations Act no 45 of 1968* which is an act of domestic Sri Lankan law which allows the Secretary of State for Defence to “apply measures” to ensure Sri Lanka better complies with UN policy and *paragraph 4(2) of the United Nations Regulations No. 1 of 2012* which is an act of domestic Sri Lankan law empowering the Government to freeze the assets of those that it believes to be terrorists.

14 - <http://www.international.gc.ca/media/aff/news-communicues/2014/04/30a.aspx?lang=eng>

15 - [http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF\\_Recommendations.pdf](http://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF_Recommendations.pdf)

16 – This number was arrived at by searching for those listed on Interpol’s website (<http://www.interpol.int/notice/search/wanted>) in the gazette. Due to variations in transcription and therefore spelling it is possible that there a few more than the 21 people we found are listed therein under different spellings. However the total number must of necessity be under 43: the total number of Interpol red notices that relate in any way to Sri Lanka and terrorism.

It should also be noted that various people, including the LTTE leader Shanmugam Kumaran “KP” Tharmalingam, are wanted by Interpol for these reasons but are not listed in the Gazette. We estimate there are around 22 such people.

An article by DBS Jeayaraj (<http://dbsjeayaraj.com/dbsj/archives/1820>) alleges that Interpol recently listed 40 people mentioned in the gazette. Given the numbers referenced above this would appear to be impossible, but were the story to be accurate – albeit exaggerated – that would suggest that Interpol had listed virtually none of the people mentioned in the gazette prior to its publication.

17 – *A History of Tamil Diaspora Politics in Canada: Organisational Dynamics and Negotiated Order, 1978-2013* - Amarnath Amarasingam

18 - <http://www.foreffectivegov.org/node/3540>

19 - [http://news.bbc.co.uk/1/hi/world/south\\_asia/8375498.stm](http://news.bbc.co.uk/1/hi/world/south_asia/8375498.stm)

20 - <http://www.mea.gov.lk/index.php/en/news-from-other-media/4716-ltte-arrests-in-malaysia>

21 - <http://www.dailymirror.lk/news/45542-dead-mans-name-in-list-of-designated-individuals.html>

22 -

<http://tamilguardian.com/files/File/TNA/TNA%20Statement%20on%20Govt%20call%20to%20proscribe%20Tamil%20Diaspora%20Orgs.pdf>

23 - <https://www.sites.google.com/site/ceylon2nations/hot-news-1/headline2/home/srilankatheunsecretary-generalmustenforcetheunsownrecommendationsforaccountabilityoverwarcrimes>

24 - <http://reliefweb.int/report/sri-lanka/tough-times-ahead-sri-lanka%E2%80%99s-northern-provincial-council>

25 – <http://m.state.gov/md224829.htm>

26 – <http://www.state.gov/documents/organization/225886.pdf>

27 -

<http://f.cl.ly/items/1W2L2w04013R1f140h0v/Enforced%20Disappearance%20in%20Sri%20Lanka%20-%20FINAL.pdf> and

<http://www.uthr.org/SpecialReports/Special%20rep34/Uthr-sp.rp34.htm>

28 – In contrast Fr Praveen Mahesan was largely retired from human rights work, and appears to merely have been in the wrong place at the wrong time. However for this very reason his arrest had quite a significant impact, sending the message that it is not just human rights activists, but any who associate with them, who are at risk from the Government. This has made it particularly difficult for Human Rights Activists to find drivers and other ancillary staff.

29 - See <http://www.aeinstein.org>, in particular “*From Dictatorship to Democracy*”

30 - [http://www.island.lk/index.php?page\\_cat=article-details&page=article-details&code\\_title=93988](http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=93988)

31 – The United Kingdom, for example, shamefully failed to mention Jeyakumari Balendran in their statement on the arrest of Fernando and Mahesan <https://www.gov.uk/government/news/uk-condemns-arrests-in-sri-lanka>

32 - Available at <https://www.stop-torture.com>

33 - <http://www.news.va/en/news/pope-francis-to-visit-sri-lanka-and-the-philippine>

34 - <http://docs-eu.livesiteadmin.com/57118390-e2bf-47a8-9ae5-d7b895d842c9/crimes-against-humanity-in-sri-lanka-s-northern-province.pdf>

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