



**Statement by Adayaalam Centre for Policy Research (ACPR) for UPR Info Pre-Session
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Dear Member States of the UN Human Rights Council and civil society colleagues,

I speak today as the Research Director of the Adayaalam Centre for Policy Research based in Jaffna, and am here to speak on certain aspects of our joint submission with like-minded civil society actors. ACPR is a not-for-profit think-tank operational since August 2016 working on public policy issues on the island with a special focus on issues affecting the Tamil polity and the North-East of the island.¹

Our joint submission highlighted six major human rights issues affecting the North-East: (1) militarization; (2) land acquisition and displacement; (3) enforced disappearances; (4) draconian counter-terrorism legislation; (5) lack of accountability; and (6) repression of freedom of expression. My statement today will focus on militarization and repression of freedom of expression, while my colleagues will address the other issues in our submission.

A key commitment made in the Human Rights Council resolutions and a critical component of the conversation around transitional justice is meaningful security sector reform. Despite calls by numerous international bodies and repeated calls by Tamil elected representatives and civil society representatives, the Sri Lankan government has yet to undertake a comprehensive process to demilitarise areas in the North-East and put an end to military involvement in civilian activities which were both commitments under HRC Resolutions 30/1 and 34/1, and the latter of which was included in recommendations by Canada and the United States during the Second Cycle of the UPR on Sri Lanka.

The North-East of Sri Lanka continues to remain heavily militarised disproportionate to the rest of the country. For example, in Mullaitivu District, which is the most war-affected region in the country where the final phase of the armed conflict was fought, at least 25% of Sri Lanka's army is stationed here, in an area populated by only 0.6% of the entire Sri Lankan population.² Even discounting the navy and air force which both have substantive troops stationed here, there is a ratio of one soldier to every two civilians.³

The military's presence in Tamil majority areas is problematic for a number of reasons, but an issue I would like to focus on today in the limited time provided, is the military's involvement in civilian activities. The military is involved in civilian activities in the North-East in three main ways: (1) military-operated businesses; (2) the Civil Security Department; and (3) military facilitation of private investment into the Vanni region.

¹ Read more at: www.adayaalam.org

² Adayaalam Centre for Policy Research and People for Equality and Relief in Lanka, "Normalising the Abnormal: The Militarisation of Mullaitivu" (October 2017), at p 4, accessed here: <www.adayaalam.org> ["ACPR and PEARL Militarisation of Mullaitivu Report October 2017"].

³ *Ibid.*



The primary areas in which the military operates businesses in the North and East are agriculture, animal husbandry, tourism and small-time commerce.⁴ In 2014 the Sri Lankan army created the Directorate of Agriculture which is responsible for running army farms. The number of farms operated by the Sri Lankan Army Directorate has grown from six in 2015,⁵ to thirteen in 2017.⁶ The military also operates a number of hotels, resorts and war tourism sites in these areas.⁷

The epitome of the continued intrusion of the military into civilian spaces and everyday lives of the Tamils in the Vanni can be seen in the work of the Civil Security Department ('CSD') through which the military employs over 3000 people in the Vanni, most of whom are former LTTE cadres and/or from women-headed households.⁸ They are primarily employed as workers on farms or as pre-school teachers.⁹ Earlier this year, the CSD introduced mandatory military training for all CSD farm employees, requiring them to wear military uniforms at public events and in public spaces.¹⁰ The CSD has also enabled an increasing military presence in pre-schools in this region, as military personnel often frequent awards and sports ceremonies, and pre-school children at CSD schools are given CSD uniforms.¹¹ At the surface level it may seem that the CSD is providing valuable livelihood opportunities to war-affected impoverished communities, but the real effect has been the creation of economic dependence on the military. This economic dependence has led to the explicit and implicit suppression of civic and political engagement, the repression of local economic growth, the destruction of community identity and cohesiveness, and further marginalization of Tamil women.¹²

Finally, with respect to military intrusion into civilian spaces, the military appears to play a significant role both as a solicitor of private capital investment to the area and as a 'human resources' manager, often coordinating hiring and recruitment processes. For example, in Mullaitivu District, over the last few years, the military has coordinated the establishment and human resources for multiple global companies setting up factories in the area, such as Australian-based Global Design Tex.¹³

During this UPR session we encourage missions to propose recommendations to the Government of Sri Lanka to:

⁴ *Ibid* at p 19.

⁵ Sri Lankan Army, "2015 Annual Performance Report" (2015) at p 33, accessed here: <www.parliament.lk>.

⁶ Sri Lankan Army Website, "Army Establishes Its New Directorate for Agriculture and Livestock" accessed at: <<http://www.army.lk/>>.

⁷ ACPR and PEARL Militarisation of Mullaitivu Report *supra* at p 20-22.

⁸ Dharsha Jegatheeswaran, "Civil Security Department: The Militarisation of the Vanni" (September 2017), at p 5-7, accessed here: <www.adayaalam.org> ["ACPR Civil Security Department Report 2017"]; See also: Civil Security Department, "Performance Report 2016" at p V and p 50 accessed here: <www.csd.lk> ["CSD Performance Report 2016"].

⁹ *Ibid*.

¹⁰ ACPR Civil Security Department Report 2017 *supra* at p 11-12.

¹¹ *Ibid* at p 9-12.

¹² *Ibid* at p 13-22.

¹³ ACPR and PEARL Militarisation of Mullaitivu Report *supra* at p 23-24; "Hirdaramani opens Rs450mn Apparel Factory in Mullaitivu" (25 January 2016), Daily Mirror, accessed here: <<http://www.dailymirror.lk/>>; Sri Lankan Army, "SFHQ-MLT Initiatives Get Hirdaramani Factory Branch for Mullaitivu", accessed here: <<http://www.army.lk/>>.



1. Implement a plan to reduce the number of troops in the North and East to a number in accordance with its population size and comparable to the ratio of soldiers to civilians in the rest of Sri Lanka; and
2. Put an end to the military's involvement in civilian activities in the North and East, particularly those conducted by the Civil Security Department, and those pertaining to agriculture, education, cultural activities and tourism.

Turning next to the issue of freedom of expression and surveillance, after the election of a new president in 2015 there was some improvement in the freedom of expression and a notable change in the North-East has been the willingness of Tamil communities to engage in protests, which have been much more frequent and widespread in recent months.¹⁴ However surveillance and intimidation of protestors, and journalists reporting on protests, continues to be carried out by all arms of the Sri Lankan security forces, from local police, to intelligence officers, to army, navy and air force personnel.¹⁵ Surveillance also targets former LTTE cadres who are still subject to monthly phone calls by intelligence officers, families of the disappeared and civil society activists.¹⁶ Women protestors, in particular, have been subjected to 'intimidating surveillance'. As recently as August 2017, a woman actively involved in protests by families of disappeared in Mullaitivu, was attacked and told that she should stay away from the protests.¹⁷

In addition to conducting direct surveillance, the military has co-opted some of the most vulnerable segments of the population to covertly conduct surveillance. This use of civilians for surveillance has further sown the seeds of suspicion and distrust among communities while contributing to a breakdown in community cohesion.¹⁸

Surveillance adds to the widely held perception that the current sense of relative openness is only a temporary respite, not a permanent change.¹⁹ During the ceasefire that was in place between 2002 and 2005, a period of relative freedom, individuals who had publicly spoken on political issues, despite surveillance, were arrested or killed once active conflict increased again. Concerns about history repeating itself have contributed to a collective reluctance to participate in civic activism.²⁰

During this UPR session we encourage missions to propose recommendations to the Government of Sri Lanka to:

1. Put an end to all surveillance of activities conducted by the military and military intelligence of peaceful protests and assemblies and ensure that those personnel who continue to carry out such activities are held accountable; and

¹⁴ ACPR and PEARL Militarisation of Mullaitivu Report *supra* at p 25.

¹⁵ *Ibid* at p 25-27.

¹⁶ *Ibid* at p 25.

¹⁷ *Ibid* at p 25; See also, "Tamil woman at forefront of Mullaitivu disappearances protest assaulted and threatened with death" (15 August 2017), Tamil Guardian accessed here: <<http://tamilguardian.com/content/tamil-woman-forefront-mullaitivudisappearances-protest-assaulted-and-threatened-death>>.

¹⁸ ACPR and PEARL Militarisation of Mullaitivu Report *supra* at p 26.

¹⁹ *Ibid*.

²⁰ *Ibid*.



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2. Adopt legislation prohibiting surveillance without a warrant by military and intelligence personnel, particularly of peaceful protests, assemblies, civilians, and civil society actors and activities.

For further information on the aforementioned issues and to see our full list of suggested recommendations, please see our full UPR submission, which accompanies the statement being distributed to you today. You can also find more information about these subject in ACPR's two recent reports on the Civil Security Department and Militarisation of Mullaitivu available on our website.

Thank you.