



# Tamil Information Centre

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Committed to Human Rights and Community Development

## PRESS RELEASE

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### Sri Lanka: TIC writes to International Labour Organisation

In a letter to Secretary General of the International Labour Organization (ILO) Juan Somavia on 11 May 2007, the Tamil Information Centre (TIC) expressed extreme concern over the deterioration in the situation of trade union leaders and other fundamental rights activists in Sri Lanka. The TIC said that trade union representatives increasingly faced threats, intimidation, abduction and disappearance and these indicated the suppression of trade unions, the freedom of expression and the freedom of association. Intimidation, threats, abduction and disappearances have been used to deal with opponents, including political opponents, trade union members and others speaking out justifiably for the rights of the people.

The TIC noted that on 9 May 2007, the Committee for Investigation of the Disappeared (CID), an organisation campaigning against disappearances and on behalf of families affected by disappearances, issued a list of 22 trade union activists and media workers arrested since 5 February 2007 and held in custody. They were arrested under Emergency Regulations, which have the effect of removing judicial oversight in relation to arrest and detention, and suspend the relevant provisions of the normal law. They give authority to security forces to arrest on mere suspicion, without warrant. The person arrested can be indefinitely detained without access and without charge. The ERs also give wide powers of preventive detention to the Defence Secretary. The ERs allow confessions to the police or any other person admissible as evidence in court and suspend the relevant provisions of the normal law. The ERs also erode the powers of the courts in relation to deaths in the custody of the security forces. Under the ERs enquiries into deaths in custody can take place only on application by the police.

M. A. Sisira Priyankara, trade union activist and editor of the monthly newspaper *Akuna*, Nihal Serasinghe, member of the railway trade union Dumriya Kamkaru Ekathuva and Lalith Seneviratne were abducted on 5 February 2007 in Colombo. In the face trade union protest, the Sri Lankan government admitted on 8 February that they were in its custody. The rail union President Jagath Udaya Kumar was arrested at his work place in Colombo on 15 February. Trade union leader and railway technician Sudesh Nandimal Silva was detained on 27 April 2007 and since then his family has been threatened and given an ultimatum to leave their residence. When four arrested trade union and media workers were produced before the courts on 8 May 2007, the Magistrate said that she was unable to release them because the detention was under Emergency Regulations, even though she recognized that the detention was illegal. The government claims that these persons are linked to the Tamil Tigers, but it is clear that they have been targeted for canvassing the rights of the people and opposing some of the policies of the government.

The TIC further said that hundreds of civilians have been abducted within the last 18 months in all parts of Sri Lanka and many have been killed. Many of the abductions have occurred at the work place and have affected the working atmosphere. In the north-east many industries have come to a standstill and others are collapsing leading to a huge problem of unemployment and under-employment. The TIC pointed out to the Secretary-General that the UN Working Group on Disappearances had said in its report in December 2005 that of more than 12,278 cases of disappearances in Sri Lanka submitted to the government, 5,708 remain un-clarified and this is the highest number of disappearances in the world

next to the case of Iraq with 16,517 disappearances. Four Presidential Commissions inquired into 37,662 of the 54,404 complaints of disappearances, which took place between January 1988 and December 1995, and found evidence of disappearance in 21,115 cases. No enquiries have been conducted into another 16,742 cases of disappearances. No further action has been taken in the 21,115 cases relating to which the commissions have recorded the names of the security force personnel who were responsible for the disappearances.

It is said that International Labour Standards are the legal component in the ILO's strategy, including for ensuring that people can work in dignity and safety. The preamble to the ILO Constitution says that conditions of labour exist involving such injustice, hardship and privation and an improvement of those conditions is urgently required, including the recognition of the principle of freedom of association. Freedom of speech is a pillar of the ILO. The freedoms of association and expression are enshrined on the constitution of Sri Lanka. The TIC said it believed that these freedoms are in peril in the island.

The TIC made an earnest request to the Secretary-General to take appropriate international action as is necessary to safeguard trade unionists, trade union rights and freedom of association in Sri Lanka, without interference and intimidation from state authorities.

The TIC expressed its surprise that given the current situation of the trade union representatives in Sri Lanka, the attack on journalists and the human rights record of Sri Lanka, the ILO has invited the Sri Lankan President Mahinda Rajapakse to address the 96<sup>th</sup> Session of the International Labour Conference in Geneva in May-June 2007, as keynote speaker. It pointed out that President Mahinda Rajapakse is the supreme commander of the security forces and is also Defence Minister. The President's brother Gotabaya Rajapakse is the Secretary to the Ministry of Defence, Public Security and Law and Order. As the holder of the positions, President Rajapakse, the TIC stressed that he cannot deny knowledge or responsibility for the actions of the security forces, particularly the human rights violations.

The TIC urged the ILO's chief executive to raise its concerns over the repression of the trade unionists and obtain the immediate release of all the trade union activists and others who have been detained without trial for long periods, some for many years. The TIC expressed the belief that it should be pointed out to President Rajapakse that his country's reputation in relation to human and trade union rights and the lack of democratic governance will further deteriorate in the eyes of the international community if immediate remedial action is not taken by his government.

The TIC further pointed out that inaction in this regard would tarnish the image of the ILO and impact on its work.

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