

taken to the detention centre. There, five police officers allegedly hit him several times and made racist insults. The detention centre's medical department found multiple bruises on his body and recommended that he be taken to hospital. He was not taken to a hospital and no medical report was drawn up.

## Crimes under international law

The definition of enforced disappearance as a crime against humanity in domestic legislation continued to fall short of obligations under international law, despite Spain's ratification of the International Convention against enforced disappearance.

■ On 27 February 2012, the Supreme Court acquitted former judge Baltasar Garzón of exceeding his authority. Baltasar Garzón was prosecuted, among other things, for violating the 1977 Amnesty Law by launching an investigation in 2008 into the enforced disappearances of 114,266 people between July 1936 and December 1951. Despite the acquittal, the Supreme Court concluded that Baltasar Garzón had wrongfully interpreted the law when considering the facts under investigation as crimes against humanity. According to the Court, the crimes were not defined as crimes against humanity within domestic law at the time they were committed. This judgement by the Supreme Court may rule out the possibility of investigating past crimes under international law in Spain.

## Housing rights

The government implemented legislative reforms relating to the economic crisis without assessing their impact on vulnerable people's rights.

■ In Madrid, forced evictions continued to take place in Cañada Real, despite Law 2/2011 of 15 May 2011, which urged competent local authorities to consult affected residents and to strive towards reaching an agreement to avoid evictions. In the informal settlement of Puerta de Hierro, also in Madrid and inhabited by Roma, 300 people were evicted without being provided adequate alternative housing.

■ In June, the UN Committee on Economic, Social and Cultural Rights expressed concerns about continuing evictions being implemented in breach of international legal safeguards, including on genuine prior consultation, compensation and adequate alternative housing. The Committee recommended

the adoption of a legal framework setting out guidelines to be followed prior to evictions.

# SRI LANKA

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Head of state and government:

Mahinda Rajapaksa

**Unlawful detentions, torture and enforced disappearances remained rife and went unpunished. Government officials and supporters harassed and threatened human rights defenders, journalists and members of the judiciary who spoke out about abuses of power or advocated human rights accountability. More than three years after the armed conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) ended, impunity persisted for alleged war crimes and crimes against humanity. The government failed to implement recommendations aimed at accountability made by Sri Lanka's Lessons Learnt and Reconciliation Commission (LLRC) and the UN Human Rights Council. The authorities continued to rely on the Prevention of Terrorism Act to arrest and detain suspects for lengthy periods without charge or trial. Despite government claims, many people displaced by the armed conflict were not fully settled, including some whose land remained occupied by the Sri Lankan military.**

## Enforced disappearances

More than 20 alleged enforced disappearances were reported. Victims included political activists, business people and suspected criminals. Prominent cases from past years remained unresolved.

■ Armed men abducted Tamil businessman Ramasamy Prabakaran on 11 February, just two days before the Supreme Court was scheduled to hear his complaints against arbitrary arrest, detention and torture by police and seizure of his business in May 2009.

■ In April, Frontline Socialist Party activists Premakumar Gunaratnam and Dimuthu Attigala were abducted shortly before the launch of the new party; both were interrogated and eventually released.

Premakumar Gunaratnam, an Australian citizen, said he was tortured by his abductors, who he believed were linked to the government.

■ Investigations failed to progress into the cases of political activists Lalith Kumar Weeraraj and Kugan Muruganathan – both allegedly victims of enforced disappearance by the army in Jaffna in December 2011. The two had been planning a peaceful protest by families of the disappeared. The Court of Appeal repeatedly postponed the habeas corpus case filed by relatives of the missing men.

■ In June, former Attorney General Mohan Peiris was ordered to appear at a habeas corpus hearing into the disappearance of political cartoonist Prageeth Eknaligoda after he told the UN Committee against Torture in 2011 that Eknaligoda was living in a foreign country. At the hearing, Mohan Peiris admitted that he did not know Prageeth Eknaligoda's whereabouts and claimed he could not remember who said he was in exile.

## Arbitrary arrests and detentions

The authorities continued to arrest people without warrants and detain them for extended periods without charge or trial. As of October, the authorities acknowledged holding almost 500 alleged former LTTE members without charge for what they termed "rehabilitation". Hundreds of other Tamil prisoners remained in administrative detention pending investigation into their suspected links with the LTTE; many had been detained for years. Surveillance and re-arrest of people released from rehabilitation continued.

## Excessive use of force

■ In February Antony Warnakulasuriya was killed and three others were wounded when the Special Task Force (STF), a commando unit, fired live ammunition into a crowd of people from the fishing community who were protesting against fuel price increases outside the west coast town of Chilaw. Police reportedly blocked protesters from taking the injured to hospital by land, forcing them to go by boat.

## Torture and other ill-treatment

Torture in police custody persisted. In at least five cases, victims died in custody after beatings or other ill-treatment by the police.

■ On 15 April, Chandrasiri Dassanayake, a witness in a human rights case filed with the Supreme Court against the Officer-in-Charge of Wadduwa Police Station, died in custody there. Police claimed they arrested him for cannabis possession and that he fell sick in his cell and was admitted to hospital. The victim's son reported seeing his father lying on the floor of the cell bleeding and said Chandrasiri Dassanayake told him he had been beaten by police. The death led to local protests and the Officer-in-Charge, a sergeant and two other police constables were transferred to other police stations, but no further action was taken.

■ Thirty Tamil prisoners were assaulted and two died of injuries inflicted by STF members who reportedly beat them in retaliation for a prison uprising in Vavuniya in June.

■ Twenty-seven inmates died in a clash between prisoners and STF members at Welikada prison on 9 November. Results of an official inquiry into allegations that some prisoners were extrajudicially executed were not made public.

## Lack of accountability

The UN Human Rights Council adopted resolution 19/2 in March, calling on Sri Lanka to implement the LLRC's human rights recommendations and address accountability for alleged violations of international law. The government's Plan of Action on the LLRC recommendations, unveiled in July, failed to commit to new or independent investigations, and relied on the military and police – implicated in serious violations of human rights and humanitarian law – to police themselves. Sri Lanka's human rights record was assessed under the UN Universal Periodic Review in November; Sri Lanka maintained that it did not need independent investigations into alleged human rights violations and past crimes under international law despite concerns raised by UN members.

A report by the UN Secretary-General's Internal Review Panel on UN Action in Sri Lanka, released on 14 November, acknowledged the UN's failure to protect civilians during the country's armed conflict.

## Human rights defenders

Government officials and state-owned media lashed out at human rights defenders who attended the UN Human Rights Council session in March, calling them traitors. The UN High Commissioner for Human

Rights and the President of the Human Rights Council denounced Sri Lanka's threats and called for an investigation. On 23 March, Sri Lanka's Public Relations Minister threatened physical harm against journalists and human rights defenders, and claimed responsibility for a violent attack in 2010 on a journalist who then went into exile. The Health Minister accused the Catholic organization Caritas of conspiring to undermine the government.

## Freedom of expression – journalists

Journalists continued to come under pressure for their reporting.

■ On 5 July, Secretary of Defence Gotabaya Rajapaksa threatened *Sunday Leader* journalist Frederica Jansz with death when she attempted to interview him about an alleged abuse of power. In September, the newspaper's new owner fired her and she left the country.

■ Journalist Shantha Wijesooriya of the news website Lanka X News told police that assailants he believed to be members of the security forces attempted to abduct him on 5 July. A week earlier police had raided the office where he worked.

■ In September, journalist Nirmala Kannangara and a photographer were surrounded and threatened by army personnel when they tried to report on the relocation of displaced people from Manik Farm.

## Justice system

On 7 October, armed assailants assaulted Manjula Thilakaratne, a senior high court judge and Secretary to Sri Lanka's Judicial Services Commission (JSC), and attempted to drag him from his car. On 18 September, he had issued a statement on behalf of the JSC complaining of attempts to interfere with the independence of the judiciary and particularly with the JSC through threats and intimidation.

In December, Parliament initiated impeachment proceedings against Chief Justice Shirani Bandaranayake. The UN Special Rapporteur on the independence of judges and lawyers criticized the impeachment process as "extremely politicized," and lacking due process and fair trial guarantees.

## Internally displaced people

In late September, the authorities closed the vast Manik Farm displacement camp and announced that the last of more than 200,000 inhabitants had

returned home. According to UNHCR, the UN refugee agency, tens of thousands of displaced people still could not go home or fully resettle elsewhere by the end of the year and depended on host families for shelter and assistance.

■ On 30 September, nearly 350 displaced people at Manik Farm boarded army buses expecting to return home to Keppapilavu village, but were relocated to a barren plot of land in Mullaitivu district because the army still occupied their land. Displaced people complained that the new camp had no infrastructure and inadequate drinking water. Other relocated villagers had similar experiences.

# SUDAN

## REPUBLIC OF THE SUDAN

Head of state and government:

Omar Hassan Ahmed  
al-Bashir

**Post-independence agreements on the sharing of oil, citizenship and border demarcation continued to be negotiated with South Sudan. Conflict continued in Darfur, Southern Kordofan and Blue Nile states. The National Security Service (NSS) and other government agents continued to commit human rights violations against perceived critics of the government for exercising their rights to freedom of expression, association and assembly.**

## Background

Tensions between South Sudan and Sudan mounted in relation to outstanding post-independence issues. The shutdown of oil production in South Sudan in February, due to disagreements with Sudan on oil transit fees, led to an escalation of conflict. Clashes between the two armies, including indiscriminate aerial bombardments by the Sudanese Armed Forces (SAF) on the border areas of Heglig/Panthou and Kiir Adem from late March to May and in November, led to the displacement of hundreds of people. In February, South Sudan and Sudan signed a "non-aggression" pact over their disputed border. The memorandum of understanding covered five principles, of which two clauses referred to "no cross-border