

## Human Rights and Humanitarian Concerns (As at 26<sup>th</sup> September 2006)

The escalation of violence related to the ethnic conflict in Sri Lanka, especially in the North and East of the island, has brought to public attention several human rights and humanitarian concerns that need to be addressed immediately if even minimum standards are to be respected.

- In recent months we have witnessed large scale displacement from the North and East due to intensification of the conflict and heavy fighting on land, as well as at sea. UNHCR figures as at 12<sup>th</sup> September 2006 stated that there were 239,997 internally displaced persons (IDPs). Taking on board the dynamic nature of displacement including the ongoing movement of civilians making it difficult to establish numbers, restricted or limited access faced by I/NGOs, invisibility of the displacement including night time displacement and IDPs living with family and friends as well as concerns of registration of IDPs, the actual number of IDPs could vary, in fact could be much higher.
- Many of the IDPs have been displaced several times, as a result of the conflict and the tsunami. This is evident with the civilians in Mutur. Upto 40,000 Muslim IDPs were displaced to Kantalai in early August with many Tamil IDPs moving to Vaharai and other areas in Batticaloa. Reports state that the Muslim IDPs in Kantalai were sent back to Mutur even though the area was not secure and basic infrastructure was not in place. Reports indicate that IDPs were informed that they will not receive assistance if they did not return to Mutur, demonstrating that the return was coerced and not voluntary. In one case of Camp 98, there is testimony of Police forcibly evicting IDPs from the premises of Al Hiqma school on September 8.
- With the distribution of handbills on the 22<sup>nd</sup> September allegedly by the LTTE asking the Muslims to leave the Mutur area, many are displaced yet again, moving to Kantalai, Kinniya and Trincomalee town. Initial reports suggest that there is no provision for assistance to these displaced from the state. There are reports that they have been prevented from leaving the area by the security forces. On the night of the 25<sup>th</sup>, over 800 persons sheltering in two schools in Kinniya were locked out of the school buildings by the OIC Kinniya police and were able to get back into the shelter of the school buildings only after two hours had elapsed and many interventions had been made on their behalf in Colombo.
- There are reports of Tamil IDPs displaced from Mutur East and Eechilampattu in Sampur who are presently living in Batticaloa who have been asked by the authorities to go back to Sampur to obtain assistance. Fear felt by many of these IDPs is whether returning to Sampur would result in them being used as human shields.
- For both Muslims and Tamils, there is tremendous fear of moving back given the number of attacks in the Sampur area and the multiple displacements, at least since April 2006.
- The aspect of using civilians as human shields has been reported in Manalkadu, Jaffna where civilians have been not allowed to move by the military, even though they are vulnerable to attack by the LTTE.
- Issues of freedom of movement have also been raised with reports stating that civilians attempting to flee Mutur by boat have been not allowed to leave the area by the Navy. There were also reports that the government authorities took away the

- licenses of the boats of the fishermen in Mutur thereby removing the possibility of the civilians fleeing the area hiring these boats.
- Further concerns of movement have been raised with the closure of the A9 road since August 11, 2006 which has stranded many civilians and officials. 2500 civilians who are stranded in Vavuniya have registered with the District Secretary and residing in camps and with family and friends. Though registered civilians number at 2500, many have not registered with the authorities and their conditions unknown. While efforts are currently underway to facilitate travel, there are still many who are living in welfare camps, family and friends for more than a month.
  - With access to Vaharai limited to a few actors including the ICRC and the UN, there are grave concerns on shelter, food and other essentials to civilians and IDPs. Reports state that many of the IDPs fleeing the hostilities in the Trincomalee district are not adequately provided for, with some taking shelter under trees several weeks after being displaced. Concern is also raised on sanitation, as there are inadequate toilets for the IDPs.
  - Reports have highlighted the hardships faced in the Jaffna peninsula with the ongoing fighting in Muhumalai, the closure of the A9 and limited movement by sea and air to Jaffna. Although the government has sent two ship loads of food and other essential items to Jaffna so far, bad weather and the ongoing conflict have combined to make the process of unloading the ships and then transporting the goods to storehouses extremely complicated. In addition, fuel shortages have forced private and state bus operators to cut back services, while very few private vehicles have fuel. There is also restriction on travel in the peninsula. Thus traveling to the stores where rations are being issued is in itself a problem. Prices of essential goods have shot up making it difficult for residents to purchase such goods. In addition, the Government Agent has stated that food stocks will last for only four weeks. There is also continued concern regarding the ability of the government to keep the sea route to Jaffna open and secure.
  - With restricted movement there are also many civilians who are stranded in Jaffna, some with urgent medical needs.
  - The situation in the islands off the Jaffna peninsula is especially grave. The closure of access roads have left the inhabitants confronting many hardships, and humanitarian actors are unable to deliver essential goods.
  - Concern over continuous food supply to IDPs has also been raised. IDPs living with host families in Udappuwa, for example, stated that they only received assistance for the first month after they reached here – in June 2006 - and since then have not received any assistance. Similar issues have been raised in Vaharai.
  - Issues of civilian protection and human security needs to be addressed. During April-August 2006 approximately 1343 people have been killed as a consequence of the upsurge of the violence, 706 of them being civilians. There are no accurate figures of killings since mid July, due to the nature of hostilities. Further, abductions have increased in the last month, largely in Jaffna, Colombo, Batticaloa and Ampara.
  - Concerns have also been raised regarding the ability of the existing systems of justice to conduct investigations into complaints of killings and other human rights violations in a transparent and unbiased manner. Since January 2006 there have been some key cases which aroused a great deal of public and media interest such as the

killing of the five youth in Trincomalee in January, the killing of the Martin family in Vankalai in June, the shooting at the Pesalai church in June, the killing of 13 persons in Alliapiddy in May, the killing of 17 staff of Action Contre Le Faim (ACF) in Mutur in August. Though a Tri-Service Commission was set up to look into the Pesalai killing soon after the incident, for example, nothing has yet been done to bring the perpetrators to justice.

- Though the government initially stated that an international body will be appointed to look at human rights violations, no such body has been appointed.
- The appointment, on September 15, of a retired High Court Judge to a one man commission to look at abductions and disappearances raises concern on the process and issues of transparency and justice. Past experiences with such Commissions of Inquiry have demonstrated that there is very little success with such commissions. Reports of several commissions from the past decades are still not officially available.
- The transfer of the case of the killing of the ACF staff from Trincomalee to Anuradhapura raised with it concern over the process of transfer and political motivations behind it. What transpired was that the case was transferred by the Secretary to the Ministry of Justice, when the order should have been from the Court of Appeal or the Attorney General. It has presently been transferred from Anuradhapura to Kantalai and the case is set to commence on 4<sup>th</sup> October.
- There are several cases which are still being investigated or yet to be investigated. The brutal killing of 10 Muslims in Potuvil whose bodies were found on September 18th is one such case where investigations are still underway, with strong suspicion of government complicity. Although key political actors have called for an international investigation the government has refused such call.
- Providing compensation to the affected communities has been an issue that needs to be addressed. There seems to be disparity in the compensation being handed out with no comprehensive scheme in place to take on board the needs of the people. For example, in Mutur Rs15,000 was paid for funeral expenses and Rs 5,000 for injuries. In comparison Rs. 50,000 was handed in Kebettigollawa for funeral expenses by the government. Incidentally, in Potuvil Rs100,000 was handed for funeral expenses, reports stating that the money was given by Minister Fowzie and not the government.

Prepared by INFORM and the Centre for Policy Alternatives (CPA)

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