

NEWS

'We can't say we didn't know what was happening'

Sri Lanka Campaign for Peace & Justice

It is just over 10 weeks since we launched the Campaign. In that time, pressure on the Sri Lanka Government (GoSL) - from this Campaign and from many other directions - has helped to keep alive the issue of the Tamil internees (a more accurate phrase than "internally displaced persons"). It has led to modest steps by the GoSL to release some of those held, and now the announcement by the President's brother, Mr. Basil Rajapaksa, that those held in the special internment camps "will be allowed out for short periods from next month" (BBC News, 21 November).

We welcome the November 21 announcement, but consider that it does not go nearly far enough. Why, six months after the end of the civil war, should people not charged with any crime be allowed out only "for a day or two at a time?" (BBC News, 21 November) They should be freed, pure and simple.

More important, perhaps, is Mr. Rajapaksa's reiteration of the government's recent pledge to resettle those displaced by the end of January. We hope that this pledge, unlike earlier promises, will be fulfilled, and we urge the international community to maintain and indeed to step up its pressure to that end. We remind the international community that the government had originally promised resettlement of all people in the camps within 180 days of the date of the promise, which should have been this week. The end of January will be a full two months after the original promised date.

To convince the world that this time it is serious, the GoSL should be asked to put in place and make known a detailed plan for meeting its own revised deadline in order to ensure that people are "resettled" in places of their own choosing, with full respect for their dignity and basic human rights, which has not been the case with those 'released' from the camps up to now (see below). It is vital that UN agencies and international NGOs be given full access to the areas where resettlement takes place, and also to the internment camps as long as people are still being held there.

It should also be noted that the November 21 announcement affects only the civilian detainees who have not been detained as Tamil Tiger (LTTE) suspects. In addition to these, some 12,000 people alleged or suspected to have fought with, or otherwise been associated with, the LTTE are being held in separate camps. Given the long-standing, well-known and well-documented capacity and willingness of Sri Lankan authorities to engage in various forms of mistreatment of prisoners, including torture, during detention and ensuing interrogations, there is every reason to be worried whether basic human

rights, as well as basic norms of humane treatment under international humanitarian law, are being respected. The International Committee of the Red Cross, as well as international human rights monitors, must be given immediate and ongoing access to these detainees.

The best estimate of the current situation is that:

■ Between 135,000 and 150,000 people are still imprisoned in the main internment camps. Independent observers have very restricted access, so it is not known how the monsoon has affected the health and living conditions of the internees.

■ A detailed and careful report from a coalition of NGOs and INGOs, the Colombo-based Internally Displaced Persons Protection Working Group (IDP PWG), makes it clear that the release of approximately 100,000 from the main internment camps does not mean these persons have returned to their homes or even home communities. Some remain in closed transit camps; some are in various kinds of institutions; some are with host families; some are in war-damaged structures that effectively serve as smaller, secondary camps. In general, there is a lack of transport and infrastructure support services and, according to credible reports, many of these still-displaced persons do not enjoy freedom of movement.

The IDP PWG states, by way of overall assessment: "There is a great degree of confusion as to whether IDPs who have been moved have actually returned or remain in displacement, particularly due to the lack of information to humanitarian actors on the current location of 'releases' and 'returnees.' The lack of information and clarity about the current categories of movements means the potential to monitor protection issues and promote durable solutions to displacement is seriously weakened. Moreover, it is difficult for humanitarian agencies and other actors to assess the type of assistance required." The available evidence indicates that the GoSL is either ignoring or inconsistently applying the basic norms in the UN Guiding Principles on Internal Displacement.

■ Approximately 12,000 suspected LTTE combatants are still being held and interrogated (or worse) with no external scrutiny.

These actions are all in violation of Sri Lanka's obligations under a number of rules of international humanitarian law, including common Article 3 of the Geneva Conventions, which requires it to prevent inhumane, degrading, or humiliating treatment. Also being violated are a range of obligations under customary international human rights law and customary international humanitarian law including those pertaining to prolonged arbitrary



While the government has promised to allow the inmates of the Vavuniya camps some freedom of movement from next month, the question is why they are not being allowed to go back to their homes

detention, freedom of movement, core social and economic rights (such as those relating to housing, nutrition, and health), and, in the case of the suspected LTTE combatants, the prevention of torture, extra-judicial executions and other violence (including sexual) to the person.

The GoSL's explanation of why progress is so slow has not been convincing, especially when it is set against their original target of releasing everyone by the end of the year. For example, it has been known for a very long time that areas in the North and East of the island are heavily mined and thus the recent focus on demining is welcome but far too late. Moreover, the reasoning that some areas are safe for returnees but not safe for NGOs is hard to fathom.

More worryingly, we have heard reports that 'deTamilisation' is being carried out in the areas to which they should be returning. The GoSL must allow independent observers and journalists to check the claim made recently in the Sri Lankan parliament by Suresh Premachandran, one of the elected representatives of the Tamil community, that buildings of cultural importance to Tamils which have been demolished in Kilinochchi and Mullaitivu districts are being replaced with large military bases, Buddhist temples and administration buildings. As the media have been denied access to these areas and in view of satellite reports of drastic cleaning up operations, one can only assume the GoSL has something to hide.

We conclude that the GoSL is

trying to do just enough to satisfy the international community, in order to retain its privileged ("GSP+") access to the EU market, gain further IMF funding and avoid further pressure. We also conclude that the actions of the GoSL bear no relation to the various statements made by President Rajapaksa following the end of hostilities, in which he promised to act with compassion, move forward in a spirit of reconciliation, and ensure that all Sri Lankans, including of course the Tamil population, can live 'in safety without fear and suspicion' (Parliamentary address, May 19, 2009). Instead we note that a growing number of informed commentators - most recently the Director of the Asian Human Rights Commission, himself a Sinhalese - describe the country as a de facto dictatorship.

The reality today is that the most basic rights, not only of those still detained in the camps but of the Tamil population as a whole, are being brushed aside. To continue to accept this is to accept a renewed wave of Tamil emigration and to ensure further conflict in the future.

We therefore call on:

■ The GoSL to allow international human rights observers into all parts of all camps, as well as the areas where people are being resettled.

■ The GoSL to allow those still in the camps full free movement in and out whilst permanent solutions are developed, and to allow all NGOs, local and international, unhindered access to these innocent people who, after enduring months of trauma, need much

physical and psycho-social healthcare.

■ The GoSL to put in place and make known a detailed plan for meeting its revised end-of-January deadline for closing the main camps, in order to ensure that people are "resettled" in places of their own choosing, with full respect for their dignity and basic human rights.

■ The GoSL and the UN to abide, rigorously and consistently, by the UN Guiding Principles on Internal Displacement in order to promote return to people's home areas and homes in safety and dignity.

■ The UN Secretary General (UNSG), and his representatives, to continue to press for all those held in camps to be treated in line with international standards, to correct unexplained breaks with normal practice (e.g. replacement of UN agencies with other agencies such as the International Organization for Migration) and, in particular, to make ICRC access to all detention centres a non-negotiable demand.

■ Given the need for tight coordination of all UN agencies and for pressure to be sustained on a daily basis, we again call on the UN Secretary-General to appoint - with all urgency - a Special Envoy for Sri Lanka.

■ The Government of India to use its forthcoming talks with the GoSL to express much stronger concern about the conditions in the camps, the failure to respect international standards and the likelihood of further unrest.

■ All donor countries, all those

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