



Statement from the Advisers, the Sri Lanka Campaign for Peace & Justice

(23rd November 2009)

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 full and ongoing access to all 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 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, and to make available to the public a list of all those held, whether civilians or suspected combatants, in all camps and other sites.
- 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 countries that supported the GoSL at the UN Human Rights Council in May 2009, and members of the Commonwealth to express these same concerns.

In addition, we congratulate Baroness Ashton on her appointment as High Representative of the European Union for Foreign and Security Policy, and urge her to stand by her recommendation, made in her previous capacity as Trade Commissioner, that Sri Lanka's "GSP+" status should not be renewed so long as the GoSL has not conformed to the agreed conditions, especially those concerning human rights. We further call on all EU member states and the European Commission to stand firm on these conditions, and to evaluate any deal with the GoSL in terms of how it improves the basic human rights of those who are illegally detained

In years to come, we will not be able to say that we did not know what was happening. Or that it was nothing to do with us. Now that the fighting has stopped, people who have lived through so much violence and lost so much deserve at the least to be able to go home, resettle in their communities and play their part in building a new and peaceful Sri Lanka. As well, the right not to be tortured, as well as other core human rights, apply to all human beings, regardless of their proven or suspected past conduct; as such, the situation of the 12,000 suspected LTTE detainees cannot be ignored and their conditions of detention must be rigorously monitored.

What you can do

- **Join the campaign by signing the new e-petition to UN Secretary-General, Ban Ki-moon, telling him that you are still watching and that you are as concerned as before; and take a few minutes to forward this message to your friends and colleagues, particularly those in India, Japan, France, UK and USA.**
- **Respond to the actions proposed by other well-respected organisations such as Amnesty International and Avaaz.org.**
- **Talk to people who may be planning to visit Sri Lanka about the true situation there, so that they can make an informed judgment about their possible complicity with gross human rights abuse, and so that, if they do go, they will treat the pro-government propaganda they will hear on the news and in conversations with appropriate scepticism.**