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HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

**Written statement* submitted by Amnesty International,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Protecting the Rights of Sri Lankan Internally Displaced People (IDPs)

Amnesty International is concerned about the lack of effective implementation of commitments undertaken by the Sri Lankan Government to protect the human rights of displaced civilians. The special session on Sri Lanka, convened by the Human Rights Council in May reflected the international community's grave concern with the situation faced by civilians in the wake of Sri Lanka's armed conflict. Prior to the special session, in the context of UN Secretary General Ban Ki-Moon's visit to Sri Lanka, the Government of Sri Lanka made a number of commitments to promote and protect human rights and to ensure assistance to persons affected by conflict. The government promised to provide access for humanitarian agencies to internally displaced persons (IDPs), to 'dismantle the welfare villages at the earliest' and to resettle the bulk of the IDPs. Resolution S-11/1 adopted by the Council (although unsatisfactory in its failure to make specific human rights recommendations) was based on and reflected these undertakings.

In a joint statement released on 23 May by the Government of Sri Lanka and the United Nations at the conclusion of the Secretary General's visit,

Sri Lanka reiterated its strongest commitment to the promotion and protection of human rights in keeping with international human rights standards and Sri Lanka's international obligations. The Secretary General underlined the importance of an accountability process for addressing violations of international humanitarian and human rights law. The Government will take measures to address those grievances.

Now, three months after the special session it is clear that the Government of Sri Lanka is not respecting its own commitments, including most of those reflected in the Human Rights Council's resolution. The Council needs to re-examine the situation faced by civilians displaced by conflict in Sri Lanka, but this time without allowing itself to be distracted by the Government of Sri Lanka's empty promises.

Council resolution S-11/1 placed the priority in terms of human rights in Sri Lanka on the provision of assistance to ensure relief and rehabilitation of persons affected by the conflict, including the internally displaced. It welcomed the Government of Sri Lanka's proposal to safely resettle most displaced persons within six months and its efforts to "ensure safety and security for all Sri Lankans." It commended the measures the Government had taken to address the needs of internally displaced person, and acknowledged its commitment to provide access to international humanitarian agencies (although in fact, the government had consistently rejected calls by the UN and others for unimpeded access, and had blocked essential human rights protection activities). The resolution urged continued donor support for post-war reconstruction efforts.

We have passed the half-way mark in the government's undertaking to the Human Rights Council to resettle the bulk of the IDPs within six months. More than two hundred and fifty thousand Tamil civilians displaced by the recent fighting are still detained by the government in crowded and unsanitary camps under military control; and these camps have deteriorated significantly since the onset of the rains, which has caused flooding, squalid conditions and reported outbreaks of disease. Many people have somewhere else they could go if permitted to leave the camps. Instead, Sri Lanka's IDP camps – which should only serve to provide emergency assistance to people uprooted by conflict – have become places of mass arbitrary

detention, violating the rights of persons residing in the camps to liberty and freedom of movement, and denying them access to legal safeguards and redress for violations they may have suffered.

International human rights law dictates that while displaced people reside in these camps (for want of any better alternative) they must be at liberty to come and go. They should also be able to exercise their right to freedom of movement -- to return voluntarily to their homes in safety and with dignity or to choose their own residence elsewhere in their country. The government's claim that it needs to impose restrictions to carry out ongoing screening of IDPs so as to identify LTTE fighters is not a credible reason to detain civilians, including entire families, the elderly and children, for indefinite periods in conditions which violate their human rights.

As the resolution noted, Sri Lanka has a duty and responsibility to provide protection and humanitarian assistance to all segments of the population, including internally displaced persons, without discrimination. But camp inmates are prevented from speaking freely to aid workers, thus obstructing critical human rights protection activities. At the same time, access by journalists and independent human rights monitors has been restricted. The absence of independent monitors who can freely visit the camps and talk to IDPs, places people at risk of enforced disappearances, abductions and torture and we have reports of their occurrence.

The Sri Lankan government's policy of detaining IDPs based on their displaced status and their ethnic identity is discriminatory and is prohibited in international human rights law. Its continued practice is evidence that the Sri Lankan government has not taken seriously its human rights obligations or its commitments to the international community and the Human Rights Council, which urged the government to ensure that minorities in Sri Lanka were not subjected to discrimination.

In September 2008, the Sri Lankan Ministry of Defence barred humanitarian workers, journalists and human rights investigators from the conflict zone. Sri Lanka's displaced civilians are survivors of and witnesses to the final phase of the conflict when credible evidence strongly suggests that both the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) committed war crimes. Restrictions on the ability of these displaced people to speak with outsiders, including those doing legal and protection work, not only jeopardizes their safety in the camps, but denies them the right to seek justice. Amnesty International has called for the Council to establish a fact-finding mission to look into allegations of abuses of human rights and international humanitarian law by both sides. UN High Commissioner for Human Rights, Navi Pillay also called for an independent international investigation. This remains an urgent need for one.

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