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**HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S
ATTENTION**

**Written statement* submitted by Amnesty International (AI),
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.

[25 August 2008]

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

Sri Lanka: A Crying Need to Protect the Rights of Internally Displaced Persons

The Sri Lankan people continue to suffer from widespread and serious human rights violations, including enforced disappearance, extra-judicial executions, forced recruitment to military groups and entrenched impunity for human rights violations in Sri Lanka. In this statement Amnesty International focuses on the widespread internal displacement and related severe problems of protection and assistance for the displaced persons triggered by the intensification of hostilities in and around the Vanni in northern Sri Lanka since May 2008. Amnesty International encourages the Human Rights Council to consider this situation carefully and to work with the Sri Lankan government to dispatch international monitors to support efforts to halt the deterioration in the country's human rights situation.

Internally displaced persons (IDPs) have particular needs and vulnerabilities that must be addressed by specific measures to protect their human rights. These measures are detailed in the Guiding Principles on Internal Displacement, which restate applicable international human rights and international humanitarian law.

The people of Sri Lanka continue to experience widespread displacement resulting from many years of internal armed conflict between the government security forces and the Liberation Tigers of Tamil Eelam (LTTE). The majority of those displaced are from the north and east. Tens of thousands more were displaced by the Indian Ocean Tsunami in 2004.

In its recent examination under the Universal Periodic Review (UPR), Sri Lanka accepted the need for measures to protect the rights of its displaced population. Among the recommendations made in the UPR Working Group and accepted by Sri Lanka were ones calling for measures to ensure the provision of assistance to displaced people and the protection of their human rights in accordance with international standards and for the protection of the human rights of persons providing aid to IDPs. Further recommendations about increased information sharing and consultation with IDPs to ensure the rights of displaced people were also accepted. Sri Lanka also voluntarily committed to several initiatives, including the implementation of an action plan to help protect the rights of IDPs and conflict affected communities.

During the review, the government claimed that the IDP situation was not deteriorating. Reports received by Amnesty International contradict this claim. The current humanitarian crisis in the Vanni is a stark reminder of the gap between the fog of war and the reality for tens of thousands of families left without durable shelter.

An Emerging Crisis

Civilians in the north and east of Sri Lanka live in a highly insecure environment. Since May this year, government aerial bombardment and artillery shelling has forced more than 70,000 people to flee their homes, primarily in the Kilinochchi and Mullaitivu districts. The LTTE has hindered the ability of the displaced to move away from LTTE held areas.

This new displacement adds to the hundreds of thousands of persons who have been displaced in past and present conflict as well as by the 2004 tsunami. Families caught up in recent fighting often suffer multiple instances of displacement, perpetuating their situation

of insecurity. At the time of writing, UNHCR has stopped releasing official figures, given the rapidly shifting security situation as the government and the LTTE engage in military operations in the Kilinochchi districts. The lack of accurate data on newly displaced families shows the urgent need for independent monitors on the ground to provide independent and accurate accounts of the human rights situation and the number of those affected.

The displaced populations experience serious and sustained violations of their human rights. The LTTE have hindered thousands of families from moving to safer areas by imposing a strict pass system. They sometimes force some members of families to stay behind while the others travel to government-controlled areas, to ensure the travelers return to the LTTE-controlled areas. The LTTE appears to use displaced populations as a buffer against government forces, in violation of international humanitarian law.

Families that have been able to leave LTTE-controlled areas are living in government-run temporary shelters, which are operating as de facto detention centers. For example, the government-run Kalimoddai camp in the Mannar district is operating a pass system, which prevents more than 200 families from leaving without clearance from the security forces, except to attend school.

Challenges: Rights at risk due to restricted humanitarian access

Displaced people in Sri Lanka suffer a variety of human rights violations, including serious violence and widespread denial of economic and social rights. In many instances the conflict has destroyed infrastructure and livelihoods on which they depended.

Humanitarian agencies are facing serious difficulty accessing newly displaced populations, due to restrictions imposed by both the government and the LTTE. There is limited access into LTTE-controlled areas, and restrictions are imposed on goods going through Omanthai checkpoint and Kilinochchi town.

Getting goods into the Vanni, the site of some of the worst recent displacement, is a long and difficult process, requiring both Government (Ministry of Defence (MOD)) and LTTE clearances. Changing and increasingly stringent MOD procedures cause delays and confusion. If and when clearance is received, the checking process is also very long. This leaves large quantities of humanitarian supplies stuck in Vavuniya. The transportation of those goods allowed to leave is very slow.

In early August 2008, aid agencies were forced to travel via long roundabout routes to areas where help is needed, requiring additional time and fuel. Agencies are further restricted to working between the hours of 8.30 am and 17.30 pm adding time pressures to the logistical obstacles. There is inconsistency in the treatment of agencies, with some agencies being granted better access than others. This places an increased burden on those agencies with better access, while assistance that is available from other agencies is held up by the government decision-making procedures.

Due to problems with access, newly displaced populations face particularly dire problems with lack of shelter as the rainy season approaches. At the height of the new emergency in

the Vanni in May, many families had to live in the open. International agencies have reported restrictions on the delivery of tarpaulin and cement.

The right to food of displaced people is also at risk. Sri Lanka is listed on the World Food Programme's global hunger hotspot list as of 21 August. According to humanitarian agencies, health authorities are struggling to meet the basic needs of the newly displaced. Malnutrition is emerging as a serious problem for small children due to the difficulties faced by food agencies in getting essential nutritional supplies to the displaced populations. The WFP also notes the limited livelihood opportunities due to multiple displacements and restrictions on importing materials into the Vanni - LTTE controlled northern districts.

There is lack of reliable information available from the ground. Journalists are restricted from reporting in the area, and reports from the Government and the LTTE, as well as agencies working with the displaced population, are frequently contradictory and inconsistent.

This statement has drawn special attention to the escalating emergency in and around the Vanni. However, the government of Sri Lanka has a responsibility to ensure durable solutions for all IDPs. Amnesty International welcomes the initiative of the Human Rights Commission of Sri Lanka to present a draft law on protection of the rights of the IDPs for public discussion. The organization urges that the IDPs, including women, are consulted on the draft law and other decisions that affect them and are kept informed and involved at all stages of the process.

It is essential that the Human Rights Council continues to monitor respect for human rights in Sri Lanka, including the situation of IDPs. In particular, Amnesty International urges the Human Rights Council to call on Sri Lanka to:

- grant immediate and unrestricted access to all humanitarian agencies to the Vanni and other areas where displaced people are in need of humanitarian assistance;
- lift all restrictions on access to health and food supplies and allow humanitarian agencies to provide essential supplies to affected populations;
- respect the right to equality and non-discrimination at all stages of displacement, including relief, transitional shelter, resettlement and return;
- allow access to conflict-affected zones for journalists;
- authorize an independent, international human rights monitoring presence on the ground without delay.

Amnesty International also urges the Council to follow the implementation by the government of recommendations and commitments related to IDPs arising from its review under the UPR.

Amnesty International calls upon the Council to condemn the LTTE's use of civilian populations as shields and its restrictions on their ability to move to areas of safety.

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