



UNLOCK THE CAMPS IN SRI LANKA

SAFETY AND DIGNITY FOR
THE DISPLACED NOW

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

**AMNESTY
INTERNATIONAL**



Amnesty International Publications

First published in 2009 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Amnesty International Publications 2009

Index: ASA 37/016/2009
Original language: English
Printed by Amnesty International,
International Secretariat, United Kingdom

All rights reserved. This publication is copyright, but may be reproduced by any method without fee for advocacy, campaigning and teaching purposes, but not for resale. The copyright holders request that all such use be registered with them for impact assessment purposes. For copying in any other circumstances, or for re-use in other publications, or for translation or adaptation, prior written permission must be obtained from the publishers, and a fee may be payable.

Cover photo: Displaced people in Menik Farm camp, Vavuniya district, northern Sri Lanka, May 2009.

© Amnesty International

CONTENTS

UNLOCK THE CAMPS IN SRI LANKA	5
SAFETY AND DIGNITY FOR THE DISPLACED NOW	5
RIGHT TO LIBERTY AND FREEDOM OF MOVEMENT.....	6
SYSTEMATIC AND TRANSPARENT REGISTRATION FOR EACH IDP.	7
FAMILY REUNIFICATION.....	7
THE ROAD TO THE CAMPS.....	8
EYEWITNESS ACCOUNT #1.....	8
HUMANITARIAN ACCESS OBSTRUCTED	10
INFORMATION STIFLED.....	12
ARBITRARY DETENTION	13
FAMILY REUNIFICATION BLOCKED	18
CORRUPTION ALLEGED	18
HEALTH AND SANITATION.....	18
CURATIVE CARE SERVICES.....	21
WITNESS ACCOUNT #2.....	21
COMMUNICATION WITH THE OUTSIDE WORLD.....	22
MILITARISATION OF THE CAMPS	23
CONCLUSION	25
RECOMMENDATIONS.....	27
AMNESTY INTERNATIONAL CALLS UPON THE SRI LANKAN GOVERNMENT TO:	27
AMNESTY INTERNATIONAL CALLS ON THE UNITED NATIONS, SRI LANKA'S DONORS AND OTHER MEMBERS OF THE INTERNATIONAL COMMUNITY TO:	29

UNLOCK THE CAMPS IN SRI LANKA

SAFETY AND DIGNITY FOR THE DISPLACED NOW

In May 2009, the Sri Lankan government declared victory over the Liberation Tigers of Tamil Eelam (LTTE), ending nearly 26 years of war characterized by human rights abuses and violations of international humanitarian law on both sides and massive displacement of civilians.

By the end of May 2009 an additional 300,000 displaced people had fled fighting and were detained in some 40 camps spread across four districts (at least 50,000 are children). The majority arrived in Vavuniya District where Manik Farm is the biggest complex of camps in April and May 2009.¹ Manik Farm currently consists of 6 zones or sub camps (numbered 0-5, and named after Tamil political leaders). Two more zones (6a and 6b) are planned and at least eight other potential emergency shelter sites have been identified in the Vavuniya area. The Manik Farm complex alone currently accommodates about 230,000 people.² Most of the camps are designed to be temporary emergency facilities, whereas two of the new camps run by the government are described by UNHCR as “semi permanent,” meaning the government has constructed shelters rather than erect tents. Sri Lanka’s internally displaced persons (IDP, displaced people) camps remain overcrowded and unsanitary despite reported improvements in conditions since the initial influx in April and May. Management of the camps is supervised by the military. Camps are guarded by armed personnel, camp managers are often retired military officers and the Ministry of Defence has been actively involved in determining who gets access. Displaced people are not permitted to leave – they are in fact detained without charge or trial. This is a violation of Sri Lanka’s obligations under international law, which prohibits arbitrary detention.

The Sri Lankan government misrepresented the scale of the crisis.³ It was not adequately prepared to deal with food, water and shelter needs of this enormous newly displaced population alone, and refused to allow unrestricted access to NGOs and International agencies to assist with the crisis. Even as access restrictions were gradually loosened to allow for delivery of material relief, international agencies continued to be prevented from talking to displaced people and thus engaging in crucial human rights protection activities such as interviewing people about violations they may have suffered or assisting with family reunification. Without independent monitoring, human rights concerns persist, including reports of arbitrary arrest and detention, enforced disappearances, abductions, torture and other ill treatment. On 9 July, the government of Sri Lanka announced that it had directed aid agencies, including the International Committee of the Red Cross (ICRC) to “scale down” their operations in Sri Lanka, starting with the east. The ICRC’s active presence in Sri Lanka remains very important to protecting human rights, although it too has faced difficulties carrying out some of its activities, such as monitoring the screening process by which the authorities attempt to identify people with LTTE links, and tracing family members separated by the conflict for reunification.⁴ It has played an essential role in coordinating relief for the

displaced since the fighting ended and visiting detainees, including former combatants who have been arrested or have surrendered to the authorities, and civilians detained on suspicion of ties to the LTTE, to monitor their conditions of detention and the manner in which they are treated.⁵

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. This must cease immediately. Displaced people living in the camps should be allowed to move freely in and out of them. 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 the country. And while they reside in the camp (for want of any better alternative) they must be allowed to come and go.

The Sri Lankan government promised the UN and its donors that it would not keep these displaced people confined to the camps for long; it must not backslide on these promises. The Sri Lankan government should work to enable displaced persons to return home or find other durable solutions (such as relocation) as soon as possible, and it should involve them in planning these solutions.⁶ Independent humanitarian organizations and other relevant bodies must be allowed to assist in this process.⁷

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 justifiable reason to detain civilians, including entire families, the elderly and children, for indefinite periods in conditions which violate their human rights. The continued detention appears to be on the basis of their displaced status, and their ethnic identity and place of origin (Sri Lankan Tamils from the last LTTE stronghold), which constitutes discrimination prohibited in international human rights law. The Sri Lankan government has in any case established separate facilities where ex-combatants are screened and is holding more than 10,000 individuals with alleged LTTE links. It must stop treating the hundreds of thousands of civilians in the camps as suspected former combatants and should release them immediately, while taking regular law enforcement measures against any individuals suspected of criminal offences. Particularly vulnerable groups such as the mentally ill should be released as a particular priority.

The Sri Lankan government has an obligation to assist those who became internally displaced as a result of the conflict,⁸ including by providing emergency shelter (camps) for those who have nowhere else to go to at present, but that displacement should last no longer than required by the circumstances,⁹ and internally displaced persons must be able to exercise the same human rights under international law and rights under national law any other persons in their country. They must not face discrimination in the exercise of such rights on the grounds that they are internally displaced, or Tamil or because they formerly resided in an area that had been under LTTE control. In particular (and in accordance with international law and the UN's Guiding Principles on Internal Displacement) the Sri Lankan authorities must immediately ensure:

- **RIGHT TO LIBERTY AND FREEDOM OF MOVEMENT**

This applies both with regard to the right of internally displaced persons to leave the camps and the freedom to choose their residence (freedom of movement) and, for so long as they reside in camps, the right to move freely in and out of them (liberty). The rights to

liberty, freedom from arbitrary detention and freedom of movement are guaranteed to all persons by the International Covenant on Civil and Political Rights (ICCPR, Articles 9 and 12). These rights as they apply to internally displaced persons are laid out in Principles 12 and 14 of the Guiding Principles on Internal Displacement.¹⁰

Even if it is not yet safe or economically feasible for some displaced persons to return to their homes (because of landmines or other ongoing threats to their safety, or because of destroyed infrastructure), many have family members or friends in other parts of Sri Lanka they would prefer to stay with if allowed. While it is permissible for states to place certain limitations on the individual right to freedom of movement where the safety of the individual or of the general public is at stake, the onus is on the government to demonstrate in each case that any such restrictions are provided by law, are necessary and proportionate, and have been imposed for one of the listed legitimate purposes: national security, public order public health or morals or to protect the rights and freedoms of others. A generalised prohibition on movement based on vaguely stated national security or public safety reasons is not acceptable.

■ SYSTEMATIC AND TRANSPARENT REGISTRATION FOR EACH DISPLACED PERSON

In accordance with international law as articulated in Article 16 of the ICCPR, the Guiding Principles on Internal Displacement (Principle 20) states that: “(1) Every human being has the right to recognition everywhere as a person before the law.” It further discusses the actions necessary to secure this right where displaced persons are concerned by stating that: “(2) to give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.” It also specifies that “(3) Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.”¹¹

■ FAMILY REUNIFICATION

Principle 17 (3) of the UN Guiding Principles on Internal Displacement emphasizes the rights of families separated by displacement to be “reunited as quickly as possible,” and states that “all appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.” It also notes that “members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.”¹²

■ CIVILIAN ADMINISTRATION & HUMANITARIAN ACCESS

The government must ensure that all camps are of a truly civilian nature and administered by civilian authorities, charged as a first priority with ensuring that the security and human rights of all occupants are guaranteed and protected.

Allow direct and unimpeded access to displaced people by national and international

human rights and humanitarian organizations and by journalists for both protective purposes and to ensure a free flow of information about conditions in the camps.

Principle 25 of the Guiding Principles speaks directly to the need to ensure unimpeded access for humanitarian assistance. While it emphasizes that, “The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities,” it also states that “international humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or interference in a State’s internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.” It also states that all authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.”

Principle 27 requires that “international humanitarian organizations and other appropriate actors when providing assistance give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard.” Government restrictions placed on access and on communications regarding human rights conditions in the camps jeopardize the protection and human rights of displaced persons.

THE ROAD TO THE CAMPS

Eyewitness accounts of the final months of the war painted a grim picture of deprivation of food, water and medical care; fear, injury and loss of life suffered by civilians trapped by the conflict. Amnesty International received credible and consistent reports that both the LTTE and Sri Lankan government forces committed violations of international humanitarian law in the course of the conflict and in particular during the final months. The LTTE forcibly recruited children as soldiers, used civilians as human shields against the Sri Lankan army’s offensive, and attacked civilians who tried to flee. The Sri Lankan armed forces launched indiscriminate attacks with artillery on areas densely populated by civilians. Hospitals were shelled, resulting in death and injuries among patients and staff.

Many survivors lost loved ones. Many arrived in the camps wounded, hungry, or ill; many died along the way.

■ EYEWITNESS ACCOUNT #1

Kumar, a Tamil man in his 50s, was living in the northern part of Sri Lanka known as the Vanni when the government military operations to defeat the LTTE intensified in June 2008. He witnessed the deepening of the military offensive that captured all the urban areas that the LTTE had previously held. Over months of war, Kumar witnessed violations of international law committed by both sides of the conflict including government shelling of hospitals and stepped up forced recruitment by the LTTE including of children. Like many civilians trapped between the two fighting sides, Kumar spent months adapting to diminishing food supplies, digging for water when it became scarce and finally living in fear and uncertainty, with the unpredictability of aerial bombardments that forced tens of

thousands to live in bunkers for prolonged stretches. He became seriously ill at the end of February 2009 and luckily secured an LTTE pass so that he could be evacuated by an ICRC ship to Trincomalee at the end of February. Kumar now lives abroad.

Kumar chose to share some of his memories with Amnesty International as he wants the world to remember the thousands of civilians who became trapped in the conflict and in particular those who were killed. He told Amnesty International that many of these civilians were buried without ceremony in unmarked graves.

You have to remember that Tamils have suffered the consequences of this conflict for years. Many people who settled in the Vanni had fled from the Jaffna Peninsula. The people were used to economic embargo, to coping with very little but the aggression of this war tested us to the limit. From January on there was intensive shelling day and night, it was a very cruel war....

...The Tigers were very harsh but the government showed such lack of care for the people. We could see this in the way the government targeted hospitals. Now the militants' had their separate hospitals so why target government facilities? Kilinochchi and Mullaitivu were new hospitals built after the tsunami and opened by the Government Administrator (G.A). The two doctors associated with these hospitals, Dr. Sathiamoorthy and Dr. Varatharajah were government employees. Dr. Sathiamoorthy was forced to move with his patients as government shelling destroyed his old facility. I visited some of the makeshift hospitals where the doctors worked. It is hard to describe the conditions they had to work in and they just worked through 24 hour shifts.

After the humanitarian agencies were chased out of the Vanni in September 2008 conditions in the hospitals just went downhill. The embargo on fuel meant that fridges in the makeshift hospitals could not be maintained so there was no way to preserve blood or keep oxygen. One of the hospitals was just an incomplete school building.¹³

There were no beds for patients they had to simply lie and wait in the hot sun. The operating theatre was an open room. The doctors had to treat endless victims of shelling. They are the witnesses to the carnage, that's why the government now wants to keep them quiet. Many people had very deep wounds but the restrictions on medical supplies meant a severe shortage of antibiotics and medicines to treat these wounds. Near the end of the conflict surgical supplies simply ran out. Medical staff struggled with the wounded as they had no gauzes or bandages. Many children had to have unnecessary amputations rather than die just because there were not enough supplies. Despite all the suffering the willingness of people to give blood gave me hope.

Most people had lost everything. Many families had been displaced multiple times. There was no communication with the outside world – only few people had phones so there was a terrible sense of isolation. The Churches in the area started to fill up with people, even the youngsters came, all people could do was to pray.

The government says it created a safe zone for civilians but they never gave a true picture of how many people were trapped. The first No Fire Zone was declared on 20 January 2009 but it was such a small area. From Udayarkattu to Thevipuram was about 30-35 square

kilometers – how did the government expect 300,000 people to live in there? The idea that all the civilians could fit in there was a joke. It was only on 21 January that the Government Agent's (GA) office received the official declaration of the No Fire Zone over the phone. The way the government handled it was very unfair. They demanded 'immediate occupation' of the NFZ by the people. The problem was that the fighting hadn't stopped. The roads were very congested with people and tractors trying to move their displaced belongings. The government says it dropped leaflets, but how were people to get to safety when the roads were so full and there was no information on how to get to the zone? Yet people tried to move, they had a flickering hope. I remember on the 22nd and 23rd some people started moving but on the way many people got killed. It is hard for you to imagine the congestion. A trip that would normally take 15 minutes on a motorbike had become a 2 hour crawl.

Knowing that many civilians were not able to move the government restarted shelling. They even hit the No Fire Zone so even that small area was not protected. I was lucky as I lived in a place with a protective bunker. When we heard the supersonic Kfirs fly overhead we used to rush to the bunker and hide....

That was our life for months just squatting and sitting in bunkers. Some nights we had to stay right through with people not able to relieve themselves. There were 40 people living in 2 bunkers and we had a small space for ventilation. The sand used to come in because of the vibrations. We could hear the shrapnel ricocheting off the coconut trees that was what gave us some protection – the sea of coconut trees. We faced terrible situations. Sometimes we heard shells and running to the bunker we could hear screams of the wounded but it was too dangerous for us to help.

The worst story I heard was of a son who had to bury his mother who was not quite dead. Masses of civilians were on the move and she was badly wounded and bleeding. She would not have survived the trip to the hospital and it was too difficult to transport her. You cannot imagine what life was like for some people.¹⁴

■ HUMANITARIAN ACCESS OBSTRUCTED

The Government of Sri Lanka exacerbated this isolation by restricting access by outsiders to the conflict area. In September 2008, Defense Secretary Gotabhaya Rajapaksa issued a directive ordering all humanitarian and UN agencies to leave the Vanni and remove all equipment and vehicles. The directive prohibited all expatriates and NGO staff from travelling beyond the Omanthai checkpoint.¹⁵ By January 2009, Kumar said, people had become desperate.

After January the casualties started to hit triple digits. We were all desperate but we thought that the international community would intervene. Some people even managed to send an appeal to President Obama – one man travelling on a motorbike through aerial bombardment to find the only fax working in Suthanthiraparam.¹⁶

At the same time in repeated public statements the Government of Sri Lanka vastly underestimated the number of civilians trapped by the conflict and attempted to suppress independent (and as it turned out more accurate) reporting on the scale of the catastrophe.¹⁷ By restricting access to the conflict zone by UN agencies, humanitarian, human rights and

other non-governmental organizations, as well as by national and international journalists, the Sri Lankan government effectively denied urgent critical humanitarian assistance to civilians and hampered the free flow of information and thus, among other things, the ability of both national and international agencies to adequately prepare for what turned out to be a large number of displaced people fleeing the fighting and in need of assistance .

Even two and a half months after the government declared victory over the LTTE, humanitarian organizations have still not been permitted to access the areas beyond Omanthai, where the fighting took place, to assess conditions and reconstruction needs, and thus lack crucial independent information needed to assist with the resettlement of the population of the camps.¹⁸

Access to camps housing internally displaced people also remains restricted. Human rights investigators, opposition politicians and the press are in general not permitted access, although the situation is reportedly improving for aid workers. But even humanitarian organizations say that the criteria for gaining access to the camps change constantly at the whim of local military personnel and individual camp commanders.

According to a human rights worker in Colombo, many individuals have received permission to visit the camps, either from the Ministry of Defence in Colombo or on an *ad hoc* basis from the military at the entrance to camps, but procedures are ill-defined.

There is no prescribed system, such as forms, specific officers, time frame to apply, time – dates visits can be made, supporting documents, recommendations needed etc. to get these permissions neither is it specified for what purposes visits will be allowed, to what kind of people etc. ¹⁹

To Amnesty International's knowledge, independent visitors have not included persons who openly identify themselves as human rights defenders. Journalists have entered the camps with military escort, or when covering the visit of a VIP, such as the visit of UN Secretary General Ban Ki Moon to the camps in late May. According to the human rights worker quoted above only humanitarian workers and clergy have received "*multiple entry visas*" (meaning they do not need to request permission each time they go) but "*it's only for specified activities ([they are] not supposed to linger and talk to people being held.)*" ²⁰

Until a few months ago, the Sri Lankan government permitted UNHCR full access to displaced people in Sri Lanka, as part of its long-term mission in the country.²¹ But in September 2008, UNHCR and other aid agencies were ordered by the Defence Ministry to suspend assistance activities in the Vanni, and in May 2009, as hundreds of thousands of displaced people fled from the fighting into government-controlled territory, the Government of Sri Lanka announced that NGOs and the UN would not be permitted access to displaced people. However, this disastrous policy was soon revised. As reports filtered out of people huddled under trees awaiting screening by the authorities to determine if they had links to the LTTE, of injured and starving displaced people dying before reaching medical assistance, and as unauthorized photographs began appearing in the international press of families sleeping in the open air, the government relented and allowed UN agencies, the ICRC, some other international NGOs, and some Sri Lankan NGOs limited access to provide assistance. But then the government banned these organisations' vehicles from entering the camps and

restricted humanitarian personnel from talking to camp residents, making delivery of relief supplies very difficult and human rights monitoring or other protection activities all but impossible. After negotiations, the government agreed in early June to permit a limited number of vehicles into the camps, but organizations had to apply in advance and personnel were required to stay within 15 meters of the vehicle, a policy that prevented relief workers from moving freely inside the camps.²² Relief workers who have entered the camps since June say that speaking privately with displaced people remains difficult.

“Access is not given to NGOs to talk to the IDPs. You go in, give the food and get out. You are not even supposed to take your mobiles in or give the IDPs the use of it.”²³ The practice of restricting aid workers from talking to the displaced not only prevents humanitarian agencies from doing proper needs assessment, but also increases people’s feelings of isolation and insecurity.

In mid-June Neil Buhne the UN resident coordinator in Sri Lanka, said the restrictions had relaxed since the end of May, and were not obstructing delivery of food, medicine or construction materials, but had prevented advocacy and protection programmes from taking place.²⁴ Adnan Khan, World Food Program (WFP) country director concurred, saying that “Food supplies have never been affected by access restrictions... [but the] ... restriction on movement of vehicles inside the camps affected our ability to do some of our monitoring work. We as an agency have to monitor our food distributions since we must be accountable to our governing bodies.”²⁵

Agencies report that in practice, the procedures and criteria the government uses to make decisions about access change frequently. They never know from one day to the next whether they will get access. The decisions are made by the camp commanders (civilian, but often ex-military) The camps are guarded by the military.

The government says that it is still screening the population of the camps to identify people who are former combatants, and takes the position that the denial of access to NGOs is a security matter. On June 17, Media Minister Lakshman Yapa Abeywardena told journalists in Colombo that opposition political parties and NGOs demanding access to the camps would not be allowed because they were not interested in assisting the displaced people but were trying to gain political mileage or secure foreign funds.²⁶

■ INFORMATION STIFLED

The Sri Lankan government’s policy of restricting public communications about relief efforts and camp conditions by agencies assisting displaced people in Sri Lanka has made it increasingly difficult for the press, human rights organizations and the general public to verify conditions in Sri Lanka’s IDP camps. International and local NGOs seeking to provide assistance to displaced people in northern Sri Lanka are required to sign a Memorandum of Understanding with the Sri Lankan Ministry of Resettlement and Disaster Relief Services that among other things contains a confidentiality clause prohibiting them from making public comments about construction or service provision “without the concurrence of the Secretary, Ministry of Resettlement and Disaster Relief Services.” This has had a profoundly chilling effect on information flow from the camps, which now consists mainly of information provided by relatives of those detained, individual leaks from aid workers to journalists and anonymous blog entries. In almost all cases, those providing the information remain

anonymous to ensure continued access and avoid reprisals.

Journalists and human rights defenders have been denied unrestricted and independent access to people residing in the camps.²⁷ This has obstructed reporting on both their experiences in the last stages of the war – when civilians were subjected to artillery attacks and both sides were accused of committing war crimes – and conditions in the camps themselves.

- Principle 27 of the Guiding Principles on Internal Displacement requires international humanitarian organizations and other actors to take appropriate measures to ensure the human rights and protection of internally displaced persons, but human rights violations of all types have the potential to be ignored by the authorities when access to the camps and their inhabitants, and protection activities by humanitarian organizations are restricted. Of particular concern is the potential for abuse against the most vulnerable people in the camps, those needing the most urgent protection -- unaccompanied minors, women, the elderly and people with disabilities. Exploitation of vulnerable individuals and sexual harassment by government forces has been a longstanding problem faced by women and girls in conflict areas and among the displaced; social stigma and Sri Lanka's pervasive problem of impunity further compound the problem.

- **ARBITRARY DETENTION**

The government of Sri Lanka has placed severe restrictions displaced people from leaving the physical confines of the camps, which are surrounded by razor fencing and barbed wire and guarded by armed military personnel. Although the government calls these facilities “welfare villages,” they are effectively detention camps, where an entire category of persons (in this case Tamil people displaced from areas formerly held by the LTTE) are being arbitrarily detained in violation of international law.

Amnesty International recalls that the Sri Lankan government has declared the armed conflict to be over. For instance, on 19 May 2009 President Mahinda Rajapakse told the Sri Lankan Parliament:

“As you already know our Motherland has been completely freed from the clutches of separatist terrorism. From now on it is only the laws enacted by this sovereign Parliament that will be that will be in force in every inch of Sri Lanka.”²⁸

In these circumstances, civilian laws, and international human rights law, should indeed prevail. The continued detention without charge or trial of hundreds of thousands of people is a serious violation of international human rights law, including treaties to which Sri Lanka is a state party. In particular, Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR) provides that:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

The internally displaced people in the camps in North Sri Lanka are barred from seeking release, for instance by being “brought promptly before a judge or other officer authorized by

law to exercise judicial power and shall be entitled to trial within a reasonable time or to release,” as provided in Article 9(3) of the ICCPR, or from challenging their continued detention before a court, as provided in Article 9(4) of the ICCPR – with the exception of a few who have contacts with lawyers and have applied to the Supreme Court, as described below. This is not feasible for the overwhelming majority of the displaced people, who are unable to exercise this right, which applies even in times of emergency. In its authoritative General Comment on Article 4 of the ICCPR (which covers states of emergency) the Human Rights Committee, the UN expert body charged with overseeing the implementation of this Covenant, stated, among other things:

The Committee is of the opinion that the principles of legality and the rule of law require that fundamental requirements of fair trial must be respected during a state of emergency.... The presumption of innocence must be respected. In order to protect non-derogable rights, the right to take proceedings before a court to enable the court to decide without delay on the lawfulness of detention, must not be diminished by a State party’s decision to derogate from the Covenant.²⁹

This rule is reflected in Principle 14 of the UN Guiding Principles on Internal Displacement,³⁰ which states:

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

As of 7 July, 2009 about 8,600 people, mainly those over the age of 60, had been released from the camps and allowed to return home or relocate elsewhere. The rest remained in detention, even though many people residing in government camps have somewhere they could go or family they could stay with if they were allowed to do so.³¹ On 5 August the government announced that it had allowed another 1,100 displaced people to return home.³²

The government has said it must screen all displaced people from the most recent displacement to ensure they have no links to the LTTE before it can release them, and has implied that it will continue to keep them confined in the camps until their home areas are demined and ready for resettlement – a process that could take many months, or years. The government originally said it would hold camp inmates for three years; but has recently revised that policy, and now pledges to have most of them resettled sooner.³³

On 22 July Sri Lanka assured India that it would resettle the displaced within 180 days however in a letter of intent to the International Monitoring Fund (IMF) in late July and subsequent official interviews the figure to be resettled had already dropped from 80% to 60%.³⁴

In a July update on the UN’s humanitarian efforts in Sri Lanka, the Office of the UN’s Resident Coordinator noted:

Freedom of movement remains the overriding issue with nearly 280,000 IDPs confined

within the camps, restricting their ability to access employment, attend regular schools, visit family and friends, and ultimately choose their place of residence. To date, some 4,300 IDPs, mostly elderly, have been released and the Government has announced that another 9,000 have been cleared for release. While these developments are welcome, the UN continues to advocate for the timely release of other persons with specific needs as well as the broadening of categories of people for release.³⁵

In mid-June, the Sri Lankan Supreme Court began hearing two legal challenges to the state's detention policy.³⁶ Both cases argued that the continued detention of displaced people is a violation of their fundamental rights under the Sri Lankan Constitution.

The first case was filed on behalf of five detained members of a family of seven who became separated by the conflict and were detained in separate camp facilities by the authorities. They appealed for family reunification; outside medical care for an injured child, and argued that all should be released from detention because they had a place to stay outside the camp. The court was quick to rule in favour of family reunification, but postponed its decision on their request for release.

Manikarajah Sivapakiam, age 68 and her husband Kathirkamu Manikkaraja (age 70; the only member of the family to be released from detention); three grandchildren: Sopika (13); Nesana (10); Kishore (now deceased;) and their parents, Surendranathan Jeyarani and Ponnusamy Surendranathan were displaced by fighting from the village of Puliyampokkanai in December 2008 and headed toward Vishvamadu. After several subsequent relocations driven by intense shelling, they ended up at a Hindu temple in Suthanthirapura north of Mullaitivu, where a makeshift camp had been established.

The case was initiated by Manikarajah Sivapakiam's sister, Annapakiyam Sithamparapillai, who is an attorney. She told a reporter what she knew of the family's experience:

...last December my sister began to call me. She told me that the army was getting close to Kilinochchi. Tens of thousands of refugees were gathering in the area. Hundreds were crowding into my sister's compound. Some were severely wounded. We heard that a number had been killed. Hasty funerals were organised.

This family had no faith in the LTTE. The LTTE had harmed the people. They extorted our money and appropriated our land for their purposes. What is worse, there was no freedom of thought. We even feared to talk privately. If somebody said something critical of them and they came to know about it, they would come and warn the person, "You come to our office and discuss your problems. You can't talk in private." But nobody dared to go before them and criticise them. They would get arrested or killed.

On January 5, my sister called me and said, "It is not safe here at Puliyampokkanai. Shells are falling close by. People were getting injured and killed." She said the family were going to Vishvamadu, 20 kilometres away, where they had a house.

The little I know from then is what I gathered from my relatives. The area was full of displaced and destitute people. It was a virtual exodus. The road was overflowing. There were tens of thousands fleeing for their lives. More and more wounded people were being carried or hobbled along.

There were no proper medical facilities. The International Red Cross (ICRC) provided some, but there was only one hospital shed, which was always being shifted with the crowd. It was full of wounded. Only four doctors and a few other nurses and medical personnel were there.

The military was advancing and shells were falling. After three days, the family had to shift to the Suthanthirapuram Hindu Temple. Now they had no house. My sister called me on February 7. After that we lost all telephone contact.

After the army captured Vishvamadu, my relatives decided on February 9 to flee into the army-controlled area. This was a hazardous thing, facing incoming shells from the military and possible LTTE reprisals. It was known that the LTTE used force to prevent people from escaping. They had heard of cases where the LTTE even resorted to shooting people to prevent them from escaping. The family wanted to hedge against the risk by splitting into two groups. It was thought that in the event of a disaster, at least some of them would be saved.

The grandparents and Kishore and Sopika were to leave after midnight. The daughter Jeyarani and her husband Ponnusamy and Nesana were to leave in the same direction two hours later. They had to walk about 10 kilometres before they could get into the army-controlled area.³⁷

Jeyarani, Ponnusamy and Nesana spent the night of February 10 hiding in a bunker to escape shelling and evade the LTTE members patrolling the area.

“On February 9, LTTE cadres beat up a large group trying to enter the government-controlled Vishvamadu, and drove them toward Putumattalan. My sister Sivapakiam, her husband and one granddaughter Sopika and grandson Kishore were in that group. The grandfather, my sister’s husband, is still suffering from a swelling in his shoulder caused by the beating.”

... They managed to enter the military-controlled area during a lull in the shelling. The military seized them and transported them to the camp at the Saivaprakasha School in Vavuniya.³⁸

The grandparents, Kishore and Sopika were not as lucky.

...the first group quickly ran into LTTE cadres who beat them up and drove them back toward Putumattalan. There the grandparents and Sopika and Kishore registered their names with the ICRC to be transported out of the area. Dr Varatharajah at the make-shift hospital made arrangements with the ICRC for the grandfather to be evacuated because he was a kidney patient.³⁹

The grandfather, Kathirkamu Manikkarajah was taken to the Chettikulam Camp in Vavuniya and was later released to the care of a sister-in-law in Veppankulam, Near Vavuniya. Manikkarajah Sivapakiam, Sopika and Kishore remained trapped in Putumattalan. They were sheltering against heavy mortar fire in a bunker on April 9, 2009 when all three were injured. Kishore, age 12, died of a shrapnel injury to his bladder. The grandmother and Sopika, whose leg was injured in the attack, survived and managed to make their way to the Jaffna

Peninsula.

When Kishore was killed, his grandmother and young sister had to carry out his funeral. After a few days more at Putumattalan, the grandmother and Sopika paid 150,000 rupees [about \$US1,350] to a boatman and joined a group that crossed the lagoon to Chavakachcheri [on Jaffna Peninsula], where the army detained them and put them in the Kodikamam camp.⁴⁰ Manikkarajah Sivapakiam eventually received permission to leave the camp and reunite with her husband, but she was not permitted to take 13 year old Sopika with her. She refused to leave her injured granddaughter behind, and so remained at Kodikamam camp.⁴¹

The fundamental rights petition Annapakiyam Sithamparapillai initiated for the family sought to reunite them, and secure permission for all members to leave the camp and stay with relatives. In particular it sought permission for Sopika to leave the camp for medical treatment. The fundamental rights application argues that the continued detention of the individual family members violates their rights to freedom from arbitrary detention, freedom of movement within Sri Lanka and the right to choose their residence. It names as respondents Sri Lankan officials it says are responsible for the detention of the family members, including several local officials, the army commander serving as IDP coordinator in Vavuniya; the Jaffna Army Commander, the Inspector General of Police and the Attorney General.

In late June, 13-year-old Surendranathan Sopika was reunited with her parents who are detained in Vavuniya. On June 17, the Supreme Court ordered her transfer, noting that the State recognized the family as the basic unit of society. The court also ordered that Sopika should be permitted to access specialized medical care.⁴² On 28 June, Sopika was brought to the Vavuniya Government Hospital by the Town Commander, Vavuniya for a medical examination, as ordered by the Supreme Court on 24 June. But Sopika's legal counsel told the court on July 10, that no x-ray or scan had been done and she had not been examined by a consultant. On July 10, the court directed the Medical Superintendent of Anuradhapura to have Sopika examined and submit a report on its findings to the court. On 20 July the court directed the Commander of the Security Forces Headquarters, Wannu to admit Sopika immediately to the Anuradhapura General Hospital for medical treatment⁴³

The Sri Lankan Centre for Policy Alternatives (CPA) and its executive director Paikiasothy Saravanamuttu filed a second legal challenge against the government's detention of displaced people, naming as respondents officials within the Ministry of Defence, and other state agencies it says are responsible for making and administering policy regarding the detention of displaced persons.⁴⁴ CPA argued that the fundamental rights guaranteed to individuals detained in Sri Lanka's IDP camps, including the right to equality and equal protection of the law, freedom from arbitrary arrest and detention, freedom to engage in any lawful occupation profession, trade, business or enterprise and as well as freedom of movement and place of residence had been violated by the government's detention policy. They also referred to the International Covenant on Civil and Political Rights and the Guiding Principles on Internal Displacement, in support of the right of displaced people to freedom of movement.

- The case, which was filed by CPA on 12 June, 2009 has been subject to delays. When it came before the Supreme Court on 18 June, Deputy Solicitor General Sanjay Rajaratnam

reportedly requested a postponement, saying he needed more time to obtain instructions from the Attorney General. On 10 July, the Court directed the Deputy Solicitor General to file any objections the state might have to its proceeding with the case within a period of two weeks and fixed the next hearing for August 6. On 28 July, the Attorney General reportedly filed its objections to CPA's petition, telling the Court that the internally displaced persons in northern Sri Lankan camps were not detained under emergency regulations and arguing that there was no legal basis for CPA's case. The Attorney General also noted that some 8,000 internally displaced people were LTTE members⁴⁵ The postponement of the case is a matter of concern, given the urgency of the situation faced by Sri Lankan displaced people, and the Office of the Attorney General's history of using delaying tactics in important human rights cases, a history Amnesty International has documented most recently in the report "*Sri Lanka: Twenty Years of Make-Believe. Sri Lanka's Commissions of Inquiry.*"⁴⁶

■ FAMILY REUNIFICATION BLOCKED

The Office of the UN's Resident Coordinator in Colombo noted in a July update on humanitarian support activities that family reunification remained a priority for the organization and for displaced people it surveyed.⁴⁷ As of the end of June, the Government of Sri Lanka reported that about 5,000 individuals had been reunited with family members. It remains unclear how many families this represents and if this number includes the mainly elderly persons who were released from the camps into the care of relatives.

Some individuals detained in the camps have managed to locate their families themselves through informal communication between the different zones of Manik Farm. Following IDP protests at the end of June over military efforts to prevent people from visiting other zones, the Sri Lankan authorities agreed to officially allow movement between zones of the same camp complex. The UN noted that family reunification had proved to be more problematic when members detained in Vavuniya had sought to join relatives in another part of Sri Lanka. For example, only 54 families had been relocated from Vavuniya to Mannar in order to be reunified with relatives.

In early July UNICEF identified among the newly displaced, 1,400 separated children (children separated from their parents), 49 unaccompanied minors (children with no adult accompanying them), and 366 orphans (children who moved from the Vanni as part of the orphanage in which they lived prior to the last phases of the conflict) and 350 displaced children in hospitals.⁴⁸

■ CORRUPTION ALLEGED

There are persistent reports that people, including those with ties to the LTTE, have been able to buy their way out of the camps by bribing army personnel. Amnesty International was told by a contact in Jaffna whose brother-in-law is detained in an IDP camp in Vavuniya that at least 15 people with links to the LTTE were able to buy their way out of the camps for Rs. 500,000 each. "The big fellows are going out; it is the poor fellows who have to suffer," the contact told AI.⁴⁹ A group of Tamils in London with relatives in the camps shared stories in July 2009 of the release of relatives in Manik Farm by bribing paramilitaries.

■ HEALTH AND SANITATION

Many displaced people arrived in the camps sick, traumatised, wounded and malnourished. UNOCHA reported that more than 4,329 displaced people remained hospitalized as of 3 July

2009; Doctors Without Borders/ Médecins Sans Frontières (MSF) medical teams in Vavuniya District say they have performed more than 5,000 surgeries since January, mainly to treat conflict-related injuries.⁵⁰

According to Dr. Vinya Ariyaratne, Executive Director of the Sri Lankan NGO Sarvodaya, which works in Manik Farm, 15 to 20% of the 30,000 to 35,000 children in the Vavuniya camps were malnourished as of late June, “[m]any of them are suffering from diseases and some still suffer from injuries.” He attributed the majority of malnutrition cases to the fact that children and adults were forced to flee from place to place (one bunker to the next, in most cases) during the last stages of the conflict and were not able to eat regularly.⁵¹ Food supplies in the last stage of the conflict were also drastically inadequate in part because government bureaucracy delayed and obstructed delivery of emergency food aid to civilians in the north.

“Kumar” also described these conditions in an interview with Amnesty International June 2009

There were many artillery and multi barrel rocket attacks. As these are widespread, intense and indiscriminate, they hardly leave any time for people to take cover. The first poundings are sure to take their toll on many victims. Only during an interval, however short it may be people dash towards the bunkers. Very often, people are forced to stay put in the bunkers for hours and hours.

Even cooking food becomes difficult during such moments. One begins to cook, then take cover in the bunker during shelling, then come out and continue with the cooking once the shelling is over, then rush to the bunker when the shelling is resumed.....it goes on and on.

...Until December and early January food was available. People had experience of surviving the economic embargo and saving supplies but after February stocks dwindled and food was a crisis. Food was brought in by ICRC ships but the delivery depended on the government and the rations were not always enough. Even to receive the little amount of dried rations people had to wait in long queues. People used to go to grinding mills and search for old husks of rice. People would go for days without eating rice.⁵²

A rapid assessment of nutritional status of 1,137 IDP children and 84 pregnant women in Vavuniya, conducted by Sri Lanka’s Medical Research Institute between May 13 and May 30 found that 46.9% were underweight; 35.6% exhibited signs of wasting and 30% had stunting. The highest levels of malnutrition were found in Zone 2, where more than half (57.7 %) of children were underweight and a third were stunted. The survey also recorded the prevalence of child illnesses in the two weeks prior to the survey, including diarrhoeal diseases, acute respiratory tract infections and lower respiratory tract infections. All zones surveyed had high levels of acute respiratory infections (between 58.1% in zone 2, and 67.3% in zone 4). Roughly one third to one half of all children surveyed suffered from diarrhoeal diseases.⁵³

The sudden arrival of large numbers of displaced people from late April drastically overstretched all assistance systems in place in Vavuniya for persons displaced by the conflict. Food and water shortages were acute and had dangerous ramifications, including an

incident where two children were reportedly crushed to death by a crowd at a food distribution site that at the end of April. Two months later, food and water distribution systems had reportedly improved, although displaced people still complained about the quality and composition of food aid (including low quality or spoiled food and a lack of vegetables); and said that water continued to be in short (if not critically short) supply.

Conditions in Sri Lanka's IDP camps vary significantly from camp to camp, or in the case of Manik Farm, from zone to zone. In June, sanitation facilities were described by World Vision who stated that "sanitation facilities in the largest camps... are woefully inadequate and at least 11,500 more latrines are needed in the camps to comply with international minimum standards."⁵⁴ Neil Buhne, the UN Resident Coordinator in Sri Lanka, told the press that in some cases 100 people were using a single latrine made to accommodate about 20, and that some latrines built when the camp was first opened in November 2008 were overflowing.⁵⁵

According to UNHCR participatory assessments, as of 7 July, displaced people continued to identify overcrowded camp conditions, insufficient access to health care services, and lack of information on separated family members as key concerns.⁵⁶

Overcrowding had reportedly been reduced somewhat with the creation of Manik Farm zone 5, which accommodated about 5,000 people by the end of June. But most zones were still severely overcrowded; Zone 2, the most populated of the camps still held about 68,000 people as of July 9; more than twice its capacity according to UNHCR standards.⁵⁷ National and international agencies noted improvement in available services over those available in May and June. On July 9, UNHCR reported that 14 primary health care centers, four referral hospitals, in addition to mobile health teams providing health care services to displaced people in camps. But timely access to medical care remained a concern expressed by displaced people, who noted long lines for services.

According to an official communiqué issued by the Sri Lankan Ministry of Health on 26 June 2009:

Manik Farm is currently divided into five zones/ welfare villages. In each zone there is one Referral Centre which covers 45,000- 50,000 people of the zone population. The centre is manned by 8-10 medical officers, nurses, pharmacists, MLTs [Medical Laboratory Technicians], dental surgeons and midwives. The centre will, in addition to daily OPD [Outpatient Department] undertake emergency services and also conduct several specialized clinics: obstetric, medical, surgical, paediatric, psychiatric and dental. Some clinics are already in operation. There are plans to construct semi-permanent structures to house these clinics within the next few weeks with the assistance of the UN organizations, foreign governments and several other NGO's and INGO's who have been authorized to work in Manik Farm.

In addition to the Referral Centre, each zone currently has functioning Primary Healthcare Centres (PHCs) which cover between 10,000 and 15,000 people (a total of 13 are functioning at Manik Farm). More will be established throughout the zone to achieve appropriate coverage. It is staffed by 2 to 3 medical officers, 1 nurse and 1 dispenser/ pharmacist. Basic OPD care is provided at this station. Health education activities also take place here. Counselling services, nutrition centres and antenatal, postnatal and well woman

*clinics are available at the PHC as well.*⁵⁸

The Ministry provided the table below outlining available services and noted that in addition to the in-camp services ambulances transported patients from referral clinics to Cheddikulam hospital and other larger or more specialized hospitals as needed:

■ CURATIVE CARE SERVICES								
Zones	0	1	2	3	4	5	6	
Populat- ion	21,602	46,458	75,564	45,328	43,693	500	231,645	
Referral centres		Indian hospital	1	WHO/ Mercy +1	1	0	5 (function- ing)	
Primary Health Care Centres	1	2	4	3	2 1 Sarvodaya	1	14 (function- ing)	
Mobile Home Clinics	Absent	Present	Present	Present	Present	Present		
Night Clinics	Absent	Present	Present	Present	Present	Absent	Main Night centre is at the coordinat- ion centre	
Mobile Labs	Absent	Present	Present	Present	Present	Absent		
Ambu- lance	Present	Present	Present	Present	Present	Present		
Population Health Centre ration 12,800							19(functioning)	

Table 1 shows the present number of persons in these camps and the distribution of point of care service facilities the MoH has set up in the last month since the IDP service need was formally expanded.

■ WITNESS ACCOUNT #2

Thevan aged 55, was originally from Jaffna and had been resident of Kilinochchi for the last twelve years. Just prior to the capture of Kilinochchi in December-January, he and his family (wife Sundari aged 50 and a son, aged 14) fled to Mullaitivu district. They relocated to 13 different places before Thevan sustained a leg injury – hit by artillery shell that had been

fired by the army at Rettavaikkal (near Mullaitivu). Thevan needed medical treatment – which was not available as the army continued to move in and fighting broke out at several different places. He was shipped from Mullaitivu to Pulmoddai by the Red Cross on 24 March, 2009. Thevan was brought to Vavuniya in a government bus and treated in the hospital the next day. He was then shifted to Mannar government hospital where he spent the next two months while his leg healed. He had received no news of his family until recently.

Thevan's wife and son crossed to Omanthai and were detained at the Ramanathan camp (Manik Farm Zone 2) on 15 May, 2009. Thevan could not go to the camp as he is still finding it difficult to walk long distances. His wife's brother Rajagopal went to the camp to see them. What follows is Rajagopal's description of conditions:

In the camp, 10 persons are in one tent. There are around 50,000 to 60,000 persons in the camp. The camp is located at Karadipokku, at a distance of 1.5 km from the A9 highway – a half an hour walk. Nobody can come out of the camp. They cannot pass any information from the camp. It is surrounded by barbed wire fencing and is run by the Sri Lankan army, with support from civilian administrators.

The camp has severe water problems – 30 litres per day is allotted to every person, which has to be got by standing in a queue. This amount is to be used for everything, including personal hygiene, washing clothes, bathing etc. Toilets are rudimentary and there are long queues in front of them since morning.

The elderly and the children and pregnant women find it really hard to manage in the camp. There is very little vegetation or trees and everyone has to sweat it out inside the makeshift tents which are now becoming rag-tagged. Life is either an indefinitely agonizing wait either inside the tents or in the food or toilet queues. The place has no substantive medical facilities and sick persons need to be taken to Vavuniya. Food is distributed by civilian administrators, but supplies can get exhausted as the queues are long. Many NGOs or INGOs are barred from entering the camp. There are very few people being released from the camps – there was an announcement around 15 June that elderly people would be released, but there has been little follow-up.⁵⁹

Rajagopal found that Thevan's family was staying in a tent with 8 others – most of them known to them and his son's school batch-mates. He said this provides some comfort as they do not feel completely alone. Rajagopal said that people generally help each other when they face food and water shortages. Visitors and relatives, Rajagopal said, can come and see them for about 5 minutes at the camp entrance. Names are called out and the inmates need to go to the entrance and wait interminably for their relatives.

■ COMMUNICATION WITH THE OUTSIDE WORLD SUPPRESSED

Family members contacted by Amnesty International continue to report difficulties locating and speaking with loved ones who they believe are detained in the camps, but the situation appears to be improving. According to the UN, most camps accommodating displaced people from the Vanni now have visitor centres where camp residents can meet friends and relatives, although these visits are subject to strict "conditions" including strict limits on the length of encounters. Family members of displaced people in Pulmoddai told the BBC in July that they were being prevented from meeting relatives.⁶⁰ Public phones and postal systems are also

reportedly available in some of the sites.⁶¹

Although some aid workers have said that camp officials tried to prevent people (including UN staff) from bringing mobile phones into the camps or allowing displaced people to use them, Rajagopal found that visitors to Manik Farm Zone 2 managed to bring them in and were using them to help detainees speak with relatives elsewhere. According to Rajagopal:

Visitors' carrying mobile phones is a normal practice, so that the camp inmates can talk to their relatives in Jaffna or Vavuniya or abroad. This is the way Thevan talked to his wife and son. It is normal practice for the visitors to tell the inmates when they are coming next so as to avoid indefinite waits.

The officials of this camp are Tamils – the nominal administrator of the camp was a former Education Department official at Killinochchi, but according to the Rajagopal, the camp is really run by the army. *"The officials are toothless,"* Rajagopal said.

■ MILITARISATION OF THE CAMPS

In July the UN Office of the Resident / Humanitarian Coordinator in Colombo welcomed in the reduction in the role of the military inside some camps,⁶² but the Ministry of Defence and armed forces continued to play a dominant role in policy and decision making regarding the running of the camps and also resettlement plans. A 19 member Presidential Task Force was appointed in mid-May to plan and coordinate resettlement, rehabilitation and development of the Northern Province. The Task Force membership is dominated by the high level officials of the security forces, including Defence Secretary Gotabaya Rajapaksa. Basil Rajapaksa, Minister of Nation Building, chairs the Task Force.⁶³

The Task Force will approve – or deny - any NGO activity in former conflict areas in the north.

On 12 July, Task Force member Major General CA Chandrasiri was appointed governor of the Northern Province, replacing Dixon Dela a civilian administrator. Maj Gen Chandrasiri is also the Competent Authority for the Internally Displaced in the north.

On 28 June, inmates of Manik Farm Zone 2 demonstrated when displaced people who had built a makeshift stile across a barbed wire fence between zones were prevented by soldiers from crossing. While *Tamilnet* reported that two persons had been killed by soldiers attempting to subdue the demonstrators, UN OCHA reported no injuries, although Amnesty International understands that a soldier may have fired shots into the air. According to OCHA, alternative arrangements were subsequently made to allow displaced people to access relatives in other zones. These include registering with the police in the camp.⁶⁴

Arrests have been reported from the camps and Sri Lankan human rights defenders have alleged that enforced disappearances have also occurred.⁶⁵ Since March 2009, Sri Lankan human rights organizations have reported that former LTTE members and members of other armed political factions aligned with the government were present in IDP camps. These unconfirmed reports indicate that they may have been used by the government to identify suspected LTTE members, who were then arrested or abducted and disappeared.⁶⁶ Their presence is also reported in specialized detention facilities where former LTTE members are detained. Some arrests of persons with alleged connections to the LTTE have been

acknowledged by Sri Lankan authorities and carried in the press. The whereabouts of others is unknown. Without independent access to the displaced people, including the ability to speak confidentially to those detained in the camps and to conduct private, one-on-one interviews, it is impossible for humanitarian organizations to fulfil their protection duties or for independent human rights organizations to determine the scale of this violation.

But past screening practices by the Sri Lankan government failed to conform to international human rights standards. The Special Rapporteur to the Secretary General on Internal Displacement, reporting back to the UN Human Rights Council on his mission to Sri Lanka from 14 to 21 December 2007, observed some of the human rights concerns that relate to government screening of the displaced, and used the process in the East of the country as an example: “often screening was conducted by military in the presence of masked men... confidence in the security forces is undermined by routine disregard of procedures for arrest and detention, including notification of family members of the reasons for and location of the individual’s detention. The fact that women simply do not know where their son or husband is, who he is with, or why he was taken, turns their fear into terror”. Forced family separations have been reported as part of the screening process. Women who may go through screening procedures are at greater risk of gender based discrimination including verbal harassment, sexual violence including rape and other forms of exploitation and mistreatment.

Sri Lanka’s history of large-scale enforced disappearances dating back to the 1980s, and the lack of independent monitoring to ensure that there is a reliable system in place to keep track of those arrested and that access is provided to relatives, lawyers and others with a legitimate interest, raises grave concerns that enforced disappearances and other violations of human rights may be occurring in the context of arrests of LTTE suspects.

Previous research by Amnesty International has shown that those persons who are suspected by the government of being members or supporters of LTTE are at grave risk of extrajudicial executions, enforced disappearance, and torture, cruel, inhumane and degrading treatment.

According to the UN Resident Coordinator:

Approximately 9,400 individuals with links to the LTTE have been separated from the civilian population and accommodated in ‘rehabilitation’ facilities. Transfer of these “surrendered” to the authority of the Commissioner General for Rehabilitation is an initial step in the Government’s rehabilitation process. At the same time, the application of Constitutional rights and the process for persons taken into custody must be ensured. Notification to families and the role of the Human Rights Commission of Sri Lanka to track those arrested is particularly important to avoid stress and anxiety among the displaced. UNICEF continues to work closely with the Office of the Rehabilitation Commissioner and other Government partners with regard to children leaving armed groups. These children fall under the care of the Government Emergency Regulation for Child Soldiers, adopted in December 2008. Since the beginning of the year, 343 former child soldiers have been identified, and have been, or are in the process of being, transferred to child rehabilitation centres.⁶⁷

Under international humanitarian law, captured combatants (‘prisoners of war’ in international armed conflicts; ‘persons who have taken direct part in the hostilities’ in non-international armed conflicts) may be held pending the cessation of hostilities. Once active

hostilities have ceased, prisoners of war must be released 'without delay.'⁶⁸ According to the ICRC, in non-international armed conflict a similar, customary rule applies, namely that they "must be released as soon as the reasons for the deprivation of their liberty cease to exist."⁶⁹ This rule does not prevent a state from detaining and prosecuting those suspected of crimes, including war crimes and offences under domestic law.⁷⁰ Amnesty International therefore urges the Sri Lankan authorities to release suspected LTTE members promptly, unless they are charged with recognisably criminal offences and remanded by an independent court. Trials of LTTE members charged with crimes must be held in civilian courts, in proceeding which meet international standards of fairness and without resort to the death penalty.

The population currently living in the camps may still include some children formerly associated with the LTTE, including former child soldiers. The Government has a declared policy of rehabilitating former child soldiers and taken steps to establish a framework for implementation. AI welcomes this and urges the government to carry out rehabilitation and reintegration in accordance with international law and standards, with a primary consideration at all times being "the best interests of the child" (Article 3 of the CRC). Implementation measures should follow international guidelines on the treatment of former child soldiers, notably those set out in the 2007 Paris Principles, which promote the use of an independent civilian process and community based mechanisms where children can be supported without being stigmatised. The Principles also underline that the process should not remove children from their families unless this is absolutely necessary for the protection of the child s.⁷¹ Those suspected of recruiting children must be brought to justice in proceeding which meet international standards of fairness and without resort to the death penalty.

■ CONCLUSION

Tamil survivors of the conflict in Sri Lanka have lived through decades of violence and material deprivation, fear of harm by the Sri Lankan military and other armed groups, the LTTE's authoritarian hold on their communities and the forced conscription of children. Many have been displaced multiple times; many have lost their homes and communities, their livelihoods, family and friends. Many have sustained serious physical injuries and mental distress that may never heal. Prolonged arbitrary detention in overcrowded camps with inadequate facilities guarded and supervised by the Sri Lanka military will only exacerbate their suffering and increase their sense of alienation from the rest of Sri Lankan society.

When Sri Lankan Foreign Minister Rohitha Bogollagama met Ambassador Yasushi Akashi, Japan's Special Representative for Peace Building, Rehabilitation and Resettlement, at the end of June, he thanked him for Japan's continuing support for demining in the North and promised resettlement of displaced persons in their "original places of dwelling." He also anticipated democratization of former LTTE areas through local government elections – elections in which many displaced people will be unable to take part because they lack necessary identification documents.

Ambassador Akashi for his part reportedly commended government efforts to improve facilities for displaced people, but urged the government to expedite their resettlement. In an earlier statement Akashi expressed approval for the government's 180 day plan to resettle the displaced, and said Japan's de-mining assistance "will encourage the return of civilians to their former places of residence."⁷² The Government of India also pledged to assist the

resettlement and rehabilitation of displaced people by supporting better camp conditions, demining and development aid to rehabilitate agriculture and fisheries in the north, and has noted the need for camps to be placed under civilian management.

Amnesty International believes that these exchanges neglect key human rights issues where Sri Lanka's displaced people are concerned, in particular Sri Lanka's obligation under the ICCPR to respect the rights to liberty of the person (article 9) and freedom of movement (article 12). The critical necessity to release all displaced people wishing to leave the camps where they are detained (which should be immediate as they are held without charge in violation of their human rights), must not be confused with eventual resettlement in their home areas (which could take months or years given the need to demine some of these areas and ensure working infrastructure).

Both are urgently important, but the two should not be confused. Sri Lanka's donors should continue to support and encourage resettlement efforts, but must also demand (independent of these efforts) an immediate end to the arbitrary detention of all persons in Sri Lanka's IDP camps.

It is a positive development that the government of Sri Lanka is paying attention to its responsibilities to establish conditions to enable people to return voluntarily, in conditions of safety and dignity to their homes, or to resettle voluntarily in other parts of the country, but these measures will not be implemented immediately. In the meantime, the Sri Lankan government should not impede the exercise of the right to freedom of movement by individuals in the camps who wish to return to their homes or to resettle in other parts of Sri Lanka, and have the practical means to do so.

The Sri Lanka government must also immediately cease the arbitrary detention of internally displaced people by lifting the restrictions which prevent them from moving freely in and out of the camps.

The government's promise to resettle most of the displaced people by the end of 2009 is not enough. Sri Lanka's donors and other members of the international community must not allow themselves to fall into the trap of endorsing the government's resettlement pledge without taking steps to ensure that the assistance they provide is used in a way that enhances, rather than undermines the human rights of the internally displaced. In particular, donors should ensure that assistance they provide to maintain the IDP camps is not used in a way which violates human rights by continuing the practice of arbitrary detention.

RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS UPON THE SRI LANKAN GOVERNMENT TO:

- respect and protect the human rights of all displaced people without discrimination, as guaranteed by the Sri Lankan Constitution and International law, including the rights to freedom of movement, liberty and security of person, the right to health, education and to adequate standards of living and freedom from torture and other ill-treatment and enforced disappearance. All human rights must be guaranteed to all without discrimination. As a first priority the Sri Lankan govt should immediately cease the policy of confining people to camps, which amounts to arbitrary detention, and should allow IDPs residing in the camps to come and go freely;
- allow unimpeded access to the camps by humanitarian organisations and other appropriate bodies to give assistance to IDPs. It should enable those bodies to exercise their responsibility to give regard to the protection needs and human rights of IDPs, including by monitoring registration and screening processes; allow unimpeded access to IDP camps by independent human rights monitors;
- establish conditions and provide means for IDPs to return home in safety and dignity or to resettle voluntarily and without due delay in another part of the country; the Sri Lankan government should involve IDPs themselves in plans for return or resettlement and facilitate the assistance of independent humanitarian organizations and other relevant bodies in this regard;
- with assistance and support from the international community, establish benchmarks (including clear timelines) and put in place durable solutions for Sri Lanka's displaced population, including supporting the permanent, voluntary return of IDPs to their areas of origin, integration into the local community, or resettlement in another part of the country. These must comply with international human rights standards, in particular the UN Guiding Principles on Displacement, including the freedom from arbitrary detention, the right to return home or to resettle voluntarily in another part of the country. Displaced people must be given information on their rights and possible relocation options and they must be able to make informed choices about the future;
- ensure that camps are of a strictly civilian character and administered by the civilian authorities; the government of Sri Lanka must not use screening for LTTE members as an excuse to maintain the military character of camps, or to discriminate against large groups of ethnic Tamils civilians by detaining them for indefinite periods of time under conditions

which violate their human rights;

- bring all persons suspected of crimes under international and national law - including members or its own forces – to justice in trials that meet international standards of fairness;
- take concrete steps to protect the human rights of the displaced from abuses by its own Sri Lankan Armed Forces, other armed groups working independently or in conjunction with its forces, as well as any remaining members of the LTTE;
- make clear to all members of the police, military and other security forces that enforced disappearances and other violations of human rights will not be tolerated under any circumstances. Those in charge of the security forces should maintain strict chain-of-command control to ensure that officers under their command do not commit human rights violations;
- take steps to establish the fate and whereabouts of IDPs and others reported missing as a result of the conflict or as a result of displacement and cooperate with relevant international bodies in this task;
- institute a transparent and standardized registration process for the displaced, and make records available to family members trying to locate loved ones and decrease the risk of enforced disappearances and other human rights violations;
- issue IDPs with national identity cards and other documents necessary for the exercise of their legal rights, and in particular facilitate the issuance of new documents or replacement documents for those lost in the course of displacement without imposing unreasonable conditions;
- respect the right to family life and ensure that families can remain together; take all appropriate steps to expedite the reunification of families which have become separated as a result of the conflict or displacement, and cooperate with the work of humanitarian organisations engaged in this task;
- ensure that screening for any remaining suspected combatants is carried out in ways that guarantee the human rights and dignity of all those involved. Arrangements should be made for independent monitoring of the screening processes. Any arrest of suspected LTTE members must be only by officials who are authorized by law to do so, who should identify themselves to the person being arrested and, on demand, to others witnessing the event. They must be held only in publicly recognised places of detention, and must be brought before a judicial authority without delay after being taken into custody;
- ensure that any such persons must be promptly charged with a recognizable criminal offence and brought to justice in a civilian court in proceedings that meet international standards for fairness, without recourse of death penalty, or else released. While awaiting or undergoing trials they must be allowed to apply for bail. Detainees must be allowed access to lawyers, families and doctors, and have the right to challenge the lawfulness of their detention in front of an independent court;

- make available promptly accurate information about the arrest of any person and about their place of detention, including transfers and releases, to relatives, lawyers and the courts. Relatives and lawyers should have access to effective judicial remedies so they can find out immediately where a prisoner is held and under what authority. Up-to-date registers of all prisoners should be maintained in every place of detention and centrally, and the information in these registers should be made available to relatives, lawyers, judges, official bodies trying to trace people who have been detained, and others with a legitimate interest. Relatives, lawyers and doctors should have prompt and regular access to those detained. There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention holding security detainees;
- guarantee adequate access to necessary services and infrastructure, including education, medical and social welfare facilities. The government must ensure that the right to education and to family reunification are protected for all children, including separated or unaccompanied children. The human rights of all children as recognized in the Convention of the Rights of the Child, to which Sri Lanka is a party, must be respected and protected and the best interest of the child must inform any decisions affecting children;
- ensure that any children in the camps who formerly had links with the LTTE, including former child soldiers, are treated at all times in accordance with the principle of the best interests of the child as a primary consideration. They should not be removed from their families unless this is absolutely necessary for their protection. Rehabilitation and reintegration programs should comply with international guidelines on the treatment of former child soldiers;
- take specific measures to ensure that women are protected from gender based discrimination and sexual or other forms of violence and abuse, both in IDP camps and in the context of relocation and resettlement. Gender parity should be ensured in negotiations between the government and IDPs on running the camps and resettlement.

AMNESTY INTERNATIONAL CALLS ON THE UNITED NATIONS, SRI LANKA'S DONORS AND OTHER MEMBERS OF THE INTERNATIONAL COMMUNITY TO:

- call for an immediate end to restrictions on freedom of movement that prevent displaced persons from leaving the confines of the camps and ensure that assistance they provide to maintain the IDP camps is not used in a way which violates human rights by continuing the practice of arbitrary detention of displaced persons;
- deploy an effective UN human rights monitoring mission to help provide safeguards against human rights abuses and, over the longer term, to contribute to protection of human rights for everyone in Sri Lanka;
- continue to demand full and unimpeded access by relevant UN agencies and other international humanitarian organizations to all IDPs, including for protection purposes. Such access must extend to monitoring registration and screening processes, detention places and IDP camps; call for access to IDP camps by independent human rights monitors and journalists;

- encourage the government to commit to clear benchmarks for durable solutions for Sri Lanka's displaced population that comply with international human rights standards, including permanent, voluntary return to area of origin, integration into the local community, or resettlement in another part of the country;
- disclose information in their possession regarding the final phase of the conflict as an initial step towards an international inquiry into allegations of serious violations of international human rights and humanitarian law in the recent conflict, with a view to establishing the facts and make recommendations on how best to ensure accountability for abuses.

ENDNOTES

¹ Before April 20, there were about 61,000 people in IDP Camps; by the end of May there were more than 280,000.

² According to UNOCHA, as of 3 July there were 260,836 people in camps and 3,129 in hospital in Vavuniya alone.
[http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/6D9374C261ACBAA4852575EF005307D6/\\$File/map.pdf?OpenElement](http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/6D9374C261ACBAA4852575EF005307D6/$File/map.pdf?OpenElement)

³ See, "Sri Lanka: Government misrepresentations regarding the scale of the crisis," Amnesty International, May 2009, ASA 37/012/2009,
<http://www.amnesty.org/en/library/asset/ASA37/012/2009/en/0a7a7b9b-93b8-4dc1-bb2b-3e1955c7e567/asa370122009en.html>.

⁴ Principle 16.2, of the Guiding Principles on Internal Displacement states that: "The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result." Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2 (1998).

⁵ "Sri Lanka: ICRC assists thousands of persons in government-run sites for the displaced," 9 June 2009, <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sri-lanka-update-090609>. Between March and May 2009, ICRC reported that its delegates "held private interviews with more than 6,700 security detainees [presumably persons arrested as suspected LTTE combatants, as discussed above] in nearly 135 government-run places of detention throughout the country." The organization also provided detainees with clothes, toiletries and recreational items, and supported family visits to some 1,400 detainees.

⁶ See, Principle 28, Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2 (1998).

⁷ See, Principle 30, Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2 (1998).

⁸ See, Principles 3.1 and 25.1, Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2 (1998).

⁹ See, Principle 6.3, Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2 (1998).

¹⁰ Principle 14 of the UN Guiding Principles on Internal Displacement states that: "1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence. 2. In

particular, internally displaced persons have the right to move freely in and out of camps or other settlements." Principle 12 states that: "1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. 2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances. 3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement. 4. In no case shall internally displaced persons be taken hostage. Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2 (1998).

¹¹ Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2 (1998).

¹² Ibid.

¹³ Over the course of the conflict the Sri Lankan Ministry of Defence has frequently imposed restrictions on the transport to the north and east of fuel, cement and other essential items considered to be useful to the LTTE. These restrictions were relaxed in 2002, but were re-imposed in 2005. The list of banned items (which changed frequently) has included among other things, certain medicines, large quantities of sugar, bandages, batteries and soap.

¹⁴ Amnesty International Interview, June 2009.

¹⁵ Secretary to the Ministry of Defence, Public Security, and Law and Order, letter dated 5 September, 2008, SMOD/320/DEM/GEN(45). http://www.ngosecretariat.gov.lk/news_events.php?id=26

¹⁶ Amnesty International Interview, June 2009, see also, ICRC News release, 27 January 2009, "Sri Lanka: major humanitarian crisis unfolding".

¹⁷ In successive public statements from February the Sri Lankan government estimated the total number of civilians that remained trapped in the conflict zone at between 50,000 and 70,000; the UN estimate was two to three times that (150,000 to 180,000). In the end, more than 200,000 fled the area in less than a month and were confined in government-run camps. An official Department of Defence Press Release dated 17 February 2009 quoted Ministry of Defence Secretary Gotabhaya Rajapaksa: "Speaking about the civilian casualty figures released by various sources, the Defence Secretary ... has explained that the number of civilians trapped in the remaining LTTE hiding areas as well as the civilians casualties have been excessively exaggerated. He has said that the number of civilians trapped in the war zones is between 50,000- 70,000..." (Sri Lanka: Civilian safety is the top priority - Defence Secretary; Government of Sri Lanka, 17 February 2009, (<http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7PCJAY?OpenDocument&Click=>).

¹⁸ UN OCHA, "Sri Lanka • Vanni Emergency Situation Report #23," 25 June 2009 <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1112059>

On July 11, according to the Indian newspaper, *the Hindu*, the Sri Lankan government announced that local and international NGOs wishing to enter former conflict areas in the north to transport goods or conduct activities, must obtain prior permission from a Presidential Task Force coordinating resettlement of the area. <http://www.hindu.com/2009/07/12/stories/2009071260991500.htm>.

¹⁹ Confidential email correspondence, July 2009.

²⁰ Ibid.

²¹ UNHCR has been present in Sri Lanka since 1987, when it began to assist with the repatriation and

reintegration of Sri Lankan Tamils who had been refugees from India. The repatriation programme continued intermittently (when conditions allowed) until 1995. At the same time, UNHCR became progressively more involved with Sri Lanka's growing population of internally displaced people, many of whom were to be found in the same areas to which the refugees were returning. In 1990, the Government of Sri Lanka formally asked UNHCR to provide assistance to displaced people on both sides of the 'forward defence line' (FDL). This arrangement was formalised in a 1993 Memorandum of Understanding between UNHCR and the Sri Lankan government. The extension of UNHCR's mandate to cover assistance to displaced people in Sri Lanka was agreed by the UN Secretary General in 1991 and reaffirmed in a March 1997 letter from the UN Secretary-General's office, stating that UNHCR "may continue to co-ordinate the UN efforts for humanitarian and relief assistance for internally displaced persons in Sri Lanka." UNHCR's programme for internally displaced persons in Sri Lanka; Report of a joint appraisal mission by the UK Department for International Development and UNHCR, May 2002, <http://www.chs.ubc.ca/srilanka/PDFs/UNHCR%20programme%20for%20IDPs%20in%20Sri%20Lanka.pdf>.

²² SRI LANKA: Growing concern over nutrition of displaced children, IRIN, 5 June 2009. <http://www.irinnews.org/Report.aspx?ReportId=84722>.

²³ I.D.P Camps in Manik Farm: An eye-witness account," 1 July, 2009, <http://dbsjeyaraj.com/dbsj/archives/841>.

²⁴ "SRI LANKA: 'Too many people' at huge IDP camp – UN" IRIN, 11 June 2009, <http://www.irinnews.org/Report.aspx?ReportId=84805>.

²⁵ SRI LANKA: Growing concern over nutrition of displaced children, IRIN, 5 June 2009. <http://www.irinnews.org/Report.aspx?ReportId=84722>.

²⁶ "Anyone can visit IDP camps but not for own gain" The Island, 18 June, 2009, <http://www.island.lk/2009/06/18/news5.html>.

²⁷ Some journalists have visited the camps with escorts.

²⁸ "We should live in this country as children of one mother"- President Address by His Excellency President Mahinda Rajapaksa at the ceremonial opening of Parliament, Sri Jayawardhanapura – Kotte, 19 May 2009, http://www.slmfa.gov.lk/index2.php?option=com_content&do_pdf=1&id=1736.

²⁹ Human Rights Committee, General comment no. 29: States of emergency (article 4), UN Doc. CCPR/C/21/Rev.1/Add.11, 31 August 2001, para. 16.

³⁰ Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2 (1998).

³¹ In early July, 2009 Social Services and Social Welfare Ministry Secretary V. Jegarajasingam said that of 16,408 displaced people over 60 identified by them in Vavuniya, the government had released 5271 to their relatives, and 784 to institutions for the elderly. Major General G.A. Chandrasiri, the Competent Authority on displaced people was reported to have approved the release of 9249 displaced people in from the camps. The government has not approved the release of spouses who are under 60 years of age and some displaced people have refused to be separated from their families.

³² "Sri Lanka begins resettling war displaced," Agence France Presse, 5, August 2009.

³³ There is no fixed schedule for resettlement. But government representatives have said the most

displaced people will be resettled by the end of 2009, or within 180 days. "Tamil refugees may end up in permanent camps, say aid workers," Times Online, 3 July, 2009.
<http://www.timesonline.co.uk/tol/news/world/asia/article6626563.ece>.

³⁴ "Sri Lanka Needs More Time to Resettle Tamils, Minister Says," Bloomberg, 24 July 2009,
http://www.bloomberg.com/apps/news?pid=20601091&sid=aZC.zGfyu_4k.

³⁵ "Update on United Nations Humanitarian Support to Sri Lanka, 9 July 2009," Office of the United Nations Resident Coordinator and Humanitarian Coordinator for Sri Lanka,
[http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/JBRN-7TSC9J-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/JBRN-7TSC9J-full_report.pdf/$File/full_report.pdf).

³⁶ Both cases are fundamental rights applications filed before the Supreme Court. Article 126 of the Sri Lankan Constitution allows an individual alleging "infringement or imminent infringement" of his or her fundamental Constitutional rights to bring the case directly to the Supreme Court. Since Sri Lankan law is based on the English common law system, the principal of judicial precedent (lower courts follow the reasoning of the higher courts in similar, subsequent cases) governs the interpretation of case law. Increasingly, Sri Lankan human rights defenders are using the fundamental rights application process as a form of public interest litigation to establish precedent and challenge government policies or practices that affect larger groups of people, such as internally displaced persons or ethnic minorities.

³⁷ "The tragic journey of a displaced Tamil family in Sri Lanka," By Nanda Wickremasinghe
27 June 2009, <http://www.wsws.org/articles/2009/jun2009/slcm-i27.shtm>

³⁸ Ibid.

³⁹ "The tragic journey of a displaced Tamil family in Sri Lanka," By Nanda Wickremasinghe
27 June 2009, <http://www.wsws.org/articles/2009/jun2009/slcm-i27.shtml>.

⁴⁰ Ibid.

⁴¹ S.S.Selvanayagam, "Child reunited with her family," *Daily Mirror*, 25 June 2009.
http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=52921

⁴² Ibid.

⁴³ "Court wants to see proper report on Sopika by medical practitioner," *Daily Mirror*, 11 July 2009,
http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=54452; "SC directs Commander to admit girl to hospital," *Daily Mirror*, 22 July 2009
http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=55476.

⁴⁴ "Petition seeks freedom of movement for displaced," *The Hindu*, 14 June 2009,
<http://www.hindu.com/2009/06/14/stories/2009061455671200.htm>; Restrictions on the Movement Of IDPs Challenged In Court, *Daily Mirror*, 13 June 2009,
http://www.dailymirror.lk/DM_BLOG/Sections/frmNewsDetailView.aspx?ARTID=51772.

⁴⁵ "Sri Lanka AG informs the Courts on IDPs," ColomboPage News Desk, Sri Lanka, 28 July 2009.

⁴⁶ *Twenty Years of Make Believe. Sri Lanka's Commissions of Inquiry*, Amnesty International Index: ASA 37/005/2009, <http://www.amnesty.org/en/library/info/ASA37/005/2009/en>.

⁴⁷ "Update on United Nations Humanitarian Support to Sri Lanka, 9 July 2009," Office of the United

Nations Resident Coordinator and Humanitarian Coordinator for Sri Lanka,
[http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/JBRN-7TSC9J-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/JBRN-7TSC9J-full_report.pdf/$File/full_report.pdf).

⁴⁸ Ibid.

⁴⁹ Confidential phone interview, July 7, 2009.

⁵⁰ "Sri Lanka: War-Wounded and Displaced Patients Flood MSF Hospitals," 13 June 2009,
<http://www.doctorswithoutborders.org/news/article.cfm?id=3711&cat=field-news>.

⁵¹ "Malnourished children' in IDP camps," BBC Sinhala.com, 23 June 2009,
http://www.bbc.co.uk/sinhala/news/story/2009/06/090623_idps_malnourished.shtml

⁵² Amnesty International interview, June 2009.

⁵³ "Rapid Assessment of Nutritional Status Among Post war Displaced Population in Vavuniya," Dr. Renuka Jayatissa, Nutrition Department, Medical Research Institute, June 2009.

⁵⁴ "Sri Lanka: Impending monsoon season, poor camp sanitation put thousands at risk of disease, warns World Vision," Colombo, June 11, 2009, <http://www.worldvision.org/content.nsf/about/20090610-lanka-monsoon>.

⁵⁵ "SRI LANKA: 'Too many people' at huge IDP camp – UN" IRIN, 11 June 2009,
<http://www.irinnews.org/Report.aspx?ReportId=84805>.

⁵⁶ "Sri Lanka – Complex Emergency Fact Sheet #14, Fiscal Year (FY) 2009," USAID, Bureau For Democracy, Conflict, And Humanitarian Assistance (DCHA), Office Of U.S. Foreign Disaster Assistance (OFDA)

July 9, 2009. [http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/ASHU-7TT2KS-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/ASHU-7TT2KS-full_report.pdf/$File/full_report.pdf).

⁵⁷ UNOCHA: Sri Lanka: Vavuniya District - IDP Site Locations and Capacity as of 09 July 2009,
[http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/DA15F4051D50DEEE852575EF005229CA/\\$File/map.pdf?OpenElement](http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/DA15F4051D50DEEE852575EF005229CA/$File/map.pdf?OpenElement).

⁵⁸ "Official Communiqué from the DGHS Ministry of Healthcare and Nutrition

on the current status of IDP Healthcare and the Ministry Response to the

Challenges," <http://www.health.gov.lk/IDP/IDP%20Healthcare.pdf>.

⁵⁹ Amnesty International Interview, July 2009.

⁶⁰ "Relatives 'not allowed' to visit IDPsdisplaced people," BBC Sinhala.com, 14 July, 2009,
http://www.bbc.co.uk/sinhala/news/story/2009/07/090714_pulmoddai_idps.shtml.

⁶¹ "Update on United Nations Humanitarian Support to Sri Lanka, 9 July 2009," Office of the United Nations Resident Coordinator and Humanitarian Coordinator for Sri Lanka,
[http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7TSC9J/\\$File/full_report.pdf](http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7TSC9J/$File/full_report.pdf).

⁶² Update on United Nations Humanitarian Support to Sri Lanka, 9 July 2009," Office of the United Nations Resident Coordinator and Humanitarian Coordinator for Sri Lanka,
[http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7TSC9J/\\$File/full_report.pdf](http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7TSC9J/$File/full_report.pdf).

⁶³ Both are the President's brothers. Other influential members of the Task Force include: Defence Chief of Staff Air Chief Marshal G D Perera; Army Commander Lt. Gen. Sarath Fonseka; Navy Commander Vice Admiral Wasantha Karannagoda; Air Force Commander Air Marshall W D R M J Gunatillake; Inspector General of Police Jayantha Wickremarathne, Director General\Department of Civil Defence Rear Admiral S P Weerasekera, and Maj. Gen. Major General. G A Chandrasiri, who was Chief of Staff of the Sri Lanka Army\Competent Authority for the Northern Province at the time of his appointment.. In July Chandrasiri was formally sworn in as Governor of the Northern Province.

⁶⁴ UN OCHA, Sri Lanka: Vanni Emergency, Situation Report #24, 02 July 2009
[http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/STRI-7TLPGS-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/STRI-7TLPGS-full_report.pdf/$File/full_report.pdf)

⁶⁵ "Youth 'disappear' from IDP camps," BBC Sinhala.com, 15 June 2009.,
http://www.bbc.co.uk/sinhala/news/story/2009/06/090615_sunila_hooded.shtml; "A profile of human rights and humanitarian issues in the Vanni and Vavuniya," Center for Policy Alternatives (CPA), 31 March 2009.

⁶⁶ Ibid. It has also been alleged that armed groups allied with the Sri Lankan government have attempted to recruit children from the camps. See, "Sri Lanka Issues Concerning Protection of Children Post Armed Conflict; Presented To The Security Council Working Group on Children And Armed Conflict," Coalition to Stop the Use of Child Soldiers, July 2009, http://www.child-soldiers.org/Sri_Lanka_Briefing_doc_-_Child_Soldiers_Coalition_-_July_2009.pdf.

⁶⁷ Update on United Nations Humanitarian Support to Sri Lanka, 9 July 2009," Office of the United Nations Resident Coordinator and Humanitarian Coordinator for Sri Lanka,
[http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7TSC9J/\\$File/full_report.pdf](http://www.reliefweb.int/rw/rwb.nsf/db900sid/JBRN-7TSC9J/$File/full_report.pdf).

⁶⁸ See Article 118 of the Third Geneva Convention.

⁶⁹ See Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume 1: Rules* (Cambridge: Cambridge University Press & International Committee of the Red Cross 2005), pp. 451-6.

⁷⁰ See *ibid*.

⁷¹ The Paris Principles; Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, February 2007, [http://reliefweb.int/rw/lib.nsf/db900sid/JFRN-6Y2PS7/\\$file/unicef-childrenwar-feb2007.pdf?openelement](http://reliefweb.int/rw/lib.nsf/db900sid/JFRN-6Y2PS7/$file/unicef-childrenwar-feb2007.pdf?openelement).

⁷² "Akashi welcomes Govt's action on IDP welfare," Sri Lankan Government News Line, 10 June 2009.
http://www.priu.gov.lk/news_update/Current_Affairs/ca200906/20090610akashi_welcomes_govts_action.htm.



WHETHER IN A HIGH-PROFILE
CONFLICT OR A FORGOTTEN
CORNER OF THE GLOBE,
AMNESTY INTERNATIONAL
CAMPAIGNS FOR JUSTICE, FREEDOM
AND DIGNITY FOR ALL AND SEEKS TO
GALVANIZE PUBLIC SUPPORT
TO BUILD A BETTER WORLD

WHAT CAN YOU DO?

Activists around the world have shown that it is possible to resist the dangerous forces that are undermining human rights. Be part of this movement. Combat those who peddle fear and hate.

- Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us make a difference.
- Make a donation to support Amnesty International's work.

Together we can make our voices heard.

I am interested in receiving further information on becoming a member of Amnesty International

name

address

country

email

I wish to make a donation to Amnesty International (donations will be taken in UK£, US\$ or €)

amount

please debit my

Visa

Mastercard

number

expiry date

signature

www.amnesty.org

**I WANT
TO HELP**

Please return this form to the Amnesty International office in your country.
For Amnesty International offices worldwide: www.amnesty.org/en/worldwide-sites

If there is not an Amnesty International office in your country, please return this form to:
Amnesty International, International Secretariat, Peter Benenson House,
1 Easton Street, London WC1X 0DW, United Kingdom



UNLOCK THE CAMPS IN SRI LANKA

SAFETY AND DIGNITY FOR THE DISPLACED NOW

Hundreds of thousands of people displaced by the recent war in northeastern Sri Lanka are being denied basic human rights, including liberty and freedom of movement. Since fighting ended in May 2009, the authorities have confined internally displaced people to what are effectively detention camps which are overcrowded and unsanitary, surrounded by barbed wire and guarded by armed personnel.

Those living in the camps, including entire families, the elderly and children, are not permitted to leave. They are detained without charge or trial, in violation of Sri Lanka's obligations under international law. With no independent monitors able to freely visit the camps, people are left unprotected and at risk of enforced disappearances, abductions, arbitrary arrest and torture.

Amnesty International calls on the government to ensure that the camps are of a truly civilian nature and administered by civilian rather than military authorities, and that restrictions on liberty and freedom of movement for residents are lifted. It urges that immediate and full access be given to national and international organizations and observers, including aid agencies, in order to monitor the situation and provide a safeguard against human rights violations.

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

www.amnesty.org

Index: ASA 37/016/2009
September 2009

AMNESTY
INTERNATIONAL

