

Sri Lanka: a question of rights

The Sri Lankan government's current policy of indefinitely interning IDPs is in violation of their human rights.

The Sri Lankan government is currently holding around 270,000 IDPs in what are in effect internment camps in the north of the country. The largest of the IDP camps, Menik Farm in Vavuniya District, holds just over 220,000 people, making it Sri Lanka's second biggest town and the largest IDP site in the world.

Having fled the front line of a brutal last-stand fight in May 2009 between the government and the Liberation Tigers of Tamil Eelam (LTTE), none of these individuals has been charged with any crime, has had access to a lawyer or been informed of how long this illegal internment will last. They essentially stand accused by the government, en masse, of being LTTE supporters or fighters.

the rehabilitation centres, is now being encouraged by the government to leave the country, with the government arguing that as there is no longer active conflict in the country, ICRC's mandate does not apply. Since early July, the ICRC has had no access to any of the IDPs. While it is clear that the government needs to address possible threats to its security, only a transparent screening process with clear criteria within a legal framework will enable them to deal with the security issues and at the same time sow the seeds of trust and respect needed for long-term peace in the country.

As of mid-July 2009, there were 30 IDP camps, run and guarded by the military, in the districts of Vavuniya,

allowed to leave the closed camps permanently and move in with host families or to old people's homes. Yet it is estimated that at least 50% of the detained IDPs have family or friends they could stay with.

Deteriorating humanitarian conditions

The government has pledged that the majority of the displaced will be able to return home by the end of 2009 but this seems unrealistic. The de-mining alone that is required in return areas before any IDPs can return home is likely to take at least two years. Reconstruction of the former war zone will also take time. In the meantime, the authorities are making the IDP sites more permanent by constructing banks, post offices and supermarkets, all the while making little progress on releasing people or easing the severe restrictions on their freedom of movement. These facilities provide a superficial impression that all is well but the reality is very different. Humanitarian conditions in the camps are deteriorating. Overcrowding, limited water and sanitation facilities, lack of health care, restrictions on humanitarian access and the lack of coordination between the government, the military and the humanitarian community are having grave consequences on the lives and dignity of the IDPs. Almost all of these issues could be resolved if freedom of movement and civilian planning and management of the camps were allowed.

Chickenpox, dysentery and scabies are rife, and hepatitis A has only recently been brought under control; at least 35% of children in the camps are malnourished; and the entire interned population is being served by just 50 doctors.¹ The government refuses to publish the official mortality or morbidity statistics for the camps but they are believed to be high; the majority of the population was in a severely weakened state when they arrived, having survived war-zone conditions for many months; many also have conflict-related injuries.

Shortages of food and water, as well as restrictions on movement between



Menik Farm in Vavuniya District, Sri Lanka.

An estimated 11,000 people, including children, have been identified as former combatants, and separated out from the camps to 'rehabilitation' centres. But this has been conducted through a process devoid of any legal framework and without transparency or international monitoring. The ICRC, which initially had access to

Mannar, Jaffna and Trincomalee. The IDPs are permitted to leave the camps only for emergency medical care or urgent specific reasons such as attendance at a funeral (and even then often with a military escort). Fewer than 6,000 IDPs – largely the elderly and people with learning disabilities – have officially been

various parts of the camps, have already caused some unrest, with several demonstrations and protests inside the camps. The government, sensing the possibility of larger-scale dissent, is now planning on breaking the bigger camps into smaller 5,000-person sites.

Family separation

One key consequence of the lack of freedom of movement is continued family separation – particularly for the last group of IDPs to leave the war zone in May 2009. IDPs from that period report many separations in the conflict zone and during the government's screening process, as well as separation from injured family members who were transferred to hospitals around the country. Many IDPs sent to Menik Farm have no information on the whereabouts of other family members and this lack of information is increasingly affecting their mental health and exacerbating their trauma.

IDPs have reported that the last battle in the war zone was extremely violent, with neither party to the conflict respecting the key principles of international humanitarian law of proportionality or distinction between civilians and combatants. Without access to the former conflict area, or direct access to IDPs for interviews, it is currently impossible to verify any figures of those killed or attempt to trace or identify the missing – but it will clearly be vital to do so. Greater transparency over what happened in the last weeks of the fighting will temper the ongoing propaganda from both sides and will facilitate a more meaningful process for truth and reconciliation in the country.

The ethics of response

Although the international community has poured tens of millions of dollars into IDP camps and sites in Sri Lanka, some humanitarian organisations continue to face access restrictions and delays in the north as well as in the east where there remain smaller groups of IDPs from a period of combat between the army and the LTTE in 2006-07. The humanitarian community has been plunged into an

ethical quagmire by the existence of the detention camps. On the one hand, aid organisations are compelled to provide life-saving assistance to IDPs who escaped the conflict zone severely traumatised and often with just the clothes on their back. On the other hand, it goes against basic humanitarian principles to assist and fund a government policy of illegal internment. But if the humanitarian community does not assist the IDPs, who will? The government has not got the funds, capacity or political will to deal with such a large displaced population on its own – and clearly is not exercised by the need to ensure that any assistance reaching the displaced meets international standards or principles nor by adherence to the Guiding Principles on Internal Displacement.

This ethical dilemma should engage the whole international donor community. The government is unlikely to pay serious consideration to demands from donors to improve conditions for IDPs if the same donors continue to provide large amounts of money for government projects elsewhere in the country. While some donors – as a matter of principle – are playing only a limited role in the camps in the north, they continue to fund large-scale development projects, alongside other donors who are saying nothing about the human rights issues. If donors are serious about promoting human rights improvements for the IDPs

facing violations, then their funding policy towards Sri Lanka should be coherent, conditional and measured.

The plight of the 270,000 interned IDPs – and the forcible returns of displaced people in the east – should be at the forefront of any discussion with the Sri Lankan government, including by organisations such as the International Monetary Fund which recently approved a \$2.6 billion loan to Sri Lanka and the European Commission which is expected to renew favourable tax concessions to the country in October.

The wholesale restrictions on IDPs' freedom of movement in the north are not only in violation of Sri Lanka's constitution and international human rights law; they also violate a myriad of other rights by denying people the right to a livelihood, education, access to adequate healthcare, food, water and family life. The internment of the IDP population is not just a question of rights but of basic human dignity.

Due to sensitivities surrounding international assistance in Sri Lanka, the authors and their agencies have requested not to be named.

See also the International Crisis Group's recommendations at <http://www.crisisgroup.org/home/index.cfm?id=6070&l=1>

1. *The Guardian*, 'Sri Lanka's Dangerous Silence', 20 July 2009 <http://www.guardian.co.uk/commentisfree/2009/jul/20/sri-lanka-tamil-rights>

In the northern Sri Lankan town of Vavuniya, a young Tamil woman attempts to speak to family members inside one of 16 IDP camps set up by the government.



IRIN