



November 18<sup>th</sup>, 2009

US Secretary of State Hillary Clinton  
Harry S. Truman Building  
2201 C Street, NW  
Washington, DC 20520

Dear Secretary Clinton,

I would like to bring to your attention Amnesty International's concerns regarding the treatment of ethnic Tamil civilians in Sri Lanka and the lack of accountability for all sides in the recent conflict.

The end of November marks the expiration of the original deadline to "resettle most of the IDPs," as set by Sri Lankan President Mahinda Rajapaksa during a visit by UN Secretary General Ban Ki-moon in May. The end of November (the 20<sup>th</sup>) also marks the global commemoration of Universal Children's Day, underscoring the tragedy of the tens of thousands of children who remain locked up in Sri Lanka's de facto detention camps.

I am grateful members of the State Department, notably Assistant Secretary Schwartz, have raised concerns regarding the ongoing detention of civilians displaced by the conflict, and I applaud the State Department's investigation and report of alleged war crimes by both parties to the conflict. These steps have already had a positive human rights impact in Sri Lanka. But too many human rights concerns remain.

#### Ongoing detention of IDPs

Although releases from Sri Lanka's camps for internally displaced persons have accelerated, the Sri Lankan government continues to confine people who fled fighting in closed camps, denying them the right to liberty and freedom of movement six months after the end of the war. Around 150,000 displaced people remain in government camps in Northern Sri Lanka, set up in the last stages of the armed conflict between the Sri Lankan government forces and the Liberation Tigers of Tamil Eelam (LTTE). Camp shelters have deteriorated as Sri Lanka has entered the rainy season.



The camps remain military in nature. Decision-making related to management of the camps and the fate of displaced people in those camps is controlled by the military. This extends to such basic issues as the need for military approval for displaced persons to leave the camps to seek medical care. A recent escapee from Chettikulam camp reported to Amnesty International that some women had been forced to give birth in front of strangers without privacy. “Medical staff are only available in the camps 9 to 5,” the escapee said. “People start waiting in line for medical assistance from early morning...how can you expect a lady who is pregnant to stand in a line for hours? If the war has ended, why doesn’t the government let these people out?”

Displaced people have received no warning about impending releases or conditions in their places of origin that would enable them to make plans for the future. Nor have they been given clear information about their rights and obligations, their legal status or procedures for tracing family members. Displaced people have been given no voice in the decision-making procedure regarding their release, return or resettlement. Amnesty has received reports that many were merely transferred to other camps in the area where they may be subjected to rescreening by local authorities.

An estimated 12,000 people (including children) suspected of links to the LTTE have been arrested, separated from the general displaced population and detained by the authorities in irregular detention facilities, such as vacated school buildings. Amnesty International has received repeated, credible reports from humanitarian workers about the lack of transparency and accountability in the screening process, which is conducted outside of any legal framework. There are also increased dangers to detainees when they are held incommunicado. While screening is appropriate to ensure that LTTE combatants are not housed with the general camp population, proper procedures should be followed and the screening process must not be used as an excuse for collective punishment. Independent monitors (including the ICRC) continue to be denied access to sites housing adult LTTE suspects. Detainees have not been charged with any offence, and have been denied legal counsel and due process. Many are held incommunicado.

#### Need for an international investigation

Sri Lanka has recently emerged from more than 25 years of armed conflict between government forces and the LTTE. There is strong evidence—including testimonies, on the ground pictures, satellite imagery and aerial photographs—that both sides have violated international humanitarian law during the course of the conflict. Government artillery was fired in densely populated areas. Civilians were forced by the



LTTE to remain in the conflict zone, using them as human shields against the approaching army. Adults and children were conscripted by the LTTE to serve as combatants.

Impunity for such violations has been the rule, rather than the exception. On October 26, in response to the release of the State Department's report, the Sri Lankan government vowed to appoint a committee of experts to investigate alleged humanitarian law violations. While commissions of inquiry have previously been initiated by the government on an *ad hoc* basis whenever Sri Lankan forces received adverse publicity for serious violations of human rights, none have advanced justice. These failed attempts to deliver justice have been extensively documented by human rights organizations, including the 2008 Human Rights Watch report "Recurring Nightmare" and Amnesty International's most recent report, "Twenty Years of Make-Believe: Sri Lanka's Commissions of Inquiry."

The Sri Lankan President's most recent proposal to appoint a committee of experts to examine allegations of violations of international humanitarian law appears to be yet another attempt to deflect attention from repeated calls for an independent international investigation—calls supported by our organization and many other international and domestic human rights groups. These pleas were sustained by the recent report released by the US Department of State's Office of War Crimes Issues.

I encourage you to speak more forcefully on the following two issues:

1. I urge you to increase pressure on the Sri Lankan government to restore the rights and freedom of internally displaced persons in the North and East of the country. Further, I call on you to take the necessary steps to ensure unhindered access for the media and independent organizations to the camps – including transit camps – in order to provide the necessary human rights protection and humanitarian needs.
2. The Sri Lankan government has a well documented track record of not investigating human rights violations. This is proven by the lack of an inquiry into allegations of war crimes when the fighting ended six months ago. Simply encouraging Sri Lanka to probe these accusations will not suffice. In order to seriously confront the abuses listed in the State Department's report, I urge you to call for an international commission of inquiry into serious allegations of human rights abuses, including possible war crimes by both parties to the conflict.



Madame Secretary, I believe that the current treatment of ethnic Tamil civilians by the Sri Lankan government, combined with an ongoing culture of impunity, will serve only to foment future conflict. The ongoing detention of Tamil civilians displaced by the conflict will prohibit any meaningful and sustainable reconciliation. I urge you to publicly and forcefully state these concerns at this critical time.

Sincerely,

A handwritten signature in cursive script that reads "Larry Cox".

Mr. Larry Cox, Executive Director  
*Amnesty International USA*

cc: Assistant Secretary of State for South and Central Asian Affairs, Robert Blake  
Assistant Secretary of State for Democracy, Human Rights and Labor, Michael Posner  
Assistant Secretary of State for Population, Migration and Refugee Affairs, Eric Schwartz  
Ambassador Stephen Rapp, Office of War Crimes Issues