

Introduction:

During the past several months, Tamil civilians, lodged within a narrow strip of land in Sri Lanka's northeast and caught between intense fighting, were killed in the thousands. Despite the unprecedented mobilization of the Tamil Diaspora, repeated calls to politicians and international leaders to rescue these civilians largely fell on deaf ears. The United Nations failed to act and the Sri Lankan government, employing the language of terrorism and sovereignty, continued the war and justified – if not, denied for months – the civilian lives lost as a result. Accordingly, winning the war at any cost became the first priority of the Sri Lankan government, even if the cost was that of human lives.

Now, at the conclusion of the 26-year-old struggle between the Liberation Tigers of Tamil Eelam ("LTTE") and the armed forces of the government of Sri Lanka in May 2009, the Sri Lankan government committed itself to caring for and ensuring the speedy return of the civilians internally displaced as a consequence of the fighting. As part of the vetting process to identify former combatants who were part of the LTTE, the government has set up make-shift camps to house the nearly 300,000 Tamil Internally Displaced Persons (IDPs) who fled their homes as the war drew to an end.

In the immediate aftermath of the end of the conflict, the Sri Lankan government made commitments to the world to improve the conditions for the people housed in the camps. As part of the United Nations Human Rights Council 11th Special Session on Sri Lanka held on May 26-27, 2009, the Sri Lankan government stated that the "bulk" of the internally displaced persons (IDPs) would be resettled within six months, 1 or 180 days.

As we draw closer to the end of the first 60 days of this resettlement period as committed by the Sri Lankan government, this report, the first of such monthly reports, will track the progress and process of resettlement. The aim is to address the human rights and humanitarian needs of the IDPs currently living in camps by highlighting areas of improvement and concern regarding their treatment and living conditions. The hope is that through consistent, balanced and

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¹ Human Rights Council, Eleventh Special Session, 26-27 May 2009. A/HRc/S-11/2 2 June 2009 at page 5.

concerned reporting, Sri Lanka can be held to its commitment to return IDPs to their communities within six months.

International Guidelines:

The United Nations (UN) Office for the Coordination of Humanitarian Affairs (OCHA) has produced a set of principles to guide states and organizations dealing with internally displaced populations. These Guiding Principles "identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return of resettlement and reintegration." The following are some of these Guiding Principles, selected for their particular relevance and importance in framing any understanding of the situation and conditions faced by the IDPs in Sri Lanka's camps.

Location and Statistics on the IDP Camps:

Principle 1:

Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country.

The last stages of the war produced 283, 179 IDPs from Vanni alone.³ These people are located in numerous camps and hospitals scattered across the northern region of Sri Lanka. The majority of the IDP population is presently housed in emergency camps, the largest of which is Manik Farm, in Vavuniya. Manik Farm, though it was intended to shelter 100,000 civilians, actually consists of six sites where 227, 324 people,⁴ roughly 80% of the displaced civilians, currently live.

In what has been described as the largest IDP camp in the world,⁵ this issue of overcrowding is by no means minor. The UN resident coordinator in Sri Lanka, after visiting the

² OCHA Guiding Principles on Internal Displacement

³ Vanni IDP Situation, Arrivals since October 2008 to July 2009

⁴ IDP Site Locations and Capacity as of July 9, 2009

⁵ IRIN article titled "Sri Lanka: Too many people at huge IDP camp" June 11, 2009 http://www.irinnews.org/Report.aspx?ReportId=84805

camp, reported "seeing 10-15 people in tents designed for five." These conditions contribute heavily to the health, sanitation and safety concerns that have surfaced. With only four months remaining in the time frame identified by the government for IDP resettlement, these issues and the release of only 5,104 IDPs as of July 3, 2009, leaves a lot of gaps and a lot of worries for the civilians still contained in these temporary camps. Notably, it is mainly elderly IDPs who have been released to host families and other institutions for the elderly. To complicate matters, the Sri Lankan government recently requested that the International Community of the Red Cross (ICRC) scale down its activities in the country, exposing an already aid-starved population to further deprivation of assistance.

Family Reunification:

Principle 14

- (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 17

- (1) Every human being has the right to respect for his or her family life.
- (2) To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
- (3) Families which are separated by displacement should be reunited as quickly as possible. 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.

⁶ IRIN article titled "Sri Lanka: Too many people at huge IDP camp" June 11, 2009 http://www.irinnews.org/Report.aspx?ReportId=84805

⁷ Vanni IDP Situation, Arrivals since October 2008 to July 2009

⁸ Sri Lanka: End Illegal Detention of Displaced Population, Human Rights Watch: http://www.hrw.org/en/news/2009/06/11/sri-lanka-end-illegal-detention-displaced-population at para 5.

(4) Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Presently, some attempt is being made to facilitate the reunification of families who are scattered between camps but the lack of information regarding separated family members continues to be an issue. Many of the civilians in the camps have close relatives in the region, but are not being allowed to leave the camps to live with them. Due to protests by IDPs at Manik Farm regarding their inability to visit relatives located in other zones, IDPs are now required to register with the police before being permitted to visit family located in other camps or zones. Considering Guiding Principles 14 and 17 which state that all IDPs have the right to liberty and freedom of movement as well as the right to be reunited and remain with family members, the level of restrictions imposed on IDPs in the camps significantly interferes with these rights. With over 200,000 people in Manik Farm alone, permits for travel are unlikely to be processed quickly. The ratio of 10-15 people per tent, as previously mentioned, also affects the privacy of families who are able to live together.

Food:

Principle 18

- (1) All internally displaced persons have the right to an adequate standard of living.
- (2) At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
 - (a) Essential food and potable water;
 - (b) Basic shelter and housing;
 - (c) Appropriate clothing; and
 - (d) Essential medical services and sanitation.
- (3) Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

⁹ USAID document, "Sri Lanka – Complex Emergency" July 9, 2009... page 2

¹⁰ Sri Lanka: End Illegal Detention of Displaced Population, Human Rights Watch: http://www.hrw.org/en/news/2009/06/11/sri-lanka-end-illegal-detention-displaced-population at para 6.

¹¹ USAID document, "Sri Lanka – Complex Emergency" July 9, 2009... page 1.

Guiding Principle 18 in the OCHA handbook declares all IDPs to have the right to an adequate standard of living, the minimum level of which requires that IDPs be provided with safe access to essential food and potable water. The UN World Food Program reports that, with the help of the Sri Lankan government, the humanitarian community and the private sector, more than 200,000 loaves of bread have been distributed to displaced persons since May. While that information is heartening, the reality is that there are more than 200,000 IDPs in need of sufficient quantities of food for survival.

News sources like Al Jazeera have reported that standards for food, water and sanitation are well below what they ought to be, and that many children under five years of age are victims of malnourishment. ¹² They quote some camp residents saying "For the past three days we have not taken a bath. We are only getting one meal a day in the night. We have been living in dirt and there is a bad odor in the air everywhere." ¹³ A partner of the American Jewish World Service, has described current conditions as 'agonizing,' saying that:

"IDPs including pregnant mothers, small children and elders stand in queues for a long time to get food. Many days they don't get breakfast and lunch arrives late in the day. There is no special food or milk powder supplements for pregnant mothers, lactating mothers, children and the sick. ... Many people don't have proper utensils or plates to receive food. They use plastic bags, or sometimes use both their hands like a plate, to receive the food. Safe drinking water is a question and the water supplied to the IDPs is not enough at all. They even drink the water from toilets."

Sanitation:

Although IDPs are guaranteed essential sanitation as per Guiding Principle 18, this is already a problem in overcrowded camps. Incidents of IDPs who, lacking other sources of water, are now forced to drink from toilets, raise the level of urgency in dealing with sanitation and nutrition. Neil Buhne, the UN resident coordinator in Sri Lanka, told IRIN, the humanitarian news and analysis service of the UN OCHA, that "improvements to water and sanitation facilities at the camp have been carried out, but in some places 100 people are using a single latrine when the standard should be around 20." He further added that "some pit latrines which

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 ¹² Tony Birtley, "No welfare for Sri Lanka's Tamils" online from Al Jazeera English: http://english.aljazeera.net/news/asia/2009/06/200961962329963252.html. Monday, July 06, 2009
 ¹³ Tony Birtley, "No welfare for Sri Lanka's Tamils" online from Al Jazeera English:

were built when the camp was first opened in November 2008 were overflowing, causing discontent."¹⁴ Buhne also noted that camps have already experienced outbreaks of disease and warned that the situation for Sri Lanka's IDPs will only worsen if the water and sanitary conditions do not improve.¹⁵

Healthcare:

Principle 19

- (1) All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
- (2) Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counseling for victims of sexual and other abuses.
- (3) Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

As of July 2009, 14 health care centers, four referral hospitals and some mobile health units are available to address the healthcare needs of the IDPs. However, given the number and concentration of displaced civilians as well as the varying locations of the IDP camps, the reality is that medical facilities are scarce and unable to provide sufficient or adequate care for every individual in need of medical attention. Media reports note that "there have been outbreaks of diseases such as Hepatitis A, chicken pox and skin ailments, and there are fears that cholera may develop."

¹⁴ IRIN article titled "Sri Lanka: Too many people at huge IDP camp" June 11, 2009 http://www.irinnews.org/Report.aspx?ReportId=84805

¹⁵ IRIN article titled "Sri Lanka: Too many people at huge IDP camp" June 11, 2009 http://www.irinnews.org/Report.aspx?ReportId=84805

¹⁶ USAID document, "Sri Lanka – Complex Emergency" July 9, 2009... page 2.

¹⁷ Tony Birtley, "No welfare for Sri Lanka's Tamils" online from Al Jazeera English: http://english.aljazeera.net/news/asia/2009/06/200961962329963252.html. Monday, July 06, 2009, see also IRIN news repot "Too Many people at huge IDP camp"

As other news sources report, most of the IDPs who arrived at the camps after the fighting ended were severely weakened by months spent in the conflict zone and they were met by medical resources too far overstretched to address their needs.¹⁸ One aid worker described the situation by stating:

"In hospitals, there are no proper supplies for the injured and sick. Hospitals are overwhelmed and outsiders are not allowed to see the injured. The situation of the elderly is even worse. Some of them are bedridden and they need others' help to do their routine. Six to seven elders die daily." ¹⁹

Under these conditions, the rights to essential medical services that respond to the particular needs of women, children, the elderly and the disabled, with minimal delay, seem far from the reality of camp life.

Female IDPs are especially vulnerable in this environment. There are 75,000 females of reproductive age in the camps. They lack basic support for hygiene and reproductive healthcare. It is estimated that 6,000 of these women and girls are pregnant and in need of potentially lifesaving obstetric care.²⁰

Dr. Shamini Kirupa, a Canadian doctor specializing in Obstetrics and Gynecology (OB/GYN), had an opportunity to visit the camps. She was able to report that in the OB/GYN ward of the Vavuniya General Hospital, overcrowding was an issue creating many health problems. Pregnant women endured labour without pain medication, with three or four women sharing one hospital bed at times. She also reported that inadequate staffing was also a major problem, particularly, the nurse to patient ratio. The overworked and exhausted staff was seen to have compromised the quality of care. ²¹

Education:

Principle 23

(1) Every human being has the right to education.

¹⁸ American Jewish World Service, "Sri Lanka's War May Be Over, But the Humanitarian Toll Keeps Growing" from http://www.ajws.org/who we are/news/archives/features/sri lankas war may be over.html.

¹⁹ American Jewish World Service, "Sri Lanka's War May Be Over, But the Humanitarian Toll Keeps Growing" from http://www.ajws.org/who_we_are/news/archives/features/sri_lankas_war_may_be_over.html.

²⁰ http://www.un.lk/media centre/press releases.php#

²¹ Telephone interview with Dr. Shamini Kirupa at 6:15 on Thursday July 17, 2009.

- (2) To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
- (3) Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.
- (4) Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

As Guiding Principle 23 outlines, IDPs have a right to education. Working in collaboration with the Ministry of Education, UNICEF, Save the Children and other NGO partners, 132 temporary learning spaces have been built with another 50 under construction.²² Approximately 50, 000 displaced children reportedly have access to education and to school materials.²³ Such figures, though promising, should be read with caution. Given the pressing problems facing internally displaced children in the camps, particularly, malnutrition, many of these children may not be able to benefit from the existence of such learning spaces. Moreover, concerns about freedom of movement may further serve to hinder the use of these spaces. With over 280, 000 IDPs confined within the camps, the ability to freely travel to and from these spaces may be severely limited.

Furthermore, the construction of these so-called temporary spaces may actually indicate an intention to build permanent camps. As Rajinda Jayasinghe, the head of Relief International in Sri Lanka, states, "...you can see from the outside proper brick-walled buildings going up."²⁴ An aid worker further reports that, "in zones where the Government works there are permanent shelters: cement floors, timber structures, corrugated iron roofs ... These are designed to last years."²⁵ The use of concrete flooring is allegedly a violation of UN guidelines on temporary refugee shelters: "The use of concrete flooring is inconsistent with temporary structures and is

²³ Update on United Nations Humanitarian Support to Sri Lanka 9 July 2009 ... page 2.

²² Update on United Nations Humanitarian Support to Sri Lanka 9 July 2009 ... page 2.

²⁴ Hannah Roberts, "Tamil refugees may end up in permanent camps, say aid workers" online from The Times: http://www.timesonline.co.uk/tol/news/world/asia/article6626563.ece. July 3 2009

25 Hannah Roberts, "Tamil refugees may end up in permanent camps, say aid workers" online from The Times:

one of the recognized criteria of a semi-permanent structure."²⁶ Its use, in turn, even within so-called temporary learning spaces, suggests a commitment by the government of Sri Lanka to the longevity of IDP sites.

Safety:

Principle 10:

- (1) Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
 - (a) Genocide;
 - (b) Murder;
 - (c) Summary or arbitrary executions; and
 - (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death

Principle 12:

- (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.

Under Guiding Principle 10, IDPs are protected by the law and in particular, against threats to their safety. In accordance with this principle, on July 9, 2009, U.N. agencies reported that the Government of Sri Lanka camp authorities authorized the organization of IDP committees to discuss IDP concerns such as safety.²⁷ This authorization was a result of

²⁶ Hannah Roberts, "Tamil refugees may end up in permanent camps, say aid workers" online from The Times: http://www.timesonline.co.uk/tol/news/world/asia/article6626563.ece July 3 2009

²⁷ USAID document, "Sri Lanka – Complex Emergency" July 9, 2009... page 2.

increasing allegations of sexual and physical abuse emerging from the camps. As one aid worker reports, "there are cases of abuse by the army, some of the girls and women have become pregnant." Notably, harassment and inappropriate behavior among the IDPs has also been increasing but aid workers say that the more serious incidents have tended to be from the army. ²⁹ The success of committees organized to discuss such concerns remains questionable given the stance taken by the Sri Lankan government. The government continues to reject allegations of abuse in the IDP sites and maintains instead that these allegations are part of a propaganda campaign to discredit the Sri Lankan government. As Sri Lanka's foreign Minister Rohita Bogallagama proclaims, "these are all made up. And in the event any such abuses [are] there, we have had the most disciplined administration in taking care of the IDPs all this time." Accordingly, a committee designed as a platform to voice concerns may be rendered ineffective if the existence of such concerns continue to be denied.

Children:

Principle 4:

(1) Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

According to the UN office for the Coordination of Humanitarian Affairs (OCHA), approximately 120,000 of the IDPs remaining in the camps are children and of them, 55,000 are estimated to be under 10-years-old.³¹ As of July 9, 2009, UNICEF identified more than 2,000 vulnerable IDP children, including orphans, unaccompanied minors and children were separated

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³¹ IMHO: July 2009 Update on Sri Lanka Efforts & IDPs.

²⁸ Tony Birtley, "No welfare for Sri Lanka's Tamils" online from Al Jazeera English:

http://english.aljazeera.net/news/asia/2009/06/200961962329963252.html. Monday, July 06, 2009, see also IRIN ²⁹ Tony Birtley, "No welfare for Sri Lanka's Tamils" online from Al Jazeera English: http://english.aljazeera.net/news/asia/2009/06/200961962329963252.html. Monday, July 06, 2009, see also IRIN ³⁰ Tony Birtley, "No welfare for Sri Lanka's Tamils" online from Al Jazeera English: http://english.aljazeera.net/news/asia/2009/06/200961962329963252.html. Monday, July 06, 2009, see also IRIN

from families.³² Despite the proclamation made in Principle 4, it has not been widely reported that children in the IDP camps are benefiting from the special protection and assistance afforded to them by virtue of their status as children. To the contrary, children are prone to the same unfortunate conditions that plague the IDP sites including overcrowding, insufficient access to health care and lack of food. With regard to the lack of food, children in particular remain at-risk with an estimated 44% severely malnourished.³³ Additionally, an estimated 5, 000 children have had their limbs amputated as a result of shelling and other attacks.³⁴ However, it remains unknown whether the special needs of such children have been adequately attended to.

Women:

Principle 11:

- (1) Every human being has the right to dignity and physical, mental and moral integrity.
- (2) Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
 - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;

The presence of the armed forces in and around the camps have created a climate of fear, and an atmosphere more akin to a prison than a welfare camp for refugees. Both IDPs and aid workers have reported incidents of assaults, sexual or gender-based violence and disappearances. The army, they say, is responsible for most of it.

Canadian Detainees:

Foreign nationals are among those being held in the IDP camps. Although the exact numbers of foreign nationals who are internees is unknown, it is estimated that there are at least four Canadians among them. At this point, there is no confirmation that Canada has been

 $^{^{32}}$ IMHO: July 2009 Update on Sri Lanka Efforts & IDPs. 33 IMHO: July 2009 Update on Sri Lanka Efforts & IDPs.

³⁴ IMHO: July 2009 Update on Sri Lanka Efforts & IDPs.

successful in finding all of the Canadians being held and whether Consular Services have been made available to them.

Detention and Rehabilitation Camps

During the last hours of the war and several weeks prior to that, reports surfaced about ex-combatants belonging to the LTTE who had surrendered. Canadian Parliamentarian Deepak Obhrai confirmed the existence of a camp detaining and rehabilitating ex-combatants. ³⁵ Mr. Obhrai was advised that one Canadian was amongst the detainees, however, Consular Services have not yet been made available to the individual in question.

The plight and legal rights of the former combatants of the LTTE, and the process of identifying individuals as former combatants are unclear. Reports from the camps suggest that in many cases, individuals belonging to armed paramilitary groups have undertaken the task of identifying combatants. The reports indicate that members of paramilitary groups would be masked and free to roam the camps. They would randomly indentify individuals as members of the LTTE. There does not appear to be an objective process by which individuals are indentified as combatants. Furthermore, it is feared many individuals who were part of the civilian administration ran by the LTTE, in particular, those who were part of the civilian police, judiciary, medical services and the bureaucracy may be considered to be combatants. Once captured or surrendered, the plight of the combatants is murky.

Conclusion:

The Sri Lankan government stated that the "bulk" of the nearly 300,000 internally displaced persons would be resettled within six months, or 180 days. However, as the resettlement period approaches the 60-day mark, this prospect appears dim and unlikely. In spite of the existence of Guiding Principles that identify the rights and guarantees accorded to internally displaced persons, the Sri Lankan government has failed in actualizing these principles.

Actual resettlement has been slow and far between, and for the more than 280, 000 IDPs who remain in the camps, their safety, health and livelihood continue to be in jeopardy. Instead

³⁵Stewart Bell, "Sri Lanka captured Canadian, MP told" National Post online: online from National Post: http://www.nationalpost.com/news/story.html?id=1766851, Tuesday July 7, 2009.

of taking responsibility and responding to the issues arising from the camps, the Sri Lankan government has taken only meager measures, perhaps to pacify international criticism. More importantly, framing the 180-day resettlement period now as a "target" and no longer a promise, the Sri Lankan government is striving to evade accountability. It is imperative for the international community to press the Sri Lankan government to live up to the 180-day resettlement period. In light of their stance over the past few months, it is apparent that the Sri Lankan government is willing to write off the loss of human lives as an inevitable consequence of the war. It is, thus, not unlikely that the Sri Lankan government will dismiss human lives lost as a result of the dwindling conditions in IDP sites as a post-war consequence. However, this report and those that follow will serve to remind the Sri Lankan government as well as the international community that human lives are indeed important. The IDPs are all valued human beings and every single one of them is entitled to speedy resettlement.