



Tamil Information Centre

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Committed to Human Rights and Community Development

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The Tamil Information Centre (TIC) is a non-profit community-based organization involved in promoting human rights, peace and development in Sri Lanka for over 25 years. The TIC is submitting this document to members of the UN Human Rights Council for information and consideration at the sessions in November 2006.

The UN Human Rights Council must urge the Sri Lankan government to end restrictions on food, fuel and medicines to people of the north-east

Economic blockade

Successive Sri Lankan governments have used humanitarian aid as a weapon of war since fighting between government forces and the Liberation Tigers of Tamil Eelam (LTTE) began in the mid 1980s. An unofficial blockade on essential materials to the north-east region of Sri Lanka was in force during the period. In 1991, the government introduced Emergency Regulations restricting or banning many materials into the north-east including food, fuel and medicines.¹ The military introduced its own restrictions. In 2001, the government imposed further restrictions on many materials, including food, medicines and medical equipment, fuel, fertiliser and educational equipment. The blockade inflicted severe hardship on the people and affected the health of the population, industries, education, fishing and infrastructure.² The restrictions on food, medicines and medical equipment resulted in thousands of deaths including a large number of children.

Restrictions from August 2006

After fighting between the security forces and the Liberation Tigers of Tamil Eelam (LTTE) intensified in August 2006, the Sri Lankan government took several measures that have adversely affected the civilian population in the north-east of the island who were already suffering from the consequences of the war and the tsunami and the government's inability or unwillingness to provide them adequate relief.

¹ Emergency (Restriction of Transport of Articles) Regulations No 1 of 1991

² Notification of the Defence Secretary dated 2 August 2001 [Government gazette No 1195/18 of 3 August 2001] under Prevention of Terrorism (Restricted Articles) Regulations No 9 dated 20 July 2001 [Government gazette No 1193/31 of 21 July 2001]

The measures taken by the government are as follows:

- 1) The A9 Kandy-Jaffna main road linking southern areas of Sri Lanka with Mullaitivu, Kilinochchi and Jaffna districts was closed on 11 August 2006 preventing transport of any essential material.
- 2) A curfew was imposed in the Jaffna peninsula on 11 August 2006. The curfew was lifted only on 14 August, but only for 2 ½ hours. Later, an 11-hour curfew between 6.00pm and 5.00am, was introduced which has affected employment, education and the ability of the people to go out to buy food and other needs. The night curfew is still in force.
- 3) The entry points into LTTE-controlled area of Paduvankarai in Batticaloa District were closed on 12 August 2006. These are crossing points by boat at Kinnayady and Santhiveli, ferry services at Manmunai and Ambilanthurai, bridges at, Kiran, Vavunathivu, Chenkalady and Paddiruppu and crossing points on roads at Kavathaimunai and Vaharai.
- 4) Seventeen Tamil aid workers of the French agency Action Contre la Faim (ACF) were shot dead in Trincomalee on 5 August 2006. The Sri Lanka Monitoring Mission (SLMM) has said that there are very strong indications of the involvement of the Sri Lankan security forces in the massacre.
- 5) After the aid workers massacre on 5 August, the Sri Lankan government enforced new controls on foreign aid workers and ordered all local and foreign non-government organisations to obtain work permits for expatriate staff by 8 September 2006.
- 6) Government members and government allies are engaged constantly in verbal attacks on NGOs. Workers of NGOs have also come under physical attack. On government initiative, a Parliamentary Select Committee on NGOs was established in January 2006, headed by Vijitha Herath, a member of the People's Liberation Front (JVP), which has been in the forefront of denouncing NGOs. The Select Committee has been mandated to investigate activities of NGOs 'inimical to the sovereignty and integrity of Sri Lanka' and "that adversely affect Sri Lanka", despite the statement of the UN Special Representative on Human Rights Defenders that 'only an independent judicial body should be given authority to review an organization's purpose and determine whether it is in breach of existing laws'.³
- 7) In October 2006, the government decided to withdraw the visas issued to members of four international NGOs – MSS France, MSS Spain, MDM France and Doctors of the World USA – on the recommendations of the Parliamentary Select Committee, alleging that they supported the LTTE
- 8) On 29 August 2006, the government froze the bank account of the Tamil Rehabilitation Organization (TRO) which works in the north-east, without any notice. The Sri Lankan customs delayed humanitarian sent after the tsunami by expatriate Tamils to the TRO at the Colombo port and TRO says that boat-making equipment, fishing equipment, fire fighting equipment and snake anti-venom were never released.

³ Report of Hina Jilani, the UN Secretary General's Special Representative on Human Rights Defenders to the 59th session of the UN General Assembly, 1 October 2004, A/59/401 – <http://daccessdds.un.org>; Letter dated 5 September 2006 to President Mahinda Rajapakse from Nicholas Howen, Secretary General of the International Commission of Jurists

9) French medical agency, Medecins Sans Frontieres (MSF), working in the north-east for the past 17 years, withdrew from Jaffna in October 2006. MSF took the decision after the Sri Lankan media referred to MSF as a 'threat to national security' and on receiving letters from the government cancelling visas of staff saying that the agency was under investigation.

In addition to government restrictions, the security forces have imposed restrictions on fishing in the north-east. In some areas, there is a total ban on fishing. The security forces are also continuously using multi-barrel rocket launchers in the north-east. The deafening sound of these weapons is having an adverse effect on the mental health of vulnerable sections of the population, the children and the elderly.

The Tamil Information Centre (TIC) received information from partners that food shipments to the affected areas were being blocked. This was confirmed by Human Rights Watch (HRW) which said in September 2006 that aid convoys to affected areas of the east were 'forcibly blocked or delayed in villages, typically by large crowds believed to be organized by local community leaders or ultra-nationalist Sinhalese politicians who did not want the aid to reach another ethnic group'.⁴

Breach of ceasefire agreement and international law

It is clear that the Sri Lankan government is in breach of the Ceasefire Agreement. International observers have stated that the government is also using humanitarian aid as a weapon of war and has violated international humanitarian law. The Ceasefire Agreement of 22 February 2002 between the Sri Lankan government and the LTTE, provides in Article 2.10 that the '*Parties shall open the Kandy-Jaffna road (A9) to non-military traffic of goods and passengers*'. In Article 2.6, the Agreement says that the '*Parties agree to ensure the unimpeded flow of non-military goods to and from the LTTE-dominated areas with the exception of certain items*'. The Sri Lanka Monitoring Mission (SLMM)⁵ criticized the government and said that the closing of the road is a violation of the ceasefire agreement. In several of its reports the SLMM has said that the humanitarian situation remains precarious with lack of basic food stuffs and fuel.⁶

HRW said in September 2006: "*International humanitarian law requires parties to a conflict to allow and assist impartial humanitarian agencies to supply food, medical supplies and other essentials to civilians at risk. The parties must consent to allowing relief operations to take place, but they may not refuse such consent on arbitrary grounds. They can take steps to control the content and delivery of humanitarian aid, such as to ensure that consignments do not include weapons. However, deliberately impeding relief supplies is prohibited.*"

HRW called on the parties to instruct civilian officials and military commanders in the field to allow all humanitarian convoys access to civilians and only refuse access when a specific security reason requires otherwise. It said that refusals for valid security reasons should only be for as long as necessary, and may delay but should not block legitimate humanitarian assistance.

⁴ Improving Civilian Protection in Sri Lanka - Recommendations for the Government and the LTTE, Human Rights Watch, 19 September 2006 - www.hrw.org

⁵ The SLMM is the ceasefire monitoring body appointed under the ceasefire agreement of 22 February 2002 and is currently composed of 30 persons from Norway and Iceland.

⁶ Sri Lanka Monitoring Mission – Weekly Situation Report 1 October – 6 November 2006

UN Emergency Relief Coordinator Jan Egeland said the following in October 2006:

“I have been shocked by the lack of access for relief agencies to civilian communities in many conflict areas. The parties should be reminded that they are under international legal obligations to enable unimpeded access to civilians in need of assistance irrespective of where they are or the circumstances under which they live.”⁷

People affected

Jaffna currently has a population of 660,000, of whom 42,000 families are internally displaced. The Mullaitivu and Kilinochchi districts have a population of 280,000 of which more than 70,000 are internally displaced. In Batticaloa District 60,000 are internally displaced and around 140,000 live in LTTE-controlled areas. In addition, after the fighting in August 2006, some 50,000 IDPs have moved into LTTE-controlled Vaharai in Batticaloa District from Trincomalee. It is estimated that more than a million people are affected the government blockade including some 200,000 IDPs. (See Table 1)

Restrictions on essential needs

The government has imposed restrictions on food, fuel, medicines and other essential needs to the LTTE-controlled areas of the north-east. The Jaffna District Medical Officer (DMO) has said that 80 year-old Muthiah Chandrapala of Puloly in Point Pedro died of starvation on 15 November 2006. The TIC has received information from partner agencies on the following consequences of the Sri Lankan government actions:

Food

- 1) Reports received by the TIC indicate that there is shortage of essential needs, including milk food for children in the LTTE-controlled areas of the north-east as well as in the army-controlled areas of the Jaffna peninsula. Jaffna’s current population needs 11,000 tonnes of food per month which includes rice, wheat flour, sugar, lentils and milk food. The government blocked food supplies on 11 August 2006. Between 22 August 2006 and 4 November 2006, government ships supplied only 19,250 tonnes (58%) although the need is approximately 33,000 tonnes (See Table 2). An eleven-hour daily curfew between 6.00pm and 5.00am has affected employment, occupations such as fishing, businesses, education and the ability of the people to buy and store food.
- 2) Every day, there are huge queues for food in all parts of the north-east. In most areas, hundreds of people join the queues for many hours every day before cooperative stores, but often only around 50 are able to obtain food.
- 3) Because of the restrictions, the prices of essential commodities have risen manifold, some even tenfold, compared to other areas of the country. The price of a box of 40 matches ranges from Rupees 200 to 400. Rice costs more than Rupees 200 per kilogram in the north while the cost in Colombo is only around Rupees 30 (See Table 3).
- 4) Bakeries are unable to make bread and other food because they have no wheat flour. Without supply from the south, many businesses have closed.
- 5) The lack of food is badly affecting the vulnerable sections of the population such as the elderly, the disabled, widows, people traumatized by the war and the tsunami, internally displaced people and children.

⁷ UN Relief Coordinator Jan Egeland’s statement of 18 October 2006

6) The lack of milk food and other food is badly affecting the children and is already having an impact on their health.

Medicines

7) The blockade has also denied essential medicines and medical equipment to vulnerable sections of the population. It has prevented the sick and the injured people being taken to hospitals in government-controlled areas for treatment. Delays or denial of permission at military checkpoints has caused some deaths.

8) There is a general shortage of medicines in hospitals and pharmacies in the north-east and some areas have been seriously affected by the shortage.

9) Sanitary conditions have reached appalling proportions in some areas. Garbage is not removed in some places. Security forces have removed or destroyed garbage cans outside homes in other areas.

Fuel

10) Only a fraction of the fuel needs have been supplied to the north-east. For example, nearly 5.5 million litres of kerosene (paraffin), diesel and petrol are needed in Mullaitivu District per month, but only 600,000 litres (15%) of kerosene a month has been supplied. Kilinochchi District, and LTTE controlled areas in Vavuniya and Mannar districts have been denied diesel and petrol.

11) Batteries are in short supply. In the Jaffna peninsula, the Chunnakam Power Station is unable to function at full capacity because of lack of diesel to drive the electricity generators. Electricity is currently supplied only for 9 hours a day, from 5.00am to 7.00am, from 9.00am to 12.00 noon, and from 6.00pm to 10.00pm. This has affected businesses, banks, offices, industries and schools.

12) Fuel is needed for machinery in agriculture, for fishing boats and vehicles transporting food and other essential commodities. The restriction on fuel has severely impacted in all livelihood activities.

Children

13) School children in some areas have been ordered not to use bicycles, which are the main mode of transport for students. Bicycle spare parts are unavailable.

14) Hundreds of thousands of children in the north-east have been affected by the war, the tsunami and deliberate deprivation of essential needs by the Sri Lankan government. The children in the north-east have been worst affected by the military operations, including aerial bombardment by the air force and the continuous use of multi-barrel guns. Children are also the ones most affected by displacement, suffering from the scarcity of water and sanitation facilities, lack of adequate food and electricity and conditions too dangerous to attend school.

Fishing

15) Fishing is an important income-generating activity in the north-east and there are around 100,000 fishermen in the region. Many others are employed in the fishing industry. The security forces have imposed restrictions on fishing. In some places there is a total ban on fishing, but the fisher families have not been provided any assistance. Where fishing is permitted, fishermen are allowed only up to a specified distance between 1 to 8 nautical miles from the shore.

Other problems

16) Tsunami and war reconstruction work has almost come to a standstill because of restrictions on building materials such as cement.

17) Supply of raw materials has been prevented by government which has drastically affected all small and large industries to the Tamil areas and in consequence employment of a large number of people.

18) The lack of spare parts for vehicles is affecting transport of available food and other commodities to areas of need.

19) A military pass system has been introduced to leave the north-east areas, despite an earlier Supreme Court ruling that the pass system is illegal. Some roads are blocked by security forces and to leave and re-enter the road, residents must obtain a military pass.

20) The restrictions on fuel and implements have severely impacted on agriculture and other livelihood activities.

21) Rice is the staple food in the north-east. The cultivation of paddy and other food crops has been affected as a result of restrictions on fertilisers and weedicides. Farmers have warned that they may have to abandon cultivation and the food production this year will drastically decline.

22) The blocking of roads has prevented produce such as bananas, onions, grapes and tobacco in the Tamil areas being transported to the southern areas, thus affecting employment and livelihood. The checkpoints also prevented civilians from crossing into government controlled areas, keeping farmers from taking produce to markets.

23) Communication to these areas has become difficult, with government having restricted telephone lines and mobile phone contacts. Letter to and from the Jaffna peninsula are delayed, because they can be transported only in ships carrying food. According to the Post Master General, 583 mail bags were brought into Jaffna and 72 bags sent out to other areas on 1 November 2006. Most of the parcels brought into Jaffna were wet and damaged.

24) Animal feed has been restricted affected farm animals. Up to 22 November 2006, only 85 tonnes of animal feed had been supplied to the Jaffna peninsula, whereas a further 225 tonnes are needed. The milk production has dropped by 50% as a result.

In addition to these, artillery attacks and aerial bombardment by the Sri Lankan security forces have targeted refugee camps, hospitals and other buildings used by civilians. Artillery attack on a school accommodating Tamil refugees at Kathiraveli in Batticaloa District by government forces on 8 November 2006, killed 46 people including six children, and wounded 125 others. The Sri Lankan air force bombed a house in Kilinochchi on 2 November 2006, killing five civilians. The Kilinochchi hospital was damaged and the patients fled from the hospital for their lives.

The Sri Lankan government's willful denial of the right to basic needs of a section of citizens of the country has caused great distress to the people who inhabit the north-east region. The government continually stresses its eagerness to pursue a peaceful path towards the resolution of the Sri Lankan conflict, but its actions are diametrically opposed to the stated purposes. The government must understand that it cannot create confidence in the people, which is absolutely necessary for the pursuit of peace, by denying them food and materials that they need for their daily survival. The international community must ensure that civilians are protected at all times.

The Tamil Information Centre requests members of the UN Human Rights Council to

- Support the adoption of the **Resolution on Sri Lanka** proposed by the European Union, which calls for the respect of human rights and calls upon all parties to put an immediate end to the violations of humanitarian law, and to guarantee access for humanitarian aid to the population as well as to guarantee the protection of humanitarian workers;
- ensure that the population of north-east Sri Lanka receives adequate food, fuel, medicines and other essential needs without willful obstruction and humanitarian aid is not used for political objectives or as a weapon of war;
- urge the parties to refrain from targeting civilian areas, including hospitals, houses and places where internally displaced people are accommodated.

Table 1
Internally Displaced People affected as at 23 October 2006

District/Area	In government-controlled areas	In LTTE-controlled areas
Jaffna peninsula	36,409	6,822
Kilinochchi	-	46,048
Mullaitivu	-	21,497
Mannar	1,078	8,836
Vavuniya	97	10,422
Trincomalee	4,498	-
Batticaloa	60,646	-
Amparai	2,090	-
Total	104,818	93,625

Table 2
Food shipments to Jaffna from Colombo or Trincomalee since 11 August 2006

Number	Date of shipment	Amount Received (tonnes)
1	22 August 2006	1,500
2	10 September 2006	3,600
3	14 September 2006	900
4	22 August 2006	1,875
5	27 September 2006	900
6	27 September 2006	1,875
7	28 September 2006	2,800
8	6 October 2006	2,800
9	20 October 2006	2,000
10	30 October 2006	800
11	4 November 2006	200
Total		19,250

Source: Human Development Centre, Jaffna

Table 3
Prices in some areas of the north and south
 (Exchange rate on 22 November 2006 – Us \$ = Rupees 107)

Item	Northern Prices (Rupees)	Southern prices (Rupees)
Matches (Box)	200.00-400.00	2.50
Eggs (each)	20.00	7.00
Rice (kilogram)	200.00	30.00
Coconut (each)	90.00	18.00
Salt (kilogram)	1,000.00	45.00
Sugar (kilogram)	400.00	40.00
Fish (kilogram)	1,000.00	300.00
Paraffin (litre)	200.00	49.00