INFO NOTE

UNITED NATIONS HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Info Note 6
Report of the OHCHR Investigation on Sri Lanka, September 2015

Control of movement by the LTTE

Chapter XIV examines the way in which the LTTE strictly controlled the movement of civilians in and out of areas under its control. Those wishing to travel to Government controlled areas had to obtain a pass from the LTTE. Each trip had to be applied for separately and passes indicated how long a person could stay away. If someone failed to return, their family could risk punishment. People were not allowed a travel pass unless they could produce evidence that a family member had already been recruited by the LTTE (897-901).

In early 2009, with the LTTE losing ground in the conflict, such policies became "increasingly coercive". OISL says that the LTTE leadership decided to prevent all civilians from trying to leave the area, with its military wing instructed to implement the policy. Checkpoints and sentry positions were set up. People who tried to leave the conflict zone described how they were blocked from doing so by LTTE fighters (906-910).

As fighting intensified, people became ever more anxious to escape. Many of those testifying to OISL said that in the last few weeks of the conflict, most civilians, as well as some LTTE cadres, were desperate to leave, because of the intense shelling and shooting, forced recruitment and lack of food and water (918).

Some tried to flee at night. In February, a group of around 50 families crossed the lagoon carrying white flags on a stick, risking getting caught in the crossfire between the two sides (919).

Paragraphs 921-928 describe a series of incidents in which the LTTE is alleged to have tried to prevent civilians from leaving by threatening or beating them, firing shots in the air, or even shooting and killing some.

One witness described being part of a group that was trying to sneak past LTTE checkpoints in the middle of the night. They were stopped by fighters who threatened to shoot them if they passed. They tried another route, but were again stopped by the LTTE. When one of the group started shouting at the cadres, the witness said, one of the youngsters shot him dead (921).

OISL says that further investigation is needed into incidents where LTTE fighters shot directly at civilians as they tried to escape, to ascertain if such acts were part of an official LTTE policy. Further investigation is also needed to determine if any measures were taken by the LTTE to prevent such actions, or punish those involved (1161-2).

The report says these acts may amount to direct attacks on civilians not taking direct part in hostilities, in violation of international humanitarian law. It concludes that such incidents, if

established before a court of law and depending on the circumstances, may amount to war crimes and / or crimes against humanity (1118, 1161).

Meanwhile, by forcing civilians to stay in a war zone, under almost constant attack by the Sri Lankan Army, it says, the LTTE exposed them to harm from military operations. This was in violation of its obligation under international law to take all feasible measures to protect the civilian population under its control against the effects of attacks (1163).

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The full report can be found at:
http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_CRP_2.docx