

SOUTH ASIANS FOR HUMAN RIGHTS (SAHR) NEWSLETTER

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Sri Lanka: Humanitarian Update on the Vanni



Background on the Military Offensive

On 2 January 2008 the government of Sri Lanka (GOSL) officially withdrew from the Ceasefire Agreement (CFA) with the Liberation Tigers of Tamil Eelam (LTTE) and stepped up military operations in the North of Sri Lanka with the aim of reclaiming territory from the control of the LTTE. During the past few months the government has 'liberated' large tracts of land including the 'capital' of the LTTE, Killinochchi and the strategic sea port Mullaitivu, and claims it has pushed the LTTE into an area measuring forty sqkms. Currently, troops are reportedly on the outskirts of the town of Pudukkudiyiruppu, the last town in the control of the LTTE.

In September 2008 the government ordered aid agencies to leave the Vanni as they could no longer assure the security of the humanitarian workers due to the escalation of the conflict. The UN and international NGOs subsequently withdrew to Vavuniya. Defence Secretary, Gotabaya Rajapakse also requested all humanitarian agencies to submit a detailed report of their activities in Kilinochchi, allegedly to ensure the continuation of activities following their departure. At that point in time it

was estimated that there were between 200-250,000 IDPs in the Vanni. While those who were non-residents of the Vanni left the area, the LTTE refused to allow Vanni residents who were employees of aid agencies to leave. Even in cases where agencies managed to obtain passes from the LTTE for employees and their immediate family, they reportedly did not wish to leave without members of their extended family.¹ Despite the inability of these persons to leave the active conflict zone, the government clearly stated that agencies would not be allowed to retain national staff in the Vanni and remaining staff would be treated not as humanitarian workers but as civilians.² The former staff members of aid agencies continued to function as humanitarian workers in the capacity of volunteers and assisted the Government Agents (GAs) in the distribution of humanitarian aid when the food convoys from Vavuniya transported supplies to the Vanni.³ 250 staff of international organisations are still trapped in the LTTE controlled area.⁴

On 21 January the government unilaterally declared a safe zone north of the A35 road between the Udayarkattu junction and the Manjal Palam (Yellow Bridge) in the Mullativu district⁵ but according to health officials and local UN staff who were trapped in this area, the zone was subjected to continued shelling and artillery attacks, with at least some of it coming from the government side.⁶ On 12 February the government announced the creation of a new safe zone, a 12 kilometre long strip along the north east coast in the area of Puttamatalan.⁷

Humanitarian and Human Rights Issues

Protection Concerns regarding Civilians in the Vanni
The number of those trapped in the LTTE controlled areas is disputed with the UN placing it at 200,000⁸ while government figures estimate only 60,000⁹, the approximate number which is also being cited by other parties such as India.¹⁰

As the fighting escalated and government troops captured territory, the LTTE moved inwards and forced the civilian population, which had been displaced several times in the previous months, to move with the group.¹¹ It can be deduced this was done with the purpose of using them as human shields against the attacks of the Sri Lanka armed forces. Civilians continue to be trapped in the areas of intense fire and according to a Human Rights Watch report approximately 2000 civilians have been killed and 5000 wounded over the past month.¹² These figures are considered to be conservative estimates. Concerns have also been raised about indiscriminate attacks by Sri Lankan armed forces using multi barrel rocket launchers which do not target a particular area and have a broad area impact and therefore are likely to cause large scale civilian injuries and deaths.¹³ Government statements on civilian casualties refute the numbers cited by other sources and state that troops are taking all precautions to ensure there are no civilian casualties.¹⁴ Further, Secretary of Defence, Gotabaya Rajapakse has stated that the armed forces have now stopped using heavy weapons to avoid civilian casualties. This contradicts the testimony of the Director of Health of Mullaitivu District according to whom on 1 March four persons were killed and fifty-four injured due to shell attacks in Puttamatalan, the designated safe zone.¹⁵ During the period 15 December 2008 to 10 February 2009 hospitals in the LTTE controlled areas came under shelling and aerial bombardment at least twenty times resulting in casualties, including fatalities.¹⁶

According to testimonies of those who have entered government controlled areas, persons who attempt to escape are shot and in many instances killed by the LTTE. The LTTE has also dramatically increased its forced recruitment of adults and children as young as fourteen¹⁷ and subjects civilians to forced labour, often in dangerous conditions on the front line of combat and in the trenches.

Due to the inability to send food convoys to the LTTE controlled area by land, food shortages were reported in early February. On 27 February the World Food Programme (WFP) announced that it had begun delivering food by sea to those in the newly government designated safe zone with the goal being to deliver 300 metric tonnes of food per week.¹⁸ There are also no functioning health facilities at present and basic medical supplies such as sutures, antibiotics, anesthetics and pain killers are not available leading to infections and possible amputations.¹⁹ According to the Director

of Health in the Mullaitivu District, on 1 March five persons succumbed to their injuries due to lack of medication.²⁰ Outbreak of diseases is also possible due to lack of water and sanitation facilities.²¹ Since 10 February the ICRC has evacuated around 2000 patients from the LTTE controlled areas by sea.²²

Screening Process & Welfare Villages

Civilians leaving LTTE controlled areas and entering government areas are subjected to 'screening' at two points- Killinochchi and Omanthai, where those suspected of having connections to the LTTE are separated and the rest sent first to transit centres, which have been established at schools and other public buildings, and later to 'welfare villages'.²³ Initially there were no monitors at the screening centres but the government has now reportedly consented to UNHCR and ICRC presence at the centre at Omanthai.²⁴ There is no local or international aid/protection agency presence at the point at Killinochchi.

Welfare villages are camps that are under military control from which IDPs are not allowed to leave.²⁵ The government has stated that it plans to build four such villages of which one has been completed.²⁶ In relation to services, the basic needs of those at transit centres and welfare camps are being met. For instance, WFP is supporting the 'communal cooking initiative' in these centres by providing a food basket consisting of dry rations. So far, 145 metric tons of mixed food commodities have been provided to 11 transit camps/welfare villages and WFP has also pre-positioned food in Vavuniya to meet emergency needs.²⁷ There is however shortage of space at the transit centres leading to overcrowding and possibly outbreak of diseases. Water and sanitation though provided are still inadequate. The UN High Commissioner for Refugees (UNHCR) has received 300 acres of land from the Sri Lankan Government and seeks to set up a camp for 42,000 people by the end of the week.²⁸

Reportedly, armed military personnel, paramilitaries and intelligence services are present both inside and outside the camps²⁹, presumably with the aim of 'flushing out' LTTE operatives and those connected to the group, i.e. to conduct ongoing, in-camp screening. There is a culture of fear within the camps and reports of gender based violence and recruitment by paramilitary groups have also begun to emerge.³⁰ Although the government has stated that all humanitarian agencies have full and free access to these camps local aid and human rights groups state that access is still inconsistent.³¹ Even the National Human Rights Commission was

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past month - HRW

reportedly denied permission by the military to visit Menik Farm.³² The government initially stated the IDPs might be kept in the camps for up to three years but under pressure from international and local bodies has now given an undertaking that most would be able to return by the end of the year.³³ Due to serious protection concerns raised by these camps, their military nature and freedom of movement issues in particular, humanitarian agencies have been facing a dilemma: whether to provide assistance to these IDPs; or abstain from providing any assistance due to the imposed restrictions and human rights violations. While the IDPs require support there is legitimate concern that international agencies might ultimately support the policies of the government which violate both international human rights law and standards and national law.

Since the entire Wanni population is suspected of being LTTE or LTTE collaborators, the presence of aid groups and access to registration/beneficiary lists of IDPs in the camps is imperative to prevent disappearances and arbitrary detention. In addition to the military administration of the camps, aid and human rights groups cite the lack of transparency on the part of government and military authorities and lack of clarity about who is responsible for making decisions regarding the camps as overriding concerns.

In relation to health care provided to the injured brought to the government controlled areas, it has been reported that Vavuniya hospital, one of the main hospitals in the region and the one closest to the active combat area, is militarized, with those entering requiring permission of the army. Presence of paramilitaries and intelligence agencies on the premises was also noted.³⁴ Many, including children, who are brought to the hospitals, are unaccompanied making family tracing and psycho-social support imperative at this juncture. There have been claims that family members are allowed to accompany patients to Killi and Omanthai but are separated in Vavuniya and experience difficulties in accessing information about where the patient is transferred thereafter; sometimes patients are transferred to Mannar or Anuradhapura hospitals.³⁵ The plight of combatants who surrender or are taken into custody is unknown. Government sources stated that a rehabilitation centre has been established in Jaffna where 57 cadres who surrendered to the military are being rehabilitated with 28 already released.³⁶ While rehabilitation of former LTTE cadres is welcome, attention should be paid to the content and duration of such a programme

and post-rehabilitation integration mechanisms and opportunities.

Moreover, there is a serious breakdown of the rule of law in Vavuniya, in large part due to the activities of the different politico- armed groups (PLOTE, TELO, EPDP, EROS and more recently TMVP which operate with total impunity in exchange for assisting the state in 'flushing out' LTTE operatives. These groups allegedly engage in extra judicial killings, abductions and disappearances, torture, and other violent activities.

Visit of John Holmes, Under Secretary-General for Humanitarian Affairs

The UN Under Secretary-General for Humanitarian Affairs Sir John Holmes visited Sri Lanka on a 3 day mission. Holmes met with President Mahinda Rajapakse, Gotabaya Rajapakse, the Secretary of Defence, Basil Rajapakse, Special Advisor to the President, Rohitha Bogallagama, the Minister of Foreign Affairs, Rishab Badurdeen, the Minister of Rehabilitation and other government officials. He also visited the transit centres in Vavuniya. Holmes expressed his concern about the civilian

casualties in the LTTE controlled areas and impressed upon the government the need to ensure care and reception facilities for those crossing into government controlled areas.³⁷ He identified issues such as rapid and transparent registration procedures, reinforcing the civilian nature of the camps, facilitating family

the plight of combatants who surrender or are taken into custody is unknown.

reunification and greater freedom of movement, and ensuring the earliest possible return of IDPs to their homes as challenges ahead.³⁸ Civil society groups voiced concern about the fact he was accompanied by two government ministers and the military during the visit and his failure to meet with local non-governmental groups, and questioned the use of government translators, Minister Badurdeen in this case, in his conversations with the IDPs. It has been claimed that in one instance when the woman with whom Holmes was speaking said her son was taken away by the army the Minister had apparently stated that he was conscripted by the LTTE.³⁹

The ICRC's description of the humanitarian situation in the vanni as 'one of the most disastrous situations' illustrates the plight of the civilians who are presently trapped in the LTTE controlled area. While this remains a concern, the status of those who cross over into the government controlled areas also raises various human rights issues such as freedom of movement, freedom to choose one's place of residence, right to health and education, freedom from violence and right to livelihood.

End Notes

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BREAKING NEWS

Bangladesh: Mutinies by members of the paramilitary Bangladesh Rifles (BDR) and the barbarity of their soldiers during their abortive uprising continued to unfold as three more mass graves with mutilated bodies of army officers and their kin were uncovered at its headquarters, raising the death toll to 77.

Pakistan: Seven people including five policemen were killed and six Sri Lankan cricketers were wounded when 12 gunmen on Tuesday attacked the convoy near Lahore's Gaddafi stadium with rockets, hand grenades and automatic weapons.

Protests against a court order barring former prime minister Nawaz Sharif from holding office continued in major Pakistani cities. Thousands of supporters also protested across Punjab Province on Thursday in protest of the ruling

STATE OF HUMAN RIGHTS REPORTS 2008

For the complete reports, refer to the SAHR website - <http://www.southasianrights.org/Reports.html>

Afghanistan NOW: Millions of people in Afghanistan are living in poverty, are short of food, lack access to basic services, and are vulnerable to violence despite seven years of international help.

The country is heading toward presidential elections in August 2009; yet seven years after the Taliban regime was replaced by an internationally supported Afghan government, the transition to political, economic, and social stability still requires a series of drastic changes. Security problems remain the main issue in the country, with human rights concerns, the complexity of the state-building challenges, and the investment required to address these issues also requiring attention.

SAHR carried out a Fact Finding mission on custodial torture in South Asia, which included Afghanistan. The report that came out of the mission is due to be published this year.

Bangladesh NOW: On December 29th, 2008, the much awaited national election was conducted by the Elections Commission, bringing a change to the country after two years of caretaker rule. The elections were accepted as free and fair with a voter turnout of around 85%. Much is expected from the new government, which has a large majority and a public hungry for reform. Another issue is the large number of people in the Chittagong Hill Tracts (CHT), still living below the poverty line mainly due to lack of economic opportunities and proper functioning of social services coupled with illiteracy and high rates of unemployment.

SAHR has been actively involved in Election in Bangladesh; a Human Rights Manifesto, signed by Hameeda Hossain, Co-Chair of SAHR and members of other Human Rights organisations, was sent to all major political parties.

SAHR focused on the concerns of minority voters, and a statement was sent out to a wide member base in Bangladesh and South Asia. A summary of the Report of the Regional Workshop of Experts on Inclusive Electoral Process, titled "Best Practices and Recommendations", which was prepared to influence the decision and policy makers involved with the elections was also released.

India NOW: Ever since the terrorist attack in Mumbai, in late November 2008, ties between India and Pakistan have become strained. The situation remains volatile, with war hysteria prevalent among the media and politicians. Implications and innuendos have been thrown around by the press, which has only served to make the situation worse.

Despite an overarching commitment to respect citizens' freedom to express their views and peacefully protest; there exists a pattern of denial of justice and impunity in cases of HR violations by security forces, or the failure to protect women, children, and marginalized groups such as Dalits, tribal groups, and religious minorities.

SAHR and the South Asian Free Media Association (SAFMA) joined hands and organised a visit by prominent civil society members from Pakistan to New Delhi to exchange views with political leaders, professionals, cultural activists and members of the media.

Several press statements and articles on the issue, have also been circulated through the member base and posted on the SAHR website and Blog.

Nepal NOW: Despite the recurring attention made by the NHRC to the concerned authority and security officials including the Home Minister for maintaining peace and security, activities of serial violence continue. The attacks on journalists have undervalued the right to freedom of expression of every citizen. The Government has to guarantee the security of all HR defenders including journalists, and ensure that the perpetrators of violence are brought to justice.

The resettlement of Bhutanese refugees living in Nepal is underway, but the overarching topic of repatriation is yet to be addressed.

SAHR has carried out fact finding missions among Bhutanese Refugees living in Nepal, publishing "Refugees in Exile: The case of Bhutan" in 2006 and "No Gross National Happiness for Bhutanese Refugees" in 2007. An interaction session with the media and human rights community was organised in India to advocate India's role in the refugee crisis. SAHR also creates an yearly Bhutan Watch Report, which highlights the major concerns of Bhutanese refugees living in Nepal.

Pakistan NOW: In Balochistan, enforced disappearances, arbitrary arrests, issues relating to the resettlement of IDPs and repatriation of Afghan refugees are obstacles to the stability in the region.

Also of concern is the situation in the SWAT valley and neighbouring Malakand district where the government has entered into a truce with insurgents, known as the Pakistani Taliban. Fears have risen that this would only serve to legitimise the human rights abuses that have been taking place in the Valley. Imposition of the Sharia law is also cause for some concern in the Valley. The tense relationship with India is yet another issue to be dealt with.

*SAHR has conducted a fact finding mission on IDPs in Balochistan, and the report has been published in Pakistan.**

SAHR also organised for a 13 member Indian Peace Delegation to travel to Pakistan, as a follow up to the delegation from Pakistan which visited India in January 2009.

**(Contact SAHR Pakistan for a copy of the report)*

Sri Lanka NOW: The military offensive in the North of Sri Lanka is reaching a climax with the terrorists being limited to an ever shrinking battleground. Sadly, civilian casualties are also on the rise, with the government's no-holds barred approach to eliminating the rebels. A miniscule safe zone has been demarcated for the displaced civilians, and their plight is worsening every day.

Another serious concern is the violent curbing of the freedom of press and expression in Sri Lanka. This crack down on the media has further strengthened the impunity with which the government forces are engaging in severe violation of human rights and indiscriminate killing of innocent civilians.

SAHR has previously carried out fact finding missions among IDPs in the North of Sri Lanka, and the report was disseminated to a large span of people, and was well met among Sri Lankan civil society and NGOs. SAHR has also advocated for the cessation of the armed offensive and protection of civilian lives via the release of statements to the Sri Lankan and South Asian press.

India-Pakistan: SAHR Peace Delegations

Peace Delegation from Pakistan to India (21-23 January 2009)

Ever since the terrorist attack in Mumbai, in late November 2008, ties between India and Pakistan have become strained. The situation has turned dangerously volatile, with war hysteria prevalent among the media and politicians. Implications and innuendos have been thrown around by the press, which has only served to make the situation worse. The voices of civil society in India and Pakistan were being overtaken by the hysteria and frenzy.

South Asians for Human Rights (SAHR), and the South Asian Free Media Association (SAFMA) joined hands and organised a visit by prominent civil society members from Pakistan to New Delhi to exchange views with political leaders, professionals, cultural activists and members of the media, both print and electronic at organised meetings, round table discussions and briefings.

The delegation from Pakistan, consisting of 20 social activists, journalists and intellectuals under the banner-"Aman Caravan from Pakistan", who arrived in Wagah on Wednesday the 21st January were welcomed at Amritsar. From there they flew to New Delhi for three days, and hoped to reflect the voices of the citizens of Pakistan for peace and lessening of tension between the two countries.

Senator Haji Muhammed Adeel of the Awami National Party, eminent human rights activist, Chairperson of the HRCP, SAHR member and former Chairperson, Asma Jehangir, SAHR Bureau Member and HR activist, IA Rehman, Executive Director SAFMA, Imtiaz Alam, eminent artist and SAHR Bureau member, Salima Hashmi, senior journalists Nusrat Javed and Mustansar Javed and PPP leader Ch Manzoor Ahmed were part of the delegation. *Refer to the SAHR website for the statement issued by the delegation - <http://www.southasianrights.org/showPressNews.php?id=68>



Peace Delegation from India to Pakistan (22-25 February 2009)

The delegation included eminent Indian personalities like Kuldip Nayar, SAHR member and former Indian diplomat and journalist; Mahesh Bhatt, renowned filmmaker; Swami Agnivesh, social activist; Prof KN Panikar, historian and academician; Salman Haider, former diplomat; Prof Kamal Mitra Chenoy, human rights activist; Seema Mustaf, journalist; Sandeep Pandey, social activist; Kamla Bhasin, SAHR Bureau Member and social scientist; Jatin Desai, chairperson Bombay Union of Journalists; Dr Hanif Lakdawala, SAHR Bureau Member and social activist; Ramesh Yadav and Shabnam Hashmi, peace activist and SAHR member.

The main objective of the peace mission was to promote peace and build trust between the two countries. Mahesh Bhatt said that the days of tension between the two countries were numbered, he said, adding that peace and friendship would prevail over the region. He said the Indian delegation had come to light candle of peace across the border to shed bad omens of the Mumbai attacks.

The delegation was against jingoism and war hysteria, which had widened the gulf between the two neighbourly countries at all levels, and wished that both India and Pakistan would make serious efforts for the resumption of peace process and the revival of confidence-building measures to avoid any misunderstanding for the perpetuation of peace and friendship in the region.

* Refer to the Article posted on the SAHR website - www.southasianrights.org/showRegionalNews.php?id=89



Upcoming SAHR Events

1. Meeting and Workshop on the Right to Transparent Governance, with the purpose of setting down guidelines for South Asia. Dhaka, Bangladesh. (April 21-22)
2. Evaluation and Strategic Planning meeting and Workshop, to assess and evaluate SAHR's progress. Colombo, Sri Lanka. (June 12-14)

Publications in 2008

1. Making Our Democracies Work - Citizens' Voices for Transparency in Governance
2. Report of the Regional Workshop of Experts on Inclusive Electoral Process
3. Report from the Fact Finding mission on IDPs in Balochistan

To be published in 2009

1. Report from the study of Custodial Torture in South Asia
2. Report from the study: The Use of Religion by the Majority

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