

A Profile of Human Rights and Humanitarian Issues in the Vanni and Vavuniya

Centre for Policy Alternatives

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The Centre for Policy Alternatives (CPA) is an independent, non-partisan organization that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that the vital contribution of civil society to the public policy debate is in need of strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, alternatives identified and disseminated.

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Acronyms

- **CCHA** Consultative Committee on Humanitarian Assistance
- **CHAP** Common Humanitarian Action Plan
- **CPA** Centre for Policy Alternatives
- **CRC** Canadian Red Cross
- **EPDP** Eelam People's Democratic Party
- **GA** Government Agent
- **HSZ** High Security Zone
- **ICCPR** International Covenant on Civil and Political Rights
- **ICRC** International Committee of the Red Cross
- **IDPs** Internally Displaced Persons
- **IHL** International Humanitarian Law
- **I/NGOs** International/National Non Governmental Organisations
- **LTTE** Liberation Tigers of Tamil Eelam
- **MSF** Medecins Sans Frontieres
- **NFRIs** Non Food Relief Items
- **NFZ** No Fire Zone
- **PLOTE** People's Liberation Organisation of Tamil Eelam
- **PTK** Puthukudiriuppu
- **RDHS** Regional Director for Health Services
- **SLA** Sri Lanka Army
- **SLRC** Sri Lanka Red Cross
- **TELO** Tamil Eelam Liberation Organisation
- **TMVP** Tamil Makkal Viduthalai Pulikal
- **UDHR** Universal Declaration of Human Rights
- **UN** United Nations
- **UNHCR** United Nations High Commissioner for Refugees
- **UNICEF** United Nations Children's Fund
- **WFP** World Food Programme

1. Executive Summary

This report focuses on the human rights and humanitarian situation resulting from the conflict in the North of Sri Lanka, between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), currently concentrated in the Mullaitivu District. This report is the result of a field trip undertaken by CPA to Vavuniya on 7-8 February, as well as follow up interviews, reports and articles, and a discussion held in Colombo on 13 February. By highlighting critical issues and putting forward recommendations this report aims to increase public engagement on the issue and support efforts to address the needs and rights of the affected population.

1.1 Situation in the Vanni

Over the last three months the fighting has intensified with the security forces forcing the LTTE to retreat into a smaller territory which is currently estimated to be under 30 square kilometres. The majority of the civilian population of the Vanni is currently trapped in this small territory where fighting rages. Estimates of both civilian casualties and the actual number of displaced in the Vanni are difficult to confirm, given the heavy fighting and the lack of independent verification. The fatalities for the period from January 2009 are reported to be higher than 2,000, but this figure has been contested by the Government. The total number of Internally Displaced Persons (IDPs) in the Vanni is also challenged by the Government which insists that there are only 60,000 IDPs. United Nations (UN) Agencies on the other hand initially calculated 200,000-250,000 and are currently in the process of examining if the figure is between 130,000 - 150,000. The District Secretaries of Killinochchi and Mullaitivu put the figure at around 400,000. Nevertheless with only around 32,000 arriving into government controlled areas in 2009 the fate of the majority of the Vanni population hangs in the balance.

The majority of those displaced are trapped in the Vanni. The LTTE has imposed stringent restrictions on IDPs leaving the Vanni and has even shot at some IDPs attempting to flee while subjecting those trying to escape with severe repercussions, including torture. By restricting the IDPs freedom of movement the LTTE is using the civilians as human shields. The LTTE is also accused of carrying out other human rights violations including firing weapons from locations close to civilian spaces such as hospitals or welfare camps, as well as forcibly recruiting adults and children into its ranks. The fact that significant numbers persevere in crossing over every week despite these horrific threats they risk in attempting to escape, is a testimony to the shocking conditions in the conflict area.

Civilians within the Vanni are at great risk as evidenced by the reports of daily fatalities and injured as a result of aerial bombardment, multi-barrel rocket launcher and artillery attacks, gun-fire and mines. Both the Government and the LTTE stand accused of carrying out attacks which have targeted civilians. The Government has unilaterally announced the creation of safe / no-fire zones within LTTE-controlled areas but both sides are accused of carrying out attacks within these zones. The Government has also been accused of firing at civilians.

These attacks have been identified as possible war crimes and crimes against humanity by the UN High Commissioner for Human Rights Navi Pillay in her recent statement in March 2009.

Access to the Vanni for humanitarian actors has been a critical issue. With the outbreak of the war in late 2006 the Government imposed restrictions on access to Vanni and in September 2008 the Government demanded that all INGOs be evacuated from the Vanni. Only the ICRC was permitted to continue operating in the Vanni. The LTTE refused local personnel from the Vanni and their dependents the right to leave and in recent weeks has forcibly recruited some of these individuals. The Government is not willing to accord these local personnel the protection due to them as humanitarian workers. Instead it is arguing that they should be treated as normal Sri Lankan citizens. One ICRC worker was killed in the Vanni, highlighting the lack of protection for humanitarian actors.

Conditions within the Vanni are steadily deteriorating. The safe zones are ill equipped to deal with the large influx of people. With civilians being concentrated in an area that is constantly shrinking, there are severe shortages in terms of shelter and basic facilities. Food stocks within the Vanni are depleted and highly priced, mainly due to lack of production in the Vanni and the fact that food convoys have not been able to access the Vanni by land, forcing supplies to be sent by sea, without guarantee that it will reach the various communities in the area. There are reports of civilians suffering from malnutrition and starvation, even resulting in deaths. The loss of livelihoods has further diminished any potential purchasing power, further exacerbating the humanitarian crisis. Further, recent weeks have witnessed direct attacks on the few hospitals and medical centres in the conflict area, resulting in civilian casualties. Severe shortages in basic medicine have also made the situation worse.

There is clearly a desperate need for humanitarian convoys. However facilitating such convoys has become increasingly difficult. Logistical difficulty and the fact that some convoys have been fired upon means that only 11 convoys have gone into the Vanni by road since September 2008. Increasingly the only options are for convoys by sea both to bring in humanitarian assistance and also to take out the injured, sick and other vulnerable groups. The need for a ceasefire and an evacuation of civilians from the fighting areas is critical and an immediate need.

1.2 Human Security in Vavuniya

Vavuniya, being the military headquarters for the northern operations, is a heavily militarised town that is also home to a large population of residents and IDPs that swells day by day. While the civilian administration continues to play a key role in daily affairs, the military exercise a significant level of control. Military control even stretches to the Vavuniya hospital where military personnel control access and are present in the wards. The resulting environment of intimidation means that the few humanitarian workers who are able to access the hospital are afraid to be seen to be performing any other type of protection other than providing material relief. The culture of fear is also prevalent amongst civilians and hospital staff who are not allowed to talk to outsiders, provide information to anyone, or ask for medical supplies.

Alongside the heavy military presence in the town and the reported presence of military intelligence, Vavuniya also has a high presence of armed groups including the PLOTE, EPDP, TELO and both TMVP factions. Many of these groups control parts of Vavuniya and all wield considerable influence through brazen demonstrations of their power. Criminal gangs have also seized the opportunity of a general presence of armed groups to expand their own activities.

A number of human rights violations are highlighted in the report including killings of civilians in and around Vavuniya Town, the recruitment of adults and even children by state-backed armed groups, torture of individuals, and extortion. Amid such competition for control, the rule of law and the ability of the police and legal structures to function have been undermined. The coping capacity of Vavuniya society is also crumbling; community groups and actors have come under increasing scrutiny, threat and attacks, people are ever more wary about taking on human rights cases and in the absence of any independent investigations there seems little hope in reporting violations or support for the victims of abuse. All these developments have contributed to a thriving culture of impunity in the area.

1.3 Screening, Separation and Medical Care of Vanni IDPs in government-controlled areas

There is a process of screening and separation by government actors which most IDPs coming out of the Vanni have to undergo. At the first point of contact, immediate relief is provided at Killinochchi. IDPs are provided with food and water, however it is not clear whether there is any immediate identification of individuals who are severely malnourished or dehydrated. IDPs coming into government controlled areas are screened at the Killinochchi Hospital and then at Omanthai where they are separated. Screening is the process where LTTE suspects are identified, and separation is usually where these suspects are separated from the rest of the civilian or in this case IDP population. It seems that there are also separation processes where suspects are picked up by the authorities from some of the IDP camps. The principal aim of this process is to identify suspected LTTE combatants.

Screening and separation is a key task which needs to be undertaken by the Government both for general security reasons – to avoid LTTE infiltration, and for the protection of IDPs – to avoid the militarisation of IDPs centres. The LTTE has attempted to blur the distinction between combatants and civilians by providing military training for civilians and forcibly recruiting both children and adults, but the Government risks further blurring this line unless it takes steps to separate combatants from the IDP population. While it is clear that the government faces a daunting task in attempting to ensure the LTTE does not infiltrate the IDP population, there are a number of concerns regarding the process that must be addressed.

There are also other separations taking place including that of medical patients from their friends and families. Patients to Vavuniya Hospital are not allowed to bring family members or friends to the hospital. While the Government has understandable security concerns this issue also needs to be looked at from the perspective of the patient who needs both medical and emotional care. In some cases this has to be extended both in the hospital and later in the camps.

While the separations at Omanthai may be accidental it is unclear why the Government is not permitting family reunification in the transit sites which could be undertaken by UNHCR, UNICEF or ICRC. All these problems can be overcome by simple and practical steps such as allowing the ICRC and UNHCR access to Omanthai, issuing receipts at incidences of separation, facilitating the presence of medical staff at screening centres, the government providing lists of suspects and the government publishing their rehabilitation plans.

1.4 Issues from the Camps in Vavuniya

As of 12 March, 32,722 IDPs had been moved into camps in Vavuniya. During the first week of February the Government announced 12 sites in Vavuniya Town where IDPs would be housed for a short period. Subsequent to the visit by CPA further sites were also announced. While conditions varied between the camps, a number of issues were raised including the lack of prior notification to agencies of IDPs arriving at the camps; problems relating to the suitability of sites including the number of shelters per site; poor water and sanitation conditions, resulting in poor hygiene and disease. An apparent lack of beneficiary lists at the camps once more gives rise not only to issues of accountability and transparency but also practical issues of tracing people and reuniting families.

In addition to the transit camps highlighted above there are a number of camps in the North for the Vanni IDPs, including sites in Jaffna and Mannar. There are also semi-permanent camps in Manik Farm, which are presented by the Government as model villages. Currently land is being cleared in Manik Farm for transitional shelters where IDPs will be brought from the transit sites, for longer periods.

Freedom of movement for IDPs is a critical issue. The Government has announced a number of measures, such as the creation of a pass system for the inmates of two camps to travel back and forth from the camps for very specific reasons and the release of IDPs above 60 years. However, these remain exceptions to the general rule that IDPs are not allowed to move freely. This is unlike the East where IDPs had freedom of movement, including to stay with host families, and to move between camps so separated families could re-unite and access livelihood and education opportunities. It is certainly ironic that the Government insists on replicating the LTTE's system of issuing passes and insisting that a relative acts as a guarantor and stays behind on account of this for those who do manage to leave the camp. Such constraints raise questions as to whether these camps are truly worthy of the title 'welfare'. Do they instead resemble 'welfare-detention' camps? Particularly in contrast to the freedom of movement of those IDPs who fled from areas in the East to the Batticaloa area during 2006-7, it seems that the entire Vanni population are being treated as suspects. Access for humanitarian agencies is another key issue. In mid-February the Government eased restrictions, allowing 14 international agencies access to camps in Vavuniya which has been further relaxed for other international organisations. The level of access for local agencies based in Vavuniya is unclear. A third overlapping issue is the militarisation of the camps. Not only do camps have security personnel inside and outside the camps but the camps are surrounded by barbed wire. There are also reports of other armed actors including state backed armed groups accessing the camps. Legally, the restrictions of movement and the detention of IDPs raises questions of the violation of national and international laws by the Government. These are serious concerns that need immediate addressing.

1.5 Disaster Response and Humanitarian Standards

A central issue with regards to the humanitarian response is that of disaster preparedness and adherence to humanitarian standards, by the government and humanitarian agencies. It was inevitable that there would be mass exodus of civilians from the conflict zones, for at least six months before the movement began. The Government indeed encouraged Vanni civilians to flee from LTTE-held areas on a number of occasions while humanitarian agencies positioned themselves in Vavuniya to meet the influx.

Questions over the government's preparation and planning have arisen for a number of reasons. While government actors have played a central role in dealing with the immediate care of the IDPs, there have been doubts over an adequate prior assessment of needs and/or the claim that they are financially capable of supporting such a large number of IDPs. These doubts emerge from serious gaps in provision of shelter, food, NFRIs and other key basic needs. This leads to suggestions that arrangements have been primarily ad hoc, rather than carried out according to a plan. One form of evidence for such suggestions has been the faltering negotiations concerning the location of IDP camps and the last-minute announcement of the planned sites in February. There was some confusion during the initial phase of displacement. As to whether this is to be expected at the outset of any humanitarian disaster or whether it is a symptom of a lack of planning remains in question. Another issue has been the poor execution of basic standard practices of IDP camps such as the registration and compilation of beneficiary lists, despite the fact that government actors have apparently been trained in such practices.

The Central Government has made clear that it will play a critical role in the response. While key actors from Central Government - including the Special Presidential Advisor, Basil Rajapakse and Minister for Relief and Essential Supplies, Rishard Badurdeen - are important players, the military is playing the central role. It is of course normal that the military arm of government is at the forefront of service delivery during disasters. However, usually the military defers to the civilian administration in the implementation of disaster response. In Vavuniya the armed forces on the ground, in conjunction with central government agents, are playing more prominent roles than the locally based government servants, including the Government Agent of Vavuniya. Despite their experience and familiarity with the Vanni people, the Government Agents of Mullaitivu and Killinochchi and their staff appear to have no official role.

While humanitarian agencies are expected to fulfil most of the needs, the Government has generally been unwilling to involve humanitarian agencies in the planning of the response. The Government is providing some assistance for the IDPs, like cooked food, but it is clear that humanitarian agencies both international and national, are expected to cover most of the basic needs including shelter, rations, NFRIs, water and sanitation. The consultations that have taken place are not meant to discuss the design and modalities of the plan. Instead, they are largely meant to identify which agencies can fund or implement the activities that the Government has prioritised. Donors have a significant role to play and recent pressure from the donor community seems to have influenced certain policies, including increased access for international agencies to the IDP camps.

A number of issues have also been raised in relation to the response of the humanitarian agencies. The 'cluster' response which is the current model of procedure in disaster response has led to criticism of certain agencies by their peers about their leadership of their designated responsibilities. Confusion in the co-ordination of the agencies has also been evident, either because of a lack of access and information from the government, or as a result of inter-agency competition. In their continuing struggle to glean concessions from the Government, humanitarian agencies must be careful that their humanitarian standards are not compromised. In disaster situations there is often a tension between the humanitarian imperative to provide assistance to those who need it at any cost and the commitment to deliver basic humanitarian standards. It is vital that agencies take stock of their primary responsibilities and do not implicate themselves by co-operating in the poor conditions in the camps by rushing in when granted access, heedless of humanitarian standards and the national laws regarding the basic rights of civilians. While the humanitarian community has agreed to critical standards as set out in an Aide Memoire (September 2008), it is clear that compromises have been made. There are also key issues relating to the humanitarian community violating basic standards by assisting the construction and maintenance of welfare-detention camps.

1.6 Concerns over the long-term plans for the Vanni IDPs

While much of the focus is on the current situation of the Vanni IDPs, there are also concerns relating to the mid-to- long-term plans for the Vanni population. The government has recently set out their plans in the “Urgent Relief Programme for People of the Vanni.” Briefly, the proposition is to provide shelter for the Vanni population for 2-3 years in semi-permanent structures while providing schools, playgrounds and community centres in a number of model “welfare villages.” A model village has already been constructed in Manik Farm.

The underlying premise of the plan is that the IDPs will be held for 2-3 years, thus prolonging their suffering and dependency. This is a complete turn around from the Government’s approach in the East where they were intent on resettlement as soon as possible. It is important meanwhile to note that human rights groups and humanitarian agencies did and continue to voice concerns relating to the manner in which resettlement has been carried out in the East, particularly the lack of consent. The reasoning behind the change of policy in the North - with delayed return - is unclear, especially given the Government’s claims that the LTTE will soon be defeated. It may be based on specific issues such as a high concentration of mines, caution that there may be a large number of LTTE cadres in hiding or it may be for other strategic reasons that have not been revealed. Nevertheless, detaining at least 100,000 Sri Lankan citizens for 2-3 years is not just a deprivation of their constitutional right to decide where to reside, but it also raises long term political and ethnic questions.

The Government should be aware that land and demography are root causes of this conflict. It is alarming when interviewees in Vavuniya express concerns that the welfare villages may be an attempt to create new settlements and change ethnic demographics. Locating the ‘welfare villages’ in Vavuniya, as opposed to Killinochchi and Mullaitivu which are the home districts of many of these communities only feeds these concerns. It is also unclear as to how the Government would financially support and maintain these welfare villages for such a long time, particularly as most humanitarian agencies and donors are reluctant to support the proposal. The massive cost of such an operation would indeed be reduced if the government were to reconsider its delayed resettlement plans and instead contemplate a phased resettlement whereby resettlement to only the most sensitive areas could be delayed. Either way the government should make public its plans for resettlement in the Vanni and create a public information campaign to allay the fears of all communities in the North regarding resettlement, reconstruction and development. Steps also need to be taken to increase trust that people from all ethnic communities who resided in the North prior to the conflict will be able to return and rebuild their lives.

2. Introduction

This policy brief on the situation in the Vanni and Vavuniya is issued while hostilities rage in the North with daily reports of civilian casualties. The recent military victories of the security forces are unprecedented especially in terms of territory gains. With the security forces having captured most areas in the LTTE-controlled Vanni, the LTTE is restricted to a narrow strip of land and is on the verge of conventional military defeat. The war between the Security Forces and the LTTE has had a huge impact on the civilian population, resulting in fatalities, injuries, mass displacement, destruction of homes and infrastructure and immense human suffering which cannot be quantified.

In such a situation, while national security concerns are paramount, it is important to stress that national security has to conform with national and international standards in respect of civilian protection. Sri Lanka's war against terrorism takes place in the wider international context of a 'war against terror.' In the global efforts to root out 'terrorism' a broad range of violations of human rights and international humanitarian law (IHL) have taken place. This has resulted in condemnation of the methods used to fight terrorism and its consequences for civilians. The use of terrorism by non-state groups has also been condemned under international humanitarian law. The consequences of the global war on terror and the acts of international terrorist groups on civilians resonate with the situation in Sri Lanka. Sri Lanka too has witnessed large-scale human rights violations and a growing list of IHL violations.

The present phase of the hostilities in the North has received both international and national attention, largely due to the scale of violence, civilian casualties and the seemingly imminent defeat of the LTTE. Unfortunately, due to restrictions imposed by the Government, no independent monitor or media actor has been able to be continuously present in the North to provide accurate figures and details of what is happening in the area. The limited information received from those trapped in the Vanni and from those who have recently arrived in government controlled areas, provides horrific stories of civilian casualties and misery, of no safe areas for shelter, of having to witness the death of loved ones, shortages of essential items and separation of families. Both the Government and the LTTE have been accused of grave violations against the civilian population and of IHL.

The two sets of issues – the immediate needs in the Vanni and the situation of those who have fled the Vanni are in competition for attention. Stories of those fleeing highlight despicable acts of the LTTE using civilians as human shields, forcibly recruited civilians and shooting at those fleeing areas under their control; of civilians struggling to survive the aerial bombardment, artillery attacks and shooting on the ground and of their limited access to basic items. Those who flee the Vanni may have been able to escape with their lives, but they face serious difficulties especially if they are perceived to be combatants by the authorities. The latter do not disclose what happens to them once they are screened and separated from the civilian population. Families are sometimes separated during screening and bussed into welfare camps, which resemble detention centres, and where conditions are poor. While the present humanitarian crisis needs immediate attention, Government policy and long-term plans for the IDPs and affected communities need to be clarified as the existing proposals raise serious concerns. All these issues are discussed in this policy brief.

In light of the growing concerns about the human rights and humanitarian situation in the North, the Centre for Policy Alternatives (CPA) visited Vavuniya in February 2009 and spoke to government actors, United Nations (UN) officials, humanitarian staff of international and national organisations (I/NGOs) and other relevant actors. Subsequent interviews were followed up in Colombo. The present policy brief is a discussion of key human rights and humanitarian issues in the Vanni presented through a rights framework.

The policy brief has been divided into several sections. The first section details the situation in the Vanni. The second section discusses the security and humanitarian issues in Vavuniya, followed by a section on the screening, separation and medical care in Government controlled areas. The next sections look at the situation within IDP camps while the following section examines the humanitarian response and the level of disaster preparedness. The penultimate section discusses long term plans and critiques present government plans on return and resettlement. In conclusion, the policy brief provides a list of recommendations to policy makers on issues discussed in this policy brief.

3. Situation in the Vanni

This section is based on interviews carried out by CPA with non-combatant actors who have no link with the LTTE and who continue to have a presence in the Vanni as well as with individuals who have recently left the area.

3.1 Basic Statistics

The intensification of fighting in the Vanni since early 2008 has resulted in a massive humanitarian crisis resulting in mass displacement, a significant number of civilian casualties and an assault on the humanitarian space. With around 35,000 civilians having arrived in government controlled areas in the first two months of 2009, the fate of the population remaining in the Vanni, hangs in the balance.

With restrictions on independent monitors entering the area to monitor the situation, it is extremely difficult to provide accurate figures of those remaining, let alone an assessment of the humanitarian situation in the Vanni. The figure for civilians in the Vanni ranges from 60,000 to 400,000. Initially the Government claimed that the figure was only 100,000 which it then dropped to 60,000.¹ According to estimates there are at least 150,000 persons in the No Fire Zone (NFZ) which is a 14sqkm area located between Vellamullivaykkal in the South and Putumattalan in the North. UN reports estimate a further 30,000 civilians outside the NFZ. Local reports indicate between 300,000 – 350,000 civilians still remaining in the Vanni.

Without independent verification, it is also extremely difficult to comment on civilian casualties. Information received from those who are still in the area also varies. According to a statement by the High Commissioner for Human Rights Navi Pillay on 13 March, it was estimated that there were over 2800 deaths and 7000 injuries related to the present phase of the conflict. For the month of January it is estimated that there were 401 civilian deaths and 1148 injured.² According to the UN, on 3 February after 16 hours of heavy shelling, there were 52 civilian casualties in Suranthapuram village.³ These are verified figures but many others remain unaccounted for. As the fighting has intensified into a smaller area it is expected that the casualties will increase.

Given the security situation, even local actors who would normally be able to account for casualties are unable to document the deaths as the fighting has made it increasingly difficult for recording fatalities and in some cases bodies are hastily buried. The CPA team also received reports of dead bodies being left unattended since continued shelling and security threats have prevented burials.

The cause of death ranges from aerial bombardment by the air force, artillery bombardment including the use of multi-barrel rocket launchers by the army, the use of artillery by the LTTE, cross fire and targeted firing by both

¹ Daily Mirror, “60,000 trapped in uncleared areas: Govt” 28 February 2009

² Interview with humanitarian actor, Vavuniya, 8 February 2009

³ IRIN, 4 February 2009

parties. There is also speculation that among the very vulnerable like the old, the sick, the wounded, and infants, starvation may have also resulted in or contributed to deaths. There are allegations that both the security forces and the LTTE are guilty of firing into civilian spaces including the safe zone. With both guilty of attacks on civilians, it becomes increasingly difficult to hold either party accountable for particular incidents and the resulting deaths and injuries. In UN High Commissioner for Human Rights Navi Pillay's statement on 13 March there was reference to possible war crimes and crimes against humanity, though the lack of access and ability to verify cases by independent actors has been key obstacles in the present phase of the conflict.⁴

3.2 Trapped in the Vanni

Civilians in the Vanni are effectively trapped; escape though not impossible is extremely hazardous. With increased hostilities and no effective safe zones available, the plight of these civilians is dire. In recent history, Sri Lanka has not experienced such a grave humanitarian crisis with potentially catastrophic consequences for such a large section of its population. Due to the stringent LTTE restrictions on movement of civilians, large numbers of civilians are unable to leave the area. The LTTE pass system for those residing in the Vanni has been in practice for several years. Since 2008, obtaining a pass has become increasingly difficult, if not impossible for many.⁵

Recent reports including media reports based on interviews of IDPs who have fled the Vanni⁶ make clear that those attempting to flee have had to face serious repercussions. There are unverified allegations that some have been tortured and used as an example to others attempting to leave. There are also reports of the LTTE shooting at civilians who attempted to leave. Several who have fled the area and who are now in camps in Vavuniya and in hospitals, recount horrific stories of LTTE shooting into crowds, injuring some in the legs, shoulders and arms. The accounts so far received indicate that many civilians trapped in the area choose to leave due to the hardships faced in the Vanni. Reports indicate those who leave mostly move in large numbers, rather than trickling out one by one. There are others who escape by hiding in the jungles for several days and escape when the LTTE have left the area.

The CPA team was informed of several reports of civilians who crossed over to government controlled areas being shot at by the SLA. Reasons for the shooting are unknown but it could be due to not having a clear process for civilians to seek safety in government controlled areas and for those wanting to surrender to do so and be assured safety. In one particular case, a young man who hid in the jungles to escape from the LTTE was shot at by the SLA when he crossed over to government controlled areas with his relative. He was injured due to the firing, separated from his relative and moved to the Vavuniya hospital. While there is recognition that the security forces are on high alert and need to be vigilant in respect of LTTE infiltration of civilians entering government controlled areas, the government nevertheless needs to ensure that there are protection mechanisms in place for civilians who have been urged by the government to flee LTTE areas.

⁴ "Serious violations of International Law committed in Sri Lanka conflict", <http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-7Q4P88?OpenDocument>

⁵ For more information, please refer to- Human Rights Watch, report, "War on the Displaced" February 20 2009

⁶ Ministry of Defence, "LTTE lays land-mines to stop fleeing civilians" January 25 2009, Ministry of Defence, "LTTE fire fleeing civilians ; 19 killed , Army rescue 1046 civilians - Puthukkuduyiruppu" February 11 2009, Daily News, Triumph, by Shanika Sriyananda "Civilians unfold their agony under terrorists control" January 6 2009, Sunday Observer, by Shanika Sriyananda, "More civilians flee LTTE grip", March 8 2009

While the security forces have been able to push the LTTE into a narrow sliver of land in Mullaitivu, the civilians have fled with the LTTE both as a result of the fighting and because of LTTE intimidation. Over 2008 and early 2009 as the military advanced across the Vanni, the civilians moved away from the front lines further into LTTE-territory. The LTTE imposed tight restrictions preventing civilians fleeing into government-controlled areas. This helps account for the small number of IDPs crossing over into government areas over 2008. As discussed below, neither the safe zone nor areas protected under international humanitarian law, including hospitals have been exempted from the shelling and attacks. According to reports received from those who have arrived in government controlled areas, the LTTE has positioned themselves near the safe zone and other civilian pockets, raising the risks to civilians.

Restrictions of movement imposed by the LTTE violate international humanitarian laws and standards. The LTTE is in effect using the civilian population trapped in the area as human shields. The LTTE reportedly positioned artillery guns near civilian settlements and the hospital. The LTTE is also accused of other human rights violations such as forcible recruitment and forced labour. A group which claims to be fighting for the liberation of the Tamil people, has violated the rights of its own people and has placed this civilian population under tremendous risk.

The Government has made a number of statements asking for civilians to move out of the Vanni and condemning the LTTE's severe restrictions on the movement of civilians.⁷ Although the Government agreed to a cessation of hostilities for 48 hours reportedly to let civilians flee,⁸ there are reports indicating that hostilities continued during this period. The Government has also restricted freedom of movement and thereby further exacerbated the plight of the civilians trapped in the Vanni. By demanding that all international humanitarian actors evacuate from the Vanni in September and by severely restricting the movement of humanitarian actors and convoys of essential items into the Vanni, the Government has curtailed the assistance that can be provided to the affected communities.

It is essential that both parties immediately agree to a humanitarian ceasefire during which the injured and vulnerable civilians can leave the area. A humanitarian ceasefire will also enable the creation of a humanitarian corridor and urgently needed essential items to be transported to the Vanni. For the monitoring of the situation and the distribution of these items, independent observers must be allowed in to the area.

There has been much discussion in the Sri Lankan media of international actors, in particular the US military carrying out a mass evacuation of Vanni IDPs⁹ while the Government has made statements that they would not permit such a mission¹⁰. Efforts need to explore this option of figuring out modalities for a mass evacuation with the co-operation of the Government and the consent of the LTTE or else the final days of the war could result in heavy civilian casualties.

An additional step that needs to be examined is how to respond to the fatalities and casualties. Some documentation process is required for identifying those killed in the war, be they combatants or civilians. This

⁷ *Daily Mirror*, "Let the civilians go or face a ban" December 23 2008, *Daily Mirror*, "President urges LTTE release civilians within 48 hrs" January 29 2009

⁸ *Daily Mirror*, "President urges LTTE release civilians within 48 hrs" January 29 2009

⁹ *Sunday Times*, "Plans to evacuate civilians" February 22 2009

¹⁰ *Daily Mirror*, "US taps Delhi on Lanka foray" March 9 2009

would also involve the process of granting death certificates and compensation to family members of soldiers missing in action and civilians. Civilians who are injured should also be provided some compensation. The Government has taken key steps in addressing this issue. Minister of Resettlement and Disaster Management Rishard Badurdeen directed his ministry to compensate all the wounded civilians returning from the Vanni.¹¹ Each injured civilian is entitled to a sum of Rs. 100,000 according to the minister. It is hoped that these decisions can be implemented immediately and those affected provided assistance.

3.3 Displacement and critical shortages

Many have been displaced multiple times since the fighting intensified in early 2008. By September 2008 some communities from Northern Mannar had been displaced more than ten times. At present, on the basis of accounts received from those still trapped within the Vanni and from those who have arrived in camps in Vavuniya, the majority of civilians in the Vanni are IDPs, with those who have access living in makeshift bunkers for most of the day. According to reports from the area, others now live under trees with no proper shelter and sanitation. Due to the heavy rains in the Vanni, many of the makeshift shelters are inadequate and may result in the spread of diseases.

Restrictions on getting assistance into the area have resulted in shortages of food, milk powder, shelter material and medication. The last convoy by road went into the Vanni on 29 January and carried 180 metric tons of food. In the entire month of January only 1,801 metric tons were delivered to the Vanni. According to the RDHS, only 109.71 metric tons were delivered in February. According to humanitarian actors there is a need of 900 metric tons of food per week to feed those dependent on food assistance.¹² The World Food Programme (WFP) has stated that according to its calculations 40 metric tons can feed about 11,500 people per week¹³, raising concern for the over 100,000 civilians trapped in the Vanni.

On the basis of what has gone up in January and February, there are serious concerns about the severe shortages of basic items in the Vanni and about the survival of those who are trapped there. Facilitating travel of convoys across government lines into LTTE areas became increasingly difficult due to security and logistics. Eleven convoys have gone into the Vanni since September 2008. In January, those who travelled in the convoy were not allowed to leave the area for several days due to heavy fighting by the parties. Two UN international staff and local staff were trapped in the area for several days before assurances were received from both parties that there would be safe passage. When the staff were trapped, shelling continued near the area they were staying. Previously, convoys have been shot at and had to turn back due to security reasons.¹⁴ Such obstacles have resulted in local drivers who know the Vanni refusing to go to the Vanni unless there is a change in the security situation. There are also worries that even if a convoy travels to the Vanni, there are no guarantees of safety for those who travel.

In February there were measures to bring food and other essential supplies by sea. On 18 February, the International Committee of the Red Cross (ICRC) transported 30 metric tons of food items including flour, dhal

¹¹ The Nation, "Ministry ordered to compensate wounded Vanni civilians" March 15 2009

¹² Interview conducted in Vavuniya, February 8 2009

¹³ IRIN news, February 23 2009

¹⁴ Interview conducted in Vavuniya, February 8 2009

and sugar to Putumattalan by sea, the newly demarcated safe zone by the government. On 8 March, a ship containing 500MT of food left Trincomalee but was unable to dock in Mullaitivu due to continued fighting between the two parties. Only 144MT were unloaded on that day. This comes at a time when food stocks are in short supply. Although this last shipment is a short respite, there are serious concerns on how food can be delivered to those in need. According to reports received, only some civilians have moved into the new safe zone and large numbers are still trapped in areas outside the zone. With limitations on movement due to shelling and other security factors, food delivery may only serve a small fraction of the trapped population. Urgent action is needed to address all those who are trapped and in need of food and medical attention. According to the Regional Director of Health Services (RDHS), the government appointed health official in the area, there were 13 reported casualties due to starvation and lack of adequate food. This has been contested by the government though without independent verification, the only data available is what is made available by the remaining few including government servants.

An additional issue is the distribution of assistance within the Vanni with continuing hostilities. The lack of humanitarian actors and government personnel, the severe limitations in terms of the number of vehicles and fuels, the continuing heavy fighting and the limited awareness of all the locations of displaced persons all make it difficult for effective distribution. There is an added concern about ensuring that the beneficiaries of such assistance are the civilians for whom it is intended.

According to actors still having a presence in the Vanni and assessing the food taken into the Vanni, there are growing concerns about food shortages. Many of the affected civilians reportedly resort to one meal a day of either rice or rotti. The shortages of milk powder which led to growing concern about the plight of infants and young children is now compounded by reports about the unavailability of these items in the area. There are also more recent reports which indicate that access to drinking water is increasingly scarce. This raises serious concerns about malnutrition and starvation. According to reports from local actors, due to the shortages of food, the starving population had broken into buildings which house the humanitarian assistance from agencies and looted food items. In addition to the shortages of food in the Vanni, the loss of purchasing power due to the loss of livelihoods and the prolonged period of suffering has meant that the coping capacity of civilians has rapidly diminished. As one actor declared, *'the government will either starve the population or shell them... anyone left will have to come to government controlled areas'*. It is these push factors of the threat of violence and the lack of basic resources which compel the civilians to flee the Vanni, despite their concerns of what will happen to them once they cross into government-controlled areas.

The shortage of food and essential items calls for an immediate humanitarian ceasefire and for humanitarian assistance to be taken to the area through either land or sea routes.

3.4 Safe Zones / No Fire Zones

The Government declared safe zones or no fire zones within the Eastern Vanni. The first no fire zone in the Eastern Vanni was an area of approximately 35.5 sq km around Vallipunam. The second is the coastal region by Putumattalan.

However, the zones have come under several attacks resulting in civilian casualties making the term no fire zone virtually meaningless.¹⁵ From the outset the safe zones were problematic since they were based on unilateral declarations by the Government who decided on the areas to be so demarcated. There were no guarantees from the LTTE that they would recognise these safe zones. Upon the demarcation of safe zones by the Government and intensified fighting, many civilians attempted to enter the safe zone. The safe zones, with inadequate shelter, sanitation and shortages of food are ill equipped to handle the increasing numbers of civilians and IDPs.

Each of the safe zones / NFZs have come under direct fire including reports of incidents in which local humanitarian staff were shot at despite assurances from both the Government and the LTTE with regard to their access to the safe zone. For example, on 9 February, a local staff member attempted to go in to the safe zone after receiving assurances. CPA was informed that there was shelling during the visit which nearly killed the staff member. The staff member was able to escape unhurt but this incident raises the question of the genuineness of both parties in providing protection for civilians and as to whether the demarcation of 'safe zones' is mere tokenism. By mid-February humanitarian staff who had already experienced the risks in one NFZ which increasing became a 'free fire zone' were wary of finding safety within the new safety zone in in the Western boundary of the Mullaitivu lagoon, as they felt a higher risk within the zone than outside.

The trajectory of the firing and the use of weapons such as multi-barrel rocket launchers indicate which side is responsible in each incident. The shelling into the safe zone at north of Udayarkattu junction and the Yellow Bridge up to Iruthumadu on the A-35 road was reported to be by both the government forces and the LTTE.¹⁶ Regardless of the assurances given by the Government that civilians can be safe in this zone, attacks have continued. Both actors blame the other for the shelling. It is clear however, that both are guilty and in violation of international and national standards.

3.5 Impact on Children

Children have been impacted by the on-going conflict in the Vanni in multiple ways. Special Representative of the Secretary-General for Children and Armed Conflict Radhika Coomaraswamy stated that she is worried about the children who are internally displaced (IDP) as well as for the child combatants used by the LTTE.¹⁷ In her statement Ms Coomaraswamy stated that "Images of children killed, maimed and wounded from the Vanni area of Sri Lanka are truly disturbing". According to reports received on the situation of children in the Vanni, there were 81 children killed and 287 injured in the month of January alone. According to UN figures around 400 children have been killed and 1100 injured since January 2009. These were all directly related to the hostilities. According to reports received from those who recently left the Vanni, there are unattended dead bodies lying in open areas, including those of children and infants. The LTTE has refused to ease the severe restrictions on the freedom of movement, even for children and mothers placing them at great risk.

¹⁵ *Daily Mirror*, "At least 30 killed in 'safe zone'", January 24 2009, Human Rights Watch report, "War on the Displaced" February 20 2009

¹⁶ Interview of humanitarian actor in Vavuniya, February 9 2009

¹⁷ UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Press Release, "SRI LANKA: Children must be protected in the Sri Lankan conflict", January 21 2009, "SRI LANKA: The protection of children must be the first priority in Sri Lanka's conflict" February 20 2009

Children also faced the threat of being forcibly recruited by the LTTE. The LTTE has a long standing record of using child soldiers. UNICEF has recorded at least 6,288 cases of children recruited by the LTTE since 2001 which may not be representative of the full scale of the problem given the fear in reporting and the limited capacity of UNICEF, especially since September 2008.

The restrictions on food and the scarcity of essential items have also raised concern about malnutrition and the possible starvation of the population including children. Further, it must be also noted that the psycho-social needs of children must be addressed as they have faced immense physical, mental and emotional trauma including witnessing the killing of loved ones and other civilians, destruction and loss of property; multiple displacement, direct threats of forced recruitment; malnutrition and starvation, injuries, and separation from loved ones. As discussed below, the trauma does not end when they flee the Vanni. Many have been injured in the process of fleeing when the LTTE has shot at them. Others have been injured when the security forces have shot at civilians trying to cross from LTTE-controlled areas. Further, children have been separated at screening points and bussed into camps where they have no family. Children are more vulnerable in times of conflict and urgent action is needed to address their security and well-being. Many of the incidents reported to the team are in direct violation of 1612 Resolution and the responsibility for them applies to both the Government and the LTTE.¹⁸

3.6 Threats to humanitarian actors

On 5 September 2008, the Government ordered all UN and I/NGOs to leave the area. This led to the withdrawal of most international staff within a few days of the announcement. While the humanitarian community attempted to negotiate with the Government to secure access it was only the ICRC which was permitted to remain in the Vanni. Some of the UN agencies – UNHCR, UNICEF and WFP were able to secure access for convoys only.

With the escalation of hostilities, the ICRC, local humanitarian groups and civilians trapped in the Vanni have had to be on the move. Since the withdrawal from Killinochchi, many actors based themselves in Puthukudiriuppu (PTK) including the ICRC. With increased fighting around PTK, actors have had to vacate the area. With intense fighting and road closures, the remaining international ICRC staff faced considerable difficulties in continuing with their work. This has resulted in diminishing numbers of humanitarian actors in the Vanni.

When the international agencies withdrew they left a significant number of local personnel. This was either because local personnel feared crossing into government controlled areas or because they were not willing to leave their families behind – the LTTE having refused family members of personnel permission to leave the Vanni. According to reports there are around 300 local staff and dependents still trapped in the Vanni including local staff of the UN. Several have since arrived in government controlled areas. Negotiations with the LTTE on the release of local humanitarian actors has not yielded any success. Several local UN staff, who were able to leave in 2008 have returned to the Vanni to remain with family members since there is no sign of the LTTE relenting and responding positively to national and internal calls to let civilians out. It is a bleak situation when those who were able to leave the Vanni decided to return, knowing that they could be killed or would not be able to leave again. It is heart rending for anyone to have to choose between personal safety and staying with one's family who are trapped in the area.

¹⁸ UN Security Council Resolution 1612 on Children in Armed Conflict, July 2005. <http://daccessdds.un.org/doc/UNDOC/GEN/N05/439/59/PDF/N0543959.pdf?OpenElement>

The humanitarian agencies have attempted to argue that their local staff should continue to be recognised as humanitarian actors. The agreed proposal was for these staff to serve as volunteers for the Government Agent. While this did raise questions as to their neutrality, it was seen as the only measure which could afford them some degree of protection. Prior to the evacuation of international humanitarian agencies local personnel were under threat of being forcibly recruited by the LTTE. The Government has, however contested this position that they continue to have a special status as humanitarian staff, insisting that they will be accorded the same protection as other citizens. This raises questions on the safety of the remaining humanitarian staff in the Vanni. Regardless of whether a person is a humanitarian staff member or not, under IHL all civilians are provided protection and both parties need to respect the rights of civilians.

The threats against local humanitarian actors have increased with the intensification of hostilities. CPA was informed that on 9 February a shell landed very close to where local UN staff and their dependents were. This was after both the government forces and the LTTE were informed of the location of the staff and dependents in order to ensure that both parties desisted from shelling into the area. Since this incident, threats have increased. According to the ICRC, on 4 March, one of their local employees was killed due to shrapnel wounds. CARE reported that on March 17 one of its local personnel, R. Sabesan was killed in a no-fire zone. He was injured in an aerial and bled to death due to lack of medical care in the Vanni. There are reports of a UN staff member being forcibly recruited by the LTTE and of the satellite phones of some humanitarian workers being confiscated by the LTTE.¹⁹ The satellite phones were the only limited form of communication in the area; confiscation has compounded the safety and security of those trapped in the area.

It is essential that both parties respect the provisions of international human rights and humanitarian law with regard to the protection of civilians, medical staff and humanitarian actors. Local staff in the Vanni are humanitarian actors and must be treated as such. All civilians including humanitarian staff and dependents have the right to choose between staying in the area or of leaving, and no restrictions should be placed on them. That choice must be made without any coercion. They should also be provided with information about the conditions in Government controlled areas and security concerns.

3.7 Government staff

Even though the LTTE had control over the districts of Killinochchi and Mullaitivu it allowed the government bureaucracy to function. The Government Agents (GAs) of Killinochchi and Mullaitivu continued to operate in the Vanni for much of 2008 but with the intensification of fighting moved to Vavuniya. A number of their staff still remain in the Vanni, although many are displaced and unable to work in the area due to security restrictions. Government officials who were able to leave the area recounted the difficulties they encountered in their work in the Vanni. Continued shelling and artillery fire resulted in restrictions on movement and many hours being spent in bunkers. A government official who travelled on the A39 road from the PTK office to the safe zone, said that in January it took 5 hours one way for a journey that usually took 30 minutes. Many of those trapped are displaced and have lost loved ones and property. However, they demonstrate exemplary courage in their continuing commitment to serve the people of the area. In the event of a humanitarian ceasefire and goods being taken into the Vanni, these officials are both willing and able to assist in the distribution.

¹⁹ Interview with humanitarian actor, February 19 2009

3.8 Health issues in the Vanni

Health is a critical issue that needs immediate attention as over the last few months the number of casualties and sick have continued to mount while the medical capacity within the Vanni has been strained to its very limits. As the fighting has moved across the Vanni medical staff have had to withdraw from the few hospitals and medical facilities including Killinochchi. According to news reports and ICRC statements, hospitals, ambulances and medical staff in the Vanni have been subjected to numerous and repeated acts of violence. Since December 2008, there have been several attacks on medical facilities in the Vanni including shelling and artillery attacks on hospitals causing injury, deaths of patients and staff and damage to property. The intensification of hostilities has resulted in all hospitals having to close down in the area and they have been replaced by make shift medical facilities and the treatment of patients under trees and temporary shelters. It is unclear if these facilities can still function given the lack of medicines.

According to the ICRC, hospitals and other medical facilities have come under intense attack. On 2 February 2009 at least nine people were killed and at least 20 others injured as a result of the first three instances of shelling against the Puthukkudiyiruppu Hospital, the only functioning hospital in the Vanni. The hospital sustained three direct hits in less than eight hours: twice between 3 and 4p.m. local time, then again at 6.40p.m. On the same evening at 10.20p.m., the hospital was hit for a fourth time. The hospital sustained continuous hits in early February when up to 800 patients were present on the premises. According to news reports on 6 February, the hospital has been shut down and there is no major medical facility in the area. Two other medical facilities in the Vanni region have also been hit by shelling in recent weeks. On 9 February, Putumattalan was hit by shelling, killing 16 patients who were in a make shift medical facility.

According to the ICRC, at the time of the attacks it was providing medical assistance including medical staff, setting up make-shift structures for the caring of patients, providing mattresses for patients since only floor space was available to them on account of overcrowding. Patients were transported to the hospital in 'wagon, pick-up truck, tractor and even motor scooter'. In a report sent by the Regional Director of Health Services (RDHS), Killinochchi, on 5 March, the conditions are reported to be extremely bad in the Vanni. The RDHS and his staff have been displaced from the PTK hospital and are now in make shift facilities in Thevipuram. According to the RDHS, three of his staff have been killed in the hostilities and the injured are hesitant to come to the hospital, due to fears of attacks.

Whilst transporting the injured to government control areas is highly dangerous, the lack of basic facilities and medical supplies makes it absolutely essential and the need is immediate. According to an urgent appeal by the RDHS, Mullaitivu, dated 26 January, over 300 IDPs were killed and over 1000 injured in Suthanthirapuram, Udaiyaarkaddu, and Vallipuram in the Mullaitivu district. In the appeal, the RDHS requests basic medical assistance, without which he has stated that many would die within a 24 hour period. In the email sent on 12 February, the RDHS states that the injured do not have medical assistance due to shortages of medicine and antibiotics. According to the RDHS, there are no antibiotics and anaesthesia in the area. Healthcare providers lacked even basic materials, such as bandages with patients succumbing to injuries that could have been prevented. Trauma is widespread and people are in need of urgent psycho-social care. Malnutrition due to food shortages and the spread of chicken pox are also serious concerns. Water and sanitation is also in need of urgent attention. Defecation in the open is widespread, increasing the risk for water borne diseases. The situation has worsened due to heavy rains in recent days. In the most recent email sent by the RDHS dated 16 March, he says that more than 500 civilians have died since January 2009 due to injuries sustained due to the

hostilities, many of these injuries could have been treated if adequate health facilities and medicine were available in the area.

Efforts to evacuate the injured have been seriously hampered by LTTE restrictions and continued fighting. In January 2009 critically injured were trapped for days without being able to leave the Vanni for urgent medical attention. The United Nations in a statement said that on 28 January, a second attempt was being made to evacuate hundreds of critically wounded civilians including 50 seriously injured children. According to the statement the convoy was trapped for four days in PTK. Since the intensification of hostilities has made road travel more dangerous, evacuation by sea has been advocated as a safer option. On 10 February the ICRC evacuated 368 patients who were in need of urgent care from Putumattalan to Trincomalee by sea. Both the Government and LTTE had agreed on safe passage by sea. As of 25 February, 1660 patients have been evacuated by the ICRC, with many transferred to Vavuniya, Trincomalee, Mannar, Anuradhapura and Polonnaruwa hospitals.²⁰ Sixty nine (69) patients in need of special care were transferred to hospitals in Colombo and Kandy.²¹

The courage and dedication of the local humanitarian and medical staff, who tend the sick, wounded and affected under the most trying and horrific conditions, must be recorded. Their exceptional role is attested to in the reports received from those who flee the area and from the medical authorities. They serve despite increasing attacks on their integrity and accusations of being LTTE supporters and sympathisers, for requesting medical assistance to save the lives of those trapped in the area and for giving out information on the miserable situation in the Vanni.

²⁰ Interview with humanitarian actor, February 26 2009

²¹ Ibid.

4. Human Security in Vavuniya

The following section highlights the human security situation in Vavuniya Town and the surrounding area. CPA interviewed international and local organisations working in Vavuniya.

4.1 Accessing Vavuniya

All civilians and I/NGOs who enter Vavuniya from the South need to pass through the Madawachchiya check point where they have to register with the security forces, be body searched, and have bags and vehicles checked. The time taken for this process varies depending on the extent of the checking, the number of vehicles at the check point and security personnel present. Our personal experience of those manning these check points was of courteous and friendly security personnel. Others have had a different experience with reports of the harassment of civilians and humanitarian actors and of them being delayed at the check point for long periods of time. There are reports of individuals both internationals and nationals involved in humanitarian work not being permitted to cross from Medawachchiya into Vavuniya unless they obtained Ministry of Defence clearance. Furthermore, there are also reports that residents of Vavuniya are unable to cross through Medawachchiya, raising fears that access to and from Vavuniya is being severely curtailed.

A relatively recent development was the introduction of an unofficial pass in September 2008 issued at the check point to non-residents of Vavuniya. This pass contains the details of the pass holder including the NIC number, date entered and intended date of departure. This pass has to be returned to the security forces when leaving the Madawachchiya check-point. Residents of Vavuniya are issued with a similar pass when leaving. This includes the pass holders NIC number, date of departure and date of return. These passes are mostly made out of card board, cut out from milk powder boxes, indicating that this is an ad hoc procedure even though it is used by the Government on a daily basis. None of the security forces were aware of a written regulation regarding the pass but stated that they were ordered to issue it. Similar to many other security procedures in place in the area, nothing written was made available to the few who questioned the procedures. The standard response is that it is an order from the defence establishment. The lack of transparency, rationale and legal basis for these specific security procedures needs to be addressed. Currently, the term 'national security' is used freely to defend any action by the Government. Although there is a Supreme Court decision stating that pass systems violate the rights of citizens, these procedures are actively used. It also should be noted that according to a Supreme Court Judgement in December 2007 check points such as that in Madawachchiya are illegal structures. While recognising the security situation in the country, the failures to comply with such orders contributes to the steady erosion of the rule of law in Sri Lanka.

The procedure for entering and departing Vavuniya is time consuming and a few hours need to be set aside for the registrations and checks at several points. A thorough check is done at the first entry and exits points respectively into and from Vavuniya on most vehicles, goods and persons. Several documents need to be produced including copies of NIC and other forms of IDs, vehicle registration and details of those who are travelling. It is unclear on what basis individuals are refused movement from these points but there are reports of civilians being refused entry. No reasons have been given for this. The government needs to have clear written guidelines on the procedures in place at all check points including the rationale for the pass system.

Furthermore, there needs to be transparency in how information gathered during registration is used and an assurance to all civilians that the information collected remains with identified government actors and not shared and disseminated to other actors.

4.2 Militarisation and Armed Actors in Vavuniya

Even though the civilian administration continues to operate and plays a crucial role in every day affairs, Vavuniya is a town, which is very much under military control and one, which is now host to a growing IDP population. The Vanni security forces headquarters is the control unit for all SLA units based in the area. There is also a navy, air force and police presence in the area. Militarisation of the town has intensified in recent months including the increase in checkpoints. The town has a security check point manned by the security forces and police on most roads; cordon and search operations are frequently conducted. The road between Madawachchiya and Vavuniya (A9 road) has several check points where most vehicles excluding VIP vehicles have to be registered. The main roads into Vavuniya including the A9 have a heavy military presence.

Vavuniya has a high presence of armed groups, many with state backing, operating in the town and surrounding areas. These include PLOTE, EPDP, TELO-which has splintered into the new TELO and old TELO-TMVP Karuna faction and TMVP Pillayan faction. Each of the armed groups seems to have marked out an area in Vavuniya and even within the town, where they dominate. Most of the violations in these areas including killings, abductions, assault, threats and extortion attributed to 'unarmed actors' are believed to be the work of these groups. The CPA team was informed of the presence of LTTE in the area who is accused of carrying out particular attacks in the area though the team was not informed of specific cases or whether there has been an increase in attacks in recent times.

There are also reports of government intelligence groups who have merged with the civilian and IDP population. The fear and distrust among the civilian population has increased, and many do not want to talk about human rights issues for fear of being observed and noted for what they say. The team was also informed of criminal gangs operating in the area, many using the presence of other armed groups as a screen behind which to engage in criminal activity including extortion. The presence of these armed actors has contributed to the destabilisation of the law and order situation, rendering the police powerless especially in cases involving the armed actors named above. A field visit by members of civil society in September 2008 documented the presence of these armed groups and the increased violations in the area.²² These trends have continued. This section will therefore only highlight new trends that were evident in February 2009.²³

²² For more information please refer to *Civil Society Fact Finding Report to Vavuniya*, September 2008, www.cpalanka.org

²³ Ibid

The influx of civilians from the Vanni has increased surveillance by the government security personnel, intelligence and armed groups. Interviewees voiced concerns that new arrivals will be targeted on suspicion of supporting or sympathising with the LTTE, regardless of whether the civilians from the Vanni have had a choice in determining their association of any kind with the LTTE. The team was informed of the presence of armed groups and intelligence in the hospital who had access to wards and questioned the injured patients.

4.3 Types of Violations

Various types of human rights violations were identified in interviews carried out by CPA, some of which are highlighted below. A report by local civil society organizations produced in September 2008 highlighted many of these violations which seem to still continue.²⁴

Extra Judicial Killings continue with dead bodies of young men and boys appearing on a regular basis. CPA was informed of a number of such cases including the killing of two persons in Chettikulam during our visit, who were suspected of belonging to or supporting the intelligence. Dead bodies, some burnt beyond recognition, have also appeared in and around Vavuniya Town. Two staff members from the Swiss Foundation for Mine Action (FSD), Sathiyakanthan Saravanamuthu, 27 and Selvaratnam Sathanantham, 31, were abducted on 2 February from Vavuniya town and their bodies found on 10 February. Both bodies were very badly burnt. This incident highlighted the general insecurity for civilians in Vavuniya but also the threats to humanitarian workers in particular.

Torture cases were also reported to the team during the visit. This is a trend that has continued from 2008. Three cases were reported to the team for the month of January in Vavuniya town and the Chettikulam area. In one case the person was severely tortured by unidentified armed actors resulting in the victim being unable to walk. In another case, the victim was abducted in the night by an unidentified armed group, kept for a few days, tortured and released there after. The cases reported to CPA indicate that torture is used to extract information on possible links with armed groups including the LTTE. CPA was informed that the full extent of torture as a violation may not be revealed due to under reporting by victims and family members fearing repercussions.

Recruitment by armed groups including state-backed armed groups continues, but CPA was informed that forced recruitment and abductions was a key problem that was not receiving adequate attention. There were also cases of young men and boys joining voluntarily on account of security concerns and monetary incentives. Due to the fear of reporting and speaking publicly, it was extremely difficult to get exact numbers of cases of forced recruitment and abductions. In a civil society report of September 2008 the issue of child recruitment by groups other than the LTTE and TMVP was flagged but it is unclear if there has been any follow up by the Government or international agencies such as UNICEF to investigate these claims. UNICEF for instance has not made any public statement that groups other than the LTTE and TMVP are involved in child recruitment. There are reports that forcible recruitment is taking place in certain resettlement villages. CPA was told that forced recruitment and abductions are much more frequent than they were six months ago. The pertinent question that stands out unanswered is why there is an unchecked increase in recruitment by certain armed groups in Vavuniya operating with state backing despite the firm commitment by the Government to end child recruitment in Sri Lanka?

²⁴ For more information please refer to *Civil Society Fact Finding Report to Vavuniya*, September 2008, www.cpalanka.org

Threats by unknown actors continue to be a key problem faced by the civilian population in the Vanni. Several prominent individuals have received threats over the phone, in some cases accusing them of assisting the LTTE and threatening with death. In other cases the threat involves **extorting money or property**. In a number of cases the extorter claims to be working from one of the main army camps. If money (as opposed to goods) is involved, usually a bank account number is given to which the person being threatened is asked to deposit a certain amount. Like in many of the other violations, there is a complicity of silence, with the victim unwilling to report the violation. Individuals interviewed claimed that even close friends and colleagues are not willing to disclose as to whether they have paid any extortion money. Individuals who resist are wary of being punished and are left with no option other than to flee. The threats and extortion have a grave impact on the coping capacity of Vavuniya, especially prominent individuals, professional groups and civil society.

None of the cases reported to the team have been investigated and prosecuted leading to a conviction. A number of these cases have occurred in an area of high military presence and with check- points in close proximity to each other. This obviously raises questions as to the law and order mechanisms in Vavuniya and the ability and above all will to prevent these individual acts of violence.

Victims and affected families fear reporting due to possible reprisals or harm to those abducted. Others state that reporting makes no difference since there are no independent investigations. The culture of impunity in the area is very evident. This suggests that for the victims of human rights violations the rule of law in Vavuniya has virtually collapsed and is meaningless. This issue needs immediate addressing by the Government.

The area has not only seen the collapse of the police and legal structures but also the weakening of social networks. Community groups and actors have come under increasing scrutiny, threat and attacks. Many groups and individuals fear being public in their work. Others have become much more wary about taking on cases of human rights violations and some have completely stopped working on particular issues or have even left the area. This has impacted the documentation and support systems that were previously available for victims of crime and violence and their families.

5. Screening, separation and medical care of Vanni IDPs in Government controlled areas

CPA spoke to a variety of actors including individuals from government, international humanitarian agencies and local actors working in the camps in Vavuniya. At the time of CPA's visit, access to these camps was highly restricted. As a consequence, CPA could not carry out interviews within the camps. The situation in the camps is highly dynamic and whilst some of the details of the situation within the camps may have since changed, the broad concerns, however, remain.

5.1 Processing of persons coming out of Vanni

There is little information available regarding the modalities of IDPs coming out of LTTE-controlled areas and their arrival at camps operated by the Government in Vavuniya, Jaffna or Mannar for Vanni IDPs. Furthermore, there is no independent observation of this. The current 'process' for IDPs coming to Vavuniya appears to be:

- **First point of contact:** IDPs fleeing the LTTE-controlled areas turning themselves over to troops
- **First screening and immediate relief:** IDPs screened in Killinochchi and provided with food and water by the armed forces. What transpires at the first screening point or as to whether anyone is separated from the crowd is not known. Subsequently, IDPs are transported in buses to Omanthai.
- **Second screening and separation:** IDPs are screened at Omanthai and separated into groups and put into buses. No information is available on what transpires at the screening and where those separated are taken.
- **Camps:** IDPs moved to camps in Vavuniya. Reports received from humanitarian actors indicate that registration is taking place in certain camps though there does not seem to be any consistency in the registration and the data is yet to be made available to agencies providing assistance.

Immediate relief: IDPs fleeing the Vanni are reportedly provided food and water upon their arrival in government controlled areas by the Government. It is not clear whether there is any immediate identification of

individuals who are severely dehydrated or malnourished and specific treatment for these individuals. There are unconfirmed allegations of three individuals including a baby and an elderly person dying once they came to the welfare camp, apparently due to severe malnutrition. Given that a number of these IDPs have not had access to adequate food and even water, there needs to be a process through which individuals at risk, particularly from vulnerable groups like infants, small children and the elderly, are identified and treated at the first screening point.

IDPs are currently being provided transport in buses by the Government from Killinochchi Hospital to Omanthai and then on to the camps in Vavuniya. It is unclear how IDPs arrive at government locations, and if all IDPs are moving by foot from LTTE-controlled areas or by other means.

There were initial discussions between Government and humanitarian agencies for agencies to be present at the screening sites in order to identify emergency medical cases and to provide relief for IDPs. CPA was informed that humanitarian agencies were concerned about co-operating in the screening process but were willing to assist those IDPs who had been screened by providing them immediate relief items.

5.2 Screening and Separation

According to interviews it appears that the screening is done at three main points. The first point of screening is the Killinochchi Hospital. The IDPs are questioned again at Omanthai, the major crossing and checking point on the government side during the cease fire period. The questioning is reportedly done by personnel in uniform but there are also some individuals in civilian clothes. It is in Omanthai reportedly that the separation takes place: those who are suspected LTTE members are separated from the other IDPs. There is a likelihood that screening and separation takes place at multiple locations which are not public. Subsequent to its visit to Vavuniya, CPA received reports that screening and separation was also taking place at the camps. While other screening points have been subsequently reported, Omanthai remains a critical screening point. For example IDP patients released from Trincomalee Hospital are sent through Omanthai for screening before they are sent to camps in Vavuniya.

There is little publicly available independent information as to what happens to those taken away as suspects or roughly how many persons have been taken away. In at least one IDP camp it is estimated that each family is missing at least one person, with male youth being the most common missing persons. The team was also informed that young men and women with short hair were separated at the screening point in Omanthai. A recent media reports cited the SCOPP Secretary General Rajiva Wijesinghe who stated that 250-300 persons had admitted that they were LTTE combatants and that 32 'hardcore cadres' among them had been sent for rehabilitation.²⁵ There are also reports that in some cases it is only the hardcore LTTE cadres who have been taken away while others have been placed with the IDPs in particular camps. It is reported that some 300 persons who have been identified by the Government as having received military training by the LTTE are in the IDPs camps but have not been moved out because they are not identified as hard core LTTE members.²⁶

The screening of IDPs is a necessary security measure which has to be carried out by the Government to ensure that LTTE cadres do not infiltrate government-controlled areas. Screening is important for humanitarian agencies as well, as it helps to ensure the civilian nature of IDP camps. There are a number of concerns,

²⁵ *Daily Mirror*, "Ex-Tiger cadres to be rehabilitated" March 12 2009

²⁶ *Daily Mirror*, "250 LTTE cadres surrender: Minister" February 23 2009

however, as to how the screening is currently being done. In particular, there is no accountability or transparency in the screening and separation process. Other than the families' testimonies, there is no proof that their relatives were taken away. None of the actors interviewed were aware of what transpired at the screening process and of the fate of those who were separated. What is an increasing concern is the fate of those separated, their security and well-being.

There were issues of there being no independent actors at the screening points. Previous discussion with the government indicated that the ICRC and UNHCR would be present during the screening. During the initial influx it appeared that they were not allowed either at Killinochchi Hospital or at Omanthai. It is unclear if this is the result of a policy decision at the level of the Central Government or if the area commander is withholding permission to these agencies to access these areas with the Central Government not being interested in pursuing the matter. Subsequently it seems that the Government has agreed to ICRC and UNHCR being present at Omanthai. While ICRC is supposed to be present from 9am to 5pm and UNHCR is called to Omanthai when IDPs come in, it is not clear if they have access to all of the screening facilities and if they are allowed to speak to the IDPs. Some IDPs who were screened at Omanthai claimed that they did not observe any internationals. This issue of independent international observation of screening needs to be clarified.

The IDPs who are put into the camps appear to have no means of recourse to find out or report on what has happened to their relatives or friends. Nor do they have any information about missing persons. The National Human Rights Commission (NHRC) which is mandated to look into such issues does not appear to be visiting the new camps. Humanitarian agencies working in the camp are also not in a position to help them follow up these cases. The ICRC and UNHCR are key actors which can and have in other phases of displacement, played a role in tracking lost family members and reuniting families. The Government has claimed that reuniting families is its responsibility but has yet to put forward a scheme for ensuring family reunification in a speedy manner. It is unclear therefore if the Government is going ahead with family reunification and if it is blocking ICRC and UNHCR with going ahead with the tasks.

For civilians who have suffered the trauma of having been caught up in a conflict zone, lost loved ones and property, faced security threats including being shot at by the LTTE, had to endure the shelling of safe zones and hospitals and finally escaped from the war zone, the virtual disappearance of a loved one adds to their suffering, and the fears and suspicions they have of the authorities. There are rumours of a significant number of persons disappearing after having crossed over into government controlled areas but they have not been verified. The authorities can allay these fears by providing them with written assurances as per the Emergency Regulations that their relatives have been taken away for questioning. In addition they can provide families, the ICRC and the NHRC access to the detention centres.

Besides the separation of IDPs from suspects, there are other separation procedures that raise serious questions about the humanitarian concerns of the authorities. One is the separation of patients from their family members. The patients are generally taken to Vavuniya Hospital while their family members are separated and have to go through the regular process and are sent to the IDP camps and are not allowed to accompany their family member. Recent arrivals by boat have been taken to the Trincomalee hospital and subsequently transferred to other hospitals and camps. Especially given the heavily militarised conditions within the hospital (which will be discussed at greater length in the following section), the stay in the hospital must be extremely stressful for the IDPs. For family members stuck in the camps and not able to visit their relatives in hospital or receive news from them the whole experience must be very distressing. Health related issues are discussed in greater detail below.

Another form of separation is that of members of families. It is not clear why family members are separated and sent to different camps, but a number of actors working in the camps stated that IDPs complained that their family members were put into another bus and they think that they might be in another camp. It is unclear if the separations are accidental due to the large number of individuals coming through Omanthai or if there is a rationale behind it.

As stated previously, screening by government forces is necessary but it needs to be carried out in conformity with international standards, including the presence of independent actors at all screening centres. Screening of civilians must be done in an accountable and transparent manner, respecting the rights of the individuals concerned. Above all the humane aspect of separation needs to be addressed.

5.3 Identification and treatment of 'Combatants'

As noted above, there are a number of individuals who have reportedly been taken away for questioning, allegedly on account of possible ties to the LTTE. The Government has made clear that it seeks to rehabilitate LTTE cadres and reintegrate them back into society. Defense Secretary Gotabaya Rajapaksa stated, "If those who are in Vanni come to us leaving their arms we will welcome them. Those who are unarmed would not be considered as LTTE terrorists but welcomed as normal civilians. So anybody can give up arms and cross to liberated areas, Then we can support them to get back to normal life."²⁷ The Government has yet to clarify the exact process of rehabilitation and even what is intended for "combatants" in the short term. It is unclear as to what happens to individuals identified as 'combatants' once they come out of the Vanni. With no information as to the fate of relatives, families fear the worst.

The Government has legitimate concerns about LTTE infiltration of the civilian population. This is confirmed by the suicide attack in Vishvamadu on February 9.²⁸ According to the Media Centre for National Security a LTTE female cadre moving in the midst of IDPs blew herself up in close proximity to security force personnel. At least 10 IDPs and 19 military personnel were killed in the blast. Such attacks by the LTTE against innocent civilians must be roundly condemned and the LTTE served notice to refrain from such acts in the future. As this report emphasises, both sides must accord civilian protection the priority it demands and deserves.

An additional concern is that in at least one camp, instead of at a separate location, the Government is housing suspected LTTE members after screening them. Consequently, the placement of suspected LTTE cadre alongside IDPs, compromises the civilian nature of the IDP camps.

The Government must ensure accountability and follow judicial processes in dealing with those in the Vanni, be they combatants or civilians. It has already begun a rehabilitation project for LTTE surrendees in Telipelai in Jaffna, established in March 2008. A specific concern with the surrendee program that was operating in Jaffna since 2006 whereby individuals would surrender themselves to the HRC, which in turn would hand them over to the police who would bring them before the Magistrate who would place in protective custody in the Jaffna

²⁷ *Sunday Observer*, "Fight not against Tamils, but against LTTE terrorism - Defense Secretary" October 21 2008

²⁸ http://www.priu.gov.lk/news_update/Current_Affairs/ca200902/20090210ltte_suicide_attack_on_idp_welfare_centre_kills_29.htm

prison²⁹ is that it does not seem to make much of a distinction between LTTE cadres and those who surrender out of fear. The Government has yet to clarify whether it seeks to open any more rehabilitation centres and what type of programs that it would offer. Clearly the Government is faced with a daunting task of identifying the cadres from the civilian population and in ensuring that they are rehabilitated before they are reintegrated. Such rehabilitation centres should be accessible to key national institutions such as the National Human Rights Commission, international actors such as ICRC and the relatives of those being rehabilitated.

The identification of a person coming out of the Vanni as a combatant is a challenging one for the authorities to make. The LTTE has militarised Tamil society within the Vanni. It has in effect blurred the lines between combatants and civilians, with policies such as the forcible recruitment of one person per family, compulsory military training for adults, child recruitment and 'voluntary service' at the battle front building defences. The Government in turn risks blurring that line further unless it makes distinctions. While the severe restrictions on all IDPs raises the question whether the Government is making a distinction, it is striking that statements have been made referring to LTTE cadres who are allowed to stay with their families and 'hard core' LTTE cadres.³⁰ Given the Government's and international community's condemnation of the militarisation by the LTTE, it is highly problematic and troubling that almost all persons coming out of the Vanni are treated as combatants. Special measures need to be taken to protect and rehabilitate citizens who have been militarised, sometimes against their will.

A key issue is the treatment of child soldiers. It is unclear as to whether any distinction is being made between suspected adult and child LTTE combatants, and whether there is any specific program to rehabilitate child combatants who have been recently captured or surrendered. The Government has already initiated such a program to deal with older case loads of child combatants, particularly from the East, which could be expanded and strengthened. The current rehabilitation camp is located at Ambepussa. Given that the LTTE is using children as combatants³¹ the security forces are faced with a critical dilemma at least on the battlefield. That a number of these children have been forcibly abducted and recruited, however cannot be ignored particularly in how they are treated when they are captured. For instance with regards to the East, institutions such as the police, the Human Rights Commission and UNICEF have the names of children who were abducted by the LTTE (and the TMVP). These lists could be used to trace the fate and whereabouts of the children and their families informed accordingly. Releasing the children or youth to their families immediately may be problematic in terms of the Government's security concerns and risks to the individuals and their families, hence a rehabilitation program which could provide a "catch-up" education and vocational training will be vital for ensuring their reintegration back into society.

An additional issue requiring attention is that of assistance to families in ascertaining whether family members who were combatants (armed forces or LTTE, voluntary or forced) have been killed in the fighting. The ICRC should assist the authorities where possible but it needs to be given access to information and detention centres.

²⁹ CPA, INFORM, "Fact Finding Visit to Jaffna" February 2008

³⁰ *Daily Mirror*, "Ex-Tiger cadres to be rehabilitated" March 12 2009

³¹ According to UNICEF, the LTTE has intensified forcible recruitment of civilians and children as young as 14 years have been targeted. UNICEF has recorded more than 6000 cases of child recruitments by the LTTE From 2003 to the end of 2008. (UNICEF, "More children victims of the conflict, says UNICEF" February 17 2009)

5.4 Vavuniya Hospital and Key Concerns

Those who are evacuated by land from the Vanni are transported to the Vavuniya, Mannar and Anuradhapura hospitals. Since 10 February, injured evacuated by sea are transported to the Trincomalee district and subsequently moved to other hospitals and camps. From the beginning of February to 7 March, 3,214 patients have been evacuated to Trincomalee hospital. Out of this 19 are new born babies (born in Trincomalee hospital). 2,404 IDPs were subsequently moved to other hospitals with 1,271 being moved to Vavuniya camps. With increased numbers being evacuated to Trincomalee and overcrowding in the Trincomalee hospital, a field medical facility is to commence operations in Pulumuddai (between Trincomalee and Mullativu) on 13 March. This facility is supported by the Government of Sri Lanka, Government of India, ICRC and UN.

The injured who leave the Vanni face security checks. They are screened and are being warded in hospitals, which are militarised. There is a heavy military presence both outside and inside the hospital wards. There are also reports of the presence of armed groups present in the hospital premises. Dressed in civilian clothes they reportedly monitor the injured brought in from the Vanni as well as those who visit the hospital. It is not known whether any patients have been questioned by any of the armed groups, but their presence in the hospital gives rise to security concerns on the part of the injured from the Vanni.

Since late 2008 the Vavuniya hospital has had a high military presence but over the recent weeks the military presence and control of the hospital has reportedly increased. This raises concern since it impacts the neutrality of a hospital and the protection guaranteed to it under international humanitarian law. There are restrictions on people entering the hospital. Those who enter the hospital premises are checked and asked the reason for their visit. Several groups have access to the hospital including the ICRC, Sri Lanka Red Cross (SLRC), Canadian Red Cross (CRC), UNICEF, Medecins sans Frontieres (MSF) and church groups. Military personnel are scattered throughout the hospital and monitor the movement of visitors and health professionals. Injured brought into the hospital are closely watched by the military and there is limited information on how they are allocated wards and as to who decides whether the patients should be transferred to another hospital. Another aspect is that the presence of security personnel in the hospital could be distressing to patients who have experienced and witnessed horrors in the battlefield and fear combatants. Overall, the process of providing care for the injured is not transparent and there is limited information available on the reasoning for some decisions taken on ward allocation on the presence of the military.

It was reported that the injured being brought into Vavuniya include men, women, elderly, psychiatric patients and unaccompanied children. There are also several trauma patients and those who have lost limbs. Some patients had bandages and plasters to stop the bleeding, indicating that they had received treatment elsewhere. Most of them were victims of artillery, shelling and gun shots. Many had open wounds, compound fractures, burns and amputations of arms and legs. Since access to patients was restricted, it was uncertain where the patients had received the primary care. Most of the patients evacuated to Vavuniya Hospital are from Tharmapuram, Vattakarachchi, Puliampokkanai, PTK, and Visvamadhu and were gathered in or close to the safe zone declared by the government.

Although the exact process is unclear, information gathered from those who have visited the hospital regularly indicate that there is a screening process established by the SLA for the injured brought in from the Vanni. It is reported that there is a screening and separation process that takes place at Omanthai where patients are separated from their relatives or friends who are accompanying them. Upon arrival at the hospital, a patient is

taken through a military cordon and taken to a desk manned by SLA personnel who register the patient's details. The patient is asked for their name, NIC number and photographed. There is no independent actor present during the registration process and it is not known how the information gathered is used. None of the agencies providing assistance in the hospital have a list of all the patients and therefore it is extremely difficult to know who is registered and whether patients are moved from the hospital. Upon completion of the registration, the patient is moved into a ward where medical attention is provided.

Most of the patients who were brought to Vavuniya hospital were not accompanied by their relatives. They travelled alone. This includes unaccompanied minors. There were a number of patients in the hospital seemed to have been accompanied by family members to the hospital but they were separated from their relatives during the evacuation and registration process at the hospital. In some camps families of patients have been allowed to visit the hospital, accompanied by the SLA.

From information gathered it seems that all who arrive from the Vanni are registered and after being treated are moved to one of the IDP camps. There are injured civilians who are in the hospital with relatives residing in Vavuniya. They have requested the military commander to let them stay temporarily with their relatives rather than be moved to a camp. It is as yet unclear as to what the procedure would be for those who prefer to remain with families.

A concern raised by several actors working in the hospital is that patient lists are not shared and only a few have access to exact numbers and identities of patients. Several actors noticed that the registration process implemented by the SLA was structured in such a way that specific patients would be gathered in specific wards; thus several reports confirmed that a few male patients were surrounded by military in the accident ward and access to them was restricted to medical staff upon authorisation. Two other wards were for female civilians.

There are also concerns of how 'controversial' cases are dealt with by the hospital. For instance, it is unclear how rape victims who come to hospital are treated and whether they are put under surveillance. In such cases the militarisation and the presence of armed groups in the hospital mean that victims of human rights abuses may be extremely fearful of visiting hospitals for medical care and may face intimidation.

A number of steps have been taken by the medical authorities to improve the conditions within the hospital. It has been reported that additional medical staff, including surgeons have been sent to Vavuniya Hospital in addition to extra drugs. A temporary shelter has also been set up with extra beds.

Hospital staff are not allowed to talk to outsiders, provide information to anyone or ask for any provision of assistance or medical supplies to anyone. CPA was informed that medical staff were under heavy pressure and threat not to speak to anyone about needs and not to provide anyone with details on patients. The official position is to show that the government is handling the situation. Agencies who used to work in the Vavuniya hospital were told to go away and that needs were met, although many witnessed the lack of basic equipment such as mattresses, bed sheets and pillows for patients. This is a serious issue as it seems that censorship has been enforced on all medical staff so as to preserve the image of the Government. It is obviously the patients who have to suffer the consequences of this policy.

There are also concerns about patients being transferred from Vavuniya to other hospitals including Anuradhapura and Mannar hospitals. Reports gathered indicate that some civilians who were initially in the

Vavuniya hospital and visited by relatives residing in Vavuniya could not be later found at the hospital. Although authorities had claimed the injured were transferred to the Manik Farm, this could not be corroborated. CPA was told of cases where families and medical staff protested over the discharge of patients from the hospital a few days after their arrival at Vavuniya hospital without proper time to recover from their wounds. Many patients were sent to transit sites without relatives who would take care of them, placing their recovery or worse their lives, at risk. It is essential that the government ensure that a comprehensive list of patients in the hospital is compiled with the assistance of the ICRC, MSF and UNICEF. That list should be verified and given to those agencies to ensure that the movement of the patients can be monitored. It is critical that information relating to transfers be passed on to immediate relatives.

Reports from locals also raise concern about dead bodies that were brought to the Vavuniya hospital. In one incident in January, a local had witnessed 22 naked bodies in the morgue at the Vavuniya hospital. All were young women with long hair and did not resemble LTTE cadres. All 22 were shot at point blank range between the eyes. CPA was also informed of the arrival of bodies of young men who were shot in the mouth in January. According to the source, the bodies in both cases pointed to execution style killings at point blank range. Without independent verification, the identity of those killed is unknown. With more casualties and increased militarisation of the hospital, there is a likelihood that information such as this will not be made public and the truth of what happened to these victims and their identity, will be never be known.

6. Issues from the camps in Vavuniya

As of 12 March, 32,722 IDPs had reportedly come out of the Vanni into government-controlled areas since January 1, 2009. Of these IDPs some 30,726 were moved to camps in Vavuniya. The following section highlights the situation in these camps, while raising broader humanitarian issues relating to the IDPs coming out of the Vanni.

6.1 Issues from New Camps

In the first week of February the Government announced 12 sites to which IDPs coming out of the Vanni would be brought to.

1. Nelukkulam Maha Vidyalaya
2. Pampaimadu Campus Hostel
3. Gamini Maha Vidyalaya
4. Poonthoddam MV
5. Kovilkulam Hindu College
6. Rambaikulam Church Hall
7. Muththaiah Hall
8. Suththananda Hall
9. Cheddikulam Maha Vidyalaya
10. Kandapuram Sri Vani Vid
11. College of Education
12. School of Agriculture

Another 3 were announced, as of February 13 2008 including the Muslim Maha Vidyalaya, Nellikulam Technical Collage and Manik Farm School and by March 16, another three including Thandikulam Piramandu Vidyalaya, Saivapragasa Maha Vidyalaya, Hindu Central College has been added. At the time of CPA's visit to Vavuniya reportedly four of the camps were in operation but over the last month new camps have been opened.

In most of the camps listed above there is a building which is used as a shelter at least for the first set of individuals brought into the camp. In the grounds surrounding these buildings tents and other temporary shelters have been constructed by agencies. Water and sanitation facilities have also been put in place. Given that it was still early days the IDPs received cooked food. However, dry rations and cooking utensils had not been distributed. Subsequent to CPA's visit rations were being distributed in some of the camps for communal cooking and at present this is the practice in all camps.

Several agencies CPA spoke to voiced a number of concerns including:

Lack of prior information: Even though the Government has stated that it will take responsibility for the care of IDPs it is dependent on the INGOs and NGOs to provide shelters and other basic needs. Yet, organisations are not necessarily provided prior information on timings and number of arrivals. Some agencies claimed that they were only told of new IDPs arriving at a camp once the IDPs had arrived at the site, not from when they departed from Omanthai. It is not clear why there is a delay in passing on the information to agencies involved in the key activities such as delivering shelters and food. There is a need for a clear line of communication.

Site suitability: The list of sites were provided by the Government without any of the usual steps such as assessments of the sites to judge their suitability. Agencies are also concerned by the large numbers of people which these sites are meant to support and that risk violating SPHERE standards. The SPHERE standards set minimal levels of service in terms of humanitarian assistance. It covers a number of areas including WATSAN, shelter, food assistance and non-food relief items and health assistance.³² Several sites are supporting double the capacity of what they are intended to accommodate. For instance Saivapiragasa MV has 2,390 IDPs but has a capacity for 800 according to UNHCR standards.³³ There are also concerns about the poor conditions of shelters including their appropriateness for tropical climates and the lack of space especially in the tents.

No beneficiary lists: None of the agencies working in the camps have access to beneficiary lists. The officials in the camps do have lists but they lack details and there is little conformity between the registration forms used in the camps. Registration ensures that vital information can be collected including the number of individuals and families, disaggregated information regarding the number of lactating mothers, infants and disabled persons. This information is very useful for agencies to determine the amount and the type of assistance, particularly with regards to vulnerable sections of the population. Beneficiary lists are also crucial for protection and for identifying special needs. This information is critical for processes such as family re-unification and for providing special care for the most vulnerable.

Separated families: Agencies have come across many families who have been separated including unaccompanied children. Separations occur due to both the screening process and from family members losing contact with each other or splitting up in the Vanni. Whatever the cause, the continuing separation is a particular problem, causing further trauma to those who have been deeply affected by the conflict. Reuniting families is not a complex process and should be considered an urgent humanitarian action. All measures must be taken by the Government and agencies to halt future separation of families.

Lack of information and recourse mechanisms within the camps: IDPs appear to have little or no information within the camp. For instance IDPs turn to humanitarian actors to look into their key concerns such as missing family members which in some cases the humanitarian actors are unwilling to undertake. It is not clear if the ICRC is being allowed to carry out frequent visits to these camps and if they are able to assist in tracing and reuniting people where possible.

³² See www.sphereproject.org for further details.

³³ http://www.humanitarianinfo.org/srilanka_hpsi/Files/Thematic%20Maps/Displacement%20Maps/IDP-Access%20Maps/LKM0304_VAV_VAV_IDP%20Site%20Locations_PUB_001_V9_06%20MAR%202009.pdf

Delays and problems in food delivery: Several weeks after arriving at the camps, IDPs are yet to have adequate assistance. For example, there still remain delays and discrepancies in providing food for IDPs. On 3 March, there was a demonstration by IDPs in a camp who protested continued delays in getting food and the lack of preparation for communal cooking which is to be implemented in all IDP sites. Though communal cooking is to commence, there still remain camps with no cooking pots and utensils and lack of food supplies. There also remains concern about the sanitary conditions in the communal kitchens in the IDP sites. There needs to be a monitoring system in place to ensure needs of IDPs are met. Camp committees involving the IDPs in the decision making should be implemented soon.

Water and sanitation Issues: While agencies have taken up the tasks relating to water and sanitation there are issues in some camps. In particular the shortage of water and the lack of adequate bathing facilities has meant that there are hygiene problems. This is due largely to a lack of space. Some camps have resulted in an increase in scabies cases.

Lack of attention to vulnerable groups: There is also limited attention given to special groups including women, children, elderly and those needing special care. There is also concern regarding the health situation in IDP sites due to lack of medical supplies. There are reports of dehydrated IDPs arriving in camps with no health facilities to provide them a saline drip and that many IDPs in need of care are provided care on the floor since there are no available beds. Pregnant women who give birth in hospitals are moved the very next day to overcrowded camps which are in need of improved sanitation. It is reported that the wounded are being discharged from hospital straight into the camps without adequate attention being paid to treatment and care in the camps. There is also an outbreak of chicken pox and viral flu among the IDPs with no adequate care being provided. Due to inadequacies and security issues in the hospital, many IDPs do not report on chicken pox cases so that they are not moved to the isolation room and as a result there are fears of under reporting. At present there are 340 reported cases of chicken pox in IDP sites. It is also not clear what specific assistance is available for individuals with medical problems such as cancer, heart problems and diabetes.

There is limited assistance for the elderly. Hundred cases have been released from IDP camps but there are still reports of many remaining within camps. The old people's home in Vavuniya is full and there are fears that those who do not have family in Vavuniya will die due to lack of special care. Unaccompanied elders and those with special care receive limited attention. Due to mobility issues, many are deprived of assistance since those who can move fast scramble for the assistance and those unable to move speedily are left out.

Other critical concerns raised related to the severe restrictions on the freedom of movement for IDPs, the lack of humanitarian access and the militarisation of the sites.

6.2 Other 'welfare camps' for Vanni IDPs

In addition to the eighteen camps listed above there are a number of other camps created by the Government in the North since March 2008.

1. Kalimoddai and Sirikundel: These two camps established in Mannar were the first camps created specifically for IDPs from the Vanni. Kalimoddai which was established in March 2008 set the model for the

other camps which would follow with severe restrictions on the freedom of movement for the IDPs. While many of the IDPs were able to prove that they had relatives who could house them, only a small fraction were allowed to leave Kalimoddai. The freedom of movement has eased somewhat in that IDPs can leave the camp for livelihood or education purposes if they have been cleared to do so and obtain a pass from the military. Those leaving the camps must have a relative who will stay in the camp and act as a guarantor. There are also restrictions on humanitarian agencies visiting the camps. Relatives are allowed to visit the camps.

2. Kopai Teachers' Training Centre, Old High Court Complex, Gurunagar, Kodikamam IDP Centre, Mirusuvil IDP Centre, Kaithaddy Children's Home IDP Centre and Kaithaddy University Hostel IDP Centre. These six camps in Jaffna are similar to the transit camps in Mannar. There are severe restrictions on the IDPs' freedom of movement and it is unclear if IDPs are allowed to leave the camps at all. Restrictions have been imposed on humanitarian agencies accessing the camps.
3. Manik Farm semi-permanent camp is meant to be a 'model village' which will be described at greater length below. At present the restrictions on IDPs are similar to that of the transit villages. The Government has built semi-permanent shelters for 6,500 persons and intends to provide facilities including co-operative shops and pre-schools.
4. Manik Farm: A 1,000 acres is currently being cleared for the construction of 'emergency'/transitional shelters. The Government has taken the responsibility of clearing the land and has asked humanitarian agencies to carry out the construction of shelters. As of 19 March there are 1,000 IDPs in these camps.

Each of the different sets of camps seem to be operating on different timelines, as decided by the Government. The camps in Vavuniya are meant to be emergency shelters for short periods, at most a number of weeks. The IDPs are then supposed to be moved to 'emergency' or transitional shelters which are being constructed. As will be discussed below it is unclear how long these transitional shelters will function and if they will become semi-permanent camps/model villages for the period of a few years.

It needs to be noted that there are differences between camps, even in the same category and area. Hence between the camps in Jaffna there are some where NGOs are allowed more access to construct shelters and provide assistance while in other camps NGOs are expected to leave their supplies by the gate. Nonetheless, the key broad issues highlighted below apply across the board.

6.3 Common concerns across all the camps

Three issues will be highlighted below: the freedom of movement for IDPs (including the legal basis for the camps), humanitarian actors' access to camps and the militarisation of camps.

Freedom of movement for IDPs: As noted above whilst there is some variation in the freedom of movement for IDPs, the restrictions on movement is severe. Initially all IDPs coming out of the Vanni were placed in government identified welfare camps and no displaced persons were allowed to stay with relatives, friends or other host families. It needs to be noted that the first preference for many IDPs as seen in the East is to stay with relatives or friends (host families). In Kalimoddai Camp for instance most of the persons provided lists of relatives or friends that they would like to stay with in Mannar, while a few did express a preference to staying in the camp. A small number were released from Kalimoddai but the majority were not permitted this option. Overall the Government appears to be averse to the host family option.

The Government has relaxed the rule that all persons need to stay within the government demarcated camps. It announced that it would allow persons above 60 to stay with family or at an Old Persons' Home in Vavuniya. It is not clear if all elderly people have been released and if the age limit is 60 or 65. The Old People's Home is full so it is unclear how elderly people without relatives in Vavuniya will manage and whether they will be provided transport to alternate areas where they have relatives or if alternate housing will be provided. At the present moment, there still remains many elderly people in the camps.

In most camps the IDPs are not allowed to leave even for short periods. In the two camps that they are allowed to leave, Kalimoddai and Sirikundel the IDPs are required to have a pass which they can obtain for a specific purpose from the military and provided that a family member can act as a guarantor. Ironically the Government seems to have imitated the LTTE's severe restrictions on civilians in the Vanni with a pass system and a guarantor. The pass system does ensure access for very specific purposes for individual IDPs, which ensures a better standard of living. However, the fact is that the pass system is an exception to a highly controversial policy.

The Government's treatment of Vanni IDPs varies starkly with that of IDPs from LTTE-controlled areas in the East. As the Government forces advanced in the East in 2006-7, it is estimated that some 150,000 fled mainly to Batticaloa District. Several IDP camps were set up in various public buildings and on other sites. These were open welfare camps where IDPs were allowed to move about freely. This free movement allowed for IDP families who had been separated to reunite as IDPs could travel to locate family members. The free movement also made it easier for IDPs to find temporary employment or to attend schools once permission had been sought from the educational authorities or to even visit nearby kovils, other religious places and families residing in town. In addition, a significant number of IDPs sought shelter with host families, in many cases relatives or friends, rather than in welfare camps.³⁴ The host family arrangement is generally seen as more comfortable for IDPs and places less pressure on the government and humanitarian agencies.

Comparing the two experiences it seems that the Government is deeply suspicious of civilians fleeing LTTE-controlled Vanni as opposed to those who fled LTTE-controlled areas in the East. With regards to the Vanni IDPs, the Government has sought to impose strict restrictions on the camps. The host family arrangement for the Vanni IDPs has not been approved by the Government. Instead almost the entire Vanni IDP population is being treated as suspects who have to prove their innocence before a limited freedom of movement is permitted (Please look at a more detailed analysis of the legal implications at the end of this section).

Access to camps for humanitarian actors: At the time of the visit there were severe restrictions on humanitarian actors accessing the camps listed above. ICRC and UNHCR were the only agencies with access to most camps. For other agencies access is completely dependent on the delivery of goods.

Access was granted to 14 international agencies a few days prior to the visit of UN Under Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, Sir John Holmes in mid-February 2009. Other international agencies were later able to apply for permission. National agencies need to obtain permission through the D.S. Certain organisations and individuals from the South have been able to secure access to camps through Government actors and the security forces to provide humanitarian assistance in the camps.

Even when access is guaranteed there are specific restrictions. Local agencies which provide lunch can enter only during that period. CPA was informed of specific examples where agencies assisting in particular camps

³⁴ CPA, INFORM, LST, WMC, "Fact Finding Visit to Batticaloa" April 2007

have to either deliver assistance at the entrance to the camp (and are not allowed in) or can carry out their specific tasks (like building shelters and water facilities) but are not allowed to talk to the beneficiaries. This means that essential humanitarian activities such as protection and monitoring have become increasingly difficult to carry out. Individual international agencies, despite having access were also blocked for a certain period. No explanations were provided by the authorities as to why they were being blocked.

Access to camps is a basic standard for the humanitarian community. Through unfettered access humanitarian actors are in a better position to address the various needs of IDPs and to monitor the situation within these camps. The authorities must provide access to all humanitarian actors including international agencies, national and Vavuniya based NGOs, religious groups and family to assist the IDPs and to speak to IDPs directly.

The focus on the provision of assistance, which in turn is dependent upon access results in strain and pressure on humanitarian agencies, especially the smaller ones and risks the compromise of national and international humanitarian standards. INGOs feel that the UN is negotiating on its own behalf and not raising their concerns, adequately. Individual agencies are willing to provide assistance without sticking to the basic positions adopted by the other humanitarian actors. There are also concerns that too much emphasis is being paid to ensuring that all humanitarian agencies gain access rather than expending time and energy on other humanitarian standards, particularly the protection of IDPs. These tensions clearly indicate the situation faced by the humanitarian community. The overall space for humanitarian actors has rapidly shrunk with agencies struggling to secure visas and fend off various charges of assisting the LTTE. While the Government depends on the humanitarian community to deal with emergencies and recovery processes, there are serious questions as to how supportive the Government is in assisting humanitarian agencies to do their work.

Militarisation of the camps: All of the camps listed above are highly militarised. The camps have armed force personnel; in the case of the larger camps they are stationed both inside and outside the camps. In addition to an outer perimeter of walls and fences, there is an inner perimeter of barbed wire in some camps. In the Gamini Vidyalaya the IDPs are currently in the school building which has restricted entry with armed personnel guarding the gates and an inner area secured by barbed wire. This high level of militarisation is problematic particularly for IDPs as it increases their level of fear, particularly when the forces are within the camp. The government insists the military is required for co-ordinating camp activities.

There are allegations that there are also other individuals within the camp not in uniform but having links to intelligence or paramilitary groups. To those who have met these individuals they were unsure whether they were undercover CID or members of state – backed armed groups. There are reports that armed groups have established themselves within certain camps. There are also unconfirmed reports of children being abducted and recruited by these groups. While these charges need to be verified, the presence of armed groups inside camps is a violation of basic standards and questions the security provided for IDPs.

The manner in which security is provided for IDP camps raises questions as to whether the IDPs have adequate protection or if the main focus is to protect everyone else from the IDPs. The presence of various groups is perceived by humanitarian actors as being a tool for the Government to not just prevent LTTE infiltration but to also ensure that little information gets out of the camps. Humanitarian actors, especially locals are fearful that if they speak to IDPs and take up issues such as family members who have been detained, they or the organisation they work for will have to face serious consequences. Overall there is a climate of fear which has been established around these camps and the actors who work in them.

6.4 Legal Implications

The restrictions on the freedom of movement for IDPs in the camps and limitations imposed on agencies also raises serious questions as to whether these are welfare camps or welfare-detention camps. The military operations are presented by the Government as aimed at liberating the people in the Vanni. By placing the civilians under virtual arrest in the welfare camps, the question arises as to whether the civilians have indeed been liberated. Even taking security concerns into consideration and the seemingly temporary nature of the camps, it cannot be denied that at present the Vanni IDPs who fled the LTTE (who had trapped them in the areas that it controlled) are once again trapped, but this time by the Government.

Article 13 (1) of the Universal Declaration on Human Rights declares that everyone has the right to freedom of movement and residence within the borders of each state. Article 12 of the ICCPR states that every citizen should have the “*liberty of movement and freedom to choose his residence.*”³⁵ But this right may be restricted on the grounds of national security, public order, public health or morals of the rights and freedoms of others.³⁶ According to General Comment No 27 by the Human Rights Committee,³⁷ everyone lawfully within the State should enjoy the freedom to move and choose his residence and restrictions can only apply in accordance with Paragraph 3. The General Comment provides guidance on how restrictions can be introduced and limits the scope of the abuse of power. It states that restrictions must be provided by national law and that conditions under which the rights may be limited must be established by national law thereby preventing the possibility of abuses that can be introduced in an ad-hoc manner as seen with the present instance. It goes on to state that restrictions must be consistent with all other rights provided in the ICCPR and that restrictions must not impair the essence of the rights. Accordingly, restrictions must conform to the principle of proportionality and the test of necessity. The General Comment also states that the principle of proportionality has to be respected not only in national laws but also in application through administrative and judicial arms.

According to the Guiding Principles on Internal Displacement, the only international instrument focused on IDPs, IDPs are guaranteed liberty and security of person including freedom from arbitrary arrest and detention (Principle 12). This principle has been broadened to include that IDPs ‘*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*’. Principle 14 goes further to ensure that IDPs have the freedom of movement and freedom to choose their places of residence. This is expanded to include that IDPs have ‘*the right to move freely in and out of camps or other settlements*’. Therefore it is clearly established that international laws and standards provide for the freedom of movement of IDPs and protection of IDPs.

National laws also provide basic rights. Sri Lanka has a legal framework starting with the Constitution of Sri Lanka which includes a chapter on fundamental rights that protects the rights of all citizens including the right to equal protection, freedom of movement, right to choose one’s residence, freedom of expression, freedom from cruel, inhuman treatment to name a few. Article 14 (1) (h) states that every citizen is entitled to the freedom of movement and of choosing his residence within Sri Lanka. Article 13 ensures freedom from arbitrary arrest,

³⁵ Sri Lanka has enabling national law for the ICCPR through the International Covenant on Civil and Political Rights (ICCPR) Act, No 56 of 2007. For a critique on the ICCPR Act, please refer to Rohan Edrisinha and Asanga Welikala “GSP+ and the ICCPR: A Critical Appraisal of the Official Position of Sri Lanka in Respect of Compliance Requirements” pp 77 - 142 in Centre for Policy Alternatives and Freidrich Ebert Stiftung *GSP+ and Sri Lanka: Economic Labour and Human Rights Issues*, October 2008.

³⁶ Article 12 (3) ICCPR

³⁷ UN doc. CCPR/C/21/Rev.1/Add.9 (1999)

detention and punishment with case law establishing standards and procedures on arrests and detentions to prevent the abuse of law by state actors.³⁸ Rights guaranteed under the Fundamental Rights Chapter may be restricted in certain situations including in the interest of national security, public order and the protection of public health or morality by invoking the Public Security Ordinance (PSO), which empowers the President to declare a State of Emergency and adopt Emergency Regulations if s/he believes they are necessary “in the interests of public security and the preservation of public order.” A State of Emergency was declared in Sri Lanka in August 2005 following the assassination of Foreign Minister Lakshman Kadirgamar. Emergency Regulations were brought into force at that time and have been renewed on a monthly basis ever since. There are several Emergency Regulations that impact the rights of IDPs such as detention and arrests, and the setting up of a High Security Zone in Sampur in May 2007.³⁹ Though there are grounds for the restriction of fundamental rights it also needs to be pointed out that as established by the Human Rights Committee these restrictions should ideally be proportionate in national laws and applied through administrative and judicial arms.

Though there are no specific national and international laws governing IDPs and protecting their rights, international human rights law and the Constitution of Sri Lanka provide for the freedom of movement, with guidelines provided for their limitations. The fact that restrictions on the movement of IDPs are imposed in an ad hoc manner in Vavuniya and other IDP camps in the North, and that the legal basis for such restrictions is not clear and is not accessible to the public suggests that Sri Lanka is not conforming to international and national human rights norms.⁴⁰ The test of proportionality and necessity should be used to decide whether restriction on movement of IDPs who have been screened by the security forces is needed. The Government by imposing stringent restrictions of movement is in effect violating the rights of the citizens of Sri Lanka. While security concerns are paramount and the Government needs to take effective measures to prevent LTTE infiltration, the welfare-detention camps suggest that almost the entire Vanni population are being treated as suspects. The Government should take immediate steps to remove all restrictions imposed on the freedom of movement of IDPs conforming with existing national and international laws and standards. Further, authorities should provide access to all humanitarian actors providing assistance in the camps.

³⁸ Ceylon Workers Congress vs. H.E. Mahinda Rajapakse and other (2007), Centre for Policy Alternatives vs. H.E. Mahinda Rajapakse and others (2008)

³⁹ Centre for Policy Alternatives vs. H.E Mahinda Rajapakse and others (2007)

⁴⁰ Also refer to Arumugam Peter Vadivelu vs. the Defence Secretary. In this case the petitioner, a displaced person living in the Sithambarapuram camp in Vavuniya District claimed that the requirement to obtain a pass to travel from Vavuniya to Colombo was an infringement of his fundamental rights guaranteed in Articles 11, 12(1), 12(2) and 14(1)(h) of the Constitution. The respondents argued that the pass system restricting movement of persons was implemented in the interest of national security and necessary at the time. The Supreme Court held with the petitioner stating that the travel pass system had violated the petitioners fundamental rights guaranteed in Article 14(1)(h) by executive action as restrictions of movement could only be imposed by law according to Article 15(7) and the said restrictions were not authorised by law.

7. Disaster Response and Humanitarian standards

This section will examine the response of the Government and the humanitarian community respectively, to the emergency. Especially in the six months prior to the influx, it was clear that a mass exodus from the Vanni was very likely. The Government as the primary actor responsible for taking care of IDPs made it clear that it was preparing for a large influx as military operations would force the LTTE into a smaller territory and would result in a large number of civilians fleeing from the Vanni. International humanitarian agencies based in Vavuniya, including the personnel who had withdrawn from the Vanni due to a Government deadline to evacuate from the area by September 2008, were in place to prepare for the influx of a large number of IDPs and to assist the Government accordingly.

The figures for the expected influx were contested but at the lowest estimate was 60,000 persons. While the scale of the influx is perhaps unprecedented in the recent past, this is not the first time that Sri Lanka has experienced such a large displacement. During particular moments of the conflict there has been a massive influx such as during the displacement from Jaffna in 1995. Vavuniya has played host to a large population of IDPs during various periods of the conflict and still has a significantly large population of IDPs. As a result of the tsunami of December 2004 Sri Lanka faced an unprecedented natural disaster which displaced more than 800,000 persons. Since the outbreak of war in July 2006 there have been large displacements to which the Government and humanitarians have been forced to respond. At a cursory level one would assume that this cumulative experience would have resulted in the humanitarian community in Sri Lanka and the Government in particular, developing a capacity for coping with large influxes.

Conversations with multiple actors involved in the humanitarian response including international and local agencies, and government actors, indicated that while plans and measures were taken to deal with the influx, there was also some element of confusion and lack of clarity. This in turn raised the question of disaster preparedness. One interviewee pointed out that in such a humanitarian situation it is inevitable that there will be confusion and that issues would be ironed out and dealt with over time. Other interviewees however voiced concern that despite six months of preparation there was confusion and a lack of clarity with regard to key issues which will be discussed below. It needs to be noted that the initial influx up to the middle of February was barely one fifth of the figure that the Government was claiming was in the Vanni and one tenth of what international agencies predicted - hence this is only the beginning of a much larger exodus.

7.1 Role of Government actors

The Central Government is playing a key role in the disaster response. A three-person Special Task Force Committee of the Northern Province was established last year but it does not appear that this committee has a formal role in the disaster response.⁴¹ The committee's chairperson and the President's Special Advisor Basil Rajapakse is reportedly playing a crucial role in co-ordination of assistance. One of the other members of the committee, the Minister of Disaster Resettlement and Disaster Relief Services, Rishard Badurdeen is also playing a key role and his ministry is the most prominent among the ministries currently involved in dealing with the Vanni IDPs. Both these individuals have visited some of the sites in Vavuniya, indicating the high level of interest of the central government. The third member of the committee Minister Douglas Devananda is active in Jaffna Peninsula and has carried out visits to the IDP camps in the area. He has recently stepped up his involvement in Vavuniya also. Other ministries such as Ministry of Health Care and Nutrition also seem to be keenly involved in the emergency response.⁴²

While the Central Government in Colombo seems to be playing a key role in the decision making, the security forces appear to be at the forefront of handling the IDPs. In addition to the various tasks related to the immediate humanitarian relief and screening it seems the security forces also play a critical role in implementing Government policy. Like in any other country, the security forces are the most 'effective' arm of the Government in responding to disasters but in most instances there emerges a partnership between the military and civilian administration, with the former giving way to the latter. In terms of the civilian administration it should also be noted that it is the District Secretary of Vavuniya, P.M.S. Charles and the rest of the Vavuniya district administration who are playing a more prominent role with seemingly little involvement on the part of the Government Agent of Mullaitivu and Killinochchi and their staff, despite the latter actors' experience and familiarity with the Vanni people. It is not clear to what degree the civilian administration has a say in the disaster response or whether they have to merely implement the decisions of the Central Government and the military. While particular figures in Government are the focal point in terms of advocacy and securing permission, it appears that it is the military who is presently in charge.

7.2 Government disaster preparedness

The Government has made it very clear that it wanted the civilians to move out of the Vanni into government controlled areas. Multiple statements have been made by Government figures, including President Mahinda

⁴¹ The Special Task Force Committee for North was established by the President in May 2008 to oversee development initiatives in the districts of the Northern Province. This committee will provide advice to all ministries, departments and statutory bodies of the state and will help co-ordinate operations for the north, oversee resettlement and rehabilitation work, facilitate co-ordination between the executive and the consultative board proposed by the All Party Representative Committee (APRC) and if necessary provide proposals and ideas to the governor of the Northern Province.(Daily News, "Special Task Force for Northern development" May 03 2008)

⁴² Minister of Health and Nutrition Nimal Siripala De Silva stated, "President Mahinda Rajapaksa believes that the greater responsibility is thrust on the Government to look after its own people. Our government keeps on sending enough medical and essential food supplies to the IDPs as well as civilians trapped under the LTTE control. Special medical teams were also dispatched to treat civilians wounded by indiscriminate LTTE fire"(Daily News, "Govt. committed to care for IDPs" March 18 2009)

Rajapakse, calling on civilians to leave the Vanni.⁴³ The Government has also taken various measures to indicate this preference including the dropping of leaflets calling on civilians to flee the Vanni.⁴⁴ The Government also presented a specific plan “Urgent Relief Programme for the People of Vanni” by the Ministry of Resettlement and Disaster Relief Services in January 2009 suggesting that there were contingency plans not just for the immediate influx but also for a significant period thereafter. All this seemed to suggest that the Government was taking steps to prepare for a possible influx.

The Government is primarily responsible for taking care of IDPs and has made clear that it will play the central role. The current provision of services to IDPs however, indicates that there are shortcomings in the assistance provided by the Government. While government actors have taken up key tasks for dealing with the immediate care of the IDPs, such as the provision of the first meal and cash for cooked meals for the first few days, arranging transport and identifying locations to which the IDPs would be sent, there are serious gaps in the provision of shelter, food, NFRIs and other key basic needs. This raises questions as to the level of preparedness of the Government and whether it has the funds required to support such a large number of IDPs on its own. It appears that there is an expectation that NGOs will fill in the gaps. For instance NGOs were requested to provide daily cooked meals at lunchtime, as the Rs 100 does not adequately cover the food requirements for the day. This raises questions as to whether the Government has done an adequate assessment and costing of what is required or if it has assumed that humanitarian agencies will step in when required to. It also appears that in the provision of key needs including shelter, WATSAN and rations the Government expects the humanitarian agencies to cover all these needs.

The Government does not appear to have clarified its role in dealing with IDPs. In general the Government plays multiple roles during disasters, the most important being co-ordination at multiple levels. In responding to the displacement over the last two years, humanitarian agencies covered a significant proportion of the costs (some would say most of the costs) for basic needs, including rations, shelters, supplementary food, water and sanitation. This is not to say that the Government and the Security Forces did not play a role, but in terms of a breakdown of roles it is clear that agencies funded a significant proportion of the emergency response in the East. In the current context in Vavuniya, the Government insisted that it would take the primary responsibility for the IDPs and that there was no need for NGOs to get involved. Yet, when the influx happened, the Government immediately turned to humanitarian agencies and asked them to provide a range of basic goods including shelter, cooked meals, water and sanitation. Instead of clarifying exact roles the Government ended up confusing roles and responsibilities in the lead up to the influx. As noted in Section III on medical needs, this lack of clarity can be problematic. In terms of medical needs the Government is wary of making requests to agencies or donors which amount to acknowledging a serious problem. Instead, the Government is expecting both international and local actors to make individual inquiries either at the Ministry or at the hospitals.

⁴³ On February 03 the government reiterated its call to all civilians held by the LTTE to break free from uncleared areas and enter the Safety Zone” as “the Government cannot be responsible for the safety and security of civilians still living among the LTTE terrorists” (Ministry of Defense, “Come to security of Safety Zone - Govt. urges all civilians” February 03 2009) President Mahinda Rajapaksa yesterday requested members of the clergy in the North to return to Government controlled areas along with the trapped civilians as the Government has taken all measures to cater to their welfare.(Official website of the President of Sri Lanka, “President requests clergy to return” February 03 2009) The UN secretary Ban Ki Moon urged the LTTE particular to allow civilians in the conflict zone to move to where they feel more secure, including areas controlled by the government of Sri Lanka. (Sunday Island, “Let civilians go where they feel safest, UN chief tells LTTE”, February 01 2009)

⁴⁴According to the official website of Sri Lankan army, Air force dropped leaflets carrying information about safe zones to the trapped civilians.(Sri Lanka Army, “Air Force Drops Leaflets on Safe Zone” January 22 2009)

The Government has gone on record stating that NGOs would not play any role in the care of the Vanni IDPs and the full cost of the assistance to IDPs would be borne by the Government. Resettlement and Disaster Relief Minister Rishard A Bathurdeen was quoted in *The Island* as saying that “INGOs or NGOs are not allowed to enter any camps” and “The treasury would bear the full cost of maintenance of those welfare centres” (referring to the new welfare villages). Exemplifying the confusion, in the same statement he was quoted as saying that “The UN agencies promised to support the construction of the houses” (built in the welfare villages).⁴⁵ Looking at the response on the ground, however it seems that the Government is relying on humanitarian agencies not just to fill in the shortfalls but also to fund and implement some of the critical tasks.

There is an additional question relating to the level of government preparedness – what was the level of preparedness and how ad hoc was the response? If it is the latter then it is clearly a lack of preparedness. For example, the twelve sites selected by the Government were only announced in the first week of February.⁴⁶ It is not clear as to why these sites were not revealed earlier enabling assessment of suitability and initial preparations to be undertaken. As highlighted in the section on camps (Section VI) and given the availability of a six month time period in which to undertake preparations, there are serious concerns about the Government’s commitment to basic humanitarian standards. Since 2007 a number of sites were put forward under the Common Humanitarian Action Plan (CHAP) but there was no real agreement between Government and humanitarian agencies with the former putting forward sites and the latter raising concerns and vice versa. The agencies raised concerns generally regarding site suitability in terms of the environment and protection for the camp residents while the Government raised security concerns. The number of shelters planned for particular sites by the Government also raised concerns, as it results in severe over crowding and does not meet the minimum SPHERE standards.⁴⁷

There are serious questions as to whether basic best practices have been incorporated into the response. For instance, a fundamental step in dealing with displacement is the registration of IDPs. In the months leading up to the influx of the IDPs into government controlled areas, Government actors received various types of training including in registration and camp management, with even registration forms being supplied to the government servants.⁴⁸ It is not clear the exact modalities of the registration of the IDPs and who is in charge. Has the training provided to Government actors and forms handed out been utilised? It is also unclear whether each camp has its own system of registration, making cross-camp tabulation difficult. Instead, Government servants and agencies are now having to conduct registration in order to identify basic features such as the number and

45 <http://www.island.lk/2009/02/09/news12.html> 9/2/2009 While in the previous camps at ManikManik Farm 1 and 2 and Omanthai UNICEF and WHO were central to the provision at least of immediate relief: <http://www.dailynews.lk/2009/01/20/news11.asp>

46 Basil Rajapakse announced arrangements to establish Welfare Centres in Manik Farm I which has 150 acres, Manik Farm II having 450 acres and Omanthai 150 acres on 24 Jan, to hold 1000 new homes for IDPs from the Vanni <http://www.lankatimes.com/fullstory.php?id=14559> The government then announced at a press briefing on 3 Feb plans for the construction of 24, 000 more homes in 3 new welfare villages at Ramanadan ', 'Kadiragamar Elichchinagar' and 'Arunachalam Chudithalaipuram' <http://www.thebottomline.lk/2009/02/04/index%2031.htm>

47 The standards relate to 1. participation, 2 initial assessment, 3 response, 4 targeting, 5 monitoring, 6. evaluation, 7 aid worker competencies and responsibilities and 8 supervision, management and support of personnel.(SPHERE Project, Humanitarian Charter and Minimum Standards in Disaster Response, 2004)

48 Interview in Vavuniya, February 8 2009

size of individual families, the number of persons with special needs (including lactating mothers, infants, persons with illnesses and injuries and elderly persons).

Given the scale of the humanitarian situation the Government faces a serious challenge in co-ordinating and providing assistance. While this is an emergency situation and there are clear security considerations, the issue of rights cannot be ignored. The IDPs are citizens of Sri Lanka with full rights and the Government as the custodian of these rights needs to ensure that the steps it takes, including placing almost the entire population in welfare-detention centres are in accordance with the Constitution of Sri Lanka. Human rights and humanitarian actors recognise the security concerns of the Government which could be addressed without violating basic rights and standards.

7.3 Issues of partnership between the Government and humanitarian agencies

The division of labour between the Government and humanitarian agencies has been unclear with the Government making contradictory statements on what they expect from NGOs. Given that the *raison d'être* of humanitarian agencies is to provide assistance for vulnerable and affected communities it seems that the Government's expectations that agencies should provide assistance are logical, yet the issue is that the Government has not included INGOs in the planning stages and is setting the conditions for I/NGO involvement. The consultations that do take place are not meant to discuss the design and modalities of the plan. Instead, they are largely meant to identify which agencies can fund or implement the activities that the Government has prioritised. Initially it seemed that the Government wanted most agencies to merely fund the core needs of the IDPs without being allowed to enter the camps. This would have violated basic standards and the standard operational procedures of humanitarian agencies such as supplying assistance based on needs assessment and monitoring. This position appears to have changed. A key reason could be that donors were unwilling to fund agencies unless they were able to access the camps.

The Government has become increasingly hostile in its treatment of humanitarian agencies. The Government has criticised humanitarian agencies for multiple reasons including: helping the LTTE (knowingly or unknowingly), spending vast amounts of money on institutional costs, not making any contributions in terms of visible developments and for making unverified allegations highlighting the humanitarian crisis.⁴⁹ Humanitarian agencies have raised various issues pertaining to the treatment of IDPs and the problems they face working in Sri Lanka. They have also highlighted the scale of the humanitarian disaster and thereby reinforced the Government's suspicions of the humanitarian community. The lack of information sharing and of the exclusion of agencies from the Government's preparations of plans is probably due to the Government's suspicions.

The humanitarian space has rapidly shrunk over the last three years. The increased fighting in the East and North has meant a rapid decline in the humanitarian situation with mass displacement, the killing of civilians, destruction of property and infrastructure which has impacted the lives of many thousands. This has obviously underscored the need for humanitarian actors and increased the workload of those in the field. During this period the humanitarian community has faced numerous challenges including violence against humanitarian

⁴⁹*Daily Mirror*, "Many NGOs still working to LTTE agenda: Media Minister" March 06 2009; *Daily Mirror*, *Daily Mirror*, "Be cautious of responsibility: Gota tells int'l agencies" February 10 2009; *Daily Mirror*, "Govt. to probe NGO spending in North and East", February 09 2009 "UN, NGOs give and take for own survival: SCOPP" January 28 2009; *Daily Mirror*, "Defence Ministry raises suspicion on INGOs" November 08 2008

actors. It is estimated that at least 63 local humanitarian agency personnel have been killed since 2006. This is in addition to other forms of violence including abductions of staff; attacks on convoys, agency offices and vehicles; robberies; threats and intimidation. Humanitarian agencies have also faced a wide range of restrictions including effective prohibition on travelling to and working in particular areas. Prior to the withdrawal from the Vanni in September 2008, the Government imposed severe restrictions on the movement of agencies across the forward defence line. The LTTE had its own set of restrictions including a pass system on all civilians leaving the Vanni, including humanitarian agency personnel and their families. The Government also imposed restrictions on agencies' access to IDPs camps as seen in Vavuniya. Agencies also experienced difficulties in securing visas for their international staff. The restrictions also mean increased paper work and time spent on administration. In addition, the Government and its allies have launched negative publicity campaigns against humanitarian agencies accusing them of assisting the LTTE. This results in the agencies having to invest time and energy in defending their position to the Government and the general public. It also compounds their insecurity.

Humanitarian issues have become increasingly controversial and politicised. For instance, the figures for Vanni IDPs are contested. While this contestation could be the result of genuine confusion, it is also indicative of the highly political nature of humanitarian issues as the two fighting parties have clear interests in manipulating the number of IDPs. This dispute over IDP figures has been a constant feature of this war, starting from the displacement of IDPs from Sampur as a result of aerial and artillery bombardment in April 2006 all the way through the Eastern military operations, which even led to UNHCR suspending the publication of IDPs figures in 2006. The number of IDPs is a basic issue and a starting point for disaster preparedness. That there is confusion about the figure in addition to the lack of clarity on other issues is illustrative of the challenges involved in working on humanitarian issues in Sri Lanka.

Despite this, humanitarian agencies both local and international, have attempted to maintain a constructive relationship with the Government while ensuring that the basic needs of the affected populations in Sri Lanka are addressed. The Government has a very clear advantage over the humanitarian agencies, who despite their financial power appear unable or unwilling to risk confronting the Government with their concerns. The exact contribution of the humanitarian community is unknown, it is clear nevertheless that the figure is substantive. It is important for the humanitarian community to make public its contribution else the popular imagination of the Government's claim that NGOs are not helping rings true. This also weakens the humanitarian community's ability to negotiate with the Government.

7.4 Coordination between humanitarian agencies

Humanitarian actors have been preparing for an influx of IDPs into Vavuniya since at least September 2008. A large number of humanitarian actors were present in Vavuniya including most of the UN agencies dealing with IDP issues, international NGOs, national NGOs and Vavuniya's own local NGOs. Given their international experience and also the key role they played in dealing with the various displacements in 2006-2008, it was expected that the international humanitarian agencies would play a lead role and be prepared to deal with the influx of IDPs into Vavuniya. Despite the large number of agencies and the relatively high number of personnel, (especially given the relocation of agency staff from the Vanni to Vavuniya) the initial response to the influx was characterised by some confusion. This may have been due to multiple issues such as the lack of clarity between agencies, the lack of information from the government, the issue of access or concerns about the treatment of IDPs or even the 'normal confusion' that characterises the first few days of a crisis.

The agencies seemed to have taken various measures to prepare for the influx including building up stocks, training of agency staff and government personnel and planning. A critical tool that humanitarian agencies are using to deal with the mass displacement is the cluster approach. Key tasks are identified such as shelter, food, water, sanitation, nutrition and health and a particular agency designated the lead for each cluster. Some of the key benefits of the cluster approach such as the clear division of labour, are tools for co-ordination. In Vavuniya, however, there are some problems with this approach. CPA was informed that particular lead agencies designated in some clusters have not demonstrated leadership and as a consequence are seen as ineffective by their peers. Some of the interviewed actors expressed concern that due to ineffective leadership there was a possibility of humanitarian standards being compromised. While some of the criticism could be put down to inter-agency rivalry, it is apparent that clear leadership by the cluster leads could ensure better co-ordination between agencies, improved services for the IDPs and a more consistent commitment to humanitarian standards.

The extent to which local organisations in Vavuniya are involved in the co-ordination effort of international humanitarian organisations is not clear. This has been a recurrent problem. Heavily resourced internationals dominate district level initiatives, sidelining local actors who have a rich wealth of experience. Further, local groups are more susceptible to intimidation by political and armed groups, making it more difficult for them to take a principled position. Vavuniya seems to have a relatively active local consortium of NGOs which needs to be given a more prominent role in addressing the present situation. A number of national level NGOs are positioning themselves to address the IDP issue, but once again it is unclear as to how they will involve the district level or even regional level NGOs and work with the existing Vavuniya NGO consortium.

7.5 Humanitarian imperative versus basic humanitarian standards

Given that many of these IDPs have been trapped in Vanni with little or no access to basic supplies and services there is a clear humanitarian and moral imperative to provide assistance to them. There is, however, a critical dilemma that confronts humanitarian agencies as to whether to engage without challenging the current conditions and processes. If humanitarian agencies do provide full assistance including building semi-permanent shelters, as requested by the Government, and do not contest the freedom of movement of IDPs they risk collaborating in the violation of the rights of IDPs. Agencies could provide 'the bare minimum' with shelters and WATSAN facilities designed only for short periods while advocating for speedy resettlement. However, if the Government prolongs displacement the agencies would be faced with a situation of intolerable conditions within camps. The basic dignity of the IDPs must at all times be respected.

The current issues faced by the humanitarian agencies are by no means a result of the recent influx. While there were various issues raised about the treatment of IDPs in the East, the Kallimodai Camp made clear the manner in which the Government would approach the Vanni IDPs. Humanitarian agencies have raised the issue of Kalimoddai mainly through constructive engagement in forums such as the Consultative Committee on Humanitarian Assistance (CCHA) and bilateral meetings. There have been some changes. For instance some IDPs have been able to secure a limited freedom of movement to attend school or for livelihood activities in Kalimoddai and Sirikundel. A few have been even let out of the camps to attend university in other towns. The positive changes are due to a number of factors including lobbying by humanitarian agencies and interest on the

part of key figures in Government.⁵⁰ These positive examples however, are exceptions to the rule. The majority of IDPs have been stuck in these camps for almost a year.

The model used by the Government in the Kalimoddai camp was later replicated in a number of other sites including Sirikundel and Manil Farm, and in the twelve sites in Vavuniya. Hence, local civil society organisations, humanitarian agencies and donors all need to evaluate their efforts in highlighting and advocating a change in policy on the Kalimoddai issue. Furthermore, these actors need to ask how much has actually changed in terms of the 'Kalimoddai model' which has been replicated by the Government. There is also a question of whether agencies are attempting to rush in, in order to stake a claim in terms of a presence in Vavuniya with access to camps before key standards and conditions have been agreed to by the Government. There are financial pressures on humanitarian agencies, be they international or national, to get immediately involved in the camps for the Vanni displaced which could result in competitive outbidding and a lowering of basic standards to the ultimate detriment to the rights of the displaced. It is critical that camp conditions are humane and livable. This is why co-ordination between agencies is such a key necessity.

In responding to the challenge of government established camps such as Kalimoddai and the dilemma faced by humanitarian actors, UNHCR drew up an Aide Memoire in September 2008 to "set out its parameters for its engagement in camp management issues." The Aide Memoire reiterated the importance of four main standards:

- The civilian nature of the camps,
- Preferred options for emergency shelters (first preference being host families then public building and then sites),
- Steps needed to identify sites,
- Protection concerns including the screening of IDPs and freedom of movement for IDPs.

The Aide Memoire provided a useful tool for setting standards by a lead agency like UNHCR which in turn could be reaffirmed by other agencies.

Despite being a useful tool for co-ordination around basic humanitarian standards, the Aide Memoire is also problematic. In discussions with humanitarian actors, it becomes clear that the status of the Aide Memoire is in question with most agencies though verbally committed to it, nevertheless going ahead with securing access to the camps from the Government without the four conditions being met. If the four standards are the basis for involvement and they have not been met then, are agencies are violating their own commitment? The very fact that it focuses on four main standards makes clear that there has been a compromise.

In the present context, humanitarian agencies risk not just violating the international standards but also national standards – specifically the rights guaranteed under the Constitution of Sri Lanka. By working in welfare-detention camps which violate several rights of IDPs, humanitarian agencies have become complicit in this fundamental violation of citizens' rights. While there is a clear humanitarian imperative to provide assistance, there are also questions of responsibility and accountability not just to the Sri Lankan Government and donors but also to beneficiaries. Sadly, these rights are ignored or not given prominence in the planning stages and discussions in modalities of engagement and provision of assistance. All humanitarian actors including the

⁵⁰ Minister of Resettlement Rishard Badurdeen allowed 12 IDP students to enter the Jaffna University to pursue in their studies. Out of the 12 eight of these students were from Vavuniya camps and four were from Mannar camps. (Daily Mirror, "IDP students gain entrance to Jaffna campus" February 05 2009)

Government and the UN need to take stock of their primary responsibility which is assisting and protecting the rights of the affected populations.

8. Concerns over the long-term plans for the Vanni IDPs

While there are serious concerns relating to the immediate needs and the situation of Vanni IDPs, there is apprehension with regards to the Government's long-term plans for the IDPs. Concerns have mounted following the Government's unveiling of an "Urgent Relief Programme for the People of the Vanni" and the establishment of semi-permanent villages. The concerns highlighted below were raised by a variety of actors both in Vavuniya and Colombo, and also in the media.

8.1 Mooted medium-term plan for Vanni IDPs

The proposal presented by the Ministry of Resettlement and Disaster Relief Services in January 2009 lays out a mid-term plan for providing shelter and other forms of assistance for the Vanni IDPs. To quote the document,

Since the incoming IDPs would be large in number and expected to stay relatively longer period (2-3 years), welfare villages will be established with semi-permanent structures which include shelters and other facilities such as health centres, community centres, schools, distribution outlets, children's parks, playground, banks, post offices, police posts etc.⁵¹

A key focus of the plan is the establishment of 'welfare villages.' According to the plan 5 welfare villages: 4 in Vavuniya (Manik Farm, Ramanathan Suthanthirapuram, Arunachalam Viduthalaipuram, Kadirgamar EluchiNagar) and 1 in Mannar will be established. They will contain semi-permanent shelters and provide for 39,000 families. The plan seems to comprehensively cover most of the needs of the IDPs ranging from the more basic shelters, toilets to schools, vocational training, counselling and information technology centres.⁵²

The fundamental assumption on which the plan is designed is that the IDPs are "expected to stay relatively longer period (2-3 years)" as resettlement would be delayed due to "security consideration as well as mine clearance."⁵³ In addition to the plan various statements by actors within the Government suggest that

⁵¹ Ministry of Resettlement and Disaster Relief Services, "Urgent Relief Programme for the People of the Vanni," January 2009, Page 1

⁵² According to the said plan, four villages totalling nearly 1000 acres in the Vavuniya district will be created and a fifth a 100 acre camp will be created in Mannar. The villages would have 39,000 semi-permanent homes, 7800 toilets and 780 septic tanks as well as parks, post offices, banks as well as community centres. (AP, by Ravi Nessman, "Sri Lanka plans to house war refugees for 3 years" February 12 2009)

⁵³ Ministry of Resettlement and Disaster Relief Services, "Urgent Relief Programme for the People of the Vanni," January 2009, Page 1

resettlement will be delayed. The Minister of Resettlement and Disaster Relief Services, Rishard Bathurdeen stated, “ Resettling people in a war affected area is not that simple. First and foremost we need to assure that the area is safe. Then the rest will follow.”⁵⁴

The model of prolonged displacement for the North has been made clear not just through the draft plan and statements but also through the treatment of IDPs from Mussali. These civilians numbering approximately 3,109 were displaced from Mussali in September 2007 when the Government captured an area that had been contested by both the Government and the LTTE. Initially the Government announced that it would resettle the people in a few days.⁵⁵ It is now more than one and half years and despite frequent rumours of an imminent return, resettlement has to take place.

There is little detail in the plan regarding the manner in which resettlement will be done. Yet it seems to suggest that there is a blanket rule for the Vanni that resettlement will have to be delayed for the entire area with no provisions made for a phased approach. There is no clear explanation in the plan as to why the Government is treating the entire Vanni which comprises areas previously controlled by the LTTE - Mullaitivu and Killinochchi districts and parts of Mannar and Jaffna districts - as one block with identical problems in all areas. The Government appears to be wary of following its own policy in the East where it pursued a phased resettlement program so that particular areas were resettled during specific time periods before other areas were opened up.

It needs to be noted that even in the East there are problems as almost two years after the East was ‘liberated’ the Government has yet to permit resettlement in particular areas such as Sampur (which is demarcated as a High Security Zone) and a small section in Western Batticaloa along the A5 road in Batticaloa in Irralakulam. Nonetheless, the Government did make an overall effort to ensure that resettlement would take place as soon as possible in most areas of the East. The proposed timeline for resettlement in Vanni contrasts strongly with that in the East. In the East the Government was determined to resettle areas as fast as possible (in some areas such as Vakaraï barely a month after the displacement and the area had been secured), while in the Vanni the Government seems less interested in resettling IDPs so speedily.⁵⁶ Humanitarian agencies and human rights groups repeatedly highlighted their concerns regarding the speed at which resettlement was being carried out and the manner in which it was being carried out, in particular the forcible nature of return, fears that the return areas had not been adequately de-mined and the lack of consent of the IDPs to being resettled.⁵⁷

It is also unclear how the Government will support this expensive plan. Establishing and maintaining welfare villages, including the construction of an infrastructure to support these villages will be costly and could be offset if the period of displacement is reduced and the money is invested in resettlement, recovery and

⁵⁴ *The Sunday Observer*, “Our top priority, safeguard civilian lives!” February 01 2009

⁵⁵ *Sunday Times*, “Displaced can return to Sillavatturai and Arippe soon – Maj. Gen. Jayasuriya” October 07 2007

⁵⁶ IDPs started fleeing Vakaraï during December 2006 and January 2007. Resettlement activities began from March and by April 10 2007 90% of the IDPs in Vakaraï were resettled. At present 8020 IDPs are remaining in welfare centers in Batticaloa (CPA, INFORM, Law and Society Trust, Women and Media Collective; “Fact Finding Visit to Batticaloa” April 10/11 2007)

⁵⁷ IASC, “Conflict-Related Internal Displacement in Sri Lanka” July 2007; CPA, ‘Humanitarian Policy Brief,’ December 2007; CPA, INFORM, Law and Society Trust, Women and Media Collective; “Fact Finding Visit to Batticaloa” April 10/11 2007; CPA, INFORM, LST, IMARD, “Fact Finding Visit to Batticaloa” May 2007; HRW, News Release, “Sri Lanka: Civilians Who Fled Fighting Are Forced to Return”, March 15 2007, HRW, “Return to war: Human Rights Under Siege” August 2007.

reconstruction. In a context of an international financial crunch when donors, be they Western, multilateral or Asian the issue of funding needs to be seriously examined. There has been no official statement from the Government stating that the plan is redundant or that it will not be its first option. Hence it could be assumed that this is the Government's fall back position. Recent weeks have indicated movement by the donors to introduce guidelines when providing humanitarian assistance and long term assistance. It is imperative that donors stand strong and ensure conditions are imposed to ensure that human rights and good governance principles are part and parcel in the planning and implementation of projects.

The status of the 'welfare villages' plan and of the proposal to delay resettlement remains unclear. Having unveiled the plan, key figures in Government stated that it will not go ahead with resettlement any time soon. The Minister of Disaster Management and Human Rights, Mahinda Samarasinghe stated, "There is no substitute for wanting to resettle them as soon as possible. But at the same time we are not going to take short cuts, we have to ensure that the environment is safe, so that the resettlement is sustainable."⁵⁸ Senior Presidential Advisor and Parliamentarian Basil Rajapaksa stated, "The process of resettlement of the civilians in their own areas would take place within two months but there would be some pockets where rehabilitation would be difficult so soon as the experience of the east had shown."⁵⁹ While these assurances are welcome the government needs to be clear on their long term plans for the IDPs in the North and any development plans. Without information and transparency, there is a likelihood of fuelling fears and tensions among the different communities and hampering relief, resettlement and development plans.

8.2 Fears relating to a delayed resettlement

It is unclear whether the decision to delay resettlement is based on specific issues such as the high concentration of mines, the fear that LTTE cadres continue to remain in the area, or for other strategic reasons which have not been made public.

In delaying resettlement the Government will prolong the displacement of the IDPs. In short, delayed resettlement means prolonged suffering. While the Government plan envisages a variety of facilities that would make these semi-permanent camps well equipped in terms of services it will still be well short of resettlement. Many IDPs express a desire to return to their homes and communities once they feel that the area is safe. This has been the expressed position of most IDPs be they recently displaced from Mussali in August 2007 or Sampur IDPs, or older case loads of the forcibly expelled Muslims from the North or IDPs whose homes are in the high security zones of Jaffna. While during displacement IDPs receive various types of assistance that usually takes care of their basic needs, issues such as the poor living conditions, the lack of incomes and livelihood activities, and the simple desire of living in one's own home and community mean that it is not the first choice for most IDPs. The continuation of displacement also results in an increasing dependency syndrome on the part of IDPs who gradually get used to an assistance supported existence. A delay in the resettlement effectively off-sets a speedy normalisation and recovery processes and also raises doubts among the affected communities as to the motive of the authorities.

The plan makes no mention of the freedom of movement of the IDPs. While the plan is comprehensive in the various facilities that it provides, this has raised concerns that the intention may also be that the IDPs will have

⁵⁸ *The Nation*, "IDPs can go home by year end" February 15 2009;

⁵⁹ *Sunday Observer*, "Four- stage resettlement on way" February 15 2009

no reason for leaving the camps, during the period which the villages will be functioning. It is possible that over time the Government may ease some of the restrictions for employment, education and medical purposes like in the case of Kalimoddai and Sirikundel, but this is not clarified in the plan. It would thus seem that these 'welfare villages' are virtually detention centres where an entire population would be placed under guard for a few years. If this is the case, then this would mean the effective suspension of the fundamental rights of over 100,000 citizens of Sri Lanka, particularly the right to the freedom of movement and the rights to choose one's residence within Sri Lanka guaranteed by Article 14 of the Constitution. The lack of choice for displaced persons being forced to live in 'welfare villages' is a particular issue which has needs to be taken up. In addition such practices would be a violation of international standards protecting the rights of IDPs including the Guiding Principles on Internal Displacement.

There are also concerns that this plan is not merely about security but will have long-term ethnic and political repercussions. A number of individuals interviewed in Vavuniya expressed fears that these 'welfare villages' have international parallels in other conflict situations where governments waging war against rebel groups attempt to separate the guerrillas from the civilian population by placing the civilians in 'new villages.'⁶⁰ Civilians in such villages face severe restrictions in their movement and are also vulnerable to abuses by the forces present in the camps, including paramilitaries. In effect the 'new villages' could be part of the subjugation of the people and not just the LTTE. In the 'new camps' the civilian population will be under the control of the Government and its allies. The Government will accordingly be able to influence political outcomes and wean away the Tamil people from the LTTE or any other perceived ultra Tamil nationalist groups. The location of the 'welfare villages' in Vavuniya and Mannar as opposed to Killinochchi and Mullaitivu only feeds into the fear that entire communities could lose control of their lands on any ground decided by the Government be it national security, development or demographic. While government plans may contain a non-controversial rationale, the lack of information to the public and the lack of consultation of local people only feeds fear in the affected communities and raises suspicions about the real intentions behind the government plans and policies.

The Government needs to acknowledge these fears surrounding the future of the land and with regard to ethnic gerrymandering, are key root causes of the conflict. Some interviewees raised concerns that resettlement would be delayed so that the Government could take measures to break Tamil domination in the Vanni by establishing security zones and having new settlements in the area. Unverified reports highlight possibilities of Sinhalese settlements in these areas, though there are no public statements on this issue. These fears are by no means new and are a part of larger history of post-independent Sri Lanka. It is generally acknowledged that the militarisation of Tamil youth took place as a result of multiple factors, including discriminatory laws and policies pertaining to language, administration and land; the failure of Sinhala and Tamil politicians to agree to and implement compromise agreements; and violence against civilians during riots, particularly Tamils. The control of land has always been controversial with claims that 'colonisation' by the central government has altered the demographic balance in the North and East prior to the conflict. In the East, there are fears that minority communities are being dispossessed of their land and their rights on the grounds of security, development and conservation. There are corollary fears that there is a Sinhalisation plan underway in the East.⁶¹ Efforts need to

⁶⁰ Notably the Rwandan government in 1998 destroyed camps holding several hundred thousand IDPs as a result of observers criticisms stating that rather than a means of protection they were used primarily as a means to separate militants and opponents from their support. http://www.fmreview.org/FMRpdfs/FMR17/fmr17_12.pdf

⁶¹ UTHR(J), Special Report no. 26, "Can the East be won through Human Culling? Special Economic Zones – An Ideological Journey Back to 1983" August 03 2007; UTHR(J), Special Report no. 31, "Pawns of an Un-heroic War" October 28 2008

be made to respond to this fear. The model of the East also holds other lessons for the North including the lack of powers and finances allocated by the Central Government to the Provincial Council; the lack of information to and consultation of actors in the province regarding development plans; and the fundamental importance of the rule of law and human security as a primary building block for recovery and development.

This does not mean that the current virtually mono-ethnic nature of the Vanni needs to be maintained as prior to the conflict the area was home to Muslim and Sinhala communities. Resettlement should therefore be a policy that benefits all communities but does not seek to weaken one community or set up one ethnic community against another. Guarantees should be provided for all communities and the process should focus on not just developing these areas but on building trust between these communities. The Government has a critical role in fostering a context conducive to trust building, not just between the Government and people but also at the local level to allow peace building and community initiatives to develop. Trust building is not the sole responsibility of the Government and other actors be they political, religious, businesses and NGOs in Sri Lanka and in the North all have a critical role in assisting the war-affected communities rebuild their lives and restore trust.

9. Conclusion

As discussed in this policy brief, there are serious concerns for the security, safety and well-being of the IDPs (whatever the figure) and affected communities in the North, many of whom have been displaced numerous times and lost loved ones and property in the present phase of the conflict. With the intensification of hostilities, the safety of civilians trapped in the Vanni needs to be immediately addressed which include the agreement of a humanitarian ceasefire and respect of civilians as discussed in the recommendations below. While those trapped in the Vanni need urgent attention, the plight of those fleeing to government controlled areas should not be treated lightly. From information available and documented in this policy brief, there are serious concerns regarding their security and of the level of assistance to them. It is hoped that policy makers and donors are able to take on board these issues and implement the recommendations provided below. Finally, long term plans for those displaced and affected by the conflict need to be addressed. Any plan needs to ensure that the rights of the affected are respected and protected in accordance with national and international standards and that return, resettlement and reconstruction processes are carried out in line with good governance principles and in respect of international and national law.

10. Recommendations

Vanni Immediate

- The Government and the LTTE must agree to an immediate humanitarian ceasefire which will allow those injured to be evacuated to government controlled areas for medical assistance. The humanitarian ceasefire will allow humanitarian agencies to transport urgently needed medical assistance, food, shelter, milk powder and other essential items to the Vanni. Efforts should be made to explore the modalities of a evacuation of all civilians from the Vanni with the involvement of international actors be they the ICRC or key states such as the US and India.
- Both the Government and the LTTE must respect international humanitarian law and human rights principles.
- A humanitarian assessment team comprising of internationals and nationals needs to go into the Vanni to do an assessment of humanitarian conditions and protection issues.
- Civilian protection is paramount in conflict settings and both parties must abide by these standards. Hospitals and safe zones must be respected and not be fired at. Humanitarian agency staff, medical personnel and religious figures need to be granted special protection.
- Both parties must ensure that military installations, arms and fighting units are not situated near any safe zone, hospitals and other spaces recognised under international humanitarian law.
- The Government must allow UN agencies, I/NGOs, civil society and media to access the Vanni.
- The LTTE must remove restrictions on movement to government controlled areas and allow safe access for civilians.
- The LTTE must immediately cease shooting at civilian populations including those attempting to leave the Vanni.
- The LTTE must immediately stop forcible recruitment civilians including children and humanitarian workers in the Vanni.
- Government officials remaining in the area and local humanitarian actors should be provided space to work in the area.
- The Government provide a comprehensive compensation program for conflict affected persons including those who have been killed, maimed and had their houses destroyed.

Screening, separation and the treatment of ‘combatants’

- Deployment of ICRC and UNHCR at screening centres in Killinochchi, Omanthai and elsewhere where civilians fleeing from the Vanni are arriving. International actors need to be present at all sites and observe the process of screening. The ICRC and UNHCR need to be monitoring the movement of IDPs to camps and those who are separated at the screening centres.
- Screening should be done at identified locations, which are notified to the ICRC and UNHCR and should not be repeated at several locations.
- Medical assistance, food and other urgent services need to be available at screening centres and provided for those who need assistance. The most vulnerable need to be identified for immediate medical assistance.

- ICRC must be provided a list of those detained by the authorities and provided access to all detention centres.
- Family members, lawyers and medical teams must be allowed access to those detained.
- ICRC, UNHCR and other service providers must be provided access to all IDP transit sites and camps and be able to speak to beneficiaries.
- The Human Rights Commission should visit the IDP camps to compile lists of 'suspects' who have been taken away and to follow up on the individual cases with the authorities.
- The Government must ensure that information gathered during screening is not shared by any other actor and used for other purposes.
- The Government should ensure accountability and transparency in its process for arresting and detaining suspected LTTE members. The Government should issue receipts to family members or friends if an individual is taken away for questioning. The police and military need to issue receipts to family members or friends if an individual is taken away for questioning as per the Emergency Regulations.
- The Government needs to take all measure to reduce the separation of families in the process of screening and transporting IDPs to transit sites and camps. There should be a co-ordinated transparent process in place which is observed by the ICRC and UNHCR.
- The Government should make public its plans for rehabilitating combatants and child combatants in separate programs.
- The Government should allow family members to visit and accompany patients to the hospitals and be provided information on their status and well being.

Humanitarian Coordination and Information Sharing in Vavuniya

- Humanitarian actors must continue to insist that basic humanitarian standards are met and be responsible in their provision of assistance and services.
- Humanitarian actors need to better co-ordinate among themselves so as to ensure that assistance can be provided for all IDPs arriving there in a more effective and timely manner, avoiding duplication and delays.
- Donors must insist on humanitarian actors maintaining basic standards with specific deadlines for improvements on the ground.
- The civilian administration needs to play a more prominent role in coping with the IDPs and in the camp management.
- There needs to be improvement in consultation and information sharing between the Government and humanitarian actors. Information of new arrivals at screening centres needs to be communicated to agencies immediately after arrival for the planning and preparations for assistance to the IDPs to take place.
- Service providers should provided access to camps to conduct independent assessment so that information in what is needed in camps is gathered and can be an indicator in providing assistance.

Freedom of Movement and Access to Camps

- The Government should ease restrictions on the freedom of movement of IDPs including allowing them to stay with host families; to carry out livelihood, education and other essential activities.
- IDPs should be given a choice of temporary residence which provides them with a choice of remaining in a camp or staying with host families.
- Families of IDPs should be allowed access to the camps.

- IDP sites and camps must adhere to international standards and ensure that there is sufficient space for IDPs, space for cooking, water, sanitation, medical assistance.
- There should be no military presence in the camps and the camps should be arms free zones.
- Those over 60 years need to be released from camps. Those with family outside the camp should be reunited with their families and others provided space in facilities such as elder's homes.
- Immediate release of vulnerable groups including the elderly, mentally disabled persons and pregnant women , with attention paid to their care and well being.

Camp Conditions and Protection

- The Government should ensure that it uses standardised beneficiary lists in all camps, while ensuring their confidentiality by circulating them only amongst agencies working in the camps.
- Every effort needs to be taken to ensure that temporary sites identified for IDPs are constructed to internationally accepted standards.
- Attention should be given to cooking arrangements and whether IDPs prefer communal cooking.
- Special attention and care needs to be given to special groups including women, children, elderly and those with special needs, including those with injuries and suffering from illnesses.
- Bathing areas need to be secluded and women given the necessary privacy in these sites.
- The Government and other service providers need to provide information to IDPs in camps including information on time frame of stay in camps, possible return dates to their homes, alternative plans, assistance being providing, assistance in reunification, assistance in obtaining lost documentation.
- Psycho-social care needs to be provided to those in need of such assistance.
- Actors such as the ICRC and the Human Rights Commission should make constant visits to the camps and follow up cases of missing persons and other reported violations.
- There should be no space for armed groups to remain and operate in IDP sites, and camps.
- Camp committees should be established in all IDP camp comprising of both female and male who can participate in the decision making and implementation of welfare programmes within the camp.

Hospitals Care for Vanni IDPs

- Hospitals and health care centres should be arms free zone. Military should be stationed outside of the hospital.
- Screening and registration taking place in the hospital must be monitored by the ICRC, UNICEF and MSF.
- Lists of injured in hospitals should be shared with service providers.
- The Government must ensure that sufficient resources and man power is provided to hospitals in the North and East dealing with patients arriving from the Vanni. This also includes ensuring that there is sufficient medicine and equipment to treat the injured. A mechanism needs to be devised through which the affected hospitals in Vavuniya, Trincomalee, Mannar and Anuradhapura should be allowed to make their specific urgent requests.
- There should be no space for armed groups and other unknown actors to remain and operate in hospitals.
- Education of local children and IDP children need to be addressed speedily and alternative locations identified for schooling to continue.
- To ensure supplies are transported speedily and efficiently, the Government needs to ensure that unnecessary restrictions placed at check points should be removed including those practised as the Medawachchiya check point.

Security in Vavuniya

- Government must take immediate steps to ensure independent investigations of human rights violations and ensure that indictments are filed against perpetrators.
- All armed actors must end extra judicial killings, abductions, forced recruitment, assault, threat and extortion.
- The Government and UNICEF to take up the issue of child recruitment including by groups other than LTTE and the TMVP.

Long Term Plans for affected populations

- The Government should re-examine its decision to delay resettlement of the Vanni IDPs and re-assess ways to ensure that the displaced can be resettled as soon as possible. The Government in consultation with the security forces, de-mining groups, humanitarian agencies and local actors could devise a plan for a phased resettlement whereby resettlement to 'less sensitive areas' could take place first. As such the Government could then provide lists of communities where displacement will be delayed and identify sites close to these sites where the communities can be temporarily relocated if need be.
- The Government should make public its plans for return and resettlement in the Vanni and create a public information campaign with the aim of allaying the fears of the displaced and the other communities in the North.
- Donors and humanitarian agencies should commit themselves to basic humanitarian and development assistance standards including conflict sensitivity. Hence they should review the implications of supporting projects that could have grave implications for the fundamental rights of IDPs and for ethnic relations.
- The Government should focus on strengthening reconciliation initiatives and engaging in consultations with local level leaders.
- Civil society should become more involved in supporting reconciliation efforts among various communities of the North especially to ensure that issues between various returning communities do not become politicised and are dealt with amicably at the local level.

ANNEX 1

LIST OF PERSONNEL FROM HUMANITARIAN AGENCIES KILLED AND DISAPPEARED

(January 2006 – 18 March 2009)

Case Number	Date	Name	Organisation	Location	Killed / Disappeared
1	January 11 2006	Mr.Thambiah Tharmasiri	Danish De -mining Group	Palaly, Jaffna	Disappeared
2		Mr. Narayanmoorthy Kandeepan			
3	January 29 2006	Mr. Sujendran Shanmuganathan	TRO	Welikanda, Polonnaruwa	Disappeared
4		Mr. Vasantharajan Thamiraja			
5		Mr. Satheeskaran Arulnesarasa			
6		Mr. Ravindran Kailayapillai			
7		Ms. Premini Thanuskodi			
8	January 30 2006	Mr.Kasinathar Ganeshalingam	TRO	Welikanda, Polonnaruwa	Disappeared
9		Mr. Thangarasa Kathirkamar			
10	February 04 2006	Mr. Gunaratnam Logithas	Halo Trust	Kaithady, Jaffna	Disappeared
11	February 17 2006	Mr.Parameswaran	Mines Advisory Group	Kallady Batticaloa	Disappeared
12	April 10 2006	Mr. Shanmugaratnam Pathmanadan	Caritas - Hudec	Mirusuvil, Jaffna	Killed
13		Mr. Selvendra Pradeepkumar			
14	May 15 2006	Mr. Jeyaruban Gnanaprasagam	Norwegian Refugee Council	Puthiyasinnakulam, Vavuniya	Killed
15	June 08 2006	Mr.Rajini	FORUT	Polikandy, Vadamarachchi, Jaffna	Disappeared

16	June 09 2006	Mr. Rasiah Muraleeswaran	FORUT	Nilavan Settlement, Vadamarachchi, Jaffna	Killed
17	July 02 2006	Mr. Krishnapillai Kamalanathan	TRO	Valaichchenai, Batticaloa	Disappeared
18	August 05 2006	Ms. G.Kavitha	Action Contre la Faim (ACF)	Muttur, Trincomalee	Killed
19		Mr. S. Ganesh			
20		Ms. K. Kovarthani			
21		Ms. S. Romila			
22		Ms. V. Kokilavathani			
23		Mr. G. Sreetharan			
24		Mr. Primus Anandarajah			
25		Mr. Matahavarasa Ketheeswaran			
26		Mr. Narmathan			
27		Mr. R. Arulraj			
28		Mr. P. Pratheeban			
29		Mr. M. Rishikeshan			
30		Mr. Y. Kodeeswaran			
31		Mr. Muraleetharan			
32		Mr. K. Koneshwaran			
33		Mr. A. L. M Jauffer			
34	Mr. A. Jaseelan				
35	August 20 2006	Mr. Nagarasa Thavaranjitharam	SLRC	Chettikulam, Jaffna	Killed
36	August 23 2006	Mr. P. Jestley Julian	UNOPS	Munaiyoorkulam, Amparai	Killed
37	September 1 2006	Mr. Sathyamoorthy Selvaroopan	Sewalanka Foundation	Karaveddy, Jaffna	Killed
38	September 11 2006	Mr. Rangunathan Ramalingam	World Concern	Nilaveli Road, Trincomalee	Killed
39	November 15 2006	Mr. Charles Houston Ravindran	Halo Trust	Chundikuli, Jaffna	Disappeared
40	November 23 2006	Mr. Sabaratnam Rubesh	Terre des homes	Periyaneelavani, Batticaloa	Killed
41	January 04 2007	Mr. Subramaniam Parameswaran	Halo Trust	Racca Rd, Jaffna	Disappeared
42	January 06 2007	Ms. Y. K Lakmalie Niroshinie	Sewalanka Foundation	Hikkaduwa, Galle	Killed

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43	January 09 2007	Mr. C. Rajendran	Halo Trust	Nallur, Jaffna	Disappeared
44		Mr. Nagarasa Narenthiran			
45	March 24 2007	Mr. Muthuraja Aruleswaran	TRO	Periyamadu, Mannar	Killed
46	June 03 2007	Mr. Sinnarasa Shanmugalingam	SLRC	Kiriella, Ratnapura	Killed
47		Mr. Kartheesu Chandramohan			
48	June 18 2007	Mr. Sivarasa Vimalarasa	Danish De-mining Group	Kuppilaan, Palalay, Jaffna	Disappeared
49	July 23 2007	Mr. Arumainayagam Aloysius	Danish Refugee Council	Anaikotte, Jaffna	Killed
50	August 06 2007	Mr. Mohomad Zavahir Mohamod Rizvi	UMCOR	Trincomalee Town, Trincomalee	Disappeared
51	August 20 2007	Mr. Sivasami Sridaran	Danish De-mining Group	Thattanveediya, Jaffna	Killed
52	September 26 2007	Rev. Fr. Nicholaspillai Packiyaranjith	Jesuit Refugee Service	Kalvi'laan, Vallaangkulam, Wanni	Killed
53	October 28 2007	Mr. Shanmuganathan Pakeerathanathan	Danish De-mining Group	Kayts , Jaffna.	Killed
54	November 11 2007	Mr S.A. Jalaldeen Gowthu	Rural Development Fund	Veerapuram, Mankulam, Vavuniya	Killed
55	November 16 2007	Mr. Thangarajah Sujeevan	Halo Trust	Stanley Road, Jaffna	Killed
56	November 28 2007	Mr. Sinnathamby Sathananthan	World Vision	Navathkuda, Batticaloa	Killed
57	December 16 2007	Mr. Sooriyakanthu Thavarajah	Sri Lanka Red Cross	Kaithady, Jaffna	Killed
58	January 16 2008	Ms. Anoma Jayasiri	Sri Lanka Red Cross	Okkampitiya, Monaragala	Killed
59	May 15 2008	Mr. Sebastian Goodfellow	Norwegian Refugee Council	Colombo	Disappeared
60	February 02 2009	Sathiyakanthan Saravanamuthu,	Foundation for Mine Action (FSD)	Vavuniya	Killed
61		Selvaratnam Sathanantham,			
62	March 04	K. Vijayarasa,	ICRC	Mullaitivu	Killed
63	March 18	R. Sabesan	Care	Mullaitivu	Killed

The information contained in the table below is from publicly available sources including media reports, press releases and agency websites.