

IDPs: Detainees and Escapees

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“Nearly 20,000 escape from IDP centres was the headline of an English language broadsheet yesterday. The strap line read –“Most believed to be LTTE cadres”. The article quotes the SSP for Kandy Ranjit Kasturiratna as saying this at a meeting of the Kandy District Coordinating Committee chaired by the Chief Minister of the Central Province Sarath Ekanayake on Monday. The article goes on to say that according to the SSP special teams have been dispatched from Kandy to the IDP camps to conduct investigations.

This is not the first time this information has been reported in the media. Since the source of this information is a senior Police officer, we can assume that the information is reliable and accurate. Given the detention of over 250,000 IDPs in Menik Farm and many more in other camps on the grounds of their security and safety, this is indeed shocking. Tens of thousands, most of who are believed to be LTTE cadres escape whilst ten times as many remain confined in camps to be screened for LTTE membership and sympathies! Is this a case of locking the stable door once the horse has bolted? How could this have happened? Who is involved? Security forces? Para-militaries? Surely not? The former are supposed to be outside the camps and beyond reproach; the latter are supposed to be nowhere near the camps, leave aside inside them.

It is information such as this, which truly informs the average citizen about what is really happening in respect of the most important and pressing issues facing the country – the situation of the IDPs and national security. Hopefully, as would be the case in a vibrant functioning democracy, this would lead to greater public awareness and debate about the situation of the IDPs and the need to address it as the urgent national priority it is as well as the state of national security. Furthermore, since the question of accountability is much in the news these days, accountability for what is clearly an egregious security lapse must surely follow. The prospect of thousands of LTTE cadre at large is indeed a horrific prospect in the aftermath of a decisive military victory and a country on the cusp of a post-conflict phase of peace and reconciliation and unity.

What is also revealing is that the bulk of the nearly 20,000 who have escaped from IDP centres are “believed” to be LTTE cadres. That this could be the case after the decisive military defeat of the LTTE is quite frankly mind boggling, particularly since the figures put out by the defence hierarchy of LTTE cadre strength over the years and in the course of the war, did not lead one to believe that it ran into anywhere near tens of thousands. Be that as it may, no doubt the regime with its proven expertise in security matters and heightened security consciousness will get to the bottom of what appears to be an uncharacteristically egregious lapse on its watch.

In the meantime, the fate of the over two hundred thousand IDPs detained in camps remains to be decided.

The statement of the UN Secretary General’s Special Representative on the Human Rights of the IDPs Walter Kaelin is instructive in this context and worth

quoting at length. Walter Kaelin recently concluded a visit to Sri Lanka, soon after that of the UN Under Secretary General for Political Affairs Lyn Pascoe. Kaelin in a press release of 29 September states that he is:

.....impressed by the Government's massive demining and reconstruction efforts that I witnessed in the Mannar rice bowl.

He goes on to say:

The IDPs should be allowed to leave these camps in Northern Sri Lanka with their difficult and risky living conditions. The IDPs should be allowed to leave these camps and return voluntarily and in freedom, safety and dignity to their homes. If this is not possible in the near future, the displaced should be allowed to stay with host families or in open transit sites.

He notes that the camps were not set up to deal with heavy rains and the approaching monsoon and "whilst appreciating that his interlocutors in the Government shared these goals, called upon the Government to translate its commitments into action without further delay".

According to Walter Kaelin:

Restoration of the freedom of movement is important to gain the confidence of the Tamil community and enable the building of a sustainable peace. In this context an incident reported by the Sri Lankan Army on 26 September involving the use of firearms to control a group of internally displaced persons trying to move from camp zone to another that resulted in injuries to two persons raises serious human rights issues. It also underscores how interning people in large overcrowded camps not built for prolonged stays is in itself a factor detrimental to security.

On internment he points out that:

According to international law, legitimate and imperative security concerns may justify the internment of civilians during the height of a conflict, but it must not last longer than absolutely necessary to respond to these security concerns. Internment decisions must further be made on an individual rather than a group basis. Those who are not released must be informed about the reasons on an individual basis and be given a genuine opportunity to have the decision reviewed by an independent body.

Whilst noting that there have been vast improvements in the security situation, Kaelin emphasized that:

...immediate and substantial progress in restoring freedom of movement for the displaced is imperative if Sri Lanka is to respect the rights of its citizens and comply with its commitments and obligations under international law.

In the press release, Walter Kaelin makes a number of suggestions including improvements in the screening process in the direction of greater transparency and against “renewed confinement and screening in districts of return”. Furthermore he suggests parallel options of return to homes, to host families and open relief centres in transit areas. He also points out the importance of information regarding the modalities of return, relatives and family members as well as the access of humanitarian actors to information. Kaelin also draws attention to the Muslim IDPs who have been displaced for over two decades and calls for their inclusion in reconstruction programmes.

We are now at the beginning of October and the monsoon approaches, thousands have escaped, ten times that are still in detention, some have been shot at, others relocated and there has been a foretaste of what the rains will do. And peace, reconciliation and unity awaits.....