

CIVILIANS IN THE WAY OF CONFLICT:

DISPLACED PEOPLE IN SRI LANKA



NORWEGIAN
REFUGEE COUNCIL



internal
displacement
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centre

Civilians in the way of conflict: Displaced people in Sri Lanka

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Cover illustration: Civilians fleeing fighting between the government and LTTE in 2006
(Photo: Reuters, courtesy www.alertnet.org)
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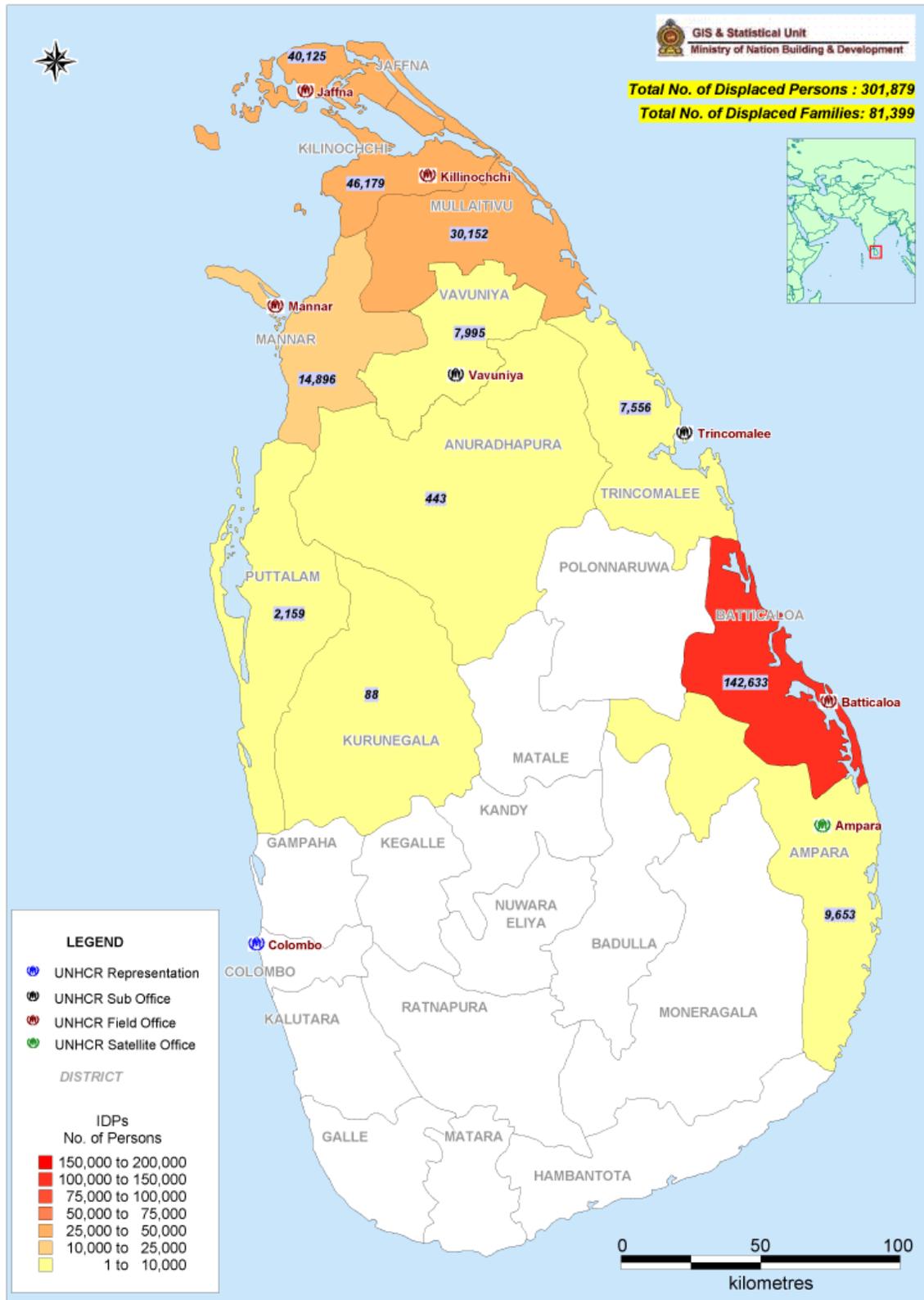
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Map of displacement in Sri Lanka April 2006 – April 2007



Source: UNHCR / Sri Lankan Ministry of Nation Building and Development

Executive summary

Since mid-2006, a dramatic escalation in the civil war in Sri Lanka between government forces and the rebel Liberation Tigers of Tamil Eelam (LTTE) has resulted in over 4,000 deaths and the displacement of hundreds of thousands of people. The latest phase of the 24-year conflict has also prolonged the misery of large numbers of civilians already displaced by the conflict between 1983 and 2002, and by the December 2004 tsunami.

At the end of 2006, at least 520,000 people in Sri Lanka were victims of conflict-induced displacement in a country of 20 million, making up one of the largest displacement crises in Asia in absolute terms and particularly in terms of the proportion of the population displaced. Upwards of 300,000 people were displaced in the offensive from 2006 onwards, with Tamil and Muslim minorities in the districts of Batticaloa, Trincomalee and Jaffna the most affected. Despite a major return programme initiated by the government in Batticaloa and Trincomalee in recent months, the number of conflict-induced internally displaced people (IDPs) in the country is estimated still to be around 460,000.

During the renewed offensive, both the government forces and the LTTE have been accused of deliberately targeting civilians and committing or permitting grave violations of international humanitarian law. The Karuna militia group, which broke away from the LTTE in 2004 and is now aligned with government forces against the LTTE, has also been accused of widespread abuses in eastern Sri Lanka.

In many instances in 2006 and 2007, violations by both parties of a 2002 ceasefire agreement between the government and the LTTE have become particularly brutal, involving the use of civilians as human shields, attacks on places of worship and refuge, retaliatory killings, abductions and disappearances, targeted assassinations, and widespread displacement.

Many civilians have fled their homes to escape indiscriminate bombardments, others have left after receiving warnings of imminent attacks from parties to the conflict, and some have been forced to leave after losing their livelihoods. Not all civilians have been able to escape the battlefields. In a number of incidents, people have been left stranded in extremely dangerous situations or facing severe shortages of critical supplies, due to ongoing restrictions placed on their movement by the government and the LTTE. It is the Tamil citizens of Sri Lanka who face most restrictions from both warring sides.

The unexpectedly large number of people displaced has created many humanitarian challenges and protection problems at the IDP camps and welfare centres. Nevertheless, many IDPs have not wanted to go back to their homes unless the insecurity that compelled them to leave is fully resolved.

The protection standards outlined in the Guiding Principles on Internal Displacement have been disregarded by each of the parties to the conflict. Forced returns of IDPs, spearheaded to a large extent by the army, have been a major cause for concern. In the

early stages of the return drive launched by the government in March 2007, IDPs reported facing coercion to go back, either in the form of physical force, or through threats to have food supplies cut off and the provision of security denied. Humanitarian and human rights agencies were frequently denied access to monitor the return processes. Reports of forced returns have become less frequent in more recent IDP return movements, but the process remains heavily militarised and agencies are still being kept away from areas of return.

Many of the IDPs who have returned home to eastern and north-eastern areas during the last year, whether voluntarily or involuntarily, have experienced difficulties due to the general security situation, and continue to face the risks of death, injury, loss of shelter and livelihoods and conscription into armed groups. IDPs who have returned to insecure areas cannot be considered to have found a durable solution to their displacement.

The plight of more than 60,000 Muslim IDPs living in Sri Lanka's western Puttalam district is often overlooked; after being displaced for 17 years the community is experiencing breakdowns of traditional family structures and the potential for radicalisation. A recently approved World Bank project is offering some hope to the IDPs as it will enable some of them to have houses in Puttalam, and regain the basis of a normal life.

Government responses to the various displacement situations, and the pressure applied on some groups to return prematurely, may stem from a disinclination to deal with another large IDP population in a country which already harboured hundreds of thousands of displaced people. However, given the climate of distrust between the current government and the minorities of Sri Lanka, it may be perceived that the return programme purposefully discriminates against minority populations. Although in some areas the government of Sri Lanka has shown greater seriousness in respecting the rights of the displaced, it still needs to take more concrete actions to demonstrate convincingly that it intends to respect the rights of all displaced persons, whether they belong to a minority or not.

The legitimacy of the government's response in recent months to IDPs' needs has been coloured by accusations that a number of national institutions with mandates to protect people have lost their independence under the current administration. Meanwhile, access to vulnerable groups and the safety of aid workers continue to cause concern to the humanitarian community in the country.

During 2007, the army has achieved significant victories in the east and north-east, and in July the government announced it had taken control over the entire eastern province from the LTTE. However, few analysts believe that this victory will increase peace prospects or end the massive humanitarian and human rights crisis that has engulfed Sri Lanka, and caused the forced displacement of so many civilians.

Recommendations

To the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE):

- Halt the practice of forcibly displacing civilians in violation of international humanitarian law and the Guiding Principles on Internal Displacement, unless it is for their safety or imperative military reasons.
- Respect the right of civilians to move freely to escape conflict, violence and human rights violations, as enshrined in international human rights law, the Guiding Principles on Internal Displacement and the Constitution of Sri Lanka.
- At all times distinguish between the civilian population and combatants in order to spare civilians and their property, to ensure that civilians are not caught in the crossfire and have safe passage to leave conflict-affected areas.
- Permit unrestricted access by international and national humanitarian agencies to all those in need in areas controlled by any party to the conflict.

To the Government of Sri Lanka:

- Develop and implement a national policy for protection and assistance to IDPs based on the Guiding Principles on Internal Displacement.
- Take measures to ensure that government agencies end the practice of coerced returns, and that all return decisions depend on the informed consent of IDPs.
- Take steps to improve IDPs' understanding of their rights according to the Guiding Principles on Internal Displacement.
- Consult with and inform IDPs, and the humanitarian agencies assisting them, on return-related issues and ensure all decisions concerning their lives remain transparent.
- Implement the agreement to permit IDP camp representatives to undertake "go and see" visits before each return phase, and ensure that decisions on returns reflect their recommendations.
- Increase the role of civilian authorities and monitors in the return process, in the place of the army.
- Secure IDP sites and camps in government-controlled areas against militia groups such as the Karuna faction.
- Prior to IDPs return, make sure that areas of origin are free from paramilitary groups, landmines, and other obstacles to safe return.
- In close cooperation with humanitarian agencies, prepare the ground for the IDPs' return and ensure that shelters, schools, health facilities and the civil machinery are functioning before return commences.
- End restrictions that appear to discriminate against members of minority communities, such as preventing returns of Tamil IDPs to Muttur East while keeping the area open to investment.
- Ensure that all civilians displaced from the government-designated high security and prohibition zones are compensated fairly and fully involved in their resettlement.

- Take action to prevent the forced recruitment of children and the harassment of aid workers by the Karuna militia in government-controlled areas, and to end the impunity of perpetrators, in order to make these areas safer for IDP return and monitoring.
- Re-establish and maintain a secure humanitarian environment in Sri Lanka.

To the LTTE:

- Enable civilians to escape from areas of conflict, and end the violations of international humanitarian law which prevent them from doing so.
- Permit all residents in areas under LTTE control to move in and out of the territory freely.
- End the forced recruitment of children and adults and permit those who joined the LTTE involuntarily to leave the group.
- Grant international and national agencies unimpeded access to all the vulnerable people in areas of LTTE control.

To international and national organisations:

- Monitor returns of IDPs to ensure they are voluntary and respect their safety and dignity.
- Advocate with the government for the ending of involuntary returns.
- Create awareness among IDPs of their rights against forcible return.
- Continue to underline the need for access to all parts of the country.
- Continue to brief international human rights bodies and donors on violations of the rights of IDPs and bars to humanitarian access.
- Maintain efforts for durable solutions for the IDPs living in Puttalam.

To donors:

- Ensure parties receiving aid demonstrate their commitment to ending human rights violations and abuses.
- Support the efforts of national NGOs to monitor and report on the situation of IDPs and other vulnerable groups both within and outside Sri Lanka.
- Encourage and help the government to develop and implement a national policy for protection and assistance to IDPs based on the Guiding Principles on Internal Displacement.
- Ensure that any aid to Sri Lanka is distributed equitably among those in need, so as not to exacerbate tensions among the different ethnic groups.
- Support agencies that are implementing conflict-prevention and peacebuilding initiatives among the Sinhala, Tamil and Muslim communities.
- Support non-operational agencies engaged in assessing and reporting on humanitarian and human rights violations in the country.

Background

Historical divisions between the Sinhalese majority and Tamil minority in Sri Lanka have led to a civil war that has caused 70,000 deaths and one of the worst internal displacement crises in Asia, with several hundreds of thousands of people displaced.

Following the end of Britain's colonial rule of Sri Lanka in 1948, a series of government policies led Tamils to fear that they would become marginalised in an increasingly Sinhalese-dominated society. From 1956 onwards, there were outbreaks of communal violence and growing radicalisation of some members of the Tamil community. By the mid-1970s, Tamil political leaders were moving away from supporting a federal state and increasingly calling for a separate state, "Tamil Eelam", in the Tamil-dominated north and east of Sri Lanka.¹

After an incident in 1983 in which 13 government soldiers were killed by the rebel Liberation Tigers of Tamil Eelam (LTTE), rioting erupted across the country. Following the violence, Sri Lanka became embroiled in armed conflict between government forces and the LTTE. Despite negotiations between the two sides and an intervention by Indian peacekeeping forces, with the exception of a few periods of calm, the hostilities persisted for two decades.

A ceasefire between the government and the LTTE, facilitated by Norway in 2002, eventually brought hope that the conflict would be resolved. The government lifted its ban on the LTTE, while the LTTE gave up their demands for a separate state. However, the Sri Lanka Monitoring Mission (SLMM) mandated to monitor the ceasefire observed ongoing abuses, mostly by the LTTE. One year into the ceasefire, the LTTE abandoned peace talks, but the ceasefire held for a period of "no war and no peace."

In 2004, the LTTE leader in the east, Colonel Muralitharan or Karuna, broke with the organisation's central command, weakening the LTTE. Currently Karuna and his supporters are operating as a paramilitary group in eastern Sri Lanka, particularly in the district of Batticaloa. The Karuna group is believed by observers to be aiding the army against the LTTE.²

The December 2004 tsunami led to the deaths of more than 30,000 Sri Lankans and the displacement of over half a million people. In 2005, the government and the LTTE arrived at an agreement to share \$3 billion in tsunami assistance from the international community, but the agreement was never implemented, and the two sides lost an opportunity to work in cooperation. The same year, the LTTE assassinated the ethnically-Tamil Foreign Minister, after which Parliament passed emergency regulations that remain in place today.

¹ US Department of State, *Background Note: Sri Lanka*, May 2007, p.4.

² The Guardian, *Between troops and Tigers: refugees caught in Sri Lanka's bloody crossfire*, 30 March 2007.

