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Issue Paper SRI LANKA INTERNAL FLIGHT ALTERNATIVES-AN UPDATE March 1995

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Table of Contents

[GLOSSARY](#)[PREFACE](#)

1. [INTRODUCTION](#)
2. [GENERAL HUMAN RIGHTS SITUATION](#)
3. [SITUATION BY REGION](#)
 - 3.1 [The North](#)
 - 3.1.1 Relief Camps
 - 3.2 [The East](#)
 - 3.2.1 Relief Camps
 - 3.3 [The Centre](#)
 - 3.4 [The South](#)
 - 3.4.1 Relief Camps

[3.5 Colombo](#)

3.5.1 Relief Camps

4. [RESETTLEMENT IN THE NORTH AND EAST](#)
5. [REPATRIATION FROM INDIA](#)
6. [REPATRIATION FROM SWITZERLAND](#)
7. [FURTHER CONSIDERATIONS](#)
8. [ADDENDUM](#)

[REFERENCES](#)

GLOSSARY

CRM

Civil Rights Movement

DUNF

Democratic United National Front

EPDP

Eelam People's Democratic Party

ERs

Emergency Regulations

FMM

Free Media Movement

HRTF

Human Rights Task Force

IFA

Internal Flight Alternative

JVP

Janatha Vimukthi Peramuna

LTTE

Liberation Tigers of Tamil Eelam

ORC

Open Relief Centre

PA

People's Alliance

PEG

Productive Enterprise Grant

PLOTE

People's Liberation Organization of Tamil Eelam

SIA

Settling-In-Allowance

TELO

Tamil Eelam Liberation Organization

TIC

The Tamil Information Centre

UNHCR

United Nations High Commissioner for Refugees

UNP

United National Party

USCR

U.S. Committee for Refugees

UTHR

University Teachers for Human Rights

PREFACE

As this document, which updates the December 1992 DIRB Question and Answer Series paper entitled *Sri Lanka: Internal Flight Alternatives*, was being prepared for publication in late 1994, negotiations between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) were ongoing. A ceasefire declared in January 1995 was still holding at the time this preface was written in February 1995. The information contained in this paper is an account of the situation in Sri Lanka between January 1993 and August 1994. A bibliography of recent information on the situation in Sri Lanka has been included in section 8. Please note that the DIRB has also published a Question and Answer Series chronology of events covering the period September 1992 to November 1994.

1. INTRODUCTION

In 1993 and 1994, with the war in the northern and eastern regions of Sri Lanka continuing, the issue of safe areas or internal flight alternatives for internally displaced Sri Lankans continued to concern governments and international and local human rights and refugee organizations (UNHCR 26 May 1994; *News from Asia Watch* 11 Aug. 1993, 1; INFORM 1994, 10; United Nations 25 Jan. 1994, 3; Citizenship and Immigration Canada 8 Apr. 1994, 1; Embassy of Switzerland 12 Jan. 1994, 1). In mid-1993 the UNHCR-monitored repatriation of Sri Lankan refugees living in camps in southern India resumed, the Sri Lankan government began actively promoting the resettlement of displaced persons in refugee camps throughout Sri Lanka to "cleared" or government-controlled areas in the northern and eastern parts of the country, and in January 1994 an accord was signed between the governments of Switzerland and Sri Lanka on the deportation to Colombo of rejected Sri Lankan asylum-seekers in Switzerland (*ibid.* 11 Jan. 1994; USCR 1994, 99; INFORM 1994, 10).

Approximately 600,000 of Sri Lanka's estimated 17.7 million people were internally displaced at the end of 1993 (UNHCR 26 May 1994). Sri Lankan government figures indicate that at the end of January 1994, 323,170 displaced persons lived with family and friends, while 234,689 resided in 488 welfare centres or camps (High Commission of Sri Lanka 22 Aug. 1994, 7). The internally displaced consist primarily of Tamils, but also Muslims and a small number of Sinhalese from Tamil-dominated areas in the north and east (USCR 1994, 100).

An internal flight alternative (IFA) can be defined as a safe area within a refugee claimant's country of origin where he or she would have no fear of persecution and would not encounter "undue hardship" both reaching and settling there (IRB Apr. 1994, 1, 8). Further, Canadian case-law has established that an internal flight alternative does not exist if one is required to live in a refugee camp (*ibid.*, 8). This paper examines internal flight alternatives in the context of the human rights situations in the different regions of Sri Lanka between January 1993 and July 1994.

2. GENERAL HUMAN RIGHTS SITUATION

Despite Sri Lankan government insistence that the country does not have an "ethnic" but a "terrorist" problem (INFORM Sept. 1993, 5; Campaign for the Protection of Tamil Refugees Dec. 1993, 8; UTHR 15 Nov. 1993, 11), the war in the north and east is widely acknowledged to be an ethnic conflict between the northern Tamil guerrilla organization, the Liberation Tigers of Tamil Eelam (LTTE), led by Velupillai Prabhakaran, and the Sinhalese-dominated Sri Lankan state under the leadership of Dingiri Banda Wijetunge (*ibid.*, 7; *Law and Society Trust Review* 16 Feb. 1994, 1; United Nations 25 Jan. 1994, 13; Hensman 1993, 12; *Country Reports 1993* 1994, 1386-87). However, as targets of LTTE violence in the past, Muslims have also been involved in the conflict (*ibid.*, 1395; Meyer 1994, 347). Hindu Tamils comprise 92 per cent of the population in northern Sri Lanka and 42 per cent in the east, while Muslims and Sinhalese respectively account for 32 per cent and 25 per cent of the eastern population (*ibid.*). The LTTE is fighting for a separate Tamil state, Tamil Eelam, to consist of the northern and eastern regions [In September 1988, under the terms of the 1987 Indo-Sri Lankan accord, the government established a "temporary" merger of the northern and eastern provinces (*Political Handbook of the World: 1992* 1992, 720; *Tamil Times* 15 Apr. 1994b, 16). Although the required referendum on the merger had not been held at the time of writing, various sources indicate that Tamils support the merger wholeheartedly (*The Sri Lanka Monitor* Mar. 1993, 1), Muslims might support it "under certain conditions" (*Tamil Times* 15 Apr. 1994a, 6), and the Sinhalese oppose it (*ibid.* 15 Apr. 1994b, 16).]. The war's current phase, which began in June 1990, is known as Eelam War II (*News from Asia Watch* 11 Aug. 1993, 2).

According to *Country Reports 1993*, security measures adopted by both the government and the LTTE, including curfews and checkpoints, "have had the effect of inhibiting travel in large parts of the north and east" (1994, 1392). The source adds that "[s]trict security measures imposed in the wake of President Premadasa's [1 May 1993] assassination have also had the effect of restricting the freedom of movement of Tamils in general and young Tamil males in particular because of reports that the LTTE was planning additional assassinations" (*ibid.*). Further, under the emergency regulations (ERs), all "householders" must register the names of all house occupants and overnight guests with the police, and all landlords must furnish police with daily lists of their lodgers and guests (AI Feb. 1994a, 9; External Affairs 15 Apr. 1994, 7). One source indicates this registration law applies throughout Sri Lanka (*ibid.*), while another states that it applies mainly in the Colombo area (TIC 28 Oct. 1994). Several sources state the onus to register lies with the householder rather than the individual house occupant or guest (*ibid.*; External Affairs 15 Apr. 1994, 7; AI Feb. 1994a, 9; Tveter 1993, 4). Sources indicate that displaced persons from the north or east who live in Colombo but outside the relief camps also must register with the police (*ibid.*).

The government requires all Sri Lankans over 16 years of age to have national identity cards (NICs) (AI Feb. 1994a, 8). During security checks this is a particular problem for internally displaced persons, who may have lost their cards in flight (*ibid.*; United Nations 25 Jan. 1994, 20). Further, a representative of the Tamil Information Centre in London states that identity cards are "very difficult" for internally displaced persons to obtain, as a birth certificate, fixed address or the signature of a friend or relative with a fixed address is required, but the friends and relatives of many displaced Tamils are "reluctant" to sign for fear of being targeted during police round-ups (TIC 21 July 1994).

Sri Lanka has been the scene of human rights violations since the conflict erupted in 1983 [For

information on the human rights situation in Sri Lanka prior to 1993, please see the December 1992 DIRB Question and Answer Series paper *Sri Lanka: Internal Flight Alternatives.*]. Extrajudicial killings, disappearances, torture, ill-treatment, arbitrary arrest and detention without trial continued to occur throughout the country in 1993 and 1994 (USCR Jan. 1994, 3; INFORM Mar. 1994, 7; *ibid.* June 1994, 6; *Country Reports 1993 1994*, 1387-88), although the number of extrajudicial executions and disappearances declined in 1993, and "[f]or the first time in 3 years, there were no reports of Sinhalese or Muslim civilians being massacred by the LTTE, nor were there any reprisal massacres directed against Tamil civilians by the security forces" (*ibid.*, 1387). Further, *Country Reports 1993* indicates that although torture and ill-treatment in detention was still "common" in 1993, there was a significant decrease in the number of detainees held under the emergency regulations, since many Janatha Vimukthi Peramuna (JVP) [The JVP is a Marxist revolutionary group composed largely of disaffected Sinhalese university students and schoolchildren. Although the JVP's attempts to overthrow the Sri Lankan state in the south between 1987 and 1989 were unsuccessful (*Modern Asian Studies* 1993, 619-20), it is reported to be enjoying a resurgence in support (Reuters 9 June 1993; Xinhua 29 Dec. 1993; INFORM June 1993, 13; *ibid.* July 1993, 11). The JVP leadership was reported eradicated in 1989 (*Modern Asian Studies* 1993, 639), but one source states the conditions that led to its emergence-"poverty, unemployment, lack of social and economic mobility, landlessness, isolation, and disillusionment with government"-still prevail (Bush 5 July 1994, 8). The same source believes that student unrest in Sri Lankan universities in 1993 and 1994 also may be an indicator of renewed JVP activity (*ibid.*, 6).] suspects were either charged, released or moved to rehabilitation camps (*ibid.*, 1387, 1388-89). Human rights violations have been attributed to all of the belligerents in the Sri Lankan conflict, including the LTTE, government security forces and pro-government Tamil militant groups. Most notable among these pro-government Tamil groups are the Tamil Eelam Liberation Organization (TELO), the People's Liberation Organization of Tamil Eelam (PLOTE) and the Eelam People's Democratic Party (EPDP) (*ibid.*, 1387; Human Rights Watch Dec. 1993, 177-78).

On the basis of their perceived LTTE connections, young Tamil men [Opinions on the age range of Tamil men at risk vary. A representative of the Tamil Information Centre in London indicates that males between 15 and 40 years are at risk (21 July 1994), while Kenneth Bush, a post-doctoral fellow at the Norman Paterson School of International Affairs at Carleton University in Ottawa, believes those between 7 and 60 years of age are at risk (15 Apr. 1993, 12). He adds that any Tamil male with a "trigger finger" is at risk (*ibid.* 20 Oct. 1994). A former Norwegian diplomat in Colombo indicates that Tamil men between 14 and 30 are most at risk in Colombo (Tveter 1993, 6).] are reported to face the greatest risk of human rights abuse by police, the army and pro-government armed Tamil groups (TIC 21 July 1994; AI Feb. 1994a, 8; United Nations 25 Jan. 1994, 20; *ibid.* 30 Dec. 1992, 17). According to a report by the UN Working Group on Enforced or Involuntary Disappearances, internally displaced Tamils living in "informal shelters such as church or school centres" in the north and east are "particularly at risk of detention and disappearance" (*ibid.*). Asia Watch reports that individuals who assist refugee relief workers are also a group at risk in Sri Lanka; these individuals have been harassed by pro-government militant groups, which view them as possible LTTE sympathizers (*News from Asia Watch* 11 Aug. 1993, 10).

Another United Nations report indicates that the internally displaced, who in general live in welfare centres or with friends and relatives and depend primarily on government rations, are a particularly vulnerable group (United Nations 25 Jan. 1994, 15, 33). A representative of the UN secretary-general visited resettlement areas and welfare centres in various parts of Sri Lanka

and held discussions with displaced persons and members of international and local NGOs between 10 and 17 November 1993. He summed up the plight of the internally displaced in the following manner: "they may be forcibly resettled; more readily subjected to round-ups, arbitrary detentions or arrests; deprived of their dry rations or more frequently unable to get jobs" (*ibid.*).

Living conditions in Sri Lankan camps for displaced persons vary, but many camps are marked by overcrowding, inadequate facilities, malnutrition and precarious shelters with roofs made of cadjan (coconut palm leaves) (United Nations 25 Jan. 1994, 15-16). Lack of access to land and employment opportunities are reportedly common among the displaced (*ibid.*, 16-17). The camps in each region are discussed in more detail below.

Women, who represent 75 per cent of the displaced population (Inter Press Service 11 Mar. 1994), are especially vulnerable if they have lost their husbands in the conflict, as they must assume full responsibility for raising their children and earning a living (United Nations 25 Jan. 1994, 17; USCR Jan. 1994, 12). Although the government provides compensation to widows through a special programme, the difficult application process prevents many women from taking advantage of it (*ibid.*). Further, widows reportedly are often harassed by the security forces and government-backed armed militant groups (*Tamil Information* June 1993d, 6). For general information on the situation of women in Sri Lanka, see the December 1993 DIRB Human Rights Brief *Women in Sri Lanka* and Response to Information Request LKA17798.E of 24 June 1994.

In 1993 the government continued to implement measures to prevent human rights violations by security forces, including the June 1993 changes to emergency regulations regarding arrest and detention procedures [Sri Lanka has been under a near continuous state of emergency since 1983 (United Nations 25 Jan. 1994, 41). One source indicates that although the emergency regulations were automatically suspended with the 24 June 1994 dissolution of parliament until completion of the 16 August 1994 parliamentary elections, and that this has eased the public's sense of insecurity somewhat, people are still at risk of arbitrary arrest and detention (TIC 21 July 1994). Further, the emergency regulations' economic blockade against the north remains in place (*ibid.*.)] (AI Jan. 1994, 1). On 3 January 1994 Sri Lanka acceded to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*ibid.* 24 Jan. 1994). Notwithstanding these changes people can still be held in preventive detention indefinitely, or in the custody of their interrogators, conditions which are conducive to torture (*ibid.* Jan. 1994, 1-2; *Country Reports 1993 1994*, 1389). Moreover, in some cases the government safeguards are violated (Organisation for Human Rights in Sri Lanka 29 Oct. 1993; AI Feb. 1994b, 7). For example, although secret detention is prohibited under the new emergency regulations and certificates of arrest must be issued to detainees' families, these certificates are often not issued and people continue to be detained in unknown places (*ibid.*; AI Feb. 1994a, 10).

Human rights organizations have expressed concern about emergency regulations in areas seemingly unrelated to public security, such as the regulations on sedition and on NGO activities. The government reintroduced emergency regulations on sedition in December 1993 after removing them in June 1993 (*Country Reports 1993 1994*, 1391; FMM 28 July 1993; CRM 19 Oct. 1993, 3; Article 19 Feb. 1994, 1-2). Under these regulations civil disobedience and the display of posters or distribution of leaflets, "the contents of which are prejudicial to public security," are considered criminal offences punishable by up to 20 years' imprisonment (*Tamil*

Times 15 Jan. 1994c, 10; INFORM Dec. 1993, 7; Article 19 Feb. 1994, 2). These regulations, in combination with the government's practice of "informal censorship" in "virtually every sphere" of Sri Lankan society, have been viewed as a violation of the right to freedom of expression (*ibid.*, 1-2).

On 22 December 1993 the government introduced emergency regulations requiring NGOs receiving more than Rs 50,000 (Cdn\$1392) per year in money, goods or services to register with the government, and allowing the government to monitor the finances of NGOs that receive in excess of Rs 100,000 (Cdn\$2784) in money, goods or services (Presidential Secretariat 22 Dec. 1993, 1). Although the regulations broadly define NGOs, they apparently do not include human rights NGOs (LCHR July 1994, 345). According to the Civil Rights Movement (CRM), a Sri Lankan human rights organization, this measure "interfer[es] with the free functioning of organisations and therefore with the freedom of association and expression" (*Slogan* Feb. 1994, 40). The new rules governing NGOs were reportedly adopted to halt "unethical conversions" by fundamentalist Christian sects allegedly using NGO funds to lure new members (*The Sri Lanka Monitor* Dec. 1993a, 4; *Eglisi* 27 May 1994, 5-6). Evangelical churches in Sri Lanka claim these measures and harassment such as stone throwing and threats, to which they have been subjected by some Buddhist monks, violate their right to freedom of religion (*ibid.*). However, the U.S. State Department indicates there is "no evidence of 'official' persecution" of evangelical Christians in Sri Lanka (*Country Reports 1993 1994*, 1395).

The impunity of Sri Lankan security forces personnel is another area of human rights concern (*Country Reports 1993 1994*, 1387; INFORM 1994, 7; *The Sri Lanka Monitor* Feb. 1993a, 4; *Tamil Times* 15 Mar. 1994a, 18; United Nations 30 Dec. 1992, 20-21; AI July 1994, 2). According to Amnesty International, impunity "remains a major obstacle to the long-term improvement of human rights in Sri Lanka" (*ibid.*). Sources indicate that there have been few investigations and no prosecutions of security forces members responsible for disappearances and extrajudicial executions (*ibid.*, 4; *Country Reports 1993 1994*, 1387; *Currents* Feb. 1994, 50). In one notable case charges were dropped against former deputy inspector general Udugampola, allegedly responsible for the killings of numerous Sinhalese during the 1989-90 government crackdown on the JVP (LCHR July 1994, 342; Campaign for the Protection of Tamil Refugees Dec. 1993, 6-7); Udugampola was subsequently appointed vice-chairman of the Sri Lanka Ports Authority (INFORM 1994, 7).

SITUATION BY REGION

3.1 The North

Northern Sri Lanka, comprising the districts of Mannar, Jaffna, Kilinochchi, Mullaitivu and Vavuniya, has remained the scene of intense fighting between the LTTE, government security forces and Tamil militant groups supported by the government

[Refer to the DIRB *Indexed Media Review* (IMR) for recent reports of fighting.]. The Sri Lankan air force has carried out an intensive campaign of shelling and aerial bombardment in LTTE-held territory in the north that has damaged property, killed and injured many people and displaced a significant portion of the population (INFORM Dec. 1993, 5; *The Sri Lanka Monitor* Feb. 1993b, 1; United Nations 17 Feb. 1994, 3). According to refugee workers interviewed by Asia Watch in April 1993, military attacks in Mannar District have left many villages "uninhabitable" (*News from Asia Watch* 11 Aug. 1993, 9). In January 1994 *The Sri Lanka Monitor* reported that government-controlled Mannar Island was "virtually cut off from [the] LTTE-controlled Mannar

mainland," and supplies had to be shipped in from Kalpitiya in Puttalam District (Jan. 1994, 1). It further stated that "transport problems, a five-month fishing ban and fuel shortages have brought Mannar's captive population close to destitution" (*ibid.*). Moreover, heavy flooding in late 1993 damaged 3,500 houses, over 5,000 acres of crops and aggravated the health situation in Mannar District (*ibid.* Dec. 1993b, 2).

According to the Sri Lankan human rights organization University Teachers for Human Rights (UTHR), in Vavuniya town "civilian life has a strong semblance of normality" (15 Nov. 1993, 12). A few kilometres further north, however, the residents of the area near the border between LTTE- and army-controlled territory are vulnerable to attacks from all sides, including from the pro-government Tamil militant group PLOTE, which controls the Nochchimoddai checkpoint (*News from Asia Watch* 11 Aug. 1993, 10). On 31 May 1993 the LTTE launched an attack on Nochchimoddai checkpoint, using civilians who were crossing over to the south as "human shields." About 15 civilians were killed and another 20 to 25 injured during the attack (*ibid.*, 10; *The Sri Lanka Monitor* May 1993a, 2). According to some sources, in order to contain the LTTE threat the government has ordered that everyone living in the Vavuniya area be registered and that all travellers to the north wishing to stay at Vavuniya obtain a pass; for stays of longer than 24 hours, an extension must be obtained (External Affairs 15 Apr. 1994, 7; TIC 28 Oct. 1994). A representative of the Canadian High Commission in Colombo reports that travellers to the south do not require a pass and are not subjected to "systematic checks" (External Affairs 15 Apr. 1994, 7), while a representative of the Tamil Information Centre states that travellers to the south are checked systematically (TIC 28 Oct. 1994) [Please see Appendix III: Notes on Sources for information regarding these sources' bases of knowledge.]. In July 1993 *The Sri Lanka Monitor* reported

[e]very day the crossing functions, four or five Tamils travelling south are held by the military for anything from 24 hours to indefinitely while Army officers grill them on conditions in Jaffna or finger their valuables. Over 70 Tamil youths travelling to Colombo were detained at Nochchimoddai on 28 July for over 22 hours of interrogation (July 1993c, 4)

The same source indicates that in the previous six months 45 people had disappeared after being detained at the checkpoint (*ibid.*).

Since it was declared a prohibited zone by the government in October 1992 (AI Feb. 1994b, 4), Jaffna Lagoon, which separates the LTTE stronghold of Jaffna Peninsula from the rest of the country, has been subjected to regular bombardments from the Sri Lankan navy, which is attempting to cut off the main LTTE supply line from the south through Kilali, the peninsula's entry point from the lagoon (*The Sri Lanka Monitor* Feb. 1993b, 1; *ibid.* Feb. 1994a, 1). Despite the government ban, civilians continue to pay the LTTE Rs 250 (Cdn\$7) to cross the lagoon to collect food or other goods from the south (*ibid.* May 1994a, 2; *ibid.* Feb. 1993b, 1). The only alternatives to the Kilali route-one at Elephant Pass and the other at Pooneryn-remain blocked by the LTTE in order to prevent a large-scale ground offensive by government forces (INFORM Oct. 1993, 6), despite UNHCR attempts in 1993 to negotiate a safe passage for civilians and essential goods and services through the Pooneryn-Sangupiddy ferry crossing (*Tamil Times* 15 Nov. 1993a, 19). On 2 January 1993 over 65 civilians were killed by the security forces while crossing the lagoon (*Tamil Information* Jan. 1993a, 6). On 28 September 1993, intensifying its attacks in the area, the navy launched Operation Yal Devi, capturing the Kilali ferry crossing (*ibid.* Sept. 1993, 1; INFORM Sept. 1993, 7; *The Sri Lanka Monitor* Sept. 1993a, 1). An

estimated 100 to 200 civilians were killed, more than 50,000 were displaced, and both the army and the LTTE suffered heavy casualties during the operation (*ibid.*; *ibid.* Oct. 1993a, 2). Reportedly unable to maintain its hold on the territory, the army withdrew from Kilali several days later and the LTTE-run ferry crossing resumed operations (*ibid.*; *ibid.* Sept. 1993a, 1; *INFORM* Oct. 1993, 6).

The LTTE delivered a riposte to Operation Yal Devi on 11 November 1993 with Operation Thavalai (Frog), which effectively destroyed a naval base and the army camp at Pooneryn (*The Sri Lanka Monitor* Nov. 1993, 1; *Tamil Information* Nov.-Dec. 1993, 1-2; *Tamil Times* 15 Dec. 1993, 6). Despite the fact that government security forces had anticipated the attack at least eight months in advance (*Xinhua* 19 Mar. 1993), of the estimated 2,350 security forces personnel at both bases, "over 700 were killed, several hundred injured and approximately 250 have gone 'missing'" (*Tamil Times* 15 Dec. 1993, 6). In turn the LTTE lost 411 rebels (*ibid.*, 7; *Currents* Feb. 1994, 50).

In addition to the frequent rebel and security forces military operations, the four-year economic blockade, which includes medicine and medical equipment, has brought severe hardship to the north (*Vije* June 1993, 6-8). Moreover, food shortages resulting from government corruption and regular LTTE seizure of approximately 30 per cent of food aid destined to the northern displaced population have contributed to the high rates of malnutrition and illness (*The Sri Lanka Monitor* Feb. 1993b, 1; *ibid.* Feb. 1994a, 1). A medical study conducted in mid-1993 indicated that 50 per cent of Jaffna's 42,000 children were malnourished and 2,000 seriously ill (*ibid.* June 1993a, 2), and a recent municipal government survey in Jaffna found that 90 per cent of lactating mothers suffered from malnutrition (*Tamil Information* Apr.-May 1994a, 11). Jaffna has become a fertile ground for the rapid spread of diseases such as septicaemia, which killed 67 people in the first quarter of 1993 (*ibid.* Mar. 1994, 3), and malaria, which struck 16,160 people in 1993 (*ibid.* Feb. 1994a, 8). One source indicates that the education of Tamils in Jaffna is also a concern as over 100 schools are "not functioning" and Jaffna University is operating "under great stress" (*Tamil Information* Oct. 1993, 1). The schools reportedly lack electricity and supplies, while the university suffers from budget cuts and admissions reductions (*ibid.*).

In territories under LTTE control, families are reportedly forced to pay the guerrillas Rs 10,000 (Cdn\$280) or provide one male family member for the "civil defense force" (*News from Asia Watch* 11 Aug. 1993, 10; *The Sri Lanka Monitor* June 1993b, 2). Moreover, private traders smuggling banned merchandise from the south into the north must pay the LTTE a tax of Rs 2,500 (Cdn\$70) plus 20 per cent of the value of the goods

[Pro-government Tamil groups operating checkpoints near the border between government- and LTTE-controlled territory also reportedly tax traders (*The Sri Lanka Monitor* Mar. 1994a, 2).] (*ibid.* Mar. 1994a, 2). In addition to taxing civilians in areas under its control, the LTTE has imposed severe restrictions on freedom of movement (*News from Asia Watch* 11 Aug. 1993, 10). One source describes the average Jaffna citizen as "no more than a hostage" (*The Sri Lanka Monitor* July 1993a, 2). According to *Asia Watch*, young men and women under the age of 25 are not allowed to leave areas under LTTE control except in a medical emergency (*News from Asia Watch* 11 Aug. 1993, 14). Another source reports

no male below 21 may leave Jaffna. Older men pay Rs. 10,000 [Cdn\$280] for an exit visa and must find another man to stand surety for them. If they fail to return their friend vanishes into the prison bunkers (*The Sri Lanka Monitor* Apr. 1993a, 3).

The LTTE has reportedly kidnapped people for ransom and admitted to detaining and executing former LTTE cadres and others whom they consider to be traitors (BBC 3 July 1993; *Currents* Feb. 1994, 51; *Tamil Times* 15 Jan. 1994a, 14). For example, former LTTE deputy leader Mahathaya and about 100 of his followers were detained by the LTTE in August 1993 (*The Sri Lanka Monitor* Sept. 1993b, 2), allegedly for planning to overthrow the group's leader and other leading LTTE members (*Tamil Times* 15 Jan. 1994b, 6). They were reportedly sentenced to death by the LTTE (*ibid.*), but it is not clear whether the sentences have been carried out (*The Sri Lanka Monitor* May 1994a, 2). According to INFORM, a Sri Lankan human rights organization, "the LTTE tolerates no dissent and ruthlessly demands total obedience to the leader. It is said to have in its prison camps in the peninsula around 4000 prisoners, who are housed and treated with disregard for civilised norms" (INFORM 1994, 3). The LTTE has also detained members of Tamil militant groups working for the government and government military personnel captured in combat (AI Feb. 1994b, 8; *ibid.* 21 Jan. 1994). According to the U.S. State Department, "hundreds of policemen captured by the LTTE in 1990 remain unaccounted for, and the LTTE has refused all requests for information concerning their fate" (*Country Reports 1993 1994*, 1388). However, in February 1994 two policemen were reportedly released as a "goodwill gesture" toward the government (AI 8 Apr. 1994).

Although the LTTE is reported to have "many thousands" of members (AI Feb. 1994c, 26), among them a "considerable" number of women (*Tamil Times* 15 Apr. 1994c, 5), the extent of their support in LTTE-controlled areas in the north and east is unclear (USCR Jan. 1994, 8). According to a July 1993 Sri Lanka Broadcasting Corporation report, "[s]eventy-five percent of the Tamil population in northern Sri Lanka are fed up with LTTE repression" (BBC Summary 3 July 1993). The same source quotes one Jaffna Tamil as stating that "the average man in Jaffna was not one bit interested in LTTE's battle cry of Eelam. All they wanted was an end to 10 years of suffering and to live in peace and harmony with their Sinhala and Muslim brethren" (*ibid.* 8 Feb. 1994). However, other sources suggest that many Tamils prefer LTTE repression to government repression, and feel that in general the LTTE has defended Tamil collective interests (USCR Jan. 1994, 9-10; United Nations 25 Jan. 1994, 30; *Diakonia* July 1994, 4).

3.1.1 Relief Camps

One of the main relief camps in the north, the UNHCR-run Madhu Open Relief Centre (ORC) located at the Madhu Catholic Church in LTTE-controlled territory in Mannar District, although deemed a "temporary sanctuary" (UNHCR 1993, 136), according to the USCR has become "home to a long-staying displaced population" (USCR Jan. 1994, 13) of about 26,000 (*Diakonia* July 1994, 5). Tensions at Madhu escalated in August 1993 when the government cut off rations to about 5,700 residents in an attempt to force them to return to Vavuniya (USCR 1994, 100). The LTTE refused to allow the displaced to return to Vavuniya, however, and on 30 October 1993 about 1,000 frustrated Madhu residents seized UNHCR equipment and reportedly took UNHCR and government officials hostage, resulting in a halt to UNHCR activities in LTTE-controlled areas on 4 November 1993 (*ibid.*; INFORM 1994, 11). The UNHCR resumed its work at Madhu and other camps in LTTE-controlled areas on 20 February 1994 (UNHCR 1994, 1).

Insecurity has also characterized another ORC at Pesalai on Mannar Island. According to the USCR,

Pesalai's status as a safe, neutral place has been challenged frequently. In February 1993, following an LTTE attack near the camp, Sri Lankan security forces fired into the camp, reportedly injuring two children. In August, local police arrested three

Pesalai residents. The three are still missing, and the police now deny having arrested them (USCR Jan. 1994, 13).

3.2 The East

The eastern districts of Batticaloa, Trincomalee, Polonnaruwa and Amparai, although predominantly under government control, contain disputed zones over which rebel and army forces intermittently move in their struggle for territorial control (INFORM June 1993, 9). Although the government claims security conditions in the east are "back to normal," as reflected in the holding of local government elections in the region on 1 March 1994 and Sri Lanka's repatriation agreements with India and Switzerland (High Commission of Sri Lanka 22 Aug. 1994, 5), some sources report continuing skirmishes and ongoing concerns about safety in rural areas (*The Sri Lanka Monitor* May 1994b, 3; INFORM May 1994, 7; Citizenship and Immigration Canada 8 Apr. 1994, 4).

The security situation in the region in 1993 was described as "at best precarious" (*News from Asia Watch* 11 Aug. 1993, 16). The Human Rights Task Force (HRTF), a human rights organization established by the Sri Lankan government to monitor the rights of detainees, reports that 16 farmers were arrested by the army and then disappeared at Vannathi Aru in Batticaloa District on 17 February 1993 following a "confrontation between soldiers of the Rugam Army Camp and the LTTE" (HRTF 29 Sept. 1993, 15, 21-22); allegedly the farmers were harvesting the fields for the LTTE (*ibid.*). Further, *The Sri Lanka Monitor* reports that the armed forces and the LTTE were responsible for over 200 abductions or disappearances in Batticaloa District in May, June and July 1993 (The Sri Lanka Monitor July 1993d, 3). On 26 June 1993 all the men in a village in Batticaloa District were reportedly rounded up by the army and "paraded before a masked informant"; 42 were subsequently detained (*Tamil Information* June 1993b, 5). The same source reports that daily search operations were common in "many parts of the East." During these searches people must either remain in their homes or gather in designated public places such as schools or temples, resulting in school and shop closures and preventing people from going to work (*ibid.* Apr.-May 1994b, 6).

In February 1994 Amnesty International reported that police round-ups, often followed by disappearances, were common in the east (AI Feb. 1994b, 3, 4). In March 1994 *The Sri Lanka Monitor* reported tightened security and the establishment of new checkpoints in several areas in Batticaloa District (The Sri Lanka Monitor Mar. 1994b, 3). It further indicated that on 23 March "over 80 villagers were rounded-up and brutally attacked by soldiers" following an attack on an army jeep at Palukamam (*ibid.*). An April 1994 army reprisal against the LTTE at Panichankerni, a fishing village in Batticaloa District, reportedly left one civilian dead and eight injured (AP 19 Apr. 1994).

Following a 23-25 March 1994 visit to Trincomalee and discussions with government and non-governmental representatives, an official with the Canadian High Commission in Sri Lanka reported on a recent economic revival in Trincomalee town that has attracted foreign and private investment (Citizenship and Immigration Canada 8 Apr. 1994, 2). The official reported that security conditions were stable, the police were "widely acknowledged to be correct and well disciplined," and there had been "no large-scale cordon and search operations ... for at least six months" (*ibid.*, 3). Subsequent to this visit, however, the British Refugee Council reported that there were major round-ups in Trincomalee town during which 12 men and 8 women were removed after having been screened by masked informers (*The Sri Lanka Monitor* Apr. 1994a, 3). The round-ups followed an 8 April 1994 LTTE attack against government soldiers and an

ambush five days later in which two security forces members were killed (*ibid.*).

The cost of the conflict to the economy of the east has been significant; rice production has fallen 50 per cent as farmers are taxed by the LTTE and their crops are burned or confiscated by the army (*ibid.* June 1993c, 3). Harvesting and the use of fertilizers require army permission, and restrictions on paddy transportation and storage force many farmers to sell their crops at low prices (*Tamil Information* Apr.-May 1994b, 6). Further, a military ban on agriculture around Thambiluvil in Amparai District after the LTTE stole two tractors in April 1993 has prevented farmers from planting their crops (*The Sri Lanka Monitor* Apr. 1993b, 3).

3.2.1 Relief Camps

The British Refugee Council reports that relief camps in Batticaloa District are in a state of disrepair and "overcrowded and rife with disease" (*The Sri Lanka Monitor* Apr. 1993b, 3; *ibid.* Aug. 1993, 3), and the USCR provides the following description of Clappenburg welfare centre in Trincomalee District:

hundreds of families live in huge, windowless, corrugated iron hangars built for storage of materiel during World War II. Each hangar is more than 90 x 200 feet. The families who live in them use cardboard and cloth to create separate "rooms," or enclosures. Against regulations, many of the center's inhabitants cook in their enclosures, creating a serious fire hazard. Although the facilities ... might be marginally acceptable as short-term housing, most families have lived there for several years, and many have few prospects for returning home anytime soon (USCR Jan. 1994, 11-12).

According to the UTHR, the refugees' dependence on aid for food and shelter makes them particularly vulnerable to government corruption, which is allegedly widespread in Trincomalee (UTHR 15 Nov. 1993, 27). Rations of cadjan and dried milk intended for the displaced in Trincomalee are allegedly routinely diverted or skimmed by corrupt local public officials (*ibid.*).

According to Asia Watch, displaced people living at Uppuvelli Technical College Welfare Centre in Trincomalee District have been subjected to armed forces round-ups and have been beaten for refusing to provide free labour to the police (*News from Asia Watch* 11 Aug. 1993, 12). Similarly, displaced persons in Amparai District camps reportedly have been arbitrarily arrested and forced to work for the army (*The Sri Lanka Monitor* Feb. 1993c, 3).

3.3 The Centre

Although not threatened directly by the war, according to some sources, Hill Country Tamils [For background information on Hill Country Tamils, also known as Estate or Plantation Tamils, please see the December 1992 DIRB Question and Answer Series paper *Sri Lanka: Internal Flight Alternatives*, p. 9.] of relatively recent Indian origin, most of whom live and work on the plantations in the central districts of Nuwara Eliya, Kandy, Badulla and Ratnapura, have not escaped harassment from government security forces (Campaign for the Protection of Tamil Refugees Dec. 1993, 3; TIC 21 July 1994). One source believes Hill Country Tamils are often at risk of arrest because authorities feel they might be "harbouring some northern Tamils" (*ibid.*). Another source reports the establishment of "17 new checkpoints on all major roads in Nuwara Eliya District to combat a LTTE drive to infiltrate the Hill Country estate sector" (*The Sri Lanka Monitor* Dec. 1993d, 2). The risk of arrest is compounded by the fact that many Hill Country Tamils have not been issued with national identity cards (TIC 21 July 1994; AI Feb. 1994a, 8),

and some 85,000 remain stateless as a result of legal technicalities (*Country Reports 1993 1994*, 1395). Many young Hill Country Tamils have been rounded up and detained for identity checks (*INFORM* July 1993, 7; Campaign for the Protection of Tamil Refugees Dec. 1993, 3), a practice which has reportedly caused unrest among Tamils in the region (*Tamil Information* June 1993c, 4). As well, one source reports numerous police searches of Tamil-owned shops and houses and arrests of Tamils in Gampola, Badulla, Kandy and Pussellawa in September 1993 (Campaign for the Protection of Tamil Refugees Dec. 1993, 5).

In April 1993, 28 members and supporters of opposition parties were arrested after distributing leaflets and posting campaign information in Kandy District (*AI* Feb. 1994b, 3). In Kandy and Matara, about 100 university students were detained for short periods after putting up posters and participating in peaceful demonstrations against the School Development Boards Bill (*ibid.*; *INFORM* Feb. 1993, 12), a controversial educational reform that could ultimately lead to parents having to financially contribute to education (*ibid.*).

Other sources of tension in the central region are the government's reluctance, under pressure from the World Bank to reduce costs, to enforce collective agreements on work and wages, thereby fuelling labour unrest in the region (*The Sri Lanka Monitor* Feb. 1993d, 3), as well as discrimination against Hill Country Tamils with respect to access to higher education (*Tamil Information* Jan. 1993b, 4; *Country Reports 1993 1994*, 1395).

Some sources note that because of the diverse and distinctive cultural and economic backgrounds separating northern and Hill Country Tamils, as well as the limited availability of land, the central region does not provide a suitable internal flight alternative for northern Tamils fleeing the war (*TIC* 21 July 1994; Bush 22 July 1994). Indeed, one source predicts that if there were large-scale settlement of northern Tamils among Hill Country Tamils, militarization of the region would be imminent (*ibid.*).

3.4 The South

According to Human Rights Watch, politicians, journalists, human rights lawyers and trade unionists faced death threats and harassment in Sri Lanka in 1993 (*Human Rights Watch* Dec. 1993, 176). An Amnesty International report states that in the lead up to the May 1993 provincial council elections, "[i]n the south scores of members and supporters of opposition parties, particularly Democratic United National Front (DUNF) members, were reported to have been arrested and held for short periods as possible prisoners of conscience" (*AI* Feb. 1994b, 3). Human Rights Watch reports 13 "violent attacks" against political opposition members during the campaign, including the assassination of DUNF leader Lalith Athulathmudali (*Human Rights Watch* Dec. 1993, 176).

Investigators involved in exhumations at three mass graves discovered at Suriyakande on 3 January 1994 have also faced threats and harassment (*AI* 18 Jan. 1994). For example, one local politician who took part in the exhumations found a skeleton on his doorstep (*Tamil Information* Jan. 1994a, 6). The graves are believed to contain the remains of 300 people who disappeared during the 1987-89 JVP insurgency in the south (*ibid.*).

According to the British Refugee Council, in early 1993 some 5,000 JVP members remained in detention without trial in connection with the 1987 revolt (*The Sri Lanka Monitor* Feb. 1993e, 4), and "small-scale" arrests of suspected JVP members continued (*ibid.* Jan. 1993, 3). Five JVP detainees in Mahara prison were killed in "suspicious circumstances" in September 1993 (*AI*

1994, 271).

Journalist Iqbal Athas, who in a 10 October 1993 *Sunday Times* article criticized the government counter-insurgency operation at Yal Devi (see section 3.1), received a death threat allegedly from a high-ranking army officer (FMM 19 Oct. 1993, 1; Human Rights Watch Dec. 1993, 177; AI Feb. 1994b, 5). Amnesty International states that two other journalists received threats for criticizing the military operation (*ibid.*), and Human Rights Watch reports that another journalist, the secretary of the Free Media Movement (FMM), "received death threats after releasing statements criticizing the threats against Athas" (Human Rights Watch Dec. 1993, 177).

According to Human Rights Watch, although "intimidation of human rights lawyers eased in 1993, threats continued to be reported." For example, a lawyer fled Sri Lanka in July 1993 after he received threats warning him to drop a disappearance case against a group of army officers (Human Rights Watch Dec. 1993, 178). Human Rights Watch also found that trade unionists involved in peaceful demonstrations were subject to police assaults and harassment in 1993 (*ibid.*).

Reports indicate that the LTTE has made inroads in Puttalam District [Although Puttalam district is in the west, it is included in this subsection as it is south of the northeastern conflict zone.] recently, launching a number of attacks along the coast in the Kalpitiya area (INFORM June 1994, 6; *The Sri Lanka Monitor* Mar. 1994c, 3). In attacks at the end of March 1994, 27 Sinhalese fishermen were killed, 13 more disappeared, and 3,000 fishermen and their families were displaced (*ibid.*). Reportedly, these attacks were intended to protect the LTTE's southern supply route from India and to warn Kalpitiya officials not to force displaced Muslims to return to the north (*ibid.*).

3.4.1 Relief Camps

Many Muslims and Sinhalese displaced from Mannar District live in Kalpitiya (*ibid.*; UTHR 15 Nov. 1993, 14). The British Refugee Council states that most Muslims in Kalpitiya are living "in abject poverty in run-down refugee camps" (*The Sri Lanka Monitor* Mar. 1994d, 1). According to the UTHR, however, the conditions of Muslims in the Kalpitiya refugee camps is "somewhat better" than in camps elsewhere as the accommodations are more private (15 Nov. 1993, 16). Displaced Muslims in the Puttalam relief camps have access to casual employment, although sometimes at half the normal rate, which has created resentment among the local population (INFORM Apr. 1993, 13). UTHR reports that displaced Muslims and Sinhalese in Kalpitiya do not receive "regular relief from the government," relying instead on NGOs for aid (15 Nov. 1993, 15).

3.5 Colombo

The climate of insecurity in Sri Lanka's capital worsened in the aftermath of the high-profile assassinations of former president Ranasinghe Premadasa on 1 May 1993, and former DUNF opposition leader Lalith Athulathmudali on 23 April 1993 (AI Feb. 1994a, 7). Fearing LTTE infiltration of the capital, the government arrested and interrogated over 1,000 Tamils in Colombo and surrounding areas in May 1993 (*The Sri Lanka Monitor* May 1993b, 1). According to government figures provided to Amnesty International, there were 15,711 arrests in Colombo in the period June to December 1993 (AI Feb. 1994a, 6). Nearly 3,500 arrests were made in October 1993 alone, following the discovery of a body-bomb in north Colombo that raised government fears of an LTTE plan to stage terrorist attacks in the city (*ibid.*, 7-8). According to

Amnesty International, "[m]any of the reports of mass round-ups, of prisoners being tortured and held in secret places of detention, of families desperately searching for missing relatives who were eventually found in custody, date from this month" (*ibid.*, 7). According to some human rights organizations, such large-scale arrests of Tamils are unwarranted and based solely on ethnicity (*ibid.*, 1; Campaign for the Protection of Tamil Refugees Dec. 1993, 3).

Round-ups of Tamils in Colombo continued in 1994 (INFORM June 1994, 7; Xinhua 11 Apr. 1994). Four bombs exploded on 8 April 1994 in one modest and three luxury hotels in Colombo, killing two bomb carriers and injuring an "accomplice" and a Tamil couple (AFP 9 Apr. 1994). The bombs were allegedly planted by the LTTE (*ibid.*), and in the two days following the explosions some 500 Tamils were picked up in police round-ups (Xinhua 11 Apr. 1994). Although a group calling itself the "Ellalan Force" later declared it was responsible for the attacks and warned that "tourists and foreign investors [are] now legitimate targets" (*The Sri Lanka Monitor* Apr. 1994b, 1), the government blames the LTTE and suggests the new name is "a cover to avoid upsetting Western countries where [the LTTE] have offices and raise funds" (Reuters 18 Apr. 1994). The latest series of round-ups, in late June 1994, followed reports that explosives and arms had been smuggled into the city by the LTTE (INFORM June 1994, 7).

Displaced Tamils newly arrived to Colombo, who number 100,000 in addition to Colombo's permanent Tamil population of 150,000 (*The Sri Lanka Monitor* May 1993b, 1), are viewed with suspicion by police and are subject to routine checks, detention and arrest (AI Feb. 1994a, 8). Young Tamil men without national identity cards and family connections in Colombo are most at risk of being arrested (*ibid.*), although Tamil men who have lived and worked for some time in Colombo and have proper identity documents have also been targeted (*ibid.*; *Tamil Times* 15 June 1993, 5), as have Tamil women [One source indicates that in Colombo "young girls under 20 and up to about 25 have a little less the same risk of being brought to the police station for investigations as the young boys" (Tveter 1993, 7).] (*ibid.*; Xinhua 18 Aug. 1993; *ibid.* 4 Sept. 1993). As one source cautions, "[p]ossession of National Identity Cards is no guarantee from being arrested" (*Tamil Times* 15 Nov. 1993b, 5).

Round-ups and arrests of Tamils in Colombo generally take place during raids on lodges, where most Tamils live (*Tamil Times* 15 Nov. 1993b, 5; AI Feb. 1994a, 7). The areas of the city in which police have carried out arrests of Tamils include Dehiwala, Fort, Grandpass, Kalubowila, Kandana, Kirilapone, Kotahena, Maradana, Modera, Mount Lavinia, Pettah and Wellawatta (*ibid.*; *The Sri Lanka Monitor* July 1993e, 1; INFORM June 1994, 7; *ibid.* Mar. 1994, 7; *Tamil Information* Feb. 1994b, 4; *ibid.* Jan. 1994b, 4; *ibid.* Aug. 1993b, 4; *ibid.* May 1993b, 5; *ibid.* Feb. 1993, 4). Those arrested are held at police stations such as Bambalapitiya, Peliyagoda (*The Sri Lanka Monitor* Dec. 1993e, 3; *Tamil Information* Aug. 1993b, 4).

According to Amnesty International, occasionally entire families are arrested and detained for short periods because the householder failed to register family members with police (Feb. 1994a, 9-10); some people have been rearrested several times (*ibid.*, 13). Those arrested are often

taken to a local police station and asked questions about their family background, the reason why they are in Colombo and where they work. Detainees are sometimes accused of involvement with the LTTE, but evidence of this is rarely provided. The questioning is usually in Sinhala. The answers are recorded in Sinhala and detainees

are made to sign the statement, even if they cannot understand Sinhala. Most detainees are not questioned again after making their initial statement. Detainees are fingerprinted and/or their photograph taken. Sometimes detainees are lined up and a person in a mask points out particular prisoners (*ibid.*, 17).

Amnesty International reports that although most of those arrested are released within a few days, "[a] significant number of detainees are held for up to several months" (AI Feb. 1994a, 1), and although those detained by police are sometimes beaten to extract confessions, "[p]risoners held in secret detention by the army or other groups suffer more severe forms of torture" (*ibid.*, 20). According to *Country Reports 1993*,

[I]n the latter part of 1993, Government security forces and alleged Tamil militias began operating what many human rights monitors called "a parallel system of secret detention" in Colombo. Beginning in August, dozens of suspected LTTE sympathizers were picked up in unmarked vehicles and taken to undisclosed places of detention. Some were held for several months and many were tortured before eventually being transferred to an official detention centre (1994, 1390).

Some sources suggest that extortion may be a motive behind some arrests and detentions in Colombo (AI Feb. 1994a, 18; *The Sri Lanka Monitor* Feb. 1994b, 2). Describing police extortion in Colombo as "endemic," one source states that the police have arrested upper-class Tamil youths solely for the purpose of obtaining payment for their release (*The Sri Lanka Monitor* Sept. 1993c, 4). According to the source, "north-east families who send their sons to Colombo will pay Rs 400,000 (\$10,000) to 'refugee runner' agencies to arrange their escape to Western countries with false papers. Every Tamil arrival in the capital is a potential escapee to be squeezed by the city's police" (*ibid.*). According to local Sri Lankan human rights organizations, detainees might have to pay up to Rs 12,000 (Cdn\$335) to ensure release within 48 hours (*The Sri Lanka Monitor* Feb. 1994b, 2). Further, the Swiss Refugee Council reports that asylum-seekers returning to Sri Lanka from abroad sometimes face extortion because of their government-provided Rs 10,000 (Cdn\$280) rehabilitation payments (*ibid.* June 1994, 4), and, according to another source, because they are perceived as having made money while in exile (Bush 22 July 1994). However, the Canadian High Commission in Colombo indicates that extortion "demands are individual rather than systemic," and that "the scope is generally limited to small bribes accepted in order to speed up processing of identity checks" (External Affairs 15 Apr. 1994, 5).

A report by former Norwegian diplomat Trygve Tvetter, which recommends the limited return to Sri Lanka of rejected asylum-seekers in Europe, suggests the following factors should be considered when evaluating the security risk for Tamils in Colombo: registration with the police, length of residence in Colombo, family or other connections, age, sex, marital and economic status, area of origin within Sri Lanka and the security situation following terrorist attacks in Colombo (Tvetter 1993, 3-8). The report adds that the high rate of Tamil unemployment in Colombo is an "important factor" to consider when returning rejected asylum-seekers to Colombo (*ibid.*, 10). Tvetter concludes that displaced Tamils and returnees in Colombo could rely on the support of the Tamil community there, although such support "would be of limited time and ... a person in constant need of support from other Tamils would feel it necessary to go back to his place, e.g. Jaffna, in spite of the premises of the deportations" (*ibid.*, 13). However, the former diplomat also mentions the reluctance of recently established Tamils "to support their friends or relatives-especially if they are young boys-as close neighbourhood with such people easily will increase the chances of being contacted by the police" (*ibid.*, 14).

The UNHCR, which has undertaken the passive monitoring of refugees returning to Sri Lanka from India, suggests that Colombo and the south are viable internal flight alternatives for Tamil refugees who have lived or worked in the area or have close family there (16 June 1993, 1). Following reports of lengthy detentions of two returnees from Sweden, one of whom was arrested twice, the UNHCR has also emphasized the importance of ensuring that rejected Sri Lankan asylum-seekers are returned to Colombo with proper travel documents (*ibid.* 26 Nov. 1993). The organization further states that rejected asylum-seekers should be returned to Colombo and the south "with prudence and in safety and dignity" (*ibid.* 16 June 1993, 1). However, the UNHCR also advises against a "generalized application" of the principle of an internal flight alternative in the south, and asks governments to consider "the relative risk of a changing mosaic of safe or unsafe areas" in Sri Lanka (*ibid.*).

In contrast, the University Teachers for Human Rights suggests that although Colombo and the south may provide an internal flight alternative for Sinhalese and Muslim refugees, this is not the case for Tamil refugees, who lack employment prospects and run the risk of arrest and detention (UTHR 15 Nov. 1993, 9). The UTHR further believes that given the forced relief camp evacuations in Colombo (see section 3.5.1), there is a "strong likelihood" that rejected asylum-seekers returning to Colombo from abroad will be pressured by the government to return to the north or east (*ibid.*, 11). Another source reports that local refugee organizations, based on their experiences with refugees returning to Sri Lanka from India, believe the "Sri Lankan government is not committed or able to attend to the needs of the refugees, and employment, education, accommodation and security will not be accessible to returnees from the West" (*The Sri Lanka Monitor* Feb. 1994c, 4). The Lawyers Committee for Human Rights corroborates this view, stating "[m]ost human rights monitoring organizations oppose any repatriation, even to the South of the country" (LCHR July 1994, 344). Another source adds that because a number of internally displaced people in Sri Lanka rely on remittances from Sri Lankan refugees in the West, due to high living costs in Jaffna and Colombo, "the person deported would be a heavily indebted, humiliated person without the ability to help himself or his family" (*Christian Worker* Oct. 1993, 14-15).

3.5.1 Relief Camps

A number of the Colombo camps for displaced persons were closed in 1993 as part of the government's resettlement programme (see section 4) (INFORM 1994, 10). For example, government officials closed Vivekananda camp on 30 June 1993, relocating its residents to a transit camp in Batticaloa District, pending resettlement in the area; INFORM reports that of the 78 families returned to Batticaloa District, 38 returned willingly while 40 returned against their will (*ibid.* 7 July 1993, 1-2). Only six relief camps remained in Colombo at the end of 1993, one housing Tamils and the other five accommodating Muslims (*ibid.* 1994, 10).

Views on the motives behind the camp closures in Colombo are varied. Government promotion of resettlement in the east is based on the assertion that "normal" conditions have been re-established there (High Commission of Sri Lanka 22 Aug. 1994, 5). One human rights source suggests that the government hopes to improve the capital's image in the international community by ridding it of camps, which are conspicuous signs of the ongoing war (TIC 21 July 1994). Another source suggests that the government's resettlement timetable was connected to the March 1994 provincial council elections (United Nations 25 Jan. 1994, 36-37). Another observer, relying on interviews with government and non-governmental sources, indicates that the army sometimes "return[s] displaced residents to a recently cleared area in order to secure government control there" (Citizenship and Immigration Canada 8 Apr. 1994, 4). *The Sri Lanka*

Monitor suggests that the Colombo camps are being cleared to make room for rejected asylum-seekers returning from Europe (Oct. 1993b, 4).

According to INFORM, relief NGOs in Sri Lanka have expressed concern about the forced return of refugees to the north and east, as well as "the adhoc and unplanned nature of the process of evacuation of camps in Colombo" (INFORM Oct. 1993, 2). Although one source describes the Colombo camps as "some of the worst in Sri Lanka, partly because of the appalling physical conditions, partly because of the menacing presence of the EPDP" (*News from Asia Watch* 11 Aug. 1993, 11), another reports that some displaced Tamils feel safer in Colombo than in the east (UTHR 15 Nov. 1993, 11).

4. RESETTLEMENT IN THE NORTH AND EAST

Since mid-1993, on grounds that the east and some areas in the north have been cleared and security conditions restored to "normal" (High Commission of Sri Lanka 22 Aug. 1994, 5), the Sri Lankan government has accelerated its drive to resettle internally displaced persons living in camps throughout Sri Lanka to their home areas in government-controlled territory in the north and east (INFORM 1994, 10). The resettlement programme grants families a settling-in-allowance (SIA) of Rs 2,000 (Cdn\$56), a productive enterprise grant (PEG) of Rs 4,000 (Cdn\$112), a housing grant of Rs 15,000 (Cdn\$420), and food rations for the initial three months following resettlement (USCR Jan. 1994, 14). Displaced persons wishing to resettle to uncleared areas are allowed to do so, but only qualify for part of the resettlement assistance (*ibid.*).

The British Refugee Council reports that in the east, "[t]housands of refugees have been resettled without rehabilitation assistance and without access to their fields or fishing boats because of the continuing security threat from the Tamil Tigers" (*The Sri Lanka Monitor* May 1994b, 3). Further, the government's inability to finance the resettlement programme has meant that "[f]ew of those resettled who have access to fields or fishing grounds have received the promised Rs 4,000 (Cdn\$56) Productive Enterprise Grant or Rs 15,000 (Cdn\$420) Housing Allowance to rebuild their lives and livelihoods" (*ibid.*).

Following an LTTE attack at Weli Oya in July 1993, the army withdrew from areas in Mannar it had earlier captured from the LTTE (UTHR 15 Nov. 1993, 4). A number of displaced persons who had resettled in these areas were thus abandoned by the army, and some were subsequently arrested by the LTTE [The recent resettlement in Mannar District of returnees from India is discussed in section 5.] (*ibid.*). The practice of settling people near or around army camps in border zones and disputed areas in the north has raised concern that the army is using civilians as "human shields" against LTTE attacks (*The Sri Lanka Monitor* July 1993c, 4; United Nations 25 Jan. 1994, 19). One source describes resettlement as "an active military policy, forcing repatriates [from India] to return against their will, and at great risk, to areas of intense recent conflict" (LCHR July 1994, 344). However, the Sri Lankan high commission in Ottawa has described maintenance of physical security and resettlement as a "mutually reinforcing process: long term settlement cannot be envisaged till security conditions are ensured; similarly security conditions are better ensured with the return of normal civilian life and administration which accompanies successful resettlement" (High Commission of Sri Lanka 22 Aug. 1994, 5).

Tamil and Muslim refugees returning to the north and east have been concerned about Sinhalese encroachment on their land (*The Sri Lanka Monitor* June 1993d, 3; UTHR 15 Nov. 1993, 12, 25-

26). Refugees returning from India to their home areas in Trincomalee District in August 1993 discovered that their homes had been demolished and new houses constructed for Sinhalese families and government personnel (*Tamil Information* Aug. 1993a, 4). Since 1990 Sinhalese squatters on Tamil land have reportedly received state money to build houses, but many Tamils resettled since 1990 have not yet received their basic settling-in-allowance (UTHR 15 Nov. 1993, 28). In 1993, to make way for Sinhalese settlement, displaced Tamils and Muslims in the Vavuniya and Cheddikulam areas were reportedly asked to move to refugee camps especially set up for them (*Tamil Information* June 1993a, 8).

Muslims who were displaced in 1990 because of LTTE expulsions in the north and fighting between Tamils and Muslims in the east, reportedly are afraid to return to their homes without assurances that they will be protected (USCR Jan. 1994, 7). The USCR further reports that "much of their land is being farmed by Tamils who have resettled in nearby villages, and many Muslims fear they may have difficulty reclaiming it" (*ibid.*).

Muslim Home Guards, although "not as much of a threat as they were" (TIC 21 July 1994), continue to operate in some areas, reportedly preventing some displaced Tamils from returning to their lands (*The Sri Lanka Monitor* June 1993c, 3). The USCR reports that relations between Tamils and Muslims are better in Amparai District than in any other district in the east, and the government is actively promoting resettlement there (Jan. 1994, 7). Although tensions between ethnic groups reportedly "have eased" (*ibid.*; TIC 21 July 1994), a Canadian High Commission report points to the "potential for renewed communal conflict inherent in the resettlement process" as different ethnic groups struggle for access to land and resources (Citizenship and Immigration Canada 8 Apr. 1994, 4). Similarly, a representative of the Tamil Information Centre states that displacement is a source of tension that in the Sri Lankan context can be expressed along ethnic lines (TIC 21 July 1994).

A representative of the Canadian High Commission in Sri Lanka reports a perception that repatriates from India are treated more favourably than the internally displaced. According to the high commission, "conditions in UNHCR supervised resettlement camps are distinctly superior to camps housing the internally displaced which are supported by local government or NGOs" (Citizenship and Immigration Canada 8 Apr. 1994, 5).

According to INFORM, most internally displaced persons who have returned to the east for resettlement reside in relief camps, as "only a very few have been actually able to return to their original villages" (INFORM 1994, 11). A representative of the Tamil Information Centre believes that "resettlement," which he defines as living in one's own home in one's own area, in this context is a "misnomer"; the representative believes the term "relocation" would better describe the plan since the status of displaced persons does not fundamentally change when moving from one camp to another (TIC 21 July 1994). Similarly, INFORM states "genuine re-settlement is still not possible even in some of the areas declared as 'cleared' by the military" (INFORM 1994, 10). A January 1994 report to the UN secretary-general, which describes ongoing security concerns and states that spontaneous rather than government-sponsored returns are the best indicator of whether peace and security have returned, seems to indicate that many areas in the east do not provide a viable internal flight alternative (United Nations 25 Jan. 1994, 18-19, 30).

5. REPATRIATION FROM INDIA

The refugee repatriation programme between the governments of India and Sri Lanka and the

UNHCR, which resumed in August 1993, resulted in 6,900 returns in 1993 (USCR 1994, 99), as compared to 29,000 returns in 1992 (*ibid.*; *The Sri Lanka Monitor* June 1993e, 4). At the end of 1993 an estimated 76,400 Sri Lankan refugees remained in 132 camps in Tamil Nadu, the Tamil-dominated southern state of India, while another 30,000 to 98,000 lived outside the camps (USCR 1994, 94). According to Sri Lankan government figures, by June 1994 there were 69,150 people living in camps in southern India (High Commission of Sri Lanka 22 Aug. 1994).

In the latest phase of the repatriation programme, 3,575 refugees returned to Mannar Island between 28 January and 19 February 1994, raising to 39,575 the total number of refugees who have returned from India to Sri Lanka (UNHCR 1994, 1). Upon reaching Mannar Island by boat, each returnee was issued an identity card and received Rs 1,000 (Cdn\$28), representing half the government settling-in-allowance (*Law and Society Trust Review* 1-16 Aug. 1994, 7). Some 2,000 returnees went directly to their home areas while the remaining 1,575, including 858 returnees from uncleared areas in the north, were accommodated in three UNHCR-run camps on Mannar Island (*ibid.*, 10). According to the UNHCR, 715 returnees from the town of Vankalai chose to return there despite the fact that the line between LTTE- and government-controlled territory cut across the town, and that the homes of 15 of those returning were occupied by the army (*ibid.*, 11). The UNHCR funds various presettlement projects-temporary shelters built on returnees' land while they await their government rehousing grants-and micro-projects in the north and east (*ibid.*, 11-12).

Asia Watch, after interviewing refugees and relief workers in southern India and the Sri Lankan districts of Mannar, Trincomalee, Vavuniya and Colombo in April 1993, has expressed a number of reservations regarding the repatriation of Tamil refugees to Sri Lanka. Among its concerns are the lack of information available to refugees in India regarding the situation in their home areas in Sri Lanka, restrictions on UNHCR access to camps in India, and "direct and indirect" Indian government "coercion" in the form of arbitrary arrests, cuts in stipends and rations and "pressure to sign forms indicating their desire to return without knowing the contents of what they were signing" (*News from Asia Watch* 11 Aug. 1993, 1). The USCR adds that the Indian government, by restricting the hours during which refugees can be outside the camps, has limited their ability to supplement their rations through employment (Jan. 1994, 23).

Since May 1993 all NGOs supplementing Indian government-supplied rations have been prohibited access to refugee camps in Tamil Nadu (USCR Jan. 1994, 23). This measure has reportedly had an adverse impact on refugees, who rely on these organizations for programs and services not supplied by the Indian government (*News from Asia Watch* 11 Aug. 1993, 4). The ban has raised fears that the Indian government, by making conditions so difficult in the camps, is effectively forcing refugees to return to Sri Lanka even if to an uncertain situation (*ibid.*; *Tamil Information* May 1993a, 6).

After interviewing Tamil refugees who returned to Sri Lanka in August and September 1993, the USCR determined that most had repatriated voluntarily (USCR Jan. 1994, 26). However, the organization is concerned that as the "day-to-day living situation of refugees still in India worsens," those repatriating in the future may not be doing so voluntarily (*ibid.*, 27). The January 1994 USCR report further states that "repatriation to Sri Lanka at this time is risky: the potential remains for renewed inter-ethnic communal violence; and the root causes of the problems in Sri Lanka-the grievances of the Tamil minority-have yet to be redressed" (*ibid.*, 31).

According to the UNHCR, interviews with refugees scheduled for return to Sri Lanka from India in January and February 1994 "confirm[ed] the voluntary nature of return" (UNHCR 1994, i), with the "vast majority" of returning refugees joining family members who had remained in Sri Lanka or had returned earlier (*ibid.*, 3). However, the British Refugee Council, pointing to the UNHCR's lack of access to refugee camps in South India, is concerned that the UNHCR's "ability to monitor the voluntary nature of return was limited to cursory interviews at the point of departure, where returnees feared reprisals like detention in 'special camps' or withdrawal of rations if they refused to return" (*Law and Society Trust Review* 1-16 Aug. 1994, 22-23). British Refugee Council staff visited UNHCR camps for returnees in South Vavuniya in March and April 1994, and were reportedly told by "more than half of those interviewed" that "secondary or primary coercion was used by camp officials in India to convince them to repatriate" (*ibid.*, 23).

6. REPATRIATION FROM SWITZERLAND

On 11 January 1994, Switzerland and Sri Lanka reached an accord permitting the deportation to Colombo of Sri Lankan asylum-seekers in Switzerland whose claims were rejected after September 1992 (Embassy of Switzerland 11 Jan. 1994, 4-5). According to the Swiss government, the agreement contains a number of safeguards to "facilitate a return in safety and dignity" (*ibid.* 12 Jan. 1994, 7). These include a phased-in return, a passive monitoring role for the UNHCR, Swiss financial assistance to the returnees, the issuance by the Sri Lankan government of identity documents to failed claimants upon their return, the establishment of "temporary holding centres" in Sri Lanka where returnees can live until they are able to return to their home areas, and provision of a list of addresses and telephone numbers of the relevant authorities in Sri Lanka (*ibid.*, 3-8). The Swiss government also requested that Sri Lankan authorities ensure the "strict application" of government provisions on arrest and detention procedures, and in accordance with the Geneva Conventions of 1949, ensure the protection of the civilian population in conflict areas in the north (*ibid.*, 7).

Although approximately 3,000 Tamils are affected by the programme, the Swiss government has stated that only 300 are scheduled for return in 1994, as the main objective of the programme is to deter future asylum-seekers from Sri Lanka (*The Sri Lanka Monitor* Jan. 1994, 1). The first group of asylum-seekers deported from Switzerland was due to arrive in Colombo on 30 June 1994 (Xinhua 30 June 1994). The British Refugee Council indicates that the Indian repatriation programme was a precedent for the Swiss-Sri Lankan accord, and that "other European countries may follow suit" as they confront domestic problems related to the economic recession, racism (*The Sri Lanka Monitor* Jan. 1994, 1) and criminal activities such as arms and drug trafficking in which some Tamil refugees are allegedly involved (*ibid.* Apr. 1994c, 2). A late June 1994 report states that Denmark and Sri Lanka would shortly be signing an agreement to repatriate Tamil asylum-seekers similar to the one signed with Switzerland (Xinhua 30 June 1994).

7. FURTHER CONSIDERATIONS

Several sources agree that resolution of Sri Lanka's refugee problem is unlikely without a concomitant resolution of its ethnic conflict (USCR Jan. 1994, 31; INFORM Oct. 1993, 2; United Nations 25 Jan. 1994, 35). Several sources also agree that the ethnic conflict requires a political rather than a military solution (*ibid.*; INFORM 1994, 3; *Tamil Times* 15 Mar. 1994b, 16). However, obstacles to a negotiated peace settlement have included government resolve to eliminate the LTTE threat through military means (USCR Jan. 1994, 1), government resistance

to external mediation (United Nations 25 Jan. 1994, 31; Campaign for the Protection of Tamil Refugees Dec. 1993, 8), and LTTE intransigence and lack of commitment to previously attempted negotiations (USCR Jan. 1994, 1).

The People's Alliance (PA) victory in the 16 August 1994 parliamentary elections has significantly altered the balance of power in Sri Lanka, which for the past 17 years has been ruled by the United National Party (UNP) (*Asiaweek* 27 July 1994, 20; *INFORM* Aug. 1994, 8). PA leader and new prime minister Chandrika Bandaranaike Kumaratunga has acknowledged the ethnic basis of the Sri Lankan conflict (*Tamil Times* 15 Apr. 1994d, 6), and entered office with an offer to begin peace talks with the LTTE (Xinhua 22 Aug. 1994; *FEER* 1 Sept. 1994, 16). In the run up to the election one source stated that "Sri Lanka's troubles are not over ... but for the first time in more than a decade there is hope that the island may return to its democratic traditions and that terror, hate and war will no longer dominate its politics" (*International Herald Tribune* 3 Aug. 1994). The PA's attempts to find a political solution to the conflict and the result of the presidential election scheduled for November may be the best indicators of the long-term potential for peace in Sri Lanka.

8. ADDENDUM

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APPENDIX I: NUMBER OF WELFARE CENTRES

APPENDIX II: LIST OF GOVERNMENT OFFICIALS

President:

Chandrika Bandaranaike Kumaratunga. Also Defence Minister, Minister for Finance Planning, Minister for Ethnic Affairs and National Integration

Prime Minister:

Sirima Bandaranaike

Ministers:

Agriculture, Land and Forestry: D.M. Jayaratne

Cooperatives, Provincial Councils and Indigenous Medicine: A.G.H. Dodangoda

Cultural and Religious Affairs: Lakshman Jayakody

Education and Higher Education: R.B. Pathirana

External Trade, Justice and Constitutional Affairs: G.L. Peiris

Fisheries and Aquatic Resources Development: Indika Gunawardena

Foreign Affairs: Lakshman Kadirgamar

Health, Highways and Social Service: A.H.M. Fowzie

Housing, Construction and Public Utilities: N.N. Sripala de Silva

Source: Reuters. 14 November 1994. BC Cycle. "Sri Lanka's Cabinet List." (NEXIS)

APPENDIX III: NOTES ON SOURCES

Bush, Kenneth:

Kenneth Bush is a post-doctoral fellow and lecturer at the Norman Paterson School of International Affairs at Carleton University in Ottawa, as well as an adjunct assistant professor in the Department of Political Studies at Queen's University in Kingston. He is a member of the Sri Lanka Development and Human Rights Working Group, South Asia Partnership, and a book reviewer for *LANKAlink*, a publication of South Asia Partnership. Bush completed a Ph.D. in comparative politics and international relations at Cornell University in the spring of 1994. In 1992 he spent several months in Sri Lanka conducting field research for his dissertation, entitled "Reading Between the Lines: The Intra-Group Dimensions of Ethnic Conflict in Sri Lanka and Northern Ireland." He presented papers on his findings to the 1993 annual conferences of the Canadian Political Science Association and the Shastri Indo-Canadian Institute/Canadian Asian Studies Association's South Asia Council.

Campaign for the Protection of Tamil Refugees Under UN Convention:

Several British community organizations concerned with refugees cooperated in 1993 to produce a document entitled "The Current Situation of Tamils in Sri Lanka." The purpose of the document was to inform British immigration authorities about the effect of tightened immigration laws on Tamil refugees.

Canadian High Commission in Colombo (External Affairs):

Reports by the Canadian High Commission in Colombo are based on field officers' firsthand observations and discussions with Sri Lankan government officials, NGO representatives and UNHCR representatives. For further information on the purpose of these reports and the sources on which they are based, please consult each report individually. (The reports are cited in the reference list under Citizenship Immigration International Services, which provides them to the DIRB.)

The Tamil Information Centre (TIC):

The Tamil Information Centre, founded in July 1983, is a London-based human rights organization that provides information on human rights violations and the situation of Tamils in Sri Lanka, focusing particularly on arrests, torture, killings and disappearances. It produces the monthly bulletin *Tamil Information* and has published a number of other documents, including the June 1993 report *Sri Lanka: Economic Blockade*, authored by Mayan Vije, currently one of the centre's directors. Forthcoming publications include *Sri Lanka: Self-Determination of Tamils* by Helena Whall, and the proceedings of an international health conference on victims of war in Sri Lanka held in London on 17-18 September 1994. The conference was jointly organized by the Tamil Information Centre, the Medical Institute of Tamils in London,

and the Tamil Refugee Relief Organization in California. The organization's sources of information include Sri Lankan NGOs, newspapers and other contacts in Sri Lanka and abroad.

Tamil Times:

The *Tamil Times* is an independent monthly review of Sri Lankan current affairs founded in Surrey, UK in 1981.

Tveter, Trygve:

As second secretary of the Norwegian embassy in Colombo from 20 January 1992 to 24 December 1992, Trygve Tveter carried out basic fact-finding work related to claims verification. His reports note that although he works as a legal consultant with the UNHCR branch office in Colombo, the views expressed are his own and are not necessarily those of the United Nations or UNHCR.

University Teachers for Human Rights (UTHR):

The University Teachers for Human Rights, established in mid-1988, is a Sri Lankan human rights organization originally based in Jaffna but now in Colombo. A network with a membership composed of teachers from all Sri Lankan universities, the UTHR is affiliated to the Federation of University Teachers' Associations (FUTA). The UTHR seeks to promote debate on, and respect for, human rights in Jaffna and Sri Lanka, mainly through grassroots mobilization. It has produced a number of reports, including the November 1993 report on internally displaced persons in Trincomalee district entitled "A Sovereign Will to Self-Destruct," which will soon be followed by a critical report on Tamil society and human rights developments in Batticaloa and Amparai districts.

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[Top of Page](#)

[Important Notices](#)