



General Assembly

Distr.
GENERAL

A/HRC/8/NGO/21
28 May 2008

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Eighth session
Agenda item 4

**HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S
ATTENTION**

Written statement* submitted by Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2008]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Rights of internally displaced people in the district of Mannar, Sri Lanka¹

1. Background and introduction

Almost every family in Mannar district, in Northern Sri Lanka, has an experience of being internally displaced or fleeing overseas as refugees at least once since the 1980s. Many have suffered multiple displacements. According to statistics of the Government Agent (the highest level government civil servant in the district) of Mannar, about one fifth of the population of Mannar presently live as internally displaced people.²

2. Urgent and important concerns related to internal displacement in Mannar district

2.1 People displaced from Vanni

Many people living in the LTTE controlled Vanni areas have started to come by boat to Mannar. According to UNHCR reports, the number of IDPs arriving in Mannar by sea from LTTE-held areas is increasing, with 20 individuals (11 families) arriving between 1st – 8th May 2008.³

Since March, the security forces have decided to confine all these people in a camp in Kalimodday and not allow them to stay with friends and relatives. According to government statistics, as of 11th May 2008, 116 families and 259 persons are confined to the Kallimodday camp.⁴ In May 2008, refugees returning from South India have also been confined to this camp, against their will.

30 people are allowed to go out per day and the criteria are not clear. Their freedom is also restricted, as they have to come back by 5pm same day and their national identity card is confiscated and a temporary pass valid only up to nearby Murunkan town is issued.

Initially, the people refused to accept dry rations, cooking utensils, and assistance for shelter and even to register their children in nearby schools, as they feared these would contribute towards prolonging their enforced stay in this camp. Desperate for freedom, they had even offered to report regularly to local Police stations if allowed to stay with friends and relatives. But their requests have not been heeded to date.⁵

The camp is snake infested and has been judged as unsuitable dwelling place by civil authorities and NGOs.⁶ Electricity is available 50 meters away from the camp, as well as camp security office, but no electricity is provided in common areas.

Amongst the people in the camp are pregnant women, elderly, infants, young children, school children and university students. Advanced level students following Maths and

¹ The Catholic Bishop of Mannar, Mannar Citizens Committee and the NGO Consortium of Mannar also shares the views expressed in this statement.

² The Inter Agency Standing Committee situation report no. 125 reports 25,321 displaced people in the Mannar district, based on Government Agent's figures, while the population of Mannar is estimated to be around 120,000.

³ Inter Agency Standing Committee Sri Lanka, situation report no. 125

⁴ "Displaced families from uncleared area, handed over by SLA presently staying at Kalimodday Puliyanukulam Welfare Centre", a document certified by the Nanattan Divisional Secretary

⁵ Petition signed by 100 people in the Kallimodday camp, on 10th April 2008

⁶ Report of Inter Religious Solidarity visit to Mannar, of 23rd April 2008

Science are unable to go to school as the limited number of schools permitted to students in the camp don't have these streams of study. University students are unable to study in universities, which are beyond the areas allowed to visit. Families are separated as husbands in the camp are not allowed to go and live with their wives who live in nearby areas.

Presently, no independent journalists are allowed to the camp, humanitarian workers are screened carefully, cameras or mobile phones are not allowed. People are also wary of a plan to issue special identity cards to everyone over a year old, in addition to the common Sri Lankan national identity card. Photos are already being taken for this.

2.2 People displaced from Musali division since September 2007

The Sri Lankan military forcibly displaced more than 4000 people as they launched military operations to take control of the Musali division, in Mannar district, on 1st September 2007. At first the people were told they would be allowed to go back to their homes in two to three days. Despite public pronouncements that areas in question were "liberated", after more than eight months, people are still not allowed to go back to their land and their houses by the government.

Some of these displaced people live with friends and relatives while others live in camps. In some camps, such as in the Nanattan Rice mill, their freedom of movement is restricted. There have been several reports of some displaced people not being allowed to leave, and in other cases, being asked to return on the same day, with their national identity card confiscated and a temporary limited identity card issued.

In a recent development, security forces had put up posters on 5th May 2008, requesting members of the Liberation Tigers of Tamil Eelam (LTTE) and even those who had followed some training by the LTTE, to surrender. This caused panic amongst the people, as many had been compelled to join trainings conducted by the LTTE.

According to those who went to the camp and a community leader who accompanied them, at least 250 people "surrendered" based on the poster and were interrogated at the Illanthaimotai military camp. Some of them had been beaten and assaulted while many had been threatened that they would be eliminated if and when there are further killings of soldiers in battle.

The panic created by this poster resulted in a fresh exodus of displaced people as refugees to South India. As many as 211 people are reported to have fled to India in ten days.⁷

2.3 Regular and multiple displacements in Vanni

The Manthai West division of the Mannar district is presently controlled by the LTTE and, except in Thevanpiddy areas, all the people are displaced. UNHCR reports that 16,970 people remain displaced as of 24th March 2008⁸ in Manthai West, while the Inter Agency Standing Committee reported that "A UN assessment mission to Manthai West confirmed ongoing, multiple displacement of the civilian population in or near Siratikulam due to

⁷ Ref: <http://www.thehindu.com/2008/05/12/stories/2008051250180100.htm> dated 12th May 2008

⁸ "IDPs by Place of Displacement and Place of Origin as at 31 March 2008" Published by UNHCR on 28th April 2008

military activity” and that “IDP registration is ongoing, although the exact number of IDPs is not yet known.”⁹

2.4 Difficulties and dangers faced by those doing humanitarian service

In 2007, three humanitarian workers were killed in the district of Mannar.¹⁰ In two of the incidents, other staff of the agency were also injured. As of now, to the best of our knowledge, there have been no convictions, prosecutions or progress reported in investigations and nor have there been any visible mechanisms put in place or steps taken by the government to prevent such occurrences in the future in order to ensure the safety of humanitarian workers. In one of these incidents, witnesses have indicated that the LTTE was responsible.

Humanitarian workers in Mannar also face a range of restrictions. Since February 2008, the government has decided to bar vehicles from going past the Medawachiya check point, which serves as the main exit / entry point for Mannar from all other provinces in Sri Lanka. This has caused serious inconveniences to humanitarian staff and also made it difficult and more expensive to obtain supplies to assist the displaced.

Humanitarian agency staff are also restricted in reaching out to displaced people and engaging in their work.¹¹ One community leader, coming from Nanattan to a local meeting in Mannar to discuss the preparations of this statement with a local volunteer of Pax Romana, was prevented from coming due to closure of road. There have been instances of staff members of humanitarian agencies being arbitrarily detained by security forces. Humanitarian agency heads and staff have also reported threats and intimidation.

Often, no complaints are made regarding these, due to lack of confidence in domestic protection mechanisms, fear of reprisals and that complaints will bring about further restrictions on humanitarian work.

There is also concern about the safety of humanitarian spaces where the displaced seek refuge. There have been no prosecutions or convictions into the attack on displaced people sheltering in Pesalai Church in June 2006, despite the availability of several eye witnesses and independent reports. This attack had killed one woman and injured around 50 people. Many fled to India as refugees after this incident.

2.5 Situation of Madhu Shrine

In April 2008, the government forces took control of Madhu Shrine, a Catholic shrine considered sacred by Catholics and non Catholics from all over Sri Lanka. For several years, the LTTE had controlled the area where it is located. The Madhu Shrine has served

⁹ Inter Agency Standing Committee report no. 125 for the period 1st – 8th May

¹⁰ 24th March 2007, Muthuraja Aruleswaran of Tamil Rehabilitation Organization was killed, on 26th Sept. 2007, Rev. Fr. Pakiaranjith, Catholic Priest and Coordinator of Jesuit Refugee Service was killed and on 10th Nov., Mr. Gouthu Jalaltheen of the Rural Development Foundation was killed. Refer “Under Fire: Persons in Humanitarian Service” a preliminary report published by Law & Society Trust, on 7th March 2008 and available at www.lawandsocietytrust.org

¹¹ According to the report of Inter Religious Solidarity visit to Mannar, of 23rd April 2008, in the first week of April 2008 two staff members of a humanitarian agency were prevented from traveling beyond the Medawachiya check point to attend a meeting in Anuradhapura, while on 15th April 2008, an aid worker, a resident of Chettikulam (Mannar district), was turned back at Kattaiadampam when he was going to his office located in Mannar town.

as a place of refuge to thousands of internally displaced persons for decades and had, until very recently, been managed by the Mannar Diocesan Catholic Church, which for several years has called on the Government of Sri Lanka and the LTTE to formally recognize the Madhu Shrine as a Zone of Peace.

As government forces started to advance towards Madhu in early 2007 and battles between government forces and LTTE around the Madhu area escalated in 2008, with shells damaging parts of the buildings in the shrine area, the displaced people who had sought refuge had fled the area.

The formal recognition of Madhu Shrine as a Zone of Peace will facilitate the return of displaced people to Madhu Shrine and enable them to enjoy protection and assistance.

3. Recommendations

The Human Rights Council should take urgent steps to address the above issues and in particular call on the Sri Lankan Government to deal with these in line with the UN Guiding Principles on Internal Displacement and other international human rights and humanitarian laws.¹²

¹² In particular, the Council could consider calling on the government of Sri Lanka (GOSL) to: allow displaced people now confined to the Kallimodдай camp to exercise freedom of choice about their place of residence; facilitate 'go and see' visits for representatives of all communities displaced in September 2007 from the Musali division; allow all people displaced in September 2007 from the Musali division to return home; use existing domestic and international legal frameworks to deal with suspected LTTE cadres, and stop the intimidation and harassment of displaced people in the guise of identifying LTTE cadres; put in place a clear and simple procedure for staff and supplies of humanitarian agencies to pass through the Medawachiya checkpoint; halt arbitrary restrictions on freedom of movement of humanitarian agency staff; ease restrictions placed on humanitarian agencies in obtaining supplies needed to assist displaced people, especially to areas controlled by the LTTE and particularly construction materials and fuel, and ensure speedy, transparent and independent investigations, prosecutions and convictions regarding the killing of three humanitarian workers in 2007 and the attack on Pesalai church where displaced people were sheltering in 2006. The Council could also consider calling on the Liberation Tigers of Tamil Eelam (LTTE) to remove restrictions on freedom of movement of people fleeing areas under their control. The Council could in addition call on both the GOSL and the LTTE to facilitate freedom of movement to staff and supplies of humanitarian agencies, so that they can render needed assistance to displaced people and refrain from undue interference, intimidation and harassment of humanitarian agency staff. The Council could call on the GOSL to formally recognize the Madhu Shrine area, presently covered under the Pilgrimage Ordinance of 1982, as a Zone of Peace, put in place an international mechanism to ensure its observance and entrust the administration and management of the Shrine to the Catholic Bishop of Mannar and his representatives and encourage the President of Sri Lanka to immediately issue a Special Gazette notification to this effect. Council members should also continue to dialogue with the GOSL about the establishment of a field based office of the Office of the High Commissioner for Human Rights (OHCHR) in Sri Lanka and ways and means of implementing the recommendations of Special Procedures of the Council, particularly those of the Representative of the Secretary General on human rights of IDPs.