

Setting the scene: Humanitarian Crisis and the ‘Undeclared War’

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As human rights defenders living and working in Sri Lanka, we are identifying the present moment as one in which there is a serious human rights and humanitarian crisis in the country. The nature of the crisis is so severe that it affects the lives of very many Sri Lankans, but in particular hundreds of thousands of people of all religious and ethnic communities who live in the north and east of the island.

Although the roadmap of the conflict in Sri Lanka is a contested one, and every attempt to put a chronology of events on record could be challenged, for the purposes of my intervention at this meeting I would like simply to refer to the period since April 2006 when the government launched its military offensive in the east, in the aftermath of the attempted assassination of the Army Commander by an LTTE woman suicide bomber.

From that time onward, the consistent and systematic military offensive in the east has led to massive displacement and resettlement, including forced resettlement, of hundreds of thousands of men, women and children, primarily Tamils who had lived in areas under the control of the LTTE. Both the government and the LTTE have shelled areas in which civilians are living, and have also engaged in acts of intimidation, harassment, assassination, abduction and disappearance in the north and east throughout this period. The involvement of other armed groups, in particular of the Karuna faction, and, more recently, armed Muslim groups, adds another layer of complexity to the situation.

The military offensive has taken place in the context of a series of events in the south of the island that have undermined democratic processes and weakened the capacity of national institutions to respond to the dual crises. Unconstitutional appointments to the National Human Rights Commission, the National Police Commission and to high levels of the judiciary have called the legitimacy and credibility of these institutions into question. The balance of power in the national Parliament has been altered by multiple crossovers and the most recent appointment of Basil Rajapakse, the brother of President Mahinda Rajapakse as a MP from the National List has reaffirmed fears regarding the centralization of political and decision-making power in the hands of the President and a small group of confidantes. The expulsion of a group of over 300 Tamil women, men and children from Colombo on June 7 and the subsequent round of denials of responsibility for the decision from various high-ranking members of the government serves as an indicator of the pervasive lack of accountability that prevails in the country.

The lack of investigations into alleged acts of human rights abuse by the law enforcement agencies and the denial of such allegations by responsible government officials has strengthened the culture of impunity and enabled continuous violations. According to our records, over 550 people have been the subject of extra-judicial executions in the 6 months from January to June 2007 and over 350 people have been abducted or have ‘disappeared’. The abduction of two Sri Lanka Red Cross workers from the Railway Station in Colombo in the late afternoon of June 4 2007 and the discovery of their bodies on the next day in a location about 60 kilometers from the city and the disappearance of the Vice Chancellor of the Eastern University are both well-known cases that point to the high level of insecurity and impunity that confront ordinary citizens of Sri Lanka today.

In addition, there have been consistent attacks on civil society organizations and on the media that create an environment in which no criticism of the prevailing situation can take place. Attacks on over 40 individuals, local staff members of various humanitarian and de-mining agencies, who have been killed in the past year. These attacks, combined with a range of bureaucratic processes have resulted in the serious curtailment of activities of humanitarian agencies who face restrictions placed on visas and work permits for expatriate workers, constant surveillance, challenges to their reports and accusations of being anti-government, LTTE sympathisers and terrorists. Sir John Holmes, the senior-most official of the UN humanitarian system who visited Sri Lanka this year was the most recent and most high level recipient of such treatment.

The military offensive in the east, which resulted in the displacement of many hundreds of thousands of people, led to a heavily militarized process of resettlement of those who had been internally displaced. For those of us who are concerned with the long-term and political implications of these rounds of displacement, there are qualitative differences in the resettlement that took place with regard to those displaced from Mutur in August 2006 and the resettlement of IDPs from Vakarai and Batticaloa west in the months from March to July 2007. In 2007, a system of military Identity Cards (for individuals as well as for families) was instituted and many tasks that are the responsibility of officials of the civilian administration were taken over by the army (in Vakarai) and by the STF (in Batticaloa west). Reports from Jafna in the past weeks point to a similar process of issuing of military Identity Cards without which, residents have been told, their mobility will be severely restricted.

Security in the resettled areas of Batticaloa District is almost non-existent as far as the civilian population goes. There have been reports of several killings and abductions and in June a woman from the Batticaloa west area was reported to have been abducted, raped and murdered. Despite a quick government response saying there would be an inquiry in fact there has been no information available regarding any follow up to this case. In addition, people are without access to any form of livelihood and the issuing of rations is often sporadic. Although surveys of houses was conducted soon after resettlement for allocating compensation for losses of property and livestock during the period of displacement, in fact these communities have not received their due.

The re-opening of the A9 road which would facilitate the transport of goods and people between the south and the north remains a highly contested issue with the government of the checkpoints in the Vanni was an LTTE initiative. In these circumstances, the situation of civilians in Jaffna remains dire. There is almost no regular employment for those who do not work with the government in one way or the other. Regular curfews and cordon and search operations create further obstacles for people to maintain any degree of normalcy, and render people housebound due to fear. Transport and travel to and from the peninsula is controlled by the army, the navy and the LTTE and the limited options contribute to a very high cost of living. Abductions of University and senior school students has resulted in schools being closed due to student agitation in April and May while government servants including teachers who must report for work outside the peninsula have been protesting against such orders in view of their circumstances.

In the Jaffna peninsula, there have been regular killings and abductions attributed to the LTTE as well as to government forces. A particular ploy used by the army is that of keeping back the National Identity Cards of young men they subject to checking at check-points and ask them to report at the army camp later to pick the NIC up. There have been several reported cases of disappearances in such cases where the young men went to the camp to retrieve their NICs. Another phenomenon has been that of young men in particular seeking protection from the office of the National Human Rights Commission in Jaffna and then being placed in 'protective custody' in

the Jaffna prison. On September 11 it was reported that there were 71 such cases of protective custody in Jaffna prison, which is in fact not a prison as such but two houses that have been acquired by the government in Jaffna town. The houses have ten rooms and two toilets which must serve over 300 individuals. The children, women and men who stay there for their own safety must inhabit the same restricted space as other adults awaiting trial and those who have been convicted of crimes. In May following an outbreak of chickenpox in the prison, some of the persons who were there for their own protection opted to leave. Within a few days one of them was killed and most returned to prison.

The situation of conflict has also led to heightened tensions between Tamil and Muslim communities living in the East in close proximity to one another, as well as to clashes and conflicts among different Muslim groups in the east. Some strategic alliances between the Karuna faction and some of the Muslim armed groups create a dangerous precedent for inter'necine warfare.

The population shifts that have been observed in the east and in the Vanni due to the conflict have led to significant changes in demographic patterns in these areas. In addition, the alienation of land to the government by means such as the declaration of High Security Zones (Sampur), Special Economic Zones (Trincomalee town and its environs) and religious or archaeological sites (Amparai and Trincomalee) have also contributed to this phenomenon. The long term political and social implications of this situation have yet to be examined.

Overall, the present situation is one in which developing a clear vision regarding the future is extremely difficult. Political instability in the south combined with an increasingly authoritarian form of government and heightened reliance on the military and on a military resolution of the ethnic conflict dominate southern politics, while in the north and east the political and military hegemony of the LTTE is being challenged by the government and its security forces as well as by other political actors. The possibility of a return to negotiations and to a peace process becomes ever more distant.