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Dear Mr T. R. Balu, MP and Leader of the parliamentary delegation to Sri Lanka,

On the occasion of your upcoming visit to Sri Lanka commencing 10 October 2009, Amnesty International calls on you to urge your Sri Lankan counterparts to act immediately to address serious problems affecting the safety and dignity of some quarter of a million Sri Lankans held in government-run camps in northern and eastern Sri Lanka.

India has announced generous support to the Sri Lankan government to provide for the humanitarian needs of Sri Lanka's displaced people, and has vowed to provide sustained assistance for rehabilitation, resettlement and reconstruction. The emphasis of Indian aid has been on de-mining areas to prepare them for resettlement, reconstruction of houses and supply of shelter material, medical assistance, as well as provision and repair of civil infrastructure. These are all critical contributions.

This very constructive relationship could be bolstered by a show of leadership in support of the basic human rights of Sri Lanka's displaced people. In particular, in the course of your interactions with Sri Lankan authorities, Amnesty International urges you to emphasize the need to respect the rights of all displaced people to liberty and freedom of movement; freedom from arbitrary arrest and incommunicado detention.

These displaced civilians suffered enormous physical danger and material deprivation during the war. Both sides were accused of humanitarian law violations against these civilians, who were forced to remain at risk in the conflict zone by the Liberation Tigers of Tamil Eelam (LTTE), which used them as human shields against the approaching army. Adults and children were subjected to force conscription.

After the military defeat of the Liberation Tigers of Tamil Eelam in May 2009, Government of Sri Lanka vowed to resettle the majority of displaced people within 180 days. That deadline is fast approaching and very little progress has been made in this regard. It is clear now that true "resettlement" will take much longer than the Sri Lankan government anticipated. The displaced people have not been allowed to seek alternative accommodations or start the process of rebuilding their lives. The Sri Lankan government continues to confine the displaced to closed camps, in crowded, uncomfortable and sometimes hazardous conditions. Amnesty International has a global campaign, "Unlock the Camps", (see <http://www.amnesty.org/en/news-and-updates/news/unlock-camps-sri-lanka-20090807>), calling on the Sri Lanka government to end its policy of forcibly confining people to camps, which amounts to arbitrary detention.

RESTRICTIONS ON FREEDOM OF MOVEMENT

Hundreds of thousands of people displaced by the recent war in north-east Sri Lanka and living in camps are being denied basic human rights including freedom of movement. This vast population is being held in de facto detention camps. The Sri Lankan military manages and controls the camps, severely restricting the residents from leaving the camps, and denies the displaced population basic legal safeguards. Amnesty International recognizes the government's legitimate need to carry out screening to identify potential LTTE members within the camp population. But such a screening process does not justify the detention of civilians including entire families, the elderly and children, for an indefinite period. The Sri Lankan government claims that more than half of all camp residents have now been screened; and yet only a small fraction have actually been allowed to leave. This amounts to the arbitrary detention of hundreds of thousands of people simply because they are Tamil and lived on the wrong side of the front line.

The government has recently claimed to be speeding up its release process but the reality is the pace of releases remains slow and many people have simply been transferred to other camps close to their home areas. Others have returned to highly militarised areas where freedom of movement continues to be seriously obstructed, hampering efforts to rebuild lives.

CONCERNS ABOUT SCREENING AND PROTECTION OF THE DISPLACED

The Sri Lankan government has legitimate security concerns, and there is a need to bring to justice members of both the LTTE and the armed forces who engaged in abuse of civilians. Amnesty International stresses the need to ensure that in all cases, accountability is pursued through proper legal processes. Since the war ended in May 2009, many thousands of people detained in camps have been subjected to 'screening' processes by the security forces in an attempt to root out LTTE members. There is no independent monitoring of this process, which lacks transparency and accountability; and there is no public disclosure of the criteria used for "separation" and detention of persons suspected of links to the LTTE. While screening processes are needed to ensure that civilians are not housed with former combatants, they must not be used as a vehicle for discrimination or collective punishment against civilians originating in areas once controlled by the LTTE.

Separate detention facilities have been established for approximately 10,000 ex-LTTE combatants, many of whom are held incommunicado. Independent monitoring of these facilities is also urgently necessary to ensure against abuse.

Even in Sri Lanka's regular displacement camps in the north and east, displaced people have been prevented from talking to aid workers. With no independent monitors able to freely visit the camps, many people are unprotected and at risk from enforced disappearances, abductions, arbitrary arrest and sexual violence.

UNRESTRICTED HUMANITARIAN ACCESS

Camp residents now face a humanitarian disaster as monsoon rains threaten to flood camps. The Office of the Coordination of Humanitarian Affairs (OCHA) reports that over 60,000 camp residents will be vulnerable to flooding. The government must allow unimpeded access to the camps by both international and domestic humanitarian organisations and other appropriate bodies to give assistance to the displaced.

TIME TO ACT NOW

Your delegation could make a valuable contribution to improving the ultimate outcome for Sri Lanka's war displaced by raising these critical issues with your counterparts in Sri Lanka in the course of your visit and in subsequent communications.

Amnesty International welcomes your delegation's upcoming visit as an important opportunity to address, in particular, these urgent concerns:

- the need to restore the rights of Sri Lanka's displaced people to liberty and freedom of movement, ensuring that those held in Sri Lankan displacement camps are there voluntarily;
- the need to ensure independent access to and monitoring of camps housing internally displaced people to protect against human rights abuse and ensure that their humanitarian needs are being met;
- the need to end arbitrary detention; ensuring that all "screening" and detention practices associated with the displaced population are transparent, and are carried out in accordance with legal safeguards and international human rights standards. Individuals affiliated with the Liberation Tigers of Tamil Eelam (LTTE) arrested and accused of crimes, should be charged with legitimate offenses, tried and prosecuted in accordance with the law.
- the need to institute a meaningful consultative process with displaced people that allows them to make informed and voluntary decisions about return and resettlement.

Yours sincerely,

Madhu Malhotra
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Members of the delegation of Indian MPs to Lanka