



FIELD REPORT: SRI LANKA PROJECT

September 2008

Situation Summary in Sri Lanka

National news in Sri Lanka in September '08 focused all eyes on the north of the country, as Government Security Forces continued their military advance toward the LTTE's administrative and political capital of Kilinochchi. On the 5th of the month, the Government ordered the withdrawal by month's end of all international and local aid workers in the large LTTE-controlled area of the Vanni. According to a UN spokesman, about 70 offices from five UN agencies would have to be moved out. Residents of the town said a helicopter flew low overhead, dropping thousands of leaflets written in Tamil. The government leaflets said the rebels were facing huge defeats and urged civilians to save their lives by leaving for government-held territory.

Many civilians, fearing unknown conditions they could face, and some not wishing to be separated from family members caught up in the conflict, opted for moving further into interior jungle areas, making humanitarian assistance even more difficult to provide. Some people were reported to being both fearful of disregarding LTTE orders that they remain in the Vanni and of moving toward government-controlled areas.

The ICRC issued a statement urging both parties to the conflict to protect civilians, adding they were committed to staying close to those in need of humanitarian aid and would try to meet their most urgent needs, regardless of where the civilians would seek refuge. By month's end, it was estimated there were between 200,000 and 230,000 internally displaced people (IDPs) in the Vanni, with most moving in areas north-east of Kilinochchi. Some students at Jaffna University expressed fears that they were no longer in contact with their families in the Vanni, as they don't know where they have gone and communication has been broken.

Representatives of Sri Lankan civil society also issued an appeal to the Government and to the LTTE:

- To respect and provide for the freedom of movement of civilians, staff of humanitarian agencies and their families, and medical teams as well as of transport of essential items in, to and from the Vanni;
- To ensure that humanitarian agencies are provided access to all IDP sites and their security guaranteed;
- To ensure that IDP sites are located away from military camps or other targets;
- To support independent monitoring of the delivery of humanitarian assistance to the affected communities in the Vanni; and
- To abide by international and national legal frameworks which provide for the protection of civilians and non combatants, such as the UN Guiding Principles on Internal Displacement.

In mid-September it was announced that every Sri Lankan who came to Colombo from the north in the past five years would have to re-register with police in a mass registration drive at police stations and other designated centers across the city. The order affects more than 100,000 people who came from the districts of Kilinochchi, Jaffna, Vavuniya, Mannar and Mullaittivu, and the overwhelming majority of those people are ethnic Tamils. These citizens must fill up a one-page declaration giving details of their place of origin and purpose of their current stay. Tamils, just 18 percent of the country, make up as much as one-third of the capital's population, according to official statistics.

Divisions between the communities were underscored in the results of the August 2008 Peace Confidence Index Survey, in which it was reported a majority of the Sinhala community think that Sri Lanka is closer to a permanent settlement to the ethnic conflict than a year ago. However a majority of the Tamil and Up-Country Tamil communities think the opposite, saying that the country is 'not close at all' to a permanent settlement to the ethnic conflict. A majority of the Sinhala community think that the government defeating the LTTE is the way to end the war and arrive at peace in Sri Lanka, while a majority of the minority communities think the war should be stopped and political negotiations undertaken if peace is to be achieved.

Of interest in Sri Lanka from events abroad was legislation adopted this month in the USA which will permit the United States to prosecute foreign military commanders who recruit child soldiers abroad. The Child Soldiers Accountability Act makes it a federal crime to knowingly recruit or use soldiers under the age of 15 and permits the US to bring charges under the law against both US citizens and non-citizens who are in the United States.

Children are currently used in armed conflicts in at least 17 countries. It is known that recruiters in these countries prey upon children, who are often the most susceptible to threats and coercion. Child soldiers are used as combatants, porters,

guards, spies, messengers, unskilled labor, and other duties. The recruitment and use of children as soldiers was recognized in 1998 as a war crime under the International Criminal Court. What repercussions this legislation could have on Sri Lankan actors is not known.

The Context and Work of the NPSL Teams

The security situation in the country creates challenging environments at the field level as NP teams continue to serve the civilian populations. In the capital, checkpoints are ubiquitous and nationals are careful to travel with proper identification at all times. Fears of random bombings are ever-present, though September passed with only one smaller, and no major, attacks in the West. In the East there are increasing reports and rumors of the LTTE re-infiltrating jungle areas, with some clashes and attacks on military targets. Such events result in increased checking, cordon and search operations, and round-ups, which are both disruptive and frightening for civilians. In one round-up in Batticaloa 160 people were taken in; with smaller numbers of 32 and 35 reported in other operations. In most cases the majority of people are released within one day, and NP is often called upon by families to be present with them at police stations.

Tamil-Muslim communal violence remains a problem in Batticaloa. This month a Muslim man was killed in a Tamil area. Two days later two young Tamil men went missing when they took a goat to sell in a Muslim town. The NP team met with the Police and families of the missing youth, visiting both communities, and offering facilitation and communication between community leaders. When the body of one of the youths was found some days later, a harthal (or general strike) was called on the Tamil side, lasting for two days in the area where the dead youth was from. A shop was burned, allegedly for failure to honor the harthal. A threatening call was made to some organizations, so the INGO community also closed their offices. Then a grenade was thrown near a mosque and the Muslim Urban Council, injuring more than 20 people, including children, and 5 Tamils passing by. The second missing Tamil boy's body has not yet been found.

The monthly report of the North East Secretariat on Human Rights (NESoHR), based in the North, claims the toll on Tamils this month was 68 killed, 38 disappeared, 87 injured, 454 arrested and 36,000 newly displaced. The losses on all sides are not verifiable as independent journalists have no access. In Jaffna at least 9 civilians were reported killed this month, with more than 10 missing. An increase in search operations has resulted in more men surrendering for their protection to the Jaffna Prison, with their wives and children entering the Women's Rehabilitation Center. The NP Jaffna team is sometimes asked to accompany families as they surrender and is currently part of an effort to see that the children in the center can attend school. Conditions in both facilities are

difficult, made tolerable only by the belief that to remain at home is too dangerous. Curfew was instituted for a day or two in some areas, due to an attack on a military post.

A rumored 3-day curfew to be imposed in Jaffna Town, while the military provided continuous supplies to the Forward Defence Lines, caused panic and hoarding of essential goods. The curfew was not imposed, but a return to normal market supplies and prices takes a considerable amount of time, since supplies are not brought in consistently and regularly to the peninsula. There was also an increase in house robberies, including a neighboring house to the NP team, in which 3 men with swords entered the house and stole all the valuables.

NP-Jaffna, along with 10 other organizations, received an unsigned, undated letter saying they should all leave Jaffna by the end of September. Consultation with the authorities and an emergency security meeting concluded that the internationals would not heed the warning at this time, but would continue to maintain the highest vigilance for further signs or threats.

In the four districts where NPSL has its field offices—Colombo, Jaffna, Trincomalee, and Batticaloa--the work of the teams is organized into four focal point areas. While work in one of these areas sometimes crosses over to other areas, what follows is a summary of some of the key issues and activities for September 2008.

Children, Youth & Families

NP teams continue to coordinate with Unicef, Save the Children, government agencies, and other organizations, in meeting the rights and protection needs of children and youth. The safety net of a number of youth was enhanced with NP accompaniments and linkages with needed resources. A 13-year-old boy who had twice joined an armed group and been retrieved by his mother was assisted to enroll in a residential training program where he might be occupied in a more supervised environment and be able to learn some skills to increase his available options. Six youth finishing a training program were assisted to return home, where the parents considered safe enough to do so, and others to continue on-the-job training in a different location. Another youth, now 18, forcibly recruited by one armed group when he was younger and who had managed to escape, was later taken by a different armed group when he had returned home. Escaping a second time from this group, NP was able to help the youth to a place of safety where he hopes to learn a trade.

At the request of a local partner organization, international presence was provided for a day's outing for 55 youth so they could enjoy a day at one of the East's

beautiful beaches. On the beach members of the TMVP group (a political party but still an armed actor in the East) appeared to harass one of the youth. NP intervened, along with a staff member from the sponsoring organization. After some negotiations, including the assistance of some policemen patrolling the beach, the situation was resolved and the TMVP members said they would cause no further disruption.

In many areas there are very limited options for youth who return from having been part, either forcibly or voluntarily, of an armed group. In partnership with Unicef, NP has been part of a multi-agency and government coalition working together on a variety of CAAC (Children Affected by Armed Conflict) initiatives. In Trincomalee District the NP team is part of a long process of trying to establish a Safe House in the district for such youth, although the resistance has been strong from some quarters. In Batticaloa there is a strong initiative spearheaded by Terre des Hommes (TdH), a French child-focused organization, to establish, with government structures, Village Child Rights Monitoring Committees, which NP will coordinate with as these mechanisms for improved security and advocacy for youth develops.

Displacement and Resettlement

Protection work with Internally Displaced Persons (IDPs) is a large part of the work of NP in Sri Lanka. Teams are also getting more involved with UNHCR's efforts, in conjunction with the Ministry of Disaster Management and Human Rights, to initiate and strengthen a variety of Confidence Building and Stabilization Measures (CBSM) so the IDPs can safely be resettled in their home or another area of their choice. Teams have established relationships with certain IDP camps through monitoring activities over a period of time, and now in certain resettlement areas where these IDPs are being settled. When there are problems in these areas, it is often NP that will be notified, such as when fighting broke out this month in one of the resettled areas in Batticaloa District that the Valaichchenai Team was monitoring.

IDPs have also trusted NP to take letters of concern about being resettled to the authorities, when the IDPs have not been convinced that the area they are being resettled in is actually a stable and safe environment. This month permission was also given to NP to enter a resettlement area in the interior of Batticaloa that we were previously not allowed to go to. This is an important area to monitor as IDPs have complained that they are not allowed to take sufficient supplies to and from the resettlement areas following the attack on a TMVP camp in which both TMVP members and SLA were killed. From the Security Forces perspective, there was fear that supplies taken into the area could be used to support LTTE. NP will work with all parties to try to reach some resolution.

IDPs are a particularly vulnerable population, often getting caught up in cordon and search operations, and often not having all the proper documentation they need to justify their presence to the authorities or to travel in a certain area. Sometimes their identity cards are worn down or signatures are not readable, which creates problems for them and concerns for the authorities. Sometimes they are not registered with the local authorities. That too is a problem. Two IDP youth went missing this month near Batticaloa, with the NP Team supporting the families to approach authorities that they hope will help them locate their loved ones. In another case, an IDP was arrested in a round-up in Valaichcenai and kept in custody for 10 months in another area. The family remembered NP's earlier presence at the IDP camp and contacted the team to seek accompaniment for him upon his release this month.

For the Colombo Response Team, they are able to take the concerns and problems raised at the field level to the biweekly IDP Protection Meeting in Colombo. They also are able to communicate back to the teams information on the national efforts, including a National Consultation now underway which will be focusing on three intervention areas for IDPs in Sri Lanka: a) Land and property issues and compensation for what they have lost; b) addressing the challenges of long-term displacement (some IDPs have been displaced for 20 years); and c) the role of development actors in finding durable solutions for IDPs in Sri Lanka. The Consultation is based on the needs of the more than 312,000 IDPs currently seeking such durable solutions, a number that is likely to go up in the coming months with the military operations in the north.

Community-Based Structures

In September the bulk of the NP work with community-based structures was centered on preparations for International Peace Day on the 21st. Teams played various roles as part of preparations and participation in the day's events in all the districts in the North and East. In Jaffna the commemoration for Peace Day was actually over a whole week, involving many partners including Center for Peace and Reconciliation and World Vision, with hundreds of children, parents, community leaders and school personnel taking part in various activities. Such celebrations in the midst of war are beneficial for children and communities, and provide a hiatus in the violence and conflict so that a future of peace can be envisioned.

In Valaichchenai the team supported a key local partner in preparing for a large celebration of almost a thousand people that also brought Sinhalese school children and teachers from communities outside of the area, in a day-long, multi-ethnic celebration. Present also were representatives of all four major religions—

Hindus, Buddhists, Muslims, Christian--as well as government officials and Security Force representatives. At this event the Executive Director of NP from USA, Mel Duncan, was also present and greeted the gathering with a message of peace and hope for the children of Sri Lanka. In Batticaloa the team members were the only international representatives and chief guests at two celebrations in the southern part of the District involving several hundred children, parents and community members.

As a result of this community-level involvement, the local networks that NP is a part of and in some cases facilitating are being increasingly strengthened and consistent channels of communication are developing. Other district, national and international actors are starting to also want to meet representatives of these networks, and the possibilities for identifying important training needs, information-sharing, and avenues for advocacy are increasing.

Human Rights

Some of the pressing human rights issues and concerns have already been referenced above. NP is increasingly relied on to respond when violations occur or advocacy is needed. In Colombo, CRT regularly responds to requests from human rights defenders to help them in helping others, for legal aid, for sanctuary, for access to human rights mechanisms. Cases are referred to NP from a growing list of community actors, including from high level religious leaders and political figures.

While the overall impact of the conflict on civilians throughout the country has eroded confidence and security over many years, sometimes the effects become suddenly even more immediate, threatening and disruptive, as in this case this month:

A Personal Story: Life Shattered by Visit of a Relative

A family in the east is visited by a relative from the north. This 'cousin-brother' may have had some previous association with LTTE, but was reported to have escaped from their service. His two visits to his relations in the East immediately put them in jeopardy, as someone in the area had noticed the northern cousin's visits and reported to the police and local TMVP (now in political coalition with the government). In mid-August they came to arrest the husband. He was not home at the time, so they arrested his wife and 6 month old baby and held them for four days. The husband learned of this and out of fear went into hiding.

Relations of the husband approached NP to seek assistance in helping the man surrender to the police, as they were afraid harm might come to him on the way. The team laid the groundwork over several days, holding numerous meetings with

the family and the local police to arrange for NP's accompaniment of the husband from his hiding place in an interior area to the police station in town. Finally they were given permission to bring him in.

Police needed to do an inquiry to determine if the husband, as accused by others, had ties himself to the LTTE. Some said he did. They said he had been involved in recent violent acts in the district. The family denied it. The husband was kept in custody, and his case was subsequently referred to the Courts. NP, with the family's permission, coordinated with ICRC and the Human Rights Commission. They followed up to ensure that the man was treated according to law while in custody. The wife said the family was so grateful to NP for having saved her husband's life. It was now up to the government and Sri Lankan legal processes to determine the truth.

The story is not over for the family, however. When the husband was released about a month later by the Court for lack of evidence, he was immediately threatened. His danger had not ended with his exoneration through the judicial process. He ran for his life back inside the Court building. For his protection the judge put him back into custody. He is again in prison. His family can visit him there. Their family life was shattered by the visit of a relation. What the future now holds for them, they do not know.

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