
Sri Lanka's Response to Amnesty International's statement to the Human Rights Council

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The Government of Sri Lanka wishes to refute certain assertions made by Amnesty International (AI) on 04 September 2008, in a statement to the Human Rights Council, as to the supposed "severe problems of protection and assistance for displaced persons triggered by the intensification of hostilities". The Government appreciates Amnesty's recognition that the situation of the civilians caught up in the conflict is exacerbated by the unwillingness of the Liberation Tigers of Tamil Eelam to allow these people to move to areas of relative safety and security. The denial of freedom of movement and the right to physical and human security is a serious violation of international humanitarian and human rights law and the Government calls upon AI and other concerned organizations to continue to pressurize the LTTE to comply with these fundamental norms.

Despite the ongoing conflict in the north of Sri Lanka waged by terrorist secessionist forces against a lawfully elected and properly constituted government, the Sri Lankan state continues to provide and facilitate humanitarian assistance to its citizens caught up in the conflict. The Government recognizes that much of the humanitarian assistance that is sent to areas not yet cleared of LTTE presence does not reach the civilian population, but is misused by the LTTE. Added to this is the fact that IDP numbers are sometimes artificially inflated by local officials due to pressure exercised by the LTTE so as to generate increased amounts of humanitarian assistance. Despite all this, the Government continues to deliver supplies and services for the stated numbers, whilst continuing with the provision of social services through government officials paid by and answerable to the government. With regard to supplies, the Ministry of Nation Building has for instance supplied nearly 10,000 metric tonnes of mixed food items to the Wannai in the January to August period. This is indicative of the Government's commitment to ensure the welfare of Sri Lankan citizens wherever they are located. This commitment – proven by longstanding practice – is unfortunately not reflected in AI's statement and is a striking omission. Contrary to the statement regarding food security and the nutritional status of persons in the Wannai, the WFP has not only assisted the Government to transport food into the Wannai (7,000 MT) but has also procured and distributed 3,650 MT of rice within the District due to a surplus of rice production. The Ministry of Health has supplied over 330 million Rupees worth of medical supplies to the North (including Rs. 70 million to the Districts of Kilinochchi and Mullaitivu) in 2008. The Ministry of Resettlement and Disaster Relief Services has supplied Rs 35 million in emergency supplies to IDPs in these districts in response to requests from local administrators. In its statement, AI refers to a number of 70,000 persons newly displaced in the Kilinochchi and Mullaitivu Districts since May this year. This figure is debatable since the movement of persons already displaced in Mannar District who were compelled to move again into Kilinochchi have been recounted as "new" displacements. The Government, however, does not believe in hair-splitting over numbers in an emergency situation but, as stated above, supplies assistance based on figures received from its local administrators. These figures are jointly monitored, agreed upon and published by the ministries of Nation Building, Resettlement and Disaster Relief Services and UNHCR. The AI statement asserts that UNHCR has stopped releasing official figures due to the due to the security situation. This is factually incorrect as UNHCR has never released IDPs figures independently and is unable to do so as they are not mandated to collate IDP figures nor involved in the registration process of IDPs (unlike in the case of refugees). Figures released by the UNHCR are numbers collated by the respective GAs and, following a review of the figures by the Ministry of Resettlement and Disaster Relief Services together with the Ministry of Nation Building and UNHCR, the numbers are published on UNHCR's website. The current delay in releasing the July 2008 "new" IDP figures is a result of the Ministry of Nation Building awaiting clarifications from local administrators in Kilinochchi. The confusion in the Amnesty statement may be due to ignorance, but in future we hope that will be greater care, and checking at source. The Minister of Disaster Management and Human Rights chairs the Consultative Committee on Humanitarian Assistance (CCHA) and the IDP Coordination Meetings which bring together all relevant state actors including Senior Advisor to the President, Hon Basil Rajapaksa and the Secretary, Ministry of Defence as well as Secretaries of key ministries such as Disaster Management and Human Rights, Nation Building, Health, Resettlement, Education and Foreign Affairs, along with the Commissioner General of Essential Services, the Peace Secretariat, Police and Armed Services as well as the District Secretaries (GAs) of Kilinochchi, Mullaitivu, Vavuniya, Mannar, Trincomalee and Batticaloa. These fora provide opportunities for collaboration and collective decision making between Government and its international partners who are also represented at these meetings. The UN Resident/Humanitarian Coordinator, heads of agencies from UNHCR, UNICEF, WHO, WFP, ILO and UNOCHA, the US Ambassador representing the Co-Chairs to the Peace Process, the Ambassadors of Japan, the Delegation of the European Union and France which currently holds the EU Presidency as well as the ICRC, ECHO and the Consortium of Humanitarian Agencies represent Sri Lanka's partners in its humanitarian work. Concerted action based on open dialogue and a common commitment to the safety and welfare of Sri Lankan civilians is facilitated through these mechanisms. Practical issues connected with fuel allocations for humanitarian actors, health supplies and services, food, non-food relief items as well as access issues are put forward and consulted upon, with coordination of arrangements and finding of solutions to problems. On numerous occasions Sri Lanka's international partners have welcomed facilitation initiatives under the aegis of the CCHA. For example AI refers to long delays in security clearance for supplies to uncleared areas. The CCHA after discussion facilitated the sealing of WFP truck carrying essential supplies prior to departure which enabled smooth and expeditious passage through checkpoints. AI also talks of "changing and increasingly stringent" security clearance procedures which supposedly cause delays and confusion. Fora such as the CCHA exist for the clarification and communication of new procedures. Relevant actors are thereby fully informed. AI's statement which purports to be a serious

commentary on the humanitarian situation in Sri Lanka omits mention of this important Government-led instrumentality. This reflects a one-sided approach in its analysis, which appears over-dependent on secondary sources and media reports inimical to the Government. The AI statement refers to the Universal Periodic Review in May 2008 and the recommendations accepted as well as pledges and voluntary commitments made by Sri Lanka which contain inter alia several issues of direct relevance to IDPs. The assertion that the IDP situation was deteriorating is wrong, and the government position in May was quite accurate, inasmuch as the situation of the IDPs in the East had improved radically, with most having returned to their place of origin. However new operations have led to a fluid situation in the North, where the LTTE's intransigence places pressures on the humanitarian situation. However, the Government reiterates its commitments made at the Human Rights Council and is taking steps to implement those pledges. Efforts include confidence building and stabilization measures, communication and consultation with IDPs, information sharing and policy and legislative initiatives to secure, guarantee and advance the rights of IDPs in line with national and international obligations. Reading AI's statement, it is clear that it does not appreciate the complexity of the IDP situation in the country. It fails to mention that there are three clearly disparate groups of IDPs; some displaced for well over a decade due to the conflict, i.e. those who were forcibly evicted from the North by the LTTE in the early 1990s; others have been displaced more recently as a consequence of natural disasters (the 2004 tsunami) and another group displaced after 2006 due to the resumption of hostilities when the LTTE launched massive attacks which had to be repulsed with measures taken to ensure that they could not be repeated. Re-displacement of some of these IDPs has further added to the complexity of the situation. It should be noted that return or resettlement of the tsunami IDPs as well as the post 2006 IDPs in the East has been successfully conducted to a considerable extent. The old problem however, ignored by successive governments when reacting to LTTE activities was slow, is now being addressed systematically. So as to identify and implement durable solutions for protracted 'old' IDPs the Government of Sri Lanka is, in partnership with UNHCR, organising a National Consultation on this issue which will take place later this month. This Consultation has been organised as a follow-up to the visit to Sri Lanka by the Representative of the Secretary-General of the UN on the Human Rights of IDPs, Professor Walter Kälin in December 2007. Professor Kälin is supporting the government in this initiative by his presence and contribution to the National Consultation. The successful resettlement of approximately 180,000 IDPs in the Eastern Province should also be noted, as it will provide a model to solve the current problems of IDPs in the North. UNHCR acknowledged that the returns were voluntary and in line with international standards. The Government is confident that the remaining 18,000 IDPs in the East will be resettled as soon as demining is completed. In relation to the IDPs in the Wannai, the Ministry of Defence has recently announced a proposal on a humanitarian corridor for civilians which is seen as vital for their movement to safety and for humanitarian access and provision of essential items and services. This has been welcomed by the Consortium of Humanitarian Agencies as well as the UN which states that 'the UN in Sri Lanka acknowledges the announcement by the Government of Sri Lanka of additional measures that are intended to facilitate the freedom of movement of civilians who have been affected by fighting in the Vanni.' In this connection, the Government is also supporting the development of a humanitarian hub in Vavuniya just south of the uncleared areas where humanitarian actors will be facilitated to store and distribute supplies. Civilians are being encouraged to move to these areas in order that they may access humanitarian assistance in greater safety and security. Based on past experience and well founded information, the Government is aware of LTTE attempts to infiltrate their cadres into the ranks of IDPs. In keeping with the need to ensure the safety and security of the general populace, the security authorities are obliged to carefully check the IDPs to confirm the genuineness of their status as IDPs and in some instances restrict their free movement until cleared. Until proven otherwise these persons are all treated as IDPs and are, accordingly, provided with all necessary assistance. These procedures are carefully monitored and issues pertaining to their welfare are openly discussed at mechanisms such as the CCHA. The AI statement makes a reference to the Kalimoddai Welfare Centre as a 'de facto detention centre'. As noted, children go to school from there, and movement is permitted during the day though, for obvious security considerations, there are restrictions on staying away overnight. However the provocative language used by AI is misleading, reminiscent as it is of measures taken in other countries during the World War, and is unsuitable for an international organization that positions itself as the global human rights watchdog. AI ultimately makes an attempt to create a nexus between the Sri Lankan conflict, the situation of IDPs and the hackneyed call for international monitors. The Government has made its position on international monitors abundantly clear on numerous occasions. While stating that the security situation makes it difficult for humanitarian actors to operate, AI at the same time calls for the deployment of monitors in a theatre of conflict. This is a bizarre proposal at best that once again highlights AI's complete lack of insight into ground realities. With regard to the specific needs of IDPs in the Wannai, the Government's efforts are complemented by seven specialized agencies of the UN with relevant expertise in the provision of food, shelter, health, water and sanitation as well as several international organizations recommended by the UN (numbering 14) and the ICRC whose operations in the area are facilitated by the Government to access the IDP population. These partners of the Government have the local knowledge, experience and expertise to assist the Government in its efforts to alleviate the situation and challenges faced by IDPs. In light of the foregoing, the Government of Sri Lanka finds itself unable to accept AI's exaggerated statement due to the numerous deficiencies in fact and reasoning that characterizes yet another extreme intervention. The Government remains acutely aware of its obligations - to its own citizens and to the global community - and is not helped by statements that are not directed at constructively addressing the situation in Sri Lanka based on existing ground realities. (Ends) (Courtesy : Ministry of Disaster Management and Human Rights - Sri Lanka)