

# Submission by Society for Threatened Peoples

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## Sri Lanka

On January 2, 2008, the government of Sri Lanka announced the abrogation of the 2002 ceasefire agreement with the Liberation Tigers of Tamil Eelam (LTTE) which had been brokered by Norway. Hours before a bomb attack on an army bus in Colombo killed five and wounded 28. Society for Threatened Peoples (STP) expects an intensification of the fighting that resumed in April 2006. The Sri Lanka Monitoring Mission has left the country. Some 70,000 people died since the conflict started in 1983.

### Displacement situation

The Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council is currently listing Sri Lanka among the countries with the worst displacement situations around the world. Families are often subject to repeated cycles of displacement. In September 2007 the total number of internally displaced persons (IDPs) was as high as 503,000.

From August 2006 to October 2007 more than 152,000 new IDPs returned to their place of origin in the Batticaloa and Trincomalee districts in eastern Sri Lanka. Due to the lack of safety and ongoing fighting there, more than 300,000 IDPs currently live in camps.

The situation of these people is of great concern as many displaced people suffer from food and water shortages. The hygienic situation is disastrous. Since hostilities escalated, the government as well as the LTTE have restricted the access to conflict areas, leaving IDPs and a large number of other affected people without adequate international protection and access to humanitarian assistance.

Due to the A9 road closure the World Food Programme (WFP) has only been able to ship 20 per cent of its total food allocation needed on the Jaffna peninsula in the North. On May 23, 2007, the Red Cross pulled back from the northern district of Vavuniya as a result of two firing incidents within a week. On June 1, 2007, two employees of the Red Cross were abducted and murdered. On May 14, 2007, the military began to resettle some 90,000 internally displaced people in Batticaloa District to their home villages. With their houses and crops looted they have had to face tough food and livelihood challenges. International aid organizations as well as United Nations bodies have voiced concern about the government forcing IDPs to return to areas ravaged by fighting. Pressuring displaced persons to return to their homes conflicts with UN-recognized principles and is contradictory to the Sri Lankan government's repeated promises not to enforce resettlement.

Furthermore, the protection of the displaced persons in Batticaloa cannot be guaranteed. The armed Karuna group, a proxy force of the government that broke away from the LTTE in March 2004, has been seen in and around various camps situated in government controlled areas. It has threatened and sometimes used violence against displaced people and the local population, as well as against NGOs. Numerous abductions of IDPs by the Karuna Group were also reported. The Karuna Group and the LTTE are known to abduct children and to train them to become soldiers in areas where both operate. The primary responsibility for ensuring the protection and security of the displaced people within the country lies with the Sri Lankan government, and the LTTE is responsible for the protection in the areas under its control.

## **Child recruitment**

According to Sri Lankan law, forcible or compulsory recruitment of children is a crime punishable with up to 20 years imprisonment. The Karuna group and the LTTE are both violating Sri Lankan and international humanitarian law by recruiting and using children as soldiers, and by forcibly recruiting adults. The Sri Lankan government is also violating international law by facilitating child recruitment by the Karuna group and fails to take feasible measures to prevent such recruitment and to secure the release of recruited children and forcibly recruited adults.

Throughout the two-decade long civil war the LTTE has consistently recruited and used children in armed combat. From January 2002 to December 31, 2006, UNICEF was reported about 5,956 cases of child recruitment by the LTTE. 1,012 of them (17 per cent) were children under the age of 15. LTTE established 17 years as its minimum age of recruitment on October 15, 2006. On October 15, 2007, LTTE raised its minimum age of recruitment to 18 years. The average age of children recruited by LTTE is 15.78 years. Through the Karuna group, the Sri Lankan government is now involved in some of the same abuse. From November 1, 2006, to August 31, 2007, 207 children were recruited by the Karuna group. 71 children were released in the same period of time. The average age of the children recruited by the Karuna group was approximately 16 years. Reports indicated that families or recruits receive a monthly allowance ranging from SL Rs 6,000 to SL Rs 12,000 (approximately \$60 to \$120). Some of the children released by LTTE were re-recruited by the Karuna group.

Due to increased insecurity and pressures not to report the incidents, the true total number of children being recruited by the LTTE and the Karuna group may be three times higher. The abductions of the Karuna group have taken place in areas of strict government control, with myriad military and police checkpoints. No armed group could engage in such large-scale abductions and forced recruitment, training abductees in established camps, without government knowledge and at least tacit support. The police do not investigate the cases that parents report. The Sri Lankan government knows about the abductions and has not intervened.

## **Enforced Disappearances, Detentions and Killings**

Over 5,000 people, mostly civilians have been killed since 2006. These civilians were, among others, killed by aerial bombardment, shelling and claymore mine attacks in northern Sri Lanka. The Sri Lankan government and LTTE have continuously failed to abide by their obligations according to international humanitarian law, thus encouraging abuses against civilians with impunity. Unlawful killings, indiscriminate shelling of civilian residential areas, abductions and enforced disappearance are daily occurrences. LTTE cadres targeting civilian buses with landmines are frequent. Bombing hospitals and refugee camps is just as common as putting up military installations and arms next to residential areas using civilians as human shields.

The official numbers of the conflict's disappearances in the past have been listed officially with over 30,000. In fact, there are claims that the real number is higher. LTTE and the Karuna group as well as government military forces and the police's Special Task Force are involved. The military and the police were also implicated in the killing of Tamil civilians: There was an extrajudicial killing on January 2, 2006, of five Tamil students in Trincomalee town; eight young men "disappeared" from a Hindu temple in Jaffna in May 2006. Seventeen employees of the international aid organization Action Against Hunger were slain in an execution-style in August 2006.

The involvement of governmental forces is a consequence of the Prevention of Terrorist Act (PTA) and the Emergency Regulations (ER). The regulations give the security forces extensive powers for search, arrest, detention, and seizure of property, including the right to make arrests without warrants and to hold individuals in unacknowledged detention for up to eighteen months. Most of those detainees under the emergency regulations are young Tamil men deemed to have LTTE ties. Increasingly, however, the regulations are also used against Muslims and Sinhalese who have challenged or criticized the state.

Since the middle of 2006 the number of killings, abductions and disappearances increased drastically. Because victims' families are too afraid of repercussions, they often do not report incidents. The perpetrators are insufficiently investigated and prosecuted. In September 2006 the Sri Lankan government under international pressure appointed a Commission of Inquiry (COI) which was supposed to investigate 16 major incidents of human rights violations. Since it was limited to investigate a specific list of incidents and only had advisory competences instead of being able to prosecute, it had very little impact. Despite international criticism of these shortcomings the Sri Lankan government extended the COI's mandate for another year.

## **Situation of the Media**

Furthermore, the security for the Sri Lankan media deteriorated as threats, abductions and attacks have been committed by all parties to the conflict, particularly by paramilitary and militia groups. Ten journalists were killed since August 2005 and there have been numerous death threats and incidents of harassment, including violent attempts to stop the distribution of newspapers. Moreover, even in cases where evidence for the identity of alleged killers existed, the relevant authorities apparently took little or no action. Those in support of a negotiated settlement are often labelled as 'traitors' and supporters of one or the other combatant parties and there appears to be a widespread acceptance of the use of threatening language to intimidate or endanger individuals. As a consequence, many media practitioners are in hiding, some for up to six months. In some cases threats have been imposed on the families of the journalists.

According to the law on Public Security Ordinance, criticising the government and all kinds of activities being a "risk" for national security are not allowed. Those who refuse to toe the government's line may be labelled as spies or traitors. The willingness to denounce the media reinforces self-censorship and makes the free expression of opinion become life threatening. In August, the president reportedly told editors that the military was keen to censor the media; a letter sent to media institutions by the Ministry of Defence on September 20, 2006, requesting that 'news gathered should be subjected to clarification and confirmation', has been considered an attempt to impose censorship. Furthermore, the provision of official information to media outlets has often been conditioned on the extent to which they support the government. On October 29, 2007, the government banned aspects of military reporting including on troop deployments, military operations and arms procurement, but dropped the ban again after a few days.

On December 27, 2007, Labour Minister Mervyn Silva ordered his men to beat up the state broadcaster Sri Lanka Rupavahini Corporation's news director T. M. G. Chandrasekara who after the assault asked to be relieved of his post. On January 25, 2008 criminals working for Silva probably stabbed the journalist Lal Hemantha Mawalage who also works for the Sri Lanka Rupavahini Corporation. He and his son managed to hide in a forest until the police came. He was then hospitalised with stab wounds. In the weeks before the assault he had received death threats.

The closing down of satellite television services through the Government has hindered public access to foreign news programmes. The selective banning of films and television dramas, the obstruction of films being shown abroad, and the interference in certification processes are also serious threats to the freedom of expression.