

# FIELD MISSION TO VAVUNIYA

## September 2008

A group of representatives from civil society organizations visited Vavuniya on September 11<sup>th</sup>-12<sup>th</sup> with the aim of assessing the human security situation in Vavuniya, and to collect information on the humanitarian situation in the Vanni and the possible influx of IDPs from LTTE-controlled areas to government-controlled areas. The group included representatives from Centre for Policy Alternatives and Women and Media Collective along with individuals from other civil society organizations.

This report is in two parts. Section I focuses on the human security situation in Vavuniya. Section II discusses the humanitarian situation in the Vanni based on information received from persons who had recently visited the Vanni, those who had relocated from the Vanni and those who were still able to travel to and from there. The report concludes with a set of recommendations.

### SECTION I: INCREASING INSECURITY AND RESTRICTIONS IN VAVUNIYA

**Militarization:** In the wake of fierce fighting in the Vanni, Vavuniya has become a hub for the security forces. The Vanni Military Headquarters is based in Vavuniya. Hence there is a heavy presence of army, air force and STF, and a steady movement of personnel, vehicles and equipment in the district. The heavy militarization is intended to consolidate control of the area, but it has created additional problems for civilians who face further restrictions on movement and feel increasingly vulnerable due to the presence of military installations in close proximity to civilian areas.

On 8<sup>th</sup> September LTTE fired artillery shells targeting the Vanni military HQ (Joseph Camp). They simultaneously launched a Black Tiger commando raid and an aerial attack to which the Security Forces responded. The camp is located in a civilian area. In the wake of the attack side roads, which lead to the A-9 road that runs along the perimeter of the camp, have been dug up and blockaded. While there were no reported civilian fatalities, the incident has intensified the insecurity of civilians who are caught in the fighting or, who are in close proximity to the fighting. A section of the Vavuniya hospital has been converted into a military infirmary which also raises questions about the militarization of civilian spaces.

**Multiple Armed Actors:** In addition to the security forces, Vavuniya has become a centre for various armed groups. Multiple armed groups allied to the State are based in Vavuniya and over the recent months have re-established their presence and stepped up their activities. It is alleged that PLOTE, EPDP, TELO, TMVP (Pillayan), TMVP (Karuna) all have centres and cadres operating in Vavuniya. The LTTE is also said to operate in the town and in the villages of Vavuniya. The presence of these armed groups has made civilian life all the more difficult and insecure. Unlike in other areas where one group is the dominant force, Vavuniya has historically been carved up by multiple armed groups who divide the town and the outlying areas between them, extorting tax, carrying out patrols and involving themselves in the administration of daily activities. These groups are also allegedly carrying out various human rights violations.

The activities of these armed groups are contributing to a collapse of law and order within government-controlled areas. Given the state backing of these armed groups, civilians feel that there

is little point in making complaints to state institutions such as the police. Villagers who have been subject to search operations and family members of disappeared/ abducted persons alleged that in some instances, the cadres of these armed groups accompany the security forces in their search operations and on occasion even wear military uniform, making it difficult to identify individuals and their associated groups.

**Sharp rise in rights violations:**

The presence of multiple armed groups carrying out various violations has made Vavuniya one of the most dangerous districts for civilians in Sri Lanka. In the last couple of months, reports of human rights violations including killings, disappearances, white-van abductions, extortions, and kidnapping for ransom have increased. The majority of victims are Tamils. While particular incidents get reported in the media, the overall human security situation in Vavuniya receives little attention. The lack of attention has contributed to consolidating a culture of silence and fear. The lack of independent investigations and convictions of perpetrators, have exacerbated the culture of impunity in the district.

During our two-day visit, several human rights violations were reported to us. One of the incidents was the discovery of the hacked body of a young male in Pattaanichoor, outside of Vavuniya Town on September 12. For August alone, 24 individuals have been reported missing, while 19 persons have been reported, abducted. These are merely the reported incidents. They do not capture the extent of violations in the district.

**Abductions and Disappearances:**

Abductions are increasingly taking place during the day time and there is widespread apprehension of the phenomenon of white van abductions. We were informed of a recent incident of a Sinhala person being abducted. In another recent incident, a tuition master was abducted en route to Vavuniya town. Apart from the armed groups, there was suspicion that the military and the CID were also abducting people. Given the presence of multiple armed actors, there may be different motives for abductions. Abductions for ransom are also reportedly quite common and the abduction of children for purposes of recruitment was also increasing. We were told that patrolling by UNICEF had reduced the incidence of child abductions in the day time, but that this had resulted in a change of strategy resulting in abductions taking place at night. It is evident, nevertheless, that an international presence does constitute a deterrent.

Disappearances are also on the rise. We met with families of individuals who had disappeared in 2006 and 2007 from the Kalamadu area. They have not received any information about the whereabouts of their family members. We were told that in most instances, although witnesses pass on information to a family member, they were reluctant to come forward and testify to a disappearance because they feared threats from the perpetrators and of suffering a similar fate. Since a number of those who have been disappeared are bread winners, in addition to the trauma suffered on account of disappearances, the loss has a serious impact on the survival of families.

**Child and Youth Recruitment Drives:**

Child recruitment in Vavuniya has reportedly intensified over the last three months. While most of the attention on this issue over the past year has been on the LTTE's recruitment in the Wannai and the TMVP in the East, the incidents in Vavuniya have received little attention. Children (ie those under the age of 18) as young as 9 have been abducted and taken away by armed groups. We were told of an incident which occurred two weeks ago where groups of armed men entered the Cheddikulam Veerappan school and threatened to recruit school children. In a few instances parents have been able to negotiate the release of children but fear re-recruitment or arrest. Fear of child recruitment has forced parents to limit children's movements, withdrawing them from school, stopping them from working in the fields or engaging in livelihood activities such as fishing and so on.

In some cases Tamil youth voluntarily join the armed groups. We were told of some instances where youth who did not have proper identification joined these groups in order to ensure their own security. In some instances it was alleged that NICs were withheld by the military following detention and release, restricting the movement of youth. In others youth with documentation originating in the Vanni were subjected to greater scrutiny and harassment and it was alleged that this has created a situation where youth were crossing over to LTTE controlled areas to avoid further persecution.

**Search Operations and Threats to Human Security:**

Search operations have also increased the insecurity of local communities. In some instances, army units engaged in search operations are accompanied by a person wearing a hood or mask who will nod indicating whether a person should be taken away. In villages surrounding Vavuniya Town the military has issued each family a photographic identification with all personal details including telephone numbers. In some cases these individuals are also recorded on video. Sometimes during search operations selected individuals are photographed. We were informed that individuals, who are afraid that they will be abducted, reportedly try to flee. Given the security situation in the country, they have limited choices: they have a slim chance of securing asylum, or they have to try to flee into the Vanni. Others who migrate to areas including Colombo face further security threats and restrictions. Individuals who were associated with the LTTE during the peace process or are escapees from the LTTE are particularly vulnerable.

**Torture:**

We were also told of instances of torture. Some of the torture practices used include suspension from the ceiling, dunking in water and removing of finger nails. We were told by one organisation that over the last few months six to seven cases were reported each month. The cases of torture generally involved people between the age of 20-35 and included not just men but also a high number of women. These victims are not only fearful of reporting the cases to the police but are even wary of seeking medical treatment.

**Extortion and Robbery:**

Extortion is another significant problem. Traders, businesspersons and professionals are the chosen victims, ( following a strike by doctors and lawyers they have not been receiving any demands lately). The common modus operandi is a telephone call demanding the payment of various sums of money, the higher range starting from Rs.10 million to Rs.100 million to a specified bank account. Those who dare to make a complaint or refuse to pay are liable to be abducted and /or killed or their family members are liable to be abducted or killed. In the case of ransom demands over the phone, it is alleged that most of these calls come from one particular number and that payment of money is to one particular account. People we spoke to, suspect a particular para military group operating in the area, but they also stated that other groups as well as criminal elements may be resorting to extortion in a climate where there are no investigation of or apprehending of perpetrators relating to these incidents. Due to the fear of receiving a phone call demanding money, many people with any means in Vavuniya have disconnected their phones and only switch them on to make a telephone call.

We were told that incidents of robbery have also increased. Individuals withdrawing large sums of money from their banks have been held up at gun point. It appears that those carrying out extortions and robberies have inside information of financial transactions as and when they occur.

**War Related Violence Against Women:**

While human rights of all civilians are threatened due to the escalation of war, militarization and collapse of law and order, insecurity of women in Vavuniya has become particularly frightening. According to HRC there have been increasing reports of women being abducted and severely tortured. We were also informed that a number of young women who have come out from the Vanni are either taken into custody or go missing.

A NGO, with field based work in Vavuniya reported that they had documented 14 cases of sexual violence in August 2008. The women were between the ages of 12 and 35 and the atrocities were

committed both during the day as well as at night time allegedly by members of para militant groups working with the Security Forces. These women survivors of violence were however unwilling to make complaints to the police for fear of reprisal.

A significant number of women living in the district and in centres for displaced persons are single due the arrest, disappearance, killing or desertion of husbands. They are therefore compelled to earn a living for their family and dependents. This is particularly difficult for women living in centres for the displaced who have limited access to livelihood opportunities since these are taken up mostly by men. Prolonged periods in overly crowded IDP camps also makes these women/girls more vulnerable to sexual abuse. As a consequence young girls are forced to get 'married' at an early age and are vulnerable to underage pregnancies. In many instances, boys and men abandon young families burdening young mothers still further.

Women are also especially vulnerable to sexual assault in the process of searching for missing kin. We were also informed of instances where women searching for the disappeared have themselves gone missing in the process. In addition heavy militarization in and around the IDP camps and resettlement villages force women to submit to armed men's sexual demands and provide sexual favours in order to avoid any harm to their family members. It is alleged that subsequently some of these women become sex workers.

Men who abuse women and who are perpetrators of rape and sexual assault use their connections to paramilitary groups to block family members seeking any remedial action. This has further exacerbated the culture of impunity in the area.

One of the most lucrative businesses in Vavuniya now is the brewing of illicit alcohol. Women blame alcoholism to increasing domestic violence and sexual harassment against women in IDPs camps, NGO workers also identify increased insecurity, militarization and the culture of violence prevalent in the area as factors for the increase in familial violence. We were told that women were afraid to make complaints to the police either of the physical/sexual abuse or the illicit breweries. A woman activist who spoke openly against illicit alcohol brewing was shot dead by a para-military member. Community activists say due to prolonged displacement and the violent culture there has been a complete breakdown of social structures which gave some form of protection to women.

**Lack of a proper forum to make complaints:**

Victims' families rarely report crimes to the police due to fear of negative repercussions and reprisals. In May 2007, five boys from Poombuha were picked up by the security forces while they were fishing. Three older men who were witness to the incident were threatened with death and have not come forward to make a complaint to the police. Family members of the disappeared boys have made complaints to the HRC, the ICRC and the Civil Monitoring Mission but have no news of the whereabouts of their children. Groups working with victims also told us that in some cases where the victims were willing to make a complaint, the police would not entertain complaints against the security forces or armed groups operating with state backing. NGOs do provide assistance to some of the victims or family members and but they are wary of undertaking particular forms of assistance like accompanying the affected persons to the police station. These groups also stated that they too have received threats and are therefore wary of taking up some of these cases.

Victims and family members it seems, prefer to make complaints to the Human Rights Commission and the ICRC or to other actors whom they trust. Both the ICRC and the HRC have been able to trace some people arrested and detained by the police, but in many cases, they have not been able to trace missing people. The HRC informed us that the police now send them a list of those detained on a regular basis. However, where a person was missing or abducted by unknown persons or by white vans, information of the person's whereabouts are unknown and the security forces and police deny any knowledge of the victim. Family members however feel that these disappearances/ abductions occur with the knowledge of or at least due to lack of commitment of the police and the security

forces to put a stop to such incidents - since the district has a large complement of armed forces personnel and is strewn with security camps and check points.

There are no proper statistics on disappearances, abductions and killings, and the Human Rights Commission, which receives many complaints, do not make available any public reports. It was very clear that people have little or no faith in the police or legal system and that they want an independent mechanism where they can not only report crimes and follow-up cases, but also where they can find protection for themselves following a complaint.

There is a high level of distrust and not just of the authorities and of armed groups. In a meeting with NGOs a representative responding to a question on threats to NGOs told us that "we don't know whom we can trust." Even within organizations people are wary of sharing information. At a community level the security situation and the presence of armed groups has deepened distrust as families fear that members from their own community may have complained about them to the security forces or to an armed group. Even victims of violence are nervous of talking to each other.

We also spoke to some Sinhalese villages living adjacent to the Poontottum camp for the displaced. They too live in insecurity. However, unlike the majority Tamil community, they fear attacks at the hands of the LTTE and the presence of the armed forces and home guards in and around their village adds to their sense of security.

**Due Process:**

During our visit, representations were also made regarding lack of due process which is undermining /denying justice for both victims of human rights violations as well as those suspected of involvement in terrorist activities.

Lawyers that we met also raised a problem faced by persons taken into remand custody for allegedly possession of hand grenades under the Offensive Weapons Ordinance. It appears that 30 -35 such persons have been in the remand prison in Vavuniya for more than 2 to 3 years without being charged. Applications for bail under this Act is to the Court of Appeal which is based in Colombo. Given the security situation and the costs involved, these remandees are not able to file bail applications in Colombo.

The team was informed of the near break down of the law and order in the area. Many violations are not independently and effectively investigated and large numbers of perpetrators roam free. We were also informed of alleged increased interference and politicization of the investigative and judicial processes which has impeded the successful completion of investigations, further exacerbating the culture of impunity. Some of the state backed armed groups had set up parallel courts to which individuals are being forced to go to as a results of complaints being made by others.

We learnt that the case against a police constable and a soldier in relation to the killing of five students of the Agricultural Farm in Thandikulam in 2006 has been transferred to a court in Anuradhapura, much to the concern of the witnesses and aggrieved parties. According to some lawyers there is an increasing practice, which they claim is not unique to Vavuniya, where of cases involving human rights abuses are transferred to Colombo or to Sinhala majority areas. The argument is that their own safety and security is at stake. However in a climate where the freedom of movement of Tamils is restricted, where the threat of indiscriminate arrest and detention is high, where Tamils cannot easily find accommodation in the south, the affected persons and witnesses then face numerous problems following up on these cases and appearing in court. These cases therefore drag on indefinitely or are dropped, resulting in complete denial/ subversion of justice.

## **Freedom of Movement**

### **Within Vavuniya:**

Restrictions on the freedom of movement emerged as a serious concern during our visit. NGO workers and other civilians – farmers, traders, teachers and professionals all recounted numerous obstacles to free movement in and out of Vavuniya District as well as within the District.

Every village within the district is monitored carefully and travel between areas require notification and permission. Anyone visiting from outside has to be registered immediately and if not, they will be taken into custody. Due to these restrictions Vavuniya people are wary of spending the night with family members and friends. Reportedly, even a spelling mistake in their ID card or in any other identification document can constitute a cause for suspicion or even detention.

Livelihoods have also been affected by the restrictions. Many people in the area are farmers involved in paddy cultivation and their paddy lands are situated inland in jungle areas. In many instances they have to surrender their ID cards to the military when they go to the paddy fields and this makes them more vulnerable to arrest and detention. Some young people who had gone to work in the paddy fields have got arrested and some have gone missing. In other areas, farmers are unable to access their paddy lands at all, which they have cultivated taking loans due to the heavy military presence and escalation of violence. Many of them are now unable to repay their farming debts. They also indicated that a number of Thrift and Credit Co-operative Societies have begun litigation against them in an attempt to recover their loans. 75 cases from the Kalmadu area alone are pending in the courts.

Due to the existence of multiple army check points villagers involved in particular livelihoods such as firewood collecting face challenges in moving around. An army point near their village will grant them approval while another army patrol who comes across them in the brush will accuse them of not having asked for permission. Restrictions on movement after 6 p.m. also prevents parents from looking for children who may be delayed in getting back home, increasing their risk of being abducted or forcibly recruited by militant groups.

In the Sinhala Village of Nedikula we were told that displaced persons from Poonthotam who work in the village as day labourers were not allowed in by the military in the days following the attack on the Vavuniya military headquarters.

### **Entry into and exit from Vavuniya:**

Restrictions on the movement of people and goods in and out of Vavuniya District is also causing severe hardship to ordinary people apart from negatively impacting on the economy in the area. Entry into Vavuniya District is through check points at Thekkawatha, Erattaipariyakulum and Medawachchiya where stringent security checks are carried out.

At Madawachchiya all commuters have to leave their vehicles and transfer to a different vehicle on the other side of the check point whether going from south to north or north to south. Public transport – trains and buses, which usually carry passengers all the way to Vavuniya as well as private vehicles are subject to this procedure. All persons are then required to go through a search and registration process before crossing the check point. All commercial and other goods are subject to a security check where goods have to be unloaded, unpacked, checked, repacked and reloaded resulting in inordinate delays and the perishing and loss of quality of fresh foods. This process can take between one to four hours depending on the traffic and on who and what is being transported. Consequently it is seen as an additional burden and infringement of fundamental rights. While the added expenses are reflected in the relatively higher prices charged for goods transported from the south, traders in Vavuniya complained that they were experiencing loss of business and profit. The Chamber of Commerce, Vavuniya has made a request from the Major General that an SF officer be present at the place where packing of goods takes place in Vavuniya followed by an escort to the checkpoint to avoid the huge delays and loss of quality of food.

The Chamber has also requested an increased security forces personnel at the Medawachchiya train station to facilitate the speedy checking of goods being transported by train. Both these requests have so far not been met.

As part of the security measures recently introduced, the Colombo - Vavuniya train service has not been proceeding beyond Medwachchiya since November 2007 causing further inconvenience and hardship to civilians as well as traders and businessmen in the area. This means that all those intending to proceed to Vavuniya from Medawachchiya train station as well as those wishing to take the train from Vavuniya to Colombo have to take alternative transport between the Medawachchiya train station and Vavuniya, crossing the Medawachchiya check point. Three wheeler drivers and private bus owners have started to exploit this situation to their own advantage and are charging highly inflated rates. We were told that it can cost anything between Rs. 80/- and 200/- to ply the short distance.

**Challenges faced by NGOs:**

NGOs operating in Vavuniya also face number of problems. We were informed by a collective group of NGO members that materials for shelters such as cement, roofing sheets and aluminum, including aluminum cooking pots have been restricted for the past two months, hampering humanitarian activities including the repair of houses of IDPs in existing camps.

We also heard unconfirmed reports of two aid workers being arrested and detained overnight. Other NGO workers told us that they need to get permission from the military to go to some villages.

NGOs and INGOs felt that they still have very cordial cooperation with the civil administration of Vavuniya but when comes to security clearance and access to certain areas; they are faced with many difficulties. Also when a new regiment is deployed, due to their lack of familiarity with the work undertaken by the NGOs/ INGOs, projects get blocked. For example in Kalmadhu the military has stopped an IDP housing project.

**Sense of isolation:**

Most people we met welcomed our visit and stressed the importance of a political solution to the ethnic conflict and the importance of change of attitude on the part of the majority Sinhalese community towards the problems faced on a day to day basis by Tamils.

Communication is restricted as CDMA phones have been cut off and mobile phones operate only between 6pm – midnight in Vavuniya. This adds to the sense of isolation and marginalization of the people in Vavuniya.

## **SECTION II: DETERIORATING SITUATION IN THE VANNI**

**Withdrawal of international agencies:**

The visit took place a few days after the Government letter on 8<sup>th</sup> September instructing the United Nations and other international organisations to withdraw from the Vanni area. The instructions were first issued on the NGO Secretariat website and refers to a letter dated 5<sup>th</sup> September and numbered SMOD/320/DEM/GEN(45). It is reported that the letter, which came from the Secretary to the Ministry of Defence, Public Security, Law and Order, Gotabaya Rajapakse, instructed all UN and non governmental agencies to withdraw and that no NGO staff were permitted to travel beyond the

Omanthai check point. The letter also stipulates that NGOs need to remove all their equipment and all staff who are not permanent residents of the Vanni.

None of the agencies that the team met in Vavuniya had actually seen the letter. By the time of the visit, withdrawal from the Vanni had already commenced and many of the expatriate staff had already moved to Vavuniya as per instructions issued by the headquarters of the various agencies. The UN had to temporarily suspend its withdrawal due to protests by civilians in the Vanni. There were news reports that the Government had agreed to the end of September for complete withdrawal and there was the possibility that some agencies, most notably the ICRC, had been able to negotiate with the Government to continue to stay on in the Vanni. On 16<sup>th</sup> September it was reported that all the expatriate UN staff had been withdrawn.

Many representatives of the different agencies affected by the relocation order, the team spoke to in Vavuniya, were distressed by the withdrawal but felt that they had no choice as their headquarters had issued them instructions. One humanitarian worker felt that 'the agencies had let the civilians down.' Although statements were issued by key international agencies in response to the order,<sup>1</sup> persons we met in Vavuniya and others who had returned from the Vanni felt that the speed with which the UN and other agencies commenced withdrawal raised concerns about their ability to effectively negotiate with the Government.

While agencies referred to their presence being dependent on Government invitation, their response also raised concerns about their ability to honour their primary duty to assist with humanitarian work, especially at a time when it was most needed. The speed with which withdrawal took place further highlighted the limited space for engagement with the Government and the inability of UN and I/NGOs to stand strong on key principles.

The presence of the UN and international humanitarian agencies in the Vanni is critical for a number of reasons. Their primary function to provide humanitarian assistance in the form of basic and supplementary food stuffs, shelter material and other essential items had become all the more important, especially as more people were displaced and increasingly unable to support themselves, and the cost of basic items such as fuel rose sharply impacting civilian life and public services. Being in the Vanni, agencies are better able to ensure that the supplies go directly to the affected persons. In calling the agencies to leave the Vanni there is a big fear that, despite its assurances the Government is planning to use siege tactics and increase the restrictions on food and basic goods.

The presence of internationals also serves as a deterrent, however limited, against human rights violations by both sides. The international presence in the Vanni meant that the agencies were able to monitor the actions of the LTTE on the ground and that civilians were able to report violations to them which they could in turn raise with the LTTE. However, limited this action might have been it provided some system of redress. Their very presence serves as a deterrent as they are effectively witnesses to the actions of both sides on the ground. Furthermore, their presence in a place such as Killinochchi meant that civilians could seek shelter feeling a bit more secure, as neither side wants to be seen as directly targeting a location concentrated with international humanitarian agencies. According to the IASC, since May there are 19, 875 displaced families. People whom we met told us that without agencies being present in the Vanni both sides are freer to use more brutal tactics be it human shields or indiscriminate bombardment.

Although emotions were high in Vavuniya, there are serious concerns that at the Colombo end the response was muted. According to some reports the response of agencies at forums such as the CCHA

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<sup>1</sup> In a statement issued on 9<sup>th</sup> September, UN Secretary-General Ban Ki-moon expressed deep concern over escalating violence in northern Sri Lanka and the humanitarian impact of the clashes on civilians. He went on to remind all actors of their "responsibility to take active steps to ensure the safety and freedom of movement of civilians, allowing humanitarian organizations to do their work in safety, as well as to reach persons affected by the fighting who need humanitarian assistance."

was not to challenge the orders. The entire episode calls to question whether agencies whose mandate is to serve the humanitarian needs of the people are in fact interested in their primary responsibility or are more determined to ensure compliance so as to secure the right to work in Sri Lanka. Furthermore the Consortium of Humanitarian Agencies, has played an extremely inadequate role in actively lobbying the Government for humanitarian protecting space. As the main national civil society representative for humanitarian agencies it has the primary responsibility of advocacy on behalf of and in solidarity with the affected communities of this country.

### **The security of local personnel working for international agencies:**

The staff members from the Vanni whom we spoke to claimed that they had to leave friends and even colleagues behind, and expressed serious concern on the plight and security of all those who are trapped in the Vanni.

Some of the international agencies noted that not all their local staff had left the Vanni with them. Most of the local staff who are not from the Vanni had come out but the situation of those from the Vanni is extremely difficult. The LTTE has reportedly allowed some local staff originating from the Vanni to leave but their immediate family - spouse and children have not been permitted. This has placed the local staff in a horrendous situation where they have to choose between individual safety and staying with their family. In other instances the LTTE has refused to let local personnel out of the Vanni. We were also informed of a case of a local staff member of an INGO who is a non resident of the Vanni and is presently being detained by the LTTE on the grounds that individual has been in the Vanni for over five years and therefore is considered a Vanni resident.

Some of the international agencies we spoke to clearly stated that they had reached agreements with the LTTE that in a situation where they had to evacuate they would withdraw their local staff with their immediate families. Thus, the refusal of the LTTE to respect these promises is a serious breach of faith. In addition to the emotional trauma and the security threats of remaining in the Vanni, there are also concerns that local staff will be threatened and forcibly recruited by the LTTE. Aid personnel have faced this threat of recruitment over the last two years and international actors were able to negotiate their release, to varying degrees of success. With their withdrawal these staff will be vulnerable to recruitment and it seems they will lose their immunity as humanitarian agency personnel.

This issue still needs to be addressed. It has been reported that some of the local personnel who do not move out will be linked up with the District Secretary's office without them becoming government employees. Yet, agencies have not made clear that these individuals will continue to be staff members even though the agencies will no longer be working in these areas. If they are considered staff members then they may benefit from the protection that is due to them as humanitarian actors. It is unclear whether either the Government or the LTTE will continue to recognize the protection due to them as humanitarian actors.

### **Shrinking humanitarian space:**

The withdrawal of humanitarian agencies from the Vanni is a significant development in the shrinking of humanitarian space. Yet, it is also one event in a whole series of developments which have made humanitarian work increasingly difficult and dangerous. Humanitarian actors have faced a whole string of restrictions. Those imposed by the Government side include difficulties obtaining work permits and visas, as well as restrictions on the number of vehicles that they can bring into the Vanni and security checking of vehicles going into and out of the Vanni. From the LTTE side, agencies were also subject to security checks and on at least one occasion they seized vehicles belonging to an international agency (Norwegian People's Aid). The security checks and the seizing of material are serious breaches of the principles of neutrality under which the UN and other agencies operate. The

LTTE imposed serious restrictions on the movement of local personnel working for international agencies who are Vanni residents out of the Vanni. Any such individual seeking to leave the Vanni had to leave a guarantor who took the responsibility of ensuring this person's return. Even more threatening was the recruitment of agency staff by the LTTE. The LTTE's imposition of a one person per family policy as opposed to abduction of individuals for recruitment made it more difficult for agencies to secure their release, especially when these agency personnel announced that they would be resigning from their jobs.

The intensification of military operations in the North and incidents of violence have seriously impacted operations. The severe restrictions on movement at Omanthai from August 2006 resulted in humanitarian agencies finding it increasingly difficult to move material, equipment basic needs and personnel in and out of the Vanni, which had a serious impact in terms of humanitarian operations. Given that the Vanni is the focus of military ground operations, artillery, aerial and claymore attack, agencies have had to suspend operations in particular areas and severely restrict travel. For example, shelling in July/August 2008 in Ackarayan area had resulted in agencies having to move east from the area and suspending operations in those areas. There was also the incident where a claymore attack on 30<sup>th</sup> August 2008 damaged a FORUT vehicle which was traveling on the A9 road in the Vanni. Even the agency offices in Killinochchi are not safe. The personnel from one agency whom we met told us that burning shrapnel had also fallen into the compound recently but their office had not publicly commented on it. The issue of security in the Vanni had thus become more of a serious issue for humanitarian actors. The Government claimed that a key reason for calling on agencies to withdraw from the Vanni was that it was unable to guarantee their security. The attacks described above made this point clear to agencies.

With the rising numbers of attacks there was an agreement between the Government and the UN in February 2008 to create a safe area called the 'siege box'. The siege box was meant as an area that was safe from artillery fire and shelling and one which was meant as a safe haven for humanitarian actors and civilians. With increased attacks in other parts of the Vanni, more and more IDPs started moving into the area. Due to the indiscriminate bombings, there were also five attacks reported between November 2007 and February 2008 which hit the siege zone. We were informed that at a meeting on 27<sup>th</sup> August, Major General Jagath Jayasuriya, Vanni Commander had agreed to respect the siege zone. A week after the assurance, the siege zone was attacked. Though at different meetings numerous assurances were given to respect the siege zone and humanitarian space, the space was increasingly becoming threatened.

In times of conflict humanitarian actors and their space is protected by international humanitarian law, namely the Geneva Conventions and Additional Protocols. Both the Government of Sri Lanka and the LTTE are covered by international humanitarian law and need to abide by them. The Government which ratified the Geneva Conventions in 1959, enacted corresponding national legislation in the form of the Geneva Conventions Act 2006. A criticism of the Act is that it has left out Common Article 3, a mini convention in itself which governs internal conflicts. Regardless, it is now commonly accepted that Common Article 3 has become customary international law and thereby applies to all actors irrespective of ratification and whether incorporated into national legislation. In addition, other international and national instruments including the Universal Declaration of Human Rights, International Covenant of Civil and Political Rights (ICCPR) and corresponding national legislation such as the ICCPR Act 2007 Guiding Principles on Internal Displacement and the Fundamental Rights Chapter in the Constitution of Sri Lanka guarantee the rights of civilians and IDPs and protect their rights including equal treatment and freedom of movement. Though there is an international and national framework in place, recent incidents raise concerns whether the Government and the LTTE would respect and abide by their obligations.

## **Situation in the Vanni**

The team was able to meet with some of the agencies working in the Vanni, other individuals who had recently visited the area, and those who had come out of the Vanni the day we were in Vavuniya. The overall impression was that there is a grave humanitarian situation and that even though many of the displaced and the population at large, at least in the more populated areas, were receiving basic food stuffs, there were fears that the situation over the next months would become very serious, with more displacement, possible shortages of essential foods and attacks on IDPs and other affected persons.

The civilian population in the Vanni is effectively trapped. Over the last year at least, the LTTE has placed severe restrictions on civilian movement. Civilians wishing to leave the Vanni had to leave a guarantor who would have to take the responsibility of ensuring the return of that individual. With the on-going military operations civilians have not been allowed to move out of the Vanni and only a small number have been able to escape, mainly by sea with some cases of reported arrivals from Trincomalee or to Mannar. Persons who had been in the Vanni spoke of the helplessness of these civilians who have no way out. In recent weeks the LTTE has increased restrictions of IDP movement and apparently was not allowing movement from Killinochchi northwards. The overall restrictions on civilian movement are a grave violation of international humanitarian law by the LTTE. There are serious concerns that the LTTE is using the civilians as a human shield.

At present the Inter Agency Standing Committee (IASC) has stated that there are over 160,000 IDPs in the Killinochchi and Mullativu Districts. Many IDPs have been displaced multiple times in the recent past. As the fighting moves northwards civilians have been forced to keep moving. As the military forces advance from the West and South the civilians are forced into a smaller territory. While the security forces insist that they are strategically targeting LTTE positions, civilians have been victims of the military operations. While civilian casualties to-date are not many, we were told that people fear heavy civilian losses as the military advances and if there is a push to claim Killinochchi and the other key points in the Vanni. The fear is that the security forces will intensify their use of artillery and aerial power which will result in a number of civilians being killed. There was also added concern that the shelling will be used to induce civilians out of the Vanni, but it is unclear whether the LTTE will allow the civilians out.

In such a context the issue of civilian protection is critical. One proposal we were told of was the creation of a humanitarian corridor whereby civilians would be allowed to leave the Vanni. The other was for the creation of a safe zone. While the 'siege box' in Killinochchi did not work, there were discussions about alternate sites at which the LTTE would have to provide assurances that it would not place its military cadres and weapons and the security forces likewise, in respect of attacks.

We were told that there were particular set of IDPs including approximately 30,000 IDPs from Manthai West and Madhu area who had been displaced as many as ten times over the last year. With each displacement their situation becomes more serious as they are forced to use their limited savings and sell their possessions like jewelry in order to pay for transport to move from one area of displacement to another. We were also informed that due to shelling, several shops in the Vanni were damaged and have closed down. As a result civilians and IDPs who could afford to purchase items were limited in their options.

Until the UN /INGOs were ordered to relocate to Vavuniya, these agencies were attempting to address the humanitarian needs of the IDPs as well as the local population. Food and shelter were already a major problem. Proper shelters could not be built as people were forced to be constantly on the move. Even prior to the UN/INGO relocation WFP food supplies for IDPs were only adequate for 2 weeks of every month as only 20 lorries of supplies including non food items (NFIs) were given MOD clearance to cross to the Vanni. Prior to the relocation of international agencies, a staple diet consisted of rice and dhal. Other items such as fish, spices were seen as luxury items and many IDPs

had no access to them. Actors who were recently in the Vanni informed the team that while IDPs had found shelter in public buildings, with host families and in welfare camps, there were some IDPs who did not have adequate shelter. There were some people living under trees. The team was informed that IDPs have a saying which is “the sky is our roof and the saree our wall.” Shelter material such as aluminum sheeting is not allowed by the Government into the Vanni.

## **PART III: CONTINGENCY PLANS FOR A HUMANITARIAN CRISIS?**

### **In case of civilians trapped in Vanni**

While the Government appears to be preparing for a mass exodus out of the Vanni it is unclear if this will take place in the near future. A major obstacle is the LTTE. It is refusing to allow the civilians to flee and to leave itself exposed to the security forces. This is a serious violation of international humanitarian law. A second set of issues relate to the fears on the part of the Vanni residents of how they will be treated by the Government once they move out of LTTE controlled territory. Even though the Government insists that all Vanni residents are welcome, people fear that they will face serious consequences as most families have someone in the LTTE. Hence, they fear that they will walk out of the Vanni straight into detention centres and worse that they could be disappeared. Many of the civilians especially the youth have received military training or have family members in the LTTE so could be accused of being LTTE. The experience of IDPs who have already fled the Vanni, who are currently in quasi detention centres such as Kalimodai and Sirikundel seems to confirm this suspicion. The Government insists these are welfare camps even though there are serious restrictions on movement and only a fraction of the more than 700 people sent to these centres have been able to move out and seek shelter with host families.

The GOSL contingency plan only addresses a possible influx of IDPs from the Vanni south to Vavuniya. There is so far no humanitarian plan for civilians displaced within the Vanni who are either trapped or who to choose to remain there. With the relocation of UN Agencies and INGOs there is now serious gap in terms of humanitarian assistance for the civilian population in the Vanni. Even while the UN is making a distinction between relocation and evacuation, the GOSL has so far not guaranteed a safe passage back or access to the Vanni for humanitarian purposes as of 14<sup>th</sup> September 2008.

Instead, the discussions have focused on the Government sending supplies through the Government Agents. WFP is currently planning to transport food supplies from stores in Trincomalee and Colombo to Vavuniya in the expectation that food supplies to the Vanni can be maintained with GA and security force authorisation through the Northern Lorries Association. But there has been no decision on this matter yet. When we spoke to relevant persons in Vavuniya they indicated that there might be a possibility of one or two of the UN actors being allowed to bring convoys into the Vanni but there was no discussion of these teams staying there. While this latter proposal is positive when compared to the alternative, there are serious concerns as to monitoring of the distribution, the capacity of the government GA based networks in the Vanni to distribute to distribute food and other essential goods. According to the Kilinochchi GA only 25% of government servants are currently present in the district.<sup>2</sup> However, it remains a grave concern whether all essential goods including medicines can be delivered, given the long process for movement and the time taken to check vehicles at the Omanthai checkpoint.

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<sup>2</sup> Daily Mirror, “Providing relief has become a problem: GA,” September 19 2008

It is also clear that steps need to be taken to ensure the protection of convoys, including both sides agreeing to humanitarian corridors in order to ensure that the convoys can move during brief ceasefire periods on agreed transport lines. As seen with the East, there was a high dependency on I/NGOs to provide for the affected and IDPs. Unless the Government takes appropriate steps we were told that the civilians could face the prospect of starvation. The possibility of food being used as a weapon of war was raised in a number of the conversations.

### **In Case of a Mass Exodus to Vavuniya:**

As the military offensive against the LTTE in the Vanni continues, the GOSL is anticipating that approximately 150,000 to 200,000 persons from the Vanni will become internally displaced persons. In order to address this humanitarian crisis, the GOSL has been in the process of drawing up a contingency plan for the past several months. At a structural level, a district level CCHA was set up in Vavuniya, chaired by the Acting GA for Vavuniya and present GA in Mannar, Mr. Nicholas Pillai which should result in more de-centralized and on the ground decision-making. The district level CCHA comprises the military, UN and I/NGOs.

The team was informed of several plans that were being discussed in the event of an influx of IDPs from the Vanni. Measures are being put in place to receive civilians crossing the Omanthai checkpoint at Omanthai Maha Vidyalaya. All civilians will be screened, registered and issued ID cards by the security forces and the police, similar to what was seen in the East in 2007. The ICRC and UN will be allowed to monitor this process. Those suspected to be LTTE, will be taken into custody. There is however a significant difference from the East in that there appears to be a clear focus in ensuring that there will be severe restrictions on civilians fleeing the Vanni. The IDPs who are screened and not believed to be LTTE will be sent to a transit camp for 5 days reportedly before being sent to a permanent welfare centre in Vavuniya. 6 transit camps have been so far identified. The three permanent 'welfare centres' are to be located in Manik Farm, Karuvalpuliyankulam, and Kalwadinakulam where the land is currently being cleared and prepared.

It is striking that no families are supposed to seek shelter with host families. It should be noted that in the East a large number of IDPs stayed with host families which made it easier for the Government and humanitarian community to cope with the crisis. Instead, in Vavuniya IDPs who want to live with friends and relatives or leave the country will not be given the choice to do so, but it will be mandatory for IDPs to be housed in the camps being set up by the government and their freedom of movement will be closely monitored. The restrictions in Kallimoddai and Sirukondal are examples where movement has been restricted.

There is also concern of the ability to provide adequate shelter to IDPs fleeing the Vanni. The 6 transit camps so far identified can only accommodate approximately 300 persons each. i.e. 1800 persons in total. The GOSL assumption is that the flow of IDPs will be gradual. In case of a large influx of IDPs all at once there will be a serious shortage of transit shelter for these people. The camp sites themselves are in question as there are serious concerns with the proximity of the camps to army camps and the presence of mines. It needs to be noted that the Government and humanitarian agencies had prepared contingency plans last year but the Government has doubts and is proposing alternate sites which are more problematic. While the Government is speaking about its disaster preparedness, like in the East it is essentially relying on INGOs and NGOs in providing most of the basic needs from rations to shelter to water and sanitation.

In addition, if there is a large influx of IDPs, there are serious concerns on other services such as providing food, water, sanitation and health care. For example, 3000 additional tons of food will be required to feed the estimated influx of IDPs into Vavuniya. Current stocks in Vavuniya are not adequate for this purpose. The WFP has requested that security restrictions be eased to facilitate the transport of food supplies to Vavuniya in the coming weeks from stores in Colombo and Trincomalee. Medical supplies for three months are available in Vavuniya to cater to the needs of the local

population and a further buffer stock of three months has been requested for the need of a future influx of IDPs. A list of out of supply drugs has also been forwarded to WHO. The Vavuniya hospital is however severely understaffed to deal with the needs of the Vavuniya population and an influx of IDPs is likely to put medical care under severe stress. At present 50% of the nursing cadre is vacant. Only 46 doctors are on duty despite the need for more than 100 doctors. There is only one Maternal Health Officer for the whole of the Northern province. Ward facilities will also come under stress with an increase in the IDP population, but it is expected that UNHCR will assist in construction of semi permanent wards.

Committees comprising GOSL, UN, INGO, NGO and SF personnel have been set up to take care of the welfare of IDPs in relation to protection issues, food, education, shelter, health and nutrition, water and sanitation, non food items, camp management and logistics. There are however several problems with the GOSL contingency plan. There is an assumption that all civilians crossing into cleared areas will come through Olanthai and there are no plans publicly for setting up camps in the Trincomalee and Mannar districts.

The screening and registration of civilians also raises concerns of security and human rights protection. As seen with the East, screening resulted in civilians being identified as LTTE recruits and supporters and being detained for long periods without adequate recourse to the law. There are concerns that civilians who were forcibly trained by the LTTE or who have family members in the LTTE may be targeted by the security forces. Registration of civilians also needs to be done in a manner in which information is not used to subsequently target those individuals. While the ICRC and UN maybe able to monitor this process, there must be security guarantees for the civilians and a transparent process established.

## **Recommendations**

### **Human Rights Situation in Vavuniya**

- The Government needs to strengthen law and order in Vavuniya and ensure that the rule of law prevails
- Measures should be established to ensure a civilian presence in the form of senior citizens during search operations so as to reduce fears among civilians
- The Human Rights Committee in the District Secretary's office which includes the District Secretary, the military commander, the Human Rights Commission, needs to be activated to take up these issues.
- A mechanism has to be created to ensure the protection of children who had been recruited and then released and those who were vulnerable to recruitment or arrest following de-recruitment.
- International agencies to increase their presence in Vavuniya and ensure more effective monitoring of the human rights situation.
- Various delegations from the South, including business leaders, religious leaders, professionals and artists, should visit Vavuniya in order to break the isolation
- International missions should increase the number of visits to Vavuniya

### **Freedom of movement in Vavuniya**

- Ease entry/exit restrictions including movement of vehicles
- Streamline security checking of trucks transporting goods. There should be a security force presence during the packing of vehicles. They should then be sealed until unloaded to avoid delays and the hassle of repeated checking and unpacking. More personnel at packing and unloading points including at the Medawachchiya train station could ease delays.

- Recommence Vavuniya-Colombo train to ease travel to and from Vavuniya
- Reduce restrictions which make it more difficult for civilians to carry on livelihood activities such as farming, firewood collection.

#### **For contingency plan in case of influx from Vanni**

- The Government needs to provide security guarantees for civilians coming out of the Vanni
- If any individual is suspected of being a LTTE member and needs to be detained, the authorities should ensure that it is done in keeping with the Presidential Directives, including the provision of a receipt to the next of kin.
- The ICRC and the Human Rights Commission should be present to monitor the screening process
- Civilians should be allowed to choose where they wish to stay, including with host families and not put in special welfare centres such as Kalimoddai and Sirikundel, which operate like detention centres.
- Ensure that concrete steps are taken to prepare and implement contingency plans capable of dealing with large numbers (100,000+) plus. Measures include looking at alternate sites, make provisions for IDPs to stay with host families to reduce numbers to be located in camps, streamline security checks and ensure that supplies needed for IDPs including shelter material can be brought into the Vanni.
- Ensure the security of IDPs including the location of camps (away from military targets), safety of the sites (de-mined), security of the camps (humanitarian agencies and the Human Rights Commission having an active protection role)

#### **Dealing with IDPs and other affected communities in the Vanni**

- Both sides need to ensure that they do not target civilians and engage in operations that put civilians at risk.
- The LTTE must ensure the free movement of civilians from the Vanni
- The Government and the LTTE must agree on a humanitarian corridor to allow civilians out of the Vanni
- A special area within the Vanni needs to be accepted and established as a no-violence zone for the protection of civilians by the Government and the LTTE.
- A humanitarian corridor needs to be negotiated whereby trucks can transport of goods and supplies into the Vanni during agreed times without being attacked
- The Government needs to ensure that adequate supplies of essential goods including medicine and shelter material needs to be brought in as stocks limited to a few weeks.
- The Government should allow the United Nations and international agencies the right to work and stay in the Vanni. At the very least the ICRC agencies should be allowed to access the Vanni, transport goods and monitor their distribution.
- The LTTE must allow local staff originating from the Vanni working with humanitarian agencies or their families to move out of the Vanni. Humanitarian agencies and diplomats need to engage in advocacy to ensure the safety of all humanitarian actors whether they be they expatriate or local.