

Joint NGO Statement

Calling for the Protection of Displaced Peoples, Civilians and Human Rights in Sri Lanka

We, the undersigned, are disturbed by the deplorable human rights and displaced people's protection situation in Sri Lanka resulting from the recent clashes between the Sri Lankan military and the Liberation Tigers of Tamil Eelam (LTTE).

The Office for the Coordination of Humanitarian Affairs (OCHA) estimates that almost 200,000 civilians have been internally displaced due to the escalating violence in the region over the past two months. This exodus brings the total number of internally displaced people (IDPs) in Sri Lanka to over 500,000, making it one of the most acute IDP situations in the world. IDPs fleeing the conflict zone have not been permitted freedom of movement instead being forcibly detained in more than 29 camps, public buildings and transit sites in government-controlled areas, in many cases separated from family members and without access to adequate food, water and sanitation, medical assistance and psycho-social care, or protection for particularly vulnerable groups, especially women and children. IDPs also do not have access to human rights organisations or other civil society groups.

OCHA also reports that approximately 50,000 people, many of whom are civilians, are trapped directly within the conflict zone where they have been prevented from receiving urgent food and medical aid. Despite the draconian restrictions placed by the Sri Lankan government on independent media and humanitarian monitoring of the region, credible reports have emerged indicating that medical facilities and other civilian infrastructure have been the target of military operations. Civilians are clearly being used as shields and are considered acceptable collateral damage in military strikes.

The adverse effects of the fighting on civilians have not been restricted to the official conflict zone or IDP camps. Scores of reports have been released detailing extrajudicial killings, kidnappings, arbitrary arrest and detention, disappearances and similar attacks on union organisers, journalists, lawyers, aid workers, religious leaders, and other human rights defenders who have spoken out about endemic human rights abuses in Sri Lanka. The UN Working Group on Enforced or Involuntary Disappearances indicates that Sri Lanka currently has the highest rate of disappearances in the world after Iraq.

Instead of their right to international protection under the 1951 *Convention relating to the Status of Refugees* being acknowledged, Sri Lankan asylum-seekers are frequently criminalised and turned away at the border, prevented from accessing basic humanitarian assistance, subject to arbitrary arrest and detention, separated for extended periods from family members, denied health care and the right to work, rendered stateless and, in some instances, forcibly returned to persecution (*refouled*) in Sri Lanka. At present, Sri Lankans constitute the largest migration-related detention population in the region.

In light of this deteriorating human rights crisis, we call on the government of Sri Lanka to immediately:

1. Provide safe access for an international humanitarian mission to enter the current northern conflict zone through a temporary ceasefire or "humanitarian pause" in fighting;
2. End the shelling and targeting of civilians and civilian infrastructure such as medical facilities in the conflict zone;
3. Ensure regular and adequate food and medical aid is provided to individuals within the conflict zone;
4. Permit international monitoring at all points of interception and screening of IDPs who are leaving LTTE-controlled areas and entering government-controlled areas;
5. Permit freedom of movement (and freedom from arbitrary detention) for IDPs who have fled from the LTTE-controlled area to government controlled areas;
6. Allow family members to access relatives who have fled from the north conflict zone and are currently being held in detention;
7. Remove restrictions on access for international media and humanitarian workers to places where IDPs are being detained, hospitals where individuals are being treated, IDP camps, settlements, and the conflict zone;
8. Immediately release all individuals in detention against whom charges have not been laid; and
9. Prosecute individuals who have authorised, carried out or have been complicit in extra-judicial executions and disappearances.

We call on the LTTE to:

1. Provide safe access for an international humanitarian mission to enter LTTE-controlled areas;
2. Allow for full freedom of movement for civilians who want to leave areas controlled by the LTTE;
3. Ensure that militant cadres do not station themselves among civilians and civilian facilities such as churches and hospitals; and
4. Ensure that there is no conscription of civilians, especially children.

We call on the international community to:

1. Support an immediate ceasefire to enable an international humanitarian mission to enter the country to both monitor the conflict and provide relief;
2. Condemn the egregious human rights violations occurring on a daily basis in Sri Lanka;
3. Refrain from engaging in activities that will exacerbate the conflict, including the supply of weapons;

4. Grant Sri Lankan asylum-seekers expedited access to refugee status determination processes, acknowledging that the current situation in Sri Lanka necessitates *prima facie* recognition of refugee status, especially for individuals at heightened risk, such as women;
5. Guarantee basic protections for Sri Lankan refugees in accordance with human rights principles and international law;
6. Refrain from detaining Sri Lankan asylum-seekers;
7. Permit Sri Lankan refugees to reunite with their families; and
8. Support the development of a sustainable solution to the root causes of the conflict.

This statement is drafted by members of the Asia-Pacific Refugee Rights Network (APRRN) and endorsed by:

Please forward your endorsement [name, organisation, country] to Anna Samson: refugee@forum-asia.org by Saturday 16 May 2009 [midnight, BKK time]