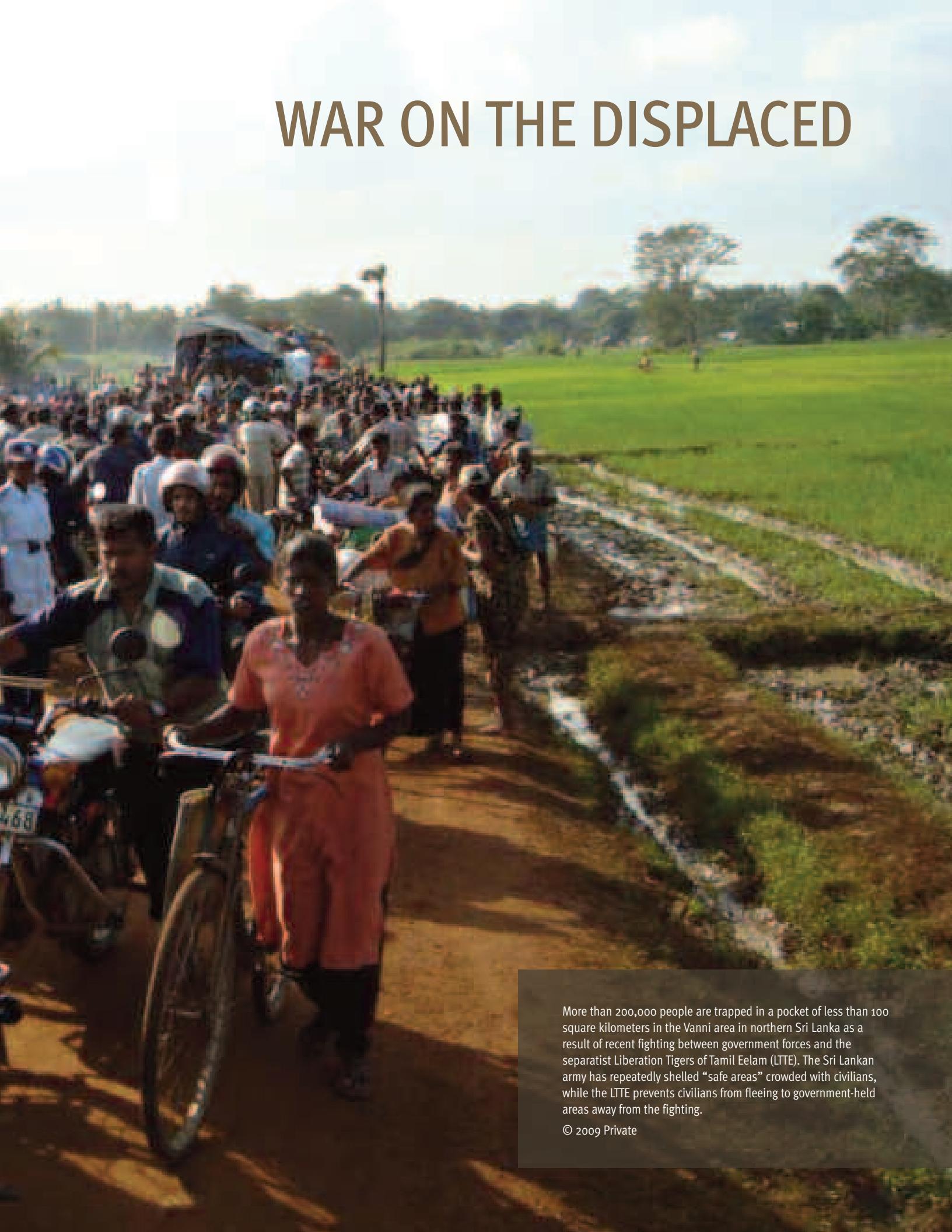


Summary and Recommendations



WAR ON THE DISPLACED



More than 200,000 people are trapped in a pocket of less than 100 square kilometers in the Vanni area in northern Sri Lanka as a result of recent fighting between government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE). The Sri Lankan army has repeatedly shelled “safe areas” crowded with civilians, while the LTTE prevents civilians from fleeing to government-held areas away from the fighting.

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After 25 years, the armed conflict between the Sri Lankan government and the separatist Liberation Tigers of Tamil Eelam (LTTE) may be nearing its conclusion. But for the quarter of a million civilians trapped or displaced by the fighting, the tragedy has intensified. Since the fall of the LTTE's administrative center, Kilinochchi, in early January 2009, civilian casualties in the northern Vanni region have skyrocketed—to more than 5,100, including at least a thousand deaths, based on a conservative tally by independent monitors analyzed by Human Rights Watch. More recent information places civilian casualties at 7,000, including 2,000 fatalities. Added to this are the dire hardships faced by the displaced—insufficient food, medical care, and shelter, whether in the combat zone or government-run “welfare villages.”

The Sri Lankan armed forces and the LTTE appear to be engaged in a perverse competition to demonstrate the greatest disregard for the civilian population. In the last two months alone, both sides have committed numerous violations of international humanitarian law, the laws of war. While not all loss of civilian life is a laws-of-war violation, the failure of the government forces and the LTTE to meet their international legal obligations has undoubtedly accounted for the high death tolls.

Retreating from Sri Lankan Army (SLA) advances, the LTTE has forcibly taken along all civilians under its control. As the territory held by the LTTE has shrunk—now a short, narrow

strip on the northeast coast of the island—the civilian population has been dangerously forced into a smaller and smaller space. In violation of the laws of war, the LTTE has refused to allow civilians to flee the fighting, repeatedly fired on those trying to reach government-held territory, and deployed forces near densely populated areas. The civilians who remain under LTTE control, including children, are subject to forced recruitment into LTTE forces and hazardous forced labor on the battlefield.

The LTTE's grim practices are being exploited by the government to justify its own atrocities. High-level statements have indicated that the ethnic Tamil population trapped in the





A food distribution center just north of the A35 road in the government-declared safe-zone in the Vanni. Between January 22 and 29 the Sri Lankan armed forces shelled the area, killing and injuring several hundred civilians.

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war zone can be presumed to be siding with the LTTE and treated as combatants, effectively sanctioning unlawful attacks. Sri Lankan forces have repeatedly and indiscriminately shelled areas crowded with civilians. This includes numerous reported bombardments of government-declared “safe zones” and the remaining hospitals in the region.

The plight of displaced persons has been exacerbated by the government’s decision in September 2008 to order most

humanitarian agencies out of the Vanni. The government’s own efforts to bring in food, medical supplies, and other relief with a minimal United Nations role have been insufficient. Continuing fighting, lack of oversight, and the manipulation of aid delivery by government forces and the LTTE have all contributed to the deepening humanitarian crisis.

Displaced persons are increasingly escaping from the battle zone to what they hope is safety within government-controlled areas. Instead, they are finding government internment centers masquerading as “welfare villages.” While the government for security reasons should be screening new arrivals, it is instead secretly taking away LTTE suspects to arbitrary detention or possible enforced disappearances.



A crater from one of the shells that on the morning of January 24 hit the food distribution center in the government-declared safe-zone, which that day killed seven and injured 15.

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A second shell hole from one of the shells that on the morning of January 24 hit the food distribution center in the government-declared safe-zone, which that day killed seven and injured 15.

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(right) The PTK hospital was repeatedly hit by shelling over the course of several days, and then evacuated.

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All displaced persons crossing to the government side are sent to internment centers in Vavuniya and nearby locations. As Human Rights Watch has reported previously, these are military-controlled, barbed-wire camps in which those sent there, including entire families, are denied their liberty and freedom of movement. Humanitarian agencies have tenuous access, but do so at the risk of supporting a long-term detention program for civilians fleeing a war.

The hospital in Vavuniya mirrors the town's internment camps. When Human Rights Watch visited, it lacked even the most basic necessities: many of the hospital beds had no bed sheets, blankets, or pillows. And despite the obvious lack of capacity to handle all of the wounded and attend to their needs, the hospital personnel reportedly were instructed by the authorities not to ask for any assistance from international agencies, and very few agencies have been allowed access to the hospital. Relatives have had difficulty seeing patients, and some have later been visited by the security forces.

Human Rights Watch calls on the Sri Lankan government and the LTTE to act immediately to stop the ongoing slaughter of civilians. Both parties should facilitate the creation of a humanitarian corridor and otherwise respect the laws of war. The LTTE should allow civilians to leave the war zone and the SLA should stop shelling near densely populated areas, safe zones and hospitals. Those displaced civilians who reach the government side should be assisted but not interned. And the government should permit independent media and human rights organizations to go to the conflict area. (More detailed recommendations are set forth at the end of this report.)

Instead of using its victories in the field to promote a more open and democratic nation, the Sri Lankan government has conducted a cynical campaign to prevent all independent public coverage of its military operations and the plight of civilians caught up in the war. While decrying LTTE abuses, it has kept out the media and human rights organizations that could report on them—and on government abuses. It has kept displaced persons who could describe the artillery bombardments locked up in camps and hospitals. It has traded the well-being of tens of thousands of Sri Lankan citizens for protection from international scrutiny. With civilian casualties mounting, it has sought to bury its abuses.

(right) Injured women at a makeshift hospital in an LTTE-controlled area in the Vanni.

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An injured child at a hospital in an LTTE-controlled area in the Vanni.

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Wounded patients who were evacuated from the PTK hospital in the war zone were brought to the Vavuniya hospital. Even though the hospital was overcrowded and lacked basic supplies, aid agencies were prevented from providing supplies and the authorities reportedly prohibited doctors from making requests for supplies from aid agencies.

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(right) A “welfare center” for displaced persons in Vavuniya. All displaced persons who reach government-controlled areas are indefinitely detained in this and other camps nearby.

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(below) Internally displaced people, including children, in one of the internment camps in Vavuniya try to communicate with their relatives through double rolls of barbed wire.

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A NOTE ON CIVILIAN CASUALTIES

Civilian casualties have risen dramatically since the LTTE retreated to a roughly 100-square-kilometer (39-square-mile) area in northeastern Mullaitivu district. Because the government has prohibited independent media and human rights organizations from visiting the combat area, information on civilian casualties has been difficult to obtain. Nonetheless, a conservative estimate can be made based on actual counts by independent observers on the ground.

During a three-week period from January 20 to February 13, 2009, independent observers in the Vanni collected information on 5,150 civilian casualties—1,123 deaths and 4,027 injuries—from the current fighting. This number was derived from a compilation of reports that recorded individual casualties, the date and place of the attack, and the nature of the attack. Newly obtained information places total civilian casualties at 7,000, with 2,000 deaths.

Information from other sources supports these findings. For instance, Human Rights Watch obtained a list of patients from Puthukkudiyiruppu (PTK) hospital containing patients' names, age, sex, address, place of injury, type of injury, type of blast, and arrival date at the hospital. The list shows that between January 1 and January 26 alone, this single hospital received 573 patients suffering conflict injuries, 75 of whom died.

An injured mother and her child at a hospital in an LTTE-controlled area in the Vanni.

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