

Joint NGO Statement

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

19 May 2009

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 the following organisations and individuals:

International Organisations

1. Asian Forum for Human Rights and Development (FORUM-ASIA)
2. Asian Women's Human Rights Council
3. Chin Human Rights Organisation
4. Coordination of Action Research on AIDS and Mobility Asia (CARAM Asia)
5. Committee for Asian Women (CAW)
6. FAHAMU
7. International Detention Coalition (IDC)
8. International Women's Rights Action Watch Asia Pacific (IWRAW Asia Pacific)
9. Nonviolence International Southeast Asia
10. Organization of Karenni Development
11. People's Vigilance Committee on Human Rights (PVCHR)
12. South Asian Network for Refugees, IDPs and Migrants (SANRIM)
13. The Arakan Project
14. UNANIMA International

National Organisations

Australia

15. Act for Peace (International Aid Agency of the National Council of Churches in Australia)
16. Australian National Committee on Refugee Women (ANCORW)
17. Refugee Council of Australia (RCOA)
18. UNSW Centre for Refugee Research

Bangladesh

19. WARBE Development Foundation of Bangladesh
20. Odhikar

Cyprus

21. Action for Equality, Support, Antiracism (KISA)
22. Turkish Cypriot Human Rights Foundation

Hong Kong

23. Hong Kong Refugee Advice Centre

Kenya

24. Solidarity House International

Korea

25. Kim Jong Chul (Law firm somyoung)
26. Korean Public Interest Lawyers Group (GONGGAM)

Kyrgyz Republic

27. Adilet Legal Clinic

India

28. Burma Centre Delhi (BCD)
29. EKTA Resource Centre for Women
30. The Other Media

Indonesia

31. Indonesia Legal Aid Foundation

Malaysia

32. All Malaysia Malayalee Association
33. Astronomical Research Society of Selangor State
34. Athi Shankarar Thiruppeedam
35. Centre of Education, Research and Development (CEDAR)
36. Child Development Initiative
37. Child Information, Learning and Development Centre
38. Divine Live Society PJ
39. Education and Research Association of Consumers
40. Educational, Welfare and Research Foundation Malaysia
41. Federasi Kaum Tamil Sedunia Malaysia
42. Federation of Indian Non-Government Organisations
43. Gayathrie Peedam Malaysia
44. Group of Concerned Citizens
45. Health Equity Initiatives (HEI)
46. Indian Builders Association of Malaysia
47. Indian Malaysian Active Generation (IMAGE)
48. Ipoh Arulneri Thirukootam
49. Johor Tamizhar Sangam
50. Kebajikan Tamil Thalabathy Johor Bahru
51. Kelab Belia India Tamil Gopeng
52. Kelab Bell Belia India Tamil Perak
53. Klang Consumer Association
54. Klang Valarum Kalai Pannai
55. Kuala Lumpur Hindu Youth Organisation (KLHYO)
56. Kuala Lumpur Indian Entrepreneurs and Professionals
Gabungan Pertubuhan-pertubuhan Masyarakat India Selangor
57. Kumpulan ACTS Berhad
58. Majlis Kelab Bell Belisa Tamil Malaysia
59. Malaysia Arulneri Thirukootam
60. Malaysia Hindu Associates of Graduates
61. Malaysia Hindu Dharma Mamandram
62. Malaysia Hindu Sangam
63. Malaysia Hindu Sevai Sangam
64. Malaysia India Progressive Educational Society
65. Malaysia Lekshmi Pooja Meditation Society
66. Malaysia Tamil Neri Kalagam
67. Malaysia Thanavasiya Association
68. Malaysian Archagar Sangam
69. Malaysian Associated Indian Chambers of Commerce and Industry
70. Malaysian Association of Indian University Graduates
71. Malaysian Ceylon Saivites Association
72. Malaysian Dravidian Association
73. Malaysian Indian Business Association
74. Malaysian Indian Development and Unity Association
75. Malaysian Indian Development Association
76. Malaysian Indian entrepreneurs and Professionals
77. Malaysian Indian Historical Association
78. Malaysian Indian Metal Traders Association
79. Malaysian Tamil Artiste Association
80. Malaysian Trade Union Congress
81. Malsyaian Indian Youth Development Foundation

82. Malayisan Hindu Youth Council
83. Nadaraikia Sangam, Selangor State
84. National Human Rights Society
85. Nationwide Human Development and Research Centre
86. Naveena Ilakkyia Sinthanai Air Tawar
87. Pamban Swami Maha Teja Mandala Sabai
88. Panniru Thirumurai Valarchi Malyam
89. Penang Hindu Saba
90. Penang Indian Contractor Association
91. Penang Indian Entrepreneurs and Professionals
92. Persahabatan Semparuthi
93. Persatuan Artis Tamil Malaysia Negeri Johor
94. Persatuan Aruloli Mandram Malaysia
95. Persatuan Bekas Guru-guru India Perak
96. Persatuan Belia and Rekreasi India Daerah Timur Laut Pulau Pinang
97. Persatuan dewan Perniagaan India Perak
98. Persatuan India Bandar Farlim
99. Persatuan Kabajikan India Johor
100. Persatuan Kebajikan Artis-artis Tamil Perak
101. Persatuan Kebajikan Bharatham Selangor
102. Persatuan Kebajikan dan Kemasyarakatan Tamil Simpang Renggam
103. Persatuan Kebajikan Dan Sosial Kamakshi Wilayah Utara
104. Persatuan Kebajikan India Malaysia
105. Persatuan Kebajikan Masyarakat dan Social Kaum india
106. Persatuan Kebajikan MGR
107. Persatuan Kebajikan Namakkal Malaysia
108. Persatuan Kebajikan Vanniar Malaysia
109. Persatuan Kelab Bell Belia Tamil Taman Universiti Johor Bahru
110. Persatuan Kemajuan Pendidikan Malaysia
111. Persatuan Meditasi Malaysia (Dhyana Ashram)
112. Persatuan Mukkulatthor Malaysia
113. Persatuan Paavanar Tamil Mandram Ipoh
114. Persatuan Peduduk Taman Bukit Indah
115. Persatuan Peduduk-Penduduk Kaum India Nusa Bestari II
116. Persatuan Peduduk-Penduduk Kaum India Pasir Gudang
117. Persatuan Peduduk-Penduduk Kaum India Permas Jaya
118. Persatuan Pembaca Tamil Klang
119. Persatuan Pengedar Akhbar Tamil Perak
120. Persatuan Pergabung Tamil Malaysia
121. Persatuan Pon Pavalar Mandram Ipoh
122. Persatuan Prihatin Belia Malaysia
123. Persatuan Sangkara Malaysia
124. Persatuan Seni Kebudayaan Thamil, Pulau Pinang
125. Persatuan Silambam Malaysia
126. Persatuan Tamilar Thirunaal Setiawan Perak
127. Persatuan Teksi dan Kereta Sewa India Johor
128. Persatuan Telegu Malaysia Cawangan Negeri Johor
129. Persatuan Telugu Malaysia
130. Persatuan Thiruvalluvar Natpani Iyakkam Perak
131. Persatuan Vallalaar Anbu Nilayam
132. Pertubuhan Kesedaran Hare Krishna Klang
133. Pertubuhan Penganut Ajaran Sri Vaisana Paribala Sabha Malaysia
134. Pure Life Society
135. Rudra Devi Samaj Malaysia
136. Saiva Nartpani Mandram Malaysia
137. Saiva Siddhanta Mandram Malaysia
138. Saiva Sivneri Mandram Malaysia
139. Selangor Indian Entrepreneurs and Professionals
140. Selangor Indian Video Graphics Association
141. Seremban Tamilar Sangam

- 142.Sri Murugan Centre
- 143.Sri Vadivelu Culture and Welfare Association State of Selangor
- 144.Suara Rakyat Malaysia (SUARAM)
- 145.Sundararaja Perumal Devasthanam Klang
- 146.Tamilar Sangam, Teluk Intan
- 147.Temple of Fine Arts Malaysia
- 148.The New Millennium Indian Business Association of Malaysia
- 149.Thiruvalluvar Nanneri Mayam Cameron Highlands
- 150.Thiruvurul Thavaneri Mandram Malaysia
- 151.Vishnu Periyaval Sabai
- 152.World Tamil Federation – Malaysian Chapter
- 153.Yayasan Penyelidikan dan Pembangunan Pendidikan Tamil Malaysia (Tamil Foundation)
- 154.Yaysan Pembangunan Bahasa Tamil negeri Perak

Mongolia

- 155.Women for Social Progress

Nepal

- 156.Human Rights Treaty Monitoring Coordination Committee (HRTMCC)
- 157.Informal Sector Service Centre (INSEC)
- 158.INHURED International
- 159.National Coalition for the ICC (NCICC-Nepal)

South Africa

- 160.Lawyers for Human Rights

Tajikistan

- 161.Society and Law

Thailand

- 162.Alternative ASEAN Network on Burma
- 163.Peoples Partner for Development and Democracy (PPDD)
- 164.US Council for Refugees and Immigrants Thailand (USCRI Thailand)

United States

- 165.Asylum Access

Individuals

- 166.Alana Golmei (India)
- 167.Ashok Gladston Xavier (India)
- 168.Associate Professor Dugald Owen (USA)
- 169.Dr. Barbara E. Harrell-Bond OBE (UK)
- 170.Dr. Gopal Krishna Siwakoti (Nepal)
- 171.Joseph M. Evans (Liberia)
- 172.Ines Martins (Timor-Leste)
- 173.Kate Hallock (USA)
- 174.Korapat Big Pruekchaikul (Thailand)
- 175.Lauren Suchman (USA)
- 176.Luke Weyland (Australia)
- 177.Mine Yucel (Cyprus)
- 178.Penny Thame (Thailand)
- 179.Priyanca Mathur Velath (India)
- 180.Rafendi Djamin (Indonesia)
- 181.Shreejana Pokhrel (Nepal)
- 182.Su-Ann Oh (Singapore)
- 183.Taka Gani (Indonesia)
- 184.Yohannes Woldemariam (USA)
- 185.Zach Zirkelbach (USA)