

The logo for Human Rights Watch, consisting of a solid blue square with the words "HUMAN RIGHTS WATCH" written in white, uppercase, sans-serif font, centered within the square.

H U M A N
R I G H T S
W A T C H

“Recent Developments in Sri Lanka”

Hearing of the Senate Foreign Relations Committee

February 24, 2009

Testimony of Dr. Anna Neistat,
Senior Researcher, Emergencies Division,
Human Rights Watch



Mr. Chairman, members of the Committee, thank you for inviting Human Rights Watch to testify at this hearing. I will address the most recent developments on the ground in Sri Lanka and, in particular, the desperate plight of civilians caught between the two warring parties—the government of Sri Lanka and the separatist Liberation Tigers of Tamil Eelam (LTTE).

Just over a week ago I returned from Sri Lanka. I have to mention, first of all, that collecting information about the conflict and the situation of the internally displaced persons is extremely difficult. The Sri Lankan government is conducting 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 locked up in camps and hospitals. It has traded the well-being of tens of thousands of Sri Lankan citizens for evading international scrutiny. It has been trying its best to bury the abuses.

While in the country, however, we managed to collect credible information about egregious violations by the parties to the conflict, both of which appear to be engaged in a perverse competition to demonstrate the greatest disregard for the civilian population. Our findings are summarized in a 45-page report, “War on the Displaced: Sri Lankan Army and LTTE Abuses against Civilians in the Vanni,” that we have just released and submitted for your review along with this testimony.

As you know, after 25 years, the armed conflict between the Sri Lankan government and the LTTE may be nearing its conclusion. This conflict has over the years claimed some 70 thousand civilian lives, and has left hundreds of thousands displaced for years and even decades.

Since the fall of the LTTE’s administrative center, Kilinochchi, in early January 2009, civilian casualties in the northern Vanni region have skyrocketed. The latest figures received by Human Rights Watch from independent monitors on the ground suggest that the total number of civilian casualties has now reached 7,000, including up to 2,000 deaths. 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 interment camps.

Having worked in many conflict areas across the world, I have rarely seen a humanitarian disaster of such scale, where both sides demonstrate such shameless disregard to the safety and well-being of civilians, and which, at the same time, receives so little international attention. Civilians caught in Sri Lanka's conflict continue to die as we speak, and immediate action is necessary to stop this egregious loss of civilian life.

Violations of the Laws of War by both sides of the conflict

During the ongoing fighting in the Vanni, both the Sri Lankan armed forces and the LTTE have committed serious violations of international humanitarian law with respect to the conduct of hostilities. The high civilian casualties of the past months can be directly attributable to these violations.

The LTTE has been responsible for deploying their forces within densely populated areas and deliberately firing on civilians to prevent them from fleeing to safety. There is also evidence that the LTTE has used civilians as “human shields.”

The Sri Lankan forces have committed numerous indiscriminate and perhaps disproportionate attacks consisting of artillery bombardment and aerial bombing. These include attacks on the government-proclaimed “safe zones” and on clearly marked hospitals. Statements by senior officials indicating that civilians who do not leave LTTE-controlled areas are subject to attack are indicative of an intent to commit war crimes.

Violations by the LTTE

The LTTE has deliberately prevented civilians under its effective control from fleeing to areas away from the fighting, unnecessarily and unlawfully placing their lives at grave risk. As the LTTE has retreated in the face of SLA offensive operations, it has forced civilians to retreat with it, not only prolonging the danger they face, but moving them further and further away from desperately needed humanitarian assistance. And as the area that the LTTE controls shrinks, the trapped civilian population has become concentrated, increasing the risk of high casualties in the event of attack and placing greater strains on their living conditions.

Human Rights Watch documented a number of incidents when the LTTE forces fired at civilians who tried to cross to the government-controlled areas, killing and injuring dozens. In an illustrative case, a 35-year-old father of three described how LTTE cadres had shot at civilians attempting to flee:

When we came to Suthanthirapuram, it was full of dead bodies. Bodies were lying along the road. Nobody cared about them. They smelled. We didn't have food for two days. We slept in the field.

Some 150 people started out together, but when we tried to leave, at Suthanthirapuram, the LTTE tried to stop us. There was only a narrow path to leave by. The LTTE caught us. There was fighting, arguments. They were shooting at us. Many people were injured and killed. It was shocking to see. Only 65 were in my group when we came out. We were separated from the rest along the way.

One father was carrying his child on his back. As they were running from the LTTE, he was holding him by the arms so hard—in order not to lose him—that he broke both of the child's arms.

The LTTE practice of forcing civilians to retreat with its forces, rather than allowing them to flee to safer areas, has meant that LTTE forces have been increasingly deployed near civilians in violation of the laws of war. Several cases were reported to Human Rights Watch in which LTTE forces appeared to be making deliberate use of civilians to protect their positions from attack — which is considered to be “human shielding,” and constitutes a war crime.

The LTTE has continued to place civilians at serious risk by forcibly recruiting civilians for untrained military duty and for labor in combat zones. The LTTE also has a long history of using children under 18 in their forces, including in armed combat, and the UN has reported that it continues to do so. Since September 2008, the LTTE has increasingly forced people with no prior military experience to fight or perform supportive function on the front lines, which has led to many casualties. One Vanni resident described this practice to Human Rights Watch:

The workers were taken to the frontline to dig bunkers, collect weapons from killed cadres and SLA soldiers, and so on. It was very dangerous for civilians – about 25 of my neighbors were killed while doing this work. They did not receive any training – the LTTE cadres fetched them from their homes and the next day brought their dead bodies back. Every day, many people were crying in my neighborhood because they lost young children; some even beat up LTTE cadres when they brought the bodies back.

Violations by the Sri Lankan Armed Forces

The LTTE's grim practices are being exploited by the government to justify its own atrocities. High-level officials assert that the ethnic Tamil population trapped in the war zone can be presumed to be siding with the LTTE and treated as combatants, effectively sanctioning violations. Sri Lankan forces have repeatedly and indiscriminately shelled areas packed with displaced persons, causing numerous civilian casualties. This includes numerous reported bombardments of a government declared "safe zone" and of the remaining hospitals in the region.

Concerns of indiscriminate attacks by SLA forces are heightened by reports that they are using multi-barrel rocket launchers. Rockets fired from multi-barrel launchers cannot be targeted with sufficient precision to be accurate against military targets, and their broad area effect makes their use incompatible with the laws of war in areas where civilians or civilian objects (such as schools or hospitals) are located. The use of such weapons in populated areas is indiscriminate in violation of international humanitarian law.

Many of the civilian deaths reported in the past month have occurred in an area that the Sri Lankan government has declared to be a "safe zone." On January 21, the Sri Lankan armed forces unilaterally declared a 35 square kilometer "safe zone" for civilians north of the A35 road between the Udayarkattu junction and the Manjal Palam (Yellow Bridge) in Mullativu district. The Sri Lankan Air Force dropped leaflets appealing to civilians to move into the safe zone as soon as possible.

During the next days, several thousand people gathered in a large playground located just north of the A35 in the safe zone. The playground also functioned as a food distribution center for the local government agent (GA) and international organizations. Several people located in or around the GA food distribution center told Human Rights Watch that, despite the army declaration of a safe zone in the area, the area was subjected to heavy shelling from SLA positions in the period January 22-29, which killed and injured hundreds of people.

One shell that struck inside the playground early in the morning on January 24 killed seven civilians and injured 15. An eyewitness told Human Rights Watch:

One mortar shell came in, close. I heard the whirling sound. It was dark so we didn't know where it landed. When I stuck my head out of the bunker, I saw the mangled body of a young woman by the entrance. I had never seen that

before. I couldn't believe that it was a person.

There was a huge amount of screaming immediately after the impact. More mortar shells started coming in.

Nothing had been touched when we got out of the bunker in the morning. There were lots of people in bits and pieces lying around. My gut reaction was that I don't want to see this, but I felt that I had to.

One woman was lying on her back with two infants, one of whom survived, as I later heard. One baby was hanging from a nearby tree. Another baby, decapitated, was hanging on the barbed wire surrounding the playground. Next to the woman lay her husband, face down.

Next to the family lay other people. One was severed in half. I think the other one was as well, but I couldn't look anymore. One woman sustained shrapnel injuries to her head. Her brain was lying on the ground. The LTTE and police that came to take away the body did not remove the brain from the ground. It was still lying there when they left.

Several sources told Human Rights Watch that LTTE forces maintained positions in the safe zone (although about two to four kilometers north of the playground), from which they fired on SLA positions. And as LTTE forces retreated, they moved heavy artillery eastward through the northern part of the safe zone. This by itself cannot be considered a violation of international humanitarian law, as the safe zones were declared unilaterally by the Sri Lankan government and not in agreement with the LTTE. The SLA was also not prohibited from attacking LTTE forces inside a safe zone.

At the same time, having declared the area a safe zone for civilians, the SLA encouraged civilians to go to the area, increasing the vulnerability of civilians in the event of an attack. By creating the zone, government forces took on a greater obligation to ensure that they spared civilians from the effects of attacks. Given this civilian presence, attacks on valid military targets in the safe zone should only have been carried out after issuing an effective advance warning that the area was no longer a zone protected from attack.

Human Rights Watch also documented several SLA attacks outside of the safe zone which seemed to have been indiscriminate and led to civilian casualties. For example, one of the

witnesses from Vallipunam, a town just outside the government-declared safe zone, recounted to Human Rights Watch the SLA shelling of the town on January 19:

There were about 40-50 people traveling along the road when the shelling started. The shelling lasted for about 15 minutes. About 10 shells landed in the immediate area, but we could hear shells landing further away as well. I was staying in the bunker during this time and for another 30 minutes. When I came out of the bunker, people were crying and shouting. A vehicle had already taken the injured to Vallipunam school [an IDP center]. One shell had landed in the middle of the road, however, killing three people who were still lying there when I came out. The shells were coming from SLA positions, from the southwest. We could hear them when they came in.

According to the witness, there were no known LTTE positions in the vicinity at the time of the attack.

The witness also told Human Rights Watch that seven of his wife's relatives, including two children—8 and 6 years old—were killed on February 5 by shelling in Mathalan, an area controlled by the LTTE that he believes had come under SLA attack. He was concerned that three other bodies had been found, mangled beyond recognition, and could be those of relatives he had not heard from.

During the fighting in 2009, the few hospitals that exist in LTTE-controlled areas have repeatedly come under artillery attack. This has added immeasurably to the suffering of individuals who have sought help in medical facilities, already horribly overcrowded and dangerously short of medical personnel, equipment, and supplies before the attacks.

We gathered information from aid agencies and eyewitnesses on more than two dozen incidents of artillery shelling or aerial bombardments on or near hospitals. Hospitals are specially protected under international humanitarian law. Like other civilian objects, they may not be targeted. But under the Geneva Conventions, hospitals remain protected unless they are "used to commit hostile acts" that is outside their humanitarian function. Even then, they are only subject to attack after a warning has been given setting a reasonable time limit, and after such warning has gone unheeded. Deliberately attacking a hospital is a war crime.

Attacks on hospitals in the Vanni (December 15, 2008 – February 10, 2009)

Information compiled by Human Rights Watch from interviews with aid agencies and eyewitnesses

Date	Hospital	Description
15/12/08	Mullaitivu General Hospital	Shelling: 2 patients injured, damage to ward and medical equipment.
17/12/08	Vaddakachchi Hospital	10 a.m. Aerial bombing hit refugee settlement 250-300m from the hospital.
19/12/08	Mullaitivu General Hospital	11:30 a.m. Five shells hit hospital causing damage to wards, operating theater, and the Medical Superintendent's HQ: 2 staff wounded.
20/12/08	Mullaitivu General Hospital	Shells hit inside hospital grounds.
22/12/08	Kilinochchi General Hospital	6:20 a.m. Aerial bombing hit near hospital, causing shrapnel damage. No injuries reported.
25/12/08	Kilinochchi General Hospital	Shells hit hospital grounds, narrowly missing staff. Damage to newborn nursing section, outpatient department, and reception.
30/12/08	Kilinochchi General Hospital	4 p.m. Shells hit hospital causing damage to the building. No injuries reported.
08/01/09	Tharmapuram Hospital	1:20 p.m. Shells hit Tharmapuram Junction 75 m from the hospital, killing 7.
10/01/09	PTK Hospital	11 p.m. Shells hit IDP settlement located behind PTK hospital.
13/01/09	PTK Hospital	10 a.m. Hospital hit by shells: 1 killed, 6 wounded. Patients fled to the wards to seek shelter from the shelling.
19/01/09	Vallipunam Hospital	Shell landed in hospital yard: 6 people in outpatient ward injured
21/01/09	Vallipunam Hospital	7 p.m. One shell hit hospital
22/01/09	Vallipunam Hospital	Morning. Shells hit hospital compound: killing 5 and injuring 22.

26/01/09	UDK Hospital	Shells hit hospital: 12 killed, 40 injured.
31/01/09	PTK Hospital	Shrapnel from shells hit hospital.
01/02/09	PTK Hospital	Three attacks. First attack: 1 person injured by shrapnel inside the hospital. Second attack: one shell hit the hospital: 1 killed, 4 injured. Third attack: 1 shell hit the women and children ward (no information on casualties).
02/02/09	PTK Hospital	One shell hit hospital: 1 nurse killed, 10 patients injured.
03/02/09	PTK Hospital	Rocket hit surgical theatre: no information casualties.
05/02/09	Ponnampalam Memorial Hospital	Shelling : 60 casualties inside and outside the hospital.
10/02/09	Putumattalan (make-shift hospital for PTK)	Shelling: 16 people killed.

The government has sought to justify attacks that have resulted in high civilian casualties on the grounds that the civilians failed to heed warnings to flee the areas, and that the LTTE's use of civilians as shields rendered the LTTE fully responsible for any civilian loss.

Humanitarian access

The plight of civilians in Vanni has been exacerbated by the government's decision in September 2008 to order most humanitarian agencies out of the region. The government's own efforts to bring in assistance with a minimal UN role have been insufficient. Fighting, lack of oversight, and the manipulation of the delivery of aid by government forces and the LTTE have all contributed to the continuing humanitarian crisis.

Scarce information that comes out of Vanni through phone calls or text messages suggests that the situation gets worse by day, with civilians lacking water, food, medical supplies and other necessities.

On February 10, an international agency received information from its staff, which had relocated to a place along the coast, that the only supplies that they had left were rice, flour,

and oil. They had run out of water and the nearest water was 1.5 kilometers away. Walking there was extremely risky as the area was frequently shelled—an artillery shell had recently landed just 100 meters from the agency's bunker.

The delivery of humanitarian assistance had been further complicated because both sides used humanitarian convoys to advance their military positions, in clear violation of international law.

One individual who joined convoys delivering food supplies on December 23 and 29 said that Sri Lankan government troops used the convoys moving northwards to advance closer to LTTE positions. He told Human Rights Watch that on December 29:

We got to the last SLA checkpoint near Oddusuddan from where the ICRC was supposed to accompany us through no-man's land to the LTTE checkpoint 13 kilometers south of PTK. As soon as we passed the SLA checkpoint, military vehicles joined the convoy and followed the convoy on both sides. LTTE saw it and started firing. The army returned fire and the convoy had to stop for one hour. At this time nobody was injured, but when the same thing happened to the GA [government] convoy the next day, their driver was injured in crossfire.

Plight of the Internally Displaced

The situation of civilians who manage to escape from areas of active hostilities into government-controlled territory is dire. Instead of providing the internally displaced with the assistance and protection they are entitled to under international law, the Sri Lankan government continues to violate their fundamental rights.

The government has arbitrarily detained people during screening procedures; subjected all internally displaced persons, including entire families, to indefinite confinement in military-controlled camps; and failed to provide adequate medical and other assistance to displaced persons. The government has directly restricted the efforts of relief agencies seeking to meet emergency needs, and has deterred agencies from offering greater support through policies that the agencies rightly perceive as unlawful.

The number of newly arrived displaced persons changes daily and is hard to verify, especially since the government does not share IDP registration lists with any international

agencies. As of February 16, according to estimates by international agencies working in the area, there were about 30,700 internally displaced in 12 sites in Vavuniya.

Screening procedures and unknown fate of the detainees

Sri Lankan security forces subject people fleeing from LTTE-controlled areas to several stages of screening, ostensibly to separate those affiliated with the LTTE from displaced civilians. While the government has legitimate security reasons for screening displaced persons to identify and apprehend LTTE cadres, the screening procedures need to be transparent and comply with the requirements of international humanitarian and human rights law. So far, none of these requirements have been met and dozens of individuals, perhaps many more, have been detained during the screening process. The fate of such detainees remains unknown, raising fears of possible enforced disappearances and extrajudicial killings.

According to several sources, at the Omanthai checkpoint - the main screening point for displaced persons on the main A9 roadway before their arrival in camps in Vavuniya - the SLA and the police Criminal Investigation Department (CID) has separated dozens of men and women aged 18 to 35, as well as some teenage children, from their families, allegedly for further questioning. Some have been released within days and transferred to the IDP camps in Vanunya, but the fate of numerous others remains unknown.

An international relief worker told Human Rights Watch that on February 8, 2009, she was approached by about 50 families whose relatives had been detained at Omanthai checkpoint in previous days. Neither the families nor the international worker had any information as to the fate and whereabouts of the detainees. Another relief worker said:

One woman in the camp told me that she was crossing the Omantai checkpoint with her husband and child on February 3. The husband was detained there, and for a week now she has no information about him. People like her call us all night long, trying to get information about their missing relatives.

At this point, no independent observers are allowed to monitor the screening process at the Omanthai checkpoint. Efforts of international agencies, including ICRC and UNICEF (some detainees are children), to obtain the lists of the detainees and any information about their fate and location from the Sri Lankan authorities so far have proved futile

Confinement in internment camps

Upon arrival in Vavuniya, all displaced persons, without exception, are subjected to indefinite confinement in de facto internment camps, which the government calls transit sites, “welfare centers,” or “welfare villages.” Those requiring immediate medical attention are first taken to the hospital, and then to one of the camps (see below).

Sri Lankan authorities have ignored calls from the international community to ensure the civilian nature of the camps. The perimeters of the sites are secured with coils of barbed wire, sandbags, and machine-gun nests. There is a large military presence inside and around the camps.

Several sources reported to Human Rights Watch the presence of plainclothes military intelligence and paramilitaries in the camps. A UN official in Vavuniya told Human Rights Watch that she and colleagues have seen members of paramilitary groups in different camps. In particular, local staff members recognized several members of the People’s Liberation Organization of Tamil Eelam (PLOTE), a pro-government Tamil paramilitary organization long implicated in abuses, present at one of the camps. Military and CID officers regularly conduct nighttime interrogations inside the camps, summoning young men and women into their premises

Displaced persons confined in the camps enjoy no freedom of movement and are not allowed any contact with the outside world. While many of the displaced persons have families in Vavuniya, their relatives have not been allowed to visit them in the camps. Relatives come to the camp sites, trying to find their family members and communicate with them through the fence and barbed wire surrounding the sites, yet they are often chased away by soldiers. The displaced persons in Vavuniya camps are never allowed to leave the sites on their own.

A local relief worker told Human Rights Watch that a woman she spoke with in one of the camps was not even allowed to attend the funeral of her mother who had succumbed to her wounds at Vavuniya hospital. The relief worker said:

I spoke to one woman in the camp—she was crying and screaming. It turned out that her elderly mother, who had been injured and admitted to the hospital, died there on February 7. The elderly woman’s body was given to the son, who lived in Vavuniya, but her daughter was not allowed to leave

the camp even to attend her mother's funeral. She was in agony because she couldn't pay respects to her mother.

Several relief workers working with displaced persons told Human Rights Watch that many are devastated because they have been separated from their family members and have no information about their relatives—those who stayed in the Vanni, those detained at Omanthai, or even those who may be in Vavuniya but confined in a different camp.

In apparent efforts to demonstrate that they can handle the influx of displaced persons without assistance from international agencies, and to prevent any communication between displaced persons and the outside the world, Sri Lankan authorities have significantly restricted the access of international relief agencies and local nongovernmental organizations to the camps. Nor have journalists or human rights groups been allowed access.

While in early February, realizing that they would not be able to handle the situation on their own, Sri Lankan authorities allowed various UN agencies and international humanitarian agencies to set up necessary facilities and provide emergency assistance in the camps, the agencies do not enjoy unimpeded access to the displaced. The decision seems to be made on an ad hoc basis by military commanders in charge of the camps, and as a result, much-needed aid often does not reach the internally displaced. For example, on February 11, 2009, an international agency providing assistance and necessary equipment to the handicapped was not allowed to enter one of the camps. Given the large number of displaced persons disabled as a result of their injuries, the access of this agency to the camps is crucial.

Those working in the camps who spoke with Human Rights Watch said that it was virtually impossible for them to talk to displaced persons and interview them about their experiences. The military, CID, and plainclothes paramilitaries were keeping a close watch on any outsiders in the camp, preventing them from talking to the displaced persons. The military made it clear to the international organizations that violating their rules would result in their losing access to the camps, while local relief workers simply feared for their lives should they get noticed, especially by the paramilitaries.

International bodies, including the UN Secretary-General's representative on internally displaced persons and the UN High Commissioner for Refugees have repeatedly called upon the Sri Lankan government to honor its international legal obligations towards displaced persons. These pleas, however, seem to have fallen on deaf ears.

Meanwhile, the Sri Lankan government is proceeding apace with its plan to confine all of the internally displaced from Vanni into so-called “welfare villages”—while the army conducts the screening, clears areas in Vanni of remaining LTTE cadres, and demines the area. The “welfare villages,” according to the government’s plan, are supposed to have schools, banks, playgrounds, shops, and other facilities, yet those living there will not enjoy the right to liberty or the freedom of movement. Rajiva Wijesinha, the Secretary of the Ministry of Disaster Management and Human Rights, told the media, “Of course, it will not be voluntary - we need to check everyone.”

Originally, the government proposed to keep the displaced persons in the “welfare villages” for up to three years, but following the protests from UNHCR, said it intends to resettle most of the displaced persons by the end of 2009. The Sri Lankan government’s past record with regard to the resettlement of persons displaced by armed conflict does not give cause for optimism that resettlement will happen quickly. On the contrary, it gives reason to be concerned that the government will end up interning those placed there indefinitely.

Inadequate medical assistance at the Vavuniya hospital

The situation of several hundred displaced persons receiving medical assistance at the Vavuniya hospital is desperate.

The majority of patients were brought to the hospital on January 28, when ICRC managed to escort 226 wounded civilians requiring urgent medical assistance, including 51 children, out of the Vanni. Others were either brought to the hospital earlier, by transport organized by the Ministry of Health, or sent to the hospital after they managed to cross to the government side and went through the screening procedures along with other displaced persons.

While the medical staff in the hospital has been trying to do everything possible to assist the wounded, the influx of patients has been far beyond the hospital’s capacity.

When Human Rights Watch visited the hospital on February 11, 2009 — after some of the patients had already been discharged to the camps or transferred to other hospitals — there were still not enough beds for all the patients, and many of the patients, especially in the male ward, were lying on the floor in the corridor. The maternity ward was also overcrowded with no adequate accommodation provided for newborn babies and their mothers, many of whom were also injured.

Several sources told Human Rights Watch that due to the hospital's lack of capacity, patients were being discharged—and sent straight to the camps—long before their injuries were healed, which has already led to at least two deaths.

Human Rights Watch interviewed two women in the hospital who just gave birth. Both of them were in despair as they were informed that they would be discharged and sent to the camp that day. One of the women had been injured by shelling in the Vanni and had one of her feet amputated. She gave birth through Cesarean section four days earlier and still could not even independently take care of herself, let alone her newborn baby. Another woman gave birth to twins a day earlier and was terrified by the prospect of moving into the camp with her two babies and no one to help her take care of them.

It was obvious that the hospital lacked even the most basic necessities. Many of the hospital beds had no bed sheets or blankets, and a number of patients, including at least two children, told Human Rights Watch that they did not have a change of clothes.

Despite the obvious lack of capacity to handle all of the wounded and attend to their needs, the hospital personnel, according to several independent sources, were instructed by the authorities not to ask for any assistance from the international agencies, and very few agencies were allowed access to the hospital.

An international relief worker told Human Rights Watch that her agency tried to provide assistance to the hospital when the convoy with 226 patients arrived in Vavuniya on January 28, but the hospital did not allow them to. She said:

Authorities in the hospital kept telling us, “Go away, all needs are met.” Medical staff are under a lot of pressure—they were instructed by the government not to ask for anything from relief agencies, not to speak about any of the needs, and not to provide any information. They were supposed to demonstrate that the government could handle the influx of patients. Now, however, the situation is so desperate that despite the government orders, medical staff confidentially approach international agencies, asking for medical supplies and other assistance.

The situation of patients is aggravated by the fact that their relatives—even the ones who were allowed to accompany them from the Vanni—have not been allowed to stay with them and have been sent to the camps instead. That has been true even of small children and severely injured patients who require constant attention and assistance. No patients were

allowed to stay with their families—rather than in the camp—after their discharge, despite the hospital staff's efforts to make such arrangements.

Human Rights Watch visited all of the hospital wards and most of the patients were in a state of despair, often crying incessantly. One of the patients told Human Rights Watch:

They promised they would allow us to go back after we get treatment. Now our families are back there, and we have no information about them. And we are not much better off. People are dying in the hospital as well; there are no relatives to help us, and there won't be anybody once we go to the camps. Why did they bring us here? We could have just as well died there [in Vanni], because there is nobody here to take care of us, to feed us, and we are likely to die anyway, just through more suffering.

The hospital is essentially run by the military and guarded even more closely than the camps. Uniformed servicemen patrol every ward of the hospital, the corridors, and the hospital yard. They register all visitors and watch closely, especially when international relief workers enter the wards. Attempts to communicate with the patients have already led to problems for both patients and the people who tried to talk to them.

For example, a local NGO worker told Human Rights Watch that after one of his staff members talked to a young woman with a mental disorder in the hospital, the patient “had gone missing” the next day, and the staff member was approached by the CID and questioned about his conversations with the patient. Out of fear for his safety, he had to discontinue his visits to the hospital.

The NGO worker added that he was aware of three cases in which relatives of the patients “had gone missing” after their visits to the hospital. He also said that, according to the information he received in the hospital, in early February several men arrived in a white van to the hospital and abducted the hospital canteen owner “because he used to go to the wards and talk to the patients.”

The situation in the Vavuniya hospital raises serious concerns regarding the safety and well-being of patients not just in this hospital, but in other hospitals where injured civilians have been evacuated. After some 600 patients were evacuated from the makeshift hospital at Putumattalan to Trincomalee by the ICRC on February 10 and 12, initial reports from Trincomalee hospital suggest that it too has become militarized and access to the patients is similarly restricted.

Recommendations

As a co-chair of the Tokyo Donors' Conference and one of Sri Lanka's key international partners, the United States has the power and the responsibility to address the current crisis. The United States has in recent years been outspoken on violations of human rights and international humanitarian law by both the Sri Lankan government and the LTTE. Given the dire needs of the civilian population in the Vanni, Human Rights Watch urges the Obama administration and Congress to bring new urgency to its concerns. Specifically, the US government should call upon the Sri Lankan authorities to:

- Cease all attacks that violate the laws of war, including artillery bombardment and aerial bombing that does not discriminate between military targets and civilians; attacks on hospitals, and attacks using weapons, such as multi-barrel rocket launchers and heavy artillery, that are indiscriminate when used in or near densely populated civilian populations;
- Facilitate, along with the LTTE, the immediate creation of humanitarian corridors to allow civilians trapped by the fighting to travel to areas away from the fighting;
- Immediately lift the September 2008 order barring humanitarian agencies from the Vanni conflict area in northern Sri Lanka and allow humanitarian agencies to return to assist at-risk individuals and reach all civilians in need; ensure that nongovernmental organizations (NGOs) are able to perform their work without arbitrary government interference;
- Allow independent observers, including journalists, access to conflict zones so that accurate and timely information about the situation of civilians in such areas is publicly available;
- Immediately end the arbitrary and indefinite detention of civilians displaced by recent fighting at the internment camps in northern Sri Lanka;
- Permit international monitoring of the screening procedures to prevent arbitrary arrests and “disappearances” of the detained individuals;

- Otherwise abide by the United Nations General Principles on Internal Displacement, including by permitting the freedom of movement of displaced persons, respecting the right of displaced persons to return to their homes, and permitting humanitarian agencies access to displaced persons.

In addition, we call upon the US government to support a discussion of the humanitarian situation in Sri Lanka at the UN Security Council.

