

18 September 2006

Sri Lanka: Humanitarians Under Fire

On August 6, the bodies of 15 workers from the French aid agency Action Contre la Faim (Action Against Hunger, or ACF) were found lined up and lying face down in the ACF compound in the embattled town of Mutur in eastern Sri Lanka. They all had wounds indicating that they had been executed at close range. Two days later the bodies of two more workers were found in a car nearby, suggesting that they may have been killed while trying to escape. There could be no mistaking their identity: the aid workers, 16 Tamils and one Muslim, including four women, were all wearing ACF T-shirts.

At the time of the murders Mutur had been the scene of fighting between government troops and the Liberation Tigers of Tamil Eelam (LTTE), which resulted in the forced displacement of more than 50,000 residents of the town and the surrounding area. Both parties denied responsibility and accused the other side of carrying out the executions. It has now been established, however, that government forces had re-taken control of Mutur at the time of the executions. Government commanders prevented ACF staff from accessing the area to retrieve the bodies. And the government, while extending an invitation to an Australian forensic team to assist with the investigation, has refused to allow the team to visit the site of the killings.

In the light of this obstruction and based on its own interviews with hospital staff, families of the victims, and other witnesses, the international Sri Lanka Monitoring Mission, in country to monitor the virtually moribund ceasefire between the government and the LTTE, issued a public statement at the end of August accusing government soldiers of responsibility for the murders. To date no official investigation has been carried out and no one has been charged with this crime, the largest and most egregious attack on humanitarian workers anywhere in the world in 2006.

As shocking as the nature and scale of the crime is that it took place in Sri Lanka. Sri Lanka is not a rogue state. The country has a long history of engagement with the international humanitarian community and respect for humanitarian principles. Even in the midst of the long civil war, the government made a genuine attempt to maintain public services in LTTE-controlled areas and allowed humanitarian agencies to access them. For its part, while it exercises tight control over agencies working in its zones, the LTTE has welcomed international assistance and established long-term partnerships with a number of credible international agencies; the response of its relief arm to the tsunami emergency was effective. In addition, one of the most moving and inspiring aspects of any trip to Sri Lanka to assess the humanitarian situation is the heartfelt belief of the Sri Lankan people, regardless of ethnicity, that their government has a responsibility to meet their basic needs, even in the midst of war and natural disaster.

But this record cannot hide the fact that humanitarian work and international humanitarian law in Sri Lanka are now under relentless attack from both parties to the conflict. Especially in the east and in the area around Jaffna, the LTTE is restricting

humanitarian access. Their local cadres in the east have threatened Tamils who seek employment with international aid agencies. During the battle for Mutur, the LTTE held up fleeing civilians and hid in civilian locations, inviting damaging government shelling. As the residents of Mutur fled, the LTTE reneged on its promises of safe passage and targeted young Muslim men for execution.

As for the government, it is allowing the military in the east to harass and obstruct the work of international and local humanitarian aid organizations. The harassment consists of stopping the marked vehicles of aid organizations at numerous checkpoints and asking staff for individual and organizational work permits, neither of which is required under Sri Lankan government regulations; forcing the off-loading and inspection of humanitarian supplies; targeting aid workers of Tamil ethnicity in particular, blocking their passage through checkpoints and conducting strip searches.

As the Mutur executions demonstrate, local staff of international agencies are especially vulnerable. When there was a credible threat of an LTTE assault on Trincomalee in mid-August, virtually all international non-governmental organizations based there, an estimated 15 in all, evacuated their expatriates while leaving their local staff behind to continue operations, compounding the latter's isolation and vulnerability. The lack of credible government and international response to the murders has surely emboldened the combatants of both parties: killing Tamil and Muslim NGO personnel is a crime of no consequence. Impunity rules.

At the national level, the government is seeking to impose a tax on the expenditures of aid organizations, amounting to 0.9% of funds received for humanitarian purposes, and is cooperating with a Parliamentary study on the alleged misdeeds of international agencies. Prominent figures in the government and leaders of parties in the governing coalition routinely give public speeches blasting the conduct of international organizations in Sri Lanka, focusing on the failure to live up to commitments, especially in the tsunami response, over-expenditure on salaries and perks, corruption, and support for the LTTE.

Leaders of the aid community in Sri Lanka, including United Nations officials and directors of major local and international agencies, have been in frequent dialogue with senior Sri Lankan government officials, including President Mahinda Rajapahse himself, to seek an understanding of government concerns and an end to what appears to be a conscious campaign of harassment and intimidation. The aid community has received assurances of government respect for their integrity and professionalism and commitments to end the harassment. For example, the national Ministry of Defense has insisted in conversations with aid agency leaders that no instructions have been given to local commanders to ask for work permits at check points and that no special agency permit from Defense is required. But the demands for such permits at the local level continue and the Ministry has not intervened directly with the unequivocal message that the practice needs to stop.

The donor community's response to the disturbing assault on humanitarian work in Sri Lanka has been weak. Apparently the execution of 17 aid workers is not enough to get

donor countries to move beyond issuing a few public pleas for the Sri Lankan government and the LTTE to return to the negotiating table and respect humanitarian principles. If there have been direct, personal, high-level interventions with the government and the LTTE, they have not been publicly visible. High-level public engagement is essential to restore the morale and confidence of the aid community in Sri Lanka and, most importantly, the embattled civilians of northern and eastern Sri Lanka.

Refugees International Recommends:

- The Sri Lankan government and the LTTE live up to their public pledges of support for the 2002 Ceasefire Agreement, stop all military operations, and return to negotiations without conditions.
- The Sri Lankan government allow an international investigation of the executions of the Action Contre la Faim workers to proceed and prosecute those found responsible.
- The Sri Lankan Office of the President and the Ministry of Defense intervene with commanders and officials at the local level in the north and east to ensure that humanitarian agencies are not subject to demands for permits and other procedures that are not government policy.
- The Co-Chairs of the Tokyo Donor Conference on Reconstruction and Development of Sri Lanka—Norway, the European Union, the United States, and Japan—send a joint high-level delegation to Sri Lanka to convey the clear message to the government and the LTTE that major reconstruction aid will be withheld until the parties return to negotiations, stop all attacks against civilians and respect their obligations under international humanitarian law.
- The Office of the United Nations High Commissioner for Human Rights establish a significant human rights monitoring presence in Sri Lanka to document and seek redress for human rights abuses in the context of the renewed conflict.