

Law and War or War and Law? The District of Vavuniya in a State of Lawlessness

Situation Report (August 2008)



(Medawachchiya Check point)



(Welfare Centre)

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1 Introduction

A recent visit to Vavuniya district (Vavuniya town, Vavuniya south, Vavuniya north and Cheddikulam) reveals troubling evidence of gross human rights violations. It is clear that the context is dire. The journey began in the early morning and by the time we reached Medawachiya some 5 hours later, we were officially ‘searched’ by the Police and Home Guards (now known as the Civil Defence Force¹), on four different instances. In Medawachchiya, we registered at the train station with Police Officers and Home Guards (as requested we provided our destination address and home address). They ‘searched’ through our possessions rigorously, not even an elderly woman with a child of 5 years of age was spared. As no other means of transport were available, all travelers on their way to Vavuniya were forced to take a three wheeler to the bus station from the Medawachchiya train station (at a cost of approximately 200 Sri Lankan Rupees). At the ‘bus stand’, Special Task Force (STF) personnel searched our belongings again; while being searched, we noticed the presence of two youths, in civilian clothing, assisting the STF to identify potential risks. These ‘youths’ according to some members of our team were members of the paramilitary groups operating in the region; we could not ascertain the veracity of this claim. Moreover, on our return, we discovered that members of the Criminal Investigation Division (CID), a division of the Sri Lankan Police Force, were present in all of the train cars, traveling with the general populace. Upon our arrival in Colombo, the CID members helped the Sri Lankan Army officials identify potential suspects to spot check.

Box1

Among the mass of people waiting to pass through the Medawachiya checkpoint stood a woman carrying her young son along with three heavy bags. While waiting in the queue her son awoke and began to crying. Precariously, while carrying her belongings she comforted her child and awaited the compulsory checking that has become all too familiar. A scar was visible on the child’s forehead, and it seemed as though the woman was traveling back to her home after seeking treatment for her son. She reached the front of the line, placed her baggage on the table and the Home Guard, after removing almost the full contents of her three bags, left the items scattered on the table. Balancing her crying child the mother struggled to return her belongings back to her bags and walked towards the bus, one more checkpoint passed.

1.1 Method

This report will detail our findings from interviews conducted with officials from various agencies involved in providing humanitarian and human rights based assistance to the district and beyond. Given the political situation, our sources cannot be revealed. These interviews coupled with our own observations, perceptions and current documentation shape the contents of this report. The report will initially outline Civil and Political Rights violations, followed by Economic, Social and Cultural Rights violations. We will

¹ The Civil Defence Force is the former Home Guard Service, a paramilitary force task as an auxiliary to the Sri Lankan Police. The activities relating to the Home Guard Service are set out under the *Mobilization of Supplementary Force Act No. 40 of 1985*. The local home guards come under the command of the local police.

then focus on specific issues that are of concern in the area, including the present state of IDPs, paramilitary groups, the local hospital and general life in Vavuniya.

1.2 Context

As *the* frontier town, Vavuniya is home to the Sri Lankan Army (SLA), the Sri Lankan Police (SLP) and the Special Task Force (STF, a special unit within the SLP). The Sri Lankan Navy (located near Medawachiyaya) and the Sri Lankan Air Force (SLAF) are also present. Paramilitary groups are also working with the complicity of the authorities in the district and beyond. A number of groups operate within the district including: the Pillaiyan Group, the Karuna Group, PLOTE², TELO 2³ and EPDP⁴.

It is within this volatile mix that the people of Vavuniya must negotiate their daily lives. Contextually, free movement is severely restricted, through existing and new checkpoints, and spot checks by official authorities. For example, within the span of four hours, some of our team members were stopped (asked to descend from their vehicle) and interrogated on five instances. Additionally, amongst the SLF, female officers are visibly placed either at checkpoints or as part of the search teams operating in the vicinity.

One could sense a tangible level of tension, especially due to the presence of the Government forces. Arguably this uneasiness has appeared or rapidly increased recently; according to some of our team members, such palpable tension did not exist during their previous visit in May 2008. As we conducted the interviews, it became apparent that the Sri Lankan Forces (SLF) are in the process of militarizing the area and are preparing for large-scale military operations. It is likely to this end that all of the officials, including the Home Guards, have been armed with automatic weapons and rifles.

2 Civil and Political Rights

2.1 White Van's

White van incidences have reached troubling proportions. There are reports of suspected LTTE sympathizers or alleged LTTE members being kidnapped, either by force or threat, to unknown locations. Some of the vans do not have license plates, however, witnesses have identified both SLF personnel and paramilitary group members- mostly Karuna or Pillaiyan carders as the perpetrators.

The white vans, according to *one source*, at times take the victims past the Medawachchiya checkpoint into Anuradhapura; subsequently, the SLF are aware of these incidents and therefore are complicit in these activities. We could not ascertain the veracity of this claim.

The overwhelming trend is that the victims simply disappear without any trace of a body; few bodies, however, have been found. Those that have been released report of being

²Peoples Liberation Organization of Tamil Eelam.

³ This is a breakaway faction of TELO 1 and functions as a paramilitary group.

⁴Eelam Peoples Democratic Party and functions as paramilitary group.

blindfolded and taken to unknown locations where they were subjected to severe forms of torture including beatings.

Total number of white van incidents for 2008: 15 (2 females/13 males)

2.2 Arrest and Detention (A&D)

Our sources reveal that A&D is quite rampant in the district of Vavuniya. All arrests are made under the *Emergency Regulations and Prevention of Terrorism Act*. More interestingly, once arrested, the relatives of the alleged accused are not provided with a receipt, as per regular legal requirements. The accused are then remanded to Anuradhapura, as there are no facilities (jails) to hold the accused in Vavuniya district. The transfer of the accused to Anuradhapura presents a number of impediments to the accused and their loved ones. Namely, the issue of access is pressing, as travel is restricted. Additionally, legal counsel does not speak the same language as the accused and all services are provided in Sinhala.

Even in cases when the accused is held in the available facilities in Vavuniya district, the process is severely delayed as the officials do not press charges and hold the accused in remand. They at times maintain that the accused is not in their custody (as no receipt was provided), which complicates matters further.

There are also instances of A&D for identity card fraud; individuals are generally arrested for National I.D card irregularities and subsequently, they are held under suspicion of terrorism. Our team witnessed such an occurrence on our way to Vavuniya and the individual was held back at the checkpoint.

Box 2

Following the Medawachchiya checkpoint, there is a second checkpoint at which all passers are again asked to provide details of where they are going and their home address. In the male line stood a gentleman with his son who was between the ages of 5-10. A Home Guard upon checking the gentleman's ID noticed an irregularity in the NIC number (the first two digits are to correspond with the card holder's year of birth). The gentlemen explained that he had contacted the issuing department and he was waiting for a response. Unsatisfied with this answer the man and his son were removed from the line and the Officer in Charge was called over to further question him. Sensing the tension his young son clutched his father's leg and in the distance his wife and daughter looked on helplessly. The bus departed but the family of four remained behind, unsure of what was to come next.

More troubling are reports of detainees being held in bunkers during ICRC visits to police stations and Army Camps (particularly the JOSSOOP Camp). Some observers have indicated that this practice is widespread and ensures that the detainees are held without remand. Additionally, this prevents any international attention on the matter of torture, as those held in the bunkers are subjected to severe forms of torture.

Total number of A&D incidents for 2008: 2

2.3 Torture

Unfortunately torture is a very common practice and most of those arrested claim that they have been subjected to torture while in custody. According to one of our sources, some judges do ask the accused if s/he was tortured and if such a claim is confirmed by the accused, the judge orders that they be produced before a Judicial Medical Officer (JMO). However, the authorities prefer to use the medical officers and the facilities in Anuradhapura and the accused is not able to communicate with the JMO. We were told that there have been instances where the court has issued such an order; however the JMO, for unknown reasons, noted the injuries as self-inflicted, as opposed to torture, which had severe repercussions for the accused.

Our sources claim that one reason for the use of torture is to elicit information about the activities of the LTTE.

Box 3

A detainee was presented before a judge and when the judge inquired about any incidences of torture, the detainee replied by pulling out a pin that had been placed under his thumb nail. He proceeded to narrate how and by what other instruments he had been tortured.

2.4 Disappearance/ Extrajudicial Killings

Most of the incidences of extrajudicial killings and disappearance are a direct result of white van scenarios. For further details, see section 2.1 on White Van's.

Total number of killings in 2008: 38 (8 females/30 males)

Total number of Disappearances in 2008: 29 (1 female)

Total number of Disappearances & Released in 2008: 5 (1 female/4 males)

Box 4

Following a dispute with the paramilitary group PLOTE, a client approached his lawyer afraid for his life as he believed that members of the group were searching for him and would kill him. He was instructed by his lawyer to travel to Mannar and from there go to India by boat in order to save his life. The client agreed to take the advice of his lawyer but said that he would wait until the following week and then make his departure. One week passed and while reading the newspaper the lawyer saw an obituary notice announcing the death of his client who had been shot dead. A visit from the deceased's wife confirmed that the murder had been carried out by PLOTE as his client had feared.

2.5 Freedom of Movement

As noted earlier, freedom of movement is severely restricted. There are numerous checkpoints in Vavuniya district. For example, there are checkpoints in all of the junctions in Vavuniya town. Additionally, roadblocks are set up randomly throughout the town.

All of the above, compounded with the large military presence inhibit the ability of the people of Vavuniya town and district to move freely.

Box 5

Returning from one of our interviews, our team was stopped at a checkpoint manned by 3 Army officers. The 4 individuals were immediately asked to descend from the trishaw and present their IDs. Two officers began questioning one of the female lawyers in an unconventional and unprofessional manner, seemingly not because she posed a security risk.

3 Economic, Social and Cultural Rights

3.1 Livelihood

As a by-product of the war and heavy militarization, people's livelihoods have been severely affected. The severe restriction on movement also poses difficulties.

As a direct result of the Medawachchiya/Mannar checkpoints, food supplies are constantly searched resulting in damage to the food items. We were told of a lorry filled with bags of rice, and in the process of checking, the bags were emptied on the ground. Once inspected, the driver had to shovel the rice back into the lorry along with all of the debris etc. Due to such occurrences, the food transported from Vavuniya District is often of lower quality and at times must even be disposed of without use.

3.2 Food and Nutrition

According to a recent survey conducted under the auspice of nutrition week by the Ministry of Health, 10.8% of children under 5 years of age are facing severe acute malnourishment, while 31.2% are facing global acute malnourishment.

3.3 Health

Both the mental and physical health of the people of Vavuniya district is under severe strain. The statistics obtained relay a story that is quite puzzling but not surprising given the ongoing war.

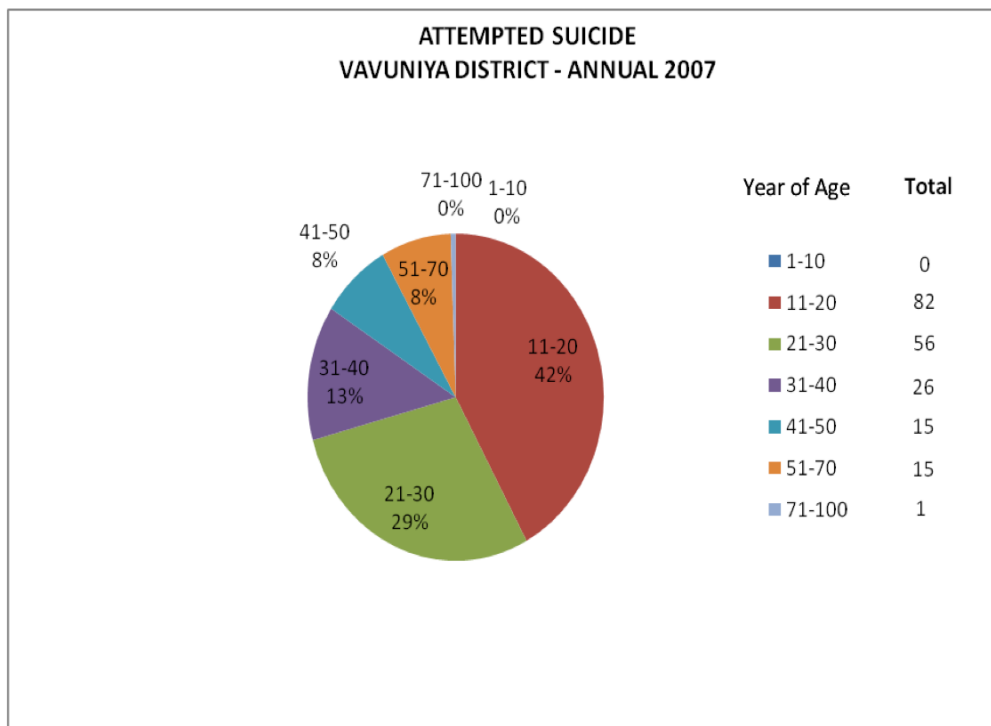
Governmental statistics for 2007 indicate approximately 215,587 patients were cared for in the General Hospital located in the heart of Vavuniya town. Of these patients, it is reported that 237 patients had sustained war injuries. In 2008, the General Hospital had seen to the needs of 124,424 patients, of which 117 had sustained war injuries.

These statistics reveal troubling consequences.

Initially, the war injuries are underreported by the local hospital and the reason for this is quite obvious; either the medical officials are instructed to do so by the government or the victims do not report it as such. Nonetheless, if the above figures are accurate, then

there is a disparity in the care given to those in acute need, especially those that are affected by war from the surrounding areas and those from town for example. Ultimately leading to the question, are the people in the district of Vavuniya having adequate access to medical services, as required by the Economic, Social and Cultural Rights Convention. Furthermore, international humanitarian law and the rules of war actually require the provision of medical services to those that are affected, as per article 38 (2) of the 4th Convention Relating to the Protection of Civilians. These international measures are in fact applicable to Sri Lanka.

The Statistics obtained regarding the mental health of the populace is similarly worrying. There are 195 cases of attempted suicide in 2007 (reported, figure below). As depicted by the chart below, suicide attempts amongst the 11 to 20 year age group is particularly high.



Of the 571 patients who visited the Mental Health Unit of the Vavuniya General Hospital, close to 80% were affected by either mood and or neurotic/psychotic disorder. During our interview, when asked about those that are affected by the war, the officials indicated that all of the patients that they are seeing have been affected by the ongoing conflict. The 20 years or so of the conflict has, according to them, traumatized “these people” and it is very hard to isolate the conflict as a single causal factor. Nonetheless, it has severely affected the mental health of the people, and to some degree has caused an increase in the incidence of neurotic/psychotic disorder.

Box 6

The Mental Health Unit of the Vavuniya Hospital was scattered with people. Some sitting on the ground, others standing and still others stretched across the benches trying to get

some rest. One woman's voice stood out above the rest, the hospital nurses were her adversaries; the hospital wait times her point of argument. When she entered the doctor's room she complained that her mission to see a doctor was like trying to navigate through checkpoint after checkpoint, the nurses playing the role of the checkpoint controllers. She was fed up she said, she no longer wanted to stop, show her ID and justify her movement to each and every person that suspected her. Her solution, she now stays at home and gardens. It has been the only way for her to regain some semblance of her sanity.

3.4 Extortion

There is large scale extortion in the district of Vavuniya. For more details, please see the appropriate section below.

4 War and the people

The following will provide an analysis of specific issues that are of concern in Vavuniya district.

4.1 IDPs

The present IDP situation in the Vavuniya district is stable. Currently there are two welfare centres in this district: Poonthoddam Welfare Centre and Sithamparapuram Welfare Centre.

There are camps in other locations near the district of Vavuniya (in Kalimoddai, Mannar) and there have been reports of Government officials trying to transfer families to the Welfare Centres in Vavuniya. Additionally, the SLF have notified humanitarian agencies as to where they can set up new camps and often these locations are near or next to military camps bordering the frontier; implying that the SLF plans to use the IDPs as human shields in their operations.

4.1.1 The Poonthoddam Welfare Centre



(Welfare Centre Resident)



(Welfare Centre Toilets)

In August 2007, there were 774 families⁵ (total population of 2998) in the welfare camp. Most of these families have been resettled in surrounding areas through a resettlement program. Presently, there are approximately 150 families in the camp. These families cannot be resettled at the moment due to various reasons.

Among the difficulties facing the camp, in July 2008, one of the camp buildings burnt down as a result of suspected arson. As a consequence, several of the agencies involved in providing humanitarian assistance decided to provide a short loan and other resources to those that were affected by the suspected arson.

More recently, other camp buildings have been set on fire resulting in damage to the existing infrastructure and camp dwellers' possessions. Some of the aid agencies suspect that this is a measure by the residents to either take advantage of the aid being provided or a means to show their disapproval of the current situation (some families have been in the camp for 10 years). In light of this, most of the aid agencies have decided not to provide any monetary assistance or other forms of assistance. The consortium of agencies involved is looking at ways to change the situation.



(Burnt Buildings)

Further to this, there is widespread alcohol abuse and prostitution.

⁵ Includes non-registered families.

4.1.2 Sithamparapuram Welfare Centre

Our team was not able to visit this site, however we were able to obtain the baseline data from one of our sources.

Village population	<5		5 – 17		18 – 45		46 – 59		60 & above		TOTAL	
	M	F	M	F	M	F	M	F	M	F	M	F
Refugee returnees	27	28	57	55	109	131	42	32	14	27	249	273
IDPs	112	15	327	378	294	328	55	52	29	13	817	886
Local residents												
TOTAL	139	143	384	433	403	459	97	84	43	40	1066	1159

4.1.3 Prospective IDP's

Most of the humanitarian agencies in the area are preparing for an influx of IDP's from the Vanni in the coming weeks due to the escalation of war. According to the Kilinochi District Secretariat, there are approximately 239,810 IDPs from Mannar North, Pandiyankulam and Thunukkai in Mullaitivu District and the Poonakary Assistant Government Agent Division. These people are facing severe hardship as the supplies that are allowed into uncleared areas have been heavily restricted.

The cost of diesel is approximately 1,500 Rupees, while cement (20,000 rupees) and other prohibited materials have sky rocked resulting in severe hardship. For example a single Pandol tablet costs 30 rupees.

4.2 Paramilitary Groups

The Pillaiyan Group, Karuna Group, PLOTE, TELO 2 and EPDP are the paramilitary groups that are operating within the Vavuniya district. These groups are engaged in several illicit activities, including kidnapping with the complicity of the SLF.

Furthermore, the SLF relies on these groups in trying to achieve their mandate, the fight against terrorism. Nonetheless, their involvement in military operations has had a malignant effect on the population. Apart from the disappearances and extrajudicial killings associated with these groups, there are also allegations of organized crime.

On a smaller scale, PLOTE, TELO 2 and EPDP are involved in extortion: Also know as 'Kappam'. There are reports of all three groups targeting small businesses for money, which possibly means that these businesses have to pay three different groups different amounts every month. We were told of a small jewelry shop owner forced to pay PLOTE 20,000 rupees. All of the groups maintain a similar policy when a business owner is unable to pay the requested amount: the owners must provide them with supplies, which they in turn sell to other businesses in the surrounding areas.

Given the volatile situation, the people of Vavuniya have also begun to use these groups to their advantage. Instead of going to the local authorities, some individuals are looking to these groups to enforce and obtain equitable remedies. For example, when a landlord is unable to receive rent from his tenant, he asks one of the groups to evict the tenant with the promise of payment; this tactic often proves more useful than going to the local courts to get an eviction order, which may or may not be enforced. There are other similar instances.

At the larger scale, all of these groups are involved in kidnapping (for ransom) and in extortion. We were told of instances where a group would require a family to pay ransom for their kidnapped child. Additionally, if a family has a male or female relative working and or living in a foreign country, they are expected to pay 200,000 Rupees and 50,000 Rupees respectively. According to our sources, the authorities are fully aware of the situation. One source indicated that when locals complained to the authorities, the authorities in turn arrested those that had nothing to do with the alleged act under *ER* and *PTA*.

Our sources also note the existence of mercenaries and criminal gangs in the district. These groups act at times with the officials and participate in armed robbery etc.

Box 7

A well known shop owner's son was abducted in an army vehicle and after the abduction, members of a paramilitary group aligned with the government demanded from the shop owner a sum of 50 lakhs. Unable to come up with the full sum but somehow managing to attain half of the ransom the shop owner handed the money over to the paramilitary group who then returned his son. The shop owner was relieved that his son was returned and yet one's security is never guaranteed as threats from the paramilitary group continue.

4.3 Militarization of the Hospital and Restriction on Communication

The Sri Lankan government, in a recent decision requires that all hospitals near the frontier create a specific ward to treat injured SLF personnel. The Vavuniya District Hospital has allocated a specific portion of its facilities for this purpose. During our visit, there was a heavy military presence in the hospital, which undoubtedly significantly deters those seeking treatment, especially if they have been negatively affected through the actions of the SLF.

Communication (usage of mobile telephones and CDMA telephones) is severely restricted. Access for mobile phones is only allowed from 6 pm to midnight.

4.4 Compulsory Recruitment in the Vanni Area

According to several sources, the LTTE has been recruiting in the Vanni district. In some areas, there is compulsory recruitment, regardless of age. One source relayed "that even a man of 50 years of age is expected to participate in the compulsory exercises".

Box 8

A man living in Kilinochchi went to clothes washer ('dobi'), who was over the age of 50, to give him his laundry. The clothes washer informed his customer that he would not be able to return his clothes until a much later time as he had to report for compulsory training. A response to the forward movement of the Sri Lankan security forces into uncontrolled areas has been the military training of all Vanni residents. Regular training, each day from 2pm-5pm is coupled with a three week program of, what one person described as "rigorous training". Selection proceeds irrespective of age or gender, necessitated by need.

5 Recommendations

5.1 *Civil and Political Rights*

- GoSL should take immediate measures to enforce rule of law in the district;
- GoSL should prohibit SLF's from participating in the White Van scenarios;
- GoSL should prohibit the operation of paramilitary groups in the district;
- GoSL should take immediate legal action against those that have perpetrated gross human rights violations;
- GoSL should prohibit SLF's in engaging in any forms of torture, in compliance with international obligations;
- GoSL should ensure due process rights are awarded to those in legal custody or illegal detention;
- GoSL should ensure that SLF's follow the current legal requirements in combating terrorism;
- GoSL should eliminate/remove restrictions on free movement.

5.2 *Economic Social and Cultural Rights*

- GoSL should provide the required assistance those in acute need (malnourishment);
- GoSL should provide further resources to the Hospitals in the district, including the Mental Health Unit;
- GoSL should allow the passage of goods from the district without causing undue barriers and damage.

5.3 *War and the People*

- GoSL should prohibit SLFs from operating with the paramilitary groups;
- GoSL should prosecute those paramilitary groups engaged in extortion;
- GoSL should provide the required land to those in the Welfare Centres;
- GoSL should allow for the safe passage of IDP's into the district from Vanni;
- GoSL should allow INGO/NGO greater access into uncleared areas;
- GoSL should prohibit SLFs from targeting civilians during military operations;
- LTTE should desist in forced conscription/and training;
- LTTE should desist in recruiting child soldiers;
- LTTE should provide safe passage to civilians into cleared areas;
- LTTE should desist in using civilians as human shield.

6 Appendix 1:

ATTEMPTED SUICIDE VAVUNIYA DISTRICT - ANNUAL 2007

MONTH	AGE							Total
	1-10	11-20	21-30	31-40	41-50	51-70	71-100	
January	0	7	7	2	2	1	0	19
February	0	5	5	2	1	0	0	13
March	0	6	4	0	1	2	0	13
April	0	8	3	3	4	0	0	18
May	0	9	5	1	2	1	0	18
June	0	10	1	4	0	1	0	16
July	0	5	11	0	1	1	0	18
August	0	7	4	3	1	3	0	18
September	0	8	2	3	1	1	0	15
October	0	2	5	2	0	3	0	12
November	0	7	2	4	1	2	0	16
December	0	8	7	2	1	0	1	19
Total	0	82	56	26	15	15	1	195

7 Appendix 2:

021-2283945 021-2285738 021-2283964		021-2283965 pakil@silnet.lk KN/DRRS/ES/06
District Secretary District Secretary Agency	மாவட்ட செயலகம் - கிளிநொச்சி දිස්ත්‍රික් මහලේකම් කාර්යාලය - කිලිනොච්චි DISTRICT SECRETARIAT - KILINOCHCHI	Fax E-mail My No Your No

12.08.2008

Date :

Secretary,
 Ministry of Nation Building & Estate Infrastructure Development,
 Colombo - 03.

SUPPLY OF FOOD ITEMS TO DISPLACED PEOPLE ARRIVED TO KILINOCHCHI DUE TO THE PRESENT ABNORMAL SITUATION - AUGUST 2008

Further to my letter of even number dated 07.08.2008 on the above subject. The displaced families' details are to be E-mailed as requested in your format by shortly.

They are staying temporarily in common places and with friends & relatives without proper food and other basic facilities. The details are given below.

DS Division	Approval Received up to June-2008		Arrival from 21.06.2008 to 31.07.2008		Arrival from 01.08.2008 to 11.08.2008		Total	
	No.of fam.*	No.of per.	No.of fam.	No.of per.	No.of fam.	No.of per.	No.of fam.	No.of per.
Karachchi	4865	17357	8813	33242	6851	27226	20529	77825
Kandawalai	2721	10037	315	1161	524	2037	3560	13235
Poonakary	2521	10837	1176	4542	1276	5864	5373	21243
Maruthankerny	1921	7555	15	47	0	0	1936	7602
Total	12428	45786	10319	38992	8651	35127	31398	119905

IDPs are coming from Mannar North, AGA Divisions of Pandiyankulam & Thunukkai in Mullaitivu District and AGA division of Poonakary in our District every day.

*I would like to inform you that 920 families consisting of 3372 members internally displaced families transferred from poonakary AGA division to Karachchi AGA division due to the present abnormal situation. These details have adjusted within the approval received upto June 2008.

We have already received the approval for 12428 families consisting of 45786 members, and I require the approval for the under mentioned families.

Month of July 2008 till 31.07.2008 - 10319 families consisting of 38992 members

Month of August 2008 till 11.08.2008 - 8651 families consisting of 35127 members

I have provided them dry ration under WFP, with your pending approval to this vulnerable displaced people

Thank you very much for your continued support and valuable contribution.

Sgd : N.Vethanayahan
 Govt.Agent / District Secretary,
 Kilinochchi District.

S. NAVANAKUMAR
 Office Asst./Admin Officer
 For Govt. Agent, Administrative Officer
 Kilinochchi District.

- Copy to:
01. Secretary, Ministry of Resettlement, Colombo. f.i. & n.a.
 02. Country Director, WFP, Colombo - for your necessary action please.
 03. Secretary, Ministry of Disaster Management & Human Rights -f.i & n.a
 04. Programme Officer WFP, Kilinochchi - Who is kindly requested to supply the food items to the displaced families.
 05. APD, WFP, Kachcheri, Kilinochchi - f.i & n.a