

**A/S Eric P. Schwartz's Testimony to
The Tom Lantos Human Rights Commission
Regarding the human rights of IDPs in Sri Lanka
Thursday, December 10, 2009**

Thank you for the opportunity to present today on humanitarian issues in Sri Lanka. I have followed the situation in Sri Lanka for more than two decades, and have traveled to the country on many occasions during that period. We are at an important moment in Sri Lanka, and one that offers critical challenges, as well as opportunities to promote return and reintegration, rehabilitation and a brighter future for the people of that country.

In May of 2009, after over a quarter century of conflict, the Government of Sri Lanka defeated the Liberation Tigers of Tamil Eelam, or LTTE, a U.S.-designated foreign terrorist organization. The United States Government has welcomed the end of the conflict with the LTTE, an organization that for decades committed many brutal acts both inside and outside Sri Lanka, killing not only thousands of Sri Lankan citizens but also over 1,250 Indian peacekeepers and former Indian Prime Minister Rajiv Gandhi.

At the same time, serious questions remain about the nature of the Sri Lankan military campaign, particularly with respect to treatment of civilians and general conduct of Sri Lankan forces in the final days of the conflict. We were particularly concerned about the mass exodus of nearly 300,000 Tamils from their homes in the areas of conflict, and their months-long confinement in government-run displaced persons camps, both of which have been an issue of significant interest for members of Congress. As the President said last May, Sri Lanka must seek a peace that is secure and lasting, and grounded in respect for all of its citizens. I believe that peace begins with the human rights of all of Sri Lanka's ethnic communities, including these many thousands of internally displaced persons, or IDPs.

For this reason, I traveled to Sri Lanka in late July—my first trip as Assistant Secretary—to assess the situation of the internally displaced people there. While it was clear at that time that conditions in camps had improved since the immediate aftermath of the fighting, I have spoken out strongly for the release of Tamil civilians confined to camps, who numbered about 280,000 at the time of my visit and who were unable to enter or exit through the barbed wire surrounding the perimeter of the camps. In July, with two and one-half months having passed since the cessation of hostilities, the Government of Sri Lanka had released just 6,000

elderly individuals—an entirely inadequate number. Citing safety and security reasons, the Government of Sri Lanka appeared unwilling to give the remainder of these displaced people the option of returning to their homes or staying with friends or family in other areas of the country.

As I said during my visit and thereafter, the displaced persons are the best judges of their own well-being, and should be free to determine when it is safe and appropriate to leave camps. Moreover, internment of internally displaced persons is in conflict with the widely accepted and highly regarded UN Guiding Principles on Internal Displacement.

Besides the obvious humanitarian concern for a population confined against its will in overcrowded camps and without international monitoring of conditions, it was clear to the United States Government as well as the international community that, after winning the war, Sri Lanka risked losing the peace—embittering Tamil citizens by their continued detention. I therefore announced \$8 million in U.S. funding earmarked exclusively for programming to facilitate the return of these people to their homes. In making this announcement, our goal was to signal our belief that humanitarian assistance, and the Government of Sri Lanka's priorities, should increasingly shift to support the expedited release and returns of internally displaced persons.

Our call for freedom of movement was a message that Assistant Secretary of State for South and Central Asia Robert Blake has made repeatedly since his own tenure as U.S. ambassador in Sri Lanka, and it is one which Ambassador Butenis and USAID Deputy Assistant Administrator Jon Brause have raised forcefully since, as have senior UN officials and other international actors, including the EU and Australia.

I believe these efforts have impacted the thinking and actions of Sri Lankan officials with respect to the IDP situation. While many challenges and serious concerns remain, the situation is dramatically improving in terms of freedom of movement, as my Principal Deputy Assistant Secretary Samuel Witten confirmed on his own recent visit to Sri Lanka in November. We have told the authorities in Colombo that we welcome recent changes, and are prepared to work closely with them to further promote freedom of movement, as well as effective return and reintegration.

In particular, in the weeks since the beginning of October, the Government of Sri Lanka has rapidly accelerated the release of IDPs from closed camps, which has

dramatically altered the landscape of Sri Lanka's IDP camps. According to the UN High Commissioner for Refugees (UNHCR), as of December 6 more than 158,000 IDPs in northern Sri Lanka—over half of the population displaced by the final round of violence—had been released from closed camps, including some 29,000 who had been sent to host families or specialized care centers like homes for the elderly. This left approximately 126,000 internally displaced people in 20 camps across northern Sri Lanka. The vast majority of the releases occurred in October and November, and the Government of Sri Lanka has indicated that more releases will continue throughout the months of December and January. While we have significant concerns about the conditions under which people are returning — which I will shortly outline—it is clear from our conversations in Sri Lanka that IDPs are relieved to be out of the closed sites and pleased to be starting the long, difficult process of restoring their homes and livelihoods.

Adding to this considerable progress on release of IDPs, the Government of Sri Lanka announced on November 21 that as of December 1 it intended to allow increased freedom of movement for those people still residing in closed camps. An estimated 7,000 people left the camps on the first day under the new policy, and others have followed over the last several days. Many have returned to the camp to await organized returns to their homes. While we are still learning whether some restrictions may apply, the new freedom of movement policy is a large step forward.

Moreover, we have learned that security clearances are no longer necessary to travel out of Jaffna district for Sri Lankan nationals, meaning that returnees now in Jaffna are able to move relatively freely. Travel restrictions on the A9, the main highway running through the northern region of the country, seem to have been eased. There are no significant hindrances to freedom of movement in the new return areas of the Vanni, and bus services have begun in many—but not all—areas of return. Although overdue, these are very welcome developments. We look forward to and will continue to press for the implementation of full freedom of movement for all IDPs.

However, notwithstanding this progress, there have also been major challenges.

First, it is critical that the Government of Sri Lanka continue to improve the quality of the returns and reintegration process. Physical conditions in areas of return make the process of return difficult and often dangerous, and insufficient consultation with IDPs prior to their return home hampers the ability of our partners to provide, among other services, adequate mine awareness education for

those returning to heavily mined areas. Moreover, the lack of mine clearance certification in some areas of return poses an immediate threat to those who return home, and places those who await certification in continued limbo staying with host families or in other IDP camps.

Inadequate infrastructure can leave returnees in remote areas with minimal access to essential services, like emergency medical support and schools. Other challenges include reclaiming property, rebuilding damaged homes, tracing separated family members, and developing livelihoods, particularly for farmers who have missed the recent planting season. While these problems may be in some measure due to resource constraints beyond the government's immediate control, limitations on access to areas of return by international organizations and, in particular, NGOs, leave returnees without proper protection or support as they rebuild their lives. Whatever the resource constraints, the government could ease access to those who are in a position to help.

It is also important to note that return numbers include many people who are not yet in their original homes but are living in transferred displacement with host families or in camps closer to their original communities. For example, UNHCR reports that 90 percent of the 69,000 people who returned to Jaffna over the last two months are living with host families. IDPs such as these are still in need of a durable solution and have protection and assistance needs which may differ from returnees who have gone home. The international community and the Government of Sri Lanka are working to develop strategies which distinguish between these groups and provide appropriate support.

To address these concerns, the United States Government has provided \$6.6 million in 2009 for demining, and we are actively examining ways in which we might expand that support. In FY 2009 and thus far in FY 2010, USAID has provided \$38.7 million in food assistance through the World Food Program to help IDPs, a portion of which is now supporting six-month rations for returnees. In addition, U.S. support to UNHCR includes over \$4 million specifically targeted for returns—money which is providing returnees with cash and other basic items to restart their lives. We will continue to look for ways to further efforts to help this returnee population, but our continued support can only be maximized with an improved effort by the Government of Sri Lanka to coordinate its programs with all partners, including the NGO community. Moreover, we encourage the government to involve actively returnees in decision-making on rehabilitation efforts that will so dramatically impact returnee well-being.

The second challenge relates to the residual IDP population—those IDPs who are not yet able or willing to return to their homes. It is unclear exactly how many of these people will be in need of assistance, but the number may reach several tens of thousands of individuals who remain displaced well into 2010. The Government of Sri Lanka has indicated that it may intend to use Zones 0 and 1 of the largest IDP camp, Manik Farm, as well as Manalkadu camp in Jaffna, as open camps for any residual population.

It is important that these individuals receive the assistance they need and that they can effectively exercise rights including freedom of movement and participation in future elections. We are looking at ways the USG might provide assistance to that part of the residual IDP population that chooses to remain in open camps.

The third challenge I would like to highlight is the situation of separated ex-combatants. Over 11,000 men, women, and children have been identified by the Government of Sri Lanka as former LTTE combatants and are being held in separate rehabilitation sites. The International Committee of the Red Cross (ICRC) has not had access to this population since July, and there is no comprehensive legal framework governing the legal disposition of the vast majority of these individuals.

Although the Government of Sri Lanka is proceeding with rehabilitation programs for child ex-combatants and has nearly eliminated the number of child soldiers in pro-government paramilitary forces, we remain very concerned about the status of adult ex-combatants. National reconciliation depends upon many actions, one of which includes a system of engagement with suspected ex-combatants within a clear system that respects human rights.

Finally, national reconciliation requires a process of political dialogue that respects the rights of minorities and their critical role in political decision-making. It also requires accountability, and we are urging the Government of Sri Lanka to initiate a credible process, in consultation with Sri Lankan Tamils and other minority communities, by which individuals responsible for alleged abuses can be held to account.

All of these issues—freedom of movement, the safe and voluntary return of internally displaced people to their homes, justice and accountability, and respect for human rights—are critical to national reconciliation in Sri Lanka. A lasting peace depends on all Sri Lankans—Sinhalese, Tamil, and Muslim, government and

civil society—working together to safeguard and protect the rights of their compatriots.

I thank you for the opportunity to brief the Commission today and I welcome any questions or comments you may have for me.