

Mit geschlossenen Augen im Land?

Zu den merkwürdigen Lageeinschätzungen des 'Hohen Flüchtlingskommissars der Vereinten Nationen (UNHCR) über die Situation von Tamilen in Sri Lanka

Aufgrund mehrerer Stellungnahmen durch das UNHCR-Büro in Colombo und dessen Repräsentanten zur gegenwärtigen Lage von Tamilen in Sri Lanka, die offensichtlich nur auf unvollständigen bzw. unrichtigen Informationen beruhten, sah sich das 'Südasiensbüro' am 3. Juli zu einer Presseerklärung genötigt, die wir hier im Wortlaut abdrucken:

This reply is based on statements, made by the UNHCR office and its representative in Colombo dated September 9, 1996, March 1, 1997 and March 19, 1997.

The UNCHR information update on Sri Lanka dated September 9, 1996 makes seven specific points about the current situation in Sri Lanka. Before addressing these, the following general observations must be made.

- The "update", mentions that the UNHCR had recent discussions with human rights groups and monitoring bodies (in Sri Lanka), such as the Human Rights Task Force (HRTF). They have not specified what human rights groups and monitoring bodies, other than the HRTF, that they have spoken to. To the best of our knowledge they have not contacted Non-Governmental-Organisations (NGOs) such as INFORM, 'Movement for Interracial Justice and Equality' (MIRJE) or the Home for Human Rights. The "update" does not refer to the Movement for the Defence of Democratic Rights (MDDR) or the Civil Rights Movement (CRM). So it can be presumed that these groups were not contacted either.

- The HRTF is a government appointed body. Relying solely on government sponsored organisations can be very limiting, to say the least. Many of the Presidential directives issued in July, 1995 are not adhered to by the security forces. This includes informing the HRTF of any arrest by the security forces. In most cases the security forces do not inform the HRTF. When the security forces advise the HRTF that a person is not in custody - even if the person is in fact in custody - the HRTF goes no further than to advise the person's family that the person is not being detained.

- On February 23, 1996, for example, HRTF was told by the Crime Detection Bureau (CDB) that Sivakumar Subramaniam, who had voluntarily presented himself at the CDB headquarters on February 22, 1996 was not in their custody. The family, who tried to visit him on the same day, were told the same by the CDB. When they went to the HRTF, the HRTF simply told them they checked with the CDB, and he was not being detained. It took until February 25, 1996 until a lawyer was able to verify Mr. Subramaniam's detention in CDB custody. Mr. Subramaniam was only released after 84 days on May 16, 1996.

This example clearly shows the helplessness of the HRTF. One cannot make any serious judgement simply based on HRTF information. The UNHCR "update" of September 1996, being based on discussions with a government sponsored agency, is not only weak but also seriously misleading. Further, the government appointed human rights institutions like the HRTF and the Ombudsman function under tremen-

dous strain with resources being almost totally inadequate to the task. The status of the HRTF continues to be in doubt according to the president of the International Bar Association, Mr. Desmond Fernando. This effectively contradicts the UNHCR's information note issued on March 1, 1997 in which the UNHCR maintained: "National institutions which monitor the human rights situation continue to be strengthened".

To put this in simple, general terms, if a Tamil has a relative who is detained, and that Tamil goes to the HRTF, the HRTF will just ask the security forces if the person is detained. The HRTF will then tell the Tamil person whatever the security forces claim - even it is obviously false.

- The UNHCR "update" of September 9, 1996 states: "it was also confirmed that particularly in Colombo the treatment of detainees remained correct and the torture and other forms of mistreatment were not practised by the police and security forces in Colombo." The information note released by the UNHCR March 1, 1997 states: "The general security conditions and the basic observance of human rights standards in the government controlled areas have essentially not deteriorated since mid 1994". These statements are false. Whether they were made to the UNHCR by the HRTF, or simply made by the UNHCR, they are entirely unreliable.

There was a dramatic increase in the use of torture after the resumption of hostilities between the government and the LTTE in April, 1995. INFORM and Amnesty International among others have widely reported this. In Colombo there were reports of torture in the custody of the CID (Criminal Investigation Department), CDB (Crime Detection Bureau) and STF (Special Task Force). For example Amnesty International (ASA 37/08/96) states the following: "One older prisoner interviewed by Amnesty International how he saw several young Tamil men bleeding and with bruises on their backs in the custody of the CDB in March, 1996". "A 22 year old Tamil woman was tortured by officers of the CID at the office of the Assistant Superintendent of Police at Negombo in mid-September, 1995. She was pricked with a pin on her hands, the scars of which were reportedly still visible several months later".

The Human Rights Desk at MIRJE, the Home for Human Rights, INFORM and the Movement for the Defence of Democratic Rights (MDDR) have documented numerous cases of torture and "disappearances" since April 1995. It is strange that the UNHCR did not take all this information into consideration before setting out to write an "update".

- Another misleading and completely unsubstantiated statement in the September report reads as follows: "We may reiterate, however, that in several

terms and as far as the normal Tamil is concerned the measures taken by the authorities do not manifest themselves either in the form of persecution or other forms of human rights violations." This statement could not possibly be based on any substantive research with respect to human rights violations.

Since the resumption of the armed conflict there are well documented cases of over 60 people who have "disappeared" after arrest by members of the security forces in Colombo and the East. These cases were documented by Amnesty International and INFORM. Since the capture of the peninsula by the government forces, the government claims Jaffna is under its control. One of the main concerns in Jaffna is the continuing human rights violations by the security forces. Large scale abuses began after the LTTE launched a suicide attack on housing minister Nimal Siripala de Silva on July 4, 1996 and overran the Mullaithivu army camp later that month. Over 1.000 people have disappeared. The HRTF, has received 650 complaints of disappearances. It is strange why the UNHCR statements under review here, did not get this information from the HRTF.

Over 670 people are documented as having disappeared in Jaffna alone in 1996. These cases were documented by MIRJE. Most of them from the south-eastern Thenmaratchy area, including 271 employees of government and private institutions and 26 students. Among the disappeared 143 were between 14 and 20 years of age, 375 between 21 and 40 years and 22 between 41 and 61. Amnesty said on April 11, 1997 that the fact over 600 disappearances could occur in 1996, despite government claims it was addressing the problem, was outrageous.

By September, 1995 cases of 40 disappearances had been submitted to the President of Sri Lanka and other relevant authorities. Among them were 15 cases from Colombo. There was no official response from the government.

- There are also 15 "unauthorized" places of detention. This means that the HRTF has no access - even in theory - to these places or the people detained there.

- The bodies of at least 31 Tamils (including Muslims; women and men; and ranging in age from their early 20s to late 30s) abducted in Colombo were found in lakes and rivers in the vicinity. This includes a body found in November, 1996.

- All these amount to gross human rights violations, and persecution of Tamil civilians which UNHCR reports seem to neglect. The UNHCR's reports could not be based on any substantial research.

- On February 27, 1997 the Embassy of Sri Lanka in Washington D.C. issued a press release claiming that Sri Lanka is safe for Tamils. It quoted the director of the UNHCR office in Colombo, Mr. Peter Meijer, as saying that 173 Tamils who had recently arrived in the Netherlands might be "economic refugees" and that "every month millions of guilders are being sent to Sri Lanka by tamil refugees living abroad, and designated for the cause of the LTTE. This is a well organised world wide net work".

Mr. Meijer's statement presumes before their claims are heard that a group of 173 Tamil refugees are fleeing without having any fear of persecution. This contradicts the more neutral position of the UNHCR's administration. In its briefing note issued from Brussels in response to "discussions in the Netherlands" on March 19, 1997 the UNHCR states "an asylum

seeker coming from Sri Lanka can have a well founded fear of persecution and might be in need of international protection". Mr. Meijer's statement implies a desire to advocate against Tamils regardless of their individual circumstances. His statement is also the only UNHCR statement linking any or all Tamil refugees abroad with the LTTE. It is troubling that as a UNHCR officer he is promoting this view, which could reinforce suspicion of Tamils abroad.

- In its March 1, 1997 note the UNHCR claims that Tamils who have their claims rejected can be deported to Sri Lanka if they have identification. The UNHCR states that such people are not detained either on arrival or later. They further claim that all security checks are "monitored by human rights institutions" and that if they are detained Tamils can go to "national human rights bodies". This is an irresponsible statement, given that the HRTF is ineffective. The British Refugee Council's February, 1997 report concludes, to the contrary that "it should not be assumed that it is safe to return asylum seekers to Colombo". This is based on the Council's interviews with deportees who had been tortured. The Council gives specific examples of a Tamil deported from Germany being beaten on arrival at the airport, and two others being detained at the airport as well as a Tamil who was deported by Switzerland in July, 1996 and was supposed to be met at the airport by the UNHCR. But after the UNHCR representative in Colombo failed to show up, he went to a lodge where he was detained by police, and tortured by suffocation in water. The Swiss government unofficially suspended deportations to Sri Lanka following this incident. These incidents contradict the UNHCR's claim, made at a later date, that no such arrests take place.

A young Tamil woman deported from Denmark was detained in Colombo in November, 1996. Danish journalists who travelled to Sri Lanka to report on this were deported by the Sri Lankan government.

It is risky for Tamils after deportation as they are at risk of being detained and tortured in Colombo. In general, mass arrests and individual arrests of Tamils in Colombo continues. Many arrests have taken also place in Negombo, in the Hill country and several other parts of the south of the Island. Recent arrests include over 1.200 Tamils who were taken into custody in the Puttalam district north of Colombo. In April 1997 police said 8.000 people were recently taken into custody and released. Over 300 Tamils were arrested in Colombo on April 2, 1997. Police say they had all arrived in the city recently. On 17 April in a operation by army and police 90 lodges were checked and the police said they detained 114 people.

- The UNHCR recognizes in its March 1 and March 19, 1997 statements that the situation remains "precarious" for Tamils in Northern and Eastern Sri Lanka. Currently all Tamils in Colombo must be registered with the police, whether they reside there or have recently arrived there. Tamils who are not residents of Colombo can only get permits to remain there for a limited time, and it is difficult to get such permission. Tamils returning from abroad are also subject to this requirement. Regardless of whether they obtain temporary permission, they will later have to return to their place of permanent residence. Despite tacitly assuming that Tamils are likely to be in danger in the North and East the UNHCR does not address this.