

HUMAN RIGHTS WATCH

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October 14, 2009

Mr. Dominique Strauss-Kahn
Managing Director
International Monetary Fund
700 19th Street NW
Washington, DC 20431

Re: Vote on Second Tranche of Sri Lanka Loan

Dear Mr. Strauss-Kahn:

We write regarding the upcoming vote at the International Monetary Fund on the second tranche of the US\$2.6 billion emergency support loan to Sri Lanka. Human Rights Watch has grave concerns about the plight of more than 250,000 displaced persons illegally confined in detention camps in Sri Lanka and we urge you to use this opportunity to signal to the Sri Lankan government that it should respect international human rights standards and honor commitments already made to the IMF.

During the initial vote on whether to approve the loan to Sri Lanka, five member states—the United States, the United Kingdom, France, Germany and Argentina—chose to abstain from the vote, thereby sending a strong signal that they did not condone the government's abusive policies.

In its letter of intent of July 16, 2009, the government stated that protection of vulnerable groups adversely affected by the conflict would be an integral part of its economic program, a statement that was echoed in the IMF's own press release when it announced the loan on July 24.

After the government received the first tranche of approximately \$322 million, however, it continued to blatantly disregard commitments made to the international community, including to the IMF. At this writing, it has not made any substantial progress in respecting the rights or improving the situation of the displaced. The government's continued disregard of the rights of the displaced undermines possibilities for reconciliation and effective reconstruction, preconditions for a peaceful, prosperous and economically stable Sri Lanka. We are also deeply concerned about recent media reports indicating that the government has asked for

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increased funds for its military, seemingly in violation of its commitment to the IMF in its letter of intent.

We urge you to express your concern over Sri Lanka's abuses by either opposing or abstaining from the upcoming vote on the release of the second tranche of funds.

We would like to draw your attention to the following:

Continued detention of persons displaced by conflict

According to the most recent figures supplied by the United Nations, the Sri Lankan government continued to hold 255,551 people in detention camps as of September 28, more than four months after the end of the war. The authorities have released fewer than 15,000 people from the camps.

Displaced persons in the detention camps are deprived of their liberty and freedom of movement in violation of international law. They have no access to protection mechanisms enjoyed by other Sri Lankan citizens. For families in the detention camps there are no official mechanisms for finding missing relatives who might be in other camps or in unofficial detention centers.

The government's detention policy contradicts the government's statement that it intends to protect vulnerable groups adversely affected by the conflict.

In addition to illegally depriving the displaced of their liberty and freedom of movement, the government's detention policy has negative implications for a range of other rights that have a direct bearing on several of the stated goals of the IMF loan:

- The more than 250,000 displaced persons confined to the camps are not able to work, significantly increasing the cost of the camps to the government and donors while decreasing the government's tax revenue.
- The high cost of humanitarian assistance needed to run the camps takes limited resources from other vital needs, such as reconstruction.
- Inadequate sanitary, health and education facilities in the camps combine to prevent the displaced from recovering from the hardships of war and rebuilding their lives.

Non-transparent screening and detention

A particularly vulnerable group is displaced persons suspected of LTTE involvement. Since the end of the war, the government has detained more than 10,000 displaced persons on suspicion of membership in or involvement with the LTTE, separated them from their families and transferred them to separate camps and regular prisons.

Human Rights Watch has documented several cases in which individuals were taken into custody without regard to the protections provided under Sri Lankan or international law. In many cases, the authorities have not informed family members about the whereabouts of the detained, leaving them in secret, incommunicado detention, possibly constituting enforced disappearances, and, as a result, especially vulnerable to abuse.

There are no clear criteria for detention and possible prosecution and rehabilitation. The government has denied international organizations, including the International Committee of the Red Cross, access to holding facilities for suspected LTTE cadres, raising serious concerns about their safety and conditions of detention.

Slow pace of return

In its letter of intent, the government stated that it would return 70-80 percent of the displaced by the end of 2009.¹ So far, the government has allowed fewer than 7,000 people to return to their homes. Several thousand others were told that they would return home but were instead transferred to detention camps in their home districts for additional screening, where many still remain confined.

The government argues that it needs time to resettle the displaced because of the need to demine the area formerly under LTTE control. However, legitimate concerns about landmines in the former war zone cannot serve as a blanket justification for the continued detention of the displaced. In addition, many of the displaced are from areas that are not affected by landmines or areas that have already been demined. Residents from these areas should be allowed to return immediately.

The government also stated that it had established a consultative committee on humanitarian assistance to advise on issues related to humanitarian assistance and the provision of basic services to displaced persons. But the government has failed to adequately consult with key stakeholders such as the displaced themselves and international humanitarian organizations in the development of plans for the return and reconstruction process, undermining its effectiveness.

In light of the above, we urge you and other IMF members to oppose or abstain from the vote to release the second tranche of the standby agreement. We urge you to communicate to the government that you will approve the second tranche only if the government takes the following steps to ensure the rights of the displaced:

- Restore liberty and freedom of movement for the displaced who have not been found to be a security threat;

¹ The Sri Lankan government incorrectly uses the term resettlement when it refers to the process of returning the displaced to their homes. "Resettlement" in the context of internally displaced persons means relocation to a place other than the person's original home.

- Place camps for displaced persons under civilian control;
- Grant humanitarian organizations full access to the camps;
- Develop, communicate and implement clear criteria and procedures for security screening and detention of displaced persons in accordance with international law;
- Ensure that the return of the displaced is voluntary, informed and dignified and that the displaced are allowed to return home as soon as possible.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Brad Adams". The letters are cursive and somewhat stylized.

Brad Adams
Executive Director
Asia Division