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**HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S
ATTENTION**

**Written statement* submitted by International Educational Development (IED),
a non-governmental organization on the Roster**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2008]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

The rapidly deteriorating situation in Sri Lanka¹

1. Since our written statement “Human rights and humanitarian law monitoring in Sri Lanka” (A/HRC/6/10) submitted to the Council at its Sixth session, International Educational Development, Inc. and the Association of Humanitarian Lawyers point out that in spite of several important monitoring missions by United Nations officials the situation in Sri Lanka has continued to deteriorate precipitously. The Tamil people are facing an even more genocidal crisis than when we notified the Council, at its fourth and fifth sessions of possible genocide. (See A/HRC/4/NGO/44 and A/HRC/5/NGO/12). The current deteriorating situation is in part due to the unilateral renouncing of the 2002 Cease Fire Agreement by the Government of Sri Lanka in mid-January 2008. The Government and its military forces announced its determination to defeat the Liberation Tigers of Tamil Eelam (LTTE) by military means, and have engaged in almost daily military operations in the Tamil and Tamil-controlled areas. Because of indiscriminate aerial bombings and ground operations by the Government’s armed forces in areas with heavy concentration of civilians, the military operations have resulted in far more civilian deaths and injuries than the combined casualties of the parties to the conflict.

2. The situation is made graver because the Sri Lanka Monitoring Mission (at the end composed only of Norway and Iceland) was forced to withdraw due to the termination of the Cease Fire Agreement, leaving the conflict with essentially no public monitoring by impartial observers.² The site visits by the High Commissioner, Special Rapporteur Nowak and Special Representative Kalin were largely unsatisfactory as none of them were able to visit the Tamil-controlled areas where most of the military operations occur. Mr. Kalin was also unable to look into the situation of the Tsunami-displaced in the Tamil-controlled areas so will be forced to present the Council and the Secretary-General with a grossly inadequate assessment. Many international non-governmental organizations have also been forced to withdraw from Tamil areas, increasing our fears that the Government wants no credible witnesses to genocidal attacks on Tamil civilians as it pursues its goal to crush the Tamil people and their resistance.³ At the same time, the Government offers nothing to the Tamil people. To our organization, this looks like ethnic cleansing and genocide to remove as many Tamils as possible from Tamil areas, if not from Sri Lanka, to enable Sinhala and outside interests (such as those of the United States) to prevail.⁴

¹ The Association of Humanitarian Lawyers also shares the views expressed in this statement.

² The International Committee of the Red Cross maintains its mission in Sri Lanka, but as it has a mandate of confidentiality, it rarely speaks out, especially about the Tamil civilians in the Tamil areas targeted and attacked by Government forces. The SLMM’s authority arose from the Cease Fire Agreement. The SLMM originally included all the Nordic countries, but after extensive lobbying by the US government led to the EU’s proscription of the LTTE, the EU members of the SLMM withdrew. We believe this was an intended consequence. The proscription also serves to undermine the application of humanitarian law to the Sri Lanka conflict, which is clearly involved in an armed conflict with the LTTE. An armed conflict is not terrorism/counter-terrorism. The EU action has severely damaged humanitarian law as a whole.

³ We also point out that over 60 aid workers have been killed in the past several years.

⁴ In this regard, we bring to the attention of the Council the preposterous statement of the Sri Lankan Ambassador to the United States, who in a newspaper opinion piece denies that there is even a traditional Tamil area. See *The Washington Times*, February 17, 2008. The Ambassador also states the Tamil demand for a separate State is a “fabrication”, when the Tamil people and their leaders clearly and publicly made such a demand in 1976.

3. To date the Council has itself contributed to the deterioration of the situation by allowing the Government to carry out overt delay tactics such as its 2006 promise to set up an independent “eminent persons” group. As we indicated in A/HRC/6/NGO/10, the International Independent Group of Eminent Persons did not even begin its work until February 2007, buying considerable time for the Government. The Eminent Persons Group itself declared the effort a failure prior to the Council’s sixth session. The visits of the High Commissioner and Mr. Nowak and Mr. Kalin served to delay any meaningful action at the Council in the second part of its sixth session.

4. We again urge the Special Rapporteur on the Right to Food to investigate as a matter of the highest priority the use of food as weapon of war against Tamils. While there is a continuing food crisis in the Tamil areas, the World Food Programme recently indicated that it was unable to provide food for nearly 31,000 internally displaced person in Mullaitivu. We again draw attention to the Statute and Elements of the International Criminal Court, which provides that restricting food and medicines for the civilian population is part of the crime of extermination. See ICC, Rome Statute, Articles 7 (1)(b) and 7(2)(b); ICC Elements, Article 7(1)(b).

5. In January 2008 we submitted another letter to the Special Advisor to the Secretary-General on the Prevention of Genocide and Mass Atrocities. In it we indicated that a number of experts in the field join us in identifying the situation in Sri Lanka as a “Responsibility to Protect” (R2P) one. Gareth Evans, a former Foreign Minister of Australia, who had been part of the International Commission on Intervention and State Sovereignty, is but one of these. We urged Special Advisor Deng to undertake consultations with Special Advisor Eduard Luck. We are pleased that Special Advisor Deng will address the Council, and we urge the Council to request that Mr. Deng undertake a monitoring mission to Sri Lanka, visiting all areas, including Tamil-controlled ones.

6. In January 2008 we also submitted a letter to the Special Advisor to the Secretary-General on matters relating to the prevention and resolution of conflict. The situation is clearly one that invokes his mandate, and we urged him to call on the technical experts available to him to assist in drawing the parties to the conflict back from the front lines so as to be able to restore the peace process and to investigate properly the many incidents that indicate wide-spread violations of humanitarian law. The Special Advisor’s participation is urgently needed as the SLMM is no longer in place. We also urged him and the technical experts to investigate the many recent bombings of buses, trains and other transport vehicles. While there are conflicting allocations of blame, none of these incidents have been properly investigated.⁵ In fact many are not investigated at all.

7. We are very pleased that the Secretary-General has appointed a Special Envoy, Ms. Angela Kane, to visit Sri Lanka. At time of writing (16 February 2008) her visit is planned to begin on 22 February so we have no way of knowing whether she will be able to visit the Tamil-Controlled areas or whether the Government will yet again deny access to a high level UN official and impede UN action. If this does happen the Council should most strongly press for heavy sanctions placed on the Government. We hope that any conclusions or recommendations she may have can be incorporated into the Universal Periodic Review

⁵ We note, in particular, the statements of the President of Sri Lanka that recent bombings in the Sinhala areas were not carried out by the LTTE although some military personnel maintain that the LTTE was responsible.

session on Sri Lanka that is scheduled for May. If the Government of Sri Lanka denies her access to the Tamil-controlled areas, this should be duly noted as yet another incidence of non-cooperation of the Government with the UN authorities and mandate holders.

8. While we welcome the introduction of the Universal Periodic Review process, we are acutely aware that the timing of Sri Lanka's review in May 2008 might be used as a pretext to delay yet again sorely-needed action on the situation in Sri Lanka by the Council at its seventh session. For the Council to fail to respond appropriately fuels the genocidal intentions of the Government of Sri Lanka, and opens the door for other Governments to do the same. In our view a Special Session on Sri Lanka should be held as soon as possible – certainly before the UPR session.
