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HUMAN RIGHTS COUNCIL  
Tenth session  
Agenda item 4

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

**Written statement\* submitted by International Educational Development (IED), Inc.,  
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.

[13 February 2009]

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

## Genocide in Sri Lanka<sup>1</sup>

1. International Educational Development (IED) is most deeply concerned about the present situation of Tamil civilians affected by the armed conflict in Sri Lanka, and the apparent inability of the international community to either prevent further killings or to provide for those in drastic need of food, water, medical care and shelter. We have informed the Council that the situation in Sri Lanka has been genocidal for several years, and we must question why the Council has not taken appropriate action, free from political concerns. We have also pointed out the international community's duty to act, in particular its "Responsibility to Protect." (R2P). We have sent relevant information to the Secretary-General, and to the Special Advisor on the Prevention of Genocide and Mass Atrocities for more than two years. We had two meetings with the Special Advisor. Obviously, it is too late to prevent genocide and mass atrocities. Now the issue is to stop the genocide and mass atrocities. Clearly the role of the Special Advisor needs to be seriously reviewed.

2. We have been particularly distressed that every time the plight of the Tamil people makes it through an obvious media blackout,<sup>2</sup> issues such as "child soldiers" are raised by some of the most relevant UN mandate holders and a few NGOs, which serves to undermine the natural empathy that people would feel for a victimized group. As all are aware, the legal age for combat is 15 according to the International Criminal Court and humanitarian law norms. The Optional Protocol to the Convention on the Rights of the Child most clearly does not change this. As we have stated in numerous written and oral statements, the language in the Optional Protocol is precatory (advisory) not mandatory.<sup>3</sup> While UNICEF has issued reports indicating some Liberation Tigers of Tamil Eelam (LTTE) combatants are between the age of 15 and 18 (which they refer to as "child soldiers" under apparently their own rules?) there are no indications of more than a handful under age 15. The United Nations Special Advisor on Child in Armed Conflict repeatedly stresses this issue and apparently has no concerns for the other 5 issues under her mandate, again affecting hundreds of thousands of Tamil children, not a few "child soldiers" who are, in fact and law, not child soldiers. As we indicated in a letter to the High Commissioner following her statement about the situation, the "child soldier" issue is nothing akin to the Lord's Resistance Army or conditions in Liberia or other African conflicts where many soldiers are barely 8 or 9 years of age. Raising this issue has taken all attention away from the plight of more than 500,000 Tamil children in the Northeast of Sri Lanka who have grossly inadequate food, medicine and shelter. It also tarnishes the Tamil people as a whole, facilitating the genocidal zeal of the Sri Lankan authorities. What do a handful of child soldiers have to do with the basic rights of the Tamil people to be free from genocide? What conclusion can be drawn about those focusing on this issue and not on the survival of the Tamils as a people in Sri Lanka? Whosoever has used this issue, knowing well its effect, is party to the genocide.

3. The government of Sri Lanka is making certain that no one, other than Tamils (who of course, the government contends, are not "credible" witnesses) are witnesses to the daily atrocities carried out against Tamil civilians and its genocidal intentions. In this light, we draw to

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<sup>1</sup> The Association of Humanitarian Lawyers also shares the views expressed in this statement.

<sup>2</sup> As we indicated to the UN mandate holders, the war in Sri Lanka was number 3 on the Time Magazine list of underreported stories. See "Sri Lankan conflict deadlier this year than Afghanistan," [http://www.time.com/time/specials/2008/top10/article/0,30583,1855948\\_1861760\\_1862207,00.html](http://www.time.com/time/specials/2008/top10/article/0,30583,1855948_1861760_1862207,00.html)

<sup>3</sup> See, for example our statement A/HRC/6/NGO/9.

the attention of the Council the joint statement of 9 February 2009 made by ten mandate holders and procedures: human rights defenders (Mme Sekaggya); freedom of opinion (Mr. La Rue); disappearances (Mr. Corcuera Cabezul); arbitrary detention (Mme Castrillo); the right to health (Mr. Grover); the independence of justice (Mr. Despouy); the right to food (Mr. de Schutter; the right to life (Mr. Alston); and the right to housing (Mme Rolnik). In their joint statement they draw attention to the “suppression of criticism and unabated impunity” as well as the fear and intimidation of civilians coupled with the killing of journalists. At time of writing, the government of Sri Lanka has ordered the International Committee of the Red Cross and all other medical aid providers to leave the zone of combat and the Tamil areas is general, thus leaving as many as 300,000 Tamil civilians at severe risk. We note that the 10 mandate holders also expressed great concern over the plight of the Tamil civilians in the conflict area as well as in other parts of Sri Lanka. We are glad that they pointed out, as we have in numerous urgent-action communications to them, that the “war” is also carried on against the Tamil people in government-controlled areas.

4. We also wish to point out that the government of Sri Lanka has moved thousands of Tamil civilians away from their own villages into what the government itself calls “tent cities” – IDP camps – which they intend to have for a number of years and with no right to freedom of movement. There has been a near total ethnic cleansing of Tamils from their own homes, villages and areas. Sinhala settlers are being moved into Tamil fishing and farming villages. Newly “liberated” Tamils are also sent to camps – which totally deny freedom of movement. In this regard, the entire Tamil civilian population in the Tamil traditional areas of the north and east will be under enforced civilian detention in what are, as no other term applies, concentration camps. So this is what the international community now applauds?

5. We also point out that at time of writing the government of Sri Lanka refuses to accept any international mediation or involvement. The denial by government authorities of a Special Envoy from the UK is especially troubling. But we also point out the position of the UK government in the past week, indicating that situation in Sri Lanka is different than that in Darfur because the LTTE is “proscribed” in the UK. So under this analysis, it is acceptable to penalize the Tamil civilian population because the LTTE has been proscribed by the UK? We are grateful to the offer of Mr. Ramos Horta to mediate, and the attention to this issue from the governments of Norway and South Africa. Unfortunately, unless there is strong UN support for this (and the agreements of the interest parties, especially the US), this will not happen. But persons interested in this happening should not buckle to the hostile reaction from the government. We encourage them to keep trying.

6. As we have pointed out in numerous communications, the failure to resolve the 60 year crisis in Sri Lanka over the Tamil issue is because the United States has had an interest in having military bases in Sri Lanka, especially in the Tamil areas. For these to be secure, the US has reasoned, the Tamil people and their aspirations need to be “subdued” (read genocide). The Bush administration in the US persuaded the UK, Canada (as soon as there was a Conservative Party government) and the EU to go along with its agenda, and has convinced them to “proscribe” the LTTE as a terrorist organization. This has resulted not only in an obliteration of humanitarian law, but also in an international hostility towards the Tamils as a people and ethnic group. The result has greatly encouraged the present Sri Lankan government in its genocidal policies. Those who attempt to help Tamil victims are persecuted. States that are part of the non-aligned

movement have not acted, as the government of Sri Lanka is part of this group. But most members of the non-aligned group have no idea that they have been actually supporting the right-wing United States plans for fully functioning military bases all around the world to use military force, if necessary, to forward US objectives. It is our hope that the new administration in the United States will change this direction, and actually play an affirmative role in resolving the Tamil national question and the 60+ years of Tamil suffering. We also hope that the non-aligned movement will see the reality of what is occurring and act accordingly.

7. To maintain any credibility of impartiality and transparency, the Council must act (1) to request that all States undertake action pursuant to Article 1 of the Geneva Conventions and the R2P; (2) to insist that international humanitarian relief provided by international actors such as the International Committee of the Red Cross, the UN World Food Program, the UN Office of Coordination of Humanitarian relief, the TRO, and others are allowed access to the Tamil areas to provide humanitarian aid and to distribute according to need, not ethnicity; (3) to insist that the Sri Lanka authorities allow the High Commissioner on Human Rights to expand human rights and humanitarian law monitoring in all areas of Sri Lanka; and (4) to ensure that international monitors are able to travel to all affected areas to assess the situation and that the government authorities are not allowed to restrict this.

8. We also ask the Council to request that the Special Rapporteur on the right to food undertake a mission as soon as possible to all the Tamil areas due to the crisis of severely malnourished Tamil children. Finally, due to the almost total intransigency of the Sri Lankan authorities to suggestions from the High Commissioner, other mandate holders, a fair number of States, and many NGOs (including our own), we urge the Council to hold a special session on Sri Lanka as soon as possible. The survival of the Tamil people on the island is at stake.

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