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

**Written statement* submitted by the Asian Forum for Human Rights and Development
(FORUM-ASIA), a non-governmental organisation in special consultative status**

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

[18 February 2009]

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

Escalating human rights and humanitarian crisis in northern Sri Lanka

The escalation in violence in northern Sri Lanka has led to a grave human rights and humanitarian crisis in the region of Vanni with an estimated 350,000 Tamil civilians trapped in the area as a result of the ongoing conflict between Sri Lankan Armed Forces (SLAF) and the Liberation Tigers of Tamil Eelam (LTTE). The civilians in the conflict affected areas have been deprived of the most basic needs of food, water and shelter since September 2008. According to the International Committee of the Red Cross (ICRC), “people are caught in the crossfire, hospitals and ambulances have been hit by shelling, and several aid workers have been injured while evacuating the wounded”¹. Furthermore, the heavy restrictions on access of journalists and human rights monitors make it very difficult for them to conduct independent research on the continuing violations of fundamental rights and freedoms in the region.

The crisis in northern Sri Lanka has been highlighted by the UN Secretary-General Ban Ki-moon², the UN High Commissioner for Human Rights Navanethem Pillay³, the Jaffna Bishop Thomas Saundranayagam, and Nobel Laureate Jose Ramos Horta, President of Timor Leste⁴ as well as by the UN agencies in Sri Lanka and by the ICRC. Deep concern at the situation has also been expressed by the ten independent UN experts⁵.

The LTTE has forced the civilians in the Vanni to move deeper into territory under its control and has prevented them from fleeing to government-held areas. Among these civilians are the local staff members of the UN agencies and international humanitarian organizations. The LTTE has reportedly shot at groups of civilians who have attempted flight.

The almost 30,000 internally displaced people that have managed to flee the Vanni area are detained in camps in Vavuniya, Mannar and Jaffna under the guard of the security forces, reportedly for screening purposes in order to ensure that the LTTE cadre does not infiltrate the south of the country. However, there are severe restrictions on access to these camps even for humanitarian workers. Conditions in the camps are not up to international human rights norms and standards, and there are also reports of acts of violence and human rights abuses within the camps which cannot be confirmed by independent sources due to the denial of access.

The reports of shelling in areas declared as ‘safe zones’ for displaced families by the Sri Lankan military throughout January and February 2009 are flagrant violations of international humanitarian law, regardless of which side in the conflict is responsible for the shelling. Rather than providing a safe haven for the civilians, the situation in these ‘safe zones’ including

¹ International Committee of the Red Cross (ICRC) Press Release, “Sri Lanka: major humanitarian crisis unfolding”, 27 January 2009

² United Nations (UN) Press Release, “Secretary-General says immediate, absolute priority must be given to protection of civilians caught in intensified in Vanni region of Sri Lanka”

³ United Nations (UN) Press Release, “UN human rights chief deplores deteriorating situation for civilians in Sri Lanka”, 29 January 2009

⁴ Asian Human Rights Commission (AHRC), Forwarded Press Release, “Sri Lanka: Nobel Laureate appeals for immediate end to hostilities”, 9 February 2009

⁵ United Nations (UN) Press Release, “Sri Lanka: UN Experts deeply concerned at suppression of criticism and unabated impunity”, 9 February 2009

hospitals and places where civilians were seeking refuge is adding further misery to the plight of the civilian population.⁶

In addition to the severity of the violations of humanitarian norms and of human rights in the conflict areas, there is a deeper issue of impunity, which has been allowed to go unabated throughout Sri Lanka in the past years.⁷ The fear of reprisals against victims and witnesses of human rights abuses, together with lack of effective investigations and prosecutions, has led to a circle of impunity, with disturbing reports of escalating incidents of torture, extra judicial killings and enforced disappearances throughout the country in the past months.⁸

It is clear that while there is an immediate and urgent need to ensure protection of the civilians caught in the conflict in northern Sri Lanka, the long-term goal of restoring peace to the country is an integral part of the resolution of this conflict.

Thus, FORUM-ASIA calls upon the Government of Sri Lanka:

- a) To make safe passage and safe zones a reality and ensure the protection of civilians in accordance with international humanitarian law;
- b) To allow safe and unrestricted access of humanitarian personnel including medical convoys and relief to all civilians in need;
- c) To fully respect and guarantee the legitimate activities of human rights defenders including media, journalists and human rights monitors; and
- d) To allow an international mission to visit the Vanni in order to make an accurate assessment of the humanitarian and protection needs of the people in the affected areas.

FORUM-ASIA calls upon the LTTE:

- a) To lift restrictions on civilian movement and guarantee safe passage for civilians;
- b) To ensure safe and unrestricted access of humanitarian personnel including medical convoys and relief to all civilians in need; and
- c) To fully respect and guarantee the legitimate activities of human rights defenders including media, journalists and human rights monitors.

FORUM-ASIA calls upon the Human Rights Council and international community:

- a) To extend all cooperation and assistance to the Government of Sri Lanka in protecting civilians by preparing and sending an international mission to assess the needs of those civilians in the conflict affected areas;
- b) To exert all diplomatic efforts in mediating between the concerned parties with a view to resolving the crisis;

⁶ Associated Press (AP), "Sri Lanka troops allegedly kill 30 in 'safe zone'", 22 January 2009

⁷ Written Statement of FORUM-ASIA submitted to the 7th session of the UN Human Rights Council (A/HRC/7/NGO/93), "Killings and Disappearances in Sri Lanka", 26 February 2008

⁸ United Nations (UN) Press Release, op.cit.

- c) To urge the Government of Sri Lanka to seriously inquire into the cases of human rights abuses and violations in the context of the conflict, in collaboration with the Office of the UN High Commissioner for Human Rights (OHCHR);
- d) To strengthen the presence of the Office of the UN High Commissioner for Human Rights (OHCHR) in Sri Lanka to enable enhanced scrutiny of the human rights situation, with particular emphasis on the northern region of the country, including through the establishment of a field office in Sri Lanka.
