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

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

[25 August 2008]

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

## **The continuing genocidal crisis in Sri Lanka<sup>1</sup>**

1. International Educational Development remains deeply concerned about the armed conflict in Sri Lanka, and the numerous violations of humanitarian law that continue to invoke international law relating to genocide.

2. Most violations in Sri Lanka, such as killings, disappearances, torture, and arbitrary detention, target the Tamil civilian population and occur in the context of the armed conflict. Accordingly they are grave breaches of humanitarian law. When High contracting Parties to the Geneva Conventions, especially Member States of the Human Rights Council, ignore the serious and continuing grave breaches committed by the government of Sri Lanka and its armed forces, attempt to shield Sri Lanka from their consequences, or provide military aid to the government of Sri Lanka, that State violates its Geneva Convention Article 1 obligations as well as the Convention on the Prevention and Punishment of the Crime of Genocide and can accordingly be legally liable for aiding and abetting war crimes and genocide.

3. Violations also include restricting or preventing the provision of humanitarian aid to the victims of the armed conflict – again, almost all Tamil as the military operations are taking place almost exclusively in the traditional Tamil areas in the North and East. As we have pointed out to the Council a number of times, this is an element of the crime of extermination under the Statute and Elements of the International Criminal Court.<sup>2</sup> Except for the International Committee of the Red Cross (ICRC) there is no international monitoring of these practices or the armed conflict in general.<sup>3</sup>

4. On 6 August 2008 we sent a letter to the Special Representative of the Secretary-General on the Prevention of Genocide and Mass Atrocities because of the serious deterioration of the situation on Sri Lanka and also because of the 25<sup>th</sup> year commemoration of the 1983 massacre by Sri Lanka's Sinhala people of Sri Lanka's Tamil people. The Tamil people in Sri Lanka have, of course, suffered massacres at the hands of the majority Sinhala people in 1956, 1958, 1961, 1974 and 1977 before the worst one in 1983. As we wrote the Special Representative:

Estimates of the 1983 massacre indicate that between 3,000 and 4,000 Tamils were killed, over 300,000 displaced, and millions of dollars of property damage inflicted on Tamil homes and businesses. This led to the mass exodus of Tamils from the island of Ceylon that has produced a Diaspora whose numbers rival the Tamils left on the island. The worldwide Tamil Diaspora paid homage during July 2008 to the events in 1983 that triggered what is now a 25 year war between the Tamils and the Sinhala government.<sup>4</sup> In our view, that event ended the possibility that the Tamil people could live under the yoke of the Sinhala and that

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

<sup>2</sup> See ICC, Rome Statute, Articles 7 (1)(b) and 7(2)(b); ICC Elements, Article 7(1)(b).

<sup>3</sup> As the ICRC has a policy of confidentiality, there is little public non-Sri Lankan source of information about violations of humanitarian law. The International Independent Group of Eminent Persons (IIGEP), established to delay any meaningful, urgently- needed action by the Human Rights Council due to the drastic deterioration of the situation by September 2006, had an very limited mandate, which it has been unable to fulfill, and did not address the situation of the armed conflict. In any case, the IIGEP has now withdrawn, citing that it was essentially impossible for it to work.

<sup>4</sup> Commemorative events were held in US, UK, Canada, South Africa, New Zealand, Norway, France, Australia, Germany, Italy, Switzerland, India, and other countries, with more than a hundred thousand participants.

the only solution is considerable autonomy if not complete severance.<sup>5</sup> The massacre took place a short time after then-President J.P. Jayawardene was quoted in *The Daily Telegraph* as saying:

I will not be worried about the opinion of the Tamil people. Now we cannot think of them, not about their lives or their opinion. The more you put pressure on the North the happier the Sinhala people will be here. Really, if I starve the Tamils out, the Sinhala people will be happy. *The Daily Telegraph* (Colombo), 11 July 1983.

We consider this statement an incitement to genocide and the Jeyewardene government's failure to act to stop the massacre for over 4 days, when all the damage was done, a showing of sufficient intent to commit genocide.

Unfortunately the government authorities have continued to engage in both genocidal policies and rhetoric ever since. At present the rhetoric is becoming alarmingly harsh. For example, in July 2008 Lt. General Sarath Fonseka stated: "This country will be ruled by the Sinhalese community which is the majority, representing 74% of the population."

In our previous letters to you and your predecessor and in our statements handed over to you in Geneva this past June we urged that the situation of the Tamil people was worsening. Since our June meeting genocidal policies have escalated even more. We have previously informed you that a number of UN mandate holders, including the High Commissioner, Mr. John Holmes (OCHA), Mr. Nowak (Special Rapporteur on Torture), and Mr. Walter Kalin (Representative for Internally Displaced) have visited the island, but were unable to fully investigate due to barriers placed by the government of Sri Lanka that restricted access to the Tamil people, especially those in the Tamil-controlled areas. Unfortunately, the government of Sri Lanka has been unresponsive to all recommendations offered by the mandate holders, especially the request by the High Commissioner to establish a permanent human rights office there. Shrill accusations that UN mandate holders support terrorism whenever they express concerns over the situation of the Tamil people continue to be made by government authorities. We consider that the international effort by the government authorities to "demonize" the Tamil people on the island and in the Diaspora and to undermine any sympathy that international actors would normally have when a people is so targeted is also genocidal. In this regard, we point out the efforts by the Sri Lanka authorities to try to get those States with Tamil populations to refuse to allow them to hold commemorative gatherings for the 25<sup>th</sup> anniversary of the 1983 massacre. (Letter of International Educational Development and Association of Humanitarian Lawyers to Francis Deng, 6 August 2008)

5. In our view the situation in Sri Lanka has been genocidal for some time, and we must question why the Council has not acted. We also point out the international community's duty to act, in particular the "Responsibility to Protect." (R2P). To maintain any credibility of impartiality and transparency, the Council must (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 be distributed according to need, not

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<sup>5</sup> We have written extensively on the Tamil people's right to self-determination, and will be happy to transmit information in this regard.

ethnicity; and (3) to insist that the Sri Lanka authorities allow the High Commissioner to expand human rights and humanitarian law monitoring in all areas of Sri Lanka. 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.

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