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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**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.

[31 May 2007]

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

The continuing genocidal crisis in Sri Lanka¹

1. Since our written statement submitted to the Council at its Fourth session (“The genocidal crisis in Sri Lanka,” A/HRC/4/NGO/44) International Educational Development, Inc. and the Association of Humanitarian Lawyers confirm that the genocidal crisis in Sri Lanka against the Tamil people has actually worsened and must be addressed on an urgency basis by the Council and its mandate-holders.

2. Focusing on the mandates now under review, we urge the Special Rapporteur on Adequate Housing to investigate further the forced evictions and displacement of Tamil civilians as a result of the armed conflict. The Sri Lankan military forces have been targeting Tamils with air strikes and ground troop actions to force them to flee into what become “containment” areas. There is clear evidence that some of the vacated properties are given to Sinhala military personnel and civilians. The Special Rapporteur should also investigate as a matter of great urgency the failure to address the post-Tsunami housing needs of Tamils in the Tamil areas on a par with that offered in the Sinhala areas. As all should be aware, the United States government told the American Red Cross and other aid providers that aid could not be provided in the Tamil areas -- even those under government control. The Sri Lankan government itself blocked much post-Tsunami relief to the Tamil areas, and never implemented the fair-share agreement (called P-TOMS) worked out between it and the Liberation Tigers of Tamil Eelam (LTTE).

3. We point out to the Independent Expert on Extreme Poverty that while the Tsunami was a *force majeure*, the policies to prevent post-Tsunami aid to the Tamil areas are completely man-made. Most Tsunami victims are still in makeshift shelters with little food. This is heavily compounded by the armed conflict, which has further displaced hundreds of thousand of Tamil civilians. Government restrictions on traditional life-supporting livelihoods for Tamils in Tamil areas have denied the Tamils the ability to help themselves. For example, there are heavy restrictions on coastal fishing, which violates basic humanitarian law rules, and High Security Zones cover most of Tamil agricultural areas. Access to building materials such as concrete is limited, so people cannot rebuild their homes. We urge the Independent Expert to address this as a matter of great urgency.

4. We 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. In addition to the serious disruption of fishing and farming in the Tamil areas, the government continues to block the land routes into the Tamil areas, especially Route 9 to the North. International aid providers are in a constant crisis mode, as supplies run low and it becomes increasingly difficult to provide even subsistence levels. The Tamil people are near starvation; their children are stunted and mal-nourished. We draw particular attention 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. We urge the Special Rapporteur on Racism to investigate the increasingly overt anti-Tamil racism in Sinhala political parties and government, unfortunately echoed by others both in Sri Lanka and abroad. Denying the Tamils their fair share of post-Tsunami

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

aid is obviously racism at its worse. The upsurge in racism in Sri Lanka is moving the situation closer to genocide. The Sinhala people have already carried out wholesale massacres of thousands of Tamils three times since independence, and at present, there are smaller incidents occurring practically daily with nearly complete impunity. Perhaps he could investigate in concert with the Independent Expert on human rights and international solidarity, whose mandate is also invoked because the constant demonizing of the Tamil people, whether at home or in exile, has impeded humanitarian aid needed to victims of both the Tsunami and the armed conflict. We note paragraph 7 of his report (A/HRC/4/8) regarding the obligations of all States to combat terrorism, but point out that the government of Sri Lanka, with the help of especially the United States, has distorted the difference between armed conflict and terrorism so as to “legitimize” anti-Tamil policies and to deny humanitarian aid to the Tamil victims.² In our view, the legally incorrect labeling of the LTTE as a terrorist organization has been the single most important factor in the failure to reach a settlement of this conflict.

6. Under international law, people have the right to resist oppression and racist regimes: the right to use force as a last resort to achieve freedom and restore human rights is fully protected. What is allowed for Kosovans is allowed for Tamils. While we always regret when any situation deteriorates to the point of war, we can attest that the Tamils clearly had the right to use force long before they actually resorted to it.³ This armed conflict is fully governed by all applicable rules of humanitarian law, and the combatants in this war, as in any war, are allowed to have land, sea, and air forces and to carry out military operations. Victims of the armed conflict, including civilians and sick and wounded combatants, are entitled to humanitarian aid.

7. Many legislators, experts, and human rights and humanitarian law organizations, including our own, have protested the false, politically-motivated designation of the LTTE as a terrorist group.⁴ However, we are also aware that even some “experts” are now confused while trying to separate armed conflict from terrorist/counter-terrorist activities, in part because of the purposeful obfuscation by the United States in its operations in Afghanistan, Iraq and at Guantanamo, and by its desire to be able to decide at will, as it has

² We have long stressed the interests of the United States in the Tamil areas for US air and navy bases as part of the US plan to have rapid military strike capacity anywhere in the world. The US understands that it cannot properly secure such bases unless the Tamil population is sufficiently subdued. We cannot understand why others have been persuaded to also accept this labeling when it is so clearly wrong. As should be patently obvious, terrorist organizations, unlike the LTTE, are not in military uniforms, do not carry out military operations using the instrumentalities and *materiel* of armed conflict, do not control territory, and usually do not even have an identifiable chain of command. Under current United States “definitions,” Ethan Allan and the Green Mountain Boys and, indeed, even George Washington’s Continental Army would be terrorist organizations and the Boston Tea Party a terrorist act. In any case, the international community rightly resisted the US over its labeling of South Africa’s African National Congress as a terrorist organization.

³ Sinhala policies have oppressed the Tamil people from the day the British flag was lowered and the Tamils were taken by surprise when the new flag was raised featuring the Sinhala lion. Early protests by the Tamil leadership fell on deaf ears, and the Sinhala majority and their political leaders began an all-out assault on the basic rights of the Tamil people from that ominous day. After more than thirty years of negotiations and peaceful protests failed to improve the situation, the Tamils began talking of severing their area from the Sinhala part of the island and forming their own militias to protect themselves. In 1983, severely shaken by the 1983 massacre of Tamils by Sinhala mobs, the largest of the militias, the Liberation Tigers of Tamil Eelam (LTTE), began a full fledged war that, except for intermittent periods, continues to rage.

⁴ We note, that in spite of the repeated use of the term “terrorists” by Sri Lankan officials when referring to the LTTE, and the government’s active role in seeking a “terrorist” label by other States, the government has not officially labeled the LTTE as a terrorist organization.

done since World War II, who is a “freedom fighter” and who is a “terrorist” based on its own interests. We also understand that most ordinary people are intimidated by the labeling, thus also affecting international solidarity.

8. The government of Sri Lanka cannot be allowed to back the Human Rights Council and its mechanisms into a corner, making a laughing stock of them and destroying UN human rights systems carefully built up since 1948. We expect that Council and its mandate-holders will ensure that the government of Sri Lanka’s “free ride” is over and will take strong, effective measures to prevent the annihilation of the Tamil people and to facilitate a just peace.
