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

**Written statement* submitted by the Pasumai Thaayagam Foundation,
a non-governmental organization 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.

[13 February 2009]

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

Sri Lanka: A Crying Need To Protect The Rights Of Civilians In Northern Sri Lanka¹

Pasumai Thaayagam Foundation is deeply concerned about the long drawn armed conflict in Sri Lanka, and serious humanitarian crisis that threatens the lives of thousands of Lankan Tamils. Intensified fighting in Wanni region in last 2-3 months and aerial cluster bombing, air attacks, targeted bombing, indiscriminate shellings and firing by the Sri Lankan Military has forced 300,000 people to flee their homes and live in a narrow strip of land. A major humanitarian catastrophe threatens to occur both due to war and as a consequence of extreme privation. The suffering of elderly, injured, children, women and mentally challenged is unimaginable. Worse is the silence about those family members who have disappeared.

“The people have no safe area to take shelter and were unable to flee. When the dust settles, we may see countless victims and a terrible humanitarian situation unless civilians are protected and international humanitarian law is respected in all circumstances, it is high time to take decisive action and stop further bloodshed because time is running out.” States, Jacques de Maio, head of operations for South Asia, International Committee of the Red Cross (ICRC)². On February 10, ten independent UN experts have expressed their deep concern at the deteriorating human rights situation in Sri Lanka³.

The International Community has by and large remained uninvolved with the mass killings of Tamils. Taken in by the promises of the Sri Lankan Government that they will observe human rights norms, most nations have chosen to remain blind and deaf to the cry of tens of thousands of Tamils caught in the ongoing war.

1. State terror

In the last 2 years the Sri Lankan State has transformed existing institutional structures to become state sponsored purveyors of terror involving the security agencies, police, para military forces and others. Serious human rights violations, including enforced disappearance, extra-judicial executions, torture and arbitrary detention, target the Tamil civilian population. Security officials operate with full impunity. In view of large number of complaints United Nations Special Rapporteur on Extra Judicial, Summary and Arbitrary Executions, Philip Alston visited Sri Lanka who explicitly pointed out to “efforts to dismantle existing mechanisms to ensure accountability of security forces for human rights violations”. The UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak also highlighted the impunity enjoyed by security officials and contrasted this to the brutality of torture methods applied in the name of counter-terrorism. The former UN High Commissioner for Human Rights, Louise Arbor, after visiting Sri Lanka reported the situation of impunity to be alarming.

2. Safety Zones becoming Death Traps

The Sri Lankan Government has asked all civilians to leave LTTE held areas and assemble in safety camps or else risk their lives in war shelling. However the Sri Lanka Army (SLA), on 2

¹ PUCL-Tamil Nadu & Pondicherry (India) also shares the views expressed in this statement

² <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sri-lanka-news270109>

³ <http://www.ahrchk.net/statements/mainfile.php/2009statements/1854/>

February 2009, launched intense artillery barrage targeting villages of Thevipuram, Moongilaru, Vallipunam, Suthanthirapuram, Udaiyaarkaddu, Valaighanar Madam, Kompavil and Puthukkudiyiruppu in the Mullaitivu District⁴. Apart from the danger of shelling, once a citizen enters the camp they are not allowed out; people reportedly disappear identified by secret informers and former militants. The safety zones have become virtual death traps. This is the same experience in camps established in the eastern provinces.

The “safe zone”, unilaterally declared by the Government of Sri Lanka on 22 January, is too small for all of the internally displaced persons to take refuge in.

3. Death and Threat to humanitarian Workers

67 persons engaged in humanitarian service were either killed or “disappeared” (presumed dead) during 2006 and 2007 (28 were killed and 15 disappeared in 2006, totaling 43; in 2007, 17 were killed and 7 disappeared, totaling 24). These humanitarian workers played a lifeline for thousands of civilians affected and displaced by the war. They worked where Government agencies were not able to provide adequate assistance and protection to those affected⁵.

Latest reports from the offices of the Regional Director of Health Services for Kilinochchi and Mullaitheevu highlight that SLA has instructed UN and World Food Programme officials to keep away from 'safety zone,' which has been subjected to continuous inhuman artillery barrage, denying civilians any meaningful space of refuge.⁶

4. Attacks on Hospitals

Hospitals have not been spared from bombings by Lankan Security forces. The only remaining hospital in Udaiyaarkaddu within the so-called safe zone again came under heavy shelling by the Sri Lanka Army on February 5, 2009. At least 7 civilians were killed and 27 wounded in the close vicinity of the makeshift hospital functioning in a school. 2 ambulances and the medical store of the hospital were completely destroyed. A nurse was killed.

Medical authorities have reported at least 500 civilians were killed and 2,000 wounded within the last 3 weeks. Sri Lanka Air Force (SLAF) bombers on February 6, 2009 bombed and fully destroyed Ponnampalam Memorial hospital in Puthukkudiyiruppu (PTK), killing scores and wounding many, according to initial reports received from PTK. 61 patients were killed in the air attack. ICRC and Sri Lanka Red Cross Staff were also injured in PTK town⁷.

The SLA and SLAF attacks have included 4 attacks on hospitals (3 on PTK and 1 on Udaiyaarkaddu) and 2 attacks on churches Suthanthirapuram & PTK. Both Kilinochchi District and Mullaitivu District General Hospitals have been displaced

⁴ Tamils Rehabilitation Organisation, 3 February 2009

⁵ Asian Forum for Human Rights and Development (FORUM-ASIA)

⁶ Tami INet, Tuesday, 27 January 2009

⁷ . TamilNet, Thursday, 05 February 2009

5. Silencing the Media: From threats to liquidation

In the last 2 years, the Sri Lankan Government has steadily coerced the media into silence. There exists a ban on reporting about the war. Threats, targeted assaults and finally liquidation have all been systematically used to silence media. On 8 January 2009, Lasantha Wickrematunga, editor-in-chief of Sunday Leader, was gunned down by unidentified gunmen on motorcycles in Colombo. Lasantha had been a critic of the Mahinda Rajapaksa government and the war with the LTTE.

Following assassination of Lasantha, many prominent media personalities known to be critical of the Government have been threatened to leave Sri Lanka. In view of the persistent attacks, many newspapers have ceased their operations.

In January, 2009, attack on Rivira weekly newspaper Upali Tennakoon and his wife, and storming of Maharaja TV and Maharaja Broadcasting Corporation, a private radio and television station, at Pannipitiya, 20 kilometers south-east of the Colombo are illustrations.⁸

The need

The pervasive apparatus of state terror, the focused targeting of Sri Lankan Tamils by security agencies, forced deportations of population, torture and enforced disappearances have become the order of the day in north and eastern Sri Lanka. Ordinary and non combatant Sri Lankan Tamils are currently living under extremely dehumanized circumstances amidst daily threats to their lives from security forces and armed gangs of police supported informers.

In our considered opinion, the current Human rights and humanitarian crisis have been caused by direct and indirect actions of the Sri Lankan state. The acts of the state of Sri Lanka clearly constitute “Crimes against Humanity”.

The failure to provide guarantees for safety and security of the civilians constitutes an admission of the failure of the “Responsibility to Protect” as agreed by the Heads of State and Government in the 2005 World Summit Outcome. International community has the responsibility to “use appropriate diplomatic, humanitarian and other peaceful means” or take “collective action, in a timely and decisive manner”, through the Security Council and in accordance with the Charter of the United Nations.

Recommendations

We urge the Human Rights Council to take note of this extremely precariously poised situation and to intervene more directly and forcefully before thousands of lives are lost. In particular we urge the Human Rights Council to consider the following:

1. Special session

We urge the Council to hold a special session on human rights situation in Sri Lanka as soon as possible.

⁸ the Asian Centre for Human Rights (ACHR) 4 February 2009

2. Responsibility to protect situation in Sri Lanka

The situation in Sri Lanka is clearly a R2P (Responsibility to Protect) situation since the Sri Lankan Government has failed in its responsibility to protect Sri Lankan citizens. We urge to invoke the “Responsibility to Protect.”

3. UN Human rights monitoring in Sri Lanka

Monitoring missions under the UN umbrella is needed to curb atrocious human rights abuse in Sri Lanka.

4. Preventing genocide through Cease-fire

We firmly believe that the continuation of the war will further the genocide and the same shall be prevented only by the option of Cease-fire.
