

International Focus on Catastrophe in Sri Lanka

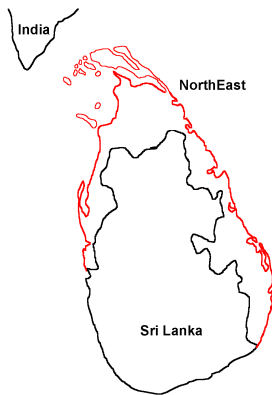
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Madame Navanetham Pillay
United Nations High Commissioner for Human Rights
Palais Wilson
Geneva, Switzerland

Madame:

International Educational Development (IED), a non-governmental organization on the Roster (Secretary-General's list), joins our sister organization, the Association of Humanitarian Lawyers (AHL), to thank you for your statement of 29 January 2008 regarding the dire situation of Tamil civilians in the north of Sri Lanka. As you know from previous contacts and communications, we are two of a very few NGOs that specialize in humanitarian law, and together have been seeking for 26 years to bring the long conflict in Sri Lanka between the Sinhala forces and Tamil people and their forces to a peaceful and equitable conclusion. At the present time, the situation has deteriorated from being serious to being beyond catastrophic for the Tamils. We hope your statement will be followed by concerted international action to prevent their annihilation.



As you know, since our previous submissions to you about the situation, several hospitals and civilian “safe” zones have been the target of military actions by the Sri Lankan forces. Those Tamils who have been “freed” are, in fact, being held in detention camps where they are decidedly not free to come and go. In addition, a number of Tamil fishing villages and farm communities have been ethnically cleansed and their inhabitants are now also in detention camps. Food and medicine are non-existent or in very short supply in all areas, and the government authorities are preventing adequate re-supply.

Under these circumstances, we cannot expect Tamil civilians to turn themselves over to the Sinhala army.

We draw your attention to 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. Clearly, the situation has invoked for over two years a duty (R2P) of the international community to act to prevent genocide and to ensure that victims of armed conflict receive the aid to which they are entitled without regard for nationality, ethnicity or any other discriminatory basis.

Our organizations join many others that consider the situation one of “red alert” for genocide and have done so for some time. Officials in some governments, such as Norway’s Deputy Foreign Minister, have also condemned this as genocide. In this regard, we have sent numerous communications to Special Advisor Deng, whose mandate includes the prevention of genocide and mass atrocities and we still await comments from him. Obviously, it is too late to prevent genocide and mass atrocities, but all the tools of the international community are essential to alleviate some of the suffering. Due to a number of factors, including (1) the geopolitical interests of the United States in the Tamil areas for military bases; (2) the resulting labeling of the conflict as terrorism — to the detriment of the Geneva Conventions and all other treaty-based and customary rules of humanitarian law; and (3) the shrill condemnation by Sinhala politicians against any international actors displaying even the slightest sympathy for the Tamil people, many are intimidated from speaking out.

Anti-terrorism laws in some countries are a huge barrier to civil society, which is normally willing to act according to the Martens clause “dictates of the public conscience.” Aid organizations have been ordered out of Sri Lanka or fled in fear for their lives. Journalists have been assassinated in alarming numbers. Now the authorities are threatening governments and UN officials in ways unimaginable to civilized people.

We note you made reference to reports of child soldiers. We continue to be distressed that certain groups continue to invoke the situation of child soldiers when there has never been any indication of more than a handful of members of the LTTE under age 15, and no indication if any of these actually participated in combat. As you know, the international age for combatants is 15, not 18. While the LTTE or any other combat force may voluntarily adopt a lower age, there is no legal compulsion to do so. Attached, please see a written statement we recently submitted to the Human Rights Council, following a number of oral statements and reports, on this point. This undue emphasis on a possible few soldiers (the situation is nothing at all like the situation with the Lord’s Resistance Army or the conflict in Liberia) has been used, in our view, to demonize the LTTE for political ends and has kept the plight of hundreds of thousands of children in dire need of food, shelter, medical care and protection from military actions by the government forces from being addressed.

As you know from letters we have written to other mandate holders and forwarded to you, the Sinhala authorities continue to refuse to resolve the “Tamil question” except by

military means, which, of course, will not justly resolve it. We note here that the Sinhala authorities continue to stress publicly that Sri Lanka is a Sinhala State and the Sinhalese will govern. The international community must insist that there is a plan acceptable to all the people of Sri Lanka, negotiated upon after a cease-fire.

In our view, there will be no just resolution without outside mediation. The only way to save the Tamil people and ensure that their full rights are afforded and not trampled by Sinhala control, as they have been since independence, will be if the international community acts very strongly and immediately. We can only hope that your statement will be a catalyst for the type of action that is needed, and that you will follow it up with demands that the Sri Lanka government allow you or a representative to visit the affected areas with no restrictions. This is no time to allow the Sri Lankan authorities to refuse the just demands of mandate holders in accordance with international law.

In this regard, we also urge all, including you, actively to seek out representatives of the Tamil people in the very large Diaspora and to meet with those who seek an audience. They are in the Diaspora because they fled oppressive Sinhala regimes, and are in constant communication with their relatives still on the island. Their views are most important, and must form part of any just solution. Again, thank you for your action regarding Sri Lanka. Please let us know if there is anything we can do to help you in your work.

Most sincerely yours,

Karen Parker, JD
Chief delegate, International Educational Development (Roster)
President, Association of Humanitarian Lawyers
