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

**Written statement* 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.

[22 May 2008]

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

The armed conflict in Sri Lanka¹

1. International Educational Development remains deeply concerned about the armed conflict in Sri Lanka. In our submission to the Universal Periodic Review of Sri Lanka we commented on the lack of scrutiny by the international community in evaluating the military operations and war-related government policies in respect to their conformity with humanitarian law norms and their impact on the realization of human rights in Sri Lanka. We concur with the High Commissioner, who in commenting on her visit last fall says that “[t]he broader human rights issues affecting all communities on the island have been eclipsed by the immediate focus on the issues relating to the conflict.”² In our view, until the broader international community begins to focus much more on the proper application of humanitarian law to this conflict, it will not be possible to either improve human rights in Sri Lanka or engage with Sri Lanka in a process leading to a just peace.

2. Many of the human rights violations in Sri Lanka, such as killings, disappearances, torture, and arbitrary detention, occur in the context of the armed conflict and are accordingly also violations of humanitarian law. All States are bound by the obligations set out in Article 1 of each of the Geneva Conventions of 1949 to both respect the Geneva Conventions and to ensure respect for them “in all circumstances.” The situation on Sri Lanka cannot legally be an exception as the word “all” does not allow for exceptions. Clearly, if a Member State ignores the serious and continuing grave breaches committed by the government of Sri Lanka and its armed forces, or attempts to shield Sri Lanka from their consequences, that State would violate its Article 1 obligations.

3. In Sri Lanka humanitarian law violations affect both combatants and civilians as well as the provision of aid to the victims of armed conflict. As the military operations are taking place almost exclusively in the traditional Tamil areas in the North and East, almost all of these victims are Tamil. Assessment of the situation has been especially difficult because the government of Sri Lanka has blocked most international access to the Tamil areas – denying even the High Commissioner’s request to visit the Tamil-controlled areas. The problems have drastically worsened since the January 2008 unilateral withdrawal by the Sri Lankan government from the 2002 Cease-Fire Agreement and the onset by the Sri Lankan armed forces of more concerted military operations. While there were many military operations throughout the Cease-Fire period, the Sri Lanka Monitoring Mission (SLMM) had a team in the field to investigate alleged violations of humanitarian law. The withdrawal from the Cease-Fire Agreement forced the two remaining countries, Norway and Iceland, to leave the country, with the result that except for the International Committee of the Red Cross (ICRC) there is no international presence in the war zone.³ As Special Rapporteur Alston commented at the completion of his mission to Afghanistan that can apply equally to Sri Lanka:

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

² UN News Center, “UN, Sri Lanka should cooperate on human rights, High Commissioner says,” 15 October 2007.

³ As the ICRC has a policy of confidentiality, there is no reliable 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.

When ordinary people make huge efforts to find out who conducted the raid or air strike that killed their loved one, to discover whether an investigation ever took place, or to ascertain whether anyone was prosecuted, they often turn away empty-handed, frustrated and bitter. This is counter-productive and must end.⁴

4. We would especially like the international community to address the war as it affects hundreds of thousands of children, most of them Tamil. To date, most concerns raised about the children in this armed conflict have been about possible child soldiers inducted by the parties to the conflict who, by even the most exaggerated of figures, currently number in the low hundreds in regards to those under the international law age of 15. Some States have even stressed the rehabilitation needs of former child soldiers who are now released. While laudable, it is time to ask “what about the other hundreds of thousands of children without sufficient food, shelter, medical care, and schooling.” Further, at least a third of the war casualties have been children. Countless thousands of other children have been wounded in the course of military operations, including by direct targeting of schools, hospitals, homes and other civilian structures.

5. Tamil children have been especially vulnerable to serious or severe malnutrition due to lack of food. UNICEF has issued some shocking figures on their numbers: severe acute malnutrition (SAM) is over 6% for children under 5 years of age in the Tamil areas of the NorthEast and UNICEF operates nearly 100 therapeutic feeding centers in the area.⁵ These figures do not include children over 5, pregnant or nursing mothers, or those with moderate to severe malnutrition. The reasons for malnutrition include the continuing pattern of blockages of food and medicine convoys and closing main land route to the Tamil areas, confiscation of much of farm land in the Tamil areas for “High Security Zones” and curtailing traditional Tamil fishing. We also note again the blockage of much post-Tsunami relief to the Tamil areas, where hundreds of thousands of Tamils, many of them children, still languish in camps for the internally displaced.⁶

6. In our view the situation in Sri Lanka has been genocidal for some time, further invoking the international community’s duty to act, in particular the “Responsibility to Protect.” (R2P). Accordingly, we urge the Council (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 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 urge the Council to demand that Sri Lanka fully comply with all norms of humanitarian law and human rights. We 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 children. Finally, due to the almost total intransigency of the Sri Lankan authorities to

⁴ United Nations Press release of 15 May 2008.

⁵ UNICEF, Humanitarian Action Report 2008, www.unicef.org/har08.

⁶ We strongly applaud the response by the international community to the refusal of the government of Burma (renamed Myanmar by the current illegal regime) to accept international relief but wonder why a similar response did not occur when post-Tsunami aid was heavily restricted to the seriously affected Tamil areas in Sri Lanka or does not occur now in response to the continuing blockage of humanitarian relief corridors to the Tamil areas in the course of the war.

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.
