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RtoP Listserv

Web: www.responsibilitytoprotect.org

E-mail: info@responsibilitytoprotect.org

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I. Sri Lanka war endsalls for justice for crimes committed remain

On 19 May 2009, the Sri Lankan government officially declared an end to the 25-year civil war after the army gained control of the entire island and killed Velupillai Prabhakaran, the leader of the Tamil Tigers. While this military victory over the Tamil Tigers is celebrated, according to estimates by the UNHCR 280,000 ethnic Tamils remain internally displaced and struggle to

come to terms with the devastation of war. Around 210,000 of these internally displaced persons (IDPs) live in Menik Farm, described by the UN to be the orlds largest displacement camp. Navi Pillay has asserted that investigating human rights abuses committed by the Sri Lankan government and the Tamil Tigers is needed for the countrys post conflict development process.

The Human Rights Council (HRC) called for a special session on 26 May 2009 to discuss human rights violations in Sri Lanka. A European-backed resolution was put forward, pushing for unfettered access to detained civilians and an internal investigation of alleged war crimes by both sides. However, a Resolution proposed by Sri Lanka won the votes of the majority in a document congratulating the Sri Lankan government on its victory of the civil war and ignoring human rights concerns. This turn of events has been viewed as a [disgrace](#) and [deeply disappointing](#) by some who are also questioning the purpose and legitimacy of the HRC. Meanwhile, Holmes maintains that the death toll in Sri Lanka have been [unacceptably high](#) and calls for an inquiry.

1. HRC fails to pass resolution for access to detained civilians and investigation of war crimes
Times Online
28 May 2009

Sri Lanka claimed a propaganda victory last night after the United Nations Human Rights Council passed a resolution praising its defeat of the Tamil Tigers and condemning the rebels for using civilians as human shields.

China, India, Egypt and Cuba were among the 29 developing countries that backed a Sri Lankan-proposed resolution describing the conflict as a omestic matter that doesnt warrant outside interference. The resolution also supported Colombos insistence on allowing aid group access to 270,000 civilians detained in camps only s may be appropriate.)

Western diplomats and human rights officials were shocked by the outcome at the end of an acrimonious two-day special session to examine the humanitarian and human rights situation in Sri Lanka after the blitzkrieg of the final military offensive that wiped out the Tiger force.

he vote is extremely disappointing and is a low point for the Human Rights Council. It abandons hundreds of thousands of people in Sri Lanka to cynical political considerations, Amnesty International said.

Sri Lanka, unable to stop the Human Rights Council taking up its case, rushed its own motion to the floor in time to beat a more censorious resolution tabled by Switzerland.

Twelve countries, mostly European and including Britain, opposed the resolution after failing to win support for their version, which called for unfettered access to detained civilians and an internal investigation of alleged war crimes by both sides.(...)

Source:

http://www.timesonline.co.uk/tol/news/world/us_and_americas/article6375044.ece

Human Rights Council Resolution:

<http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/11/docs/L1.Rev.2.doc>

Amnesty International Press Release in response to the resolution: <http://www.amnesty.org/en/for-media/press-releases/sri-lanka-un-must-publicize-civilian-casualty-figures-20090529>

2. U.N. Official Urges Probe of Sri Lanka, Rebels
Associated Press
27 May 2009

The United Nations' top human rights official demanded Tuesday an independent investigation into atrocities allegedly committed by both sides in Sri Lanka's civil war.

High Commissioner for Human Rights Navanethem Pillay said at an emergency meeting of the Geneva-based U.N. Human Rights Council that tens of thousands of civilians had been killed or injured in intense fighting since December between the government and Tamil rebels, or Liberation Tigers of Tamil Elam.

A majority of the 47 countries on the council appeared unwilling to heed her appeal for a war crimes probe.()

"In no circumstances can the end justify the means," Pillay said. "There are strong reasons to believe that both sides have grossly disregarded the fundamental principle of the inviolability of civilians."

Sri Lankan Ambassador Dayan Jayatilleka said it is "outrageous" to suggest the government should be investigated along with the rebels, saying it was like asking the victorious allies of World War II to accept a war crimes tribunal for the atomic bombing of Hiroshima.() Jayatilleka insisted that the conflict was a domestic matter in which other countries had no right to interfere, and he denounced the staging of the council meeting.

Pillay, other senior U.N. officials and rights groups have said that a team of independent investigators should examine claims that government forces shelled civilians that were allegedly being kept as human shields by the Tamil Tigers in the war that the rebels lost last week.

Sri Lanka, which has strong support in the 47-member council, proposed a resolution of its own stressing "the principle of noninterference in matters which are essentially within the domestic jurisdiction of states."

The resolution, which has the support of China, Cuba, Pakistan and others, also urges the international community to cooperate with Colombo by providing it with more financial aid.

Switzerland, backed by European countries, Mauritius and Canada, proposed a resolution condemning the loss of life -- believed to have exceeded 7,000 in the last months of the war -- but stopped short of demanding a war crimes probe.()

Source: <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/26/AR2009052603499.html>

UN News: <http://www.un.org/apps/news/story.asp?NewsID=30916&Cr=sri+lanka&Cr1=>

Transcript of High Commissioner for Human Rights Navanethem Pillays video message:
<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/1BBA5307164D4708C12575C20054FB10?opendocument>

3. Durable political solution key to development in post-conflict Sri Lanka Ban
UN News
24 May 2009

Addressing the aspirations and grievances of all communities, as well as finding a lasting political solution, is essential for long-term development in the wake of the end of the long-running conflict between Sri Lankan troops and separatist rebels, according to a joint statement issued by the Government of the South Asian nation and the United Nations.

Secretary-General Ban Ki-moon, at the invitation of Sri Lankan President Mahinda Rajapaksa, wrapped up his visit during which he met with top officials and others, visited camps for internally displaced persons (IDPs) and flew over the former conflict zone to the country yesterday.()

His mission to Sri Lanka sought to promote progress in three key areas: immediate humanitarian relief reintegration and reconstruction and an equitable political solution.

In the joint statement also issued yesterday, Mr. Rajapaksa and Mr. Ban agreed that following last week's end of military operations against the Liberation Tigers of Tamil Eelam (LTTE), the country has entered a new post-conflict phase and faces many obstacles relating to relief, rehabilitation, resettlement and reconciliation.

While addressing these critical issues, it was agreed that the new situation offered opportunities for long-term development of the North and for re-establishing democratic institutions and electoral politics after 2 decades, it said, noting that the Government has committed to empower the people of the north, where fighting raged, both economically and politically.()

The Government should undertake certain confidence-building measures to clearly and unmistakably signal its good intentions in addressing root causes of Tamil and Muslim grievances, Mr. Ban told reporters yesterday.()

Source: <http://www.un.org/apps/news/story.asp?NewsID=30904&Cr=sri+lanka&Cr1=>

Joint Statement: <http://www.un.org/News/Press/docs//2009/sg2151.doc.htm>

4. UNHCR concerned at camp conditions for Sri Lankas displaced
UN News
20 May 2009

The UN High Commissioner for Refugees (UNHCR) estimates that up to 80,000 people have left the conflict zone in the last three days alone, bringing the total number of those displaced in the last several months to 280,000. ()

He said some 230,000 internally displaced persons (IDPs) have been screened and registered and are currently accommodated in 41 sites spread across four districts. Another 50,000 people are undergoing screening and registration at various points and awaiting transportation to the sites.

Source: <http://www.un.org/apps/news/story.asp?NewsID=30864&Cr=sri+lanka&Cr1>

More info on IDPs [statement](#) by the representative of the SG on Human Rights of Internally Displaced Persons, 15 May 2009

5. Statement on Sri Lanka by the Office of the Special Advisor of the Secretary-General on the Prevention of Genocide
Mr. Francis Deng
15 May 2009

Both sides in the current fighting in Sri Lanka have been repeatedly urged by the Secretary-General to respect international human rights and humanitarian law obligations, particularly to prevent unlawful killings and accord protection to civilians and detainees. Women and girls are particularly vulnerable to excesses of conflict and the Government has a legal obligation to give them special protection. The two sides should be reminded that individuals can be held personally responsible for war crimes and other international crimes committed in the course of conflict and which attract international jurisdiction. The Government should allow the United Nations, and other international humanitarian and aid organizations full and unfettered access to all civilians and detainees in places of detention and processing centers, including all sites for the internally displaced.

It is not too late for the Government and the LTTE to put an end to an increasingly brutal conflict and pursue a reconciliatory and peaceful path with the ethnic Tamil population. This polarizing conflict is identity related with ethnicity and religion as deeply divisive factors. It will not end with winners and losers and it cannot be ended solely through a military victory that may not be sustainable in the long run unless legitimate grievances are addressed. The LTTE must immediately cease holding human shields and let civilians leave the conflict area. The Government is urged to work with the international community to initiate a political process to

create a national framework in which all Sri Lankans can co-exist as equal citizens.

Source:

[http://www.un.org/preventgenocide/adviser/pdf/Spec Adviser Deng Statement on Sri Lanka.pdf](http://www.un.org/preventgenocide/adviser/pdf/Spec_Adviser_Deng_Statement_on_Sri_Lanka.pdf)

II. Sri Lankas post-conflict phase: Articles reference RtoP

1. Let the healing begin in Sri Lanka

Globe and Mail

22 May 2009

The cessation of the fighting in Sri Lanka marks the welcome end of a prolonged and brutal war. But it also creates two issues of immediate concern.

The first is the critical plight of the hundreds of thousands of civilians in the north and east of the country who have been victimized by the conflict.

The international community failed them during the fighting by falling short of its commitments under the **Responsibility to Protect** doctrine. It must not fail them again by leaving them to the tender mercies of a government that has been prepared to sacrifice civilians to gain military advantage.

Those stranded in makeshift camps for the displaced are in dire need of food, shelter and medical attention. Many have been displaced more than once, having fled the conflict in desperation only to find that it followed them. They are now far from home and left with nothing. It will require a sustained and organized effort to resettle them safely.

Many more have also been brutalized by one or both sides in the conflict, held by force and against their will as human shields by the ruthless Tamil Tigers and/or targeted by the indiscriminate shelling of government forces.

Now that the hostilities have ended, the Sri Lankan government must open up the country to international humanitarian workers to help domestic agencies deliver the aid that is urgently needed. Access must also be permitted to international human-rights monitors to assure that a world with every reason to be suspicious that the rights of Tamils will be respected.

The second issue is whether a government fresh from its victory in the field will take the high road and seek a lasting peace, or simply pretend that a military victory has solved the nation's problems. The defeat of the Tigers brings the possibility of a new beginning. Can a durable peace rise from the ashes left from decades of conflict? The answer depends on the willingness of the parties to accommodate their differences and on the openness of the Sinhalese majority to confront at long last the deep sense of grievance and inequality felt in the Tamil community.
()

The Sri Lankan government must not assume that its military success means that the national fault lines have been healed. If a lasting peace is to be achieved, Tamil grievances must be

addressed. A form of ruth and reconciliation process, adapted to the culture and circumstances of Sri Lanka, might also create a more constructive atmosphere.

The international community, through the United Nations and influential donor countries, must encourage a process to achieve a new beginning, or run the risk of watching Sri Lanka consumed by decades more of instability and violence.()

Source: <http://www.theglobeandmail.com/news/opinions/let-the-healing-begin-in-sri-lanka/article1147386/>

2. Sri Lanka, after the war
Boston Globe Editorials
19 May 2009

One of the worlds bloodiest conflicts has come to a violent conclusion in the island nation of Sri Lanka. Nearly all the leaders of the secessionist Tamil Tigers, including their notorious commander Velupillai Prabhakaran, have been killed or captured. The government of President Mahinda Rajapaksa has been claiming a glorious total victory - and denying allegations from doctors on the scene that tens of thousands of innocent civilians have been the victims of indiscriminate artillery fire and scorched-earth tactics.

Rajapaksa must give aid organizations access to hundreds of thousands of uprooted Tamils in the island's northeast. Overwhelmed doctors in overcrowded camps are amputating limbs without sufficient drugs and medical supplies. The people in those camps desperately need medical care, food, and water. And they should be allowed to return to their homes as soon as possible.

Once the humanitarian crisis is addressed, the European Union must follow up on its call for an investigation of war crimes against civilians. The Rajapaksa government has tried to draw a screen around its actions, banning independent journalists and international aid groups from the war zone. But the United Nations adopted a resolution in 2005 on the **"responsibility to protect"** populations that are not protected by their own governments. The massive killing and wounding of civilians on Sri Lanka represents exactly the sort of case that resolution was meant to address.

Ultimately, the only way for Sri Lanka to avoid another Tamil rebellion is to grant the Tamils some form of local autonomy in their region. Now that the Tigers have been crushed, the Sinhalese majority of Sri Lanka has no excuse for not addressing the legitimate grievances of the Tamil minority.

Source: http://www.boston.com/bostonglobe/editorial_opinion/editorials/articles/2009/05/19/sri_lanka_after_the_war/

III. Crimes against humanity in Burma

End Burmas System of Impunity
Paulo Sergio Pinheiro

New York Times Op-Ed
27 May 2009

Paulo Sergio Pinheiro was the United Nations special rapporteur on human rights in Myanmar from 2000 to 2008.

The Nobel Peace Prize laureate, Daw Aung San Suu Kyi, has spent 13 years under house arrest in Myanmar. This week, the Burmese junta is likely to extend her detention for up to five years under the trumped-up charge of allowing a visitor into her compound.()

But while Suu Kyi has deservedly received a great deal of international attention over the past two decades, Myanmar's ethnic minorities—more than one-third of the population—have suffered without international outcry. For Myanmar's process of national reconciliation to be successful, the plight of the minorities must also be addressed.

Over the past 15 years, the Burmese Army has destroyed over 3,300 villages in a systematic and widespread campaign to subjugate ethnic groups. U.N. reports indicate that Burmese soldiers have frequently recruited child soldiers, used civilians as minesweepers and forced thousands of villagers into slave labor.

I repeatedly documented the military's many abuses in reports to the U.N. General Assembly and the U.N. Commission on Human Rights. My work is only one example of U.N. efforts in Myanmar: since 1990, U.N. representatives have visited the country 37 times in an attempt to facilitate dialogue and promote human rights.

They have exhausted all domestic and diplomatic remedies without achieving human rights protection and national reconciliation in Myanmar. And while the U.N. General Assembly and the U.N. Human Rights Council have passed over 35 resolutions regarding Myanmar, the U.N. Security Council has yet to pass a single one. The United Nations will not be successful until the Security Council acts to directly address our stagnant efforts.

It is clear that the attacks in Myanmar will continue. It is equally evident that the country's domestic legal system will not punish those perpetrating crimes against ethnic minorities.

It is time for the United Nations to take the next logical step: The Security Council must establish a commission of inquiry into crimes against humanity and impunity in Myanmar. The Security Council took similar steps with regard to Rwanda, Bosnia and Darfur. The situation in Myanmar is equally as critical.

Creating a commission of inquiry will accomplish three important goals:

First, it will make the junta accountable for its crimes with a potential indictment by the International Criminal Court. Second, it will address the widespread culture of impunity in Burma. Third, it has the potential to deter future crimes against humanity in Myanmar.

For two decades, ethnic minorities in Myanmar have suffered while our diplomatic efforts failed

to bear fruit. The time has come for the Security Council to act.

Source: http://www.nytimes.com/2009/05/28/opinion/28iht-edpineiro.html?_r=3

IV. Pakistans refugee crisis

1. Swat valley could be worst refugee crisis since Rwanda, UN warns
The Guardian
18 May 2009

The human exodus from the war-torn Swat valley in northern Pakistan is turning into the world's most dramatic displacement crisis since the Rwandan genocide of 1994, the UN refugee agency warned.

Almost 1.5 million people have registered for assistance since fighting erupted three weeks ago, the UNHCR said, bringing the total number of war displaced in North West Frontier province to more than 2 million, not including 300,000 the provincial government believes have not registered. "It's been a long time since there has been a displacement this big," the UNHCR's spokesman Ron Redmond said in Geneva, trying to recall the last time so many people had been uprooted so quickly. "It could go back to Rwanda." (...)

But that fragile unity could be threatened by heavy civilian casualties or a further deterioration in the conditions of the 2 million displaced. Returning from a three-day trip to Pakistan, the UNHCR head Antnio Guterres termed the displacement crisis as "one of the most dramatic of recent times". Relief workers were "struggling to keep up with the size and speed of the displacement," a statement said.

The main difference with African refugee crises such as Rwanda, however, is that a minority of people are being housed in tented camps. According to the UN just 130,000 people are being accommodated in the sprawling, hot camps in Mardan and Swabi districts, while most are squeezed into the homes of friends or relatives, with as many as 85 people in one house.

Nevertheless aid workers and political analysts warn that if international aid to ease the crisis is not urgently delivered, the strain on the displaced and those helping them could lead to political destabilisation. Acknowledging the scale of the crisis, the prime minister of Pakistan, Yousaf Raza Gilani, said: "The displaced men, women and children should not feel alone. We won't leave any stone unturned in providing them help and protection."

The UN is expected to launch an international appeal for aid running into hundreds of millions of dollars in the coming days.

Source:

<http://www.guardian.co.uk/world/2009/may/18/swat-valley-pakistan-refugee-crisis>

UNHCR comments on Swat Valley: <http://www.unhcr.org/news/NEWS/4a12d4482.html>

Latest Pakistan displacement update: <http://www.unhcr.org/news/NEWS/4a1bbdbe2.html>

V. Gaza: Israels Operation Cast Lead committed crimes against humanity

1. Report of the Independent Fact Finding Committee - On Gaza: No Safe Place.
Presented to the League of Arab States.
30 April 2009.

The Independent Fact Finding Committee on Gaza to the League of Arab States (the Committee) was established in February 2009 with the tasks of investigating and reporting on violations of human rights law and international humanitarian law during the Israeli military offensive (hereinafter operation Cast Lead) against Gaza from 27 December 2008 to 18 January 2009 and collecting information on the responsibility for the commission of international crimes during the operation. The report was presented to the League of Arab States on 30 April 2009.

Responsibility Of Israel

()The Committee has found that members of the IDF committed war crimes, crimes against humanity and, possibly, genocide in the course of operation Cast Lead. Those responsible for the commission of such crimes are individually responsible for their actions, as are those who ordered or incited the commission of such crimes or participated in a common purpose to commit such crimes. Military commanders and political leaders are likewise responsible for crimes committed under their effective command, authority or control where they knew or should have known the forces were committing such crimes and they failed to prevent or repress the commission of such crimes or to investigate and prosecute those responsible.

Responsibility of Hamas

As the governing de facto authority of Gaza, Hamas may be held responsible for violations of international humanitarian law attributed to it. Individuals who have fired rockets indiscriminately into Israel are criminally responsible for their actions and must be held accountable for them under the law governing the commission of war crimes. In assessing the responsibility of Hamas and individual Palestinian militants there are a number of factors that reduce their moral blameworthiness but not their criminal responsibility. Such factors include the fact Palestinians have been denied their right to self-determination by Israel and have long been subjected to a cruel siege by Israel.(.)

Recommendations to Organs of the United Nations

(1) The League of Arab States should request the General Assembly of the United Nations to request the International Court of Justice to give an advisory opinion on the legal consequences for states, including Israel, of the conflict in Gaza between 27 December 2008 and 18 January 2009 (the Conflict in Gaza).

(2) The League of Arab States should request the Security Council to refer the situation in Gaza, arising from Operation Cast Lead, to the Prosecutor of the International Criminal Court under Article 13(b) of the Rome Statute.

(3) The League of Arab States should request the Security Council, failing which, the General Assembly, to exercise its **Responsibility to Protect**, affirmed in the Summit Outcome Document of 2005 in respect of Gaza.

Source: www.arableagueonline.org/las/picture_gallery/reportfullFINAL.pdf

VI. In Memory of Alison des Forges

1. Secretary-General, in memory of Alison des Forges, hails human rights advocates quest for justice, tireless campaign against impunity

Ban Ki-moon

21 May 2009

The horrors of the genocide in Rwanda are irrevocably etched on the worlds conscience. The repercussions of the slaughter that traumatized Rwanda traveled far beyond its borders and reverberate to this day. I have personally seen how people and especially women and children in the war-torn Great Lakes region of Africa still endure the bloody aftermath. Seeing such suffering has strengthened my resolve to ensure their stories are heard and their rights respected.

I am greatly aided by the example and expertise of people like Alison des Forges, whose untimely death we mourn today. She understood the causes and consequences of the genocide. She worked tirelessly to document the atrocities and bring the perpetrators to justice, and made a significant contribution to the International Criminal Tribunal for Rwanda and related judicial proceedings. That she campaigned for justice impartially, without fear or favor, earned her some enemies, but many more allies.

When the news of mass killings started to trickle, then flood, out of Rwanda in 1994, the United Nations was seized by an overwhelming sense of grief and outrage from which grew a determination to never again allow such a tragedy to happen. Since then, we have seen both success and failure. The principle of the **responsibility to protect** was endorsed by all world leaders in 2005, but our collective will and ability to protect still lag behind in too many cases. On balance, however, we are slowly but surely moving in the right direction.

Thanks in large part to the commitment of people like Alison des Forges, the world is better equipped to hold despots and war criminals to account. Alison des Forges stood against impunity. She was a resolute advocate for the fundamental principle that everyone has the right to life, liberty and security of person. The world will miss her insight, courage and dedication. I offer my deepest condolences to her family, friends and colleagues.

Source: <http://www.un.org/News/Press/docs/2009/sgsm12261.doc.htm>

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