

Asian Centre for Human Rights  
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*The Asian Centre for Human Rights is an India-based organization committed to protecting Human Rights in the Asian region.*

() Sri Lanka alleges that about 250,000 civilians living in the LTTE held areas in Mullaitivu are being prevented by the LTTE to leave for safe regions. Yet the Sri Lankan government in a statement on 2 February 2009 stated that the Security Forces accept all responsibility to ensure the safety and protection of civilians in the Safety Zones, they are unable to give such an assurance to those who remain outside these zones. Therefore, the government, with full responsibility, urges all civilians to come to the Safety Zones; and also states that as civilians who do not heed this call will be among LTTE cadres, the Security Forces will not be able to accept responsibility for their safety."

This is nothing but justifying the impending indiscriminate shelling against the civilians in the name of defeating the LTTE. In an attempt to further justify its impending attack, Sri Lankan Army stated on 3 February 2009 that the civilians in Mullaitivu are being armed by the LTTE. The declaration of the Sri Lankan government of its inability to protect the civilians follows President Mahinda Rajapaksa announcement on 29 January 2008 of a 48-hour ceasefire to allow safe passage to the civilians to cross over to the safe zones. As the United Nations High Commissioner for Human Rights, Ms Navi Pillay stated on 29 January 2009 apart from people being prevented from fleeing, they have also been arbitrarily detained in special centres. Further, the so-called safe zones are neither known to those trapped nor mutually agreed by the warring parties.

The refusal 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 operationalizing the responsibility to protect which was subsequently adopted by the General Assembly and endorsed by the Security Council.

Paragraph 138 of the Outcome Document relating **Responsibility to Protect** states, each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it.

Recommendations:

Cease-fire is the only option to prevent further violations of war crimes both by the Sri Lankan government and the LTTE. International community must not wait for the fall of Mullaitivu just the way NATO troops remained a mute witness to the fall of Srebrenica in the former Yugoslavia. In a situation when the State (Sri Lanka) has publicly refused to fulfill its **responsibility to protect**

, 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. (Paragraph 139 of R2P).

International community, in particular the Tokyo Co-Chair, India and United Nations, must act decisively by taking the following measures:

- Mediate between government of Sri Lanka and the LTTE to declare indefinite cease-fire, find out modalities for an inclusive dialogue to agree on a political settlement of the conflict and provide unrestricted access to the UN agencies, the ICRC, and humanitarian organizations to the internally displaced persons;

- Invite India to join as a member of the Tokyo Co-Chairs while India on its part must abandon its unilateral approach on Sri Lanka and accept the co-chairmanship;

- Take measures for holding a Special Session of the UN Human Rights Council to discuss the humanitarian crisis in Sri Lanka, send a High Level Investigation Team to inquire into the violations of international humanitarian law both by the Sri Lankan Army and the LTTE including fixing of the command responsibility and establishing field missions of the Office of the UN High Commissioner for Human Rights to monitor human rights violations; and

- Urge Sri Lanka to lift ban on reporting on the war and prosecute those responsible for the murder and attacks on the journalists.

Source: <http://www.achrweb.org/Review/2009/225-09.html>

ICRC News Release, dated 27 January 2009: <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/sri-lanka-news270109?opendocument>