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Responsibility to Protect-Engaging Civil Society

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Sri Lanka: warnings of an escalating humanitarian and human rights disaster

In this Issue:

I. UN officials speak out on Sri Lanka

1. UN REPRESENTATIVE ON THE HUMAN RIGHTS OF IDPs calls for umanitarian pause to save trapped civilians
2. UN SECRETARY-GENERAL 'deeply distressed' at plight of civilians in northern Sri Lanka

II. Civil Society reports and statements detail crimes occurring on the ground

1. Amnesty International REPORT - Stop the War on Civilians in Sri Lanka: A briefing on the humanitarian crisis and lack of human rights protection
2. Human Rights Watch REPORT - Sri Lanka: Shelling of Civilians
3. ASIAN FORUM FOR HUMAN RIGHTS AND DEVELOPMENT (FORUM-ASIA) AND ASIAN LEGAL RESOURCE CENTRE- JOINT CALL UPON HUMAN RIGHTS COUNCIL TO HOLD SPECIAL SESSION ON SRI LANKA
4. Center for Policy Alternatives REPORT - A Profile of Human Rights and Humanitarian Issues in the Vanni and Vavuniya

III. Op-ed on the threat to civilians in Sri Lanka

1. JOHN HOLMES WARNS OF BLOODBATH AS INCREASINGLY REAL POSSIBILITY
2. Lakhdar Brahimi - A Slaughter Waiting to Happen

The recent escalation of violence in Sri Lanka is raising alarming concerns about the failure of the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) to protect civilians from serious crimes under international law. On the part of the LTTE, recent reports from Amnesty International and Human Rights Watch detail LTTE forces preventing civilians from fleeing the conflict zone, putting civilians at unnecessary risk, displacing civilians and forcibly recruiting child soldiers. According to the UN, the LTTE has been using civilians as a buffer against government forces, forcibly recruiting civilians and holding men, women and children as hostages and human shields. The government of Sri Lanka is reportedly using heavy artillery in indiscriminate attacks on civilians, including in the afe Zone, as well as against civilian infrastructure such as hospitals. Moreover, the government has denied access to trapped civilians humanitarian agencies and aid workers.

While fighting has been going on for two years despite a truce in the North and East between the LTTE and the Sri Lankan government, the conflict worsened at the end of 2008, and the 2002 ceasefire officially came to an end on January 16th 2009. Presently there are 150,000 to 190,000 civilians trapped in a rapidly-shrinking conflict zone. The UN Office of the High Commissioner for Human Rights estimated on March 13th that there had been more than 2,800 civilian deaths and at least 7,500 injuries since late January. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator has warned on April 8th that bloodbath on the beaches of northern Sri Lanka seems an increasingly real possibility.

UN officials, including the Secretary-General, the Under-Secretary-General for Humanitarian Affairs, and the High Commissioner for Human Rights, as well as a number of member states, have called on the Sri Lankan government and the LTTE to make protecting civilians a priority and to take all necessary measures to halt the escalating humanitarian disaster. However, according to HRW, the Sri Lankan government has responded to broad international concerns with indignation and denials instead of action to address the humanitarian crisis.

There remain questions as to the extent to which these crimes are widespread and systematic, arguably a determining factor for whether the R2P threshold has been met. As Paragraphs 138-139 of the World Summit Outcome Document outline, States have the responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Sri Lanka, like every other State, carries this responsibility to protect its populations and to prevent these crimes from occurring.

I. UN officials speak out on Sri Lanka

1. Sri Lanka: UN envoy calls for humanitarian pause to save trapped civilians

UN News

7 April 2009

Walter Kaelin, professor of law at the University of Bern (Switzerland), has been the Representative of the Secretary General on the Human Rights of Internally Displaced People since 2004.

The United Nations advocate for displaced persons today called for urgent measures to save civilians trapped in a tiny pocket of northern Sri Lanka by fighting between the Government and Tamil rebels.

I am deeply concerned for the lives of over 100,000 civilians trapped in the 14-square kilometre area of the Vanni declared by the Government of Sri Lanka as a no-fire zone, Walter Klin, Secretary-General Ban Ki-moon's Representative for the Human Rights of Displaced Persons said following a four-day visit to the island nation.

Large numbers of civilians already have been killed or wounded as the rebel Liberation Tigers of Tamil Eelam (LTTE) have been pushed into smaller and smaller areas, and Mr. Klin expressed deep concern that many more were at risk of losing their lives. ()

Noting that more than 52,000 IDPs have arrived in the Vavuniya area since November, he welcomed the Government's acknowledgement of its **responsibility to protect** and assist these persons, and he recognized measures already taken in this regard.

He described, however, extraordinary efforts that will be required of the Government, the UN, non-governmental organizations and donors to meet the needs of this population as well as those of the tens of thousands expected to arrive in the coming weeks and months. ()

Full text of the article:

<http://www.un.org/apps/news/story.asp?NewsID=30413&Cr=&Cr1=>

2. Ban 'deeply distressed' at plight of civilians in northern Sri Lanka

UN News

3 April 2009

Secretary-General Ban Ki-moon today reiterated the need to protect civilians trapped in the area of conflict between the Government and Tamil rebels in northern Sri Lanka, voicing concern at reports of heavy casualties, restrictions on movement and forced recruitment, especially of children.

he Secretary-General is deeply distressed by continuing reports from the Vanni region of Sri Lanka that civilians are at extreme risk, with heavy casualties, and that the Liberation Tigers of Tamil Eelam (LTTE) are keeping civilians in a very small area of active conflict against their will, his spokesperson said in a statement.

The UN estimates that approximately 150,000 to 190,000 civilians are trapped in the nearly 58-square-kilometre conflict zone. While some civilians have been able to leave or escape, the world body said that reliable reports indicate that the LTTE have prevented others from leaving, including by firing at them.

he Secretary-General calls upon the LTTE leadership to allow civilians to leave the conflict area of their own free will. The severe restrictions of the LTTE on their freedom of movement violate international law, the statement said, adding that Mr. Ban also deplores the forced recruitment of civilians, particularly children.

t the same time, the Secretary-General again reminds the Government of Sri Lanka of its responsibility to protect civilians, and to avoid the use of heavy weapons in areas where there are civilians, as promised, according to today's statement. ()

Full text of the article: <http://www.un.org/apps/news/story.asp?NewsID=30388&Cr=sri+lanka&Cr1=>

II. Civil Society reports and statements detail crimes occurring on the ground

1. Stop the War on Civilians in Sri Lanka: A briefing on the humanitarian crisis and lack of human rights protection

Amnesty International

27 March 2009

A human rights crisis is unfolding in Sri Lanka where tens of thousands of people are trapped in the middle of heavy fighting between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lanka Armed Forces in the north eastern Wanni region. The Tamil Tigers, swept by Sri Lankan forces from much of their de facto state in eastern and northern Sri Lanka, are now confined to a 35 square kilometer sliver of coastal land. With themn many cases, involuntarilyre thousands of civilians, nearly all ethnic Tamils, caught between the sea and two fighting forces with records of serious human rights abuses. Most independent observers estimate there are between 150,000 to 200,000 civilians still confined in this area; the Sri Lankan government has claimed that there are nly 50,000 to 60,000 civilians there. What is indisputable is that these people face grave risk of harm from military action, lack of food and health supplies, and the outbreak of disease. They must be immediately evacuated from the conflict zone and provided with shelter and support.

Most of the civilians now caught up in the conflict have already been forced to flee their homes in multiple waves of displacement during the 25-year-war in Sri Lanka, as well as after the Indian Ocean tsunami. They now face a potential humanitarian catastrophe as the Tamil Tigers and the Sri Lankan government continues to disregard their well-being. The Tamil Tigers have used these civilians as a buffer against government forces, as well as a steady source of income, forced recruitment (including of children), and involuntary labor. For its part, the Sri Lankan government, buoyed by its initial rapid military advances, has pursued a conclusive military end-game without fulfilling its obligations for the fate of the civilians trapped in the conflict zone. ()

Full text of the report:

<http://www.amnesty.org/en/library/info/ASA37/004/2009/en>

2. Sri Lanka: No let-up in army shelling of civilians

Human Rights Watch

23 March 2009

The Sri Lankan army, despite government denials, is indiscriminately shelling the "no-fire zone" in northern Sri Lanka where thousands of civilians are trapped by the Liberation Tigers of Tamil Eelam (LTTE), Human Rights Watch said today, citing new information from the region. ()

"We receive reports of civilians being killed and wounded daily in the no-fire zone, while the Sri Lankan government continues to deny the attacks," said Brad Adams, Asia director at Human Rights Watch. "The Tamil Tigers' use of civilians as human shields adds to the bloodshed." ()

The Sri Lankan government continues its official denials of any attacks in the no-fire zone, including in discussions with top international officials.()

Collecting accurate information from the conflict zone is extremely difficult, as the government continues to block access for media and independent observers. ()

The situation of the civilians trapped in the conflict zone is aggravated by the acute shortage of food, sanitary facilities, and medication, as international humanitarian agencies cannot deliver sufficient supplies to the conflict area.

Last week, Human Rights Watch sent a letter to members of the board of the International Monetary Fund (IMF) about the government's request for a US\$1.9 billion loan to address its financial crisis and, according to the Sri Lankan Central Bank's request, to "continue with the resettlement, rehabilitation and reconstruction work in the Northern Province." It has asked the

IMF to finalize negotiations on the loan by March 31. In its letter, Human Rights Watch emphasized that the government's current policies and practices are counterproductive to the stated goal of the IMF loan and urged that IMF board members discuss concrete action the government needs to take to alleviate the humanitarian crisis in the north.

Source: <http://www.hrw.org/en/news/2009/03/23/sri-lanka-no-let-army-shelling-civilians>

Photos depicting the human and physical destruction of the governments repeated and indiscriminate shelling of civilians in the Putumattalan area:

<http://www.hrw.org/en/features/sri-lanka-shelling-civilians>

3. Joint Statement Delivered to the UN Human Rights Council

Asian Forum for Human Rights and Development and Asian Legal Resource Centre

17 March 2009

FORUM-ASIA and ALRC would like to call for the attention and urgent action of the Human Rights Council on the human rights catastrophe in Sri Lanka. As the High Commissioner for

Human Rights, Ms. Pillay expressed in her press statement dated Friday 13 March 2009, e know enough to be sure that the situation is absolutely desperate. The world today is ever sensitive about such acts that could amount to war crimes and crimes against humanity. ()

We call upon this Human Rights Council to include the human rights situation of Sri Lanka into its agenda on a regular basis and immediately send an international mission to assess the needs of those civilians in the conflict affected areas with any unhindered access. On the same front, FORUM and ALRC strongly urge the Human Rights Council to hold a Special Session on the current human rights situation in Sri Lanka. As recognized by the High Commissioner for Human Rights in her latest press statement, 2,800 civilians have been killed, more than 7,000 injured since 20 January 2009, and currently a total of 150,000 to 180,000 civilians remain trapped in the Vanni region. The grave situation and plight faced by the civilians has been further intensified with the lack of access and independent monitors, humanitarian workers and the media. It is of paramount mandate for the Council to respond promptly to human rights

emergencies. The crisis in Sri Lanka has been repeatedly highlighted by the UN Secretary-General, the High Commissioner for Human Rights, Special Procedures mandate-holders and Nobel Laureate Jose Ramos Horta, President of Timor Leste as well as by the various UN agencies, and by the ICRC. What further grounds does the Human Rights Council still require in order to convene its Special Session?

Full text of the statement:

http://www.forum-asia.org/news/press_releases/pdfs/HRC10-Item4-GD-SriLanka.pdf

4. A Profile of Human Rights and Humanitarian Issues in the Vanni and Vavuniya

Center for Policy Alternatives

March 2009

Over the last three months the fighting has intensified with the security forces forcing the LTTE to retreat into a smaller territory which is currently estimated to be under 30 square kilometres. () Estimates of both civilian casualties and the actual number of displaced in the Vanni are difficult to confirm, given the heavy fighting and the lack of independent verification. The fatalities for the period from January 2009 are reported to be higher than 2,000, but this figure has been contested by the Government. The total number of Internally Displaced Persons (IDPs) in the Vanni is also challenged by the Government which insists that there are only 60,000 IDPs.

United Nations (UN) Agencies on the other hand initially calculated 200,000-250,000 and are currently in the process of examining if the figure is between 130,000 - 150,000. The District Secretaries of Killinochchi and Mullaitivu put the figure at around 400,000. ()

The majority of those displaced are trapped in the Vanni. The LTTE has imposed stringent restrictions on IDPs leaving the Vanni and has even shot at some IDPs attempting to flee while subjecting those trying to escape with severe repercussions, including torture. By restricting the IDPs freedom of movement the LTTE is using the civilians as human shields. The LTTE is also accused of carrying out other human rights violations including firing weapons from locations close to civilian spaces such as hospitals or welfare camps, as well as forcibly recruiting adults and children into its ranks. ()

Civilians within the Vanni are at great risk as evidenced by the reports of daily fatalities and injured as a result of aerial bombardment, multi-barrel rocket launcher and artillery attacks, gun-fire and mines. Both the Government and the LTTE stand accused of carrying out attacks which have targeted civilians. The Government has unilaterally announced the creation of safe / no-fire zones within LTTE-controlled areas but both sides are accused of carrying out attacks within these zones. The Government has also been accused of firing at civilians. () .

Access to the Vanni for humanitarian actors has been a critical issue. (). Only the ICRC was permitted to continue operating in the Vanni. The LTTE refused local personnel from the Vanni and their dependents the right to leave and in recent weeks has forcibly recruited some of these individuals. The Government is not willing to accord these local personnel the protection due to them as humanitarian workers. Instead it is arguing that they should be treated as normal Sri Lankan citizens. One ICRC worker was killed in the Vanni, highlighting the lack of protection for humanitarian actors. ()

Further, recent weeks have witnessed direct attacks on the few hospitals and medical centres in the conflict area, resulting in civilian casualties. () The need for a ceasefire and an evacuation of civilians from the fighting areas is critical and an immediate need. ()

In such a situation, while national security concerns are paramount, it is important to stress that national security has to conform with national and international standards in respect of civilian protection. ()

Full text of the report:

[http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/JBRN-7QBF4Z-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2009.nsf/FilesByRWDocUnidFilename/JBRN-7QBF4Z-full_report.pdf/$File/full_report.pdf)

III. Op-ed on the threats to civilians in Sri Lankan

1. Let them decide

The Guardian

John Holmes

8 April 2009

Sir John Holmes is UN Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator

As London witnesses Tamil protests, a bloodbath on the beaches of northern Sri Lanka seems an increasingly real possibility. The Sri Lankan military has pushed the Liberation Tigers of Tamil Eelam into an area so small that any shooting or shelling inevitably causes casualties among the 150,000 to 190,000 civilians trapped in the same zone. There have been many hundreds of civilian deaths caused by firing from both sides, though exact numbers and who fired what and when are impossible to verify. It is clear that the LTTE is refusing to let people flee, though many are managing to escape somehow, and I fear the combatants may be gearing up for a final confrontation. This is a very grave situation.

As a full-scale, long-term ceasefire is unlikely to be agreed now, the only way to get the civilians out of harm's way is a temporary humanitarian lull, during which aid workers and relief supplies must be allowed into the conflict zone, and those who want to leave must be given the chance to do so.

Both sides have a duty to bring this about. The LTTE's leadership claims the civilians in the conflict zone do not want to leave because they accompanied the LTTE voluntarily in the first place and are afraid of government reprisals. Yet there are continuing reports that the group's fighters are shooting at fleeing civilians, limiting fishing and sabotaging boats that might be used to escape, and forcing people to fight against their will. Civilians trapped by the fighting must be allowed a free choice of whether to leave or stay, as we have made clear to the LTTE. If the LTTE truly has the best interests of the Tamil people at heart, they should contribute to ending this unnecessary civilian suffering.

For its part, the government of Sri Lanka must stick to its promise of not using heavy weapons while the fighting lasts, and hold off from any final attack in the conflict zone while the pause is negotiated. With so many people packed into such a small area, further military action not only risks more civilian deaths and injuries but also threatens to undermine the government's credibility with the international community and the national groups with whom it must soon

seek reconciliation.

At this critical juncture independent aid workers must be allowed to bring in more aid, assess the situation and help civilians to decide their own fate. Indeed, unless better access for supplies and aid workers is urgently secured, the ravages of disease, untreated wounds and hunger will kill many more people.

() must also make clear that the safety of all civilians will be guaranteed, and that all those laying down their arms will be treated in accordance with the rule of law.

A vital part of this is ensuring that treatment of internally displaced people is in line with international standards - including the need for transparent screening and registration processes, guaranteed freedom of movement, and commitments to ensure speedy return to their places of origin. If the UN can play a role in bringing this about and monitoring it with other international groups, it is fully ready to do so.

Beyond this we need an end to the conflict, and rapid political progress to tackle the underlying issues through the devolution of power and long-term accommodation and reconciliation. With thousands of lives in the balance and the clock ticking, the time for decisive action by the government, the LTTE and the international community is now, before it is too late.

Source : <http://www.guardian.co.uk/commentisfree/2009/apr/08/tamil-protests-sri-lanka-john-holmes>

2. A Slaughter Waiting to Happen

International Herald Tribune

Lakhdar Brahimi

20 March 2009

Lakhdar Brahimi, former foreign minister of Algeria, has spent 40 years in helping to keep the peace across the world, including as UN Under-Secretary General, Special Representative and

Special Envoy to the Secretary General. He chaired a panel which made recommendations to the UN on how to improve peacekeeping after failures in Srebrenica and Rwanda, through a 2000 report known as "the Brahimi Report". He is now working at the Institute for Advanced Study in Princeton, where he lectures regularly throughout the world on international relations, conflict and conflict resolution.

The already severe humanitarian crisis in Sri Lanka is on the brink of catastrophe. It will take the quick arrival of humanitarian relief and high-level international political muscle to bring the nightmarish situation to an end and prevent a slaughter.

An estimated 150,000 civilians are now trapped in a tiny pocket of land between Sri Lankan military forces, whose artillery shells regularly fall among them, and the rebel Liberation Tigers of Tamil Eelam (LTTE), who shoot at them if they try to escape. Food, clean water and medical assistance are all increasingly scarce.

According to U.N. figures, 2,300 civilians have already died and at least 6,500 have been injured since January. Some 500 children have been killed and over 1,400 injured. What happens to the rest of those caught in the middle of the government's onslaught and the Tigers' fight to the death depends not only on the two parties but on the international response as well.

The crisis is born of acts by both sides that most probably amount to serious violations of humanitarian law and perhaps to war crimes or crimes against humanity.

As it has withdrawn before the government forces, the LTTE has sought refuge in the civilian population. It has been holding men, women and children as hostages, forcibly recruiting them and using them as human shields.

The government has responded with attacks that independent observers describe as indiscriminate. Distinguishing combatants from noncombatants has become impossible with fighters and civilians packed so closely together. Alarming reports are coming in that government forces are shelling even those areas they themselves have declared "no-fire zones."

If both groups do not end the fighting immediately, the lives of tens of thousands of civilians are at risk. ()

Full text of the op-ed:

<http://query.nytimes.com/gst/fullpage.html?res=940CE1D6173FF933A15750C0A96F9C8B63&scp=1&sq=Sri%20Lanka:%20%22A%20Slaughter%20Waiting%20to%20Happen%22&st=cs>
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