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Sri Lanka: urgent need for effective protection of civilians as conflict intensifies

Amnesty International urges all parties to the conflict to comply with their obligations under international law, to protect civilians and allow access by humanitarian aid agencies to populations in need. The security forces and the LTTE must renew their commitment to respect international humanitarian law, immediately cease all violations and take all measures necessary to ensure they are not repeated in the future.

Armed conflict in Sri Lanka between government forces, the Liberation Tigers of Tamil Eelam (LTTE) and other armed groups, which has escalated since April 2006, continues to be marked by widespread human rights abuses.

Amnesty International is gravely concerned about the rising number of civilians being killed or injured as a result of deliberate attacks in Sri Lanka's increasing violence.

Unlawful killings, abductions and enforced disappearance of civilians are daily occurrences, as is arbitrary detention. Both sides to the conflict systematically violate their obligations under international humanitarian law to protect from harm those taking no active part in hostilities. Tens of thousands of families have lost their property and their means of livelihood, and the number of conflict-affected internally displaced persons (IDPs) nationally has risen to at least 290,000. This adds to the large numbers of IDPs who have been kept away from their homes due to lack of safety there including ongoing fighting and fear of heavily mined areas for over a decade.

Lack of civilian protection

Fighting in Batticaloa District in Eastern Sri Lanka involves government forces, the LTTE, and a breakaway armed faction led by the LTTE's former eastern military commander, Colonel Karuna. Col. Karuna broke away from the LTTE in March 2004 and has since formed a political party, the Tamil Makkal Viduthalai Pulikal (TMVP). The Karuna faction has been implicated in recruiting child soldiers. In the last month conflict has led to the displacement of at least 80,000 civilians doubling the existing IDP population in Batticaloa District to over 160,000. Fearful and facing acute insecurity, many of these IDPs are experiencing food shortages. They are unable to work and face an uncertain future due to loss of livelihoods. Water shortages are severe forcing families to attempt to dig their own wells. In one incident, the BBC Sinhala Service reported that on 3 March 2007 a child drowned in a water hole that her mother was attempting to dig.

Since hostilities escalated humanitarian access has been restricted. For example, from late November

2006 until LTTE held Vakarai town, in the northern part of Batticaloa District, fell to the Sri Lankan army offensive on 19 January. UN agencies and the ICRC had only very limited access to both the area and civilians, while the Tamil Rehabilitation Organisation was unable to re-supply its aid workers on the ground appropriately to deal with civilian needs due to government imposed restrictions on bringing aid into LTTE controlled areas.

Aid agencies report that prior to the latest military offensive in March, the government as well as the LTTE severely restricted access to Batticaloa District and other conflict areas under their control, leaving tens of thousands of new IDPs, and large numbers of other affected populations, without adequate international protection and access to humanitarian assistance.

In this context civilians are at grave risk of being caught up in apparently indiscriminate artillery bombardments by both sides, or subjected to deliberate reprisal killings.

Recent incidents illustrating the continuing threat include:

Two children and two women were among eight civilians killed on 2 March 2007 in artillery bombardments in Sittandi and Murakottanchenai in Batticaloa. Eighteen others were wounded. A witness reported, "we were just sharing the food out, getting ready for the dinner. A shell fell into the house. My nephew was killed instantly. My daughter was hurt. We carried her to Murakottanchenai. We stopped an ambulance on the road and took her to hospital".¹

At least 16 civilians were killed in an explosion on a bus in the eastern district of Ampara on 2 April 2007. This was a suicide bombing reportedly by the LTTE followed a weekend of violence in which six tsunami reconstruction workers were allegedly shot dead by the LTTE.

Newly displaced persons living in camps in government-controlled areas of Batticaloa District report that armed men, reportedly wearing the uniforms of the Karuna faction, are infiltrating the camps, roaming them and even taking over the distribution of relief goods. Cases of abductions of IDPs have also been reported. In one incident, a 15-year-old boy was reportedly approached on 9 March 2007 by a white van as he waited for a bus at a temple near an IDP camp. Armed men tried to pull him into the van, but his struggling and screams attracted a crowd and the abductors fled. A witness said members of the Sri Lankan army observed the incident, but did not step in to help the boy.²

Political killings: addressing a climate of impunity?

Both sides to the conflict have committed violations of international humanitarian law and human rights abuses. The LTTE has reportedly been responsible for numerous political killings and indiscriminate bomb attacks, and continues to forcibly recruit child soldiers. The group has prevented civilians from fleeing areas of combat in the north and east. Government forces have also failed to respect international humanitarian law, reportedly engaging in attacks in which civilians were killed. Government security personnel have also been implicated in extrajudicial executions.

Humanitarian workers have been targeted by unidentified gunmen. In one example which contributed to a continuing climate of fear, 17 Action Contre La Faime (ACF) workers were killed in an execution-style attack in Muttur District in August 2006. According to the Consortium of Humanitarian Agencies (CHA), since 2006 more than 2,000 relief workers have left the North and Eastern provinces due to the killings and frequent abductions.

Amid concerns that failures to effectively investigate and bring to justice those responsible for political killings risked entrenching a climate of impunity, the Government of Sri Lanka established a Commission of Inquiry (COI) and Group of Eminent Persons (IGEP) in September 2006.

Amnesty International does not believe that an independent group of eminent persons observing an

essentially national inquiry can serve as a substitute for the independence, real and perceived, of the Commission of Inquiry itself. Amnesty International therefore called on the President of Sri Lanka to add independent, impartial and competent international experts to the proposed Col and take other steps to ensure consultation with civil society in developing its work, access to relevant materials and persons, protection of witnesses appearing before it and that the Col's recommendations are carefully considered with a view to their full implementation.

Amnesty believes that unless these requirements are met the Col would not be able to function as an investigative body that would address violations of international law in a meaningful way, as required by international standards.³

In addition, existing national human rights monitoring and investigative mechanisms, such as the Human Rights Commission of Sri Lanka, do not presently have the capacity to deal with large scale human rights violations. Sri Lanka's Human Rights Commission says hundreds of people have 'disappeared' so far this year, on top of 1,000 last year.

At the international level, Sri Lanka has 5749 outstanding cases being reviewed by the UN Working Group on Enforced and Involuntary Disappearances, several hundred of which have been reported since the beginning of 2006.

The need for international human rights monitors

The organisation believes there is an urgent need for human rights monitors on the ground to enhance civilian protection. The role of an international human rights monitoring presence is to conduct and make public systematic reporting to national and international bodies; report to a neutral body on a periodic and systematic basis and issue public reports. This is necessary due to the failure of domestic remedies for human rights violations – whether committed by the government, the LTTE, or other armed groups.

The aim of monitoring would be to address all serious violations of human rights, including extrajudicial executions and enforced disappearances, and all breaches of international humanitarian law whether committed by government forces, the LTTE, the Karuna Group, or any other armed group or individuals operating on their behalf. Monitoring would consist of documenting and investigating the increasing number of abuses committed by the Sri Lankan security forces, LTTE and other armed groups; publicizing their findings and identifying the perpetrators so they can be brought to justice.

Amnesty International believes it is for the Government of Sri Lanka and other parties to the conflict to tailor to the Sri Lankan context an appropriate model. However, any model of international human rights monitoring must be founded on key principles including independence and impartiality; accountability and transparency nationally and internationally; a field presence in all key regions of the country and a victim/witness centred approach, including confidentiality and privacy. Monitoring will only be effective if adequately resourced and staffed by experienced and competent international investigators. An effective witness protection programme is key to the success of monitoring. A step forward could be the establishment of an OCHCR Office in Colombo along the lines suggested by UN High Commissioner for Human Rights.⁴

Given the gravity of the human rights situation Amnesty International urges the Sri Lankan government to strengthen civilian protection and invite international human rights monitors to the country immediately.

Notes

1. BBC Sinhala Service 03/04/2007

2. "Sri Lanka: Armed groups infiltrating refugee camps", Amnesty International Press Release, ASA 37/007/2007

3.. See Amnesty International, Observations on a Proposed Commission of Inquiry and International Independent Group of Eminent Persons, AI Index: ASA 37/030/2006, 17 November 2006

4. Comments made by Louise Arbour, UN High Commissioner for Human Rights, in the Interactive Dialogue at the 4th Session of the Human Rights Council, Geneva 14/03/2007.

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