

# AMNESTY INTERNATIONAL

## Open Letter

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### **Human Rights Council: Urgent Action Needed to End Abuses in Sri Lanka**

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***UN Human Rights Monitoring Mission Needed***

**Excellency,**

Human Rights Watch and Amnesty International are writing at the start of the Sixth Session of the Human Rights Council to urge immediate action on the rapidly deteriorating human rights situation in Sri Lanka.

With the resumption of heavy fighting between the Liberation Tigers of Tamil Eelam (LTTE) and government forces, deliberate and indiscriminate attacks on civilians are taking place in violation of international humanitarian law. With these escalating threats to the safety of civilians, Amnesty International and Human Rights Watch are calling on the Human Rights Council to take action by demanding that the Government of Sri Lanka and the LTTE improve the protection of civilians.

In the last two weeks of November 2007 over 50 civilians have been killed. More than twenty civilians were killed in two bombings in Colombo on 28 November 2007. Other civilians were killed by aerial bombardment, shelling and claymore mine attacks in northern Sri Lanka. The failure of the Government of Sri Lanka and the LTTE to abide by their obligations under international humanitarian law, including customary law relating to the methods and means of warfare, and to take all feasible measures to protect civilians from harm, has encouraged a cycle of abuses against civilians with impunity.

Amnesty International and Human Rights Watch ask the Human Rights Council to urge the Sri Lankan Government to agree without delay to the establishment of a United Nations field operation with a strong monitoring mandate, and further urge 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.

## **Lack of Protection for Civilians**

Civilians in the north and east continue to face immense hardship as a result of fighting between government forces and the LTTE. Since September 2007 both parties to the conflict have escalated hostilities in the north and east resulting in heavy civilian casualties and the forcible displacement of over twenty thousand persons. A large number of civilians have died as a result of apparent violations of international humanitarian law. In one incident on 27 November, 11 people, including seven school children, were killed when the van they were travelling in was hit by a claymore bomb on the road between Thunukkai and Kokkaavil. Both the government and the LTTE blamed each other for the deaths. On the same day, the Sri Lankan military bombed the Voice of Tigers, a radio station run by the LTTE near their headquarters in Kilinochchi. The attack reportedly killed eight civilians, including three of the station's employees. At least 15 people were killed and 23 injured in a bus bombing in Kebitigollewa, Anuradhapura on 5 December 2007.

The northern Jaffna peninsula remains cut-off from the rest of the country since the closure of the A9 highway linking the north to the south, on August 11, 2006. Lack of transport links continues to limit the supply of food to over 500,000 people in the peninsula.

## **Enforced Disappearances, Arbitrary Arrests and Detentions**

Two government Emergency Regulations currently in force —the Miscellaneous Provisions and Powers of August 2005 and the Prevention and Prohibition of Terrorism and Specified Terrorist Activities of December 2006—grant security forces sweeping powers, including arrest and detention, and unnecessarily restrict freedom of movement in violation of international human rights law and standards. In Jaffna, cordon and search operations by the army are common, in which mainly Tamil men and, at times, women are rounded up and their identity cards confiscated. Many are then detained and taken to army camps for checking'. Reports indicate that unlawful killings and enforced disappearances continue at very high levels. According to official sources, over 200 civilians were reported missing in Jaffna District since January 2007.

The fact that many of the enforced disappearances in Jaffna take place inside government high security zones and during curfew hours suggests the involvement of security forces, in particular the Sri Lankan Army, since it has primary operational responsibility for security in the area. The Human Rights Council's *Working Group on Enforced or Involuntary Disappearances* has expressed concern about the high number of recent cases of enforced disappearances reported

during 2007 from Sri Lanka. UN Working Group on Enforced or Involuntary Disappearances Concludes its 83rd Session, Revises Methods of Work and Adopts Annual Report, Press Release, 30 November 2007.

Amnesty International and Human Rights Watch condemn the mass arrests of more than 1000 Tamils by the Sri Lankan police on 2 December 2007, allegedly in response to the Colombo bombings on 28 November 2007, which the government has accused the LTTE of committing. The Sri Lankan media reported that the authorities bundled Tamils in busloads and took them for interrogation. More than 400 of those arrested, including 50 women, have been taken to the Boosa Camp near Galle in the south, a facility that is reportedly overcrowded, lacking proper sanitation facilities and adequate drinking water.

Amnesty International and Human Rights Watch urge the Human Rights Council to remind the Sri Lankan authorities that all arrests and detentions must be carried out in strict compliance with international human rights law, and in particular the International Covenant on Civil and Political Rights, to which Sri Lanka is a state party. Security forces should abide by a July 2006 Presidential Directive under which the Sri Lankan Human Rights Commission (SLHRC) must be informed of any arrest and of the place of detention within 48 hours, and families must be allowed to communicate with detainees.

### **Plight of Internally Displaced Persons**

As a result of fighting since April 2006, there are more than 200,000 internally displaced persons (IDP5) in the country. IDPs and Returnees Trends by District', 31 October 2007, OCHA, Colombo. Families are often subject to repeated cycles of displacement, with no long-term security or solution. Many IDPs live in perpetual fear for their security. The LTTE continues to be involved in widespread human rights abuses including unlawful killings and abductions. Reports also indicate armed men from the pro-government Karuna group have abducted children and young people from IDP camps in the east.

Instead of securing safety for civilians, the government has on several occasions forced IDPs to return to their homes in contravention of international standards, which provide that return should be voluntary, and in conditions of safety and dignity. In a recent weekly monitoring report, the Sri Lanka Monitoring Mission (SLMM) noted that thousands of displaced civilians from areas west of Batticaloa "are being pressurized to return" to their original homes despite their unwillingness to do so owing to security and other concerns.

## **Urgent Need for Protection of Civilians**

The Government of Sri Lanka has denied the severity of the human rights situation for far too long. Rather than investing considerable efforts in trying to downplay the gravity of the situation, the Government of Sri Lanka should live up to its international legal obligations to take real and effective measures to protect the civilian population. Abuses by the LTTE are no excuse for government inaction.

To address the intensifying violations of international human rights and humanitarian law, Amnesty International and Human Rights Watch believe a United Nations field operation with a strong monitoring mandate is urgently required. A field presence would be able to document and monitor violations by all parties to the conflict and provide a mechanism to protect civilians as well as helping to limit further deterioration of the human rights situation. Both organisations urge Council members to acknowledge the severity of the human rights situation in the country during the Council's resumed sixth session. The Council has been alerted to the crisis in Sri Lanka on several occasions over the last 18 months, but has failed to respond to the situation.

Amnesty International and Human Rights Watch urge the Human Rights Council to call on the Government of Sri Lanka and the LTTE to improve civilian protection by:

- ensuring compliance with international human rights standards and international humanitarian law;
- accepting a United Nations human rights field operation with a strong monitoring mandate. Council members should call on the Sri Lankan Government to request the Office of the High Commissioner for Human Rights to establish such a mission in Sri Lanka.

We appreciate your attention to these pressing issues and stand ready to meet with you in Geneva or elsewhere to discuss further the issues raised in this letter.

Sincerely,

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