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## **Humanitarian Crisis in northern Sri Lanka**

### **Appeal to the United Nation: INVOKE R2P (Responsibility to Protect); Let UN Administer Safety Zones/Camps**

The People's Union for Civil Liberties, Tamil Nadu & Puducherry, is extremely disturbed and concerned at the fast deteriorating humanitarian crisis, of the civilians trapped in the cross fire in Mullai Thivu between the Sri Lankan army & the LTTE.

The ICRC & the United Nations estimate that around 250,000 – 300,000 Internally Displaced Persons (IDPs) / civilians are currently trapped in and around the line of the military offensive. While we are conscious of the fact that the LTTE is equally responsible for the humanitarian crisis, we firmly believe that the Sri Lankan state has a greater responsibility to ensure the safety of its citizens.

The PUCL welcomes the demarcation of the safety zone by the Sri Lanka Government as a step to ensure safety of IDPs. But in our assessment, this is a step too small and taken too late. We feel that if the Safety Zones have to be truly meaningful they will have to be operated and managed by UN Agencies and the International Community and not run by the Sri Lankan Government.

The mere act of setting up Safety Zones under the control of the Sri Lankan army is not just a facetious act but also amounts to a tokenism. Its common knowledge that the existing camps set up in Vavuniya, Mannar and Jaffna under the control of the security forces have become virtual detention centres. There have been steady reports of pervasive violence and human rights abuse from within these camps. Since these camps are designated as high security camps humanitarian workers are denied access and rights violations take place with impunity. With such a track record, Safety Zones run by the Sri Lankan security forces can hardly instil confidence amongst Tamils who

have been suffering terrible experiences over the last year or so. Unless the Safety Zones / Camps are under the direct supervision of UN authorities, the camps will become an Asian version of Guantanamo Bay!

The news that Sri Lankan forces have bombarded Safety Zones / camps resulting in numerous deaths is not only shocking but also condemnable. Using the excuse of war expediency to bomb places of safety is both betrayal of people's faith and also unacceptable. It needs to be condemned.

Using the pretext of waging the 'war against terror' what has actually happened is the setting up of a vast network of police, para-military and military forces across the entire Island state which today have become institutionalized forces of terror. The UN Special Rapporteur on extrajudicial, Summary or Arbitrary Executions felt concerned enough to report that the police were engaged in summary executions and that torture was the main cause of deaths in police custody. More importantly he pointed out that the vast number of custodial deaths was caused not by rogue police but by ordinary police officers taking part in established routine.<sup>1</sup> The working group on enforced or involuntary disappearances noted at the end of 2007 that there were 5516 outstanding cases. The working group also pointed out that the increase in reported cases of recent enforced disappearances seem to indicate a "wide spread pattern of disappearances"<sup>2</sup>.

We would like to stress here that the state supported architecture of terror is terrorizing not just Sri Lankan Tamils of northern Sri Lanka but also all other Sri Lankans who may be seen as dissenters against the ruling regime are seeking accountability from it. It may not be out of place here to refer to a letter dated April 20, 2008 signed by 13 civil society organizations (CSOs) of Sri Lanka to the Heads of Nations across the world seeking their support to vote out Sri Lanka from the UN Human Rights Council. The CSOs strikingly pointed out, "the government has permitted National Security concerns to outweigh the protection of fundamental rights, particularly of minorities of Sri Lanka. Emergency regulations currently in force enable arbitrary arrest and long term detention with out indictment, as well as torture. The fact that illegal detentions and torture also take place in

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<sup>1</sup> Para 10, page 6, "Compilation Prepared by the Office of the High Commissioner for Human Rights, in accordance with Paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1", 8<sup>th</sup> April, 2008.

<sup>2</sup> Working group, A/HRC/7/2, para.344 referred in para.12, "Compilation Prepared by the Office of the High Commissioner for Human Rights, in accordance with Paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1", 8<sup>th</sup> April, 2008.

cases not related to the conflict, only highlight the deep roots of the current Human Rights crisis”.

It saddens us that the international community appears to have decided to play mute spectators to the dreadful drama of death and destruction that has befallen the Tamils of northern Sri Lanka. We would like to remind the world community that when a state fails to protect their populations and in fact acts inimical to a section of its own people then the international community has a responsibility to initiate political, diplomatic, economic and legal preventive steps.

This responsibility emanates from the **historic declaration** of world leaders in the September 2005 UN Summit on ***Responsibility to Protect*** which held that the international community has a “responsibility” to help protect civilian populations from genocide, war crimes, ethnic cleansing and crimes against humanity. As former UN Secretary General, Kofi Annan remarked on Oct 7, 2005 during his address to the UNHCR, “International inaction has been recognised as unacceptable, especially where national governments are unwilling or unable to act... Our focus should really be on earlier, non-violent ways to prevent conflicts or political upheavals from reaching such a point”.

We feel that the situation is already precarious with thousands of people being killed and many thousands more living insecure lives as a consequence of the policies followed by the Sri Lankan Government. It is of utmost importance that the International Community should intervene decisively at least now, and not to intervene later on after hundreds more have perished and thousands suffered privations and horrific human suffering. It will be a callous betrayal of the UN Charter if urgent measures are not initiated immediately to stop the humanitarian crisis.

PUCL takes strong exception to the superficial response of the Indian Government to this grave humanitarian crisis taking place in Sri Lanka. The recent visits of the Foreign Secretary, Shivashankar Menon and the External Affairs Minister, Pranab Mukherjee appears to be mere tokenism and have done little to engage the Sri Lankan government in addressing the well documented incidents of human rights violations committed with impunity by Sri Lankan security and official agencies. The deaths and suffering of Sri Lankan Tamils, and the plight of over 200,000 (Two lakhs) do not seem to be a priority issue in negotiations. The insincere approach of Government of India which remains a mute spectator to the continuing

violence amounts to an abdication of its duties as a signatory to the Universal Declaration of Human Rights. We are distressed to note that Government of India is rendering technical and strategic support to the Sri Lankan Government. We condemn this and demand that Indian Government forthwith stop all military aid to Sri Lanka.

PUCL calls upon the United Nations to invoke the *doctrine of 'Responsibility to Protect'* and to proactively intervene in the Sri Lankan crisis on an emergency basis to prevent further aggravation of the humanitarian crisis.

PUCL also calls upon both the Sri Lankan Government and the LTTE to honor the Vienna Convention and ensure the safety of civilians.

PUCL urges the Sri Lankan Government which has a sovereign responsibility to protect its citizens from human rights violations and which responsibility takes precedence over military expediency to:

1. Create and expand Safety Zones and Safe Passages under the direct supervision of the ICRC and other UN Agencies.
2. Permit international observers to assess the humanitarian situation in the Vanni region of North as also Eastern regions and facilitate remedial measures.
3. Forthwith stop all extra judicial killings, abductions and disappearances of civilians, journalists and human rights defenders in the name of countering the LTTE.
4. Provide humanitarian aid especially immediate supply of essential drugs and medicines to hospitals in Vanni and in Vavuniya.
5. Rush food supplies to the northern areas and ensure safe water supply and adequate sanitation facilities with special focus on gender needs.
6. Ensure freedom of movement for those who have come out of the LTTE areas and are now living in the camps in Mannar and Vavuniya
7. Restore freedom of press and media.
8. Prosecute the killers of Lasantha Wickrematunge, the editor of Sunday Leader, without any delay. Similarly launch effective investigations and prosecutions into the murder of other journalists and human rights defenders.

31.1.2009, Chennai

(Dr. V. Suresh),

President, PUCL-TN & Puduvai