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COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

29 November 2006

Geneva

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Human rights and humanitarian crisis continues in Sri Lanka: Intensified scrutiny needed from Human Rights Council

The International Commission of Jurists (ICJ) today called on member states of the United Nations Human Rights Council to closely scrutinise the human rights situation in Sri Lanka and renewed its call for the establishment of a fully-fledged human rights operation in the country.

“There is little neutral space left in Sri Lanka. Civilians are suffering the human rights and humanitarian consequences of a deepening conflict and unaccountable armed forces on all sides”, said the ICJ.

“The Human Rights Council must not turn away. It can and should play a constructive role in helping to prevent and stop the continuing serious violations of human rights and humanitarian law in Sri Lanka and in helping to tackle systemic impunity”, said the ICJ.

Since the Council adjourned in October, Sri Lanka’s civilian population has been further brutalised by all parties to the conflict. The ICJ continues to receive reports of targeted killings of civilians, enforced disappearances, torture, forced displacement, and forced recruitment of children – abuses that are war crimes when committed in the armed conflict.

Targeted killings of civilians are continuing, including the assassination in Colombo on 10 November of Tamil National Alliance (TNA) parliamentarian Nadarajah Raviraj, the second TNA MP to be killed in the last year. Those responsible for the killing of TNA parliamentarian Joseph Pararajasingham while he was attending mass almost one year ago, in December 2005 in Batticaloa, have not been brought to justice.

It is reported that the Sri Lankan security forces have launched military operations without respecting the principle of distinguishing between civilian and military targets, contributing to unnecessary civilian deaths and injuries during military operations. Serious and impartial investigations are needed, for example, into the attack by security forces at Vaharai in Batticaloa on 8 November, in which 40 people were killed and 100 injured.

The ICJ also urged the LTTE to ensure that military assets, including fighters, are not placed in areas where civilians can be at risk.

The Special Advisor to the United Nations Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict on Sri Lanka, Allan Rock, stated on 13 November after visiting the country, that the Karuna faction is abducting children in the east of Sri Lanka with the support and participation of certain elements of the government security forces. He also found that the LTTE is continuing to recruit children.

These human rights violations are set against the sobering backdrop of the continuing humanitarian crisis in the north of Sri Lanka. Reportedly, over 200,000 people remain displaced and at least

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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15,000 people have sought refuge in India. There have been reports of the forced closure of shops by the LTTE, preventing distribution of the small quantity of supplies that do reach the north. While the Government and the LTTE continue to debate the opening of the A9 road, the only land supply route to the Jaffna peninsula, the crisis deepens and civilians continue to suffer.

“The humanitarian crisis is being politicised by both sides to the conflict, with little consideration of the rights of the civilian population”, said the ICJ.

Many of these human rights violations have taken place since the President announced the Commission of Inquiry into specific past violations, underlining the urgent need for measures, beyond investigations, to prevent and stop ongoing human rights violations by all parties to the conflict.

“Experience around the world has shown that in such acute situations as in Sri Lanka, a professional, impartial and international human rights field presence can play a significant role in helping to protect lives and create a space in which diplomatic initiatives can take shape”, said the ICJ.

“We believe discussions should be stepped up with the Sri Lanka Government about how to establish a suitable human rights operation in the country”, said the ICJ.

The ICJ called on the members of the Human Rights Council to:

- Remain seized of the situation in Sri Lanka and examine the human rights situation in detailed discussions during the third session of the Human Rights Council;
- Support the recommendation made by UN human rights experts (Special Procedures), and also the High Commissioner for Human Rights, that international protection mechanisms are needed in Sri Lanka, by encouraging discussions with the Sri Lankan Government to develop a plan to establish an international human rights field presence in Sri Lanka;
- Follow closely the work of the planned Presidential Commission of Inquiry and seek reports from the Sri Lankan Government, the International Independent Group of Eminent Persons and the High Commissioner for Human Rights about the Commission’s progress, including compliance with international standards on investigations of past human rights violations;
- Request the Government to invite the UN Working Group on enforced and involuntary disappearances to visit Sri Lanka;
- Fully consider the section of the report of the United Nations Special Representative for Children and Armed Conflict that relates to Sri Lanka, when it is released.

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