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Sri Lankan civilians urgently need protection: ICJ calls on Government and LTTE to publicly state commitment to international humanitarian law

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The International Commission of Jurists (ICJ) today called on the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) to abide by international human rights and humanitarian law, cease any indiscriminate or targeted attacks against civilians and immediately guarantee access for independent human rights investigators.

“Civilians have borne the brunt of the recent escalation of fighting. Yet international human rights law guarantees the right to life and the fundamental rule of international humanitarian law is that those fighting must distinguish between civilian and military targets, between civilians and combatants”, said Nicholas Howen, ICJ Secretary-General.

While urging both the Government and the LTTE to return to negotiations, the ICJ acknowledged that Sri Lanka appears to be plunging towards a renewed civil war.

“Even in war, there are legal limits. In the past, both sides in Sri Lanka have violated the laws of war, resulting in gross abuses that disproportionately affected the civilian population,” said Nicholas Howen. “We call on the Government and the LTTE to publicly and immediately reaffirm that they will abide by international human rights law and international humanitarian law, including, Article 3, common to the four Geneva Conventions, and customary international humanitarian law”.

Clashes between the Sri Lankan security forces and the LTTE have been reported in the North, North-East and the East of the country. UNHCR has reported that over 50,000 people have been displaced since the flare-up of violence in Muttur and its surrounding areas in Trincomalee at the end of July. UNHCR estimates that in Muttur and Eachchilampattu alone around 15,000 people are currently trapped due to the violence.

The Government has confirmed that on 14 August its security forces carried out an aerial attack on an LTTE camp in Mullaittivu District, which the Sri Lankan Monitoring Mission (SLMM) has reportedly said killed 19 girls aged between 16 and 19 years. The SLMM and UNICEF, who both visited the site of the attack, have reportedly said that there was no sign that the LTTE was using the site for military purposes.

In the last two weeks there have been a series of extrajudicial executions, including the killing of 17 aid workers from Action Internationale Contre la Faim (ACF) in and around their office in Muttur on 5 August; and the killing of Katheshwaran Loganathan, the Deputy Secretary General of the Government’s Secretariat for Coordinating the Peace Process

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

33, rue des Bains, P.O. Box 216, 1211 Geneva 8, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801 – Website: <http://www.icj.org> - E-mail: info@icj.org

(SCOPP) and formerly the head of the Peace and Conflict Analysis Unit at the Centre for Policy Alternatives (CPA), in Colombo on 12 August. On 8 August S Sivardasan, a senior member of the Eelam People's Democratic Party (EPDP), was wounded in a car bombing in Colombo that resulted in the deaths of three civilians including his bodyguard.

In areas in which fighting is taking place the media have reported deaths of civilians resulting from artillery attacks, including the death of 17 Muslim sheltering in a religious school attached to a mosque in Muttur on 3 August.

The ICJ welcomed the statement of 11 August by the four Co-Chairs (the European Union, Japan, Norway and the United States) calling for independent, international investigations of allegations of serious human rights abuses.

“Both sides must now guarantee free and unhindered access for independent investigations”, said Nicholas Howen. “This is the only way to cut through the claims and counter-claims, clarify the facts and identify who may be responsible so that action can be taken”, he added.

The ICJ said that beyond individual investigations and action to ensure those responsible are held accountable, Sri Lanka needs a proper international human rights field operation to help in the protection of civilians.

The ICJ also called on United Nations member states to recognise the seriousness of the deteriorating human rights and humanitarian situation in Sri Lanka.

“The deteriorating situation in Sri Lanka should no longer rest solely on the shoulders of Norway and the other Co-Chairs”, said Nicholas Howen. “UN members states have the responsibility to ensure that the Human Rights Council considers and acts on Sri Lanka during its second session in September and at future sessions”, he said.

Background

Both parties to the conflict are bound by Common Article 3 of the Geneva Conventions and by those rules of international humanitarian law that have become part of customary international law. Common Article 3 provides that civilians and other non-combatants are protected against violence to life and person, in particular murder, mutilation, cruel treatment and torture; hostage taking; humiliating and degrading treatment; and the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court. It is a crime under international law to commit a serious violation of Common Article 3, as well as to commit other serious violations of the laws and customs applicable in internal conflicts, including intentionally directing attacks against civilians or against religious or educational buildings. Individuals can be prosecuted for such crimes in Sri Lanka and in other countries. The Government is also bound by international human rights law.

For further information please contact Susan Appleyard, +41229793809 or +41764382653.