



**HUMANITARIAN LAW PROJECT**  
**International Educational Development**

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 Prevention of Genocide

Re: Genocidal crisis in Sri Lanka

Madame and Monsieur:

On 10 November 2006 International Educational Development (IED) and the Association of Humanitarian Lawyers (AHL) sent a letter expressing grave concern about the situation in Sri Lanka. We now consider that the situation has disintegrated even further, placing the Tamil people on the island, already victims of ethnic cleansing, at serious risk of genocide.

We have addressed human rights and humanitarian law in the context of this armed conflict for 24 years, and consider the cumulative toll on the Tamil people to be now especially grave. That the war between the government forces and the Liberation Tigers of Tamil Eelam (LTTE) is almost exclusively in the Tamil areas and would, therefore, result in some Tamil civilian casualties, does not alter our opinion that the situation is genocidal, especially considering that so many military operations are deliberately directed at Tamil civilians and that the policies as a whole aim to either kill or drive the Tamils out of their own areas if not the island.

At present time, the dire ground realities of the Tamil civilians affected by the war are worsened by steadily escalating and shrill anti-Tamil rhetoric from Sinhala government officials, leaders of the extremist Buddhist party (the JHU), and other Sinhala leaders that carries beyond the island. This also is having a negative effect on the hundreds of thousand of Tamil refugees and exiles in the diaspora and has been, regrettably, so effective in its demonizing of the Tamil people as a whole that it has interfered with international solidarity for the Tamil victims. In fact, as the situation of the Tamils has worsened, the international community appears to have grown quieter. Some of the few statements made omit the fact

that most of the victims are Tamil. We note with alarm the recent words of a former member of the Indian Cabinet Secretariat indicating that the government of Sri Lanka is

“taking advantage of the silence of the international community, including India, on its policy of using its Air Force, heavy artillery and forced starvation to force the Tamils to submission.”<sup>1</sup>

We have long been shocked at the policies of Sinhala-dominated governments to encourage large-scale relocation of Sinhalas into traditional Tamil areas. In discussing the current government’s resettling of former Sinhala soldiers into areas from which Tamil civilians have recently fled, the same author writes:

“the ultimate objective of Mr. Rajapakse’s advisors is to reduce the Sri Lankan Tamils to the status of the Red Indians of Sri Lanka kept confined to certain reserves as museum pieces. A more anti-Tamil group of hard line advisors Sri Lanka has not had since the Tamils rose in revolt in 1983.”<sup>2</sup>

Since our 10 November 2006 letter, the day to day realities of Tamils in Sri Lanka prompts nearly daily “urgent action” type requests to essentially all the Human Rights Council’s Special Procedures. That so many Special Procedures are invoked, and the acts in question are very grave, supports our view that the situation against the Tamils is genocidal. We provide a brief review of some of the current most pressing issues, in the order of the Council’s list of special procedures:

**1. Special Rapporteur on housing:** Tamils, already displaced and denied housing aid on the basis of race after the 2004 Tsunami, have recently been bombed out of a number of locations. Tamil civilians are increasingly homeless, or living in camps for internally displaced. The homes of displaced Tamils are being given to Sinhala settlers. Recent figures attest to about 200,000 Tamils newly displaced and as many as 300,000 Tamils recently forcibly evicted.

**2. Working Group on Arbitrary Detention:** Tamils are being rounded up en masse. The notorious “Boosa camp” has been reopened, following the reinstatement of the draconian Prevention of Terrorism Act (PTA), and Tamils are sent there with no charges, no right to

<sup>1</sup> B. Ramen, “Rajapakse Bent on Dictated Peace,” in South Asia Analysis Group, Paper No. 2088 of 7 January 2007, [www.saag.org](http://www.saag.org). In this regard we also point out that appointment of an international “eminent persons” group whose members must be approved by the government of Sri Lanka and whose mandate limits then to situations pre-approved by the government of Sri Lanka cannot be viewed as a responsible action by the international community to address adequately the situation. We note that the government’s approval of Mr. Bernard Kouchner, the EU’s nominee, was in doubt as his appointment would be “disadvantageous” to the government.

<sup>2</sup> Idem. We also urge you to consult N Satyendra, “Sri Lanka’s War on Eclam Tamils: Sri Lanka’s Ethnic Cleansing” in [www.tamilnation.org/indictment/index.htm](http://www.tamilnation.org/indictment/index.htm) setting out the “56 year record.” This article has many references to UN action in Sri Lanka and the many efforts by non-governmental organizations, including our own, to generate effective international action.

counsel, or any other of the minimum procedural rights. Boosa camp is Sri Lanka's Guantanamo. As of 25 January, there have been over 350 Tamils sent to Boosa, and at least 116 are known to still be there. The PTA allows detention without charges or right to counsel for eighteen months. Acts considered "terrorist" for purposes of the PTA include intimidating a witness, "mischief" to public property (i.e. graffiti), defacing street signs or billboards, bank robbery and a number of other common misdemeanors or ordinary felonies. We are unaware of any non-Tamil at Boosa camp or arrested under the PTA.

**3. Working Group on Disappearances:** The "white vans" are back -- vans that circulate in Tamil areas whose passengers seize Tamil civilians, primarily youth. In the past three weeks, 41 Tamils disappeared from Vavuniya alone, as well as 6 in the village Chavakachcheri. Human rights offices in the Tamil areas are overwhelmed with cases, and a number of Tamils are now seeking "protective custody" orders from local magistrates to avoid being seized. The whereabouts of seven aid workers from Tamil Rehabilitation Organization (TRO), disappeared in early 2006, is still unknown.

**4. Special Rapporteur on [Right to Life]:** Since our last communications, hundreds of Tamil civilians have been killed when they were targeted by Sri Lanka Air Force planes, heavy artillery, and the like. Bishop Joseph of Mannar called the bombardment of Padahuthurai fishing village a "crime against humanity." On 25 January, the only Tamil member of the Kinmiya Urban Council was killed, and all ten Tamils on the Trincomalee Urban Council have received death threats. On the same day, two Tamil youths were found dead by bullet wounds in Eravur (Trincomalee District). Conservative estimates by the BBC indicate nearly 3500 killings since January 2006: almost all of the civilian casualties in the war are Tamils directly targeted by government forces rather than being incidental civilian casualties.

**5. Independent Expert on Extreme Poverty:** The Tamils, devastated by the Tsunami in their areas, were barely provided post-Tsunami aid. The current scale and scope of "High Security Zones" in the Tamils areas has essentially destroyed subsistence farming in the Tamil areas. Many Tamils are in camps for the internally displaced, relying on meager charity aid, and with serious food and medicine shortages. Many Tamil fishermen have not had their Tsunami-lost boats replaced and the few with boats have their fishing heavily restricted by government policies. Much of the Tamil population in the North is now in dire poverty, and high food prices make it nearly impossible to obtain minimum food needs. Agencies that might provide some aid for the newly poor Tamils have not been allowed to fully function or have been forced out.

**6. Special Rapporteur on the Right to Food:** In addition to what is presented above, and in spite of our earlier communications in this regard, the government is still clearly using food as a weapon of war by severely restricting access to food by blocking key land routes to Tamil civilians, and forcing Tamils to flee many areas to avoid starvation. As set out in our previous communications, the government's policies in this regard violate the Geneva Conventions and customary norms of humanitarian law. Calls from our organizations, other non-governmental organizations, religious figures and others to prevent starvation of Tamil civilians have gone largely unheeded

**7. Special Rapporteur on Freedom of Expression:** We have already sent a number of communications containing information about serious violation of the rights of the media. International media watch groups have indicated that Sri Lanka was one the most dangerous place for journalists in 2006. Recent events show that 2007 is also going to be a difficult year: on 9 January, a mob led by a deputy minister attacked journalists in Super Marker Square (Colombo) gathered to cover a peace demonstration. Tamil journalist M. Parameswarae, arrested without charge on 24 November 2006, appears to still be in custody. Tamil journalists in Trincomalee have been sent death threats.

**8. Special Rapporteur on the Right to Health:** Since our earlier communications, the health situation of the Tamils in the Tamil areas has continued to deteriorate due to both lack of food and lack of basic medicines and medical personnel. Hospitals, medical facilities and personnel serving Tamil civilians continue to be targeted by government armed forces in direct violation of the Geneva Conventions and customary humanitarian law. Conditions in the numerous camps for internally displaced persons are very difficult, and there is likely to be serious medical consequences of overcrowding, exposure to the elements, lack of food and medicine, and lack of adequate sleep. Many people will certainly have serious mental health consequences of being targeted and deprived.

**9. Special Representative on Human Rights Defenders:** As we have set out in previous communications, international non-governmental organizations, local human rights groups, and individual human rights defenders of and aid providers to Tamils have been attacked. As indicated above, the whereabouts of the seven members of the TRO are still unknown. Seventeen workers from Action Contre le Faim were assassinated. Medicines sans Frontieres, World Concern and other groups have had their work to aid Tamils severely restricted. In fact, any group seeking to defend the rights or come to the aid of Tamils is threatened both in Sri Lanka and in other parts of the world. The American Red Cross and other donors were not allowed to distribute any of the hundreds of millions of \$US collected to assist Tsunami victims in the Tamil areas. Even former Secretary-General Kofi Annan, the ultimate human right defender, was not allowed to visit the Tamil areas after the Tsunami. His envoys were subsequently also kept from the Tamil areas. Human rights work on behalf of Tamil war victims is drastically under-funded in relation to the need and those involved are under constant threat.

**10. The Representative on Internally Displaced Persons:** The Tamil population in Sri Lanka has, by percentage, one of the highest rates of internally displaced in the world today. Most estimates show that more than one third of the remaining Tamil population on the island is displaced. In addition, many others have recently fled to India, which had already had hundreds of thousands of refugees from past periods of the conflict and from the Tsunami. The Tamil diaspora represents one third of the Eelam Tamils, and now numbers over 1 million persons. The camps for the IDPs are in deplorable condition due to lack of food, water, sanitation, medical care, schooling, and adequate shelter. Some of the IDPs are housed in schools, making the schools for those local communities unusable.

**11. Special Rapporteur on Racism:** Our organizations have been stunned by the virulence of anti-Tamil rhetoric from Sinhala leaders for some time. However, the current administration is both more open and more aggressive in its anti-Tamil position and the ruling coalition government includes some of the most overtly racist parties. These parties are quite open about insisting that the Sinhala majority completely dominates the Tamil people or, even better, drives them out. Race-motivated crimes against Tamils in the Sinhala areas is on the rise as anti-Tamil mobs become emboldened by the rhetoric and by the failure of government authorities to prosecute these crimes. We have already sent communications regarding mob attacks on Tamil neighborhood earlier this year, but smaller attacks continue. As an example, on 22 January 2007, Sinhala mobs attacked Tamil passengers on a bus in Matale. There are reports of similar incidents essentially every day. Many militant Sinhalas argue for a Tamil-free island. Even the flag can be viewed as racist as it is dominated by the Sinhala lion.<sup>3</sup> Racism is fanned further by the government's continual mislabeling of the LTTE and Tamils as "terrorist" and the armed conflict as "terrorism and counter terrorism" -- a mislabeling that has unfortunately been echoed by other actors in the international community.<sup>4</sup>

**12. Special Rapporteur on Torture:** As Special Rapporteur Alston indicated in his report of his mission in Sri Lanka to look into summary executions, torture in Sri Lankan jails is systematic and death from such torture common. While there is torture of Sinhala as well as Tamil people, all the persons held in Boosa camp, notorious in the past for torture, are Tamil. Bodies of Tamils tortured to death are found nearly on a daily bases in the North and East.<sup>5</sup>

In our view, the government of Sri Lanka has been given far too much latitude by the international community. If the Tamils are to survive as a people in Sri Lanka, this must change immediately. Sri Lanka's promise to establish the "eminent persons" team of international experts to monitor its own investigative Commission derailed potential useful action contemplated by the Council in its 2d session. Now, four months later, such a team has yet to be put in place, and even if it were, it is doubtful that the government of Sri Lanka will let it function in a useful way. We see this as a tactic to delay more meaningful scrutiny and action while the government pushes to annihilate the Tamils.

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<sup>3</sup> According to historians of the post-colonial period, the unveiling of the Sinhala lion flag on the eve of independence was the beginning of concerns that the Tamil people would be marginalized or excluded from full participation in a multi-ethnic but race-neutral society. The Tamil leaders of that day instantly objected to that flag, calling instead for a race-neutral flag.

<sup>4</sup> Further, allegations are made with no reference to applicable humanitarian law. In this regard, we always consult The Law of Armed Conflict at the Operational and Tactical Level, Office of the Judge Advocate General (Canada), Doc. B-GG-005-027/AF-020 in determining whether a particular military operation by either party is legal or not.

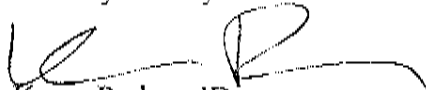
<sup>5</sup> We also draw attention to the procedures involving freedom of religion and international solidarity that are relevant to support a claim of genocidal actions and policies in Sri Lanka directed at Tamils. Special Rapporteur Jahingir has made a visit to the island and has reported on serious issues in that regards, not all of which involve targeting of Tamils based on religion. However, there have been several recent events in which Tamil religious leaders were killed and Tamil Christian churches attacked. We reference the Special Rapportuer on International Solidarity because in our view the government of Sri Lanka and prominent others have poisoned international solidarity for Tamil victims. The mandate of the Working Group on Mercenaries is also invoked in this situation due to the activities of the "Karuna" group.

On a number of occasions we have communicated our concerns that the geopolitical interests of other countries, in particular the United States, in the Tamil areas of Sri Lanka have been a factor in the failure to resolve this conflict. These same geopolitical interests may now be a factor in possible genocide. Unless it is already too late, the United Nations and its human rights defenders may be the only hope that the Tamils have to prevent their annihilation. We are aware that anyone who either criticizes the government of Sri Lanka or indicates any sympathy for the plight of Tamils will be subjected to strong complaints and accusations from the government. We have been so subjected, as has Alan Rock (investigator on issue of children in armed conflict) and a number of other concerned people and groups. We view this as part of a genocidal agenda.

We end this letter with a selection from former Secretary-General Kofi Annan's statement to the 2004 session of the Commission on Human Rights:

"Whenever civilians are deliberately targeted because they belong to a particular community we are in the presence of potential, if not active, genocide. . . . We can no longer afford to be blind to the grim dynamic. Nor should we imagine that appeals to morality, or compassion, will have much effect on a people who have adopted a deliberate strategy of killing and forcible expulsion."<sup>6</sup>

Thank you for your kind attention to this matter,



Karen Parker, JD,  
Chief delegate, IED  
President, AHL

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<sup>6</sup> Press release SG/SM/9245 of 7 April 2004.

## **Memorandum of Understanding Between Ilanki Tamil Sangam and Ms. Karen Parker**

### **Preamble**

The objective of the initiative is to represent to interests of Eelam Tamils before the United Nations, including United Nations related entities, international non-governmental organizations, and UN Missions of relevant countries.

With reference to the above, the Ilanki Tamil Sangam and Karen Parker have agreed to work according to the following provisions.

### **Article 1**

The Ilanki Tamil Sangam will appoint a committee to act on the behalf with respect to this initiative with Ms. Karen Parker.

### **Article 2**

The Committee, after consulting with Ms. Karen Parker, will give directions with respect to the work to be done.

### **Article 3**

Having recognized the expertise of Ms. Karen Parker in international humanitarian laws and human rights as well as her commitment to the realization of the Tamil's right to self-determination, the Ilanki Tamil Sangam urges and encourages Ms. Karen Parker to suggest the ways and means of promoting the interests of the Eelam Tamils. However, due to political sensitivities, any initiative should be undertaken only with the concurrence of the Committee.

### **Article 4**

The work envisaged by the Committee and Ms. Karen Parker include, but is not limited to addressing relevant U.N. sessions; submitting reports to relevant U.N. entities such as the Human Rights Counsel, UNICEF, UNHCR, Committee on Torture, Committee on Terrorism, Office of Special Representative for Children in Armed Conflict, and treaty making bodies; having input in the reports or decisions of the above-mentioned entities before they are finalized; drafting responses to U.N. reports and/ or decisions; meeting with relevant personnel of the U.N. and U.N. related entities; meeting with and submitting reports to relevant countries' U.N. missions; meeting and submitting reports to relevant international non-governmental organizations (INGOs); presenting facts and views before the INGOs; drafting responses to the

reports by the INGOs, specifically Amnesty International and Human Rights Watch; drafting shadow reports (reports that contradict the reports that the government of Sri Lanka is obliged to submit); and conducting workshops/ trainings/ seminars on human rights and humanitarian laws in order to empower and train Tamil youth.

#### **Article 5**

The Ilanki Tamil Sangam will pay Ms. Karen Parker a \$5000.00 honorarium per month on the first Monday of the month for the services to be rendered in that month.

#### **Article 6**

Ms. Karen Parker will submit a report to the Committee on the first Monday of every month of the actions taken by her during the previous month.

#### **Article 7**

This agreement shall be in force from the 15<sup>th</sup> of April 2007 until the 15<sup>th</sup> of October 2007.

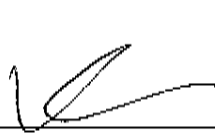
#### **Article 8**

Either the Committee or Ms. Karen Parker may terminate this contract at will. If the Committee terminates the agreement, Ms. Karen Parker need not reimburse the money paid to her that month. If Ms. Karen Parker terminates the agreement before the 15<sup>th</sup> day of the month, she must reimburse the money paid to her for that month.

#### **Article 9**

Any amendment to this Memorandum of Understanding can only be made with the consent of both parties.

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*President*  
Ilanki Tamil Sangam

  
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Ms. Karen Parker  
2 Feb 2007