



HUMANITARIAN LAW PROJECT
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Re: Humanitarian access, genocide and the Tamil civilian population
 In Sri Lanka

Madam:

U.N. Chief Delegate
 Karen Parker

International Educational Development (IED) and our sister organization the Association of Humanitarian Lawyers (AHL) thank you for your statement following the horrendous bombing, in contravention of humanitarian law, by the Sri Lankan military forces of Tamil civilian villages and relocation camps near Mannar in the Tamil area of Sri Lanka.

Law Commission
 Francis A. Boyle
 Todd Howland
 John Quigley
 Edi M.O. Faal

AHL has worked to improve the situation of the Tamil people in Sri Lanka since the 1983 anti-Tamil massacres, with IED joining in shortly thereafter. In our view, the Tamil people face a worse situation than ever before in this long armed conflict.

Today's crisis is a result of a number of factors that began with the Tsunami. As you are aware, the Tamil areas of Sri Lanka were the worse affected by the Tsunami, with a catastrophic loss of life, hundreds of thousands injured and many hundreds of thousand losing homes and livelihood. Nonetheless, and in spite of hundreds of millions of dollars collected by many aid groups, the government of Sri Lanka (almost completely Sinhala) and several of its allies with interests in the Tamil areas, especially the United States, prevented most of the aid from reaching the Tamil people while the Sinhala Tsunami victims received most of the aid. At the outset of the present serious escalation of attacks on them by the Sri Lanka military forces, many Tamils were still living in tents or temporary housing as internally displaced persons (IDPs) because of the Tsunami and also from earlier stages of the war. While some international aid providers were allowed to offer them aid, notably the ICRC and OCHA, the Tamils Rehabilitation Organization (TRO) was one of a very few non-governmental organizations allowed to function in many of the Tamil areas.

The plight of the Tamil Tsunami survivors and all other Tamils in the Tamil areas of the island of Ceylon worsened dramatically with the election of Mahinda Rajapakse in November 2005. Shortly after taking office, he began demonizing the Tamils as a whole and initiating military attacks against Tamil civilians. Military attacks on Tamil civilians now occur on a daily basis. Humanitarian aid is in short supply and aid workers have been killed, disappeared or forced out: eight workers of the TRO abducted and "disappeared," their fate as yet unknown; 17 workers for Action Contra le Fairm killed execution style in Mutur; the Vavuniya Red Cross, World-Concern and Medicines sans Frontiers attacked or forced out.

To make things worse, the government is carrying out a blockade of food and medicine into the Tamil areas by cutting off the major land routes, such as highway A-9, into the Tamil areas. In our opinion this clearly is using food as a weapon of war and is strictly forbidden in humanitarian law. Food shortages were made worse because the government forces recently bombed and destroyed the UN-built potable water plant in the Tamil area in the East.

Yesterday, the TRO announced that the people in the Vaharai area are facing starvation because the last food convoy reached them almost four weeks ago. Today, the government forces raided the TRO office in Trincomalee and the workers were taken away. The government's bombers have kept up a barrage against Tamil villages in the Mullaitivu area, in Vaharai district and elsewhere, having announced on 4 January 2007 that they will "annihilate the LTTE" in the East and then proceed to annihilate them in the North. Unfortunately, many of their bombs and rockets fall in Tamil civilian areas.

What is more disturbing is that the government has also announced that it seeks further heavy military hardware such as jet bombers, helicopters and tanks, as well as weaponry such as cluster bombs and fuel/air bombs ("daisy-cutters"). The UN Sub-Commission issued resolutions and reports on these weapons, finding their use incompatible with existing humanitarian law norms. The EU has asked for a moratorium on cluster bombs, whose use in Lebanon shocked the world.

There is no way given the population density and terrain in the Tamil areas that such weapons could be used in this war without causing catastrophic numbers of civilian Tamil casualties. For example, one large "daisy-cutter" (the BLU-82, nicknamed "Big Blue", for example) "generates a firestorm the size of 5 football fields, consumes oxygen, and creates a shock wave and vacuum pressure that destroys the internal organs of anyone within range." E/CN.4/Sub.2/2002/38, para. 120. "Second generation" daisy cutters detonate with aluminum powder, burning at 10,000 F. The affected range area of one bomb is about 2.2 square kilometers, and the blast produces a mushroom cloud. Rather than annihilating the LTTE, these weapons would annihilate the Tamil people.

Because we view the existing government policies as genocidal, we have already submitted a request to the Representative of the Secretary-General for the Prevention of Genocide for his consideration. Our concern is heightened now because in our view even seeking weapons such as cluster bombs and daisy-cutters constitutes a "conspiracy to commit

genocide" under the Convention on the Prevention and Punishment of the Crime of Genocide.

In spite of the obvious acts of the government attacking Tamil civilians and seeking genocidal weapons, the international community as a whole has not spoken up very forcefully. Unless people were closely following the events, most reading some of the statements made by the United Nations or other international actors would not even know that the victims were Tamil. In fact, many people think that Sinhala civilians are equally dying in this war or are still displaced by the Tsunami. Many do not realize that there are distinct Tamil and Sinhala areas (they were separate kingdoms before the colonial period), that the war is almost exclusively in the Tamil areas, and that the large majority of victims are Tamil.

While Mr. Holmes is expected to take office in February, we fear that many more Tamils may be killed or injured, or undergo undue hardships due to lack of food, medicine, water, shelter and basic subsistence unless action is taken immediately. In light of this, we urge you to take whatever emergency action you can. Without strong action from your Office, emergency supplies for the Tamil civilians may fall far short of minimum and many more Tamils will be killed in military operations against them. The situation is clearly a humanitarian catastrophe.

Thank you for your kind attention to this matter,

Yours truly,



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