

September 19, 2006

## **Sri Lanka: Government and Tamil Tigers Must Protect Civilians**

*U.N. Human Rights Monitoring Mission Urged*

New York – Both the Sri Lankan government and the armed opposition Tamil Tigers have been responsible for numerous preventable civilian deaths and injuries since major fighting resumed in April, Human Rights Watch said in a [briefing paper](#) released today.

The 56-page briefing paper, “[Improving Civilian Protection in Sri Lanka](#),” makes 34 recommendations to the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE), known as the Tamil Tigers, to better protect civilians. Human Rights Watch urged the government and the LTTE to accept a United Nations human rights monitoring mission in Sri Lanka and adopt specific measures to protect the civilian population.

“The renewed fighting has placed civilians at greater risk than at any time since the 2002 ceasefire agreement,” said James Ross, senior legal advisor at Human Rights Watch and author of the briefing paper. “Both sides are responsible for serious abuses committed with utter disregard for civilian security.”

Human Rights Watch found both government security forces and the LTTE responsible for failing to protect civilians during recent major military operations. Violations of the laws of war by government forces and the Tamil Tigers include indiscriminate attacks and summary executions. Neither side has taken adequate measures to facilitate humanitarian relief to the hundreds of thousands of people who have been forced to flee their homes or are otherwise in need of assistance. In addition, aid workers have been targets of threats and attacks, prompting fears of an exodus by international humanitarian organizations.

The human rights abuses that characterized the ceasefire period – politically motivated assassinations and “disappearances” – have increased since April. Both the government and the Tamil Tigers have exploited rather than dampened the rising communal violence between Tamils, Sinhalese and Muslims. Impunity for even the most serious crimes remains the norm.

Human Rights Watch’s recommendations to the government and the Tamil Tigers were developed during a two-week mission to Sri Lanka in August. Human Rights Watch urges both the government and the Tamil Tigers to take stronger measures to protect civilians, including:

- Agree to designate demilitarized zones as sanctuaries in conflict areas and pre-position humanitarian relief in known places of refuge;

- Improve humanitarian access to populations at risk, including by ending unnecessary restrictions on humanitarian work;
- Ensure the protection of displaced persons, regardless of ethnicity, and end forced returns;
- Ensure adherence to international law by all senior commanders and lower-ranking personnel and hold violators accountable;
- End threats, harassment and violence against non-governmental organizations and their staff;
- Support inter-ethnic networks to reduce the likelihood of communal violence; and,
- Agree to the establishment of a United Nations human rights monitoring mission in Sri Lanka.

Both sides have been responsible for serious violations of the laws of war since major fighting resumed in April, said Human Rights Watch. Sri Lankan armed forces have engaged in indiscriminate shelling and aerial bombing. At least 19 young women and girls (the LTTE have claimed 51) died in an August bombing raid in LTTE-controlled territory where the evidence indicates there was no genuine military target. The military's indiscriminate shelling of Mutur in August resulted in the deaths of at least 49 predominately Muslim civilians. The security forces have been implicated in the summary execution of persons in their control, including 17 aid workers from the international group Action Against Hunger in August. The security forces are also believed to be responsible for an increasing number of "disappearances."

The Tamil Tigers have directly targeted civilians with Claymore mines and suicide bombings, and summarily executed persons in their custody. They were allegedly responsible for a landmine attack in June on a bus in Anuradhapura that killed 67 civilians, including many children.

Outside the immediate battlefield, both sides have acted in a manner that has increased the risk to civilians under their control. In April, government security forces stood by for two hours while a Sinhalese mob burned Tamil homes and shops in Trincomalee. The military is providing weapons but little training to civilian "home guards," who readily become targets for Tamil Tiger attacks.

The Tamil Tigers impose mandatory military and civil defense training on a large scale to civilians in areas they control. They often arm civilians to fill checkpoints and sentry posts, dangerously blurring the line between combatants and civilians. In addition, the Tamil Tigers continue to recruit children to be soldiers in their forces. The breakaway

faction of the Tamil Tigers under Colonel Karuna, which is increasingly linked to government forces, is forcibly recruiting children. Since June the Karuna group has abducted more than 100 children for its forces.

The renewal of major fighting has resulted in several hundred thousand people, including more than 220,000 persons displaced from their homes throughout the north and east, requiring humanitarian assistance. Yet neither the government nor the Tamil Tigers have acted to ensure that humanitarian assistance reaches these threatened populations.

Government efforts to provide aid have been slow and cumbersome. The Ministry of Defense has placed unnecessary obstacles in the way of humanitarian agencies, including new registration requirements that appear designed more to discourage humanitarian action than regulate it. Even after the end of major fighting in Jaffna, the government and the LTTE have hindered humanitarian assistance from reaching the peninsula.

“Harassment, threats and violence are becoming common occurrences for aid workers in the north and east, threatening the delivery of relief assistance,” said Ross. “International organizations are considering the possibility of pulling out of Sri Lanka – this at a time when they are needed more than ever.”

With the ceasefire all but officially collapsed, human rights abuses have dangerously increased, said Human Rights Watch. Sri Lankan security forces are believed to be responsible for a number of serious violations in 2006, including the summary execution of five Tamil students in Trincomalee in January, the “disappearance” of eight young men from a Hindu temple in Jaffna in May, and the execution-style slaying of five Tamil fishermen on Mannar Island in June.

Since the start of the ceasefire in 2002, the Tamil Tigers have been implicated in more than 200 targeted killings, mostly of Tamils viewed as being political opponents. Alleged LTTE forces in April shot and killed eight Sinhalese farmers, including three boys, in Trincomalee district. An LTTE car bombing on August 8 in Colombo injured a Tamil member of parliament and killed his bodyguard and a 3-year-old child. On August 12, suspected LTTE gunmen shot and killed Kethesh Loganathan, the highly respected Tamil deputy head of the government’s Peace Secretariat, at his home in Colombo.

Impunity for perpetrators of human rights abuses remains the greatest obstacle to ending the vicious cycle of murder and reprisal in Sri Lanka, Human Rights Watch said. The government has frequently initiated investigations into alleged rights violations by government security forces, but rarely have these investigations led to prosecutions, let alone convictions.

“The massive harm inflicted on the civilian population in so short a period of major fighting shows the need for real steps to protect civilians,” said Ross. “Agreeing to a U.N. human rights monitoring mission would be a good place to start.”

The Human Rights Watch briefing paper, "Improving Civilian Protection in Sri Lanka," is available at:

<http://hrw.org/backgrounder/asia/srilanka0906/>

Copyright 2006

Human Rights Watch