



To: Members of the UN Security Council

11 May 2009

Dear Ambassador,

One month ago, when John Holmes warned of an impending bloodbath in Sri Lanka, the Security Council failed to act—despite the grave risk of crimes against humanity. Instead, the Council held informal briefings, with no official outcome, save for remarks by the Council’s Presidency which lack the force of formal Council statements and resolutions. A number of Council members seem to remain convinced that the Council has no business taking up the plight of Sri Lanka’s civilians. And yet Holmes’ fears have become increasingly prescient: This past weekend, at least 387 civilians, including 100 children, were reported to have been killed in the fighting, with doctors in the so called safe zone estimating the deaths to be more than double this - thus raising the civilian death toll of recent months to well over 7000 people. But yet worse may be in the offing, with 50,000 civilians still trapped in a combat area barely larger than New York’s Central Park.

The Security Council must accept its responsibility to protect threatened civilians in Sri Lanka by immediately placing the matter on its formal agenda. Conditions within the so-called “safe zone” are desperate, with civilian casualties growing from the heavy fighting, starvation and dehydration. The full measure of the horror remains unknown, as the Sri Lankan government continues to deny the UN, humanitarian agencies, independent monitors and journalists access to the area. It is plain that neither the Liberation Tigers of Tamil Eelam (LTTE) nor the Sri Lankan armed forces have been deterred by the Council’s all-too-modest admonitions. Each side continues to act with reckless disregard for human suffering. With the Indian elections drawing to an end on May 13th, we are concerned that the government is preparing a final assault that will place civilians at risk of crimes against humanity perpetrated by the LTTE, employing suicide tactics, and by the Sri Lankan armed forces, who continue the indiscriminate use of heavy artillery despite their own leaders’ assertions to the contrary.

The Council is plainly empowered to address this issue. Security Council resolution 1674 of April 2006 affirmed that “the deliberate targeting of civilians and other protected persons, and the commission of systematic, flagrant and widespread violations of international humanitarian law and human rights law in situations of armed conflict may constitute a threat to international peace and security.” In the current fighting, human rights groups and the UN have reported innumerable such acts. Furthermore, Resolution 1296 of April 2000 stated that the denial of “safe and unimpeded access of humanitarian personnel to civilians in armed conflict”—of which both sides in the current conflict have been guilty--may similarly constitute a threat to international peace and security.

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The Global Centre for the Responsibility to Protect believes that Council members must now take action on the desperate situation in Sri Lanka, in keeping with the 2005 agreement on the responsibility to protect. First, the Council must place Sri Lanka on its formal agenda and issue a presidential statement calling upon both sides to immediately cease hostilities, and end their violations of international humanitarian law. The Council should insist that the Sri Lankan government now facilitate the UN needs' assessment mission into the "safe-zone" - first requested by the UN more than a month ago - lift restrictions on the delivery of humanitarian aid, and ensure access for UN agencies and the ICRC to all government reception and screening points. The Council should seek to facilitate an internationally supervised surrender by the LTTE, appointing a high-level envoy to coordinate such a process. And the Council should make clear that both sides will they held accountable for their actions, launching a Commission of Inquiry to investigate violations of IHL by the LTTE and the government of Sri Lanka.

In urging the Council to act, we do not seek to create equivalence between the actions of the Government of Sri Lanka and those of the LTTE, which has conducted a murderous insurgency for the last quarter of a century. Nevertheless, as a sovereign state and a signatory of the 2005 World Summit Outcome Document we expect, and the international community must demand, a higher standard of conduct and care for civilians from the Sri Lankan government.

Too many Sri Lankans have died already. As a member of the Security Council, you must act now to stop the bloodbath from continuing.

Sincerely,

Nicola Reindorp
Director of Advocacy