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Sri Lanka: mounting civilian casualties as conflict persists

Amnesty International condemns the suicide bomb attack of 6 April 2008 in Gampaha district, Weliveriya, near Colombo. The bomb blast killed at least 12 people, including Jeyaraj Fernandopulle, a senior government minister, and injured over 90 people including children. The Liberation Tigers of Tamil Eelam (LTTE) has been blamed for the bomb attack that targeted a local sports event. Amnesty International reiterates that attacks targeting civilians and indiscriminate attacks violate international humanitarian law which binds all sides to the conflict and constitute war crimes. All such attacks must cease immediately and unconditionally, and perpetrators must be brought to justice.

The organisation is alarmed that since the abrogation of the ceasefire agreement in Sri Lanka on 16 January 2008,¹ the conflict continues to involve the intentional targeting of civilians and indiscriminate attacks. According to the International Committee of the Red Cross (ICRC), 180 civilians died in the first six weeks of 2008, and nearly 270 more were injured in a series of attacks on civilian buses, railway stations and individuals in Colombo, Dambulla, Kebhitigollewa, Madhu, Okkampitiya and Welli Oya.² The ICRC has expressed concern that “since the start of the year civilian casualties had gone up as the number of indiscriminate attacks had grown in the north, east and south of the country.”³

Since 2006, the conflict in Sri Lanka between government forces, the LTTE and other armed groups has escalated and has continued to be marked by widespread human rights abuses and violations of international humanitarian law.⁴ These have included unlawful killings; torture and other ill-treatment; recruitment of child soldiers; abductions and enforced disappearances. There are reports of both sides bombing and shelling schools and hospitals⁵. Hundreds of civilians have been killed; hundreds others injured and more than 200,000 people have been displaced.

Abuses by the LTTE

The LTTE has attracted increasing criticism since the 1980s for its use of child soldiers, targeting of civilians and indiscriminate attacks, including using suicide bombers. During the conflict the LTTE has also endangered civilians by sheltering among them and by launching attacks from civilian areas. Its members have also abducted and killed civilians.

Whilst armed opposition groups are not themselves parties to international treaties, they are nevertheless bound to observe the provisions of Article 3 common to the four Geneva Conventions of 1949 which apply to internal (non-international) armed conflict such as the situation in Sri Lanka, as well as customary international rules applicable to such conflicts.

More recently, the LTTE has been deliberately targeting civilians in an extended series of attacks.⁶ It is a basic principle of international humanitarian law that persons fighting in armed conflict must, at all times, distinguish between civilians and combatants and between civilian objects and military objectives. The “principle of distinction”, as this rule is known, is one of the cornerstones of

international humanitarian law. It is a rule of customary international humanitarian law, binding on all parties to armed conflicts, whether international or non-international.

It is not unlawful to target combatants for attack, where legal means and methods are used; however specific rules aim at protecting civilians and other non-combatants. They must not be the object of attack. Indiscriminate attacks, including attacks on military objectives that are expected to cause excessive loss of civilian lives or damage to civilian objects (the principle of proportionality) are similarly prohibited, as is the use of civilians as "human shields".

Civilians caught in the crossfire; ongoing hostilities around Madhu Church

As suicide bombs kill and injure civilians in the south of Sri Lanka, ongoing offensives in the north and east continue to affect families in conflict-affected areas. One continuing example is the situation near Madhu Church in Mannar District in the north of Sri Lanka. Civilians living in the vicinity have been caught up in hostilities between the government and the LTTE and normal life has been disrupted on several occasions during 2007 and during 2008. Part of the district is under the control of the government and part under the control of the LTTE.

As a result of intensifying fighting, a historic statue of the Virgin Mary has been removed for safety from the Madhu shrine.⁷ The LTTE is reported to have used communities around the Church as 'human shields' and Amnesty International has in the past raised concerns about the recruitment of children by the LTTE from families living in the locality. The government for its part in April 2008 reportedly shelled civilian areas around the Church in April 2008. The Bishop of Mannar, Rayappu Joseph has repeatedly appealed to both sides to respect the Madhu area as a no-conflict zone.

Under international humanitarian law, parties to armed conflicts, including non-international ones such as in Sri Lanka, must take special care to protect cultural property, including buildings dedicated to religion, from damage (unless there is imperative military necessity to do otherwise).

Civilians are in dire need of strengthened protection. The escalation of the conflict has resulted in a spiral of civilian casualties. Both the government and the LTTE are believed responsible for serious human rights abuses and violations of international humanitarian law. All parties must respect their international legal obligations and immediately stop all such violations, and in particular indiscriminate attacks.

Recommendations

To the LTTE and other armed groups

To stop immediately any direct or indiscriminate attacks on civilians, condemn all such acts publicly and state that they would not be tolerated;

To immediately suspend any persons suspected of participating in (including ordering) violations of international law from any position or placement in which they may commit additional violations;

To ensure that their forces take special care to avoid damage to cultural property, including buildings dedicated to religion.

To the Sri Lankan government

To ensure that all security force personnel respect obligations under international human rights humanitarian law

To ensure that its armed forces take special care to avoid damage to cultural property, including buildings dedicated to religion;

To allow the establishment of an independent, international human rights monitoring presence on the ground without delay.

¹ With the abrogation of the CFA the mission responsible for monitoring its implementation, the Sri Lankan Monitoring Mission (SLMM) has terminated.

² 'Sri Lanka: Civilian casualties reaching appalling levels' Geneva, Colombo – The International Committee of the Red Cross (ICRC), News Release, 13 February 2008.

³ 'Sri Lanka: Civilians bear the brunt of surge in violence', ICRC statement, 8 February 2008.

⁴ AI Media Briefing, 'Sri Lanka: urgent need for effective protection of civilians as conflict intensifies', AI Index: ASA 37/009/2007; AI News Service No: 068, 5 April 2007.

⁵ Sri Lanka's Human Rights Crisis, Asia Report N°135 – 14 June 2007, International Crisis Group.

⁶ See, 'Sri Lanka: Amnesty International condemns civilian killings', 28 November 2007, AI Index: ASA 37/020/2007, <http://www.amnesty.org/en/library/asset/ASA37/020/2007/en/dom-ASA370202007en.html> and <http://www.amnesty.org/en/for-media/press-releases/sri-lanka-right-life-civilians-disregarded-conflict-intensifies-20080204>

⁷ 'Madhu Matha moved to LTTE area', 3 April 2008, BBC Sinhala, http://www.bbc.co.uk/sinhala/news/story/2008/04/080403_madhushrine.shtml.

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