

AI INDEX: ASA 37/22/99  
16 September 1999

## **PUBLIC STATEMENT**

### ***Sri Lanka: Air Force bombing at Puthukkudiyiruppu -- Amnesty International's concerns***

*The reported presence of "legitimate" military targets in the Puthukkudiyiruppu area of Sri Lanka, where 21 civilians were reportedly killed in a bombing raid on 15 September, does not absolve the Air Force of its responsibility under international humanitarian law to take all possible precautions to avoid harming civilians, Amnesty International said today.*

*Amnesty International believes that the reported high number of civilian casualties and the significant distance between the intended objective of the air strike and the actual place where the civilians were killed, raise serious doubts about the quality of the intelligence used before the bombing raid. It also raises questions as to whether the alleged military value of this attack was proportionate to the risk it posed to civilians.*

*A military spokesperson denied this had been a deliberate attack on civilians. He told Amnesty International that two bombing raids were carried out in the area, one of them aimed at a Liberation Tigers of Tamil Eelam (LTTE) camp at Nandikadal, about four and a half kilometres to the east of Puthukkudiyiruppu.*

*The spokesperson said the Air Force had attacked a legitimate military target, that the reported killings of civilians were being*

investigated, and that the attack had followed normal procedures, including prior checks with intelligence sources regarding any civilian presence near the area.

Amnesty International has written to President Chandrika Bandaranaike Kumaratunga expressing concern as to whether this may have been an unlawful attack. The organization asked a number of specific questions about the Air Force's adherence to fundamental rules of humanitarian law. These include the prohibition of direct attacks on civilians and civilian objects and the prohibition of attacks on military targets expected to cause incidental loss of civilian life which would be excessive in relation to the concrete and direct military advantage anticipated.

Other rules require specific precautions to be taken when launching attacks, including desisting from an attack if it becomes apparent that the objective is not a military one or the attack risks being disproportionate.

Amnesty International is concerned that this incident may indicate that not all precautions are being taken to protect civilians, for instance in the Air Force's selecting and vetting of targets, in choosing the timing of attacks, in the way such attacks are carried out, and in ensuring that civilians are being given advance warning when possible.

The human rights organization has also asked to receive relevant details of the rules of engagement and other instructions given to pilots in order to assess whether these comply with international humanitarian law.

### **Background information**

Throughout the ongoing conflict in the north and east of Sri Lanka, there have been intermittent reports of killings of civilians during bombing raids. These include the killing of at least 65 civilians who had taken refuge in a church compound at Navalay, Jaffna district on 9 July 1995. At the time,

*the Commander of the Air Force claimed that the initial target had been a jeep manned by LTTE cadres seen near the area. He also claimed that many of the deaths were caused by secondary explosions of underground LTTE ammunition dumps.*

*On 29 June 1999, there were allegations that four civilians were killed while taking shelter in a church at Vidattaltivu, Mannar district, when the army retaliated against shelling by the LTTE from inside the church compound. Some sources alleged that the LTTE had deliberately initiated the shelling because the civilians had refused to obey orders given by its commanders to vacate the area and thus had deliberately exposed the civilians to army shelling.*

*If civilians in the area were being deliberately exposed to bombing or shelling or otherwise used as human shields by the LTTE, this would constitute a breach of international humanitarian law. In this case, any attacks by the Air Force should still be carried out in such a way to avoid disproportionate and unlawful killings of civilians.*

*The LTTE is the main armed opposition group fighting the security forces for an independent state in the north and east of Sri Lanka.*

*ENDS.../*

