

Summary: Panel of Experts find credible reports of war crimes and crimes against humanity in Sri Lanka ICRtoP

26 April, 2011

Secretary General Ban Ki-moon released this week the report of [the Panel of Experts on accountability in Sri Lanka](#) commissioned in 2010 on the violations of international humanitarian and human rights law in the final stages of the conflict between the Government of Sri Lanka (SLG) and the Liberation Tigers of Tamil Eelam (LTTE) (September 2008 and May 2009).

The Panel concluded that “a wide range of serious violations of international humanitarian and human rights law were committed by the and the LTTE, some of which would amount to war crimes and crimes against humanity”.

Despite the government’s claim that it conducted a ‘humanitarian rescue operation’ with a policy of “zero civilian casualties”, the SLG was found responsible for the killing of civilians including through shelling of hospitals and humanitarian objects in three consecutive No Fire Zones, the denial of humanitarian assistance, forced displacement and torture. The LTTE was found responsible for using civilians as a human buffer, killing civilians attempting to flee, firing artillery in proximity to civilians and firing from civilian installations, forcibly recruiting children, forced labor, and indiscriminate suicide attacks. The Panel has estimated the number of civilians deaths to as many as 40,000, and the number of displaced persons at 290,000.

While the government has put in place measures to address accountability, the Panel found them deeply flawed, not meeting international standards for independence and impartiality, and thus far, ineffective. The Panel recommended that the SLG immediately commence genuine investigations into violations committed by both sides and that the SG establish an independent international mechanism to monitor the domestic accountability process, conduct independent investigations into alleged violations. Ban Ki-moon responded on 25 April by

[indicating](#)

that he would only initiate this process with host country consent or a decision from Member States through an appropriate intergovernmental forum. Human Rights Watch

[urged](#)

for the establishment of the mechanism, saying that “Ban’s statements should not place an unnecessary obstacle to establishing a justice mechanism”.

The UN response to the conflict was also criticized by the Panel.

The report concluded that “during the final stages of the war, the UN political organs and bodies failed to take actions that might have protected civilians” including its failure to publicize casualty figures

. The Panel recommended for the UN Secretary-General to conduct a comprehensive review of the UN during the war and its aftermath. A

[statement](#)

by the spokesperson for Secretary General indicated that he would enact this recommendation.

The Sri Lankan government

[rejected](#)

the report, calling it “biased, baseless, and unilateral”. Its findings nonetheless confirm initial assessments made that crimes against humanity were committed in Sri Lanka with a clear failure from both sides to protect civilians. The RtoP framework clearly stipulates the obligation of each state to protect populations, also pointing to the need for the international community to take timely and decisive measures when the State fails to do so.

More information:

- See the
Panel of Experts report

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See Human Rights Watch

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[Sri Lanka: UN Chief Should Establish International Inquiry](#)