

This report is submitted pursuant to the Joint Explanatory Statement accompanying the Supplemental Appropriations Act, 2009 (P.L. 111-32), which directed the Secretary of State to submit a report detailing incidents during the recent conflict in Sri Lanka that may constitute violations of international humanitarian law or crimes against humanity, and, to the extent practicable, identifying the parties responsible. The alleged incidents set forth herein occurred in the context of the final months of an armed conflict between the Government of Sri Lanka (GSL) and the Liberation Tigers of Tamil Eelam (LTTE), which has been listed as a terrorist organization by the United States since 1997. While the conflict lasted intermittently for 25 years, this report focuses on incidents that occurred from January 2009, when fighting intensified, through the end of May 2009, when Sri Lankan government forces defeated the LTTE. It does not provide, nor is it intended to be, a comprehensive portrayal of the conflict.

The United States recognizes a state's inherent right to defend itself from armed attacks, including those by non-state actors such as terrorist groups. The United States also expects states and non-state actors to comply with their international legal obligations. This report compiles alleged incidents that transpired in the final stages of the war, which may constitute violations of international humanitarian law (IHL) or crimes against humanity and related harms. The report does not reach legal conclusions as to whether the incidents described herein actually constitute violations of IHL, crimes against humanity or other violations of international law. Nor does it reach conclusions concerning whether the alleged incidents detailed herein actually occurred.

The report addresses the following categories of incidents:

Children in armed conflict—According to reports, on numerous occasions during the January to May 2009 reporting period the LTTE took both male and female children, some as young as 12, to join LTTE cadres.

Harm to civilians and civilian objects—The State Department has not received casualty estimates covering the entire reporting period; sources alleged that a significant number of deaths and injuries incurred at the time of attack were likely never recorded. Senior Sri Lankan officials made repeated public statements denying that the GSL was shelling the NFZ or targeting hospitals and was not responsible for any civilian casualties. However, sources alleged that the majority of shelling in the NFZ was from GSL forces. The GSL announced that it would observe a 48-hour ceasefire on two occasions. The stated aim of these was to allow civilians to move into areas in which they would not be subject to shelling. Incident reports suggest, however, that the GSL may have begun shelling before the end of the second 48-hour ceasefire. Reports also indicated that the LTTE forcibly prevented the escape of IDPs and used them as human shields.

Killing of captives or combatants seeking to surrender—A number of sources alleged that the GSL committed unlawful killings. Multiple reports alleged that in the final few days of fighting, senior LTTE leaders contacted international representatives in an effort to broker a surrender but were killed after they allegedly reached a surrender agreement with the GSL.

Disappearances—According to reports, GSL forces or GSL-supported paramilitaries abducted and in some instances then killed Tamil civilians, particularly children and young men. Sources reported that these individuals were taken to undisclosed locations without any further information being provided to relatives. IDP checkpoints and camps were alleged to be particularly vulnerable areas, with a heavy military presence hindering the ability of international organizations to conduct protection monitoring and confidential IDP interviews.

Humanitarian conditions—Reports include instances of severe food shortages; malnutrition, particularly among the very young and old; as well as surgeries being performed with little or no anesthetic. The GSL pledged to provide sufficient food and medical supplies to people in IDP camps and to those trapped in the NFZ. However, most reports point to significant gaps between food, medicine, and clean water needs and the available supplies in the NFZ and IDP camps.