

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

TAMILS AGAINST GENOCIDE, INC.
5513 Twin Knolls Road, Suite #514
Columbia
Maryland 21054

Plaintiff,

v.

TIMOTHY GEITHNER, in his official
capacity as Secretary of Treasury and
Member of Board of Governors of the
International Monetary Fund, and

MEG LUNDSAGER, United States
Executive Director of the International
Monetary Fund, in her official capacity.

Defendants.

Civil Action No.

COMPLAINT

Plaintiff Tamils Against Genocide, Inc., brings this Complaint against Timothy Geithner, in his official capacity as Secretary of Treasury and United States representative on the Board of Governors of the International Monetary Fund (IMF), and Meg Lundsager, United States Executive Director of the IMF in her

official capacity, seeking a declaratory judgment of the rights and duties of the parties under 22 U.S.C. 262d regarding the pending application of the Government of Sri Lanka for a \$1.9 billion loan from the IMF to be decided by its Executive Committee. Plaintiff states the following:

JURISDICTION AND VENUE

1. This Court enjoys subject matter jurisdiction over this action under 28 U.S.C. 1331 because Plaintiff's claim arises under federal law, 22 U.S.C. 262d.
2. This Court enjoys personal jurisdiction over the Defendants because Defendant Geithner in his official capacity as Secretary of Treasury Defendant and United States representative on the Board of Governors of the International Monetary Fund resides in the United States Department of Treasury at 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220, and, Defendant Lundsager, in her official capacity as United States Executive Director of the IMF, resides at the IMF at 700 Pennsylvania Avenue, N.W., Washington, D.C. 20431.
3. Venue is proper in this Court under 28 U.S.C. 1391(b)(1) because the Defendants reside in the District of Columbia.

PARTIES

4. Plaintiff, Tamils Against Genocide, Inc. (TAG), is a non-profit membership corporation organized under the laws of Maryland. It is located at 5513 Twin Knolls Road, Suite #514, Columbia, Maryland. Its current membership approximates 500. Membership is acquired by donating to TAG. Its website is www.tamilsagainstgenocide.org. A chief objective of Plaintiff is to obtain prosecutions for genocide, war crimes, and torture under United States law against United States citizen and current Defense Secretary of Sri Lanka, Gotabaya Rajapaksa, and United States permanent resident and current Sri Lankan Army Commander Sarath Fonseka. A major goal of the prosecutions would be to deter or diminish the ongoing pattern of gross violations of internationally recognized human rights overwhelmingly targeting Tamils in Sri Lanka by the Sinhalese Buddhist Government of Sri Lanka (GOSL). Virtually all TAG members are Tamils, and many immigrated to the United States from Sri Lanka because of ethnic or religious persecution. TAG also has members from Canada and UK, where most immigrated because of ethnic or religious persecution.

5. Several TAG members have relatives in Sri Lanka whose lives and limbs are currently threatened by the GOSL's pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment, prolonged detention without charges, or other flagrant denials of life, liberty, or the security of person. Six TAG members

have filed affidavits with this Complaint testifying to the imminent physical danger from the GOSL confronted by their relatives in Sri Lanka because of its pattern of gross violations of internationally recognized human rights amplified above. See Exhibits 1-6. These TAG members are the best representatives of their relatives in Sri Lanka to secure their protection from a pattern of gross violations of internationally recognized human rights by the GOSL because their relatives are unable to file suit for themselves in light of the ongoing horrors in Sri Lanka.

6. Defendant, Timothy Geithner in his official capacity as Secretary of Treasury, sits as a representative of the United States on the Board of Governors of the IMF. There are 185 members of the Board of Governors, which meets once annually. The voting is weighted, and Defendant's vote on the Board of Governors counts as 16.77% of the total. On information and belief, no loan has ever been approved by the IMF over the opposition of the United States. On information and belief, Defendant Geithner exercises strong influence on the voting decisions of Defendant Lundsager.
7. Defendant Meg Lundsager was appointed Executive Director of the IMF by the President of the United States. She serves on the IMF's Executive Board, responsible for the day-to-day business of the IMF. It is composed of 24 Executive Directors, who are appointed or elected by member countries or groups of countries, and the Managing Director, who serves as its Chairman. The Executive Board customarily meets several times each week, and carries

on its work largely on the basis of papers prepared by IMF management and staff. Defendant Lundsager's voting weight, like Defendant Geithner's, is 16.77%.

STATEMENT OF FACTS

8. On or about February-March 2009, the GOSL submitted an application to the IMF for a loan of \$1.9 billion. On information and belief, an IMF decision on the loan application will be made by the Executive Committee. The decision could be made as early as mid-April 2009, or earlier. But no fixed date has been made public.
9. The IMF is a 185 member international organization which operates according to Articles of Agreement ratified as a treaty in the United States. The Articles were adopted at the United Nations Monetary and Financial Conference, Bretton Woods, New Hampshire, July 22, 1944. They entered into force December 27, 1945. They were amended effective July 28, 1969, by the modifications approved by the Board of Governors in Resolution No. 23-5, adopted May 31, 1968; and again were amended effective April 1, 1978, by the modifications approved by the Board of Governors in Resolution No. 31-4, adopted April 30, 1976; and were lastly amended effective November 11, 1992, by the modifications approved by the Board of Governors in Resolution No. 45-3, adopted June 28, 1990. Among other things, the IMF makes loans to countries confronting balance of payments difficulties, which is the basis

for Sri Lanka's requested loan. IMF loan decisions are customarily decided by the Executive Committee.

10. The requested \$1.9 billion loan by the GOSL from the IMF to address a balance of payments crisis would amount to approximately 25% of the annual revenues of the GOSL for 2009, and 28.9% percent of Sri Lanka's budget for 2009. It would amount to more than 100% of Sri Lanka's current annual defense budget of \$1.6 billion.

11. At present, Sri Lanka's economy weak. The unemployment rate is 5.2%. The projected budget deficit is Rs. 293,446,000,000, or \$2,575,832,281. Its gross official reserves have dwindled to \$1.4 billion, which covers only five weeks of imports. The value of the rupee is plunging. The GOSL is vulnerable to economic pressure.

SRI LANKA'S PATTERN OF GROSS VIOLATIONS OF
INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

12. The GOSL is guilty of a pattern of gross violations of internationally recognized human rights, such as war crimes, rape, torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person. The GOSL implacably opposes permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations including, but not limited to, the

International Committee of the Red Cross, Amnesty International, the International Commission of Jurists, and groups or persons under the authority of the United Nations or the Organization of American States. Indeed, there has not been a single complete investigation or prosecution against the violators of internationally recognized human rights targeting Sri Lankan Tamils since the current administration in Sri Lanka climbed to power in November 2005. The Sinhalese Buddhist GOSL also engages in and tolerates particularly severe violations of religious freedom of Hindus and Christians, and has failed to make any efforts to combat such religious persecution which could have been reasonably undertaken. Perhaps most shocking, the GOSL's primary military strategy to defeat the LTTE in a non-international armed conflict is to perpetrate endless war crimes against the Tamil civilian population in violation of the Hague and Geneva Conventions, as amplified below. The GOSL's complete independent media and monitoring blackout of events in the northeast is circumstantial evidence that the GOSL is attempting to conceal its war crimes and sister violations of internationally recognized human rights. The GOSL would have no incentive to preventing the outside world from witnessing war crimes of the LTTE.

13. Extrajudicial killings or Disappearances.

- 13.1 On or about January 2, 2006 around 7:45 p.m. Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire execution-style 5 Tamil civilian male youth in the areas of Dock Yard Road close to Dutch Bay Sea beach in Trincomalee town of Trincomalee district.
- 13.2 On or about June 9, 2006, Sri Lankan military personnel or government-sponsored paramilitaries murdered with sharp objects a Tamil family of 4, including lynching the 7-year old and 9-year old children, in the areas of Thomaspuri Ward No. 10 in the areas of Vankalai in Mannar district.
- 13.3 On or about August 5, 2006 around 7:50 p.m., Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire execution-style 17 aid workers of the NGO Action Contre La Faim (ACF) in the areas of Muthur in Trincomalee district.
- 13.4 On or about August 10, 2006 around 7:30 a.m., the Sri Lankan Air force aerially bombarded the Senchchulai complex in Vallipunam of Mullaithivu district, murdering over 57 Tamil girls.
- 13.5 On or about May 13, 2007, Sri Lankan military personnel or government-sponsored paramilitaries murdered a Tamil family of 4, including a 4-year old Tamil child and a 4-month old Tamil child, in the areas of Allaipitti in Mandaithivu islet in the Jaffna peninsula.
- 13.6 On or about September 7, 2008, Sri Lankan military personnel or government-sponsored paramilitaries abducted, bound at the hands and legs, tortured, and then decapitated Rasiah Laxahan in the areas of Mandan Karaveddi in Jaffna district.
- 13.7 On or about October 3, 2008, Sri Lankan military personnel or government-sponsored paramilitaries abducted, tortured, and strangled to death Kandia Christie Rajah in the areas along Fifth Lane at Vaiaravappuliyankjulam in Vavuniya Police Division in Vavuniya district.
- 13.8 On or about December 13, 2008 around 9:30 a.m., Sri Lankan military personnel launched an artillery shell attack which decapitated and

murdered 5-month Tamil infant Jeyarooban Ajanthan, in the areas near or inside a Tamil IDP settlement near Thakarap-Pillaiyar temple on Hudson Road in Vaddakkachchi of Kilinochchi district.

- 13.9 On or about January 17, 2009, Sri Lankan military personnel murdered by gunfire 3 Hindu-Christian North East Sri Lankan Tamil civilians on Piramanthanaa-Visuvamadu road in Kilinochchi district.
- 13.10 On February 5, 2009, Sri Lankan military personnel or government sponsored paramilitaries abducted a Tamil civilian employee of the Vavuniya general hospital around 8.30 p.m. The hospital is heavily guarded by Sri Lankan police and Sri Lankan military personnel.
- 13.11 On February 5, 2009, the Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire at least 16 Hindu-Christian North-East Sri Lankan Tamils inside the GOSL's designated "safe zone" in Mullaithivu.
- 13.12 On or about February 7, 2009, Sri Lankan military personnel or government-sponsored paramilitaries strangled to death the 94-year-old Hindu North-East Sri Lankan Tamil wife of a Tamil Saiva priest in her home in Irupaalai, Koappaay.
- 13.13 On February 12, 2009 around 11:30 a.m. near Aadiyapaatham Road near Thirunelveali junction in Jaffna district, Sri Lankan military personnel murdered by gunfire 2 Hindu-Christian North-East Sri Lankan Tamil youth.
- 13.14 "Total minimum number of documented civilian casualties since 20 January 2009, as of 7 March 2009 in the conflict area of Mullaitivu District: 9,924 people including 2,683 deaths and 7,241 injuries. The number of people killed each day has doubled in one month." United Nations Office of the Resident Coordinator and Humanitarian Coordinator, "Civilian Casualties in the Vanni," United Nations, March 2009.
- 13.15 "Only partial figures were accumulated due to the difficulty of obtaining a constant breakdown. Nevertheless, there are at least 135 [child] deaths, and 707 [child] injuries since 20 January. However, like the basic casualty figure itself, this is thought to be a gross under

estimate. Based on a population assumption the figure is likely to be closer to 400 deaths, and 1,100 injured.” Id.

- 13.16 “As the combat area reduces the daily average shows an increase in the number of people killed (from 33 to 63) and a slight decrease in the number of injured (from 184 to 145). This is due to increased density, the use of heavy weapons which continue to strike the NFZ, and inadequate medical treatment.” Id.
- 13.17 “Other areas where civilians are sheltering have been hit, and OHCHR noted reports that over 2,800 people may have been killed and 7,000 others injured – many in the no-fire zones – since 20 January. Many children are believed to be among the casualties, with hundreds having lost their lives and over 1,000 hurt.” UN News Centre, “Sri Lanka: actions by Government forces, rebels possible war crimes – UN rights chief,” March 13, 2009, available at <http://www.un.org/apps/news/story.asp?NewsID=30175&Cr=sri+lanka&Cr1=> (last visited March 28, 2009).
- 13.18 “Even after the Government’s announcement on 24 February that heavy weapons would no longer be fired into the no-fire zones, close to 500 people were reportedly killed and more than a thousand injured in these zones. Of these deaths, the great majority have been attributed to the use of heavy weapons. Overall, since 20 January, more than two thirds of the reported deaths and injuries have occurred in the no-fire zones.” Office of the High Commissioner for Human Rights, “Press Release: Serious violations of international law committed in Sri Lanka conflict: UN human rights chief,” March 13, 2009, available at <http://www.unhchr.ch/hurricane/hurricane.nsf/0/FFDE961C9D0236C5C1257578004B8E4B?opendocument> (last visited March 28, 2009).
- 13.19 “US Secretary of State Hillary Clinton told Sri Lanka’s President, Mahinda Rajapaksa, by telephone that Washington was deeply concerned about deteriorating conditions and increasing loss of life in government-designated safe areas.” BBC News, “UN fears Sri Lanka ‘war crimes’”, March 13, 2009, available at http://news.bbc.co.uk/2/hi/south_asia/7942051.stm (last visited March 28, 2009).
- 13.20 “During the next days, several thousand people gathered in a large playground located just north of the A35 in the safe zone. The

playground also functioned as a food distribution center for the local government agent (GA) and international organizations. Several people located in or around the GA food distribution center told Human Rights Watch that, despite the army declaration of a safe zone in the area, the area was subjected to heavy shelling from SLA positions in the period January 22-29, which killed and injured hundreds of people.” Dr. Anna Neistat, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/neistat testimony090224p1.pdf> (last visited March 28, 2009), 4.

- 13.21 “...dozens of individuals, perhaps many more, have been detained during the screening process. The fate of such detainees remains unknown, raising fears of possible enforced disappearances and extrajudicial killings.” Id, 10.
- 13.22 “Tamils have a real, and legitimate, fear that those taken off by Government forces will be abused and may never be seen again.” Ambassador Jeffrey Lunstead, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/lunsteadtestimony090224p1.pdf> (last visited March 28, 2009).
- 13.23 “The second long-term issue is wider than the ethnic conflict. It is the growing assault on dissent, which takes place in a culture of complete impunity...The recent murder of prominent newspaper editor Lasantha Wickrematunga was but the latest in a series of incidents. Tamils and Sinhalese suffer alike from these attacks on basic freedoms. Many Tamils have been abducted and have simply disappeared, as documented in the State Department’s Human Rights Report. It is sad to say, but it is almost a certainty that these attacks have been carried out by elements of the Government. Impunity seems total. No one has been prosecuted for any of these incidents, and no member of the security forces has been prosecuted for any abuses.” Id.
- 13.24 “It is for all of these reasons that we are now so upset by developments in Sri Lanka, the most recent of which was the murder of *Sunday Leader* editor Lasantha Wickrematunga. We fear that, even as Sri

Lanka is enjoying military progress against the LTTE, the foundations of democracy in the country are under assault. The killing of Mr. Wickrematunga has prompted this letter, but there have been many previous incidents in which the rights of individuals and the media have been violated.” Ambassador Marion Creekmore, Ambassador Teresita Schaffer, Ambassador A. Peter Burleigh, Ambassador Shaun Donnelly, Ambassador Ashley Wills, Ambassador Jeffrey Lunstead, Letter to President Mahinda Rajapaksa, January 19, 2009, available at <http://omiusajpic.org/files/2009/02/lunsteadtestimony090224p1.pdf> (last visited March 28, 2009)

- 13.25 “Some have suggested that these events have been carried out not by elements of the Government, but by other forces hoping to embarrass the Government. We do not find such arguments credible.” Id.
- 13.26 “I went to Colombo because Sri Lankan journalists are under intensive assault. The government has failed to carry out effective and credible investigations into the killing and attacks on journalists who question its conduct of a war against Tamil separatists, or criticize the military establishment. Three attacks in January targeting the mainstream media drew the world’s attention to the problem, but top journalists have been killed, attacked, threatened, and harassed since the government began to pursue an all-out military victory over the Liberation Tigers of Tamil Eelam (LTTE) in late 2006. Many local and foreign journalists and members of the diplomatic community believe the government is complicit in the attacks.” Robert Dietz, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/dietztestimony090224p1.pdf> (last visited March 28, 2009), 1.
- 13.27 “On January 8, Lasantha Wickramatunga, the editor-in-chief of the independent newspaper *The Sunday Leader* was killed while driving to work. He was attacked by eight men riding four motorcycles. The attack came about 200 yards from a large Sri Lanka Air Force base, and after the attack the hooded men rode off in that direction. Although the report from the judicial medical officer—Sri Lanka’s equivalent of a coroner—was to be released on February 6, it has not been made public. The next hearing in Wikramatunga’s case is on March 19.” Id, 2.

- 13.28 “The lack of reliable investigation into these crimes is in keeping with a long history of impunity for those who attack journalists in Sri Lanka. CPJ counts 10 journalists killed by premeditated murder since 1999, with no prosecutions or convictions. The Rajapaksa government and its predecessors must at least be held responsible for the impunity that surrounds attacks on journalists.” Id, 2.
- 13.29 “According to CPJ’s records, during [Rajapaksa’s] time in high office in Sri Lanka, eight journalists have died of what CPJ considers to be premeditated murder. No one has been brought to trial in any of these cases...The people we are talking about were intentionally killed.” Id, 2.
- 13.30 “The Government of Sri Lanka is carrying out military operations in areas with a civilian population. The aerial and artillery bombardment has reportedly led to civilian deaths, injuries, the destruction of property and mass displacement.” Amnesty International, “Sri Lanka: Government and Tamil Tigers Violating Laws of War,” January 28, 2009, available at <http://www.amnesty.org/en/for-media/press-releases/sri-lanka-government-and-tamil-tigers-violating-laws-war-20090128> (last visited March 28, 2009).
- 13.31 “The government had declared “safe zones” to allow civilians to seek shelter, but information made available to Amnesty International indicates that several civilians in the so-called safe zone have been killed or sustained injuries as a result of artillery bombardment.” Id.
- 13.32 Lasantha Wickramatunga, final editorial to Sri Lankan President Mahinda Rajapaksa: "...we have consistently espoused the view that while separatist terrorism must be eradicated, it is more important to address the root causes of terrorism, and urged government to view Sri Lanka’s ethnic strife in the context of history and not through the telescope of terrorism. We have also agitated against state terrorism in the so-called war against terror, and made no secret of our horror that Sri Lanka is the only country in the world routinely to bomb its own citizens.....For truth be told, we both know who will be behind my death, but dare not call his name. Not just my life, but yours too, depends on it." SBS Dateline, “Hunting the Tigers,” March 15, 2009, available at

<http://www.sbs.com.au/dateline/story/about/id/600020/n/Hunting-the-Tigers> (last visited March 29, 2009).

14. War Crimes in Violation of the Hague and Geneva Conventions: Shelling and Bombarding Civilians.

- 14.1 Between about January 1, 2009 and January 13, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells and aerially bombarded, or systematically murdered by gunfire, 213 Hindu-Christian North-East Sri Lankan Tamil civilians in the ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas east of the A-9 land route in the Vanni region, which by this date were densely populated with approximately 350,000 Hindu-Christian North-East Sri Lankan Tamil internally displaced persons (IDPs) who had fled to this area from other areas of the Vanni region as a result of systematic attacks by Sri Lankan military personnel or government-sponsored paramilitaries targeting Hindu-Christian North-East Sri Lankan Tamils before January 1, 2009. The areas targeted in the attacks between January 1, 2009 and January 13, 2009, included territories in the Kilinochchi and Mullaithivu districts, including the villages of Vaddakkacchi, Kanakaambikaikku'lam, and Murasumoddai.
- 14.2 On or about January 16, 2009, Sri Lankan military personnel or government-sponsored paramilitaries closed all land routes out of the ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil civilian areas of Puthukkudiyiruppu town and surrounding territories in Mullaithivu district, and then launched a campaign of heavy, continuous, indiscriminate artillery shelling or Multi-Barrel Rocket Launcher shelling and aerial bombardment targeting civilian settlements, makeshift hospitals, and temples in these areas, including but not limited to areas of Puthukkudiyiruppu town and surrounding territories, Visuvamadu including the Athisaya Vinayakar temple and surrounding territories, Kaiveali, and Koampaavil. The land routes closed directly

by Sri Lankan military personnel or government-sponsored paramilitaries or indirectly through artillery shelling and aerial bombardment, to block civilians fleeing from the area included, but was not limited to Mullaiththeevu-Puthukkudiyiruppu land route, the land access route connecting Vanni mainland to Vadamaradchi East, and northern and southern segments of the Paranthan-Mullaiththeevu A-35 road running vertically through the targeted territory.

- 14.3 As relevant to Paragraph 14.2, names of the dead include but are not limited to:
- Yogeswaran Gajendiny, 14
 - Mohandas, 25
 - Ramanathan Kumaran, 30
 - Thambiah Yogeswaran, 50
- 14.4 As relevant to Paragraph 14.2, names of the severely injured include but are not limited to:
- Yogeswaran Prasath, 8
 - Gnanarooban Vasanthakumar, 30
 - Nanthakumar Thabothini, 30
 - Babukaran Jeyanthini, 33
- 14.5 Between about January 16, 2009 and January 18, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically and indiscriminately fired artillery shells or fired Multi-Barrel Rocket Launcher shells or aerially bombarded ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil villages in the areas of Mullaithivu district and Kilinochci district east of the A-9 land route, including the territories of Puthukkudiyiruppu and Visuvamadu, killing 18 Hindu-Christian North-East Sri Lankan Tamils and seriously injuring 53 Hindu-Christian North-East Sri Lankan Tamils.
- 14.6 On or about January 18, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically and

indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells or aerially bombarded ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil civilian settlements in Kilinochchi district, targeting all areas near or surrounding the Punnaineeraavi school and Ki'linochchi Hospital.

14.7 Between about January 19, 2009 and January 20, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells or aerially bombarded ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil civilian and IDP settlements in the Vanni region including the Mullaithivu district, targeting the villages and surrounding territories of Visuvamadu, Udaiyaarkaddu including Kuravil, Chuthanthirapuram including Pillayaar Kovil, Maanikkapuram, killing 23 Hindu-Christian North-East Sri Lankan Tamils including women and children, and severely injuring 47 Hindu-Christian North-East Sri Lankan Tamils.

14.8 The chronology of the campaign of artillery shelling on all civilian territories specified in Paragraph 14.7, included but was not limited to the following acts of artillery shelling:

- On January 19, 2009, Tamil civilian IDP settlements in Chuthanthirapuram were targeted by around 12:30 pm, and around 3:00 p.m.
- On January 20, 2009, Tamil civilian and IDP settlements Chuthanthirapuram and Theavipuram were targeted by Sri Lankan military artillery shells attacks from 11:00 a.m. - 12:30 p.m.
- On January 20, 2009, Tamil civilian IDP settlements behind Pillayaar Kovil in Chuthanthirapuram junction were targeted by Sri Lankan military artillery shells attacks around 1:45 p.m.
- On January 20, 2009, Tamil civilian and IDP settlements in Cithanthirapuram East were targeted by Sri Lankan military artillery shell attacks around 4:45 p.m.

14.9 As relevant to Paragraph 14.7, names of the dead include, but are not limited to:

- Alagan Pirasanthan, 12, Chuthanthirapuram
- Manickavasagar Sivayogam, age unknown, Chuthanthirapuram
- Sinnathurai Mathanakumar, 33, Chithanthirapuram East
- V.Kirupakaran, 40, Maangkulam
- Nanthakumar, 30, Madduvil

14.10 As relevant to Paragraph 14.7, names of the injured or seriously injured include, but are not limited to:

- Mariyathas, 52, Udaiyaarkaddu
- Akamathi, 11, Udaiyaarkaddu
- Manonmani, 68, Udaiyaarkaddu
- Kavitha, 30, Udaiyaarkaddu
- Jeyarooban, 14, Udaiyaarkaddu
- Anbarasan, 7, Udaiyaarkaddu
- Kirubakaran, 18, Udaiyaarkaddu
- Pathmanathan, 44, Udaiyaarkaddu
- Raveenthiran, 36, Udaiyaarkaddu
- Kalyani, 34, Udaiyaarkaddu
- Ravichelvan, 33, Udaiyaarkaddu
- Arulanantham, 53, Udaiyaarkaddu
- Kankamma, 63, Udaiyaarkaddu
- Ravichandran, 39, Udaiyaarkaddu
- Paramalingam, 40, Udaiyaarkaddu
- Vaksala, 17, Udaiyaarkaddu
- Chandiraraj, 14, Udaiyaarkaddu

- Sasitharan, 30, Udaiyaarkaddu
- Thineshkumar, 30, Udaiyaarkaddu
- Rathinakumar, 28, Udaiyaarkaddu
- Y. Suresh, 32, Udaiyaarkaddu
- S. Rejitha, 15, Udaiyaarkaddu
- Nirosini, 37, Udaiyaarkaddu
- Lyon, 47, Udaiyaarkaddu
- Sivakumar Ratha, 36, Udaiyaarkaddu
- Seeralakan, 23, Udaiyaarkaddu
- S. Pirabu, 32, Udaiyaarkaddu
- Nagarasa, 50, Udaiyaarkaddu
- Sutharsini, 52, Udaiyaarkaddu
- S. Kalyani, age unknown, Udaiyaarkaddu
- Kannan, 25, Chithanthirapuram East
- Karuna, 38, Chithanthirapuram East
- Kugathas, 30, Chithanthirapuram East
- Saithanya, 18, Chithanthirapuram East
- Thevan, 22, Chithanthirapuram East
- Vasantha, 42, Chithanthirapuram East
- Kanesan, 36, Chithanthirapuram East
- Velautham, 52, Chithanthirapuram East
- Yogalingan, 46, Chithanthirapuram East
- K. Chanthirasekaran, 38, Theavipuram
- Saraswathy, 59, Theavipuram
- Vekananthan, 35, Theavipuram
- R. THurairasa, 75, Chuthanthirapuram

- M.Sivakamy, 55, Chuthanthirapuram
- Chudaravan, 4, Chuthanthirapuram
- Kanimozhi, 8, Chuthanthirapuram
- Chinthuja, 7, Chuthanthirapuram
- Ponnambalam, 74, Chuthanthirapuram

- 14.11. As a direct consequence of the systematic and widespread campaigns of indiscriminate artillery shelling and aerial bombardments or otherwise genocidal acts, which preceded the progressive Sri Lankan military force occupations and ethnic cleansings of Hindu-Christian North-East Sri Lankan Tamil civilian territories in the Kilinochchi and Mullaithivu Districts in the Vanni Region during all times relevant to this complaint, and during all times in all relevant territories of the Vanni Region between January 1, 2009 and January 21, 2009, an exodus of more than 350,000 Hindu-Christian North-East Sri Lankan Tamil civilian IDPs flowed into village enclaves of the Mullaithivu district. One such enclave to which North-East Sri Lankan Tamil civilian IDPs fled was a 14 sq. mile area of the Udayaarkaddu village in Mullaithivu district, including village territories of Irrudamadu and Vallipunam. On January 21, 2009, the Government of Sri Lanka declared the contiguous territory as a "Safety Zone" or Safe Area. Before the attack on the Safe Area by Sri Lankan military personnel or government-sponsored paramilitaries, the estimated Hindu-Christian North-East Sri Lankan Tamil population in the territory and surrounding territories of the Safe Area of Udayaarkaddu was approximately between 200,000-350,000.
- 14.12. On or about January 22, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells or aerially bombarded ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil civilian area, in the Safe Area, of Vallipunam, targeting and destroying the 'Sweet Life Home' (Iniya Vaazhvuillam) disabled children's institution, killing an unknown number and severely injuring more than 100 Hindu-Christian North-East Sri Lankan Tamil civilians.
- 14.13. On or about January 22, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells or aerially bombarded ethnically homogeneous,

densely populated, Hindu-Christian North-East Sri Lankan Tamil civilian area, in the Safe Area, of Puthukkudiyiruppu town and surrounding territories, which by this date was densely populated with Hindu-Christian North-East Sri Lankan Tamil IDPs. Due to the government-sponsored media black out of the area, casualty and injury figures are unknown.

- 14.14. Between about January 19, 2009 and January 22, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells or aerially bombarded ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil civilian areas in the Safe Area, killing 66 Hindu-Christian North-East Sri Lankan Tamil civilians, and seriously injuring over 200 Hindu-Christian North-East Sri Lankan Tamil civilians.
- 14.15. On or about or after 6:30 p.m. of January 21, 2009, and on or about 12:20 p.m. of January 22, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells or aerially bombarded the Intensive Care Unit (ICU) of Mullaitheevu Hospital and the surgical facility of the Mullaiththeevu Hospital relocated to Va'llipunam school, and surrounding ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil civilian areas, killing more than 5 Hindu-Christian North-East Sri Lankan Tamil civilians, and severely injuring more than 15 Hindu-Christian North-East Sri Lankan Tamil civilians.
- 14.16. On January 23, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells targeting ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil civilian areas inside the Safe Area , including but not limited to Iruddumadu in Udaiyaarkaddu and Vallipunam, killing 5 Hindu-Christian North-East Sri Lankan Tamil civilians and severely injuring more than 83 Hindu-Christian North-East Sri Lankan Tamil civilians.
- 14.17. As relevant to Multi-Barrel Rocket Launcher attacks referred to in Paragraph 14.16, on January 23, 2009, the individual Multi-Barrel Rocket Launcher attacks include but are not limited to attacks on the Safe Area targeting Hindu-Christian North-East Sri Lankan Tamil IDP settlements or temporary shelters in the villages of Thearaavil,

Mayilvaakanapuram, Iruddumadu, Va'llipunam and Theavipuram at or around 10:45 a.m., 11:00 a.m., 2:30 p.m., and 6:00 p.m.

14.18. As relevant to Paragraph 14.16, the names of the dead include, but are not limited to:

- Sivam Kurukkal, 56, Mayilvaakanapuram
- Sivam Kukaran, 17, Mayilvaakanapuram
- Panugopan, 21, Udayaarkaddu
- Rajeev Thamilini, 23, Udayaarkaddu

14.19. As relevant to Paragraph 14.16, the names of the injured or seriously injured include, but are not limited to:

- Lemberth, 46, Mayilvaakanapuram
- R. Ravichandran, 46, Mayilvaakanapuram
- Mariyamma, 36, Mayilvaakanapuram
- Village Officer P. Sabaratnam, 48, Mayilvaakanapuram
- Ketheeswaran, 51, Mayilvaakanapuram
- Prasath, 14, Mayilvaakanapuram
- K. Thevi, 50, Mayilvaakanapuram
- Isayarasi, 11, Mayilvaakanapuram
- Isaivaa'ni, 10, Mayilvaakanapuram
- Isaiyarsan, 7, Mayilvaakanapuram
- Pushpavathy, 65, IDP settlement in Safe Area
- Perumal Kurukkal, 71, IDP settlement in Safe Area
- K. Kowsitha, 20, IDP settlement in Safe Area
- K. Balabaskaran, 42, IDP settlement in Safe Area
- Kangampikai, 30, IDP settlement in Safe Area
- Vijay, 12, IDP settlement in Safe Area
- Visihithira, 10, IDP settlement in Safe Area

- Vithusan, 04, IDP settlement in Safe Area
- T. Piriyarasa, 30, IDP settlement in Safe Area
- S. Vikinarasa, 52, IDP settlement in Safe Area
- V. Senamitha, 17, IDP settlement in Safe Area
- Kowthami, 17, IDP settlement in Safe Area
- Kamalampikai, 45, IDP settlement in Safe Area
- Yarlnilavan, 09, IDP settlement in Safe Area
- Laxsumy, 60, IDP settlement in Safe Area
- Neyanathan, 24, IDP settlement in Safe Area
- Kiri, 35, IDP settlement in Safe Area
- Vadivalakan, 21, IDP settlement in Safe Area
- Mathivanan, 28, IDP settlement in Safe Area
- Thayalini, 19, IDP settlement in Safe Area
- Pushpathevi, 65, IDP settlement in Safe Area
- Yogalingam, 42, IDP settlement in Safe Area
- Uthamani, 50, IDP settlement in Safe Area
- Yarlinpan, 19, IDP settlement in Safe Area
- Kiritharan, 26, IDP settlement in Safe Area
- Yarlapan, 26, IDP settlement in Safe Area
- Latheepan, 20, IDP settlement in Safe Area
- Sathiyasoroopan, 29, IDP settlement in Safe Area
- Eelavan, 19, IDP settlement in Safe Area
- Kiruban, 12, IDP settlement in Safe Area
- Mathiyalakan, 22, IDP settlement in Safe Area
- Thambirasa, 30, IDP settlement in Safe Area
- Piratheepan, 23, IDP settlement in Safe Area

- Alexan, 13, IDP settlement in Safe Area
- Veerabahu Kanapathipillai, 72, Va'lipunam-Theavipuram
- Nakuleswaran Jeyakumari, 40, Va'lipunam-Theavipuram
- Baskaran Shanthakumari, 40, Va'lipunam-Theavipuram
- Veeratheeran Thanusalini, 03, Va'lipunam-Theavipuram
- Asaipillai Deluxi, 11, Va'lipunam-Theavipuram
- R. Pirabathevi, 50, Va'lipunam-Theavipuram
- V. Pirasath, 16, Va'lipunam-Theavipuram
- Nirusan, 12, Va'lipunam-Theavipuram
- Arunthathi, 42, Va'lipunam-Theavipuram
- Anusa, 03, Va'lipunam-Theavipuram
- Jeyakumari, 40, Va'lipunam-Theavipuram
- Thanabalan, 32, Va'lipunam-Theavipuram
- P. Shanthakumari, 37, Va'lipunam-Theavipuram
- T. Sobana, 28, Va'lipunam-Theavipuram
- T. Thamilventhan, 24, Va'lipunam-Theavipuram
- K. Jeyakumari, 30, Va'lipunam-Theavipuram
- P. Rathi, 42, Va'lipunam-Theavipuram
- Jenifet, 32, Va'lipunam-Theavipuram
- S. Selvaroopan, 28, Va'lipunam-Theavipuram
- K. Jegatheeswaran, 42, Va'lipunam-Theavipuram
- Nadarasa Narenthiran, 22, Va'lipunam-Theavipuram
- Jeganathan Sarswathy, 47, Va'lipunam-Theavipuram
- Paramalingam Losini, 40, , Va'lipunam-Theavipuram
- Kanagalingam Mathusa, 14, , Va'lipunam-Theavipuram
- Nallathamby Parameswaran, 30, Va'lipunam-Theavipuram

- Sasikumar, 30, Va'lipunam-Theavipuram
 - Nitharsan, 19, Va'lipunam-Theavipuram
 - K. Visuvalingam, 52, Va'lipunam-Theavipuram
 - Nagalingam Nadarasa, 56, Va'lipunam-Theavipuram
 - Nadarasa Nagendran, 22, Va'lipunam-Theavipuram
 - Nallamma, 71, Va'lipunam-Theavipuram
 - Ulageswari, 50, Va'lipunam-Theavipuram
 - P. Kularany, 50, Va'lipunam-Theavipuram
- 14.20. On about January 24, 2009 until around 5:25 p.m., Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil civilian areas, in the Safe Area, of Udaiyaarkaddu inside the Safe Area, and targeted the Udaiyaarkaddu Hospital relocated to Udaiyaarkaddu school around 3:45 p.m., killing 11 Hindu-Christian North-East Sri Lankan Tamil civilians, and seriously injuring 87 Hindu-Christian North-East Sri Lankan Tamil civilians.
- 14.21. On about January 25, 2009 between 2:45 a.m. and 9:15 p.m., Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil civilian areas in the Safe Area in or near the territories of Chuthanthirapuram, Udaiyaarkaddu, and Thearaavil in Visuvamadu in Mullaithihvu district, killing over 22 Hindu-Christian North-East Sri Lankan Tamil civilians and seriously injuring over 85 Hindu-Christian North-East Sri Lankan Tamil civilians.
- 14.22. On about January 25, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas in the Safe Area, in Visuvamadu, in or near Thirukkangkaadu or Thearaavil, killing 3 Hindu-Christian North-East Sri Lankan Tamil civilians,

and seriously injuring 9 Hindu-Christian North-East Sri Lankan Tamil civilians.

- 14.23. On January 25, 2009 at or around 12:00 p.m., Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas in the Safe Area, in or near the 100-houses-scheme settlement in Chunthanthirapuram, killing 6 Hindu-Christian North-East Sri Lankan Tamils, and seriously injuring 12 Hindu-Christian North-East Sri Lankan Tamils.
- 14.24. On about January 25, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside the Safe Area, including but not limited to territories in the villages of Suthanthirapuram, Udaiyaarkaddu, and Vallipuram in Mullaithivu district, killing more than 300 Hindu-Christian North-East Sri Lankan Tamils, and seriously injuring more than 1000 Hindu-Christian North-East Sri Lankan Tamils.
- 14.25. On about January 27, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on the ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside the Safe Area, targeting the Udaiyaarkaddu Hospital and surrounding territories, killing 2 Hindu-Christian North-East Sri Lankan Tamils, and seriously injuring 8 Hindu-Christian North-East Sri Lankan Tamils.
- 14.26. On about January 28, 2009 by about 12:00 p.m., Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside the Safe Area, killing 23 Hindu-Christian North-East Sri Lankan Tamils.
- 14.27. On about January 29, 2009 starting after about 12:00 p.m., Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically

homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including the areas of Chuthanthirapuram 100-Housing Scheme and St. Antony's Church in Chuthanthirapuram, killing 44 Hindu-Christian North-East Sri Lankan Tamils, and seriously injuring 178 Hindu-Christian North-East Sri Lankan Tamils.

- 14.28. On about January 31, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas inside Chuthanthirapuram, severely injuring 8 Hindu-Christian North-East Sri Lankan Tamils, and destroying humanitarian supplies, fuel reserves, and documents of the local NGO HUDEC Cartias, the only local NGO other than the Tamil Rehabilitation Organization (TRO) operating in the area.
- 14.29. On about January 31, 2009, the Sri Lankan Air Force systematically, continuously, and indiscriminately aeri ally bombed and the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas inside Moongillaa'ru and Chuthanthirapuram, killing 39 Hindu-Christian North-East Sri Lankan Tamils, severely injuring 8 Hindu-Christian North-East Sri Lankan Tamils, and destroying humanitarian supplies, fuel reserves, and documents of the local NGO HUDEC Cartias, the only local NGO other than the Tamil Rehabilitation Organization (TRO) operating in the area.
- 14.30. On January 31, 2009, and on or about February 1, 2009 around 10:00 p.m., the Sri Lankan Air Force systematically, continuously, and indiscriminately aeri ally bombed ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas inside Moongillaa'ru in Udayaarkaddu, and areas near Chuthanthirapuram school, killing at least 37 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 13 Hindu-Christian North-East Sri Lankan Tamil civilians.

- 14.31. On or about February 2, 2009, the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas inside or near Puthukkudiyiruppu (PTK) hospital, killing at least 9 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 15 Hindu-Christian North-East Sri Lankan Tamils.
- 14.32. On or about February 2, 2009, the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired over 5000 artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas inside or near Puthukkudiyiruppu (PTK) hospital, Udayaarkaddu, Vallipunam, Theavipuram, and Chuthanthirapuram,
- 14.33. On or about February 2, 2009, the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas inside or near Kilinochchi hospital, killing one Hindu-Christian North-East Sri Lankan Tamil civilian nurse, and severely injuring at least 10 Hindu-Christian North-East Sri Lankan Tamils, including including ICRC/SLRC staff stationed in the vicinity of Puthukkudiyiruppu.
- 14.34. On or about February 5, 2009, the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, killing at least 7 Hindu-Christian North-East Sri Lankan Tamils, severely injuring at least 27 Hindu-Christian North-East Sri Lankan Tamils, destroying 2 ambulances and medical buildings in the area.

- 14.35. On February 5, 2009, the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired over 6000 artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas inside or near bunkers and temporary IDP shelters in Chuthanithrapuram and Iruddumadu, , killing at least 100 Hindu-Christian North-East Sri Lankan Tamils.
- 14.36. On February 7, 2009, the Sri Lankan Air Force systematically, continuously, and indiscriminately aeri ally bombarded ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas near or inside the Ponnampalam Memorial Hospital in Puthukkudiyiruppu, killing at least 61 Hindu-Christian North-East Sri Lankan Tamil civilian patients.
- 14.37. On February 8, 2009, around or near the border area of the Safe Area near Chuthanthirpuram, Sri Lankan military personnel indiscriminately fired upon approximately 4000 Hindu-Christian North-East Sri Lankan Tamil civilians fleeing the systematic, continuous, and artillery or Multi-Barrel Rocket Launcher attacks fired by Sri Lankan military personnel or government-sponsored paramilitaries.
- 14.38. Between February 6, 2009 and February 7, 2009, the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including in Chuthanthirapuram, Iruddumadu, Udaiyaarkaddu and Theavipuramkilling, killing at least 120 Hindu-Christian North-East Sri Lankan Tamils, severely injuring at least 59 Hindu-Christian North-East Sri Lankan Tamils on February 6, 2009, and killing at least 61 Hindu-Christian North-East Sri Lankan Tamils and destroying a makeshift hospital in Chuthanthirapuram on February 7, 2009.

- 14.39. On February 8, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including bunkers and temporary IDP shelters in or near the areas of Vallipunum, killing at least 80 Hindu-Christian North-East Sri Lankan Tamils, severely injuring at least 200 Hindu-Christian North-East Sri Lankan Tamils, and damaging approximately 500 homes.
- 14.40. By February 9, 2009, the Sri Lankan military personnel's or government-sponsored paramilitaries' systematic, continuous, and indiscriminate firing of artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, had killed at least 15 Hindu-Christian North-East Sri Lankan Tamils in the areas in or near Chuthanthirapuram.
- 14.41. On February 9, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including the hospital in Putumattalan, killing 16 Hindu-Christian North-East Sri Lankan Tamil patients.
- 14.42. On or about February 10, 2009, the Sri Lankan Air Force systematically, continuously, and indiscriminately aerially bombarded and the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas inside Vallipunam, Maaththalan, and Chuthanthirapuram, killing at least 36 Hindu-Christian North-East Sri Lankan Tamils, severely injuring at least 76 Hindu-Christian North-East Sri Lankan Tamils, and destroying the entire 100-houses-scheme located in Chuthanthirapuram.

- 14.43. Between February 10, 2009 and February 12, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in or near Theavipuram to Puthukkudiyiruppu, killing at least 240 Hindu-Christian North-East Sri Lankan Tamils.
- 14.44. Between January 1, 2009 and February 14, 2009, Sri Lankan military personnel or government-sponsored paramilitaries had murdered 190 Tamil civilian males and sexually abused or raped or gang-raped 130 Tamil civilian females inside the 'IDP Rescue Centers' in Vavuniya district.
- 14.45. Between February 13, 2009 and February 14, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in or near Iranaippalai, Vallipunam, and Theavipuram, killing at least 69 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 85 Hindu-Christian North-East Sri Lankan Tamils.
- 14.46. On or about February 18, 2009, the Sri Lankan Air Force systematically, continuously, and indiscriminately aeri ally bombarded and the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in or near Theavipuram, Vallipunam, Maaththa'lan, Pokka'nai, Mu'llivaaykkaal, and Ira'naippalai, killing at least 108 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 200 Hindu-Christian North-East Sri Lankan Tamils.

- 14.47. On February 18, 2009 around 12:50 p.m., the Sri Lankan Air Force systematically, continuously, and indiscriminately aerially bombarded ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas near or inside Aananthapuram in Ira'naippalai, killing at least 10 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 70 Hindu-Christian North-East Sri Lankan Tamils.
- 14.48. On February 18, 2009 between 11:00 a.m. and 10:00 p.m., Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside Mullaithivu district, killing approximately 160 Hindu-Christian North-East Sri Lankan Tamils.
- 14.49. On February 19, 2009, the Sri Lankan Air Force systematically, continuously, and indiscriminately aerially dropped approximately 32 cluster or bunker buster bombs, and the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired over 200 artillery shells or Multi-Barrel Rocket Launcher shells, on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in or near Ira'naippalai, Aananthapuram, Puthukkudiyiruppu, and Valaignarmadam villages, killing 30 Hindu-Christian North-East Sri Lankan Tamil families, killing 34 Hindu-Christian North-East Sri Lankan Tamils, and destroying 180 homes.
- 14.50. On February 21, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside or surrounding the Safe Area, including the areas of Maaththa'lan, Pokka'nai, Valaignanmadam and Ira'naippalai in Mullaiththeevu district, killing at least 13 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 57 Hindu-Christian North-East Sri Lankan Tamils.

- 14.51. Between February 21, 2009 and February 22, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside the Safe Area, including areas in or near Valaignarmadam, Mu'l'livaaykkaal, and Pokka'ani, killing at least 33 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 73 Hindu-Christian North-East Sri Lankan Tamils.
- 14.52. On February 24, 2009 around 5:00 a.m., Sri Lankan military personnel or government-sponsored paramilitaries fired one artillery shell at the makeshift hospital in Puthumaaththalan, the only functioning hospital inside the Safe Area, killing 6 Hindu-Christian North-East Sri Lankan Tamils, 2 of which were children.
- 14.53. Between February 28, 2009 and March 2, 2009, the Sri Lankan Air Force systematically, continuously, and indiscriminately aeri ally bombarded and the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in or near Mu'l'livaaykkaal, Valaignarmadam, Pokka'nai, Maaththa'lan, and Ira'naippaalai, killing at least 122 Hindu-Christian North-East Sri Lankan Tamils.
- 14.54. On March 3, 2009 between 5:00 a.m. and 11:30 a.m., Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside the Safe Area, including areas in or near the Maaththalan hospital, and including an IDP settlement located within 200 meters of Maaththalan hospital, Mu'l'livaaykkaal, and Pokka'ani, killing at least 13 Hindu-Christian North-East Sri Lankan Tamils including 4 children, and severely injuring at least 56 Hindu-Christian North-East Sri Lankan Tamils.
- 14.55. On March 3, 2009, the Sri Lankan Air Force aeri ally bombarded ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside the Safe Area, at least 2 times.

- 14.56. Between March 1, 2009 and March 4, 2009, the Sri Lankan Air Force systematically, continuously, and indiscriminately aerially bombarded and the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells, including at least 35 cluster-fitted artillery shells, on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area in Mullaithivu district, killing at least 84 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 160 Hindu-Christian North-East Sri Lankan Tamils.
- 14.57. On March 4, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in Pokkanai and Maaththalan, killing at least 78 Hindu-Christian North-East Sri Lankan Tamils including 21 children, and severely injuring at least 182 Hindu-Christian North-East Sri Lankan Tamils.
- 14.58. On March 5, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside the Safe Area, including areas in or near Maaththalan hospital, severely injuring at least 126 Hindu-Christian North-East Sri Lankan Tamils.
- 14.59. Between March 5, 2009 and March 7, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or cluster-fitted artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in or near multiple bunkers or IDP settlements, and including areas in Ampalavanpokka'ani, Maaththa'lan, Mu'l'livaaykkaal, Iraddaivaaykkaal, Ira'naippalai, killing at least 208 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 330 Hindu-Christian North-East Sri Lankan Tamils.
- 14.60. Between March 8, 2009 and March 9, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely

populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, killing at least 139 Hindu-Christian North-East Sri Lankan Tamils.

- 14.61. Between March 9, 2009 and March 10, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in Ampalavanpokka'nai, Pachchaip-pulmoaddai, Valaignarmadam, Maaththa'lan, Iraddaivaaykkaal, and Mu'l'livaaykkaal, killing at least 130 Hindu-Christian North-East Sri Lankan Tamils including 43 children.
- 14.62. Between March 10, 2009 and March 11, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, killing at least 180 Hindu-Christian North-East Sri Lankan Tamils including 49 children, and severely injuring at least 226 Hindu-Christian North-East Sri Lankan Tamils.
- 14.63. On March 11, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas and civilian settlements in or near Mullivaaykkaal and Valaignarmadam, killing at least 82 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 130 Hindu-Christian North-East Sri Lankan Tamils.
- 14.64. On March 13, 2009, supported by Sri Lankan Air Force aerial surveillance, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in or near Maaththalan, Mu'l'livaaykkaal, and Valaignarmadam killing at least 62 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 129 Hindu-Christian North-East Sri Lankan Tamils.

- 14.65. On March 14, 2009, the Sri Lankan Air Force systematically, continuously, and indiscriminately aeri ally bombed and the Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area in Mullaithivu district, including areas in or near Maaththalan and Maaththalan hospital, Mullivaaykaal, and Iraddaivaaykkaal, killing at least 98 Hindu-Christian North-East Sri Lankan Tamils including 19 children.
- 14.66. On March 17, 2009, in the coastal waters between Puthumaaththalan in Mullaithivu district and Vadamaraadchi in Jaffna district, Sri Lankan military personnel murdered by gunfire a Tamil father, mother, and their 9-year old Tamil male child, fleeing from the Sri Lankan Armed Forces systematic, continuous, and indiscriminate shelling and aerial bombardment of the area.
- 14.67. Between March 19, 2009 and March 21, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including temporary IDP shelters and other areas in Maaththalan, Pokk'anai, Mu'l'livaaykkaal, Iraddaivaaykkaal, and Valaignarmadam, killing at least 128 Hindu-Christian North-East Sri Lankan Tamils including at least 11 children.
- 14.68. By March 21, 2009, the Sri Lankan Health Ministry had refused or otherwise not met repeated requests by the Jaffna Teaching Hospital (JTH) administration for urgently needed medical equipment required to treat the seriously injured.
- 14.69. Between March 21, 2009 and March 22, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, killing at least 42 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 80 Hindu-Christian North-East Sri Lankan Tamils.
- 14.70. On March 22, 2009, the Sri Lankan Air Force systematically, continuously, and indiscriminately aeri ally bombed ethnically

homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in or near Puthukkudiyiruppu and Iranaippaalai, killing 7 Hindu-Christian North-East Sri Lankan Tamils.

- 14.71. On March 23, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired Rocket Propelled Grenade attacks on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in or near Puthumaaththalan, Pokkanai, and Maaththalan, Mullivaaykkaal and Valaignarmadam, killing at least 121 Hindu-Christian North-East Sri Lankan Tamils including 19 children.
- 14.72. On March 24, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or cluster-fitted artillery shells or Multi-Barrel Rocket Launcher shells or mortars on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, including areas in Valaignarmadam, Pokka'nai, Ampalavanpokka'nai, Mu'l'livaaykkaal, and Maaththa'lan, killing at least 83 Hindu-Christian North-East Sri Lankan Tamils, and severely injuring at least 229 Hindu-Christian North-East Sri Lankan Tamils.
- 14.73. Between March 25, 2009 and March 29, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically, continuously, and indiscriminately fired artillery shells or cluster-fitted artillery shells or Multi-Barrel Rocket Launcher shells or mortars on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, killing at least 179 Hindu-Christian North-East Sri Lankan Tamils including at least 76 children under the age of 15 and at least 16 pregnant women, and severely injuring at least 109 Hindu-Christian North-East Sri Lankan Tamil children under the age of 15.
- 14.74. The following transcript is from a February 2, 2009 report and interview with Sri Lankan Secretary of Defense Gotabaya Rajapaksa aired on SKY News:

[Alex Crawford reporting] “The casualties are mounting on both sides. The aid agencies say a hospital packed with wounded has been repeatedly shelled. Killing some patients and injuring many more. The Defense Secretary told us right now everything is a legitimate

target if it is not within the safe zone the government's created, and the only hospital is outside that zone."

[Interview: Gotabaya Rajapaksa] "Nothing should exist beyond the no fire zone, nothing should..."

[Interview: Alex Crawford] "So just to be clear, if this hospital is operating, if it's outside of the safe zone, it is a legitimate target?"

[Interview: Gotabaya Rajapaksa] "Yes. No hospital should operate in the area...nothing should operate. That is why we clearly gave these no fire zones." Alex Crawford, "Sri Lanka: 12 Killed At Hospital," SKY News, available at http://news.sky.com/skynews/Home/video/Sri-Lanka-12-Killed-In-Artillery-Fire-Report-From-Tamil-Tiger-Stronghold-Jaffna-And-Capital-Colombo/Video/200902115215509?lpos=World%2BNews_2&lid=VIDEO_1785202_Fighting%2Bin%2BSri%2BLanka&videoCategory=World%2BNews (last visited March 29, 2009).

- 14.75. "As you may be aware, the current humanitarian situation in the Vanni is dire. Since early January 2009, civilian casualties in the fighting between government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) have skyrocketed. More than 2,800 civilians are believed to have been killed and another 7,000 wounded in the past two months alone. Approximately a quarter of a million people have been displaced by the recent fighting, of which some 35,000 are now at government centers." Brad Adams, "Letter to IMF on Sri Lanka's Emergency Support Loan Request," Human Rights Watch, March 23, 2009, available at <http://www.hrw.org/en/news/2009/03/23/letter-international-monetary-fund-imf-sri-lankas-emergency-support-loan-request> (last visited March 27, 2009).
- 14.76. "Government forces continue to fire artillery indiscriminately into areas they have declared to be safe zones. Both sides have resisted calls from intergovernmental bodies and states to permit a humanitarian evacuation of the population." Id.
- 14.77. "We have also raised concerns regarding the treatment of internally displaced persons, which has direct relevance to the post-conflict resettlement for which the government is seeking funding. The plight of internally displaced persons has been exacerbated by the Sri Lankan government's decision in September 2008 to order most humanitarian agencies out of the Vanni." Id.

- 14.78. “Internally displaced persons who escape LTTE territory to what they hope is safety within government-controlled areas have been placed in “welfare centers” that are effectively detention camps. All internally displaced persons who cross to the government side, including entire families, are sent to internment centers, which are military-controlled, barbed-wire camps where there are no rights to liberty and freedom of movement. Humanitarian agencies have tenuous access, but do so at the risk of supporting a long-term detention program for civilians fleeing a war.” Id.
- 14.79. “Unfortunately, the government's current policies and practices are counterproductive to the intended goal of the IMF loan. First, the government's continuing disregard for the rights and well-being of civilians in the Vanni, who are almost entirely ethnic Tamil, erodes the trust of the Tamil population generally, making post-conflict stability and a lasting political settlement less likely. Manifestations of this disregard can be found in the government's preventing humanitarian access to the Vanni, continuing indiscriminate shelling of civilians trapped by the LTTE, and the indefinite detention civilians in camps.” Id.
- 14.80. “Total minimum number of documented civilian casualties since 20 January 2009, as of 7 March 2009 in the conflict area of Mullaithivu District: 9,924 people including 2,683 deaths and 7,241 injuries. The number of people killed each day has doubled in one month.” United Nations Office of the Resident Coordinator and Humanitarian Coordinator, “Civilian Casualties in the Vanni,” United Nations, March 2009.
- 14.81. “Only partial figures were accumulated due to the difficulty of obtaining a constant breakdown. Nevertheless, there are at least 135 [child] deaths, and 707 [child] injuries since 20 January. However, like the basic casualty figure itself, this is thought to be a gross under estimate. Based on a population assumption the figure is likely to be closer to 400 deaths, and 1,100 injured.” Id.
- 14.82. “As the combat area reduces the daily average shows an increase in the number of people killed (from 33 to 63) and a slight decrease in the number of injured (from 184 to 145). This is due to increased density, the use of heavy weapons which continue to strike the NFZ, and inadequate medical treatment.” Id.
- 14.83. “Two thirds of the documented casualties occurred in the NFZ.” Id.

- 14.84. “Although there is a Government-designated ‘no-fire’ zone for civilians in the Vanni region, repeated shelling has continued inside these areas, according to information made available to the Office of the High Commissioner for Human Rights (OHCHR). UN News Centre, “Sri Lanka: actions by Government forces, rebels possible war crimes – UN rights chief,” March 13, 2009, available at <http://www.un.org/apps/news/story.asp?NewsID=30175&Cr=sri+lanka&Cr1=> (last visited March 28, 2009).
- 14.85. “Other areas where civilians are sheltering have been hit, and OHCHR noted reports that over 2,800 people may have been killed and 7,000 others injured – many in the no-fire zones – since 20 January. Many children are believed to be among the casualties, with hundreds having lost their lives and over 1,000 hurt.” Id.
- 14.86. [Quoting UN High Commissioner for Human Rights Navi Pillay] “Certain actions being undertaken by the Sri Lankan military and by the LTTE may constitute violations of international human rights and humanitarian law.” “We need to know more about what is going on, but we know enough to be sure that the situation is absolutely desperate. The world today is ever sensitive about such acts that could amount to war crimes and crimes against humanity.” Office of the High Commissioner for Human Rights, “Press Release: Serious violations of international law committed in Sri Lanka conflict: UN human rights chief,” United Nations Human Rights, March 13, 2009, available at <http://www.unhchr.ch/hurricane/hurricane.nsf/0/FFDE961C9D0236C5C1257578004B8E4B?opendocument> (last visited March 28, 2009).
- 14.87. “Despite the Government’s designation of safe – or “no-fire” – zones for civilians, repeated shelling has continued inside those zones, according to information made available to OHCHR. Other areas holding civilians have also been shelled.” Id.
- 14.88. “Even after the Government’s announcement on 24 February that heavy weapons would no longer be fired into the no-fire zones, close to 500 people were reportedly killed and more than a thousand injured in these zones. Of these deaths, the great majority have been attributed to the use of heavy weapons. Overall, since 20 January, more than two thirds of the reported deaths and injuries have occurred in the no-fire zones.” Id.
- 14.89. [Quoting UN High Commissioner for Human Rights Navi Pillay] “The current level of civilian casualties is truly shocking, and there are legitimate fears that the loss of life may reach catastrophic levels, if the fighting continues in this way.” Id.

- 14.90. “Yet, the Sri Lankan government has acted no more responsibly. Not only does it refuse to grant humanitarian aid workers access to the conflict zone, there are reports that it also shells civilians and hospitals in the so-called “safe zone” for Tamil citizens. Descriptions of government camps for civilians fortunate enough to leave the conflict zone reminded us of detention centers, rather than safe havens for refugees. Senator Robert P. Casey, Jr., “Casey Expresses Alarm Over Humanitarian Crisis in Sri Lanka: Takes Lead in Senate Letter to Secretary Clinton,” Robert P. Casey, Jr. United States Senator for Pennsylvania, March 11, 2009, available at <http://casey.senate.gov/newsroom/press/release/?id=df2c7709-389a-4320-bb33-d244f065f1a9> (last visited March 28, 2009).
- 14.91. “US Secretary of State Hillary Clinton told Sri Lanka’s President, Mahinda Rajapaksa, by telephone that Washington was deeply concerned about deteriorating conditions and increasing loss of life in government-designated safe areas.” BBC News, “UN fears Sri Lanka ‘war crimes’”, March 13, 2009, available at http://news.bbc.co.uk/2/hi/south_asia/7942051.stm (last visited March 28, 2009).
- 14.92. “Both the military and the Tigers have been regularly accused of gross abuses of human rights by organizations such as Amnesty International and Human Rights Watch.” Id.
- 14.93. “On March 13, Secretary of State Hillary Rodham Clinton called Sri Lankan President Rajapaksa to express the United States’ deep concern over the deteriorating conditions and increasing loss of life occurring in the Government of Sri Lanka – designated “safe zone” in northern Sri Lanka. Secretary Clinton stated that the Sri Lankan Army should not fire into the civilian areas of the conflict zone.” Gordon Duguid, Bureau of Public Affairs, “Humanitarian Situation in Sri Lanka,” U.S. Department of State, March 13, 2009, available at <http://www.state.gov/r/pa/prs/ps/2009/03/120341.htm> (last visited March 28, 2009).
- 14.94. “While in the country, however, we managed to collect credible information about egregious violations by the parties to the conflict, both of which appear to be engaged in a perverse competition to demonstrate the greatest disregard for the civilian population.” Dr. Anna Neistat, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24,

2009, available at <http://omiusajpic.org/files/2009/02/neistatetestimony090224p1.pdf> (last visited March 28, 2009), 1.

- 14.95. “The Sri Lankan forces have committed numerous indiscriminate and perhaps disproportionate attacks consisting of artillery bombardment and aerial bombing. These include attacks on the government-proclaimed “safe zones” and on clearly marked hospitals. Statements by senior officials indicating that civilians who do not leave LTTE-controlled areas are subject to attack are indicative of an intent to commit war crimes.” Id, 2.
- 14.96. “Sri Lankan forces have repeatedly and indiscriminately shelled areas packed with displaced persons, causing numerous civilian casualties. This includes numerous reported bombardments of a government declared “safe zone” and of the remaining hospitals in the region.” Id, 4.
- 14.97. “Concerns of indiscriminate attacks by SLA forces are heightened by reports that they are using multi-barrel rocket launchers. Rockets fired from multi-barrel launchers cannot be targeted with sufficient precision to be accurate against military targets, and their broad area effect makes their use incompatible with the laws of war in areas where civilians or civilian objects (such as schools or hospitals) are located. The use of such weapons in populated areas is indiscriminate in violation of international humanitarian law.” Id, 4.
- 14.98. “Many of the civilian deaths reported in the past month have occurred in an area that the Sri Lankan government has declared to be a “safe zone.” On January 21, the Sri Lankan armed forces unilaterally declared a 35 square kilometer “safe zone” for civilians north of the A35 road between the Udayarkattu junction and the Manjal Palam (Yellow Bridge) in Mullativu district. The Sri Lankan Air Force dropped leaflets appealing to civilians to move into the safe zone as soon as possible.” Id, 4.
- 14.99. “During the next days, several thousand people gathered in a large playground located just north of the A35 in the safe zone. The playground also functioned as a food distribution center for the local government agent (GA) and international organizations. Several people located in or around the GA food distribution center told

Human Rights Watch that, despite the army declaration of a safe zone in the area, the area was subjected to heavy shelling from SLA positions in the period January 22-29, which killed and injured hundreds of people.” Id, 4.

- 14.100. “At the same time, having declared the area a safe zone for civilians, the SLA encouraged civilians to go to the area, increasing the vulnerability of civilians in the event of an attack. By creating the zone, government forces took on a greater obligation to ensure that they spared civilians from the effects of attacks. Given this civilian presence, attacks on valid military targets in the safe zone should only have been carried out after issuing an effective advance warning that the area was no longer a zone protected from attack.” Id, 5.
- 14.101. “Human Rights Watch also documented several SLA attacks outside of the safe zone which seemed to have been indiscriminate and led to civilian casualties.” Id, 5.
- 14.102. “The delivery of humanitarian assistance had been further complicated because both side used humanitarian convoys to advance their military positions, in clear violation of international law.” Id, 9.
- 14.103. “The situation of civilians who manage to escape from areas of active hostilities into government-controlled territory is dire. Instead of providing the internally displaced with the assistance and protection they are entitled to under international law, the Sri Lankan government continues to violate their fundamental rights.” Id, 9.
- 14.104. “The government has arbitrarily detained people during screening procedures; subjected all internally displaced persons, including entire families, to indefinite confinement in military-controlled camps; and failed to provide adequate medical and other assistance to displaced persons. The government has directly restricted the efforts of relief agencies seeking to meet emergency needs, and has deterred agencies from offering greater support through policies that the agencies rightly perceive as unlawful.” Id, 9.
- 14.105. “Displaced persons confined in the camps enjoy no freedom of movement and are not allowed any contact with the outside world... The displaced persons in Vavuniya camps are never allowed to leave the sites on their own.” Id, 11.

- 14.106. “Both the LTTE and the Government have shown a callous disregard for civilians. There is a desperate need for food and medical care. Both sides have fired into civilian areas.” Ambassador Jeffrey Lunstead, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/lunsteadtestimony090224p1.pdf> (last visited March 28, 2009).
- 14.107. “More than 150,000 people are being shelled daily and are running short of water and medicine in a Sri Lankan-government declared “No Fire Zone”, according to witness reports and United Nations briefing documents obtained by the Guardian.” Randeep Ramesh, “Sri Lankans face humanitarian crisis trapped in ‘no fire zone’, warns UN,” The Guardian Newspaper, March 23, 2009.
- 14.108. “The UN warns that if people stay they risk being killed by government shells and if they try to leave they will be in danger of being shot by the Tigers.” Id.
- 14.109. “Reports emerging from Sri Lanka suggest that government forces and the Liberation Tigers of Tamil Eelam (LTTE) are violating the laws of war by targeting civilians and preventing them from escaping to safety.” Amnesty International, “Sri Lanka: Government and Tamil Tigers Violating Laws of War,” January 28, 2009, available at <http://www.amnesty.org/en/for-media/press-releases/sri-lanka-government-and-tamil-tigers-violating-laws-war-20090128> (last visited March 28, 2009).
- 14.110. “The Government of Sri Lanka is carrying out military operations in areas with a civilian population. The aerial and artillery bombardment has reportedly led to civilian deaths, injuries, the destruction of property and mass displacement.” Id.
- 14.111. “The government had declared “safe zones” to allow civilians to seek shelter, but information made available to Amnesty International indicates that several civilians in the so-called safe zone have been killed or sustained injuries as a result of artillery bombardment.” Id.
- 14.112. “A doctor working in a hospital in a “safe zone” says that about 1,000 shells fell around the hospital.” Id.

15. Rape

- 15.1 Between about December 16, 2005 and December 17, 2005, Sri Lankan military personnel or government-sponsored paramilitaries sexually abused by inflicting severe fingernail and bite marks to several areas of the body including her breasts, and then gang-raped to death 20-year old Ilayathamby Tharshini in the areas of Punguduthivu in the Jaffna islets.
- 15.2 On or about January 28, 2009, Sri Lankan military personnel or government-sponsored paramilitaries detained between 50-200 or more Hindu-Christian North-East Sri Lankan Tamils in the areas of Vadamaraadchi East in Jaffna district and from Murasumoad dai in Ki'linochchi district, confined them to detention camps administered by the Sri Lankan military, stripped multiple male and female Hindu-Christian North-East Sri Lankan Tamils naked, and sexually assaulted or sexually abused or raped or gang-raped multiple female Hindu-Christian North- East Sri Lankan Tamils.
- 15.3 Between January 1, 2009 and February 14, 2009, Sri Lankan military personnel or government-sponsored paramilitaries had murdered 190 Tamil civilian males and sexually abused or raped or gang-raped 130 Tamil civilian females inside the 'IDP Rescue Centers' in Vavuniya district.
- 15.4 On March 1, 2009, during a cordon and search operation in the areas of Vallaaveli of Batticaloa district, Sri Lankan military personnel in the Special Task Force (STF) in Vellaaveli Police Division in Batticaloa district sexually abused a 14-year old Tamil girl in front of her mother.

16 Cruel, inhumane, or degrading treatment.

- 16.1 “After several weeks of reports of food shortages, it’s highly predicted that mortality could set in as a significant number of the IDP population is reportedly weakened and the likelihood of malnutrition across the same population group could translate into a rapid increase of nutritional and health deterioration. A recent report from Mullaitivu also stressed the seriousness of the food situation in Mullaitivu that people’s nutritional condition shows significant deterioration.” United Nations Office of the Resident Coordinator and

Humanitarian Coordinator, "Food Delivery to IDPs in the Vanni," March 2009.

- 16.2 "The government has arbitrarily detained people during screening procedures; subjected all internally displaced persons, including entire families, to indefinite confinement in military-controlled camps; and failed to provide adequate medical and other assistance to displaced persons. The government has directly restricted the efforts of relief agencies seeking to meet emergency needs, and has deterred agencies from offering greater support through policies that the agencies rightly perceive as unlawful." Dr. Anna Neistat, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/neistattestimony090224p1.pdf> (last visited March 28, 2009), 9.

17 Prolonged detention without charges.

- 17.1 On or about January 28, 2009, Sri Lankan military personnel or government-sponsored paramilitaries detained between 50-200 or more Hindu-Christian North-East Sri Lankan Tamils in the areas of Vadamaradchi East in Jaffna district and from Murasumoddai in Ki'linochchi district, confined them to detention camps administered by the Sri Lankan military, stripped multiple male and female Hindu-Christian North-East Sri Lankan Tamils naked, and sexually assaulted or sexually abused or raped or gang-raped multiple female Hindu-Christian North-East Sri Lankan Tamils.
- 17.2 On or about January 30, 2009, Sri Lanka military personnel in Vavuniyaa district separated 122 immediate Tamil civilian family members accompanying the seriously injured 226 Tamil civilians transported by the International Committee of Red Cross (ICRC), including Tamil mothers of several injured Tamil children between ages 8 and 10 years, and arbitrarily and indefinitely detained them in internment camps located in the territory of Nelukku'lam inside Vavuniyaa district.
- 17.3 Between January 31, 2009 and February 6, 2009, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries arbitrarily and indefinitely detained around 120 North-East or Hill-Country Tamil civilians in the areas of Colombo and its suburbs

- 17.4 On February 9, 2009, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries arbitrarily and indefinitely detained 8 Tamil civilians in 2 cordon and search operations conducted in Chilaapam (Chilaw) in the northwestern province and in Dehiwala in the western province.
- 17.5 By February 11, 2009, due to severe food shortages, Jaffna Government Agent (GA) made an urgent appeal Tuesday to local and international non-government organizations in Jaffna to provide food materials to the 2400 Hindu-Christian North-East Sri Lankan Tamil civilian detainees held indefinitely and without charges in three Sri Lanka Army camps in Kurunakar, Koaappay, and Mirusuvil.
- 17.6 On February 11, 2009, the Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries arbitrarily and indefinitely detained 9 Tamil civilians in cordon and search operations in 10 police divisions in the Gampaha district.
- 17.7 On February 16, 2009, the Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries conducted cordon and search operations in the suburbs of Colombo including the areas of Pettah, Kotahena, Grandpass, Wellawatte, Dehiwala, Nugegoda, and Borella, and arbitrarily and indefinitely detained approximately 100 Tamil civilians.
- 17.8 On February 18, 2009, the Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries conducted cordon and search operations in Gampaha town, arbitrarily and indefinitely arresting approximately 38 Hindu-Christian North-East Sri Lankan Tamils.
- 17.9 On February 22, 2009, the Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries conducted cordon and search operations in areas in or near Colombo, including Moratuwa, Panadura, and Kalutura, interrogating hundreds of Tamil civilians, and arbitrarily and indefinitely detaining 12 Tamil civilian youth.
- 17.10 On February 23, 2009, the Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries conducted cordon and search operations in areas in Kuchchaveli in Trincomalee district, arbitrarily and indefinitely detaining 23 Tamil civilian youth.
- 17.11 On February 27, 2009, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries conducted cordon

and search operations in the areas of Hatton, Bogawanthalawa, Kottagala, and Nuwereliya areas, arbitrarily and indefinitely detaining 12 Tamil civilian youth.

- 17.12 On March 2, 2009, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries conducted cordon and search operations in the suburbs of Colombo, including the areas of Kalubovilla and Kohuwella, and arbitrarily and indefinitely detained 8 Tamil civilians in Dehiwala Police station.
- 17.13 On March 3, 2009, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries conducted cordon and search operations in or near the areas of Gampaha, and arbitrarily and indefinitely detained approximately 13 Tamil civilian youth.
- 17.14 On March 3, 2009, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries conducted cordon and search operations in or near the areas of Chilaw town, and arbitrarily and indefinitely detained approximately 10 Tamil civilian youth.
- 17.15 On March 10, 2009, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries conducted cordon and search operations in areas of Colombo, including areas in Panadura, Pandura Nalloor, Kalutura, and Minuwangoda, and arbitrarily and indefinitely detained 18 Tamil civilians.
- 17.16 By March 12, 2009 in areas in or near the Safe Area, Sri Lankan military personnel or government-sponsored paramilitaries have detained at least 1313 Tamil IDPs in the Mirusuvil Catholic Church, 706 Tamil IDPs in Kodikaamam Government Tamil Mixed School, 647 Tamil IDPs in Chiththa Aayurveatha College hostel, and 183 Tamil IDPs in the Saiva Children Home.
- 17.17 By March 19, 2009, Sri Lankan military personnel or government-sponsored paramilitaries forcibly transported and indefinitely detained 707 Hindu-Christian North-East Sri Lankan Tamil civilians who arrived in Vadamaraadchi East and Point Pedro Munai to detention camps in Thenmaraadchi, of which 450 are held in Jaffna University Ciththa medical faculty hostel camp in Kaithadi, and of which 227 are held in Kodikaamam Government Tamil Mixed School detention camp.
- 17.18 On March 25, 2009, the Sri Lankan police or Sri Lankan military personnel in Deniyaya town in Matara district, conducted cordon and

search operations and arbitrarily and indefinitely detained 19 Hindu-Christian North-East Sri Lankan Tamil civilians.

- 17.19 “We also have serious doubts that the government will honor its pledge to allow the vast majority of internally displaced persons to return to their homes by the end of the year, or to resettle in other areas of their choosing. Long-term displacement of civilians has been a major problem throughout the 25-year-long civil conflict in Sri Lanka. Besides the thousands who have remained refugees abroad, many internally displaced persons have simply not been permitted to return home or resettle; for instance, many Muslims forced to flee their homes to escape fighting in 1990 remain in "welfare centers" to this very day.” Brad Adams, “Letter to IMF on Sri Lanka’s Emergency Support Loan Request,” Human Rights Watch, March 23, 2009, available at <http://www.hrw.org/en/news/2009/03/23/letter-international-monetary-fund-imf-sri-lankas-emergency-support-loan-request> (last visited March 27, 2009).
- 17.20 “Unfortunately, the government's current policies and practices are counterproductive to the intended goal of the IMF loan. First, the government's continuing disregard for the rights and well-being of civilians in the Vanni, who are almost entirely ethnic Tamil, erodes the trust of the Tamil population generally, making post-conflict stability and a lasting political settlement less likely. Manifestations of this disregard can be found in the government's preventing humanitarian access to the Vanni, continuing indiscriminate shelling of civilians trapped by the LTTE, and the indefinite detention civilians in camps.” Id.
- 17.21 “The Sri Lankan government is conducting a cynical campaign to prevent all independent public coverage of its military operations and the plight of civilians caught up in the war. While decrying LTTE abuses, it has kept out the media and human rights organizations that could report on them – and on government abuses. It has kept displaced persons locked up in camps and hospitals. It has traded the well-being of tens of thousands of Sri Lankan citizens for evading international scrutiny. It has been trying its best to bury the abuses.” Dr. Anna Neistat, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/neistattestimony090224p1.pdf> (last visited March 28, 2009), 1.

- 17.22 “The government has arbitrarily detained people during screening procedures; subjected all internally displaced persons, including entire families, to indefinite confinement in military-controlled camps; and failed to provide adequate medical and other assistance to displaced persons. The government has directly restricted the efforts of relief agencies seeking to meet emergency needs, and has deterred agencies from offering greater support through policies that the agencies rightly perceive as unlawful.” Id, 9.
- 17.23 “...dozens of individuals, perhaps many more, have been detained during the screening process. The fate of such detainees remains unknown, raising fears of possible enforced disappearances and extrajudicial killings.” Id, 10.
- 17.24 “Upon arrival in Vavuniya, all displaced persons, without exception, are subjected to indefinite confinement in de facto internment camps, which the government calls transit sites, “welfare centers,” or “welfare villages.”” Id, 11.
- 17.25 “The Sri Lankan government’s past record with regard to the resettlement of persons displaced by armed conflict does not give cause for optimism that resettlement will happen quickly. On the contrary, it gives reason to be concerned that the government will end up interning those placed there indefinitely.” Id, 13.
- 17.26 “Tamil civilians who managed to flee the conflict area have been forced into camps by the Government.” Ambassador Jeffrey Lunstead, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/lunsteadtestimony090224p1.pdf> (last visited March 28, 2009).
- 17.27 “While the government has an obligation to protect internally displaced persons (IDPs), it cannot do so at the expense of their lawful rights to liberty and freedom of movement, Human Rights Watch said. The security rationale is also undermined by the government’s practice in the last two months of also detaining at the Kalimoddai center at least 10 refugees who have returned from India. The Sri Lankan army has publicly indicated that Kalimoddai is just the first of more proposed sites in Vavuniya district to detain

persons fleeing fighting in the LTTE-held Vanni.” Human Rights Watch, “Sri Lanka: End Internment of Displaced Persons – Government Illegally Holding Civilians Fleeing Fighting in the North,” July 1, 2008, available at <http://www.hrw.org/en/news/2008/07/01/sri-lanka-end-internment-displaced-persons> (last visited March 28, 2009).

- 17.28 “On May 10 and 11, local authorities conducted a survey in Kalimoddai camp to assess the wishes of displaced persons on their preferred place of residence. Out of the then camp population of 257, only five families indicated a wish to remain in Kalimoddai. The large majority indicated that they wished to leave and had alternative places to stay, including with nearby host families. To date, unconfirmed information indicates only 28 people have been released.” Id.
- 17.29 The UN Guiding Principles on Internal Displacement, an authoritative framework for the protection of IDPs, provides that, consistent with the right to liberty, internally displaced persons “shall not be interned in or confined to a camp.” The principles recognize that “exceptional circumstances” may permit confinement only for so long as it is “absolutely necessary,” but the Sri Lankan government has not demonstrated that such circumstances exist.” Id.
- 17.30 “The [Representative of the United Nations Secretary-General for the human rights of internally displaced persons] also raised the situation of civilians who have crossed from the Vanni into cleared areas and are now being held in camps at Kalimoddai and Sirukandal...Internally displaced persons, who are civilians and who retain their right to freedom of movement, must not be detained in camps.” United Nations Office at Geneva, “UN Expert Calls on Parties to the Sri Lankan Conflict to Better Protect the Displaced,” December 23, 2008, available at [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear en\)/EC6032097D104441C1257528004DE072?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear%20en)/EC6032097D104441C1257528004DE072?OpenDocument) (last visited March 28, 2009).

18 Arbitrary arrests and national identity cards and limits of freedom of movement.

- 18.1 “Internally displaced persons who escape LTTE territory to what they hope is safety within government-controlled areas have been placed in “welfare centers” that are effectively detention camps. All internally displaced persons who cross to the government side, including entire families, are sent to internment centers, which are military-controlled, barbed-wire camps where there are no rights to liberty and freedom of movement. Humanitarian agencies have tenuous access, but do so at the risk of supporting a long-term detention program for civilians fleeing a war.” Brad Adams, “Letter to IMF on Sri Lanka’s Emergency Support Loan Request,” Human Rights Watch, March 23, 2009, available at <http://www.hrw.org/en/news/2009/03/23/letter-international-monetary-fund-imf-sri-lankas-emergency-support-loan-request> (last visited March 27, 2009).
- 18.2 “The Sri Lankan government is conducting a cynical campaign to prevent all independent public coverage of its military operations and the plight of civilians caught up in the war. While decrying LTTE abuses, it has kept out the media and human rights organizations that could report on them – and on government abuses. It has kept displaced persons locked up in camps and hospitals. It has traded the well-being of tens of thousands of Sri Lankan citizens for evading international scrutiny. It has been trying its best to bury the abuses.” Dr. Anna Neistat, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/neistat testimony090224p1.pdf> (last visited March 28, 2009), 1.
- 18.3 “Tamils have a real, and legitimate, fear that those taken off by Government forces will be abused and may never be seen again.” Ambassador Jeffrey Lunstead, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/lunsteadtestimony090224p1.pdf> (last visited March 28, 2009).
- 18.4 “The Sri Lankan government should end the arbitrary detention of more than 400 civilians displaced by recent fighting at a newly established camp in northern Sri Lanka, Human Rights Watch said

today.” Human Rights Watch, “Sri Lanka: End Internment of Displaced Persons – Government Illegally Holding Civilians Fleeing Fighting in the North,” July 1, 2008, available at <http://www.hrw.org/en/news/2008/07/01/sri-lanka-end-internment-displaced-persons> (last visited March 28, 2009).

- 18.5 “Since March 2008, the government of Sri Lanka has detained civilians fleeing areas controlled by the rebel Liberation Tigers of Tamil Eelam (LTTE) at a so-called welfare center in Kalimoddai, Mannar district. The Sri Lankan armed forces have imposed severe restrictions on freedom of movement, instituting a daily pass system that limits to 30 the number of people who can leave the camp each day, and only if a family member remains behind to guarantee the detainees return in the evening. No court has authorized their detention and no charges have been filed against any of the camp’s occupants, in violation of international human rights law.” Id.
- 18.6 “On May 10 and 11, local authorities conducted a survey in Kalimoddai camp to assess the wishes of displaced persons on their preferred place of residence. Out of the then camp population of 257, only five families indicated a wish to remain in Kalimoddai. The large majority indicated that they wished to leave and had alternative places to stay, including with nearby host families. To date, unconfirmed information indicates only 28 people have been released.” Id.
- 18.7 “The UN Guiding Principles on Internal Displacement, an authoritative framework for the protection of IDPs, provides that, consistent with the right to liberty, internally displaced persons “shall not be interned in or confined to a camp.” The principles recognize that “exceptional circumstances” may permit confinement only for so long as it is “absolutely necessary,” but the Sri Lankan government has not demonstrated that such circumstances exist.” Id.
- 18.8 “In addition to concerns about those who fled to government-controlled areas, many of the displaced who remain in LTTE areas are in need of humanitarian assistance. The Sri Lankan government has severely restricted humanitarian access to LTTE-controlled areas, leaving an estimated 107,000 displaced persons with inadequate relief, including water and sanitation facilities. Meanwhile, the LTTE continues to prevent civilians from leaving areas under its control, thereby impeding their ability to seek safety in other parts of the country.” Id.
- 18.9 “The [Representative of the United Nations Secretary-General for the human rights of internally displaced persons] also raised the

situation of civilians who have crossed from the Vanni into cleared areas and are now being held in camps at Kalimoddai and Sirukandal...Internally displaced persons, who are civilians and who retain their right to freedom of movement, must not be detained in camps.” United Nations Office at Geneva, “UN Expert Calls on Parties to the Sri Lankan Conflict to Better Protect the Displaced,” December 23, 2008, available at [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear en\)/EC6032097D104441C1257528004DE072?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear en)/EC6032097D104441C1257528004DE072?OpenDocument) (last visited March 28, 2009).

19 Starvation and denial of medical care.

- 19.1 As relevant to Paragraph 14.1, as a direct consequence of the de facto or de jure blockade enforced during all times relevant to this blocking of medical supplies and doctors between January 1, 2009 and January 13, 2009, the major district hospitals of Maankulam, Mallavi, Poonakari, Akkarayan, and Kilinochchi were crippled in their capacity to treat injured or severely injured Hindu-Christian North-East Sri Lankan Tamil civilians caused by the heavy, continuous, and indiscriminate artillery shelling or Multi-Barrel Rocket Launcher shelling and aerial bombardments. The injured were impeded in access to the hospitals because of the shelling and aerial bombardments. Their purpose was to create conditions of life intended to physically destroy in whole or in substantial part the Hindu-Christian North-East Sri Lankan Tamil group, as such.
- 19.2 As relevant to Paragraph 14.7, the severe shortage of medical supplies and doctors in the area, and the heavy, continuous, and indiscriminate artillery shelling or Multi-Barrel Rocket Launcher shelling and aerial bombardments which would block or otherwise impede transport of the injured civilians to hospitals, as in the case between January 19, 2009 and January 20, 2009, created conditions of life intended to physically destroy in whole or in substantial part the Hindu-Christian North-East Sri Lankan Tamil group, as such.
- 19.3 As relevant to the more than 1000 seriously injured Hindu-Christian North-East Sri Lankan Tamils referred to in Paragraph 14.24, the Government of Sri Lanka created severe shortage of medical supplies and doctors in the area, which, in combination with the heavy, continuous, and indiscriminate artillery shelling or Multi-Barrel Rocket Launcher shelling or aerial bombardments created conditions of life intended to physically destroy in whole or in substantial part the Hindu-Christian North-East Sri Lankan Tamil group, as such.

- 19.4 As relevant to the more than 1000 seriously injured Hindu-Christian North-East Sri Lankan Tamils referred to Paragraph 14.24, the Government of Sri Lanka did not send or attempt to send medical teams or supplies to the area as requested by the hospitals in the area to treat the seriously injured after the attack.
- 19.5 By February 11, 2009, due to severe food shortages threatening starvation, Jaffna Government Agent (GA) made an urgent appeal Tuesday to local and international non-government organizations in Jaffna to provide food to the 2400 Hindu-Christian North-East Sri Lankan Tamil civilian detainees held in three Sri Lanka Army camps in Kurunakar, Koaappay, and Mirusuvil.
- 19.6 On February 14, 2009, Tamil journalist Puniyamoorthy Sathiyamoorthy sustained serious injuries inflicted by a systematic, continuous, and indiscriminate artillery shell or Multi-Barrel Rocket Launcher shell attack by Sri Lankan military personnel or government-sponsored paramilitaries on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside and surrounding the Safe Area, and later died due to lack of access to medical care.
- 19.7 By March 3, 2009, 5 Hindu-Christian North-East Sri Lankan Tamil civilians in the areas of Mullaitheevu district had died due to starvation. Names of the dead are:
- S. Jeyanthini, 17 (female)
 - Ponniah Tharmalingam, 65 (male)
 - Ponnuchamy Ratneswary, 65 (female)
 - Santhanam Visaludchumy, 72 (female)
 - Arumugam Irasiah, 66 (male)
- 19.8 Between February 28, 2009 and March 5, 2009, 13 Tamil civilians including one child died of diarrhea inside the Safe Area due to lack of access to medicines or medical care.
- 19.9 “We have also raised concerns regarding the treatment of internally displaced persons, which has direct relevance to the post-conflict resettlement for which the government is seeking funding. The plight of internally displaced persons has been exacerbated by the Sri Lankan government’s decision in September 2008 to order most humanitarian agencies out of the Vanni.” Brad Adams, “Letter to IMF on Sri Lanka’s Emergency Support Loan Request,” Human

Rights Watch, March 23, 2009, available at <http://www.hrw.org/en/news/2009/03/23/letter-international-monetary-fund-imf-sri-lankas-emergency-support-loan-request> (last visited March 27, 2009).

- 19.10 “Unfortunately, the government's current policies and practices are counterproductive to the intended goal of the IMF loan. First, the government's continuing disregard for the rights and well-being of civilians in the Vanni, who are almost entirely ethnic Tamil, erodes the trust of the Tamil population generally, making post-conflict stability and a lasting political settlement less likely. Manifestations of this disregard can be found in the government's preventing humanitarian access to the Vanni, continuing indiscriminate shelling of civilians trapped by the LTTE, and the indefinite detention civilians in camps.” Id.
- 19.11 “As the combat area reduces the daily average shows an increase in the number of people killed (from 33 to 63) and a slight decrease in the number of injured (from 184 to 145). This is due to increased density, the use of heavy weapons which continue to strike the NFZ, and inadequate medical treatment.” United Nations Office of the Resident Coordinator and Humanitarian Coordinator, “Civilian Casualties in the Vanni,” United Nations, March 2009.
- 19.12 “After several weeks of reports of food shortages, it's highly predicted that mortality could set in as a significant number of the IDP population is reportedly weakened and the likelihood of malnutrition across the same population group could translate into a rapid increase of nutritional and health deterioration. A recent report from Mullaitivu also stressed the seriousness of the food situation in Mullaitivu that people's nutritional condition shows significant deterioration.” United Nations Office of the Resident Coordinator and Humanitarian Coordinator, “Food Delivery to IDPs in the Vanni,” March 2009.
- 19.13 “There is very limited food – and reports and severe malnutrition – and key medical supplies, such as sutures, painkillers and antibiotics for treating victims, are virtually unavailable, even in the one makeshift medical facility” Office of the High Commissioner for Human Rights, “Press Release: Serious violations of international law committed in Sri Lanka conflict: UN human rights chief,” March 13, 2009, available at <http://www.unhchr.ch/hurricane/hurricane.nsf/0/FFDE961C9D0236C5C1257578004B8E4B?opendocument> (last visited March 28, 2009).

- 19.14 “Yet, the Sri Lankan government has acted no more responsibly. Not only does it refuse to grant humanitarian aid workers access to the conflict zone, there are reports that it also shells civilians and hospitals in the so-called “safe zone” for Tamil citizens. Descriptions of government camps for civilians fortunate enough to leave the conflict zone reminded us of detention centers, rather than safe havens for refugees.” Senator Robert P. Casey, Jr., “Casey Expresses Alarm Over Humanitarian Crisis in Sri Lanka: Takes Lead in Senate Letter to Secretary Clinton,” Robert P. Casey, Jr. United States Senator for Pennsylvania, March 11, 2009, available at <http://casey.senate.gov/newsroom/press/release/?id=df2c7709-389a-4320-bb33-d244f065f1a9> (last visited March 28, 2009).
- 19.15 “The Secretary urged the President to give international humanitarian relief organizations full access to the conflict area and displaced persons camps, including screening centers.” Gordon Duguid, Bureau of Public Affairs, “Humanitarian Situation in Sri Lanka,” U.S. Department of State, March 13, 2009, available at <http://www.state.gov/r/pa/prs/ps/2009/03/120341.htm>
- 19.16 “The plight of civilians in Vanni has been exacerbated by the government’s decision in September 2008 to order most humanitarian agencies out of the region. The government’s own efforts to bring in assistance with a minimal UN role have been insufficient. Fighting, lack of oversight, and the manipulation of the delivery of aid by government forces and the LTTE have all contributed to the continuing humanitarian crisis. Scarce information that comes out of Vanni through phone calls or text messages suggests that the situation gets worse by day, with civilians lacking water, food, medical supplies and other necessities.” Dr. Anna Neistat, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/neistat testimony090224p1.pdf> (last visited March 28, 2009), 8.
- 19.17 “The government has arbitrarily detained people during screening procedures; subjected all internally displaced persons, including entire families, to indefinite confinement in military-controlled camps; and failed to provide adequate medical and other assistance to displaced persons. The government has directly restricted the

efforts of relief agencies seeking to meet emergency needs, and has deterred agencies from offering greater support through policies that the agencies rightly perceive as unlawful.” Id, 9.

- 19.18 “Both the LTTE and the Government have shown a callous disregard for civilians. There is a desperate need for food and medical care. Both sides have fired into civilian areas.” Ambassador Jeffrey Lunstead, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/lunsteadtestimony090224p1.pdf> (last visited March 28, 2009).
- 19.19 “In addition to concerns about those who fled to government-controlled areas, many of the displaced who remain in LTTE areas are in need of humanitarian assistance. The Sri Lankan government has severely restricted humanitarian access to LTTE-controlled areas, leaving an estimated 107,000 displaced persons with inadequate relief, including water and sanitation facilities. Meanwhile, the LTTE continues to prevent civilians from leaving areas under its control, thereby impeding their ability to seek safety in other parts of the country.” Human Rights Watch, “Sri Lanka: End Internment of Displaced Persons – Government Illegally Holding Civilians Fleeing Fighting in the North,” July 1, 2008, available at <http://www.hrw.org/en/news/2008/07/01/sri-lanka-end-internment-displaced-persons> (last visited March 28, 2009).
- 19.20 “More than 150,000 people are being shelled daily and are running short of water and medicine in a Sri Lankan-government declared “No Fire Zone”, according to witness reports and United Nations briefing documents obtained by the Guardian.” Randeep Ramesh, “Sri Lankans face humanitarian crisis trapped in ‘no fire zone’, warns UN,” The Guardian Newspaper, March 23, 2009.
- 19.21 “The government-ordered withdrawal of all United Nations and international humanitarian staff in September 2008 (detailed below) has had a severe impact on the humanitarian situation in the Vanni.” Human Rights Watch, “Besieged, Displaced, and Detained: IV. Humanitarian Needs in the Vanni and the Forced Departure of the United Nations and Humanitarian Agencies,” December 23, 2008,

available at <http://www.hrw.org/en/node/78844/section/7> (last visited March 28, 2009)

- 19.22 “The government of Sri Lanka has repeatedly asserted that the humanitarian needs of the population in the Vanni are being met, claiming that its own efforts are filling the gap left by the humanitarian departure...However, these government statements have not been backed up by convincing statistics that show the level of assistance provided by the government, nor are the distribution mechanisms explained. Most significantly, the rosy picture the government seeks to paint of the humanitarian situation in the Vanni is directly contradicted by the reports of their government officials on the ground and by the assessments of the United Nations and humanitarian organizations, as discussed below.” Id.

20 Denial of free speech and press.

- 20.1 On or about November 14, 2005 around 11:30 p.m., Sri Lankan military personnel or government-sponsored paramilitaries launched a grenade attack on the residence of ITN television correspondent and Tamil-medium Thinakaran newspaper employee, I.H. A. Wahab, in the areas of Akkareipattu in Amparai district.
- 20.2 On or about December 16, 2005 around 6:30 a.m. in the areas of Navalar road in Jaffna district, Sri Lankan military personnel cordoned the offices of Tamil-medium newspaper Namathu Eelannadu and interrogated and intimidated several Tamil employees.
- 20.3 On or about December 18, 2005 around 11:30 p.m., Sri Lankan police in the areas of Kirulapana, arrested, detained for 12 hours, interrogated, and then released senior Tamil journalist B. Parththipan of Tamil-medium newspaper Thinakural.
- 20.4 On or about December 22, 2005, Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire Tamil-medium Yal Thinakkural newspaper delivery employee.

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- 20.8 On or about December 22, 2005, Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire Tamil-medium Yal Thinakkural newspaper delivery employee.
- 20.9 On or about June 16, 2006 in the areas of Mannar district, after the Sri Lankan Armed Forces through allegedly retaliatory attacks had murdered by gunfire 7 Tamils, severely injured 40 Tamils, burned more than 100 fishing huts, and damaged more than 40 fishing boats, Sri Lankan military personnel denied an investigative journalism team from the British Broadcasting Corporation (BBC) access to the area, including Andrew Harding (Correspondent), Chang Chun Yuen (Cameraman), Shelley Thakral (Producer), Dushiyanthini Kanagasabapathipillai (Producer), Rajew Bernard (Producer), and Dumeetha Luthra (Correspondent).
- 20.10 On or about June 23, 2006 around 10:00 a.m. in the areas of Moratuwa near a sentry point on Galle road, Sri Lankan police arrested, detained for 10 hours in Mt. Lavana police station, interrogated, and then released Tamil-medium Uthayan newspaper editor K.Kumarathas.
- 20.11 On or about July 2, 2006 in the areas of Dehiwala, Colombo district, near his residence, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries murdered by

gunfire defense correspondent and journalist Sampath Lakmal de Silva, an employee of several Sri Lankan television channels, a freelance journalist for the weekly publication Sathdina, and who wrote for the following newspaper publications: Irudina, Lakkbima, Sathdina, TNL.

- 20.12 On August 8, 2006, the Deputy Inspector of Police of Trincomalee district physically threatened with assault media personnel waiting in areas at or near Trincomalee hospital to cover the postmortem inquiry of the 15 NGO workers of Action Contre La Faim (ACF) killed in Muttur, otherwise known as the ACF-17 massacre.
- 20.13 On August 16, 2006 around 11:00 a.m., Sri Lankan military personnel murdered by gunfire Tamil-medium Uthayan newspaper delivery employee Sathasivam Baskaran in the areas of Puthur junction near Atchchuvveli in Jaffna district.
- 20.14 On the night of August 18, 2006, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries burned down and completely damaged 2 warehouses of Tamil-medium Uthayan newspaper.
- 20.15 On the night of August 20, 2006, Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire managing director of the Tamil-language newspaper Namathu Eelanadu, Sinnathamby Sivamaharajah, at his residence in Tellippalai, Jaffna district.
- 20.16 By about August 29, 2006 around 4:30 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted in the areas of Pinthali Road in Dehiwale in Colombo district, and then disappeared Nadarajah Kuruparan, News Manager of Sooriyan FM Radio broadcast from Colombo and the program leader of a popular weekly program, Viluthukal, in Sooriyan FM.
- 20.17 On September 1, 2006 around 7:30 a.m., 6 Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries arriving in a white van abducted, blindfolded, and disappeared Thavarajah Thavamni, niece of Colombo district UNP MP T.Maheswaran, 300 meters away from her residence on Vivekananda Road in Wellawatta, Colombo district.

- 20.18 On October 23, 2006 around 3:50 a.m., 15 government-sponsored paramilitary Karanu Group cadres stopped a bus and van transporting from Colombo to Batticaloa and Amparai the Tamil-medium daily newspapers, the Virakesari and Metro News, and set fire to the newspapers in a compound opposite the Kiran Regional Secretariat.
- 20.19 On November 6, 2006, the army commander of the Sri Lankan Army's 512 Brigade in Jaffna district summoned editors of the Tamil-medium newspapers, the Uthayan, the Walampuri, and the Yal Thinakkural, and warned them against publishing content related news critical of the Sri Lankan military in the Jaffna peninsula.
- 20.20 On November 24, 2006, Sri Lankan police arbitrarily arrested and detained freelance journalist, Parameswaree, who at the time, wrote for Sinhala-medium weekly newspaper, Mawbima.
- 20.21 On November 28, 2006, Sri Lankan police in the areas of Maharagama assaulted and arrested English-medium Sunday Leader photographer Ashoka Fernando, and released him the following day.
- 20.22 On or about February 6, 2007 around 9:30 p.m., 5-7 Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted former journalist of Sinhala-medium Hiru newspaper, Lalith Senavirathna, in the areas of Aturugiriya.
- 20.23 On or about February 15, 2007, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted and disappeared Subramaniam Ramachandran, a correspondent for Tamil-medium daily newspapers, Thinakkural and Valampuri.
- 20.24 On or about February 26, 2007 around 10:00 p.m., ordered by Defense Secretary Gotabaya Rajapaksa, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries arrested Dushyantha Basnayake, a Director of Standard Newspapers (Pvt.) Limited, and the Publisher of 'Maubima' and 'Sunday Standard' newspapers.
- 20.25 By March 23, 2007, following a Sri Lankan police chief's recent admission that the security forces have been involved in abductions,

a Paris-based media watchdog, Reporters Without Borders, on this date in a statement said it affirmed that the Sri Lankan military had participated in the arrest of journalist Subramaniam Ramachandran on February 15, 2007 in the Jaffna district.

- 20.26 On or about April 29, 2007 around 10:00 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire Tamil-medium Uthayan journalist, Selvarajah Rajivarman, in the areas of Naavalar Road near Rasaavin Thoaddam junction in the areas of Jaffna town in Jaffna district.
- 20.27 On or about June 14, 2007, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries assaulted Tamil female journalist Mounasamy Parameswary in the areas of Borella and forcibly took her passport and National Identity Card (NIC).
- 20.28 On or about June 27, 2007, Sri Lankan Air Force personnel harassed Tamil-medium Thinakuraldefense correspondent, K. P. Mohan, at a security check point in the areas of Colombo district.
- 20.29 On or about August 1, 2007 around 4:00 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries on motorcycle murdered by gunfire journalist and student of Jaffna Media Resource Training Center (MRTC), Sahathevan Nilakshan.
- 20.30 On August 15, 2007, following the publication on August 12, 2007 of his column in the English-medium Sunday Times newspaper, the Situation Report, the Sri Lankan Defense Ministry withdrew the personal security detail of senior defense analyst and correspondent, Iqbal Athas. The personal security detail had been provided for Iqbal Athas by the Sri Lankan government since February 1998.
- 20.31 On August 15, 2007 around 1:30 p.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries attacked Tamil-medium Thinakkural journalist K. P. Mohan with acid.
- 20.32 On September 7, 2007 around 2:30 p.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries

in a white van attempted to ambush Sinhala-medium Mawbima newspaper journalist Munusami Paramshwari in the areas of Nawala and Borella.

- 20.33 On September 15, 2007, Sri Lankan police summoned and interrogated Indika Sakalasooryia, a journalist for English-medium Colombo-based newspaper The Nation, regarding a recently published story concerning the son of a senior ruling party official.
- 20.34 On November 21, 2007 in the areas of Katukurunduwatta Road, Rathmalana, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries burned down and completely destroyed the printing press of the Leader Publications, which publishes the following weekly or mid-weekly newspapers: English-Medium The Sunday Leader, English-medium Morning Leader, and Sinhala-medium Irudina.
- 20.35 On November 27, 2007 around 4:30 p.m., the Sri Lanka Air Force (SLAF) bombed the civilian media broadcast station, the Voice of Tigers (VoT), located at 55th Mile Post, 3.5 km south of Ki'linochchi. The air strike destroyed the broadcast station, killed 5 editorial staff workers, and killed 4 civilians including a 14-year old girl.
- 20.36 On January 2, 2008, in an interview given to state-sponsored Sinhala-medium daily newspaper, Dinamina, Sri Lankan Armed Forces Lt. General Sarath Fonseka named sections of the media and journalists, traitors.
- 20.37 On January 27, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries severely injured by knife TV journalist Lal Hemantha Athula Mawalage, in the areas of Shanthalokagama, Annasiwatte. The attack followed Lal Hemantha Athula Mawalage criticism of Minister of Parliament (MP) Mervyn Silva's recent intrusion and abuse of a colleague at the national television network Rupavahini.
- 20.38 On or about January 29, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries in the areas of Colombo, forcibly entered the home of, and hacked to death Suhaib M. Kasim, the Associate Editor of the Sri Lankan state-owned Tamil-medium newspaper Thinakaran.

- 20.39 On March 8, 2008, Sri Lankan police or Sri Lankan military personnel arrested, detained, harassed, intimidated, interrogated, and assaulted Tamil journalist J.S. Tissanayagam.
- 20.40 On March 14, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries beat, assaulted, and severely injured with an iron rod Rupavahini employee Anurasiri Hettige.
- 20.41 On March 14, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries forcefully entered the home of, harassed, intimidated, and assaulted the Tamil father and Tamil sister of Tamil journalist Munusami Parameshwari.
- 20.42 On or about April 16, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire Subash Chandraboas, editor of the Tamil-medium monthly publication, Nilam, at his residence in Vavuniya district. The murder of Subash Chandraboas followed reports of death threats issued to him by Defense Secretary Gotabaya Rajapaksa.
- 20.43 On or about May 20, 2008, government-sponsored paramilitaries or armed individuals in support of Minister of Parliament (MP) Mervyn Silva, attacked a Sirisa TV crew in the areas of Kiribathgoda Police division.
- 20.44 On or about May 23, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted, beat, assaulted, and severely injured Keith Noyahr, the Deputy Editor and Defense analyst of the English weekly The Nation.
- 20.45 On or about May 28, 2009 around or by 4:00 p.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted in the areas of Vaddukkoaddai, and hacked to death in the areas of Kaakaitheevu, Jaffna correspondent of Sakthi TV station, Paranirupasingam Thevakumar.
- 20.46 On or about June 22, 2008 around 8:45 a.m., 5 Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries in a white van abducted and disappeared

Thiruchelvam Thirukumaran, a former Tamil journalist of Tamil-medium daily newspaper Thinakkural.

- 20.47 On or about June 30, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries in a white van assaulted and severely injured defence journalist and Course Coordinator of the Sri Lanka Press Institute, Namal Perera, as well as local official staff of Mahendra Ratnaweera British High Commission, in the areas of Narahenpita in Colombo district.
- 20.48 On or about August 15, 2008, a government-sponsored Karuna Group Thamil Makkal Viduthulai Pullikal (TMVP) member threatened Sandeshaya-BBC Sinhala Service journalist Thakshila Jayasena when she was covering a political protest campaign held by the United National Party (UNP).
- 20.49 On or about September 9, 2008 around 8:00 p.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries severely injured by gunfire Batticaloa-based freelance Tamil journalist Radhika Devakumar inside her residence in the areas of Kaladi in Batticaloa district. Radhika Devakumar was at the time, a freelance journalist and the Batticaloa correspondent for Shakthi FM, Veerakesari, and Inter News Agency before she was appointed as the Media Coordinator of Eastern Chief Minister Shivanesathurai Chandrakanthan.
- 20.50 On or about November 28, 2008, Sri Lankan police in the areas of Eravur in Batticaloa district, beat and assaulted with batons journalist Mohamed Hussein, Kalmunei media house run by Inter News, for covering the dawn to dusk curfew imposed in Batticaloa.
- 20.51 On or about January 6, 2008 around 2:30 a.m., 15-20 Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries attacked with hand grenades, set on fire, and otherwise damaged the MTV/MBC (Sirasa) studio complex at Depanama Pannipitiya.
- 20.52 On January 8, 2009 around 10:30 a.m., 4 Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries assaulted with an iron rod and murdered by gunfire editor in chief of

the Sunday Leader, Lasantha Wickremetunge, in the areas of Dehiwale in Colombo district.

- 20.53 On or about January 22, 2009, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries assaulted with iron rods and injured Rivira newspaper editor, Upali Tennakoon, in the areas of Ihala Imbulgoda in Kadawatha.
- 20.54 On or about February 12, 2009, Sri Lankan military personnel or government-sponsored paramilitaries systematically and indiscriminately fired artillery shells or Multi-Barrel Rocket Launcher shells and aeri ally bombarded, or systematically murdered by gunfire, 213 Hindu-Christian North-East Sri Lankan Tamil civilians in the ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas inside the Safe Area, including Theavipuram, severely injuring, and due to lack of medicines ultimately killing, Tamil journalist Puniyamoorthy Sathiyamoorthy.
- 20.55 On or about February 26, 2009 around 9:45 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries in 3 white vans arbitrarily abducted and indefinitely detained Nadesapillai Vithyatharan, a prominent editor of Jaffna-based Tamil-medium Uthayan daily newspaper and Colombo-based Tamil-medium newspaper Sudaroli. Nadesapillai Vithyatharan was abducted in the areas of Mahinda Parlour in Galkissa (Mount Lavinia) on Galle Road. On or about February 20, 2009, the Terrorism Investigation Department (TID) had questioned Nadesapillai Vithyatharan for 6-hours on the recent content and editorial policies of his papers on Sri Lanka Army (SLA) attacks on Tamil civilians in Vanni Region. The abduction was in retaliation for the journalist's exercise of free speech and press. Sri Lankan military personnel or government-sponsored paramilitaries beat Nadesapillai Vithyatharan inside the white van, and since February 26, 2009, Nadesapillai Vithyatharan remains in detention in the Crime Division of the Sri Lankan Police in Demattagoda
- 20.56 The following transcript is from a February 2, 2009 report and interview with Sri Lankan Secretary of Defense Gotabaya Rajapaksa aired on SKY News:

“[Alex Crawford reporting]...the government has warned foreign broadcasters against using them [videos from TamilNet showing civilians being shelled in camps].”

“[Interview: Gotabaya Rajapaksa] We have take certain measures for them not to send them out of the country. That had happened previously. That had happened in other countries. It’s not a new thing. If you are a threat to the national security, than of course the government has to take action.”

“And do you think broadcasting the TamilNet footage is a threat to national security.”

“Of course, because that’s wrong.”

Alex Crawford, “Sri Lanka: 12 Killed At Hospital,” SKY News, available at http://news.sky.com/skynews/Home/video/Sri-Lanka-12-Killed-In-Artillery-Fire-Report-From-Tamil-Tiger-Stronghold-Jaffna-And-Capital-Colombo/Video/200902115215509?lpos=World%2BNews_2&lid=VIDEO_1785202_Fighting%2Bin%2BSri%2BLanka&videoCategory=World%2BNews (last visited March 29, 2009).

- 20.57 On or about March 25, 2009 around 11:00 p.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries launched a grenade attack on the headquarters of the Tamil-medium newspaper Uthayan in the northern city of Jaffna in the Jaffna district, seriously damaging the headquarters.
- 20.58 In reference to Paragraph [20.57] Reporters Without Borders (RF), a Paris-based media watchdog inferred that the government attack may have been a response to Uthayan's editorial policy on conflict-related reporting, which had in recent issues of the Uthayan newspaper violated informal media censorship policies in the North-East province enforced by the Sri Lanka Government which suppress publication of civilian casualties and photos of Tamil children killed in the Vanni Region by the Sri Lankan Armed Forces' systematic artillery shelling and aerial bombardments on ethnically homogeneous, densely populated, Hindu-Christian North-East Sri Lankan Tamil areas in all times relevant to this complaint.
- 20.59 A February 3, 2009 transcript excerpt of an interview between BBC Christopher Morris and Defense Secretary Gotabaya Rajapaksa

discussing the recent assassination of newspaper editor and journalist Lasantha Wickremetunge, which aired on the England-based British Broadcasting Corporation:

[Interview: Gotabaya Rajapaksa] “Who is Lasantha Wickremetunge? He is just another person. There are so many murders in the world. In the whole world there are murders. Why are you asking me about Lasantha? Who is Lasantha? He is somebody who was writing for a tabloid? Who is he? I am not concerned about that. Why are you people so worried about one man? LTTE killed so many people. Why aren't you asking about them? Who is Lasantha? Tell me. What's important of him?”

[Interview: Christopher Morris] “People think he was killed for what he wrote, and I guess for a lot of people that's important.”

[Interview: Gotabaya Rajapaksa] “What did he write? There are, there are other people; if you are saying that he was criticizing the government, he was criticizing all the past presidents, all the past prime ministers, everybody he was criticizing. So anybody can kill him. That is the argument that anybody can kill him. Because, because he was criticizing those people and the present government. That was his type, it was his tabloid. Now he criticized me, I went courts. I went to Courts. That is the correct thing to do. Isn't it the correct thing to do?”

[Interview: Christopher Morris] “You have obviously seen the allegations suggestions...Let me just say there are death squads in the Ministry of Defense, that sort of thing. There are serious allegations and you're the secretary of Defense. I want to know what you say about it.”

[Interview: Gotabaya Rajapaksa] “What about? What? Nobody says it is the Ministry of Defense. I haven't seen. But there is no way..Why should they say ministry of defense? But if they say because he has criticized me, then I have taken legal action. Why should I harm anybody else? I have done the correct thing. Similarly in all these cases they were blaming that the that the red white van was going round and lifting people.”

[Interview: Christopher Morris] “Abducting them.”

[Interview: Gotabaya Rajapaksa] “Abducting them. But then we have captured all these people who are doing these things. And there were two people from the opposition you know parliamentarians’ body guards.”

[Interview: Christopher Morris] “Let me put this to you very frankly. People seem to be scared of you. Should they be?”

[Interview: Gotabaya Rajapaksa] “What should..I don’t know These are again, you know, the wrong...propaganda. Only thing I have done was fighting the terrorism. I have only two groups. That is the people who wants to fight terrorism, and the terrorists. Two groups. Either you are a terrorist. Or a a or you are a person fighting the terrorist.”

[Interview: Christopher Morris] “As George Bush said either you are with us, or against us.”

[Interview: Gotabaya Rajapaksa] “Exactly. That’s it. Because remember. For some people when they talk about terrorism its only a car bomb or a suicide attack., or some action as what happened in other countries. Remember in Sri Lanka it has gone far beyond that.”

[Interview: Christopher Morris] “Let me ask you one more thing then. You said you are either with the terrorists, or fighting the terrorists. Does that mean you think that dissent or criticism during the time of war is treason?”

[Interview: Gotabaya Rajapaksa] “Yes. Because it is not like somebody is going and fighting in somebody else’s country. This is your own country. This is you are fighting with a terrorist group who are trying to divide this country. Our army is not going into another country and fighting. We trying...we fighting to save our country, the sovereignty of our country.”

Christopher Morris, “Sri Lankan government on journalist murder,” BBC News, February 3, 2009, available at http://news.bbc.co.uk/2/hi/south_asia/7868080.stm (last visited March 29, 2009).

20.60 A March 15, 2009 transcript excerpt of an interview between journalist Amos Roberts and Defense Secretary Gotabaya Rajapaksa

(GR) discussing the recent abduction or arrest and subsequent detention of newspaper editor and journalist Nadesapillai Vithyatharan, which aired on the Australia-based Special Broadcasting Services (SBS) Dateline Program:

[Interview: Amos Roberts] “Mentioning the editors name to Gotabaya Rajapaksa provoked a surprising response...Is Mr. Vidyadaran the editor of Sudar Oli...”

[Interview: Gotabaya Rajapaksa] “He is involved in the recent air attacks. I am telling you if you try to give a cover up for that person you have the blood in your hands. We have definite information on that, if somebody tells he is arrested because of media that person also has blood for innocent civilians died in Colombo.”

[Interview: Amos Roberts] “I just heard on my to this interview that he was arrested this morning.”

[[Interview: Gotabaya Rajapaksa] “Good thing you asked for that. I am telling you with responsibility that he was a terrorist. He was in charge of..he is responsible for things co-ordinating air attacks in Colombo. I will arrest. We have arrested him, and it is the right thing to do. And we will take legal action against.” Amos Roberts, “Hunting the Tigers,” SBS: Dateline, March 15, 2009, available at <http://www.sbs.com.au/dateline/story/about/id/600020/n/Hunting-the-Tigers> (last visited March 29, 2009).

20.61 A March 15, 2009 transcript excerpt of an interview between journalist Amos Roberts and Defense Secretary Gotabaya Rajapaksa discussing the topic of media freedom in Sri Lanka, which aired on the Australia-based Special Broadcasting Services (SBS) Dateline Program:

[Interview: Amos Roberts] “Let me ask you sir, what do you consider the proper role for a journalist in a time of war? “

[Interview: Gotabaya Rajapaksa] “Do the correct thing. Act responsibly as a citizen of this country. Look, if you take two words “media freedom” That is very beautiful Very nice Who can object that. I love it. The President loves it. We will support it. Free Media. Take two words. Nice two words. But, remember, when you act, you

have to think of the situation that we are facing. In that situation when you take media, they have a different role to play. They should act responsibly. They must take the country first, not this two words, Free Media.” Id.

- 20.62 “In addition to the violence and dismal humanitarian situation, we are also concerned about the state of Sri Lankan democracy. Since fighting intensified over the past year, President Rajapaksa’s government has been waging a war against the media. Journalists have been murdered and imprisoned; their cases have gone uninvestigated and their perpetrators unpunished.” Senator Robert P. Casey, Jr., “Casey Expresses Alarm Over Humanitarian Crisis in Sri Lanka: Takes Lead in Senate Letter to Secretary Clinton,” Robert P. Casey, Jr. United States Senator for Pennsylvania, March 11, 2009, available at <http://casey.senate.gov/newsroom/press/release/?id=df2c7709-389a-4320-bb33-d244f065f1a9> (last visited March 28, 2009).
- 20.63 “Finally, we urge you to instruct our Embassy in Colombo to explore the possibility of providing temporary refuge to Sri Lankan journalists who legitimately fear for their safety and well-being and to encourage other government to take similar measures.” Id.
- 20.64 “The second long-term issue is wider than the ethnic conflict. It is the growing assault on dissent, which takes place in a culture of complete impunity...The recent murder of prominent newspaper editor Lasantha Wickematunga was but the latest in a series of incidents. Tamils and Sinhalese suffer alike from these attacks on basic freedoms. Many Tamils have been abducted and have simply disappeared, as documented in the State Department’s Human Rights Report. It is sad to say, but it is almost a certainty that these attacks have been carried out by elements of the Government. Impunity seems total. No one has been prosecuted for any of these incidents, and no member of the security forces has been prosecuted for any abuses.” Ambassador Jeffrey Lunstead, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/lunsteadtestimony090224p1.pdf> (last visited March 28, 2009).

- 20.65 “It is for all of these reasons that we are now so upset by developments in Sri Lanka, the most recent of which was the murder of *Sunday Leader* editor Lasantha Wickrematunga. We fear that, even as Sri Lanka is enjoying military progress against the LTTE, the foundations of democracy in the country are under assault. The killing of Mr. Wickrematunga has prompted this letter, but there have been many previous incidents in which the rights of individuals and the media have been violated.” Ambassador Marion Creekmore, Ambassador Teresita Schaffer, Ambassador A. Peter Burleigh, Ambassador Shaun Donnelly, Ambassador Ashley Wills, Ambassador Jeffrey Lunstead, Letter to President Mahinda Rajapaksa, January 19, 2009, available at <http://omiusajpic.org/files/2009/02/lunsteadtestimony090224p1.pdf> (last visited March 28, 2009)
- 20.66 “Some have suggested that these events have been carried out not by elements of the Government, but by other forces hoping to embarrass the Government. We do not find such arguments credible.” Id.
- 20.67 “I went to Colombo because Sri Lankan journalists are under intensive assault. The government has failed to carry out effective and credible investigations into the killing and attacks on journalists who question its conduct of a war against Tamil separatists, or criticize the military establishment. Three attacks in January targeting the mainstream media drew the world’s attention to the problem, but top journalists have been killed, attacked, threatened, and harassed since the government began to pursue an all-out military victory over the Liberation Tigers of Tamil Eelam (LTTE) in late 2006. Many local and foreign journalists and members of the diplomatic community believe the government is complicit in the attacks.” Robert Dietz, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/dietztestimony090224p1.pdf> (last visited March 28, 2009), 1.
- 20.68 “On January 6, the main control room of Sirasa TV, Sri Lanka’s largest independent broadcaster, was destroyed when an explosive device, most likely a claymore mine, was detonated at 2:35 a.m. during a raid by 15 to 20 men.” Robert Dietz, Testimony before the

Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/dietztestimony090224p1.pdf> (last visited March 28, 2009), 2.

- 20.69 “On January 8, Lasantha Wickramatunga, the editor-in-chief of the independent newspaper *The Sunday Leader* was killed while driving to work. He was attacked by eight men riding four motorcycles. The attack came about 200 yards from a large Sri Lanka Air Force base, and after the attack the hooded men rode off in that direction. Although the report from the judicial medical officer—Sri Lanka’s equivalent of a coroner—was to be released on February 6, it has not been made public. The next hearing in Wikramatunga’s case is on March 19.” Id, 2.
- 20.70 “On January 23, Upali Tennakoon, an editor at the Sinhalese newspaper *Rivira*, and his wife, were attacked in a manner similar to the attack on Wickramatunga. In this case there were four men on motorcycles. The couple left Sri Lanka soon after Tennakoon was released from hospital.” Id, 2.
- 20.71 “The lack of reliable investigation into these crimes is in keeping with a long history of impunity for those who attack journalists in Sri Lanka. CPJ counts 10 journalists killed by premeditated murder since 1999, with no prosecutions or convictions. The Rajapaksa government and its predecessors must at least be held responsible for the impunity that surrounds attacks on journalists.” Id, 2.
- 20.72 “According to CPJ’s records, during [Rajapaksa’s] time in high office in Sri Lanka, eight journalists have died of what CPJ considers to be premeditated murder. No one has been brought to trial in any of these cases...The people we are talking about were intentionally killed.” Id, 2.
- 20.73 “Surprisingly, many of the journalists I spoke with also did not want to be quoted, for fear of retribution from the government...to have journalists tell me they did not want to be named was an indicator of just how intimidated Sri Lanka’s media have become.” Id, 2-3.
- 20.74 “I have spoken at length about the attacks on Sri Lankan journalists, but I must address one other issue: No foreign or Sri Lankan

reporters have recently been allowed to travel independently to the frontlines of the conflict with the LTTE.” Id, 2-3.

- 20.75 “To the international community: - Engage with the Sri Lankan government, particularly the president’s office, to address what has become a protracted assault on journalists and media houses.” Id, 3.
- 20.76 “Several of us including myself, who should have spoken out much earlier, have not done so, simply because of a lack of information about the war. So while the killing continues, while tens of thousands of people are being barricaded into concentration camps, while more than 200,000 face starvation, and a genocide waits to happen, there is dead silence from this great country [India]. It’s a colossal humanitarian tragedy. The world must step in. Now. Before it’s too late.” Indian novelist, activist, and winner of Brooker prize (1997) and Lannan Cultural Freedom Prize (2002), Arundhati Roy, "The Silent Horror of the War in Sri Lanka", published in The Times of India on March 30, 2009.

21 Denial of Investigations by International Organizations: Media Blackout.

- 21.1 “The Sri Lankan government is conducting a cynical campaign to prevent all independent public coverage of its military operations and the plight of civilians caught up in the war. While decrying LTTE abuses, it has kept out the media and human rights organizations that could report on them – and on government abuses. It has kept displaced persons locked up in camps and hospitals. It has traded the well-being of tens of thousands of Sri Lankan citizens for evading international scrutiny. It has been trying its best to bury the abuses.” Dr. Anna Neistat, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/neistattestimony090224p1.pdf> (last visited March 28, 2009), 1.
- 21.2 “The plight of civilians in Vanni has been exacerbated by the government’s decision in September 2008 to order most humanitarian agencies out of the region. The government’s own efforts to bring in assistance with a minimal UN role have been

insufficient. Fighting, lack of oversight, and the manipulation of the delivery of aid by government forces and the LTTE have all contributed to the continuing humanitarian crisis. Scarce information that comes out of Vanni through phone calls or text messages suggests that the situation gets worse by day, with civilians lacking water, food, medical supplies and other necessities.” Id, 8.

- 21.3 “Investigations have been promised before but have been futile. At times Government officials have not appeared diligent, as happened in the investigation of the killing of NGO workers assisted by the International Eminent Persons Group.” Ambassador Marion Creekmore, Ambassador Teresita Schaffer, Ambassador A. Peter Burleigh, Ambassador Shaun Donnelly, Ambassador Ashley Wills, Ambassador Jeffrey Lunstead, Letter to President Mahinda Rajapaksa, January 19, 2009, available at <http://omiusajpic.org/files/2009/02/lunsteadtestimony090224p1.pdf> (last visited March 28, 2009)
- 21.4 “I went to Colombo because Sri Lankan journalists are under intensive assault. The government has failed to carry out effective and credible investigations into the killing and attacks on journalists who question its conduct of a war against Tamil separatists, or criticize the military establishment. Three attacks in January targeting the mainstream media drew the world’s attention to the problem, but top journalists have been killed, attacked, threatened, and harassed since the government began to pursue an all-out military victory over the Liberation Tigers of Tamil Eelam (LTTE) in late 2006. Many local and foreign journalists and members of the diplomatic community believe the government is complicit in the attacks.” Robert Dietz, Testimony before the Senate Foreign Relations Subcommittee on the Middle East and South Asia, February 24, 2009, available at <http://omiusajpic.org/files/2009/02/dietztestimony090224p1.pdf> (last visited March 28, 2009).
- 21.5 “The lack of reliable investigation into these crimes is in keeping with a long history of impunity for those who attack journalists in Sri Lanka. CPJ counts 10 journalists killed by premeditated murder since 1999, with no prosecutions or convictions. The Rajapaksa

government and its predecessors must at least be held responsible for the impunity that surrounds attacks on journalists.” Id.

21.6 “According to CPJ’s records, during [Rajapaksa’s] time in high office in Sri Lanka, eight journalists have died of what CPJ considers to be premeditated murder. No one has been brought to trial in any of these cases...The people we are talking about were intentionally killed.” Id.

21.7 There has been no prosecution of a Sinhalese Buddhist for a violating an internationally recognized human right against a Tamil in Sri Lanka at since the current GOSL assumed power in November 2005.

23. Political Repression

23.1 On or about December 24, 2005 around 1:20 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire Batticaloa district Member of Parliament (MP) of the Tamil National Alliance (TNA) Joseph Pararajasingam in St-Mary's co-cathedral in Batticaloa town, Batticaloa district.

23.2 On or about December 24, 2005 around 1:20 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries severely injured by gunfire Mrs. Sugunam Pararajasingam, the wife of Batticaloa district Member of Parliament (MP) of the Tamil National Alliance (TNA) Mr. Joseph Pararajasingam in St-Mary's co-cathedral in Batticaloa town, Batticaloa district.

23.3 On or about April 7, 2006 around 9:30 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire Vanniasingham Vigneswaran, President of the political organization Trincomalee District Tamil Peoples' Forum (TDTPF), inside the High Security Zone between two Sri Lanka Army (SLA) checkpoints, opposite to the Trincomalee Harbour, near the SLN Command in Trincomalee district, near the main branch of the Bank of Ceylon (BoC) located along Inner Harbor Road between the building of the Senior Superintendent of Police and Trincomalee Harbor Police. Vanniasingham Vigneswaran had been recently nominated by the Tamil National Alliance (TNA) to replace TNA Batticaloa district Member of Parliament (MP) Mr. Joseph

Pararajasingam who was murdered on or about December 24, 2005.

- 23.4 On or about September 24, 2006 around 10:40 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries in a white van murdered by gunfire Kunchithamby Kuvendran, the security official of Amparai district Member of Parliament (MP) of the Tamil National Alliance (TNA) K. Pathmanathan, in the areas of Vinayagapuram in Thirukkivil, Amparai District, within 100 meters of a Special Task Force (STF) check post.
- 23.5 On or about November 10, 2006 around 8:30 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries on motorcycle murdered by gunfire Jaffna district Member of Parliament (MP) of the Tamil National Alliance (TNA) Nadarajah Raviraj in areas near the residence of Nadarajah Raviraj in Manning Town in Narahenpitiya, Colombo district.
- 23.6 On or about January 26, 2007 around 10:30 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries on motorcycle murdered by gunfire Trincomalee district Member of Parliament (MP) of the Tamil National Alliance (TNA) and Ilankai Thamil Arasu Kadchi (ITAK) member Thangarajah Ithayarajah in the areas of Kinniya in Trincomalee district.
- 23.7 On or about January 1, 2008 around 10:00 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries murdered by gunfire Jaffna district Member of Parliament (MP) of the Tamil National Alliance (TNA) Thiyagarajah Maheswaran inside the Hindu Ponnambala Vaneasvarar temple at Kochchikkadai in Colombo district.
- 23.8 On or about March 6, 2008 around 1:20 p.m., a Sri Lankan Army Deep Penetration Unit (SLA DPU) murdered by claymore mine explosive device Jaffna district Member of Parliament (MP) of the Tamil National Alliance (TNA) K. Sivanesan in the areas of the A-9 road near Oamanthai/Pu'liyangku'lam entry point into the Vavuniya district in the Vanni Region.
- 23.9 On or about June 27, 2008 around 1:40 a.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries murdered by knife Kanthasamy Pirapakaran, an associate of murdered Member of Parliament (MP) of the Tamil National Alliance (TNA) Parliamentarian T. Maheswaram, in the areas near the residence of Kanthasamy Pirapakaran, near Arasadi

Junction in Jaffna district, within 200 meters of a Sri Lankan Army (SLA) sentry post.

- 23.10 On or about July 30, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries severely injured by gunfire Kanthasamy Thivakar, the body guard of Batticaloa district Member of Parliament (MP) of the Tamil National Alliance (TNA) T. Kanagasabai, in the areas of Eruvil in Kaluvangchikudi Police Division in Batticaloa district

24. Torture

- 24.1.1 On or about January 10, 2007 in the areas of Kokuvil in Jaffna district, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted, severely tortured, and cut deeply with knives in the body and face, Arunakirinathan Niruparaj.
- 24.2 Between April 3, 2008 and April 9, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries arrested, harassed, assaulted, and severely tortured Balasubramaniam Mayooran in the areas of Koanamalay, Koandaavil in Jaffna district.
- 24.3 On or about April 4, 2007 around 5:40 p.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted, bound at the hands, stabbed by knife multiple times, tortured, killed Kathiramali Kanthasamy and dumped the body in a well in the areas of Eruvil in Kalavunchikudy Police Division in Batticaloa district.
- 24.4 Between about April 9, 2007 and April 11, 2007, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted in a white van, and severely tortured Jagenthiram Rajaluxman in the areas of Jaffna district.
- 24.5 Between April 13, 2007 and April 16, 2007, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted in a white van and tortured Vijayaraja Vijayarooban in the areas near the Sri Lankan Army (SLA) High Security Zone (HSZ) in Chavakachcheri town, Jaffna district.
- 24.6 On or about May 14, 2007, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries detained,

harassed, beaten, and severely tortured Subramaniam Sivatharsan in the areas of Kaithadi in Jaffna district.

- 24.7 On or about July 17, 2007, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted and tortured Shanmugam Sanjeevan in the areas of Kaithaddy South in Jaffna district.
- 24.8 On or about July 17, 2007, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted and tortured Shanmugam Sanjeevan in the areas of Kaithaddy South in Jaffna district.
- 24.9 On or about February 6, 2008 around 2:30 p.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted, blindfolded, and severely tortured Sathananthan Siriloganatham in the areas of Jaffna peninsula.
- 24.10 On or about May 16, 2008 around 2:30 p.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted, stripped naked, subjected to inhuman treatment, and severely tortured Sathananthan Siriloganatham in the areas of Colombo Magazine Prison in Colombo district.
- 24.11 On or about May 16, 2008 around 2:30 p.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted, stripped naked, subjected to inhuman treatment, and severely tortured Sellathura Varatharajan in the areas of Colombo Magazine Prison in Colombo district.
- 24.12 On or about May 16, 2008 around 2:30 p.m., Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries abducted, stripped naked, subjected to inhuman treatment, and severely tortured Sakthivel Ilangeswaran in the areas of Colombo Magazine Prison in Colombo district.
- 24.13 On or about October 8, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries arrested, detained, severely injured, and severely tortured Nagarasa Nadarasa in the areas of Cheerani Amman Temple in Jaffna district.
- 24.14 On or about October 8, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries arrested, detained, severely injured, and severely tortured Thambiah Paramsothy in the areas of Cheerani Amman Temple in Jaffna district.

24.15 On or about October 8, 2008, Sri Lankan police or Sri Lankan military personnel or government-sponsored paramilitaries arrested, detained, severely injured, and severely tortured Kanthaiyah Satkunarasa in the areas of Cheerani Amman Temple in Jaffna district.

STATUTORY DUTY OF THE DEFENDANTS TO VOTE AGAINST IMF
LOANS TO COUNTRIES LIKE SRI LANKA WITH A PATTERN OF GROSS
VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

25. Defendants, sitting on the Board of Governors and Executive Committee of the IMF, respectively, are obliged by statute, 22 U.S.C. 262d, to vote against any loan application submitted by a member country with a pattern of gross violations of internationally recognized human rights. In relevant part, the statute provides, “(a) Policy goals The United States Government, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund, shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in - (1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged

detention without charges, or other flagrant denial to life, liberty, and the security of person....”

26. If Defendants use their influence and vote against Sri Lanka’s \$1.9 billion IMF loan request, there is a reasonable probability that it will be defeated by the IMF’s Executive Committee.

27. Plaintiff has no means of ascertaining in advance whether Defendants will comply with the voting mandate of section 262d.

28. Plaintiff reasonably apprehends that Defendants might for non-statutory reasons decide not to oppose Sri Lanka’s request for a \$1.9 billion balance of payments IMF loan in violation of section 262d.

29. If Plaintiff waited to sue Defendants for allegedly violating section 262d in failing to oppose Sri Lanka’s \$1.9 billion IMF loan application until after the loan had been granted, there would then be no practical legal remedy for the violation.

30. Six of Plaintiff’s members have intimate relatives in Sri Lanka whose lives and limbs will be threatened if the GOSL continues its pattern of gross violations of internationally recognized human rights as testified by the affidavits attached to this Complaint. Exhibits 1-6.

31. The intended beneficiaries of section 262d are would-be targets of a pattern of gross violations of internationally recognized human rights by the

offending government seeking an IMF loan, including the persons (relatives of Plaintiff's members) identified in the affidavits attached as Exhibits 1-6.

32.If Sri Lanka is denied its \$1.9 billion loan request by the IMF, it is reasonably likely that its pattern of gross violations of internationally recognized human rights will diminish or end in order to qualify for IMF funding under section 262d; or, the GOSL would be financially disabled from continuing its pattern of gross violations of internationally recognized human rights. The GOSL is especially vulnerable to economic sanctions at present because its economy is pinched.

33.The Republic of South Africa renounced apartheid in substantial part because of economic sanctions. Nelson Mandela in 1990 urged the retention of sanctions against the Government of South Africa because he believed their lapse would risk aborting the anti-apartheid process.

COUNT I-PRIVATE RIGHT OF ACTION TO ENFORCE VIOLATION OF 22

U.S.C. 262d

34. Plaintiff incorporates by reference into this Count all of the foregoing allegations appearing in this Complaint as if they were alleged anew.

35. There is a live controversy between Plaintiff and Defendants as to whether section 262d would permit Defendants to decline to oppose the Sri Lanka's pending \$1.9 billion IMF loan request.

36. Defendants' opposition to the aforesaid loan request would probably assure its defeat by the IMF Executive Committee.
37. If the aforesaid loan were defeated, Sri Lanka would diminish or end its ongoing pattern of gross violations of internationally recognized human rights in order to qualify for IMF funding under section 262d and avoid harming the relatives of Plaintiff's members identified in Exhibits 1-6. In the alternative, the defeat of the IMF loan application would disable the GOSL for lack of funds from continuing its pattern of gross violations of internationally recognized human rights against the relatives of one or more of Plaintiff's members in Sri Lanka identified in Exhibits 1-6.
38. Defendants would be abusing their discretion and violating a mandatory duty under 22 U.S.C. 262d if they neglected to oppose Sri Lanka's pending \$1.9 billion loan request from the IMF.
39. Section 262d creates a private cause of action in favor of its intended beneficiaries (i.e., would-be victims of a pattern of gross violations of internationally recognized human rights by IMF member nations) or their best representatives in the United States. Absent a private cause of action, there would be no practical method to subject the actions of the Secretary of Treasury or Executive Director under 22 U.S.C. 262d to judicial review.

40. Congress has declined in express or implied language to withhold judicial review of claimed violations of 22 U.S.C. 262d by the Secretary of Treasury or the United States Executive Director.

PRAYER FOR RELIEF

41. Plaintiff requests a declaratory judgment that the Defendants would be in violation of 22 U.S.C. 262d by failing to oppose the pending \$1.9 billion IMF loan application from the GOSL in the IMF's Executive Committee or other IMF decision-making body, and such other and further relief as this Court finds just and equitable.

Respectfully submitted,

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