

**Advanced Seminar on International Humanitarian Law
for members of the Sri Lankan Armed Forces**

**Jointly organised by the Faculty of Law of General Sir
John Kotelawala Defence University and the
International Committee of the Red Cross**

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**Address by HE Ms Robyn Mudie, Australian High
Commissioner**

Check against delivery

- Vice Chancellor - Major General Milinda Peiris
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- Professor Thilak Weerasooriya, Deputy Vice Chancellor (Academic)
- Brigadier Lloyd Gilel, ICRC
- Members of the ICRC and members of Sri Lanka's Armed Forces

- I am very honoured to have been invited here this morning as Chief Guest for the opening of the Advanced Seminar on International Humanitarian Law (IHL) for members of the Sri Lankan Armed Forces, and congratulate the Faculty of Law of KDU and the ICRC on organising the seminar for the sixth time since it first began in 2011.

- I am particularly pleased to be addressing you at this very significant time. With the recent release of the report of the Office of the High Commissioner for Human Rights Investigation of Sri Lanka, the Udalgama Report to "Investigate and Inquire into Alleged Serious Allegations of Human Rights Arising Since August 2005" and the report on the second

mandate of the Presidential Commission Inquiring into Complaints on Missing Persons (the Paranagama Report), the spotlight is firmly on IHL.

- Six weeks ago, in the Human Rights Council in Geneva, the Sri Lankan Government co-sponsored a resolution and undertook to, among other things:
 - establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of IHL, as applicable; and
 - issue instructions clearly to all branches of the security forces that violations of international human rights law and IHL are prohibited.

- This seminar, being held for the sixth consecutive year is an important step in meeting those commitments. The seminar this year comes at a pivotal moment in Sri Lanka's history.

- IHL, also known as the law of war or the law of armed conflict, is part of the body of international law that governs relations between States
 - IHL aims to limit the effects of armed conflicts for humanitarian reasons
 - it aims to protect persons who are not or are no longer taking part in hostilities, the sick and wounded, prisoners and civilians, and to define the rights and obligations of the parties to a conflict in the conduct of hostilities
 - IHL strikes a careful balance between humanitarian concerns and the military requirements of parties to armed conflicts.

- IHL, and the humane restraints placed on armed conflict remain as relevant as ever despite the changing nature of warfare
 - as Sri Lanka knows well, it is a reality that armed conflict has increasingly moved from a contest between states to one that occurs within states; from the battlefield into population centres; and

from conflict between opposing uniformed armies to asymmetric conflict involving organised armed groups

- : these changes pose challenges, particularly for the protection of civilians, but they in no way lead to the conclusion that IHL is no longer valid
- : rather, they highlight the dire need for improved compliance with IHL
- : now more than ever, states must adhere to their existing international legal obligations in order to prevent unnecessary suffering in armed conflict.

- Australia is a keen supporter of international human rights and IHL, and we have recently announced our candidacy for the United Nations Human Rights Council for the 2018 – 2020 term
 - This is our inaugural candidacy for this important international human rights body and it underlines our commitment to the aims and purposes of the Universal Declaration of Human Rights and to the ongoing promotion and protection of human rights, both in Australia and around the world.
- We take IHL extremely seriously, and the Rules of Engagement that govern the conduct of the Australian Defence Force implement Australia’s obligations under IHL in full
 - we take compliance extremely seriously
 - in fact, Australia often applies higher IHL standards than required by law as a matter of policy.
- Rules of Engagement are reviewed by Legal Advisers from Defence, the Department of Foreign Affairs and Trade and Attorney-General’s Department to ensure their accuracy
 - Australian Defence Force personnel are trained in IHL as a matter of course and in advance of deployment

- : Australia often partners with the Australian Red Cross in the delivery of such training.
- Australia is committed to ensuring that serious violations of IHL are comprehensively criminalised under Australian law
 - for example, attacks on civilians and civilian objects, rape and sexual violence, and unlawful recruitment of children are punishable as war crimes under the *Criminal Code Act 1995*.
- In December this year, the States Parties to the Geneva Conventions (including Australia and Sri Lanka) will gather in Geneva for the 32nd International Conference of the Red Cross and Red Crescent
 - the promotion of improved compliance with IHL will be a theme of the Conference and a priority for the Australian Government.
- In particular, Australia is hopeful that the Conference will endorse efforts to establish a new IHL compliance mechanism with an annual Meeting of States as an institutional pillar
 - we have welcomed Sri Lanka’s constructive engagement over the past four years of consultations on a possible compliance mechanism.
- Australia looks forward to working with our partners to maintain the momentum towards improved compliance with IHL.
- We also look forward to working with Sri Lanka more broadly at this critical time in the country’s history
 - Australia supports the Sri Lankan Government’s democratic reform and good governance agenda, and its commitment to improving human rights, meaningful reconciliation and to establishing a credible domestic accountability mechanism to account for alleged violations of IHL and international human rights law during the civil conflict

- we continue to encourage the Sri Lankan government to ensure that allegations of serious international crimes committed by both sides to the civil conflict are investigated and prosecuted in a transparent and independent manner.
- It is in every state's interest to ensure adherence to IHL. The near universal acceptance of the Geneva Conventions is evidence of the importance placed on the laws of war by the international community
- The armed forces are at the forefront of IHL. At this time, when the nature of warfare is rapidly evolving, an understanding of IHL is more critical than ever.
- I encourage all of you to take this opportunity to learn more about your role and responsibilities in relation to the application of IHL, and to ask questions about how these important concepts can and should be applied across all aspects of your professional lives.
- Once again, I would like to congratulate KDU and the ICRC for preparing this important seminar, and have no doubt that you will all find it interesting and relevant.
- Australia is very proud to be able to work with Sri Lanka as a partner in the important endeavour of promoting the strong application of IHL standards wherever and whenever they apply.