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Memorandum Submitted to the US Ambassador to the United Nations

February 4, 2009

Honorable Susan Rice
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Genocide of Tamils in Sri Lanka

We are submitting this memorandum in connection with the Awareness Rally that took place this afternoon in front of the U.S. Mission to the United Nations to bring to the forefront of the international community the genocide of Tamils that is taking place in Sri Lanka.

In 2006, the former Australian Foreign Minister Garath Evans warned that the military action of the Sri Lankan Government in the LTTE-administered areas would result in large-scale atrocities—Rwanda-style, Srebrenica-style, Kosovo-style. His statement proved to be prophetic. In March 2008, an immigration judge in New York held that:

After careful review of the...added background data, it is the opinion of the court...that there is a pattern or practice of persecution against Tamils by the Sri Lankan Government. The Government will generally detain, beat, and persecute members of the Tamil minority, which is small in numbers compared to the overall population ...

On December 9, 2008, the New York-based Genocide Prevention Project issued a “Red Alert” against 8 countries where genocide is happening or is likely to happen. Sri Lanka was among this group. On December 10, 2008, John Campbell of the US World Food Program said

conditions of displaced people in the Tamil homeland area of Northern Sri Lanka are “as basic as in Somalia.”

Presently, more than 300,000 Tamil civilians have been rendered Internally Displaced People by the Sri Lankan government, which is permanently and overwhelmingly dominated by the Sinhalese; Tamil civilians have been subjected to indiscriminate aerial bombing and shelling by the mono-ethnic Sri Lankan armed forces – 99% Sinhalese – killing innumerable Tamil civilians. These deaths are accompanied by serious bodily and mental harm to many other civilians, along with massive destruction of civilian infrastructure and civic institutions of the Tamils. Today, more than 300,000 Tamil civilians are being denied humanitarian relief by the Sinhala-dominated government. International and local NGOs, which have been providing relief to those in need, have been ordered by the Sinhala government to vacate the Tamil areas in which active conflict is occurring; thereby denying food, shelter, medicine and other essentials to innumerable innocents. This is a calculated effort to bring about the Tamils’ physical destruction in whole or in part, a genocidal act. A long-running economic blockade by the armed forces of these same areas, along with continuous military assaults, has prevented these same innocents from providing for themselves, another genocidal act.

The Sri Lankan Defense Secretary proclaimed with pride recently that the Air Force had dropped more bombs in the Tamil areas than were dropped in Vietnam. He claimed that the Air Force has dropped more than 6,000 bombs in at 300-square kilometer area. The day before yesterday, the Defense Secretary brazenly told the BBC News that the hospitals functioning outside the “safety zone” are considered to be in the free-fire zone and thus legitimate targets. The civilians who are encouraged to move to the government-proclaimed “safety zone” are bombed as collective punishment. The ICRC reported that, over the past weekend, the hospital in LTTE-administered Puthukkudiyiruppu, known as PTK, was hit three times by artillery during a 25-hour period, causing at least nine deaths and numerous injuries. According to the U.N. spokesperson Gordon Weiss, cluster bombs struck the last functioning hospital in the war zone yesterday.

The above circumstances are testimony to the failure of the unbalanced Bush-Cheney policy towards Sri Lanka over the last 8 years. The Sri Lankan Government has manipulated the post 9-11 “war on terror” paradigm to justify its genocide. The Bush-Cheney policy has contributed to the unfolding human rights catastrophe impacting the Tamil people. We

paraphrase Luis Motero-Ocampo, the prosecutor of the International Criminal Court, to say that the government's intent is genocidal and its alibi is "counterterrorism."

In the 2001 Karadic case, the International Criminal Tribunal for Yugoslavia found that the mass killing of approximately 8,000 Bosnian Muslims at Srebrenica constituted genocide. Many times that number of Tamils have been killed in Sri Lanka, yet so far little outcry has been raised. On the contrary, more arms, ammunition and advice are being offered to the Sri Lankan state by a handful of international entities. The Tamils cry at present is, "how many acts of genocide does it take to make a genocide?"

The Genocide Convention mandates the State Parties to prevent genocide and punish the agents of genocide. However, due to the international community's unwillingness and or inability to prevent the genocide of Tamils, the people who are subject to genocide are forced to resort to arms in accordance with the international law concept of 'self-preservation.' Violence was initiated not by the persecuted, but by the persecutor. As a federal court judge in the U.S. has observed, "the armed rebellion burst forth after massive Sinhalese attack on Tamil citizens, homes and businesses, killing thousands and displacing tens of thousands of Tamils." The present pervasive and systematic human rights violations, notably killings, disappearances, torture and deprivation, on account solely of Tamil ethnicity in Colombo and in the "liberated," government-controlled areas, also demonstrates that the international community is not able to protect the Tamils from their 'own' government even in those areas.

We call upon the U.S. Government to take immediate action to halt the genocide against the Tamils. Post-genocide measures such as apology and explanation for not acting to prevent the genocide will not bring back the innocent lives that are being lost.

We are well aware of your passion and commitment to prevent genocide. We salute you for that. We urge you to use your good office and to put an end to the genocide against the Tamil people of Sri Lanka.

We believe an immediate ceasefire is a right first step in that direction. Secretary of State Hillary Clinton suggested yesterday a "temporary no-fire period... to allow civilians and wounded to leave the conflict area and to grant access for humanitarian agencies" and that "The time to resume political discussions is now."

Also of concern to Tamil-Americans are the ongoing human rights abuses against Tamils throughout the island and the internment of Tamils leaving areas not controlled by the government in isolated, unmonitored areas where they can easily be disappeared.

Thank you for your kind action to save a community from destruction.