

## The Peoples' Tribunal on Sri Lanka - Session II 7<sup>th</sup> - 10<sup>th</sup> December 2013 Bremen, Germany

**Panel of Judges presents verdict finding Sri Lanka guilty of the crime of genocide against the Eelam Tamil people; the UK and USA were found to be guilty of complicity, while the Judges withheld their decision on India's complicity pending examination of further evidence**

The Second Session of the Peoples' Tribunal on Sri Lanka concluded today in Bremen, Germany, with the presentation of its verdict. The panel of eleven judges unanimously found Sri Lanka guilty of the crime of genocide against the Eelam Tamil people, and that this crime continues today.

The Tribunal specified that the victims are in this case the Eelam Tamils as a national group.

The Tribunal found that genocide against the Eelam Tamil group has not yet achieved the total destruction of their identity. The genocidal coordinated plan of actions reached its climax on May 2009, but it is clear that the Sri Lanka Government project to erase the Eelam Tamil identity, corroborated by the above mentioned conduct, shows that genocide is a process and that process is ongoing. The genocidal strategy changed once the perpetrators gained control of the territory. The killings are being transformed into other forms of conduct, but the intention to destroy the group and its identity remains and continues, through causing serious bodily or mental harm to members of the Eelam Tamil group.



The Tribunal considers that the proofs established, beyond any reasonable doubt that the following acts were committed by the Government of Sri Lanka

(a) *Killing members of the group*, which includes massacres, indiscriminate shelling, the strategy of herding civilians into so-called "No Fire Zones" for the purpose of massive killings, targeted assassinations of outspoken Eelam Tamil civil leaders who were capable of articulating the Sri Lankan genocide project to the outside world

(b) *Causing serious bodily or mental harm to members of the group*, including acts of torture, inhumane or degrading treatment, sexual violence including rape, interrogations combined with beatings, threats of death, and harm that damages health or causes disfigurement or injury.

(c) *Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part*, including

\* expulsions of the victims from their homes, \* seizures of private lands, \* declaring vast areas as military High Security Zone (HSZ) to facilitate the military acquisition of Tamil land

Further, the Tribunal considered evidence related to  
(d) *Imposing measures intended to prevent births within the group*  
including forced sterilization and coerced contraception of Eelam Tamil women. Further investigation is required on the extent of this practice in other regions before a determination is made on whether these could be considered genocidal acts.

The UK and USA were found to be guilty of complicity in the crime of genocide, including  
-- complicity by procuring means, such as weapons, instruments or any other means, used to commit genocide, with the accomplice knowing that such means would be used for such a purpose;  
-- complicity by knowingly aiding or abetting a perpetrator of a genocide in the planning or enabling acts thereof;

Recognizing that the Sri Lankan state alone did not have the capacity to achieve their genocidal ambitions, and given the evidence presented, the Tribunal believes that the UK, the USA and India are guilty of complicity in genocide. However, given time constraints the Tribunal decided to withhold its decision pending the consideration of additional evidence as to the possibility that India, as well as other States, are indeed guilty of complicity in the crime of genocide against the Eelam Tamils.

More than 30 direct eye-witnesses and experts testified in support of the Prosecution's case, providing evidence on various alleged crimes that could be determined to constitute the crime of genocide, as well as on the legal and historical background and the charges of complicity.

The proceedings of the Second Session were broadcast through live streaming on the Internet and will be made available on the web site <http://ptsrilanka.org/>

This Second Session in Bremen was convened in response to the determination by the First Session, held in January 2010 in Dublin, Ireland, that War Crimes and Crimes against Humanity had taken place on the Tamil population during the final months of the war in Sri Lanka in early 2009, and that further investigation be undertaken regarding the question of genocide.

These two sessions of the Permanent Peoples' Tribunal on Sri Lanka have been established in response to a submission made by the International Human Rights Association Bremen (IMRV) and the Irish Forum for Peace in Sri Lanka (IFPSL). As in the First Session, here in Bremen a panel of judges consisting of experts in genocide studies, former UN officials, experts in international law and renowned peace and human rights activists (see attachment).

10 December 2013  
**Human Rights Day**

**PERMANENT PEOPLES' TRIBUNAL**

*General Secretary:*

GIANNI TOGNONI (ITALY)

GENERAL SECRETARIAT: VIA DELLA DOGANA VECCHIA 5 - 00186 ROME

Tel/Fax: 0039 06 6877774

E-mail: [tribunale@internazionaleleliobasso.it](mailto:tribunale@internazionaleleliobasso.it); [filb@iol.it](mailto:filb@iol.it)

Web: <http://www.internazionaleleliobasso.it>

Contact for IFPSL: Dr. Jude Lal Fernando ([irishpeaceforum@gmail.com](mailto:irishpeaceforum@gmail.com))

Contact for IMRV: Nicolai Jung ([imrvbremen@gmail.com](mailto:imrvbremen@gmail.com))

For background about the Dublin Tribunal and for upcoming updates see: [www.ptsrilanka.org](http://www.ptsrilanka.org)

**Internationaler Menschenrechtsverein Bremen e.V.**

Kornstraße 31 | 28201 Bremen | Deutschland | Fax: +49 421 68 437 884 | [imrvbremen@gmail.com](mailto:imrvbremen@gmail.com)

## **The Peoples' Tribunal on Sri Lanka - Session II**

**7<sup>th</sup> - 10<sup>th</sup> December 2013 Bremen, Germany**

### **Panel of Judges**

#### **Co-Chairs**

##### **Daniel Feierstein**

Director of the Centre for Genocide Studies at the Universidad Nacional de Tres de Febrero, Professor in the Faculty of Genocide at the University of Buenos Aires and a member of CONICET (Consejo Nacional de Investigaciones Cientificas y Tecnicas - The Argentine National Centre for Scholars). He has been elected as the president of the 'International Association of Genocide Scholars'.

##### **Denis Halliday**

Former Assistant Secretary-General of the United Nations. He resigned from his 34 year old career in the UN in protest of the economic sanctions imposed on Iraq by the Security Council. Laureate of the Gandhi International Peace Award.

#### **Judges (alphabetical order)**

**Gabriele Della Morte** is a researcher and Professor of International Law at the Università Cattolica di Milano. He was also associate professor in International system, institutions and rules, *Chargé de cours* at the *Académie de droit international humanitaire et des droits de l'homme* of Geneva (2007-2008), counsel for the *International Criminal Tribunal for Rwanda* (ICTR) (2003-2004), *Law Clerk* for the Prosecutor Office of the International Criminal Tribunal for the former Yugoslavia (2000) and member of a government delegation for the establishment of the *International Criminal Court* (1998).

**José Elías Esteve Molto**, international lawyer and legal expert on Tibet. He is the main lawyer who researched and drafted both lawsuits for international crimes committed in Tibet and a recent one for crimes in Burma. He is a Professor in International Law at the University of Valencia.

##### **Sévane Garibian**

An expert on Genocide and International Law. She is an Assistant Professor at the University of Geneva and Lecturer at the University of Neuchâtel, where she teaches Legal Philosophy and International Criminal Law. Her work focuses on issues related to law facing State crimes.

##### **Haluk Gerger**

A respected academic and a Middle East analyst who was imprisoned in Turkey for his political activism. He is known for his support for Kurdish people's right to self-determination.

##### **Javier Giraldo Moreno**

Colombian Theologian and human rights activist based in Bogota. Known for his depth of analysis in contextualizing genocide affected communities. He is Vice-President of the Permanent Peoples' Tribunal.

##### **Manfred O. Hinz**

Professor for Public Law, Political Sociology and Sociology of Law at the University of Bremen. He has a long history of engagement in solidarity with liberation struggles in Africa, specially Namibia and the West Sahara. He, for several years, held the UNESCO chair for human rights and democracy of the University of Namibia whilst he was a professor there.

##### **Helen Jarvis**

She has worked on the issue of genocide in Cambodia since the mid-1990s, with Yale University's Cambodian Genocide Program; the Cambodian Government Task Force for the Khmer Rouge Trials; and the Extraordinary Chambers in the Courts of Cambodia (ECCC) as Chief of Public Affairs and then Chief of the Victims' Support Section.

**Øystein Tveter**

A Norwegian scholar of International Law and a member of the Permanent Peoples' Tribunal on extra-judicial killings and violations of human rights in the Philippines.

**Maung Zarni**

He is a Burmese democracy activist who founded the Free Burma Coalition in 1995. He is one of the few Burmese intellectuals who have come forward to unconditionally oppose the increased discrimination and violence against the Rohingya Muslims and publicly criticised Aung San Suu Kyi on this issue.

**PERMANENT PEOPLES' TRIBUNAL**

*General Secretary:*

GIANNI TOGNONI (ITALY)

GENERAL SECRETARIAT: VIA DELLA DOGANA VECCHIA 5 - 00186 ROME

Tel/Fax: 0039 06 6877774

E-mail: [tribunale@internazionaleleliobasso.it](mailto:tribunale@internazionaleleliobasso.it); [filb@iol.it](mailto:filb@iol.it)

Web: <http://www.internazionaleleliobasso.it>

Contact for IFPSL: Dr. Jude Lal Fernando ([irishpeaceforum@gmail.com](mailto:irishpeaceforum@gmail.com))

Contact for IMRV: Nicolai Jung ([imrvbremen@gmail.com](mailto:imrvbremen@gmail.com))

For background about the Dublin Tribunal and for upcoming updates see: [www.ptsrilanka.org](http://www.ptsrilanka.org)

**Internationaler Menschenrechtsverein Bremen e.V.**

Kornstraße 31 | 28201 Bremen | Deutschland | Fax: +49 421 68 437 884 | [imrvbremen@gmail.com](mailto:imrvbremen@gmail.com)