14 February 2013

Appeal to UNHRC members regarding resolution on Sri Lanka

In March 2012, the UNHRC passed resolution A/HRC/19/L.2 titled "Promoting reconciliation and accountability in Sri Lanka". The said resolution crucially called upon the Government of Sri Lanka (GOSL) to "…implement the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission [LLRC] and to take all necessary additional steps to fulfill its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation…"

Consequently, the Tamil National People's Front (TNPF) released a statement on 23/03/2012 expressing our strong disappointment with regards the said resolution. We pointed out that the LLRC was appointed by the GOSL to evade calls from the International Community to carry out independent international investigations into the conduct of the last stages of the war. We further stated that, to place confidence in the fundamentally flawed LLRC report, along with a call for its implementation, and to ask the GOSL to set up domestic accountability mechanisms was in complete breach of the concept of natural justice as it would be tantamount to asking the criminal to investigate and sit in judgment of his own crime. We further pointed out that not only will the resolution fail to bring positive change in the lives of the Tamil people, but that it would only provide more time for the GOSL to expedite its agenda of structural genocide of the Tamil Nation.

The fears and concerns that we expressed at the time of the passage of the UNHRC March 2012 resolution have unfortunately now been proven true. The Tamil homeland in the North and East of Sri Lanka has been, inter alia, despite the UNHRC Resolution of March 2012, been subjected to:

1. State sponsored Sinhala settlements with the intention of making the Tamil People a minority in their own homeland.
2. Confiscation of privately owned property of Tamil people.
3. Military occupation.
4. Forcible Sinhala-Buddhisisation with the intent of changing its cultural identity.
5. The systematic undermining of the indigenous economy of the Tamil People.
6. The complete absence of the Rule of Law and systematic impunity for offences committed by the Sri Lanka Military (Re sexual violence/abuse of Tamil women; disappearances; harassments; illegal arrests, torture in custody; the severe harassment of former LTTE members (even those who have gone through a process of GOSL's own so called rehabilitation; etc.)

The report of the UN High Commissioner on Human Rights, dated 13/02/2013 to the 22nd sessions of the UNHRC by and large confirms the above.

We would like to emphasize that the above should not be merely seen as a 'lack of reconciliation and accountability', but as a program of Sinhalization with the intent to destroy the identity of the Tamils existing as a distinct Nation.

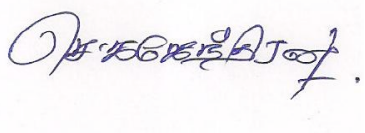
That local mechanisms have historically failed the Tamil people hardly needs any emphasis. The recent impeachment of the Chief Justice of Sri Lanka should leave no doubt in anyone's mind that local judicial mechanisms can no longer be considered justiciable.

It is under these circumstances that the TNPF also wishes to draw the attention of the members to 1) the Report by the Panel of Experts appointed by the UN Secretary General to look into accountability issues in Sri Lanka, 2) the recently leaked internal UN Petrie Report 3) the Report by the OHCHR to the 22nd session of the UNHRC, specifically the reiterated call for international independent investigations.

What is now public knowledge of credible allegations of what transpired during the last stages of the war, amply points to the complete failure of the UN and the international community in its obligations under the doctrine of Responsibility to Protect (R2P) to have intervened on behalf of the Tamil Nation. Political expediency on the part of the UN and the international community in wanting to see the defeat of the LTTE in the name of eradicating "terrorism" resulted in the Tamil Nation having to pay the ultimate price of a genocidal war. However, three and a half years since the end of the war, the Tamil people continue to face the onslaught in the form of structural genocide of their Nation.

Accordingly, the TNPF reiterates its call for an independent and credible international investigation regarding the breach of international law, including the crime of genocide; Further, the TNPF calls upon the members of the UNHRC to resolve to invoke the doctrine of R2P to the Tamil Nation and to set up a transitional administration in the Tamil homeland comprising of the North East provinces in Sri Lanka, as a matter of urgency. The said transitional administration will have to necessarily lie outside the present constitutional apparatus. Such a step is vital to not only stop the further dismantling of the existence of the Tamil Nation, but also to safeguard any future prospects of finding a negotiated solution to the Tamil National question. It is also our view that the establishment of a transitional administration will also be the only realistic way for not only evidence collection for a credible accountability process to succeed, but also to safeguard the available evidence.

G.G.Ponnambalam
President



Selvarajah Kajendren
General Secretary