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Northern Provincial Council



Northern Provincial Council
Jaffna, Sri Lanka
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August 08, 2015

The Hon. Zeid Ra'ad Al Hussein
United Nations High Commissioner for Human Rights
Office of the High Commissioner for Human Rights (OHCHR)
Palais Wilson, 52 rue des Pâquis
CH-1201 Geneva, Switzerland

Dear High Commissioner Zeid,

Re: Accountability, Justice, and Non-Recurrence in Sri Lanka

I am an elected Member of Northern Provincial Council in Sri Lanka, and would like to bring to your kind attention the following issues related to justice, accountability, and non-recurrence.

The UN's failure to protect the Tamil people in 2009 was termed as "systemic failure" of the UN by the UN's own "Report of the UN Secretary General's Internal Review Panel on UN Action in Sri Lanka" released in November 2012 by the head of the Panel Charles Petrie. The Tamil people sincerely hope that the UN System will not victimize the Tamils again and hope the UN will accommodate their request to adequately and properly conduct the judicial process and offer them justice and future protection.

The Tamil Nation has been systematically destroyed by the successive Sinhalese dominated Sri Lankan governments ever since the island got its independence in 1948. The Tamil people have been subjected to Genocide and massacres, their churches and temples have been destroyed, their lands have been taken away, their rights have been denied, and they have been oppressed and occupied. The injustice against the Tamils continues even at this very moment.

The Northern Provincial Council unanimously passed the "Sri Lanka's Genocide Against Tamils" resolution in February 2015, providing historic proof on Genocide, and urging the UN to properly investigate the Genocide of Tamils. Similarly a joint letter was sent to your predecessor Hon Commissioner Navi Pillay in August 2014, by 33 elected Tamil Members of Northern and Eastern Provincial Councils from Sri Lanka, urging the UNHRC to investigate the Genocide of Tamils.

As you prepare to release the Report by the OISL, I would like to request you to consider the pattern of historic failures of Sri Lanka against the Tamil people. Sri Lanka had conducted numerous commissions and inquiries against the killing of Tamils, without any meaningful results. To manage the International pressure it even conducted "Inquiry" with International Independent Group of Eminent persons from eleven countries as monitors, but they all resigned in protest against Sri Lanka in 2008 pointing to the lack of cooperation, transparency and political will from Sri Lanka to support the search for truth towards justice.

The Tamil people do not believe that anything short of an international judicial process will be seen as justice to the victimized Tamil population. I am hopeful that you will release the OISL Report soon, and take measures for proper international judicial process under the auspices of the UN.

On behalf of the victimized Tamil people, I would like to request you to consider the following:

1. The judicial process must purely be of international and under the control of the UN, and I request you to recommend the referral to the International Criminal Court or special tribunal for Sri Lanka, and do not support any domestic or hybrid mechanism under the control of Sri Lanka.
2. I request you to take measures to judicially address the Genocide against the Tamil people as called upon by the unanimous resolution adopted by the Northern Provincial Council of Sri Lanka in February 2015.
3. I request you to press Sri Lanka to become signatory and ratify the Rome Statute of the International Criminal Court so that reoccurrence of similar atrocities can be minimized and the ethnic Tamil population can be protected in the future.
4. I request yours and the UN assistance to find a permanent political solution so that the massacres of this scale can be prevented and non-recurrence assured. I request you to urge Sri Lanka to accept technical assistance and mediation from the UN including the EU, India, and the US towards finding a permanent political solution. The negotiation must start as soon as possible and measurable progress is made on specified time by the UN.

If Sri Lanka has genuine intention of cooperating with the UN, and genuinely interested in accountability, justice, non-recurrence and permanent political solution, it must show willingness and progress to the International Community and to the UN on all fronts. The Tamil people hope that the UN and the International Community obtain unambiguous commitment from Sri Lanka to fulfill these.

The Tamil people are counting on you, the UN, and the International Community towards finding justice and permanent political solution. I seek your assistance. I seek your help. Above all, I seek your protection.

Thank you.

Sincerely yours,



M.K.Shivajilingam
Member, Northern Provincial Council

M. K. SHIVAJILINGAM
MEMBER OF NORTHERN PROVINCIAL COUNCIL
FORMER MEMBER OF PARLIAMENT
SRI LANKA