

Issued for immediate release

**Another New Year Dawns
with
Little Progress on Sri Lanka's UNHRC Resolutions
10 January 2019**

Yet another New Year dawns almost 10 years since the worst of the genocidal onslaught against the Tamil people by the Sri Lankan state with no sign of the victims receiving justice in the near future.

More than three years after UN Human Rights Council (HRC) Resolution 30/1 on Sri Lanka, to-date Sri Lanka has taken very few steps to fulfil its obligations and none of those implemented have produced any substantive outcomes for those most affected by the war. The current President and the Prime Minister of Sri Lanka have made repeated statements rejecting some of the most important commitments Sri Lanka made in the Resolution, notably those for accountability for war crimes and crimes against humanity through legal reform and a hybrid court with Commonwealth and foreign judges, prosecutors, etc.

The international community placed its hope on a regime change in 2015 to deliver justice for some of the worst international crimes of the 21st century and called upon the Tamil people to throw their crucial electoral support to the new government. The Tamil people played their part in removing a tyrannical family regime that was defying calls for justice and reform. However, as feared by the Tamil people due to long historical experience within a unitary state dominated by the Sinhalese Buddhist community, regime change has made no difference in delivering justice and reparation to the victims of war crimes and genocide.

The extension of time given to the Sri Lankan state through HRC Resolution 34/1 in 2017 has seen no substantive progress in fulfilling Sri Lanka's commitments to the international community. On the contrary, the leadership of the present regime has been making public pronouncements to the effect that they will not honour their own commitments for an international justice mechanism. The international community will be failing the Tamil people yet again by not preparing for their next steps when the March 2019 report of the UN High Commissioner for Human Right is given with no substantive progress whatsoever.

Slow progress on HRC resolution-- the ground reality

There are currently 178 military camps in the Jaffna district alone, 3284 acres of land are still occupied by Sri Lankan security forces. There has been no progress made by the Office of Missing Persons (OMP) beyond that of Pres. Rajapaksa's Paranagama Commission which received 16,000 complaints of missing persons but took no action to identify perpetrators. Over 280 skeletons, including those of children,

have been discovered in the North and no criminal investigation has been initiated to find the perpetrators with the help of international forensic experts. The draconian Prevention of Terrorism Act remains intact and the issue of political prisoners held indefinitely without trial under that law remains unresolved, despite numerous promises for speedy action. In March 2016, the government said it was in the process of repealing the PTA, but the suggested replacement also does not meet international standards.

The Tamil people face a host of other issues in their daily life. The former war zones of the North and East are heavily militarized with security forces intruding into all aspects of civilian life, with military-owned businesses and much land still occupied since the war. Increased spending for defence, poor support for resettlement of Tamils who fled from the war zone, land grabbing through government institutions (i.e.: Department of Archaeology, Forest Department, Mahaveli Development Authority), etc. are still faced by the Tamil people nearly 10 years after the end of the war.

Restructure the state by a negotiated political solution.

In order to have peace and stability in Sri Lanka, a long-term political solution that addresses the legitimate grievances of the Tamil Nation and other minorities is required. Attempts for meaningful power-sharing through constitutional reform have ground to a halt with the political turmoil in the South. The Eelam Tamils have waited for a peaceful resolution to the ethnic conflict that recognizes their fundamental and inalienable rights since independence. The chance of a new constitution that will deliver a political solution as promised by Pres. Rajapaksa to the UN Secretary General at the end of the war and promised again to the Tamil electorate by the current regime is becoming more remote as the major Sinhala parties compete for power by yet again whipping up anti-Tamil rhetoric. It appears that the Tamil National Alliance, the elected Tamil representatives who have painstakingly and patiently invested in drafting a new constitution, are beginning to feel that the Tamil people are once again becoming the victims of Sri Lankan political manipulations.

Importance of international involvement:

So far, the little progress made on human rights, media freedom and democracy are due to international involvement and the HRC process. The local institutions responsible for Law & order, Judiciary and legislature are not being sufficiently reformed due to a lack of will by the political leadership who have failed to take Sri Lanka in the right direction towards sustainable peace and ethnic harmony.

A continuing legacy of impunity and inaction on accountability are major factors which prevent Sri Lanka from acknowledging the root causes of the problem and addressing them through structural changes to its institutions of governance.

At the present times, no country should be in a position to use sovereignty as a shield to violate international treaties, covenants and international humanitarian law. For sustainable peace in Sri Lanka, the International community must set up its own effective tools for non-recurrence, implementation of the rule of law, democracy, sustainable peace and reconciliation.

As per past experience, mere fire-fighting will not ensure non-recurrence and lasting peace. There are many variable geopolitical factors determining the destiny of the Island. A pathway without transitional justice will not bring peace, reconciliation and justice.

Effective action is needed to make Sri Lanka honour its commitments to the international community. UN member states should adopt effective vetting procedures that would deny travel privileges to those accused of serious wartime violations and should give serious consideration to exercise universal jurisdiction as strongly recommended by the UN High Commissioner for Human Rights in 2017. We also call upon the UN member states to consider implementing calibrated military and economic sanctions as a means of impressing upon Sri Lanka the consequences for not meeting its international commitments.

We, the undersigned organisations, call for the establishment of a viable UNHRC mechanism to monitor Sri Lanka's progress on implementation of HRC Resolution 30/1, with parallel planning for alternate UN processes, including either a referral to the ICC or the establishment of a Special International Criminal Tribunal when Sri Lanka fails to deliver on its commitments by March 2019.

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