

PRESS RELEASE

ARTICLE 15 COMMUNICATION SUBMITTED TO THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT ON THE DEPORTATION, DEPRIVATION OF THE RIGHT TO RETURN AND PERSECUTION OF TAMIL CIVILIANS BY SRI LANKAN AUTHORITIES

THE HAGUE, 27 October 2021 – Global Rights Compliance LLP (GRC) submitted an Article 15 Communication (Communication) to the Prosecutor of the International Criminal Court (ICC) on behalf of 200 Sri Lankan Tamil victims who have been subjected to the crimes against humanity of deportation, deprivation of the right to return home and persecution in Sri Lanka and the United Kingdom (UK) by the Government of Sri Lanka (GoSL).

The Communication identifies a number of GoSL officials who should be investigated by the Prosecutor of the ICC as potential perpetrators of these crimes due to the evidence of their command or authority over the Sri Lankan security forces directly implicated in the commission of these crimes since 2002, including the Sri Lankan Police (SLP) and the Sri Lankan Army (SLA). These include: President Gotabaya Rajapaksa, Secretary of Defence Kamal Gunaratne, former Chief of Defence Staff of the SLA, Jagath Jayasuriya, (iv) former Deputy Inspector General, Sisira Mendis, and the numerous Inspector-Generals and commandants of the Special Task Force of the SLP.

The submission is made ahead of the UN Climate Change Conference (COP26) 2021 which will be held in Glasgow between 31 October and 12 November 2021. In parallel, the Communication was forwarded to the Metropolitan Police of the UK for the initiation of an investigation and the issuance of arrest warrants against President Gotabaya Rajapaksa and other members of the Sri Lankan delegation that will participate in COP26.

The victims have been subjected to what they rightly term “a vicious campaign of violence against Tamils.” They, and thousands of other innocent Tamils, have been abducted, unlawfully detained and tortured by the Sri Lankan security forces led or supported by these individuals on nothing more than unsubstantiated allegations of their previous involvement with the Liberation Tigers of Tamil Eelam (LTTE). There can be no doubt about the perpetration of these crimes against humanity. Their evidence is clear, convincing and corroborated by a myriad of independent voices, from Sri Lankan experts, to the UN, the EU and Amnesty and Human Rights Watch reports.

The Sri Lankan Police (SLP) and the Sri Lankan Army (SLA) are chief amongst those systematically abducting, unlawfully detaining and torturing any Tamil individuals suspected as being in any way associated with the LTTE or espousing separatist ideas. However, the GoSL makes no distinction between those with these political beliefs and the thousands of Sri Lankan men, women and children who wish for nothing but a place in Sri Lanka to call home. Those who were lucky enough to successfully escape the country face years of surveillance, threats, and collective punishment as their families bear the continued wrath of the GoSL. The GoSL denies them safety and security and prevent them from returning home. As their UK status as refugees confirm, they cannot return – the risk of persecution is too great.

As they stated themselves in a joint statement:

The criminal acts of the GoSL authorities have destroyed our lives. We all suffer from various mental illnesses (including post-traumatic stress disorder and depression) caused by our suffering at the hands of the GoSL authorities, the threats and harassment

that our families are subjected to and being parted from our homelands and loved ones. The uncertainty that we had to go through during our respective asylum application processes in the United Kingdom, with the possibility of being handed over to our torturers in Sri Lanka, also took its toll on our mental health. We live as shells of our former selves, unable to cope with the mental suffering that the GoSL has inflicted and continue to inflict on us every day.

The ICC can and should intervene in the situation in Sri Lanka and investigate these crimes against humanity. These victims suffer the cruelty of ethnic cleansing and persecution that separates them from their loved ones and prevents them from returning home. These crimes have commenced in the territory of Sri Lanka with the abduction, detention and torture of the victims. They continued into the UK as the threats, harassment and persecution continue on UK soil. Under the principle of universal jurisdiction, the UK should investigate and prosecute suspected perpetrators of crimes against humanity. If the UK are not willing or able to take action, then the ICC should ensure that justice is done.