

15 January 2021

Heads of Missions

Missions of the 47 Member States represented in the UN Human Rights Council

Your Excellencies,

Call for decisive action at the 46th Session of the UNHRC

We, the elected representatives of the Tamil people in Sri Lanka, leaders of Tamil national political parties, members of the Tamil victim communities and Tamil civil society organizations write this letter in the lead up to the 46th Session of the United Nations Human Rights Council (UNHRC) when the situation in Sri Lanka is to be evaluated.

We note that within a week of the end of the armed ethnic conflict in Sri Lanka, a joint communiqué by the Government of Sri Lanka and the United Nations was issued at the conclusion of UN Secretary-General's visit to Sri Lanka on 23 May 2009 with the following:

“Sri Lanka reiterated its strongest commitment to the promotion and protection of human rights, in keeping with international human rights standards and Sri Lanka's international obligations. The Secretary-General underlined the importance of an accountability process for addressing violations of international humanitarian and human rights law. The Government will take measures to address those grievances”

Upon Sri Lanka failing to take meaningful steps to address the above commitments, the UN Secretary General appointed on 22 June 2010, a three-member panel to look into human rights and accountability issues during the final stages of the armed ethnic conflict in Sri Lanka. This report of the Panel of Experts (POE) was handed over to the Secretary General in March 2011. Subsequently, the Secretary General referred the POE to the President of the UNHRC and the High Commissioner for Human Rights in September 2011.

Thereafter, the UNHRC adopted Resolution 19/2 “Promoting Reconciliation and Accountability in Sri Lanka” in March 2012 and since then has been seized of the matter with several resolutions in March 2013 and March 2014. Subsequently, the Government of Sri Lanka co-sponsored Resolutions 30/1 (October 2015), 34/1 (March 2017) and 40/1 (March 2019).

Leaders across the political spectrum in Sri Lanka including from both the major political parties have categorically and without exception stated that they will protect the Sri Lankan armed forces from prosecutions. It is now time for Member States to acknowledge that there is no scope for a domestic process that can genuinely deal with accountability in Sri Lanka.

The continuing and intensifying oppression against the Tamils including militarisation, indefinite detention of political prisoners, land grab in the name of archaeological explorations, the denial of traditional, collective land rights like cattle grazing rights, intensifying surveillance of political

and civil society activists, the denial of burial rights during COVID19 to our Muslim brethren and the denial of the right to memory underscore the urgency of addressing the deteriorating situation.

As the UNHRC meets in February and March 2021 to evaluate the Sri Lankan Government's commitments under Resolution 40/1 and plan further action, we urge that member states categorically come to this conclusion by way of a final Resolution. The Resolution must declare that Sri Lanka has failed in its obligations to investigate allegations of violations committed during the armed ethnic conflict and atrocity crimes including genocide, crimes against humanity and war crimes. In such a context the Resolution must acknowledge that there is no prospect for accountability in Sri Lanka by way of its own domestic mechanisms or through hybrid mechanisms.

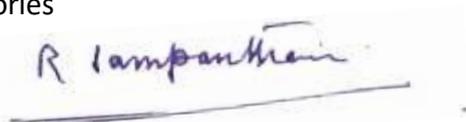
We request the following:

1. Member States urge in the new resolution that other organs of the United Nations including the UN Security Council and the UN General Assembly take up the matter and take suitable action by reference to the International Criminal Court and any other appropriate and effective international accountability mechanisms to inquire into the crime of genocide, war crimes and crimes against humanity.
2. The President of the UNHRC refers matters on accountability in Sri Lanka back to the UN Secretary General for action as stated above.
3. Member States to mandate the Office of the High Commissioner for Human Rights (OHCHR) to continue to monitor Sri Lanka for ongoing violations and have an OHCHR field presence in country.
4. Without detracting from that which has been stated in point 1 above, take steps to establish an evidence gathering mechanism similar to the International Independent Investigatory Mechanism (IIIM) in relation to Syria established as a subsidiary body of the UN General Assembly with a strict time frame of twelve months duration.

We reiterate the need for concrete action with accountability and for the above the matter to be escalated to higher forums.

Thus, we urge Member States to take decisive and timely action to grant redress to the people who have been denied justice thus far.

Signatories

A handwritten signature in blue ink that reads "R. Sampanthan". The signature is written in a cursive style and is positioned above a horizontal line.

1. Hon. R. Sampanthan
Member of Parliament
Leader - Tamil National Alliance



2. Hon. G. G. Ponnambalam
Member of Parliament
Leader - Tamil National People's Front



3. Hon. Justice C.V. Wigneswaran
Member of Parliament
Leader - Tamil Makkal Tesiya Kootani



4. Rev.Fr. Leo Amstrong
Tamil Heritage Forum, Mullaitivu



5. Mr. Sabharathinam Sivayohanathan
Eastern Province Civil Society Forum



6. Mr. Rasalingham Vikneswaran
President - Amparai Civil Society forum



7. Mr. Amarasingham Gajenthiran
General secretary - Tamil Civil Society Forum (TCSF)



8. Ms. Yogarasa Kanagaranjini
President - Association for Relatives of the Enforced Disappearances, North and East.

9. Mr. Subramaniam Sivaharan
President - Tamil Thesiya Vaalvurimai Iyakkam (TTVI)

10. Velan Swamikal
Sivaguru Aatheenam

11. Rt. Rev. Dr. C. Noel Emmanuel
Bishop of Trincomalee
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