

# Tamil War Victims Urge UNHRC Not to Give Additional Time to Sri Lanka & Refer it to International Criminal Court (ICC)

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*Giving additional time will not get us justice, but will embolden Sri Lankan Security Forces to continue their abuses and destroy vital war crimes evidences.*

COLOMBO, SRI LANKA, January 31, 2019 /EINPresswire.com/ --

At a public rally held in the Northern Province town of Vavunia on January 30th, Tamil War Victim groups Jointly Appealed to the UN High Commissioner for Human Rights and to Member States of the UN Human Rights Council not to Give any Additional Time to Sri Lanka and to Refer Sri Lanka to International Criminal Court (ICC).

This appeal was made ahead of UN Human Rights Council's March 2019 Session.

This Appeal States that:

"Sri Lanka will be on the Agenda of UNHRC to assess whether Sri Lanka has fulfilled its obligation to the Council outlined in the Resolution 34/1, which was passed unanimously by the Council on March 2017. This Resolution was necessitated when Sri Lanka failed to fulfil its obligation on an earlier Resolution 30/1 on war crimes and crimes against humanity committed during the final months of the war that ended ten years ago on May 2009".

"As requested by Sri Lanka, the Resolution 34/1 gave a two year extension of time to fulfill its obligation under that Resolution. One of the main requirements of the Resolution is for Sri Lanka to establish a Hybrid Court consisting of international judges and prosecutors. The two year extension of time given to Sri Lanka is coming to an end in few weeks' time".

"Despite co-sponsoring the UNHRC Resolution 34/1 and committing itself to fulfill the requirements of the Resolution 34/1 and 30/1 in two years' time, Sri Lankan Government not only used diversionary tactics to mislead and delay the implementation, the Sri Lankan President and the Prime Minister have repeatedly and categorically said in public that they will not implement the main elements of the Resolution, including establishing a Hybrid Court consisting of International Judges and prosecutors".

The Appeal concludes by saying:

"Now due to Sri Lanka's misleading and delaying tactics to avoid fulfilling the main requirements of Resolution 30/1 and 34/1, it is time to explore other avenues to get justice. Giving any more time to Sri Lanka will not get us justice, but it will further embolden the Security Forces to continue their abuses against us and destroy vital war crimes evidences. This will also serve as a road map for other countries to commit war crimes and crimes against humanity without any fear, fully well knowing that they will escape accountability by following Sri Lanka's path".

We urge the Member States of the UN Human Rights Council to:

1) Not to fall into Sri Lanka's trap by giving any more additional time to Sri Lanka. Giving

extension of time will not get us justice, but will embolden Sri Lankan Security Forces stationed in Tamil areas to continue their abuses and destroy vital war crimes evidences.

2) To refer Sri Lanka to the International Criminal Court (ICC) or to a specially created International Criminal Tribunal for Sri Lanka.

3) To appoint a UN Special Rapporteur for Sri Lanka, to monitor and report to the Council every six months about the plight of the war affected and other human rights and humanitarian issues.

BELOW, PLEASE FIND THE FULL APPEAL:

BACKGROUND:

Even though the war has ended about ten years ago, we are still waiting for justice for the mass atrocities committed by the Sri Lankan Government. According to UN and other international organizations tens of thousands of Tamils were killed and numerous Tamil women were sexually assaulted and raped by the Sri Lankan Security Forces, in the final six months of the war that ended in May 2009.

The March 2011 Report of the UN Secretary General's Panel of Experts on Accountability in Sri Lanka stated that war crimes and crimes against humanity were committed during the final six months of the war and 40 thousand Tamil civilians were killed.

Also, according to the November 2012 Report of the UN Secretary-General's Internal Review Panel on UN Action in Sri Lanka, the figure was raised to 70 thousand killed during the final phase of the war in 2009.

During the final six months of the war UN and international journalists were removed from the conflict zones and the war was conducted in complete secrecy. Civilian targets and internationally protected areas like hospital and food distribution centres were bombed and shelled.

Most were killed as a result of intense bombing and shelling of a safe area called "No-fire Zone" where Tamils assembled for safety. Several also died of starvation and bled to death when Sri Lanka bombed hospitals and prevented enough food and medicine to reach those trapped in the "No Fire Zone".

UN ranked Sri Lanka as having the 2nd highest disappearance in the world. According to the UN there are over 20 thousand disappeared, which includes babies and children.

WOMEN FACED BRUNT OF THE ABUSES:

A report by the International Truth and Justice Project (ITJP) published details of Sri Lankan Military run "Rape Camps", where Tamil women are being held as sex slaves.

The report states the following:

"A senior officer came into the room and was asked to take his pick, like we were meat in a meat market. He looked around and chose me. He took me to another room and raped me"

"Two of the women describe being detained in a group in one room, available for any soldier to come and chose from and take to an adjacent room or tent to be raped," says ITJP.

## TAMIL WAR WIDOWS:

There are around 90 thousand Tamil war widows facing numerous challenges from the Security forces to them and especially to their daughters.

The same security forces that committed sexual abuses are still stationed in very large numbers in Tamil areas; living among the same women they committed sexual violence and killed and disappeared their husbands and children. Tamil women have to undergo fear and humiliation to live among the same soldiers who abused them and to see them walking free and enjoying full protection and support of successive Governments.

Tamil Mothers of the Disappeared are leading a campaign to find their disappeared babies, children, daughters, sons and husbands. They face intimidation and attacks by the Military Intelligence and the security forces.

## FROM THE VICTIMS AND VICTIMS FAMILIES:

Several of us are war widows and have faced abuses. We also have lost our immediate family members, several relatives have disappeared and many of us and family members are disabled due to injuries sustained by bombing and shelling.

Many of us personally surrendered our family members, including babies and children, to the Sri Lankan Security Forces at the end of the war. We have been searching for them despite intimidation and attacks by the Sri Lankan Military Intelligence.

## MASS GRAVES:

Recently a large mass grave was found in Sri Lanka in the Northern Province town of Mannar. According to international media reports as of now around 300 skeletons were unearthed in this mass grave consisting of 23 children below the age of 12. Some of the victims appeared to have been bound. The bodies had been heaped up and found "dumped", instead of being "laid to rest" beside each other, as would be the case in a cemetery. The Military intelligence was occupying a building close by. Even though the war has ended almost ten years ago, still there is very large number of security forces stationed in Tamil areas, raising concerns that these Security forces may tamper and destroy the evidence of war crimes, including that's found in mass graves. Several mass graves were found since 1990's but none was held accountable or evidences preserved by a neutral body.

## IMPORTANCE OF THE UPCOMING MARCH 2019 UN HUMAN RIGHTS COUNCIL:

The upcoming UNHRC Session is to be convened in a few weeks' time on February 25th is vital to get justice for war crimes and crimes against humanity committed by the Sri Lankan Security forces against us.

Sri Lanka will be on the Agenda of UNHRC to assess whether Sri Lanka has fulfilled its obligation to the Council outlined in the Resolution 34/1, which was passed unanimously by the Council on March 2017. This Resolution was necessitated when Sri Lanka failed to fulfil its obligation on an earlier Resolution 30/1 on war crimes and crimes against humanity committed during the final months of the war that ended ten years ago on May 2009.

As requested by Sri Lanka, the Resolution 34/1 gave a two year extension of time to fulfill its obligation under that Resolution. One of the main requirements of the Resolution is for Sri Lanka to establish a Hybrid Court consisting of international judges and prosecutors. The two year

extension of time given to Sri Lanka is coming to an end in few weeks' time.

Despite cosponsoring the UNHRC Resolution 34/1 and committing itself to fulfill the requirements of the Resolution in two years' time, Sri Lankan Government not only used diversionary tactics to mislead and delay the implementation, the Sri Lankan President and the Prime Minister have repeatedly and categorically said in public that they will not implement the main elements of the Resolution, including establishing a Hybrid Court consisting of International Judges and prosecutors.

Recently, one of the main suspects named by the UN of committing War Crimes and Crimes Against Humanity, Major General Shevendra Silva was appointed as the Chief of Staff of the Army. It should be noted that it was under his command that bombing and shelling of a place designated by the Government as safe zones (No Fire Zone) took place, resulting in tens of thousands killed. It is also under his command that large number of Tamils, including babies and children, surrendered about ten years ago at the end of the war in May 2009 and still remain disappeared.

In addition, several senior military officials who are credibly accused of committing war crimes and crimes against humanity by the UN and other international organizations were given promotions and sent as Ambassadors and senior diplomats to represent Sri Lanka in different countries and to the UN. One was even made a Cabinet Minister.

These actions by Sri Lanka called into question the sincerity of Sri Lanka when it cosponsored the Resolution 34/1 and whether Sri Lanka is acting in bad faith and hoodwinking the UNHRC by not implementing the requirements of the Resolution, even after two year extension was given to that country in good faith by UNHRC.

We, victims have been waiting for ten years and fully believed that UNHRC process will bring us justice.

Now due to Sri Lanka's misleading and delaying tactics to avoid fulfilling the main requirements of Resolution 30/1 and 34/1, it is time to explore other avenues to get justice. Giving any more time to Sri Lanka will further embolden the Security Forces to continue their abuses against us and cover-up vital war crimes evidences. This will also serve as a road map for other countries to commit war crimes and crimes against humanity without any fear, fully well knowing that they will escape accountability by following Sri Lanka's path.

**WE URGE THE MEMBER STATES OF THE HUMAN RIGHTS COUNCIL AND UN HIGH-COMMISSIONER FOR HUMAN RIGHTS TO:**

1) Not to fall into Sri Lanka's trap by giving any more additional time to Sri Lanka. Giving extension of time will embolden Sri Lankan Security Forces stationed in Tamil areas to continue their abuses and destroy vital war crimes evidences. Additionally, we victims will never get any justice.

2) To refer Sri Lanka to the International Criminal Court (ICC) or to a specially created International Criminal Tribunal for Sri Lanka.

3) To appoint a UN Special Rapporteur for Sri Lanka, to monitor and report to the Council every six months about the plight of the war affected and other international human rights and humanitarian issues.

Thank you.

For Information Contact: [ared.kilinochchi@gmail.com](mailto:ared.kilinochchi@gmail.com)

Tamil War Victims

Tamil Mothers of the Disappeared

+94 77 886 4360

[email us here](#)

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