

# Facing the Geneva Reality

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# Panel of Expert Report

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- Secretary-General appointed
- Reports is based on all submissions are credible
- Question??? Credibility of Submission.
- Appointment of a Panel of Experts is contrary to Rule 96 and 102 of the General Assembly Rules of Procedure.

# Investigation on Sri Lanka (OISL) Report

- Yasmin Sooka's involvement
- Documents collected for Darusman report utilized
- Satellite images – No satellite images analysed
- Authentication of documents
- Standard of Proof
- Authentication of audio-visual material
- Total Impunity for the LTTE
- Disappearances
- Non-International Armed Conflict
- Collateral damage
- The non-consensual nature of belligerent occupation

## Insight to domestic Mechanism for Reconciliation, accountability, and Human Rights

- Fifty-eight percent (58%) of Tamils live in the South of Sri Lanka with the Sinhalese community peacefully
- The Lessons Learned and Reconciliation Commission (LLRC)
- A fact-finding mission (FFM) to Sri Lanka was established on January 20, 2020, Home Office, UK
- Most Tamils have more pressing concerns such as housing, employment, the return of land and accessing information about relatives who disappeared during the war – FFM Report
- **Treatment of Tamils**
- **Tamils are not specifically targeted and do not suffer persecution just for being a Tamil. –FFM Report**
- Ex-cadre of LTTE – Rehabilitation

# Insight to domestic Mechanism for Reconciliation, accountability, and Human Rights

- **Challenges to accountability and reconciliation**

- Sri Lanka is a developing country
- Significant inequality between urban and rural areas
- Misinformation campaign

## **Asylum factories**

- Thousands of Tamil asylum applications rejected or pending.
- They consider a sense of peace and stability in Sri Lanka as a threat to their asylum applications

# Recommendations

- OISL and PoE reports should not use
- OISL and PoE recommendations be dismissed and should not be considered an instrument to promote reconciliation, accountability, and human rights in Sri Lanka.
- Therefore, it is reasonable and legitimate to withdraw resolution 30/1, 34/1 and 40/1 resolution against Sri Lanka.

## Rationale

- We found that both reports were prejudiced and assumed Human Rights violations by Sri Lanka's Armed Forces
- LTTE and proxy organizations had a propaganda campaign against Sri Lanka to discredit the Armed Forces

# Pro-LTTE campaign

- Tamils are the innocent victims of a government dominated by the Sinhalese
- Sri Lankan Tamils living in North and East, constituting 5% of the population, are subjected to constant discrimination and military oppression.
- Tamils can never peacefully coexist with the Sinhalese in a single state
- There can be no peace in Sri Lanka until the Tamils, led by the LTTE, are granted their homeland

# Important Findings

- We have also carefully reviewed all evidence available to us. We have found that Sri Lanka's army operations, in broad terms, were proportionate in the circumstances
- We have also noted no military or political advantage to GoSL in killing civilians or shelling hospitals indiscriminately. But from the LTTE's perspective, the killing of civilians was an acknowledged part of their strategy.



# Western Accountability

- **Retributive justice**
  - **An ad hoc hybrid special court**
- Adopting specific legislation establishing an ad hoc hybrid special court, integrating international judges, prosecutors, lawyers, and investigators.
- To establish an ad hoc hybrid special court required constitutional reform, but Sri Lankans have rejected the recommendation and any form of foreign interference for domestic affairs.
- **International Independent Investigation Mechanism (IIIM)**
- Shall include 27 LTTE members, Adele Balasingham, Keene Mene Services in UK

# Western Accountability

- **Referring Sri Lanka to International Criminal Court**
- Sri Lanka is not a party to Rome Statute
- Has to apply United Nation Security Council (UNSC) then refer to ICC
- International Players, China and Russia and geopolitical interests in Sri Lanka

# Restorative Justice

- Over 97% of LTTE cadre, including their Leader Prabhakaran, belonged to the so-called lower caste.
- Elite caste not joined the LTTE but used generous asylum system to migrate UK , Canada and other western countries.
- No any Tamil asylum seekers go Bangladesh, Pakistan or Somalia or African countries
- Presidential Amnesty issued in support of restorative justice for LTTE members at the end of the conflict, which directly promotes reconciliation, stands in opposition to retributive justice

# Reconciliation

- National Council on Reconciliation
- National Centre for Truth and Reconciliation
- Health
- Tamil Caste base prosperity System
- Education
- Youth Programs
- Language and culture
- Justice
- Media and Reconciliation
- Sports and Reconciliation
- Business and Reconciliation

## We Propose UNHRC shall Engage in the Accountability and Reconciliation Process in Sri Lanka as Follows

- Recognize the defeat of the LTTE as achieving sustainable peace in Sri Lanka
- Accept failure in achieving accountability using retributive justice mechanisms such as international investigation mechanisms (IIIM) (proposed), International Tribunal in Sri Lanka, due to lack of understanding of complex domestic social and political context;
- Recognize fifty-nine percent (59%) of Tamils are living peacefully with the Sinhalese in South Part of Sri Lanka and any international intervention will injure natural reconciliation and ethnic harmony
- Accept Sri Lankans; Sinhalese—Buddhists/Christians, Tamils—Hindus/Christians, Muslims —Islam, are in favour with Restorative Justice achieving accountability and reconciliation
- Reject the any resolution based on retributive justice achieving accountability, since it will be another failure;
- Reject any proposal for international interventions for domestic affairs of Sri Lanka
- Support GoSL and coordinate with the Office of the High Commissioner for Human Rights (OHCHR) to develop a domestic mechanism to achieve accountability and reconciliation

## We Propose UNHRC shall Engage in the Accountability and Reconciliation Process in Sri Lanka as Follows

- Provide financial and technical assistance to GoSL to achieve accountability and reconciliation
- Investigate methods and practices of LTTE's terrorism financing and in all its forms and manifestations were activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity, the security of State and attempt destabilizing legitimately constituted Government of Sri Lanka under the UN Global Counter-Terrorism Strategy ([A/RES/60/288](#))
- Reaffirm also that terrorism cannot and should not be associated with any ethnic group in Sri Lanka.

# Questions to Human Rights activists

- Would you publicly condemn the LTTE terrorist organization?
- Have you contributed or supported fund raising for LTTE in the past?
- What have you done for the reconciliation?
- What is your contribution to the re-building of Sri Lanka after the War?

# More details to the Campaign

- Lobby UK government against IIM
- Lobby UNHRC member states
- Lobby UK government against retributive justice
- Post-conflict Reconciliation and Accountability report (ARSL)
- Lobby for transitional justice with domestically developed principles.



Questions  
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