

தமிழ் சிவில் சமூக அமையம்
Tamil Civil Society Forum

Vavuniya,
12 February 2015

His Excellency Zeid Ra'ad Al Hussein
UN High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10,
Switzerland

Your Excellency,

OISL Inquiry

We write on behalf of the Tamil Civil Society Forum (TCSF), a network of more than 100 civil society activists from the North - East of Sri Lanka, in relation to the upcoming UN Human Rights Council session in March 2015 at which the report of your office's inquiry on Sri Lanka (OISL) is due. TCSF has been an active campaigner for peace with truth and justice in Sri Lanka. As the OISL team is aware we have been engaged with the inquiry and hence take a keen interest as to its outcome.

We write to emphasise that the international investigation process set in motion through the UNHRC resolutions of 2012, 2013 and 2014 with the resolve to usher in accountability in Sri Lanka, has to continue despite the change in Government.

The Sri Lankan Government that took office under President Maithripala Sirisena on 09 January 2015 has spoken of its intentions to create a domestic mechanism to inquire into crimes committed during Sri Lanka's civil war. It is quite clear from the reasons that are being given for this desire to set up a domestic mechanism that such announcements are driven by instrumental reasons in so far as they seek to postpone the release of the OISL inquiry report in March and/or seek a postponement of any action that the report may recommend. Such a postponement this Government hopes, will help permanently dislodge the call for international investigations. In our opinion, two key reasons explain why domestic mechanisms in Sri Lanka would not lead to robust accountability even under the new Government:

- A) Key figures in the new Government including President Sirisena were an integral part of the former government under Mahinda Rajapaksa and have maintained that the Sri Lankan armed forces fought 'a clean war'. Moreover certain key members of President Srisena's government were actively involved in the conduct of the war. Even those in the present Government

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who had no direct connection with the conduct of the war or with the past administration narrowly conceive failure of the former Government's failure on the question of accountability as a mismanagement of foreign policy. Hence even under this new Government there is no real political will for accountability.

- B) Given the pride of place that Sinhala Buddhist nationalist politics gives to the Sri Lankan armed forces as the protector of the Sinhala Buddhist political order and given that all parties in the South of Sri Lanka have avowedly expressed their commitment to Sinhala Buddhist ideological politics it is very unlikely that a credible domestic mechanism would ever be set up in Sri Lanka that inquires into the violations committed by Sri Lankan armed forces.

For these reasons we are pessimistic about any new proposals for a domestic mechanism in Sri Lanka. We wish to respectfully urge you not to take any promise for domestic investigations seriously, particularly in the absence of any concrete proposals that demonstrate such intentions. We also would kindly refer you to the resolution passed by the Northern Provincial Council on the 10th of February 2015 also expressing disbelief in the credibility of domestic mechanisms delivering on accountability, truth and justice.

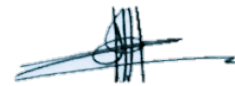
We believe that giving more time and space to the Sri Lankan Government will not only lead to a further delaying of justice but to its complete abandonment. We recall that the setting up of the Lessons Learnt and Reconciliation Commission (LLRC) and its report served as an eye washer on accountability, belittled the serious crimes that were committed during the last stages of the war and delayed international action on accountability. Tamil people are not in a position to give time and space for another LLRC.

We respectfully insist that your office proceed with the release of the findings of the OISL inquiry and in the event of finding of serious crimes being committed recommend to the relevant UN agencies and member states of the UN to take all steps necessary for international criminal prosecutions to be initiated.

Thank you



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