



Chairperson :

-- Professor Selva Selvanathan

Secretary:

-- Dr Victor Rajakulendran

Treasurer:

-- Mr S Brabakaran

Communications Secretary:

-- Mr M Sivakumar

Media Enquiries:

Queensland:

Prof Selva Selvanathan

0402 960 439

Sydney:

Dr Victor Rajakulendran

0402 484 209

Melbourne:

Mr Siva Sivakumar

0404 894 591

New Zealand:

Dr. Siva Vasanthan

021 023 51 007

The Hon. Julia Gillard MP
Prime Minister
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Prime Minister

Re: A request to initiate a discussion on the violations of Humanitarian and Human Right laws in Sri Lanka at CHOGM

As an umbrella organization of the peak Tamil associations in the States and territories of Australia and the cities of Wellington and Auckland of New Zealand, the Australasian Federation of Tamil Associations (AFTA) would like to bring to your attention the concerns of the people AFTA represents, in light of the forthcoming CHOGM in Perth.

You will be well aware that the 30 year long armed struggle of the Tamil people waged to restore their statehood based on their right to self-determination was brought to an abrupt end in May 2009 with the military defeat of the Liberation Tigers of Tamil Eelam (LTTE). As feared by the Tamil people in Sri Lanka and the Tamil Diaspora, the subjugation of the Tamil nation by the Sinhala nation in Sri Lanka is complete. The Tamil people in the north and east of the island are constantly watched and ruled by a military administration that conducted a brutal war in these areas for decades. These people are being subjected to a cultural genocide; the whole region's demography is being changed against the will of the people of this region and Buddhist shrines are emerging as a first step to Gaza style settlements of Sinhalese to come.

International Community (IC) has alleged that during the last phase of the war international humanitarian and human right laws have been violated by both sides. You will be well aware that an expert panel was appointed by the UN Secretary General (UNSG) to advise him on the nature of the crimes committed and ways to proceed with an accountability process to deal with these crimes. The panel concluded that these allegations are credible and that they warrant Independent International Investigations.

Sri Lanka has rejected the findings and the conclusion of the panel and continues to maintain that the local Lessons Learnt and Reconciliation Commission (LLRC) appointed by the President for this purpose could handle the alleged violations if there were any.

Human rights groups, Human Rights Watch, Amnesty International, International Crisis Group and Asian Human Rights Council have already expressed publicly their opinion that this LLRC neither has the mandate nor the capacity and the willingness to conduct such an impartial investigation. They have also questioned the composition of the Commissioners as the Commissioners include former Sri Lankan government officials who have publicly defended the Sri Lankan government against allegations of war crimes.

As we write this letter to you, UNSG has just submitted the UN Expert Panel Report to the office of the UN High Commissioner for Human Rights and to the UN Human Rights Council (UNHRC) in time for the members of the council to have a debate on the content and the recommendations made in this report, if they wish to, at the 18th General Session being held from 12-30th of September. The Sri Lankan delegation attending the 18th session of the UNHRC in Geneva has already criticized this move by the UNSG, even before the UNSG officially announced his decision to submit the report.

Under these circumstances AFTA has been insisting time and again that unless diplomatic and economic pressures are brought on the Sri Lankan regime, it will never agree to implement the UNSG appointed panel of experts' recommendations and the victims of these violations will never receive justice and no genuine reconciliation would be possible.

AFTA has consistently sought the intervention of the international community in the past to achieve peace with justice to the Tamil people who had been systematically subjugated since Sri Lanka gained independence from British in 1948.

With CHOGM scheduled to meet in October in Perth, we seek your assistance to raise the need for independent investigations into the alleged war crimes, crimes against humanity and genocide committed during the last phase of the war as a necessary first step to,

- render justice to the victims of the crimes committed
- restore rule of law and normalcy
- find a lasting political solution to the conflict
- rebuild the lives of the shattered Tamil people and
- achieve genuine reconciliation between the peoples of Sri Lanka.

AFTA wishes to point out that you will be not alone at this forum to raise these concerns.

On June 15th 2011, British Prime Minister David Cameron in answering a question on the Channel 4 program, "**Sri Lanka's Killing Fields**" said that: *"And what the Government has said - along with other Governments - is that the Sri Lankan Government does need this to be investigated and the UN needs this to be investigated and we need to make sure we get to the bottom of what happened and that lessons are learned."*

On May 8th 2011, the ruling African National Congress (ANC) of South Africa in a statement said that: *"The ANC supports the recommendations of Secretary General Ban Ki-moon's Panel of Experts that called for the establishment of an independent body to investigate all violations of international humanitarian and human rights laws committed in the conflict. We also call on the government of Sri Lanka to take immediate steps to address the core grievances of the Tamil population and engage in a genuine reconciliation process."*

On September 9th 2011, in a meeting with journalists Canadian Prime Minister, Stephen Harper, remarked that he will likely not attend the CHOGM, currently being discussed to be held in Sri Lanka, if he does not see progress in Sri Lanka in terms of human rights and some other issues. He went on to add that: *“I have expressed concerns about the holding of the next Commonwealth summit, the one after the one coming up in Sri Lanka. I intend to make clear to my fellow leaders at the Commonwealth that if we do not see progress in Sri Lanka in terms of human rights and some of the issues that you raised, I will not as Prime Minister be attending that Commonwealth summit. And I hope that others will take a similar position, but I hope that this will pressure the Sri Lankan government to take the appropriate actions. We are concerned about the situation. That country needs to make progress, not just in terms of what they did against... yeah, the Tigers, but they do have to make advances in terms of political reconciliation, democratic values and accountability. We support the calls of the United Nations Secretary General’s representative for an independent investigation, and we will... we hope that that work will continue, and we will... our position’s very clear that we are supportive of seeing an independent investigation on the matters that the United Nations has raised.”*

On April 28th 2011, the New Zealand Minister of Foreign Affairs, Murray McCully in answering a question in parliament about the United Nations Secretary General’s Panel of Experts on Accountability in Sri Lanka said that: *“The report has noted obstacles to accountability in Sri Lanka. Should these persist and the Sri Lankan Government is unable to address the concerns detailed in the Panel’s report, I am certain the international community, including New Zealand, will be open to considering appropriate international investigative mechanisms to bring justice and accountability to the victims of the Sri Lankan war”*.

Therefore AFTA humbly requests you to, in consultation with the President of South Africa and the Prime Ministers of UK, Canada and New Zealand to raise this matter of accountability in Sri Lanka in the appropriate session at the forthcoming CHOGM in Perth

AFTA would like to suggest that you consider exerting joint diplomatic pressure on the visiting Sri Lankan President to agree to holding an Independent International Investigation as recommended by the UN panel of experts. If he does not agree, we request you to consider moving a motion to:

- Urge the Commonwealth Ministerial Action Group to set a number of benchmarks including implementation of the UN expert panel report in order for Sri Lanka government to “prove itself worthy” of holding the 2013 summit.
- Deny the opportunity for Sri Lanka to host the next Commonwealth Games and
- Consider imposing sports, trade and other diplomatic sanctions against Sri Lanka that includes travel sanctions on officials and Security force personal alleged to have been involved in war crimes and major human rights violations.

Thanking you in anticipation of your consideration of the issues raised above.



Yours truly,

Dr. Victor Rajakulendran

Secretary

19.09.2011

CC:

Mr. Laurie Ferguson MP

Hon. John Murphy MP

Ms Michelle Rowland MP