

10 February 2012

Highly Confidential

Ambassador Maria Otero, Under Secretary of State  
Ambassador Robert Blake, Asst Secretary of State,  
US State Department.

Your Excellencies,

**Tamils of Sri Lanka and the Forthcoming Sessions  
of the UN Human Rights Council.**

In the context of the forthcoming sessions of the UN Human Rights Council in Geneva, we, members of the Tamil civil society in Sri Lanka, write this letter seeking to bring to your notice our expectations of the Geneva sessions.

1. With deep regret we take note of the fact that the report of the Presidential Commission of Inquiry on Lessons Learnt and Reconciliation (LLRC) has become the point of reference in the discussions on Sri Lanka in Geneva. We wish to emphasise that it is important to give preeminent status and importance to the UN Secretary General's Expert Panel Report on Sri Lanka in the discussions and particularly to highlight the unbridgeable gaps between the LLRC report and the UNSG's Expert Panel's report.
2. It is no secret that the appointment of the LLRC was an attempt on the part of the Government to buy time from the International Community - to postpone the setting up of an international mechanism to investigate into the grave atrocities committed against the Tamil people. The contents of the LLRC report should be viewed from this perspective - the purpose that it seeks to serve in furthering the short and long term goals of the Government of Sri Lanka.
3. It is not disputed that the LLRC report has failed in reasonably addressing the question of accountability. On the other hand the recommendations relating to scaling down militarization, disarming paramilitaries *et al* have been deliberately included so that any reasonable reader cannot out rightly reject the LLRC. This means that the international community is in a way forced to welcome these 'positive features' of the LLRC report, pressurize for implementation of those recommendations and postpone any move towards setting up an international mechanism to look into the question of accountability. This is exactly what the Government of Sri Lanka wanted with the LLRC.
4. Though many are surprised that a Government appointed commission could come up with such 'positive recommendations', we on the contrary are not. We were right from the beginning aware that the appointment of the LLRC would be a time buying exercise and the report that has been released has its objective of further buying time for the GOSL. In fact none of the

commissioners reflected the kind of views that are now considered to be 'positive' in the LLRC report. The Chairman of the LLRC in his questions to Dr. Jayantha Dhanapala, a former Under Secretary General of the United Nations, who appeared before the LLRC in a public hearing in Colombo, was of the opinion after visiting the North that the Tamil people were not seeking constitutional reforms but only job opportunities<sup>1</sup>. Hence it is not abnormal to be surprised that this very commission had chosen to go against the thinking of its Chairman and acknowledge that the Tamils have true political grievances, which require a political solution. But this only reiterates the point that we make, that the commission has made these positive recommendations which even some of its commissioners including its Chairman don't believe in, to achieve the political purpose of its appointers. Furthermore a careful reading of these so-called 'positive recommendations' will only reveal that they do not accomplish much. For example the substantive recommendations on a political solution parrot the Government's stated position on a political solution: empower Local Governments and establish a second chamber. (Paragraphs 9.231 and 9.232 of the report). On the question of paramilitaries the report conveniently ignores the well-acknowledged fact that the paramilitaries of the EPDP and TMVP are in fact controlled by Sri Lankan Army Intelligence. (Paragraphs 5.77 and 5.78 of the report). It is also no secret that the leadership of these two para military groups enjoy ministerial portfolios and that their cadre received monthly stipends for many years from the country's defense budgets. It is also glaring that the commission does not call for the repeal of the PTA (Paragraph 9.57 of the report). The recommendations relating to for example detainees are welcome. However such recommendations fall short of reflecting the overall complexity of the issues and have been included to cover up the report's otherwise glaring failures. The report thus quite cleverly accomplishes its founding objective of giving the feel good while not straying too far and conceding too much from the current Government's positions on many of these vital questions.

5. We have no faith whatsoever that these so called 'positive recommendations' of the LLRC report will be implemented. We state this not only from our past experience with presidential commission reports in Sri Lanka but also because we have completely lost faith in the governance framework of this country. We also have no trust in the negotiations taking place between the GOSL and the Tamil National Alliance, which we perceive, again, as a convenient time buying exercise by the Government of Sri Lanka.

We urge that it is imperative that the International Community that meets in Geneva this March for the UN Human Rights Council sessions takes a firm stance on accountability. As expressed by our elected representatives (the Tamil National Alliance) in their initial response to the LLRC on the 19<sup>th</sup> of December 2011 we urge the 'international community to acknowledge the consistent failure of domestic

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<sup>1</sup> Page 13 of the Transcripts of the Oral Submissions by Dr Jayantha Dhanapala available at [www.groundviews.org/wp-content/uploads/LLRC-JD-Transcript.pdf](http://www.groundviews.org/wp-content/uploads/LLRC-JD-Transcript.pdf)

accountability mechanisms in Sri Lanka and take steps to establish an international mechanism for accountability'. Any resolution coming out of the Human Rights Council, which gives more time to the Government of Sri Lanka, will have a devastating impact on the Tamil community. The Government's current activities in the North and East are challenging the very existence of the Tamil people and more time to the GOSL to implement the LLRC's recommendations will only mean further time for the Government to play havoc in the North and East and subjugate the interests and aspirations of the Tamil people. If the International Community does not act now, like they did not act in May 2009, the Tamils will cease to exist as a 'people' in this country.

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