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Federation of Global Tamil Organizations

உலகத் தமிழ் அமைப்புகளின் பேரவை

July 27, 2024

Request to urge the UNHRC to Appoint a Special Rapporteur, Extend SLAP and Take Sri Lanka to the International Court of Justice for Genocide

The Federation of Global Tamil Organizations (FGTO) express our sincere appreciation for the Canadian government's declaration of Tamil Genocide Remembrance Day and sanctioning former presidents of Sri Lanka.¹ The Tamil diaspora appreciates these efforts as they are a significant step toward achieving justice. This year, the Tamil diaspora in the United States and the United Kingdom stepped up their efforts with their governments by introducing a congress resolution H.Res 1230² and new pledges.

As a member of the core group leading the 2021 UN Human Rights Council (UNHRC) resolution on Sri Lanka, Canada has a pivotal role in ensuring continued international oversight and accountability.

Considering the upcoming renewal of the UNHRC resolution 46/1³ in September 2024, we respectfully request that the Canadian government advocate for the following recommendations:

1. Extension of the Sri Lanka Accountability Project (SLAP⁴) Mechanisms: Advocate for extending the evidence-gathering mechanisms established under the SLAP for an additional two years. This extension is crucial for the continued collection, consolidation, analysis, and preservation of evidence that may be used in future war crimes trials.

Recommitment to SLAP's Mandate in resolution 46/1 is essential to preserve and analyze evidence of all gross human rights violations in Sri Lanka. This includes systematic patterns of group-based violence in Sri Lankan military operations that targeted all Tamils in the conflict region. To be sure, SLAP analysis grounded in International humanitarian law (IHL) alone cannot fulfil SLAP's Mandate, since IHL does not contemplate the human rights implications of State conduct that targets ethnic groups in the fog of war. As illustrated in May 2009, in active combat zones where both combatant and noncombatant belong to one ethnic group - i.e. Tamil - the risk of deliberate group-based violence is significant, material, and may transcend traditional IHL concepts of distinction and proportionality.

Comprehensive accountability, a prerequisite for political settlement and lasting peace in Sri Lanka, necessitates SLAP's recommitment to the Mandate in resolution 46/1.

1

<https://fgto.org/news/press-releases/sri-lanka-removes-the-evidence-of-its-genocide-against-tamils/>

2 <https://www.congress.gov/bill/118th-congress/house-resolution/1230/text>

3

<https://documents.un.org/doc/undoc/gen/g21/072/88/pdf/g2107288.pdf?token=o6z4jRbgFf1EWat9f7&fe=true>

4 <https://www.ohchr.org/en/hr-bodies/hrc/sri-lanka-accountability/index>



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2. Appointment of a Country-Specific Special Rapporteur for Sri Lanka⁵: Urge the UNHRC to appoint a special rapporteur dedicated to monitoring and reporting on the human rights situation in Sri Lanka. This will ensure sustained international attention and pressure on the Sri Lankan government to uphold human rights standards.

3. Maintain support for justice efforts by preparing to bring Sri Lanka to global courts⁶, such as the International Court of Justice (ICJ), to ensure the perpetrators are held accountable for their crimes of genocide against the Tamil people.

The 2021 UNHRC resolution, led by Canada and Germany, North Macedonia, Malawi, Montenegro, the United Kingdom, and the United States have been instrumental in addressing human rights abuses in Sri Lanka. The recent adoption of resolution 51/L1, which reinforces the capacity of the Office of the High Commissioner to collect and preserve evidence, underscores the importance of continued international support and intervention.

Canada's leadership in this matter is vital for promoting justice and accountability in Sri Lanka. We trust that you will consider these recommendations and take the necessary steps to ensure their implementation.

Thank you for your attention to this urgent matter.

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⁵ UN resolution 30/1 and thereby pledged "to undertake a meaningful transitional justice process, including setting up a hybrid court with international judges, security sector reform and a political settlement that would address the root causes of the ethnic conflict on the island"<https://www.tamilguardian.com/content/sri-lanka-has-missed-%E2%80%98historic-opportunity%E2%80%99-transitional-justice-and-holds-%E2%80%98dismal-record%E2%80%99>

⁶ Tamil diaspora groups are praising Ottawa's sanctions on Sri Lanka officials, while asking Canada to bring that country to international tribunals.

"The Tamil diaspora has been calling for a new Nuremberg-like tribunal to prosecute the leadership of government of Sri Lanka"<https://www.ctvnews.ca/politics/tamil-groups-ask-ottawa-to-bring-sri-lanka-officials-to-global-courts-1.6252170>