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## Media Release

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### *If Syria should be referred to ICC, what about Sri Lanka?*

The Australasian Federation of Tamil Associations (AFTA), the umbrella body of the Tamil associations in Australia and New Zealand welcomes the call by the top United Nations human rights official, Her Excellency Navi Pillay, that Syria should be referred to the International Criminal Court (ICC) over its crackdown on anti-government protests.

Ms Navi Pillay had said that she felt widespread killings and torture in the country "constituted crimes against humanity". Ms Pillay, the UN High Commissioner for Human Rights, told a closed session of the Security Council that 300 children had been among those killed since the start of the uprising in March. She also had said 14,000 people were believed to have been arrested, and 12,400 had fled to neighbouring countries.

"It is based on the evidence and the widespread and systematic nature of the killings, the detentions and the acts of torture that I felt that these acts constituted crimes against humanity and I recommended that there should be a referral to the International Criminal Court," Ms Pillay had said.

A three member panel of experts appointed by the UN Secretary General on Sri Lanka confirmed that these allegations are credible, and possible war crimes and crimes against humanity have been committed during the last phase of the war in 2009. This panel was convened to advise the Secretary General on how to proceed with the accountability process to deal with these allegations. This report recommended that an international investigative mechanism should be put in place. This panel of experts estimated that up to 40,000 civilians were killed including hundreds of children and elderly during the period from January-May 2009. The panel also confirmed that civilian hospitals and food storage facilities were bombed and people who surrendered to the security forces with white flags were shot and killed after having been given assurances for their safety.

Several thousand ex-LTTE militants who surrendered at the end of the war to the Sri Lankan Security forces have been tortured and even after more than 2 years many of them are still languishing in military run detention centres. British Channel 4 TV has shown video footage of some of these militants being executed by the Sri Lankan security forces by shooting them after blindfolding.

What is further alarming is that at the end of its 47<sup>th</sup> session, UN Committee against Torture expressed its concern over the continuing torture and ill treatment of the Tamil people in many parts of north-east of the country even after the war ended in May 2009. Several reports from non-governmental sources regarding secret detention centres run by the Sri Lankan military intelligence and paramilitary groups were tabled at this session. According to these reports, enforced disappearances, torture and extrajudicial killings have allegedly been perpetrated and that 475 new cases of enforced disappearance were transmitted by the Working Group on Enforced or Involuntary Disappearances to the State party under its urgent procedure during the period 2006-2010.

Amnesty International has just issued a statement expressing fears about the two missing Sri Lankan activists alleged to have been abducted by the armed forces stationed in Jaffna in the north on the World Human Rights Day, for organizing a protest involving the parents and relatives of people missing since the end of armed conflict demanding a list of names of those in custody.

Sri Lanka still denies all these allegations and is taking every effort to hoodwink the International Community that its own Lessons Learnt and Reconciliation Commission (LLRC) has addressed these issues. LLRC has already submitted its report to the President and he has not made this report public.

AFTA is certain that LLRC could not have addressed these issues as it neither had the mandate nor the independence and transparency needed to conduct such an investigation.

AFTA therefore appeals to Her Excellency Navi Pillay to request the UN Security Council to refer Sri Lanka to the ICC when she finds that the LLRC report has failed to address the accountability issues. AFTA also calls upon the Australian and New Zealand governments to persuade Ms Navi Pillai to refer this matter to the ICC to render justice to the victims of crimes committed against humanity in Sri Lanka.