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People's Tribunal on Sri Lanka

Why a tribunal on Sri Lanka?

The war in Sri Lanka commenced in July 2006 with the final collapse of the internationally backed 2002 peace process between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). The declared objective of the Sri Lankan government was to eliminate the LTTE and capture all areas previously controlled by it. This war, with such a terrible humanitarian cost, was declared as over by the Sri Lankan government on 18 May 2009. The international media characterised this last phase of the war as a 'war without witness' due to the fact that journalists and other potential witnesses like aid workers were prevented by the government from remaining in the area.

By April 2009, according to United Nations internal documents, air raids and use of heavy weapons were resulting in the death of 116 people a day. During the last weeks of the war, according to reports in the British and French press, over 20,000 people were killed when the Sri Lankan armed forces used heavy artillery fire against hundreds of thousand of Tamil people crowded in an extremely small area (cf. The Times, Le Monde and France 24 - all on 29.05.09). According to Human Rights Watch, hospitals were bombed 30 times between 8th of December 2008 and 2nd of May 2009 and, according to a French medical team, cluster munitions and white phosphorous have been used against these civilians. There has been media evidence of torture, summary executions, rape and sexual violence, and of food and water being used as a weapon of war against civilians by the Sri Lankan military.

Those who survived after the final phase of the war - approximately 280,000 people – have been detained in camps run by Sri Lankan soldiers for the past six months. There are reports of abductions, rape, disappearances and killing of people in the camps. International and local media were not allowed to enter these camps and aid agencies that have been allowed in have had severe limitations imposed on them. A further 11,000 are being kept in undisclosed locations, most of them without access to their lawyers or anyone from the outside world.

A 'victor's peace' has been imposed upon a 60 year old ethnic conflict through the imposition of a military solution. This is contrary to the assertion by the international community in 2002 that there cannot be a military solution to the ethnic conflict on the island. It is on this basis that the international community actively supported the cease-fire and the ensuing peace process, and it is on this basis that Norway facilitated the process by awarding 'parity of esteem' to the two parties in the conflict.

After May 2009 Sri Lanka is said to have entered into a post-war situation in which a military victory over one party has been declared. However, charges of massive violations of human rights have not been examined so far by an independent and credible body. Moves made by the UN Human Rights Commission to probe into the human rights abuses were thwarted by geo-political pressures. We, the members of the Irish Forum for Peace in Sri Lanka, believe that issues of human rights and justice have to be addressed as a prerequisite for a peaceful settlement in Sri Lanka. The People's Tribunal on Sri Lanka is organised as a basic step towards that end.

In May 2009 the members of the Irish Forum for Peace in Sri Lanka (IFPSL), in consultation with sister lobby groups in Europe, decided to appeal to a group of internationally renowned eminent persons to write to the Sri Lankan government to seek permission to visit the detention camps in Sri Lanka. As scepticism grew regarding obtaining permission from the Sri Lankan government (due to the deportation of several groups and individuals who reported to the world about the detention camps) members of IFPSL initiated a discussion with the Permanent Peoples' Tribunal (PPT) based in Milan which has a long history of carrying out independent investigations into human rights abuses ranging from Vietnam to Guatemala. The meetings with PPT were facilitated by Prof Francois Houtart who is an expert in People's Tribunals ranging from Vietnam to Iraq. As a result of these discussions the PPT has agreed to conduct a People's Tribunal on Sri Lanka following the methodology of the Bertrand Russell-Sartre Tribunal on Vietnam.

The two main areas that will be investigated are as follows :

1. The People's Tribunal will investigate the allegations that the Government of Sri Lanka and its armed forces committed *war crimes* and *crimes against humanity* during its final phase of the war with the Liberation Tigers of Tamil Eelam.
2. The Tribunal will also examine violations of human rights in the aftermath of the war and the local and international factors that led to the collapse of the 2002 Ceasefire Agreement.

Legal and human rights groups from Asia, the EU and the UN will be invited to submit reports on crimes against humanity, war crimes and crimes against peace in Sri Lanka. Evidence will be given by individuals and groups who have first hand knowledge about these crimes.

The 2002 CFA was facilitated by the Norwegian government. The USA, EU and Japan worked with the Norwegian government as the co-chairs of the 2002 peace process. The CFA was monitored by representatives from the Nordic countries. Representatives will be invited from these international bodies to give evidence at the tribunal.

The jury has been chosen from across the global south and north in order to transcend geopolitical barriers and to ensure that its findings are both credible and ethically binding.

Ireland has been chosen because of its historical status as a post-colonial nation, the success of the Northern Ireland peace process, and its traditional policy of neutrality.

Members of the Panel of Judges of the People’s Tribunal on Sri Lanka:

1. **François Houtart** (UNESCO awardee for non-violence and tolerance, Chairperson of the UN Committee on Economic Recession., Prof. Emeritus, University of Louvain, Belgium. Founding Member of the World Social Forum, Honorary Member of the Academy of Sciences of Vietnam and Cuba, Laureate of the Camilo Torres Prize of the National University of Colombia, Bogota)

We have tried to list the panel according to age following the Asian custom for showing respect

2. **Rajinder Sachar** (Former High Court Judge of Delhi, headed the Sachar Committee appointed by the Indian Prime Minister, Manmohan Singh, to prepare a report on the social, economic and educational status of the Muslim community in India)

3. **Nawal al Saadawi** (Egyptian writer, trained as a medical doctor, known for her outstanding work for women's rights in Egypt and in the region. She has been imprisoned for her activities and writings in Egypt. She has also been United Nation's Advisor for the Women's Programme in Africa (ECA) and Middle East (ECWA) from 1979 to 1980. She is a prolific author.)

4. **Sulak Sivaraksa** (Thai Buddhist peace campaigner and writer, initiator of a number of social, humanitarian, ecological and spiritual movements and organizations in Thailand. He was awarded the Alternative Nobel Prize (Right Livelihood Award))

5. **Denis Halliday** (Former Assistant Secretary-General of the United Nations. He resigned from his 34 year old career in the UN because of the economic sanctions imposed over Iraq by the Security Council. Laureate of the Gandhi International Peace Award)

6. **Gianni Tognoni** (Secretary General, People’s Permanent Tribunal, Milan)

7. **Daniel Feierstein** (Director of the Centre for Genocide Studies at the Universidad Nacional de Tres de Febrero, and Professor in the Faculty of Genocide at the University of Buenos Aires)

8. **Mary Lawlor** (Director, Front Line - The International Foundation for the Protection of Human Rights Defenders, Dublin)

9. **Oystein Tveter** (A scholar of International Law and member of the People’s Tribunal on extra-judicial killings and violations of human rights in the Philippines)

10. **Eren Keskin** (Kurdish-born lawyer and a human rights activist in Turkey, Vice President of the Human Rights Association, Istanbul. She co-founded the project “Legal Aid For Women Who Were Raped Or Otherwise Sexually Abused by the National Security Forces”, to expose the abuses happening to women in Turkish prisons. In 1995, she was imprisoned for her human rights activities and was adopted as a prisoner of conscience by Amnesty International)

11. **Francesco Martone** (An ex-Senator in Italy, a leading activist in the non-governmental sector and an ecologist)

Among those who cannot be on the Panel - for various reasons - but have agreed to publicise and interpret the findings of the Tribunal are:

1. **Krishna Iyer** (Former Judge of the Indian Supreme Court, former Minister in the Kerala Parliament and a figure of great prominence in India)

2. **Miguel d'Escoto Brockmann** (Senior Advisor on Foreign Affairs in Nicaragua, the outgoing President of the UN General Assembly, the former Minister for Foreign Affairs in Nicaragua, a liberation theologian and laureate of the Lenin Peace Prize and winner of the Thomas Merton Award)

3. **Adolfo Pérez Esquivel** (Argentinian human rights campaigner, and a Nobel Peace Prize winner)

4. **Irene Fernandez** (A leading Malaysian trade unionist and a human rights campaigner)

5. **Arundhati Roy** (Writer, Journalist and Booker prizewinner)

What is The Permanent Peoples' Tribunal (PPT) ?

The Permanent Peoples' Tribunal (PPT) is a tribunal of international opinion independent of State authorities. It examines and provides judgements on violations of human rights and the rights of peoples. The Tribunal was founded in Bologna (Italy), June 24th 1979, by law experts, writers and other intellectuals. It succeeded the Russell Tribunal (International War Crimes Tribunal), which, in 1967, exposed the war crimes committed against the Vietnamese people. The Permanent Peoples' Tribunal was created out of the Lelio Basso International Foundation for the Rights and Liberation of Peoples (FILB), established in 1976 and inspired by the Universal Declaration of the Rights of Peoples at Algiers (also named the Algiers Declaration). The Permanent Peoples' Tribunal may use international human rights law and/or the Declaration on the Rights of Indigenous Peoples adopted by the United Nations. The Permanent Peoples' Tribunal has examined the cases of Tibet, Western Sahara, Argentina, Eritrea, the Philippines, El Salvador, Afghanistan, East Timor, Zaire, Guatemala, the Armenian Genocide, the intervention of the United States in Nicaragua, the Brazilian Amazon, and others.

The Irish Forum for Peace in Sri Lanka (IFPSL)

The Irish Forum for Peace in Sri Lanka (IFPSL) was established in May 2007 by a group of human rights and peace campaigners, artists and academics in Ireland with the aim of helping to promote human rights, democracy and a negotiated settlement in Sri Lanka. Since its inception the Forum has been engaged in numerous activities to raise awareness among the Irish public about the Sri Lankan conflict that has claimed over one hundred thousand lives

and displaced over one and a half million people. The group has worked closely with NGOs and the Irish Government in this regard while making broader alliances with similar groups in Europe, internationalizing its call to protect human rights and democracy in Sri Lanka. The IFPSL has consistently spoken out in favour of a negotiated peaceful resolution to the decades long Sri Lankan conflict as opposed to a militaristic solution.

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