

Towards Global Justice: Accountability for War Crimes in Sri Lanka



U.N. ADVISORY PANEL SUBMISSION

This submission is endorsed by the below groups and individuals:

- Canadian Federation of Students
- Canadian Federation of Students Ontario- Hamid Osman, National Executive Representative
- Canadian Labour Congress
- Canadian Peace Alliance
- Canadian Tamil Youth Alliance
- Canadian Union of Public Employees (CUPE) Local 1281
- Conservative MP Patrick Brown
- Liberal MPP Glen Murray
- New Democratic Party of Canada (NDP) Leader MP Jack Layton
- New Democratic Party of Canada (NDP) MP Paul Dewar (Foreign Affairs Critic)
- Ryerson Students Union, Local 24 Canadian Federation of Students
- Toronto Coalition to Stop the War
- University of Toronto Students Union, Local 98 Canadian Federation of Students
- Waterloo STAND (Student Coalition for Genocide Intervention)
- Waterloo Young Liberals
- York Federation of Students, Local 68 Canadian federation of Students
- Tamil Students Association Carleton University/ University of Ottawa
- Tamil Students Association Guelph University/Humber College
- Tamil Students Association McMaster University
- Tamil Students Association Ryerson University
- Tamil Students Association Seneca College
- Tamil Students Association University of Toronto Mississauga Campus
- Tamil Students Association University of Toronto Scarborough Campus
- Tamil Students Association University of Toronto St. George Campus
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- Tamil Students Association York University

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Towards Global Justice: Accountability for War Crimes in Sri Lanka

Introduction

After decades of fighting, the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan Government entered an internationally monitored Cease Fire Agreement (CFA) in 2002. In 2006, the Government unilaterally ended the agreement and the hostilities intensified between the two warring parties. In 2008, President Mahinda Rajapaksa would foreshadow his disregard for the suffering of the Tamil people living in the Vanni by ordering United Nations and international aid organizations to leave the area immediately. With aid organizations and foreign media banned from the Vanni, the Government and its Armed Forces then proceeded to indiscriminately and continuously attack the Tamil civilian population in an attempt to eliminate the LTTE.

Allegations of war crimes against Tamil civilians are abundant. In a report entitled *War Crimes in Sri Lanka*, the International Crisis Group exposes the Sri Lankan Government for consistently misleading the international community on the number of civilians trapped in the combat zone. It reveals that tens of thousands of Tamil civilians endured a calculated plan involving shelling of civilian populations, hospitals, deprivation of food and essential medical supplies. (International Crisis Group, 2010). Leaked UN documents reveal 116 persons died each day in April 2009 (Permanent People's Tribunal, 2010), and the final weeks of the onslaught saw at least 20,000 Tamil civilians killed (Philp, 2009). A video footage obtained by Channel 4 News in the UK exposes members of the Sri Lankan Armed Forces engaged in execution style killings of Tamil prisoners. In a January 2010 report, the UN Special Rapporteur on Extrajudicial Killings, Philip Alston, authenticated the video and called for an international war crimes investigation (ICG, 2010). The last months of the Sri Lankan Armed Forces' assault on Tamil civilians are perhaps one of the worst massacres in recent memory.

Not only are these allegations made against the Sri Lankan Government atrocious, but they also represent grave breaches of the Geneva Conventions of 1949 - which stipulate that individuals are held accountable for war crimes committed against prisoners of war (POWs), combatants, or civilians. Precedents set by tribunals such as the International Military Tribunal (IMT) of Nuremberg, the International Criminal Tribunal on Yugoslavia (ICTY), and the International Criminal Tribunal on Rwanda (ICTR), establishes that those in positions of civilian and military authority are to be held individually responsible for war crimes. This precedent of individual accountability is a guiding principle in upholding international law. Therefore the National Council of Canadian Tamils (NCCT) urges an international inquiry into the massacre of thousands of Tamils by the Sri Lankan Armed Forces to ensure individual accountability for war crimes and to enforce international law for which there is a precedent.

Individual Accountability in Nuremberg, Yugoslavia and Rwanda

The demand for an international system of accountability came when the world learned and was appalled by the crimes committed during WWII. The International Military Tribunal (IMT) of Nuremberg was the first to establish individual criminal responsibility for war crimes (Ratner, Abrams, 2001). An IMT ruling established that “crimes against international law are committed by [people], not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.” (Gutman, Rieff, Dworkin, 2007, p. 132). In subsequent years, the UN sought to develop a universally binding penal code to prohibit certain actions during armed conflicts. However, Cold War tensions forced several decades to pass before the desire once again emerged for an international system of accountability.

As Cold War tensions were melting, genocide was simmering. Yugoslavia began to boil with tension under the leadership of Slobodan Milosevic whom the International Criminal Court (ICC) prosecutor claims “endorsed a Serbian nationalist agenda and exploited a growing wave of Serbian nationalism in order to strengthen his rule” (Maogoto, 2007, p. 25). The massacres of the conflicts in Slovenia, Croatia, Bosnia, Kosovo, and Yugoslavia are well documented. On February 11, 1993 the UN Security Council declared violations of international humanitarian law in Yugoslavia posed a “threat to international peace and security”. Pursuing this further, on May 25, 1993, the Security Council passed Resolution 827 and thereby created the International Criminal Tribunal on Yugoslavia (ICTY). The jurisdiction of the ICTY focused on serious violations of international humanitarian law, genocide, crimes against humanity, and breaches of the Geneva Conventions of 1949 (United Nations Security Council, 1993). The

ICTY held individuals responsible for crimes intolerable by the international community. In her opening remarks, the Chief Prosecutor Carla Del Ponte declares, “The Milosevic trial gives the most powerful demonstration that no one is above the law or beyond the reach of international justice”. The ICTY would lay 66 charges of grave breaches of Geneva Conventions, 22 charges of violations of the law and customs of law, 24 charges of crimes against humanity, and 2 counts of genocide (Ball, 2002, p. 38). Milosevic would be held criminally accountable as an individual for his atrocities.

While turmoil grasped Yugoslavia, Rwanda was engulfed in chaos. Since colonial times, the country was simmering with ethnic tension; but between April and June 1994, an estimated 800,000 Tutsis were killed within 100 days (Chuter 2003). The mass slaughter was said to have been triggered when Rwanda’s Hutu President’s plane was shot down and he was killed. His killing was seen as retaliation to a power-sharing deal between the Hutus and Tutsis established in the Arusha Accords (Chuter, 2003). In response, UN Resolution 955 established the International Criminal Tribunal for Rwanda, otherwise known as the ICTR. The statute establishing the ICTR indicated that genocide¹, war crimes and crimes against humanity were applicable even though the Rwandan conflict was a domestic one (United Nations Security Council, 1994). The first international genocide conviction was reached with the conviction of Jean-Pal Akoyesu, the former mayor of the Taba commune from April 1993 to July 1994. In September 1998, the ICTR sentenced former Rwandan President Jean Kambanda. Consequently, the UN Secretary General declared the ruling as a “defining example of the ability of the United Nations to establish an effective legal order and the rule of law” (Lattimer, Sands, 2003, p. 41). The ICTY and ICTR, as emerging developments in upholding international law, were rooted in this principle of individual accountability and in the case of Rwanda, that it could be applied even to a “domestic conflict”.

¹ The Tamil population mainly resides in the north and east of the island of Sri Lanka. Their language, religion, and culture distinguish them from other groups living in the region and the country. Successive Sri Lankan government marginalized the Tamil population through violent persecution and systemic discrimination. The European Centre for Constitutional and Human Rights alleges that evidence would suggest attempted genocide against the Tamil people. Consequently, “[a] through investigation is essential to confirm suspicions [of genocide]” (EECHR, 2010).

Intentional Targeting of Tamil Civilians

The author of this submission interviewed two eyewitnesses who provided in-depth accounts of their experiences in the conflict zone from February 2007 to May 2009. Vijay (pseudonym) was a volunteer from abroad engaged in humanitarian work with International and local Non-Governmental Organizations (NGOs). Nishanthan (pseudonym) lived in the Vanni with his family. The identities of the witnesses will remain anonymous for their protection, but should there be an internationally mandated inquiry that guarantees witness protection, they have stated that they would be willing to come forward. Each witness provided a detailed narration of the indiscriminate shelling of civilian populations, specifically in the supposed ‘No Fire Zones’ (NFZs) and hospitals.

According to international law, there is an allowance for collateral damage as long as there is a balance between the perceived military advantage and the objective damage or loss of lives (Gutman, Rieff, Dworkin, 2008). However, even in those cases, sufficient warning must be provided to the civilian population before the commencement of any attacks (ICRC, 2010). Detailed reports, by sources like the US Department of State, confirm that no warnings were ever provided prior to the bombings that targeted the civilian population in the Vanni region (U.S. Department of State, 2009).

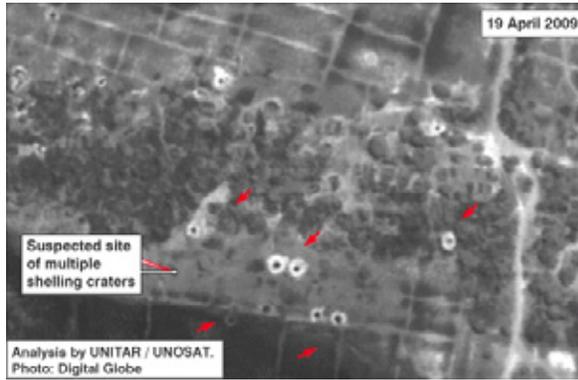
In the case of Sri Lanka, not only were there no warnings, but the Government also encouraged thousands of civilians to seek refuge in designated No Fire Zones (NFZs). Nishanthan confirms that the Armed Forces directed the civilian population by radio announcements to the various NFZs. High civilian concentrations emerged when,

in late January 2009, the Sri Lankan Armed Forces took control of LTTE administered areas, diminishing the size of the conflict zone. From late January to May 2009, three separate safe zones were declared: the first NFZ was 35 sq km; the second NFZ was only 14 sq km; and the third and final NFZ was a mere 6 sq km containing over 100,000 civilians (ICG, 2010). Despite encouraging civilians to seek safety in these areas, the Sri Lanka government held little regard for the internally displaced population, as they allowed indiscriminate assaults in all three areas, contrary to international law². Nishanthan observed, “Safety zones were never controlled by the Sri Lankan Army. They were allotted for us by the Sri Lankan government within the LTTE zone.” A reasonable conclusion, then, is that the Sri Lankan government deliberately directed the civilian population into areas to be attacked. Human Rights Watch argues, “By creating the zone, government forces took on a greater obligation to ensure that they spared civilians from the effects of attacks.” Even if there were LTTE cadres within the area the civilian population is still entitled to an advance warning that the area is no longer considered a NFZ so that they may choose to leave (HRW, 2009). Nishanthan said that civilians were never given any advance warnings, but often saw government drones surveying the skies for several hours before bombing the areas.

Eventually, despite repeated denials by the Sri Lankan Government, Palitha Kohona, Foreign Ministry Secretary, when confronted with UN satellite images exhibiting craters inside the safe zone, finally admitted to bombing the safe zones (Aljazeera, 2009). Vijay also confirms that during the final weeks of February there were a high number of killings and injuries in the areas. He said that civilians in the NFZs came under four types of attacks: Kfir bombings including cluster bombings, RPG shell attacks including multi-rocket launchers, arbitrary riddle shootings and missile attacks from the sea side. Both the Sri Lankan Government and the interviewed witnesses confirm that the Sri Lankan Armed

Forces attacked the civilian populations within their own declared safe zones.

² Indiscriminate attacks are a violation of 1977 Additional Protocol I of the Geneva Conventions: “Parties to conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives” (ICRC, 2010).



The Government also claimed the civilian populations within the NFZs were less than one third of their actual size despite information to the contrary from the ICRC. An example of this is, despite the ICRC’s insistence, in early spring 2009, that the population remaining in the Vanni was 330,000 people; the Government declared that only 70,000 people remained. Using an intentionally inaccurate count of the civilian population, the Government refused to send sufficient medical supplies and basic necessities such as food (ICG, 2010). Hospitals were buckling under the weight of an increased number of injured and fatally wounded civilians. Vijay attests, “During these times clean drinking water, toilet facilities, food, and medical supplies [were] a big problem.” Nishanthan recalled, “The Hospital was flooded with the wounded.... there was no room for everyone and operations were not being done on tables. Most of the victims had shrapnel wounds from shell injuries...many were crying and shocked... my own wounds were bandaged without antiseptic.” The Sri Lankan Government intentionally herded thousands of civilians into so-called NFZs, proceeded to attack those areas despite the civilian nature of those targets, and then denied basic necessities – all in violation of international humanitarian law.

The International Crisis Group accuses the Sri Lankan Government and its Armed Forces of committing war crimes. The Crisis Group explains that it is a war crime to “intentionally direct attacks against the civilian population as such or against individual civilians not taking part in hostilities.” There is evidence that the Sri Lankan Government had access to information like “aerial images, direct lines of sight and many communications from the UN, ICRC and others” which demonstrates that they ought to have known about the civilian nature of the attacks. Nevertheless, the ICG charges, “These were not one-off shelling incidents. It was a pattern of behavior over months in which the Government and security forces were told repeatedly that they were shelling civilians and they chose to continue doing so and simply say they were not” (ICG, 2010). Moreover, NFZs were not the only sites that were supposed to be protected and yet saw repeated attacks.

Hospitals are given special protection under the Geneva Conventions and are exempt from attack. They can however lose their protected status only if they are being “used to commit hostile acts outside their humanitarian function.” (ICRC, 2010). Credible reports from international human rights groups and the interviewed eyewitnesses attest that there were no LTTE members fighting from within the hospitals³. Information compiled by Human Rights Watch from interviews with aid agencies and eyewitnesses demonstrate that from December 15, 2008 to February 10, 2009 there was a pattern of bombing hospitals; the Mullaitivu, Vaddakachchi, Kilinochchi, PTK, UDK, and Ponnampalam hospitals were shelled on numerous occasions. Vijay recalls such an incident: on February 5, 2009 at 10am the area surrounding the UDK hospital came under heavy shelling by the Sri Lankan Armed Forces.

³ The International Crisis Group in its report “War Crimes in Sri Lanka” maintains that the “mere presence of a wounded combatant or LTTE doctors would have no effect on a hospital’s protected status: (ICG, 2010). However, Nishanthan observed that there were no LTTE cadres in the hospitals he had been to for they had their own hospitals”.

He said that: “I took [some of the victims] to the hospital immediately to see even the hospital was hit by shells and several people there were injured. I saw even [a] couple of ambulances [were] severely damaged and medicine scattered all over the place. I can’t even tell the number of casualties but there were many.” It is contrary to the principles of the Geneva Conventions for the Sri Lankan Armed Forces to have attacked hospitals and the civilians within them without reason or warning.

The Sri Lankan Government cannot deny that ample knowledge existed about the location of the hospitals, their special status, and that the Armed Forces were still attacking them. In most cases, medical staff sent GPS coordinates to both the Sri Lankan Armed Forces and the LTTE. The International Committee of the Red Cross (ICRC) provided multiple warnings to the Sri Lankan Government about targeting hospitals. On February 1, 2009, when the Security Forces shelled the PTK hospital multiple times, the ICRC subsequently issued a press release indicating that the hospital had been shelled with 500 patients inside. On February 2 and 3, the Sri Lankan Forces bombed the PTK hospital and when pressed for answers, Sri Lankan Defense Minister, Gotabaya Rajapaksa, confirmed that anything outside of the safe zone, including the Government run PTK hospital, would be “a legitimate target” (TamilNet, 2009). With attacks escalating on February 4, medical staff evacuated the PTK hospital and established a make shift hospital in the village of Putumattalan (an area that would eventually be declared part of the second NFZ on February 12). The medical nature of the new hospital was more than clear: UN vehicles and flags were set up nearby while the hospital flew the widely recognized flag of the Red Cross on a white background. The new hospital would not be spared and was shelled on February 17. The ICRC swiftly released a dire warning in yet another statement: “...shelling is coming close...patients [are] dead because the place was hit by shells”, said Sophie Romanens, ICRC spokesperson (Human Rights Watch,

2009). Hospitals continued to be bombed by the Armed Forces up until the end of the war on May 19, 2009.



Similarly, on May 13, the Sri Lankan Armed Forces carpet-bombed the entirety of the Mullivaikkaal strip where tens of thousands of innocent civilians were taking refuge as they were displaced from one part of the Vanni to another⁴. Vijay, who was assisting the injured at that time, recalls that a “shell hit the hospital premises” even though “the hospital was very busy with outpatients and inpatients. Vijay said “the dead and injured were scattered all over the place... [with] at least 50 torn out dead bodies and more than [one] hundred injured. Some of the injuries were horrific”⁵. There needs to be accountability for these horrors and top military and civilian leaders holding command are responsible in allowing these incidents to happen.

⁴ Vijay described how civilians were constantly on the run, as they would flee shelling by the Armed Forces. He said, “The war escalated in July 2008 starting from Mannar. From this time mass scale displacement started...[The] IDPs ended up in the Mullivaikkaal camps in May 2009”

⁵ Additional Protocol I of the Geneva Conventions defines indiscriminate bombing as a “bombardment that treats as a single military objective a number of military objectives located in a city, town, village, or other areas containing a similar concentration of civilians or civilian objects” (ICRC, 2010)

Sri Lanka’s Need for an International Inquiry

Amnesty International in a report entitled, *Twenty Years of Make-Believe: Sri Lanka’s Commissions of Inquiry*, provides a detailed analysis of two decades of Sri Lanka’s Commissions of Inquiry and judicial inquiries—often compelled by domestic and international pressure. It seems that in every case, the results of Sri Lanka’s own

internal investigations have proved unfruitful. According to Human Rights Watch in its report *Legal Limbo: The Uncertain Fate of Detained LTTE Suspects in Sri Lanka*, despite over 20,000 enforced disappearances from 1980-2000 (Human Rights Watch, 2010), there have been less than 30 convictions for abductions and wrongful confinements (Amnesty International, 2009). The report comes to the unequivocal conclusion that both Commissions of Inquiry and the Sri Lankan judicial system are subject to political pressure, lack effective witness protection, turn a blind eye to conflicts of interest and promote impunity. The Amnesty report describes a lack of political will to deal with human rights violations in the island means that “impunity has long been the rule” because “Sri Lankan governments wanted it that way” (Amnesty International, 2009). As a result, there is not much hope for the Sri Lankan government’s newest attempt to evade international scrutiny for its conduct during the last stages of the war.

The establishment of the Lessons Learnt and Reconciliation Commission (LLRC) is another facade. The US Ambassador to Sri Lanka agrees, “There are no examples we know of a regime undertaking wholesale investigations of its own troops or senior officials for war crimes while that regime or government remained in power”. She continues on to point out that the situation is “further complicated by the fact that responsibility for many of the alleged crimes rests with the country’s senior civilian and military leadership, including President Rajapaksa and his brothers and opposition candidate General Fonseka” (Embassy of the United States Sri Lanka & The Maldives, 2010). Indeed, three of the most well-known human rights organizations in the world—Human Rights Watch, Amnesty International, and the International Crisis Group—have publicly rejected the LLRC’s invitation to appear before the panel in a strongly worded letter:

“While we would welcome the opportunity to appear before a genuine, credible effort to pursue

accountability and reconciliation in Sri Lanka, the Lessons Learnt and Reconciliation Commission (LLRC) falls far short of such an effort. It not only fails to meet basic international standards for independent and impartial inquiries, but it is proceeding against a backdrop of government failure to address impunity and continuing human rights abuses. Our three organisations believe that the persistence of these and other destructive trends indicates that currently Sri Lanka’s government and justice system cannot or will not uphold the rule of law and respect basic rights.” (TamilNet, 2010).

Given Sri Lanka’s inability to produce fair and just results, an international inquiry is necessary to uphold international standards of conduct during war and seek justice for Tamil civilians brutally murdered by the Sri Lankan Armed Forces.

Conclusion

In Nuremberg, Yugoslavia, and Rwanda, holding individuals criminally culpable for violations of international law were seen as central to the peace process. In all three cases there was a focus on the leadership—not nations or ethnic groups—to demonstrate responsibility and accountability. Although the international laws of war transcend borders, national tribunals established by treaties and customary law promote domestic courts as the primary site for trials of the accused. (Ratner, Abrams, 162). In the case of Sri Lanka, however, an international inquiry may be the only option for determining individual accountability for grave breaches of the Geneva Conventions.

The National Council of Canadian Tamils (NCCT) strongly urges the United Nations Panel of Experts to help break Sri Lanka’s culture of impunity and bring justice to tens of thousands of innocent civilians targeted by the Sri Lankan Armed Forces. We ask for an international inquiry, given the absence of genuine political will for domestic investigations in the island of Sri Lanka. The purpose of this exercise is not to invoke vengeance or retribution. Instead, a

recommendation from the Panel of Experts for international penal action will help to ensure the right of all human beings to live in peace and dignity - regardless of one's race or creed. Immunity for those in command control in the Sri Lankan Armed Forces—including Defense Secretary Gotabaya Rajapaksa and his brother the Commander and Chief President Mahinda Rajapaksa—will be a major set back to global justice and the credibility of the United Nations. According to the International Crisis Group, many other countries are now investigating “the Sri Lankan option” which involves the use of “unrestrained military action, refusal to negotiate, [and a] disregard for humanitarian issues—as a way to deal with insurgencies and other violent groups” (International Crisis Group, 2010, p. 2). Progress made through the three international trials of the twentieth century will be reversed if civilian and military leaders view the “Sri Lankan option” as a viable one.

Despite repeated assurances, two years after the war ended, President Mahinda Rajapaksa has yet to bring forward a legitimate political solution to address the grievances held by the Tamil people for six decades⁶. Instead, close to 30,000 Tamil civilians continue to languish in government internment camps where they are denied the freedom of movement or the ability to voluntarily leave the camps; and have very little access to medicine, adequate food, and potable water. Reports of enforced disappearances, extra-judicial killings, and sexual violence—in violation of the UN Guiding Principles on the Internally Displaced—are commonly reported (Amnesty International, 2009). Approximately 11,000 Tamils accused of being former LTTE cadres are being held in secret Sri Lankan dungeons with no access to a fair trial or legal counsel, contrary to the principles of international law (Human Rights Watch, 2010)⁷. Accountability for human rights violations must be upheld to maintain peace and security and to avoid another protracted and brutal conflict within the island: there will be no lasting peace without justice.

⁶ A failure to act on serious political, social, and economic grievances of the Tamil people led to a 30 year conflict in the island of Sri Lanka which saw over 70,000 people killed since 1983, never mind the thousands many who perished during anti-Tamil and Muslim pogroms with the collusion of government officials and police. Marginalized for decades through discriminatory policies like denied citizenship, parity of language status, and the right to education, peaceful political organizing in the early decades after the independence of Ceylon from colonial Britain were led by Tamil political leaders like SJV Chelvanayagam—a devotee of non-violent civil disobedience. In response the chauvinistic Government of the day ignored rights won in the parliament and clamping down on civil dissent—peaceful sit-ins were met with unlawful arrest, police brutality, or gun fire. Regardless of the varying opinions of the LTTE, the denial of the rule of law and a disregard for human rights affirms Gandhi's declaration that “violence breeds violence.”

⁷ Leaked US embassy cables show that US Ambassador to Sri Lanka, Patricia Butenis, questioned if any trial held for “thousands of mid- and lower-level ex-LTTE combatants” would “meet international standards” (Embassy United States Sri Lanka & The Maldives 2010).

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Appendix A- Letters of Support





December 11, 2010

The U.N. Advisory Panel

**Re: Towards Global Justice: Accountability for War Crimes in Sri Lanka
National Council of Canadian Tamils Submission to the U.N. Advisory Panel**

The Canadian Peace Alliance (the CPA) is Canada's largest umbrella peace organization. Since its foundation in 1985, the organization has been helping member groups to act as a broad network, in order to provide a strong, coordinated voice for peace issues at the national level. The CPA believes in the right of all human beings to live in peace and dignity.

The CPA supports the National Council of Canadian Tamils Submission to the U.N. Advisory Panel, written by Krisna Saravanamuttu – National Director / Spokesperson and entitled “Towards Global Justice: Accountability for War Crimes in Sri Lanka”.

This submission exposes the horrors suffered by the Tamil people at the hands of the Sri Lankan Armed Forces and provides clarity to the ongoing conflict in Sri Lanka. This submission is not asking for revenge or retribution.

The Sri Lankan government has, and continues to commit Genocide and War Crimes and has consistently mislead the international community, repeatedly breached the Geneva Conventions, and made mockery of precedents set by the International Military Tribunal of Nuremburg, and the International Criminal Tribunals on Yugoslavia and Rwanda.

The CPA urges the U.N. Advisory Panel to give deep consideration to this submission and to work to ensure an international inquiry into the massacre of thousands of Tamils by the Sri Lankan Armed Forces, in effort to ensure that one of the worst massacres in recent memory does not go unaccounted for and to uphold the rule of law and ensure the right of all people to live in peace and dignity.

Sincerely,

A handwritten signature in black ink, appearing to read "S Lacombe", is written in a cursive style.

Sid Lacombe, Coordinator, Canadian Peace Alliance



JACK LAYTON, MP, DÉPUTÉ
TORONTO — DANFORTH
LEADER, NEW DEMOCRATIC PARTY
CHEF, NOUVEAU PARTI DÉMOCRATIQUE

December 14, 2010

United Nations Panel of Experts on Sri Lanka

Dear Panellists,

On behalf of the New Democratic Party of Canada, we urge the United Nations Panel of Experts on Sri Lanka to carefully review this submission by the National Council of Canadian Tamils and give full consideration to its important recommendations.

We thank the authors of this submission for their deep commitment to international law and their trust in the UN process as the best means of seeking justice and building a lasting peace.

The allegations of war crimes committed during the bloody civil war in Sri Lanka require full investigation. The violators of international and humanitarian laws must be held to account. Ending the culture of impunity is the first step down the long path towards peace and reconciliation.

It is our belief that the establishment of a transitional justice mechanism is a fundamental step in a roadmap for peace, stability, and reconciliation. Once again, we urge you to give full consideration to the recommendations of this submission

Hon. Jack Layton, MP, PC
Leader,
New Democratic Party of Canada

Paul Dewar, MP
Foreign Affairs Critic
New Democrat Party of Canada



Patrick Brown
M.P. for Barrie
Député de Barrie

OTTAWA

December 13, 2010

Marzuki Darusman & Steven Ratner & Yasmin Sooka
Secretary-General's Panel of Experts on Sri Lanka
panelofexpertsregistry@un.org

RE: National Council of Canadian Tamils UN Submission - 'Towards Global Justice: Accountability for War Crimes in Sri Lanka'

To whom this may concern;

This letter is to acknowledge the National Council of Canadian Tamils submission report called, "Towards Global Justice: Accountability for War Crimes in Sri Lanka". After careful review of this submission report I give it my full endorsement.

It is my opinion that an independent and impartial investigation must be held on Sri Lanka. If we allow these atrocities to continue it only will set a terrible precedent for other regimes around the world. We must set an example – now is the time.

Let me be clear in saying that I hope this endorsement will help end this terrible conflict and allow justice to run its course.

Sincerely,



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GLEN MURRAY, MPP

Toronto Centre

December 10, 2010

Secretary General Ban Ki-Moon
United Nations
New York, NY 10017 USA

Dear Secretary General Ban Ki-Moon,

As the MPP for Toronto Centre in Canada, I welcome the responsibility vested with the United Nations to uphold criminal accountability for the violations of international law and human rights during the final stages of the Sri Lankan conflict.

The establishment of the UN Advisory Panel of Experts and their open request for individuals and organizations to make submissions on the matter in question is encouraging. I strongly believe that these submissions will allow for individuals and organizations to share their experiences that will provide more insight for the Panel on the nature and scope of the violations of international law and human rights that have occurred in Sri Lanka. This would allow the United Nations to ensure that sufficient documentation is created regarding these violations.

Various credible human rights organizations such as Amnesty International (AI), Human Rights Watch (HRW), and the International Crisis Group (ICG) have all called for an impartial and independent investigation into severe violations of international law and human rights in Sri Lanka perpetrated by the civilian and military leadership.

We hope that the actions of the Panel reflect the needs of the people in Sri Lanka. Upholding the rule of law, protecting human rights, promoting accountability, and ending Sri Lanka's culture of impunity are crucial in this stage of the island's history. Evidence of war crimes merit an impartial and independent investigation in Sri Lanka for violations of international law.

In this spirit I endorse the submission made by the National Council of Canadian Tamils (NCCT), a grassroots organization composed of elected representatives from across Canada. The NCCT's submission, entitled *Towards Global Justice: Accountability for War Crimes in Sri Lanka*, coherently outlines the need for such an investigation based on the precedents established by previous International Tribunals from Nuremberg to Rwanda. Suspicions of war crimes will only be confirmed through an international investigation.

Sincerely,

Glen Murray, MPP
Toronto Centre

C: Mr. Marzuki Darusman, Chairman
C: Mr. Steven Ratner, Panel Member
C: Ms. Yasmin Sooka, Panel Member

