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## Media Release

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### *Leaked UN Report Says War Crime Allegations in Sri Lanka are Credible*

The Australasian Federation of Tamil Associations (AFTA), wishes to draw the attention of the Governments of Australia and New Zealand, the media and the NGOs to the sections of the UN report leaked to Sri Lanka's Island Newspaper that accuses both the Sri Lankan government and Tamil rebels of committing war crimes and crimes against humanity. This 3-member expert panel was appointed by the UN Secretary General (UNSG) to examine the modalities, applicable international standards and comparative experience on how to provide accountability for reported violations of international humanitarian law and advise him how to proceed with the accountability process. This report that was presented to the Sri Lankan Government prior to its intended release to the public is reported to have been leaked by a government official aimed possibly to trigger opposition to the report from Sri Lanka's allies.

The Sri Lankan government had earlier responded to the report by calling it "*fundamentally flawed*" and "*biased*". A foreign ministry official confirmed to AFP that the leaked document was genuine. The UN spokesperson for the UNSG had expressed regret over the leaking of the report to the media.

The newspaper quoted the report as saying, "the Panel found credible allegations, which if proven, indicate that a wide range of serious violations of international humanitarian law and international human rights law were committed both by the Government of Sri Lanka and the LTTE, some of which would amount to war crimes and crimes against humanity."

Among those alleged crimes were "(i) killing of civilians through widespread shelling; (ii) shelling of hospitals and humanitarian objects; (iii) denial of humanitarian assistance; (iv) human rights violations suffered by victims and survivors of the conflict, including both IDPs and suspected LTTE cadre; and (v) human rights violations outside the conflict zone, including against the media and other critics of the Government," the leaked text said. The report also rapped UN political bodies for not doing enough to protect civilians during the final stages of the brutal war.

The UN spokesperson in Sri Lanka at the time of Sri Lanka's last phase of the war, Gorden Weiss in an interview to the British Channel 4 TV on 16 April 2011 had said that the death toll of the civilians could be "shockingly high." "I believe a modest estimate of the number of civilians [killed] is probably 20-40,000. Others have said the figures may well be far higher" said Mr Weiss.

Reacting to the contents of this report, Professor Boyle, expert in International Law, and Professor at the University of Illinois College of Law has called for the support to the recommendation in the report that U.N. Secretary General set up an International Commission of Inquiry on Sri Lanka to investigate the government of Sri Lanka for war crimes, crimes against humanity, and genocide against the Tamil people by reference to and in accordance with, the Rome Statute of the International Criminal Court (ICC).

Given that the war crime allegations directed against the Sri Lankan government and its armed forces are credible, the Sri Lankan President appointed local Lessons Learnt and Reconciliation Commission (LLRC) has now, no credibility. *AFTA strongly feels that the UNSG has to now either ask the Security Council to request the ICC to initiate its own investigations or appoint a Special War Crimes Tribunal for Sri Lanka, similar to the one created for the former Yugoslavia.* AFTA appeals to the UN Member Nations, Australian and New Zealand governments in particular, to persuade the UNSG to take immediate action on this matter to bring the perpetrators of the war crimes and crimes against humanity to book. AFTA also calls upon the independent media to give prominence to this matter in the days and weeks to come to mount pressure on the member nations of the UN to render justice to the victims and help restore rule of law, normalcy, dignity and peace for the Tamil people in Sri Lanka.

**AFTA Member Associations:**

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