



Sangam

ILANKAI TAMIL SANGAM, USA, INC.
ASSOCIATION OF TAMILS OF SRI LANKA IN THE USA

September 3, 2015

The Honorable John Kerry
US Secretary of State
Department of State
2201 C Street,
Washington, DC 20520

Dear Mr. Secretary,

Accountability in Sri Lanka

We would like to express our sincere appreciation for the visit of Assistant Secretaries of State, Nisha Biswal and Tom Malinowski following so closely on the important election that gave a reformist coalition government in Sri Lanka a mandate for change. We are especially grateful for the US government's efforts to work on the resolution of key issues that have blocked ethnic reconciliation and equal rights for Tamils since the end of the war, and your government's willingness to listen to the Tamils' interests and concerns, particularly those of the Tamil National Alliance, whose legitimacy to speak for Tamils has, in three successive elections, been demonstrated with utmost clarity.

We seek to clarify the current US position on accountability for war crimes and crimes against humanity committed during and after the war in Sri Lanka that ended in 2009. News reports, including quotations by Assistant Secretary Biswal, indicate that the US has decided to support a domestic investigation into the human rights violations.

We are steadfast in our view that only an accountability process under full international control will bring justice to the victims and ensure that justice will be served in Sri Lanka.

A purely domestic accountability mechanism will be neither credible nor independent because Sri Lanka's judicial system is too weak and the political will necessary to take on this challenging task is lacking. Sri Lanka does not have laws criminalizing the serious collective crimes that were committed and has not punished a single high-level member of the security forces for

crimes against civilians of any ethnicity in a country where tens of thousands have been slaughtered by their own government. Previous commissions and panels have engaged in what Amnesty International calls "Twenty Years of Make-Believe," with most of the results never being made public. Sri Lanka has no precedent for witness protection or consultations with victims, both of which are vital for credible and independent accountability mechanisms. These doubts were reiterated on September 1 in a unanimous resolution passed by the Northern Provincial Council, the elected representatives of the Tamil-dominated Northern Province:

We the members of the Northern Provincial Council believe that the trial of the alleged perpetrators should not take place through any mechanism instituted by the Government of Sri Lanka as a State also incurs responsibility for the acts of its agents...the Council calls upon the International community to set up an international tribunal to try those alleged to have committed international crimes against the Tamil People in Sri Lanka.

Justice is a necessity if Tamils and Sinhalese are to live together amicably in one country, because without an acknowledgement and accounting for the enormous destruction that took place and that disproportionately affected Tamils, there will be no hope of reconciliation. Most Sinhalese sincerely believe that the end of the war was a humanitarian operation, so without some significant truth-telling the conversation cannot begin.

We are not dismissive of the new government's expressed desires for reconciliation of all communities and a better future for Sri Lanka, but the current political dispensation is fragile. The UNP-led coalition for good governance won 106 seats in parliament. The UPFA, a coalition that largely campaigned on a platform of Sinhala nationalism, won 95 seats. We are confident that this vocal and sizable opposition, which includes former President Rajapaksa, will take ample opportunity to obstruct justice, reconciliation, and a plural society. Furthermore, the new government has taken great pains to assure the military, whose role in the massive civilian deaths is undisputed, will be protected. This was most clearly stated by Foreign Minister Samaraweera in his March 18 parliamentary address about international cooperation and reconciliation: "Our objective, Hon. Speaker, is to clear the name of our armed forces. In the chaos of 2009, President Obama stated:

The United States stands ready to work with the international community to support the people of Sri Lanka in this time of suffering... Going forward, Sri Lanka must seek a peace that is secure and lasting, and grounded in respect for all of its citizens.

For the past three years the United States has held strong in this pledge to support the people of Sri Lanka and we are very grateful. We urge you to continue to take a strong stand at the upcoming UN Human Rights Council to ensure that justice can be credibly served. Victims and their loved ones, who are central to a successful transitional justice process, are looking to you to protect their need for truth, justice, and reconciliation. Significant momentum has been achieved in the international arena on the issue of Sri Lanka, which is one of the few triggers for positive change on the island. Please ensure that that pressure for positive change continues.

Thank you for assuring that the US continues our constructive role in Sri Lanka.

Sincerely,

Handwritten signature of Dr. Karunyan Arulananthan in black ink.

Dr. Karunyan Arulananthan
President, USTPAC

Handwritten signature of Dr. Rajaram Kandasamy in black ink.

Dr. Rajaram Kandasamy
President, ITS

cc: Assistant Secretary of State for South and Central Asia, Nisha Biswal

cc: Assistant Secretary of State for Democracy, Human Rights, and Labor, Tom Malinowski