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People's Tribunal on Sri Lanka

Permanent People's Tribunal

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Permanent People's Tribunal

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Permanent People's Tribunal

Tribunal on Sri Lanka

14-16 January 2010

HOSTED BY

The Irish School of Ecumenics, Trinity College Dublin
The School of Law and Government, Dublin City University
National College of Art and Design, Dublin

ORGANIZED BY

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Halliday, Denis

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 on Iraq by the Security Council. Laureate of the Gandhi International Peace Award.



Houtart, François (Chairperson)

Prof. Emeritus of Catholic University of Louvain (Belgium), a member of the UN Commission on Reform of the Financial and Monetary System, Founding Member of the World Social Forum, Honorary Member of the Academy of Sciences of Vietnam and Cuba, Dr. h.c. of Notre Dame University (USA) and of the University of Havana (Cuba) and UNESCO-Madanjeet Singh Prize Awardee for the Promotion of Tolerance and Non-Violence



Lawlor, Mary

Director, Front Line, The International Foundation for the Protection of Human Rights Defenders, Dublin.



Martone, Francesco

An ex-Senator in Italy, a leading activist in the non-governmental sector and an ecologist.



Saadawi, Nawal al

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.



Sachar, Rajindar

Former Chief Justice, High Court of Delhi and the Chairperson of the Indian Prime Minister's High Committee on the social, economic and educational status of the Muslim community in India. Former President, Peoples Union for Civil Liberties in India.



Sivaraksa, Sulak

Thai Buddhist peace campaigner and writer, initiator of a number of social, humanitarian, ecological and spiritual movements and organizations in Thailand and a laureate of the Alternative Nobel Prize (Right Livelihood Award).



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A scholar of International Law and member of the People's Tribunal on extra-judicial killings and violations of human rights in the Philippines.

1. The Competence of the Permanent Peoples' Tribunal

The Permanent Peoples' Tribunal (PPT) is an international opinion tribunal, independent from any State authority. It examines cases regarding violations of human rights and the rights of peoples.

Promoted by the Lelio Basso International Foundation for the Rights and Liberation of Peoples, the PPT was founded in June 1979, in Bologna, Italy, by a broad spectrum of legal experts, writers, and other cultural and community leaders (including five Nobel Prize laureates) from 31 countries. The PPT is rooted in the historical experiences of the Russell Tribunals on Vietnam (1966-67) and the dictatorships in Latin America (1974-1976). The importance and strength of decisions by the PPT rest on the moral weight of the causes and arguments to which they give credibility, as well as the integrity and capability to judge of the Tribunal members.

Complaints heard by the Tribunal are submitted by the victims, or by groups or individuals representing them. The PPT calls together all parties concerned and offers the defendants the possibility to make their own arguments heard. The Jury is selected for each case by combining members who belong to a permanent list of jurors, and individuals who are recognized for their competence and integrity.

From June 1979 to the present date the PPT has held some 40 sessions whose results and judgements are available at www.internazionaleleliobasso.it.

.For this Session on Sri Lanka, the Secretariat of the PPT was first approached by representatives of a broad spectrum of NGOs, as early as July 2009. The government of Sri Lanka had declared the war over two months prior, following months of bloody massacre which had made headlines worldwide. The urgency of the matter was recognized. Additionally, the specific competence of the PPT was considered in response to the substantial disregard of the matter by international institutions which accompanied the "disappearance" of the massacre of the Tamils from the attention of the international media.

The documents supporting the request to convene a session of the PPT with the primary objective of focusing on "the last phase of the war, the period after the collapse of the peace process, and especially the last months" were received and accepted on November 19, 2009.

The notification of the procedures and the invitation to participate in the session of the PPT in Dublin were submitted to the representative of the Government of Sri Lanka in London, H.E. Justice Nihal Jayasinghe, on December 1, 2009.

According to the Statutes of the PPT, and as specified in the notification, in the absence of a positive response to the request for formal representation of their positions, the PPT mandated a rapporteur to present the views of the Government of Sri Lanka in the Public Session.

The work of the PPT took place in the facilities of Trinity College (c.f. program attached in Annex 1).

Due to security reasons, the members of the panel of the PPT heard the highly detailed eye-witness accounts of the events related to the last months of war, and to the concentration camps during, “in camera” sessions.

The PPT certifies that the resources which have covered the organizational and financial needs of the sessions correspond mainly to the voluntary work of the members of the NGOs supporting the initiative, and that no economic contribution has been derived from sources directly or indirectly related to Tamil organizations, nor to states involved in the events considered in this session.

The written and visual documentation presented and examined by the PPT aside from the oral hearings and cross-examinations, is listed in Annex II and available on the PPT and IFPSL websites. A new website - www.pptsrilanka.org - will make the findings and other relevant material available to the public in several languages.

2. The Complaints

The request to conduct a Peoples' Tribunal came from the Irish Forum for Peace in Sri Lanka, in a letter dated 19.11.09. The Forum claimed that from the time that the war began in July 2006 through April 2009, according to United Nations internal documents, air raids and the use of heavy weaponry resulted in the death of 116 people per day. British and French mainstream media reported that during the final few weeks 20,000 Tamil people were killed. There were numerous accusations that Sri Lankan security forces were guilty of violating the Geneva Conventions on warfare and of having committed gross war crimes and crimes against humanity, particularly during the last five months of the war, between January and May 2009. The charges included the bombing of civilian habitations, hospitals, and government-proclaimed 'safety zones' or 'no fire zones' by security forces, causing innumerable deaths of civilians, doctors and aid workers. Additionally, the charges also included depriving the population of essential services such as food, water, and health facilities in war zones, and other grave crimes against humanity.

Even before the war ended, UN agencies had been voicing their concern to the Sri Lankan Government over the level of impunity surrounding human rights abuses, the continued attacks on civilians by its armed forces, and the denial of aid to the local population residing in areas formerly administered by the Liberation Tigers of Tamil Eelam (LTTE). Nonetheless, Sri Lankan security forces completely ignored these warnings and continued their deadly assault. In the immediate months after the war attention shifted to the plight of over 280,000 Sri Lankan Tamils forced to live in internment camps in the Vanni region. Densely packed in camps, with inadequate infrastructure to provide safe food, water, sanitation and health facilities, the Government announced that the internally displaced people (IDPs) would be kept there until they had been 'screened' for possible LTTE sympathies. In subsequent weeks, reports poured in of scores of Tamil youths disappearing from the camps, having been taken away by security forces and government-sponsored paramilitary groups. Hundreds are feared to have died.

Following the international outcry resulting from the forcible detention of Tamil people in these camps for more than 5 months, the Government announced that a significant number of them would be resettled. However, it has been reported in the BBC and other news media that a considerable number of those released were simply moved to new satellite camps in remote areas. The Sri Lankan Government

has always vehemently denied all wrongdoing on the part of its forces and has dismissed all accusations as attacks on Sri Lanka's sovereignty. It has steadfastly refused to permit the media and other organisations, both national and international, including UN bodies, to enter and to ascertain the facts by interacting with local people. In the Sri Lankan south, any call to critically examine the conduct of the war and the action of the Sri Lankan security forces in terms of internationally accepted war conventions and human rights standards, is regarded as treason.

Against this background the Permanent Peoples' Tribunal was asked to examine the following:

- 1) Did widespread or systematic attacks directed against the Tamil civilian population take place in the sense that has been described by the 'Rome Statute' of the International Criminal Court as 'crimes against humanity'?
- 2) Was there an intentional infliction of conditions of life calculated to bring about the destruction of part of the Tamil population, inter alia the deprivation of access to food and medicine, consistent with the definition of 'extermination' elaborated under 'crimes against humanity' within the Rome Statute?
- 3) Have Sri Lankan government forces violated the international law of war by executing war prisoners who surrendered themselves to the Sri Lankan Army? Have Sri Lankan armed forces subjected Tamils that they have captured, or those who have surrendered, to torture? Have there been outrages committed against the personal dignity of prisoners, or humiliating and degrading treatment inflicted upon them?
- 4) Have sexual assault and rape been used as weapons of war?
- 5) Have murder and disappearance of Tamil people in contravention of the Rome Statute on 'Enforced disappearances of persons' taken place?
- 6) Has there been mass deportation and detention of Tamil people in contravention of international law?
- 7) Have Sri Lankan armed forces committed war crimes by indiscriminately using heavy weaponry and air power in densely populated areas? Have they utilized weapons forbidden by international law, such as cluster munitions and weapons of chemical nature?
- 8) Have Sri Lankan government forces committed war crimes by desecrating the dead?

This Tribunal is dealing with the crimes committed by the Sri Lankan government, but not with the crimes committed by the LTTE forces in the war.

The reason for this is that humanitarian law was created to protect citizens from the State. Any crime committed by individuals or groups can be judged and punished by the State. However, crimes committed by the State usually result in impunity, as the State is not willing to judge and punish its own actions.

The category of human rights violations in international law applies specifically to the State. The action of this Tribunal is a mechanism to ratify this principle.

3. The 2002 CFA and the Breakdown of Peace Talks

On the 22nd of February 2002, the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) signed a permanent Ceasefire Agreement (CFA), formalizing the unilateral truce declared by the Tigers. The Norwegian peace envoys who facilitated the signing of the agreement were backed by the Co-chairs of the donor countries who were overseeing the Sri Lankan peace process, namely the EU, USA, Japan and Norway. The overall objective was to “find a negotiated solution to the ongoing conflict in Sri Lanka.” The CFA was intended to be “a means of establishing a positive atmosphere upon which further steps towards negotiations on a lasting solution can be taken.” A separate body, the Sri Lanka Monitoring Mission (SLMM), was created to monitor ceasefire violations. Its members were drawn primarily from Norway, Sweden, Finland, Denmark and Iceland. The war-weary people on the Island, both Tamils, as well as Sinhalese, were supportive of the CFA, as was the Sri Lanka business community and their external partners.

There were certain initial benefits following the signing of the CFA. The ceasefire paved the way for six rounds of direct peace talks between the GoSL and the LTTE. Mutual confidence was rebuilt on the basis of the CFA and new political and social spaces were opened up allowing all communities to mutually interact with each other and to initiate a long delayed inter- ethnic dialogue. The ceasefire also facilitated the opening of the A-9 highway – the only land route linking the Jaffna peninsula with the rest of the Island – re-linking the North and the South.

Despite the historical significance of the ceasefire, its benefits were short lived as the CFA gradually fell apart. Even though the six rounds of talks achieved considerable success, the overall significance soon started to fade away. Limited hostilities recommenced in late 2005, and the conflict escalated after July 2006. Through massive military offensives, the GoSL drove the LTTE out of the entire Eastern Province and extended operations to the north of the country.

By 2007, five years after the CFA was signed, the situation was described as “undeclared war” characterized by high casualties, humanitarian strife and large- scale displacement. Following the completion of the eastern offensives, the GoSL announced that its troops would be moved to the northern areas, in order to regain the “guerrilla- administered territory”. On the 2nd of January 2008,

the GoSL officially revealed its withdrawal from the CFA. Both parties accused each other of violating the CFA and thus weakening the mutual confidence that had been achieved.

The failure of the CFA has been attributed to a number of causes. While the GoSL accused the LTTE of repeatedly violating the ceasefire, the LTTE accused the state and its armed troops of undermining confidence- building measures and of not delivering peace dividends to Tamil people living in war-affected areas. In addition, both parties traded accusations regarding targeted assassinations of high profile individuals belonging to the opposing party. Furthermore, the delayed response of the GoSL in beginning reconstruction and rehabilitation work in the war-ravaged areas, and in failing to ensure the social and economic well- being of the people, contributed significantly to eroding mutual confidence. Especially after the Indian Ocean Tsunami, Tamils felt neglected, marginalized and discriminated against, increasing their distrust. Moreover, hard-line Sinhalese nationalists put all their efforts into blocking any positive development which would guarantee the rights of the Tamil people and improve their living conditions. They had opposed the CFA since its inception, and used every possible means to undermine and weaken it.

It has also been pointed out that international actors did not intervene in a productive and even-handed manner to strengthen the CFA and to uphold the achievements already realized. In particular, the USA, UK and others have been accused of undermining the LTTE and its commitment to peace by repeatedly calling for a complete renunciation of violence “in word and deed”. The European Union’s decision to ban the LTTE even before the war started has also been seen as a grave error that destroyed the parity of status necessary for the continuation of the peace process.

Furthermore, it has been asserted that the “Washington episode” led the LTTE to withdraw from direct talks after they were excluded from talks in Washington. In addition, the USA has been accused of being instrumental in undermining the Post-Tsunami Operational Management Structure (P-TOMS), which was put in place as a unified mechanism to carry out joint rehabilitation and relief work in the Tsunami-affected Tamil areas, by insisting that it would not direct money to any joint fund other than the Government treasury. A further setback came in 2006, when the European Union added the LTTE to its list of terrorist organizations, while even the GoSL remained reluctant to ban the Tigers in Sri Lanka.

Throughout the six years that the CFA was in place, the SLMM, which was an autonomous and impartial body established to monitor the truce, accused both parties of violating the ceasefire agreement. Until its operation ceased in January 2008, following the GoSL’s unilateral abrogation of the CFA, the SLMM conducted verification and monitoring operations in the conflict areas. It had two main objectives: to assist the GoSL and the LTTE in implementing the CFA properly, and to inquire into and report on violations of the CFA. In the period that followed the signing of the CFA, the SLMM observed a “considerable and notable reduction of violence”.

In spite of minor setbacks, the initial period after the CFA marked a clear step forward with regard to decreasing acts of hostilities and achieving important breakthroughs in the direct talks. However, this success depended on the equal status of the two parties, and once this was breached, mainly as a result of the Washington episode, the CFA started to lose effectiveness. As a result, new hostilities emerged, which eventually evolved into a full scale war, and pushed Sri Lanka back into a becoming a killing-field once again.

4. The Atrocities of the Last Weeks of the War

This part of the report of the Tribunal is focussed on the terrible consequences of the collapse of the ceasefire agreement (CFA), and in particular the military and other actions taken by the Government of Sri Lanka in respect to the LTTE forces, and the civilians associated with them.

The tribunal listened to several presentations by NGOs, experts on the recent and current “civil war” situation in Sri Lanka, in front of a public audience. The Tribunal listened to a larger number of witnesses, victims, human rights defenders, journalists and Tamils from the diaspora in ‘in camera sessions’ in order to protect their identity.

In its work the Tribunal was reminded several times that this civil war was a “war without witnesses” because the GoSL had prevented either national or international media coverage. In fact, some of the early victims were the many journalists that were murdered by unknown assassins, something which appeared to serve the agenda of the Government by silencing critical opinion. The impression held by most experts and witnesses is that this was a civil war, and an exercise in ethnic cleansing, perhaps even genocide, and that the Government did not wish to share this with the media. Instead, significant misinformation as to the policies, the fighting, and the numbers and overall well-being of civilians in LTTE-controlled areas was provided by Colombo.

This misinformation frequently underestimated the number of Tamil civilians within LTTE-controlled areas who were trapped by the military, and exposed to attack by aircraft and artillery. It was only when the final exodus from the much diminished LTTE-held territory began, and the internally displaced persons (IDPs) were counted that it was seen that the government had misinformed both the national and the international public.

The atrocities carried out by the military relate particularly to civilians, and there is evidence of cluster munitions being dropped by warplanes. Some witnesses reported that white phosphorous was used in violation of international law. Several witnesses had seen burn marks on wounded civilians. Others believed that indications of napalm were apparent, and evidence of other incendiary devices has been confirmed by doctors who had cared for hundreds of Tamil civilians wounded in this manner. The sight of hundreds of dead bodies was reported by a number of witnesses. This indicates that in addition

to the many wounded and the heavy loss of civilian life, the destruction of civilian infrastructure essential for human wellbeing was common (with women and children among those targeted) in the diminishing areas controlled by the LTTE.

The frequent use of heavy artillery by the military against LTTE forces in civilian areas, including on public buildings such as hospitals and schools as indicated above, constitutes a violation of the Geneva Conventions. The populace suffered from the lack of potable water, lack of access to essential medical care and continuing lack of access to educational facilities. Virtually all their basic human rights were violated. Further, loss of civilian life under these conditions was very high. By April 2009, according to internal documents of the United Nations, use of heavy weapons, combined with air-raids caused the death of some 116 persons each day. Further, British and French media indicated that during the final weeks of fighting some 20,000 Tamils were killed.

The attempt to annihilate the Tamil population with or without the use of illegal weapons certainly constitutes one form of war crime. The question remains if the government intended genocide in respect of the Tamil people in brutally suppressing armed and political resistance. From expert and eye-witness testimony, it would seem certain that the military attacked targets of a purely civilian nature, such as hospitals, fleeing IDPs and many villages. Further, evidence that the military executed both Tamil civilians and LTTE prisoners of war, who in some cases had voluntarily surrendered, further supports charges of ethnic cleansing and violations of international law.

Before drawing any conclusions, other atrocities and abuses of Tamil civilians need to be considered. Witness testimony on IDP “camps”, or perhaps “concentration camps” as suggested by testimony, demands attention. Portrayed by the government as temporary residential facilities pending the return home or resettlement of those detained within them, the camps were designated as “welfare villages” by the government. Fifteen such IDP camps were so designated. These camps continue to be in gross violation of the Geneva Conventions and the Universal Declaration of Human Rights. Many tragedies within the camps were reported to the Tribunal members. Living space was very modest, cover was of galvanised tin which in hot conditions became a health hazard, often resulting in poor skin conditions. Many children in particular, but also women and the aged, died from diseases such as cholera and malnutrition. Water supply was a significant problem, with five litres per day for all the needs of a family being totally inadequate and threatening to health. Sufficient water for simple hygiene, toilet use and the washing of clothes (most IDPs had only the clothes on their backs) was simply unavailable. Garbage remained in place, and toilets pits constructed without cement often collapsed leading to flooding, and, in some cases, the drowning of children. Many children had lost both parents and become orphans, or only had the protection of a single parent, and were thus vulnerable to the many dangers lurking in the camps.

Another unacceptable government policy was the withholding of food, and the use of this tactic as a tool to coerce and torture Tamil civilians. The blockade of food supplies and deliberate underestimation of the numbers of civilians within the LTTE-controlled areas also led to dangerous food shortages. The additional withholding of medical supplies to Tamil civilians is equally unacceptable and a violation of humanitarian law.

Sexual abuse and the rape of women by government troops was yet another atrocity repeated throughout the civil war by government military in destroyed villages and in the “welfare villages”. This practice, which is in violation of the Rome Statute as a crime against humanity, led to tragedies such as abortions and suicide on the part of victims unable to live with family shame and mental trauma. This policy of targeting also applied to Tamils living outside the conflict zone. Apart from mass deportations, selective terror campaigns were carried out by means of abductions, assassinations, arbitrary arrests, detention, sexual assault and torture.

The information provided in the paragraphs above can be found in the reports of Human Rights Watch (28.07.09 and 24.11.09), of Amnesty International (10.08.09), and of the Centre for Policy Alternatives (September 2009).

Specific assassinations of Tamil leaders are yet another atrocity, and highlighting this occurrence is the targeted killing of members of Parliament, including Joseph Pararajasingham, Nadarasa Raviraj and T. Maheshwaran, who had protested the military massacres.

One aspect of government policy that facilitated a variety of atrocities was the Prevention of Terrorism Act (PTA) of 1979 which designated the LTTE forces as “terrorists.” It further undermined some of the safeguards in the justice and military legal systems, leading to significant abuse.

Evidence shows that maltreatment of the dead also took place.

In summary, in pursuing its ambitions to remove the threat that LTTE forces presented and to control the Tamil civilian population, the Government of Sri Lanka pursued military actions in violation of international law, including the Geneva Conventions and the Declaration of Human Rights. The resulting atrocities of rape, torture, assassinations, “disappearances,” and withholding of food, water and medical supplies brutalised and threatened the survival of the Tamil community. The use of artillery and illegal weapons such as white phosphorus and cluster munitions places the government outside accepted international legal standards. It is not surprising that charges of atrocities, ethnic cleansing and indeed genocide have been levelled at Colombo. War crimes and crimes against humanity clearly appear to have been committed.

5. On the Qualifications of the Facts

Summing up the facts established before this Tribunal by reports from NGOs, victims' testimony, eye-witnesses accounts, expert testimony and journalistic reports, we are able to distinguish three different kinds of human rights violations committed by the Sri Lankan Government from 2002 (the beginning of the CFA) to the present:

- Forced “disappearances” of targeted individuals from the Tamil population;
- Crimes committed in the re-starting of the war (2006-2009), particularly during the last months of the war:
- Bombing civilian objectives like hospitals, schools and other non-military targets;
- Bombing government-proclaimed ‘safety zones’ or ‘no fire zones’;
- Withholding of food, water, and health facilities in war zones;
- Use of heavy weaponry, banned weapons and air-raids;
- Using food and medicine as a weapon of war;
- The mistreatment, torture and execution of captured or surrendered LTTE combatants, officials and supporters;
- Torture;
- Rape and sexual violence against women;
- Deportations and forcible transfer of individuals and families;
- Desecrating the dead;
- Human rights violations in the IDP camps during and after the end of the war:
- Shooting of Tamil citizens and LTTE supporters;
- Forced disappearances;
- Rape;

- Malnutrition; and
- Lack of medical supplies.

5.1 War Crimes

The actions included under the second point above clearly constitute “war crimes” committed by the Sri Lankan Government, its security forces and aligned paramilitary forces, as defined under the Geneva Conventions and in the Rome Statute, with regard to the following sections of Article 8.

If this conflict is recognized as international in nature, the following charges would apply:

(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;

(iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

(vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;

(ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

(xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions;

If the conflict is of a domestic character, the following charges would apply:

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(iii) Taking of hostages;

(iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions.

So, if we analyze the conflict as either an international conflict or as an internal armed conflict, we have clearly found that war crimes were committed by the Government of Sri Lanka.

5.2 Crimes against humanity

The actions included under the points 1 (forced disappearances) and 3 (violations committed in the IDP camps during and after the war) clearly constitute “crimes against humanity”, as defined in the Rome Statute, Article 7, specifically in the following sections:

Any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;

(b) Extermination

(d) Deportation or forcible transfer of population;

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

5.3 The possible commission of the crime of genocide

Although the charge of genocide was not included in the inquiry requested of the Tribunal, some of the organizations and persons that gave testimony insisted that it be recognized that genocide occurred, or may have occurred, against the Tamil population in Sri Lanka. There was not enough evidence presented before the Tribunal to determine that the crime of genocide be added to the charges of war

crimes and crimes against humanity. Some of the facts presented should be investigated thoroughly, as possible acts of genocide. Such facts include the following:

- A possible pattern of forced “disappearances” of Tamil individuals carried out by the Sri Lankan armed forces and by paramilitary forces with the acquiescence of the State, directed against crucial members of the Tamil community (journalists, physicians, politicians) to destroy, as Lemkin said, “the grounds for the continuity of the life of the group”(in this case, the Tamil group); and
- The persistence of the situation of the Tamil population in the IDP camps; the continuity of shootings, systematic rape and forced “disappearances;” the widespread destruction of infrastructure in those parts of the country where there is a concentration of Tamils; and the lack of food, medicine and other fundamental needs for the continuity of life of the Tamil people.

Although the facts listed above are current, we have not received enough evidence to include them as charges. However, the Tribunal acknowledges the importance of continuing investigation into the possibility of genocide.

5.4 The right of any human being to be under the protection of humanitarian law

The so-called “global war on terror” has produced the idea that any act committed in such a war should be allowed as the best means to defeat a most dangerous enemy. This kind of new security paradigm has led to the justification of human rights violations against those members of the population labeled “terrorists”. It is fundamental for the verdict of this Tribunal that even considering crimes committed by the LTTE forces, the alleged “terrorists” are under the protection of humanitarian law. Neither war crimes, nor crimes against humanity (the charges that have been recognized by this Tribunal) would be justified by any act committed by the victims.

The importance of highlighting this question is that, within this new security paradigm, members of the population labelled as “terrorists”, or any other extreme qualification, would be excluded from the rest of humanity and therefore would not enjoy any protections ensured by human rights law. This assumption would deny the existence of human rights law as such.

5.5 The alleged commission of “crimes against the peace”

The last crime submitted to the Tribunal deals with the charge of “crimes against the peace”. Allegedly, the Government of Sri Lanka and some “external forces” conspired to commit a “war of aggression”. Crimes against the peace were defined in the Nuremberg Tribunal as: (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances and/or (ii) participation in a common plan or conspiracy for the accomplishment of any of such acts.

The problem for this Tribunal regarding this part of the accusation is not only with the evidence provided to the Tribunal to support the charge, but also (and mainly) with the consequences of accepting such a concept as part of humanitarian law.

The idea of a crime against the peace supposes that peace exists and that one side of the conflict breaks this peaceful situation through a war of aggression.

However, in the majority of the armed conflicts that humanity have suffered, the situation can be analysed from a more subtle and complex perspective. The definition of the first offender in an armed

conflict is difficult to determine and subjective. The manner in which years of oppression accumulate to a critical level may easily become the first act in a “war of aggression.”

That is the case of the years of war within Sri Lanka. The perspective through which the conflict is analysed defines who may be charged with “crimes against the peace”. That is the reason the Tribunal will not endorse specific charges in regards to such a crime.

Nevertheless, on the basis of the evidence obtained and the testimonies heard, the Tribunal acknowledges the responsibilities of the international community, inasmuch it did not take concrete steps to prevent violations of the human rights of the Tamil people, and subsequently omitted the pursuit of war crimes and crimes against humanity.

The Tribunal stresses the responsibility of the Member States of the United Nations that have not complied with their moral obligation to seek justice for the violations of human rights committed during the last period of war. After repeated pleas, and in spite of the appalling conditions experienced by Tamils, the UN Human Rights Council and the UN Security Council failed to establish an independent commission of inquiry to investigate those responsible for the atrocities committed due to political pressure exerted by certain Members.

It also highlights the conduct of the European Union in undermining the CFA of 2002. In spite of being aware of the detrimental consequences to a peace process in the making, the EU decided - under pressure from the United States and the United Kingdom - to list the TRM (Tamil Resistance Movement, which included the LTTE) as a terrorist organization in 2006. This decision allowed the Sri Lankan Government to breach the ceasefire agreement and re-start military operations leading to the massive violations listed above. It also points to the full responsibility of those governments, led by the United States, that are conducting the so-called “Global War on Terror” (GWOT) in providing political endorsement of the conduct of the Sri Lankan Government and armed forces in a war that is primarily targeted against the Tamil people.

The Tribunal also points to the direct responsibility of various countries in providing the Sri Lankan Government with weapons. Some of these weapons are banned by conventions such as the Convention on Certain Conventional Weapons (CCW), and others. In addition, some of those countries also trained Sri Lankan military forces during the ceasefire period.

6. Recommendations

6.1 To the Government of Sri Lanka

The PPT recommends that the government of Sri Lanka:

- Establish as a matter of urgency an independent and authoritative Truth and Justice Commission, to investigate crimes against humanity and war crimes committed by parties to the conflict in the course of the last phases of the war after the collapse of the 2002 ceasefire, and ensure the prosecution of those responsible for war crimes and crimes against humanity;
- Immediately re-establish fundamental freedoms and political rights for the Tamil people, by withdrawing the state of emergency and repealing the Prevention of Terrorism Act of 1979;
- Assure the safety and dignity of the 12,000 plus political prisoners, allowing access to International Committee of the Red Cross and legal representation according to international norms;

- Promptly ensure the protection and integrity of national and international journalists and human rights defenders, and guarantee their legitimate human rights;
- Disband all paramilitary forces and progressively reduce the presence of military forces in the Tamil areas;
- Implement a political power-sharing solution that gives the Tamil people a proactive and legitimate role in the administration and management of the Northeast, while upholding their rights to equal citizenship, participation and representation at all levels, and ensuring a free, fair, and peaceful electoral process in regard to parliamentary elections scheduled for May 2010; and
- Sign, ratify and implement the Treaty of Rome establishing the International Criminal Court.

As far as the current situation in the camps and for Internally Displaced Persons, the PPT recommends:

- Allow free and unlimited access to humanitarian organizations, such as the International Committee of the Red Cross, human rights defenders and media to the refugee camps;
- Hand control of the camps from military to civilian authorities, and ensure the resettlement of Tamils in their native lands, managed by civilian authorities and overseen by international organizations with the full and active participation of the affected people;
- Ensure implementation of standards for safe returns, such as the UN Guiding Principles on Internal Displacement, and allow independent international monitoring of returnees, rehabilitation, and reconstruction activities;
- Carry out impact assessments and human audits, and set up a mechanism of accountability and compensation after a proper assessment of damages suffered by the Tamil people; and
- Address the particular condition of women, children, and separated families, allowing access to basic services, post-war rehabilitation, education, and health and psychological care, including treatment for Post-Traumatic Stress Disorder (PTSD).

6.2 To the International Community, Donor Governments and the United Nations

The Panel urges to the above that they:

- Appoint a UN special rapporteur for Sri Lanka to investigate and identify responsibilities for human rights violations, violations of humanitarian law and war crimes committed by all parties in conflict;
- Support the establishment of an independent group of eminent persons to investigate the responsibilities of the international community in the disruption of the ceasefire agreement and subsequent war crimes and crimes against humanity and provision of the Sri Lankan Government with weapons during the ceasefire;
- Establish a field office of the UNHRC to allow for independent monitoring of the human rights situation of the Tamil people, and the implementation of Tamil rehabilitation and resettlement programmes, as well as measures aimed at reinstating fundamental rights, freedoms and the rule of law;
- Create an inter-governmental and inter-agency task force to coordinate donor agencies' activities to support peace and reconciliation processes, landmine clearance, rehabilitation

and **post-war** reconstruction, subject to the rights and wishes of the Tamils;

- Provide the Tamil people with means to ensure their sustainable livelihoods and meet basic human needs, and support confidence-building programs to enable inter-cultural and inter-ethnic dialogue between the Sinhala and Tamil peoples;
- Investigate the final use and proper redistribution of international emergency and development aid to Sri Lanka for tsunami relief and post-disaster reconstruction;
- Appoint a special international electoral monitoring mission for the upcoming parliamentary elections, scheduled for 2010; and
- Demand that the right to a fair and transparent trial be recognized for the 12,000 plus political prisoners currently detained in Sri Lankan prisons.

6.3 Concluding Remarks

The PPT cannot conclude its work without specifically recognizing the fundamental contribution of those eyewitnesses who had the courage to come forward to testify on facts that have touched their lives profoundly and forever. They are the most qualified representatives of the victims, whose numbers will never be known and whose suffering could never be described in full. The recognition and protection of their rights are the reasons for the existence and activities of the PPT.

The PPT is also well aware that in the current situation the rights of those that witnessed the atrocities committed in the country are vulnerable to further violations, both directly against their personal freedom and life, and through the persecution of their families.

Therefore, the PPT declares that any harm that might happen to those that testified or to their families should be considered as the exclusive responsibility of those authorities and actors addressed within our judgement. We commit ourselves to maintain a sharp attention to the safety of the witnesses who have courageously contributed to the fact-finding task of the tribunal. If anything would happen to any of them, we will hold the government of Sri Lanka responsible for that.

The PPT furthermore declares its readiness and commitment to take an active role in monitoring and promptly acting on any consequence that the witnesses might suffer due to the fact of having contributed to our work and deliberations.



Francois Houtart - Chairperson
People's Tribunal on Sri Lanka



Gianni Tognoni - Secretary General
Permanent People's Tribunal - Rome

Personal Appeal for Peace from Thai Buddhist Sulak Sivaraksa

We would like to appeal to the Sinhala Buddhists first of all to acknowledge the crimes that they committed against their own Tamil sisters and brothers and ask for forgiveness from the Tamils. Rejoicing at the war victories, when thousands have been killed, 'disappeared', maimed, raped and hundreds of thousands of people have been displaced and detained, is totally against the dhamma.

After all, forgiveness in Pali is *apaya* – no fear – we should cultivate spiritual fearlessness. Fear arises from construction of the other. Construction of the other arises from separation of self and other. This is ignorance. The enemy is, in fact, greed, hatred and ignorance. In order to be fearless one needs to break the fetters of ignorance and greed. It is the ideological attachment to a majority dominated state that has caused the war and led to enormous suffering. The notions of minority and majority are wrong perceptions. We are interrelated or 'interbeing'. One who realizes interbeing is fearless. It is this fearlessness that can help transform the colonial construction of the Sri Lankan unitary state. This construction is based on greed and hatred.

Through deep Buddhist meditation we can realize our interbeing. In reality we all are friends, who may have different ethnicities. But with right-mindfulness (*sammâ smadhi*), we can see that they are all our friends, not enemies. The words war heroes and terrorists are misconceptions. We can live together, acknowledging each other's dignity. Tamils are human beings and they should live their basic human rights as we do. They aspire to live in their own land just like the Sinhalese. The government of Sri Lanka should follow Emperor Asoka who transformed violence into loving kindness treating all diverse ethnicities in his empire with dignity and equal respect, upholding different cultures and religions. We need to follow the great Buddhist emperor in order to uphold the world in the twenty- first century in peace, truth and compassion. The Sri Lankan state needs a transformation.

The Machiavellian approach of exploitation and imperialism is coming to an end, as the Buddhist teaching of *anicca*, impermanency has implied and as evidenced by the fact that the Roman and British

empires have come to their ends and the American one is on the decline. The future of humankind depends on ahimsa and satyagraha. The power of the truth was not only expressed by Gandhi, but it was proclaimed by the Buddha. Once we confront the Noble Truth of Suffering – not only individually but socially; we can then find out the causes of suffering, which link directly with greed lobha (capitalism and consumerism), hatred dosa (nationalism, militarism, pseudo-democracy), and delusion moha (mainstream education stressing on the head without cultivating the heart and mainstream mass media).

Then we can overcome social suffering through the Noble Eightfold Path of Sila not exploitative of oneself and others, samadhi, deep meditative practice of self-awareness, and panna, that is wisdom or true understanding, seeing that we are all interconnected. The Tamils and Sinhalese need to be brother and sister. If this is taken seriously as a reality not as a far-fetched ideal Sri Lanka can really be a land of the buddha, with a small 'b'. Tamils and Sinhala could be side by side in unity and diversity. This will indeed be a good example of the country in the twenty-first century. It will be a century marked by the strength of spirituality beyond hypocrisy and mediocrity.

Annex I

The Programme

People's Tribunal on Sri Lanka

14 -16 January, 2010

Day One: 14 January 2010

Nature of Crimes to be Investigated: Part I

Last Phase of the War in Sri Lanka and its Aftermath: Crimes against Humanity and War Crimes

Session I : 9.00 a.m. - 11.00 a.m. (Open to the Public)

1. Mr Rajeev Sreetharan and Ms Janani Jananayagham (*Tamils Against Genocide*)

Evidence of war crimes based on satellite images of the region ' Safety Zone' during the last phase of war

2. Dr Paul Newman (*Concerned Citizens' Forum of South Asia*)

An overall view of refugees and human rights especially in the aftermath of war

Screening of Video Footages of bombing of civilian targets in the last phase of war

Session II : 11.15 a.m. – 1.30 p.m. (In Camera sessions)

3. Expert Witness

An overall summary of crimes against humanity and war crimes based on existing documents

4. Expert Eye Witness Account

crimes against humanity and war crimes; food as a weapon of war; medicine as a weapon of war; rape as a weapon of war; killing civilians and destroying civilian buildings etc

5. An Eye Witness Account

killing of civilians and destroying civilian hospitals; schools; homes and places of worship; artillery attacks on the designated Safety Zone

Session III: 3.00 p.m. - 6.00 p.m. (In Camera sessions)

6. An Eye Witness Account

Bombing of hospitals, food and medicine as a weapon of war

7. An Eye Witness Account

killing of civilians and destroying civilian hospitals; schools; homes and places of worship; artillery attacks on the designated Safety Zone

8. Eye Witness

An eye witness account of detention camps and violation of human rights; rape and abductions

9. Eye Witness

An eye witness account of detention camps and violation of human rights; rape and abductions

6.00 pm -Closure of the first day one

Day Two: 15 January 2010

Session IV - 8.00 a.m.– 9.30 a.m. (In Camera Session)

10. An Expert Account

Suppression of media; killing of journalists and extra-judicial killings

11. Eye Witness Account

A Journalist/A Victim of Torture

Local and International factors that led to the collapse of 2002 CFA : Crimes Against Peace

Session I :10.15 a.m. - 12.15 p.m. (Open to the Public)

1. Commodore R.S Vasan, India (*Head of the Strategic and Security Studies Centre- Chennai and a former naval officer in the Indian Peace Keeping Force in Sri Lanka*)

How did the Sri Lankan State defend itself to protect its sovereignty, territorial integrity and national security against the separatist movement like the LTTE

2. Brigadier General Ulf Henrickson, Sweden (*Head of the Monitoring Mission of the 2002 Ceasefire Agreement in Sri Lanka*)

What happened to the 2002 Ceasefire Agreement?

3. Prof. Peter Schalk , Sweden

The role of the European Union in the 2002 Ceasefire Agreement

Video footages of extra-judicial killings and desecration of dead bodies

Session II: 12.30 a.m. - 1.30 p.m. (In Camera Session)

1. Two expert eye witnesses

An assessment of the welfare, healthcare, child care, de-mining and other humanitarian services during the peace process and especially after the 2004 Tusnami in the LTTE-controlled areas and the response of the international community to these services

Session III: 3.00 p.m. - 5.00 p.m. (final session - In Camera Session)

1. Expert Witness, Ireland

Ireland's positive contribution to the peace process in Sri Lanka

2. Two Expert Witnesses

International factors that led to the collapse of the CFA and promotion of the military solution (crimes against peace)

5.00 p.m. - Closure of the Hearings

Day Three : 16 January 2010

Public Session : Presenting the Findings - 2.00 p.m. - 4.00 p.m.

2.00 p.m. - 3.00 p.m.

Chaired by Prof. Francois Houtart

Presenting the findings

The Chair and the Panel leave the Hall

Closing Session : 3.15 p.m.- 4.00 p.m.

An open discussion led by the **Irish Forum for Peace in Sri Lanka**

List of affidavits submitted at the People's Tribunal on Sri Lanka

Given in Person:

1. 'Crimes to be Investigated (part 1): Crimes against Humanity and War Crimes' - **International HumanRights Association (IMRV)**
2. 'Crimes to be Investigated (part 2) : Crimes against Peace' – **International Human Rights Association (IMRV)**
3. 'Massacres of Tamils' – **International Human Rights Association (IMRV)**
4. 'Genocide Presentation to the People's Tribunal on Sri Lanka' – **Tamils Against Genocide (TAG)**
5. TAG Presentation and accompanying written submission – **Janani Jananayagan**
 - a) IMF- Lawsuit (6 March)
6. TAG - PPT - Extra-Judicial Executions – **Rajeev Sreetharan**
7. TAG - PPT - Boyle-WarCrimes-Sri Lanka - **Rajeev Sreetharan**
8. TAG - PPT - Model-Indictment - **Rajeev Sreetharan**

9. TAG - PPT - PTK - Hospital - Sattelite - Final V5 - **Rajeev Sreetharan**
10. TAG - PPT - TrincoFiveExecution – V5 - **Rajeev Sreetharan**
11. 'My Experience in Vanni – An Eyewitness Account' (in camera) – Name of witness withheld for security reasons
12. 'Evidence for the Seven of the Nine Charges under Rome Statute: War Crimes and Crimes Against Humanity' – an expert eyewitness (witness' name withheld for security reasons)
 - a) North Eastern Secretariat on Human Rights (NESOHR) and Statstical Centre for Northeast (SCNE): Massacres of Tamils: 1956-2008 (Chennai, Manitham, 2009)
13. 'My Evidence during the Period July 2008-May 2009 - Name of witness withheld for security reasons witness
14. 'People's Rights and Democracy – An Expert Witness - Name of witness withheld for security reasons.
 - a) Memo to H.E.The Secretary General of the United Nations, Mr. Ban Ki Moon
 - b) Parliamentary Series No. 20 of The Sixth Parliament of the Democratic Socialist Republic of Sri Lanka (Third Session), *Interim Report* of The Select Committee of Parliament for investigation of the Operations of Non-Governmental Organizations and their Impact.
 - c) Report of the UN Working Group on Enforced or Involuntary Disappearances, Sri Lanka, (Advanced edited version - A/HRC/10/9 - 6 February 2009)
(Excerpt - <http://www2.ohchr.org/english/issues/disappear/docs/A.HRC.10.9.pdf>)
 - d) Joint Public Press Release of the Civil Monitoring Mission, Free Media Movement and Law and Society Trust (23 August, 2007)
 - e) Sri Lanka: Vanni Emergency, Situation Report, 16, (21 May, 2009), United Nations Office for the Coordination of Humanitarian Affairs
15. 'Suffering of IDPs and Conflict-affected People in Sri Lanka: A Case of War Crime' – **Dr. Paul Newman**
16. 'My Life in a Bombed Hospital' – Name of witness withheld for security reasons
17. 'Suppression of Freedom of Expression (witness given by an affected journalist)' - Name of witness withheld for security reasons
18. 'War against Terrorism in Sri Lanka and Peace and Security in the Indian Subcontinent' – **Commodore R.S Vasan**
19. 'What Happened to the 2002 Ceasefire Agreement' – **Brigadier General Ulf Hendriksson**
20. 'The Role of the EU in the Sri Lankan Conflict' – **Professor Peter Schalk**
21. 'The Humanitarian and Rehabilitation Work in the LTTE Controlled Areas during the Ceasfire Agreement' - name of the two witnesses withheld for security reasons
22. 'The Role of Ireland in the Sri Lankan Peace Process' - Name of witness withheld for security reasons

Written Submissions Sent to PPT

Last Phase of War

1. **'An Eyewitness Account of the Last Phase of War in Vanni 1'** - Name of witness withheld for security reasons
2. **'An Eyewitness Account of the the Last Phase of War in Vanni 2'** – Name of witness withheld for security reasons
3. **'An Eyewitness Account of the Last Phase of War in Vanni 3'** – Name of witness withheld for security reasons
4. **'An Eyewitness Account of the Last Phase of War in Vanni 4'** – Name of witness withheld for security reasons
5. **'An Eyewitness Account of the Last Phase of War in Vanni 5'** – Name of witness withheld for security reasons
6. **'An Eyewitness Account of the Last Phase of War in Vanni 6'** – Name of witness withheld for security reasons
7. **'An Eyewitness Account of the Last Phase of War in Vanni 7'** – Name of witness withheld for security reasons
8. **'An Eyewitness Account of the Last Phase of War in Vanni 8'** – Name of witness withheld for security reasons
9. **'An Eyewitness Account of the Last Phase of War in Vanni 9'** – Name of witness withheld for security reasons
10. **'An Eyewitness Account of the Human Tragedy in Vanni 10'** – Name of witness withheld for security reasons
11. **'An Eyewitness Account of the Last Phase of War in Vanni 11'** – Name of witness withheld for security reasons
12. **'An Eyewitness Account of the Last Phase of War in Vanni 12'** – Name of witness withheld for security reasons
13. **'An Eyewitness Account of the Last Phase of War in Vanni 13'** – Name of witness withheld for security reasons
14. **'An Eyewitness Account of the Last Phase of War in Vanni 14'** – Name of witness withheld for security reasons

The Aftermath of War

1. **'An Eyewitness Account of State of Refugee Camps in Sri Lanka 1'** – Name of witness withheld for security reasons

2. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 2”** – Name of witness withheld for security reasons
3. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 3”** – Name of witness withheld for security reasons
4. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 4”** – Name of witness withheld for security reasons
5. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 5”** – Name of witness withheld for security reasons
6. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 6”** – Name of witness withheld for security reasons
7. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 7”** – Name of witness withheld for security reasons
8. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 8”** – Name of witness withheld for security reasons
9. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 9”** – Name of witness withheld for security reasons
10. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 10”** – Name of witness withheld for security reasons
11. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 11”** – Name of witness withheld for security reasons
12. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 12”** – Name of witness withheld for security reasons
13. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 13”** – Name of witness withheld for security reasons
14. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 14”** – Name of witness withheld for security reasons
15. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 15”** – Name of witness withheld for security reasons
16. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 16”** – Name of witness withheld for security reasons
17. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 17”** – Name of witness withheld for security reasons
18. **“An Eyewitness Account of State of Refugee Camps in Sri Lanka 18”** – Name of witness withheld for security reasons

19. “An Eyewitness Account of State of Refugee Camps in Sri Lanka 19” – Name of witness withheld for security reasons

20. “An Eyewitness Account of State of Refugee Camps in Sri Lanka 20” – Name of witness withheld for security reasons

21. “An Eyewitness Account of State of Refugee Camps in Sri Lanka 21” – Name of witness withheld for security reasons

Video footages and photogarpchs

1. A large collection of video footages of bombing, killing and wounding civilians and destruction of hospitals
2. Video footages of desecration of dead bodies of women taken by mobile phone cameras of the soliders
3. Photographes of desecration of dead bodies taken by soldiers (email dated:11 June, 2009)

Written submissions sent by identified persons and organisations

1. Crimes Against Humanity, War Crimes and Crimes Against Peace’ – **Dr P Kukathanan**
2. ‘Fact Sheet:Tamil Asylum Seekers’- Civil Society Solidarity for Asylum Seekers & Refugees (**Jakarta Legal Aid Institute, Legal Aid Foundation, Working People ‘s Association and Confederation Congress of Indonesia Union Alliance**)
3. ‘Internment of Tamil Civilians in Sri Lanka’- **Tamil Legal Advocay Project-UK**
4. Sri Lanka: The Case for Suspension from Commonwealth
5. The Affidavit of the **Global Peace Support Group - UK**
6. ‘Scarred’- **Janani Paramsothy**
7. ‘Over 2000 Cases of Disappearances’: **Committee for the Investigation of the Dissapeared (CID)** - Colombo, Sri Lanka
8. ‘Rape as a Weapon of War’ - **Thiben Ramanathan** (email dated: 20/12/2009)
9. A realistic view of the root causes of the current Sri Lankan crisis – **Dr S. Jeyasundaram**

Documents compiled by Irish Forum for Peace in Sri Lanka (IFPSL)

Articles and links for forced evictions and deportations of Tamils

1. Biscuits for LTTE: Suspects remanded – 31 January 2008
<http://www.sinhala.net>

2. WFP wants story on biscuits rectified.

<http://www.thebottomline.lk/2008/01/30/B35.htm>

3. High protein biscuits supplied at government request: UNICEF

<http://www.slmuslims.com/index.php/200802011517/Local-News/High-protein-biscuits-supplied-at-government-request-UNICEF.php>

4. Food Supplies to Kilinochchi and Mullaittivu Districts

http://www.thecolombotimes.com/2008_10_01_archive.html

5. Is truth also military gear? A question to Sri Lanka media.

www.lakmag.com/02-01-2008.html

6. Norwegian NGO used by LTTE, also delivered arms to an insurgency in Sudan -Walter Jayawardana

http://www.defence.lk/new.asp?fname=20080728_02

7. WFP food packs meant for LTTE? - 28 January 2008

http://www.news.lk/index.php?option=com_content&task=view&id=4724&Itemid=44

8. WFP biscuit story: Trico Chairman clarifies

http://www.news.lk/index.php?option=com_content&task=view&id=4735&Itemid=44

10. The latest Situation Report by Lawrence Christy, Planning Director, TRO - *Updated on 02 May 2009*

http://www.sangam.org/2009/05/Enclave_Report.pdf?uid=3460

11. On the spot report by Lawrence Christy, Planning Director, TRO - *Updated on 04 March 2009*

<http://vannimission.org/reports/On%20the%20Spot%20Report%20-%204th%20March,%202009.pdf>

12. On the Spot Report by Lawrence Christy, Planning Director, TRO - *Updated on 11 March 2009.*

<http://vannimission.org/reports/On%20the%20Spot%20Report%20-%20Bunker%20life%2011th%20March%202009.pdf>

13. REPORT from the 'Safe Zone' / TRO Media Release - *25 April 2009*

<http://www.tamilnation.com/world-news/asia/774-report-from-the-safe-zone.html>

14. Some Notes on Situation Report for the month of February, 2009.

http://www.tamilnation.org/tamileelam/tro/090220on_the_spot_report.pdf

15. On the Spot Report by Lawrence Christy, Planning Director, TRO – *Latter part of January, 2009.*

http://www.tamilnation.org/tamileelam/tro/090120on_the_spot_report.pdf

16. TRO's Relief Activities in Vanni - *Updated on 26th April, 2009*

http://www.sangam.org/2009/05/TRO_Relief.pdf

17. 'As the shells fell, we tried to save lives with no blood or medicine'

<http://www.guardian.co.uk/world/2009/sep/15/sri-lanka-war-on-tamil-tigers>

<http://www.guardian.co.uk/world/video/2009/sep/16/sri-lanka-tamil>

18. In Sri Lanka the war is over but Tamil Tiger remnants suffer brutal revenge

<http://www.guardian.co.uk/world/2009/may/21/sri-lanka-tamil-tigers-ltte-tamil-refugees-in-camp>

19. Disgraceful treatment of LTTE captives - 14 November 2009

<http://www.srilankaguardian.org/2009/11/disgraceful-treatment-of-ltte-captives.html>

20. මුදා නොගත් ප්‍රදේශවල ලක්ෂ 3ක් ජනතාව සිටින බව කීම මවා පෑමක් - කෙහෙළිය

<http://www.lankaenews.com/Sinhala/news.php?id=7761>

21. A Profile of Human Rights and Humanitarian Issues in the Vanni and Vavuniya
The Centre for Policy Alternatives (CPA) *March 2009*

22. ප්‍රභාකරන් වේරා ගැනීමට සිටින මහවීරු පවුල් සිවිල් ජනයා ලෙස සැලකිය නොහැකියි

<http://www.lankaenews.com/Sinhala/news.php?id=7816>

23. National Leader Prabakaran's Daughter Dwaraka's photos released

<http://www.ireport.com/docs/DOC-369439>

24. Sri Lanka's brutal war takes heavy toll (AFP) – *May 9, 2009*

http://www.google.com/hostednews/afp/article/ALeqM5gGEOc5G_8nk8A97fD1FbLHIGPeow

25. On the operating table, evidence of Sri Lanka's brutal war - AFP - *10 May 2009*

<http://reliefweb.int/rw/rwb.nsf/db900sid/MYAI7RW633?OpenDocument&query=white%20phosphous>

26. Sri Lankan Army used Chemical Weapons on Tamils in the war zones

<http://www.nowpublic.com/world/sri-lankan-army-used-chemical-weapons-tamils-war-zones>

27. Sri Lanka acquires 'banned' weapons - *13 August 2001*

<http://www.tamilnet.com/art.html?catid=13&artid=6237>

28. Controversial weapon meant for genocide alleges MP - *17 August 2001*

<http://www.tamilnet.com/art.html?catid=13&artid=625>

29. Recurring Nightmare State Responsibility for "Disappearances" and Abductions in Sri Lanka – Human Right Watch- *March 2008- Volume 20, No. 2(C)*

30. New allegations of war crimes in Sri Lanka - Mark Leon Goldberg – *26 August 2009*

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Annex II

List of Supporters

Individuals:

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

- **Brockmann, Miguel d'Escoto** - Senior Advisor to the President of Nicaragua, the outgoing President of the UN General Assembly (2008-2009), the former Minister for Foreign Affairs in Nicaragua and liberation theologian
- **Esquivel, Adolfo Pérez** - Argentinian human rights campaigner, and a Nobel Peace Prize winner
- **Fernandez, Irene** - A leading Malaysian Trade Unionist and a human rights campaigner
- **Iyer, S.V.R.Krishna** - Former Judge of the Indian Supreme Court, former Minister in the Kerala Parliament
- **Keskin, Eren** - Kurdish-born lawyer, rights campaigner and vice president of the Human Rights Association, Istanbul, Turkey.
- **Maguire, Mairead** - Nobel Peace Prize Laureate. Co-founder of Community for Peace People, an organisation which encouraged a peaceful resolution to the troubles in Northern Ireland. Mairead is member of the Honorary board of the International Coalition for the Decade of the culture of Peace and Nonviolence.
- **McWilliams, Monica** – Prof. emeritus, Ulster University, co-founder of Northern Ireland Women's Coalition and a signatory to the Good Friday Agreement (1998)
- **Roy, Arundhati** - Writer and Journalist and Booker prize-winner
- **Ziegler, Jean** - University of Geneva, Switzerland

Further Individual Supporters:

Afghanistan

Dabhi, Dr. James C. - SJ, Country Director, Afghanistan Research and Development Institute, Kabul, Afghanistan

Argentina

Calvelo, Graciela - Argentina

Casas, Jose - Professor Universidad Nacional de San Juan, Argentina

Crocco, Natalia - Argentina

Dalmau, Iván Gabriel - Buenos Aires, Argentina

Ferreira, Marcelo - Chair, Department of Human Rights, Faculty of Philosophy and Arts, University of Buenos Aires, Argentina

Ohanian, Bárbara I. - Sociologist, University of Buenos Aires, Argentina

Ortiz, Alberto Luis - General Roca, Rio Negro, Argentina

Ramos, Carlos José Pérez - Sociologist, University of Buenos Aires, Argentina

Said, Emilia Judith - Buenos Aires, Directora Archivo Nacional de la Memoria, Argentina

Samanes, Cecilia - Argentina

Stupenengo, Alejandra - Buenos Aires, Argentina

Stupenengo, Julieta - Buenos Aires, Argentina

Canada

Sundar, Aparna - Assistant Professor, Dept of Politics and Public Administration, Ryerson University

Croatia

Bec, Janja - Croatia

England

Kawamura, Betsy A. - London, United Kingdom

Nathan, Prof. Pradeep - Cambridge, United Kingdom

Spencer, Prof. Philip - Associate Dean and Director of the Helen Bamber Centre for the Study of Rights, Conflict and Mass Violence, Faculty of Arts and Social Sciences, Kingston University, UK

India

Ayyanathan, K. - Editor, tamil.webdunia.co

Dr. Dominic. D - Associate Professor, Dept. of Kannada Studies, Bangalore University

Jayaraman, Nityanand - Chennai, India

Jeyaraj, Xavier - Secretary, South Asian Peoples' Initiatives (SAPI)

Koshy, Prof. Ninan - Kerala, India

Manisha Sethi, Jamia - Teachers' Solidarity Association, New Delhi, India

Roy, Kirity - Secretary, Banglar Manabdhikar Suraksha Mancha (MASUM) & National Convenor (PACTI), Programme Against Custodial Torture & Impunity, West Bengal, India

Sudhakar, Dr. Philip - Director, Commission for Communication, Dindigul, Tamilnadu, India

Xavier, Santiago - Secretary, Jesuits in Social Action (JESA)

Ireland

Caliman, Liviu - Dublin, Ireland

Fitzpatrick, Breda - Portlaoise, Ireland

Grehan, Gerry - Chair, Peace People, Belfast, Northern Ireland

Malesevic, Dr. Sinisa - School of Political Science and Sociology, National University of Ireland, Galway

McKeown, Bishop Donal, Belfast

Murphy, Dr. Ray - Irish Centre for Human Rights, National University of Ireland, Galway, Ireland

Tormey, Sorcha - Coexist Ltd., Ireland

Ward, Dr. Eilís - School of Political Science and Sociology, National University of Ireland, Galway, Ireland

Malaysia

Nair, Raveendran - Malaysia

Scotland

Bloxham, Donald - Professor of Modern History, School of History, Classics and Archaeology, University of Edinburgh. Author of 'The Final Solution: A Genocide'

Spain

Prada,, Carlos Slepoy - Attorney, Madrid, Spain

Thailand

Kosolnavin, Surasee - Former National Commissioner for Human Rights, Thailand

United Arab Emirates

Hanieh, Adam - Assistant Professor, Department of Humanities and Social Sciences, Zayed University, United Arab Emirates.

United States of America

Chatterji, Dr. Angana - Co-convener of International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir; Professor of Anthropology at California Institute of Integral Studies, San Francisco Prof.

Imtiyaz, A. R. M. - Department of Political Science, Temple University Philadelphia, USA

Organisations:

Asia

1. Sathirakoses-Nagapradipa Foundation, Thailand
2. People's Union for Civil Liberties-Chennai and Ponderchery, India
3. People's Union for Civil Liberties- Kerala, India
4. Concerned Citizens' Forum of South Asia- Bangalore, India
5. Campaign for Abolition of Third World Debt (CADTM) ,Pakistan
6. Working Peoples Association, Indonesia
7. Institute of Dialogue with Cultures and Religions, University of Madras, India
8. Institute for Development Education Action and Studies (IDEAS) Centre, Madurai, India
9. Ecumenical Christian Forum for Human Rights (ECFoHR), India
10. MaduraiPeople's Action Liberation Movement in East Ramnad (PALMERA), Devekottai, India
11. DACA (Dr.Ambedkar Cultural Academy),Madurai, India
12. JOHAR, Adivasi Centre for Development and Human Rights, Dumkha, Jharkhand, India
13. Adivasi Yuva Chetana Manch, Raipur, Chattisga, India
14. Parishkaran-Bridging Populous and Polity, India

15. Adivasi Jivan Vikas Sanstha (AJVS), New Delhi India (Secretary- Rojalia Tete)
16. JOHAR - Human Resources Development Centre, Dumka, Jharkhand, India (Director -David Madhava Solomon)
17. SHAKTI - Legal Aid and Human Rights Centre (LAHRC), Songadh, Gujarat, India (Director - Amrutbhai R. Patel)
18. Focus on the Global South, CUSRI, Chulalongkorn University, Bangkok, Thailand
19. All India Catholic University Federation (AICUF)
20. Tamilnadu Pandy Fisher People's Federation, Chennai, India
21. Jamia Teachers' Solidarity Association, New Delhi, India
22. Afghanistan Research and Development Institute, Herat and Bamyán University, Kabul

Australia

- 1, Socialist Alliance, Australia
- 2, Sydney Peace Foundation
3. Centre for Peace and Conflict Studies, University of Sydney.

Canada

1. Socialist Project, Toronto, Canada
2. Canadian Arab Federation (The national umbrella organization of all Arab organizations based in Canada)
3. The Toronto Area Council of the United Steelworkers Union of Canada
4. Canadian Forum for Justice and Peace in Sri Lanka
5. Coalition Against Israeli Apartheid (CAIA) – Canada
6. Canadian Organisation for Peace & Equality (COPE)
7. Centre for War Victims and Human Rights (www.cwvhr.org), Toronto
8. No One is Illegal, Toronto
9. The Philippine Solidarity Group of Toronto
10. Philippine Network for Justice and Peace, Toronto

Europe

1. Dublin Quaker Peace Committee, Ireland

2. Latin American Solidarity Centre – Dublin
3. Frontline- International Organisation for the Defenders of Human Rights, Dublin & Brussels
4. Irish Trade Union Congress
5. Action from Ireland (Afri)
6. Stephen Gargan & Jim Keys / Gaslight Productions, Derry, Northern Ireland
7. Ireland Palestine Solidarity Campaign (David Landy, Chair)
8. Comhlámh
9. Africa Centre, Ireland
10. Debt and Development Coalition, Ireland
11. Latin American Solidarity Centre- José Antonio Gutiérrez (Research and Development Officer, LASC)
12. Bloom Movement (Bloom is a movement of people in Ireland taking action together for global justice.)
13. Justice and Peace Office - International Oblates, Rome and Washington
14. European Initiative for a Negotiated Settlement in Sri Lanka, Sweden
15. Initiative for Peace in Sri Lanka, Germany
16. Centre Tricontinental, Belgium
17. Mireille Fanon-Mendes, Foundation Frantz Fanon, France
18. Olivier Bonfond, Campaign for Abolition of Third World Debt (CADTM) Belgium
19. CEDETIM / IPAM (‘Centre d’études et d’initiatives de solidarité internationale / Initiatives pour un autre monde)
20. FIMARC
21. Casa Argentina de Madrid, Spain

Latin America

1. Comisión Interclesial de Justicia y Paz, Colombia
2. Red de Alternativas a la impunidad y l globalización del Mercado, Colombia
3. Mesa Contra La Impunidad, Colombia
4. Proyecto Justicia y Vida, Colombia
5. Red Colombianos y Colombianos Unidos por Nuestros Derechos Constitucionales, Colombia

6. Asociacion de Familiares de Detenidos Desaparecidos Dignidad Educativa, Colombia
7. Taller de Jormacion Estudiantil – Raices, Colombia
8. Circulo del Pensamiento Critico Latino Americano, Colombia
9. Central Unitaria de Ttabajadores - Derechos Humanos, Colombia
10. Colombianos y Columbianas por la Paz, Colombia
11. Asociacion Distrital de educadores, Colombia
12. Archipelago Movement for Ethnic Native Self Determination , Colombia
13. Theatre of the Oppressed - Sao Paulo, Brazil
14. National Armenian Council of South America (Consejo Nacional Armenio de Sudamérica), Buenos Aires, Argentina

PERMANENT PEOPLE'S TRIBUNAL

Permanent People's Tribunal
Fondazione Lelio Basso Sezione Internazionale, Via della Dogana Vecchia, 5 - 00186 Roma, Italia