

Text of the D.O. Letter dated 18.3.2013 addressed to Dr. Manmohan Singh, Hon'ble Prime Minister of India by Selvi J Jayalalithaa, Hon'ble Chief Minister of Tamil Nadu is reproduced below:

"As you are aware, Tamils in Tamil Nadu and the Tamil diaspora spread across the world are legitimately outraged and incensed over the impunity with which the Sri Lankan Government is ignoring international sentiments and binding resolutions relating to reconciliation and accountability for the war crimes and genocide committed in the closing stages of the civil war in Sri Lanka and the ongoing gross human rights abuses. **To assuage the legitimate sense of outrage and deeply hurt sentiments it is absolutely important that India takes a strong stand in support of the US sponsored Resolution in the 22nd Session of the UN Human Rights Council and more importantly moves necessary independent amendments to further strengthen the Resolution.**

You would recall that I had presented a Memorandum to you on 14.6.2011 and written to you on 25.6.2011 bringing to your notice the Resolution of the Tamil Nadu Legislative Assembly dated 8.6.2011 which had called upon the Government of India to take up the issue of war crimes committed against Sri Lankan Tamils and also called for an economic embargo on Sri Lanka till the Tamils are fully resettled and are allowed to live with dignity and with equal constitutional rights as their Sinhala counterparts.

Subsequently, I had written to you on 29th February, 2012, and 6th March, 2012, to urge that India take a strong stance in support of the Resolution on Promoting Reconciliation and Accountability in Sri Lanka in the 19th Session of the UN Human Rights Council. Based on the strength of the public sentiments in Tamil Nadu, conveyed through the Tamil Nadu Legislative Assembly's Resolution and through my communications, the Government of India supported Resolution 19/2 in the 19th HRC. Resolution 19/2 which called upon the Sri Lankan Government to implement the constructive recommendations of the Lessons Learnt and Reconciliation Commission's (LLRC) report was relatively mild since the LLRC report itself has been viewed as a flawed report not covering many of the points contained in the UN Secretary General's Panel of Experts Report. It is pertinent to point out that the Report itself was toned down at the instance of the Government of India which itself is a betrayal of the Tamils.

Mr. Prime Minister, a full year has passed since that Resolution and the events and developments of the past year in Sri Lanka, as evidenced by the report of the Office of the UN High Commissioner for Human Rights, are a continued and sorry saga of human rights violations against the Tamils in that country. The report of OHCHR indicates that Sri Lanka is yet to act on many of the recommendations contained in the LLRC's report and it has not given access

to the special procedures mandate holders. The report also notes that much needs to be done in the area of justice, reconciliation and resumption of livelihoods and notes the continuance of serious human rights violations against the Tamils. They continue to suffer as second class citizens. They are still often expelled from their homes and subjected to harassment, discrimination and torture. There is no indication that the Sri Lankan Government's obduracy in resisting a fair investigation into the genocide and war crimes has ended. There is no evidence to show that there is either a conscious policy on demilitarization or withdrawal from Tamil civilian lands. There is no credible policy of rehabilitation and reconstruction of the Tamil livelihoods. Clearly the present government in Sri Lanka is not keen on genuine reconciliation or even to allow the Sri Lankan Tamils to be rehabilitated, let alone start life as equal citizens in that country, which is reflected in the lack of adequate action even on a relatively mild UNHRC Resolution.

At this juncture, the ongoing 22nd session of the Human Rights Council is the most appropriate forum and occasion to mount further pressure on Sri Lanka to ensure that accountability is established under an international framework for the war crimes and genocide committed in the closing stages of the civil war and the ongoing gross human rights abuses. This is all the more important in the light of the mounting fresh independent evidence of atrocities committed by the Sri Lankan Armed Forces. It is also an opportunity to secure for Sri Lankan Tamils equal constitutional rights and a life of dignity. It is very important that Sri Lanka is held to account on this occasion and India plays a crucial role in this regard, given not only the deep and widespread sentiment prevailing amongst all sections of Society and shades of political opinion in Tamil Nadu, but also the need to establish India as a global leader standing up for democracy and human rights.

I am dismayed that the statements made by you and the External Affairs Minister in the past few days appear equivocal and prevaricating. They do not give a clear indication of India's stance, particularly with reference to the genocide which has taken place in Sri Lanka resulting in enormous loss of innocent, civilian lives and gross violation of human rights. It was disappointing that India had maintained a deafening silence when the US sponsored draft was taken up for discussion in the on-going UNHRC session. **India must take a strong, historic and courageous stance in this matter and not just support the U.S. sponsored Draft Resolution on Promoting Reconciliation and Accountability in Sri Lanka, but strengthen it further through suitable amendments that would make the Resolution unambiguous in intent and effective in implementation:**

- In the preambular para 5 (PP5) seek a mention of the UN Secretary General's Panel of Experts report in addition to the LLRC report.
- In PP9 strengthen the language from expression of "concern" to "serious concern and dismay" at the reports of the continuing violations of human rights.

- In PP10 strengthen the language to “condemnation” of the failure of the Sri Lankan Government to fulfill its public commitments including on devolution of political authority.
- In operative para 1, there should be an unequivocal call for a credible, independent, international mechanism to prosecute genocide, war crimes and war criminals and the accused should stand trial before an International Court. This process should be completed within a period of six months and the outcome reported for a special discussion in the 25th session of UNHRC in 2014.
- In operative para 2 there should be an insistence that the OHCHR report be implemented in its totality.
- In operative para 3 there should be a strong call to the Government of Sri Lanka to accept the establishment of an impartial, international institution to initiate credible and independent actions to ensure justice, equity, accountability, including investigation of violations of international law and reconciliation of all Sri Lankans, including Tamils. This should include Sri Lanka providing a pragmatic political package to the Sri Lankan Tamils and restoring their equal rights of citizenship on par with the Sinhalese Community.

I request you to kindly immediately instruct Indian diplomats to strongly push for these independent amendments to strengthen the US backed Resolution in the 22nd Session of the UNHRC since the final draft is to be placed for consideration of the Council on 19th March, 2013. Further, India should also mobilize the support of other member nations, particularly those who are opposed to the resolution and are lobbying to water down or nullify the impact.

Mr. Prime Minister, I hope that at this historic moment, the Government of India will decisively step forward as a champion of human rights and democracy and take a bold stand in support of the much discriminated against and long suffering Tamil minority in Sri Lanka and thereby demonstrate its empathy and solidarity with the millions of Tamils both in Tamil Nadu and elsewhere and assuage the legitimate sense of outrage amongst them.”

Issued by: Director, Information – Public Relations, Chennai.9

Dated : 18.3.2013