

**Support Group for Peace and Justice in Sri Lanka
Conference on Peace and Justice in Sri Lanka**

Durban Recommendations

07 November 2015

The Tamil struggle for liberation and self-determination draws inspiration from the struggle of the South African people led by the African National Congress (ANC). The ANC has historically been supportive of the Tamil freedom struggle. It is in this light that the interest taken by the South African Government in achieving accountability, justice and sustainable peace in Sri Lanka is welcomed.

The conference welcomes the initiative of the Solidarity Group for Peace and Justice in Sri Lanka (SGPJ) in bringing together stakeholders from the Tamil homeland and the Diaspora on the 6th and 7th of November 2015 in Durban to debate and discuss the prospects for justice and permanent peace on the island.

Peace and justice are not issues to be understood as distinct. Without justice there can be no lasting peace.

The Sri Lankan government's actions thus far, under past and present regimes, provide little reason for Tamils in the North-East and the Diaspora to believe that the Government genuinely has the political will to deliver on accountability and lasting peace through a political solution. In order for the Tamil population to even begin to develop trust in any accountability, reconciliation or constitution-building processes, the Government must first undertake meaningful confidence-building measures.

The following are preliminary recommendations to assist the international community, including the South African government, in their engagement with the Sri Lankan government, towards the aim of creating an environment in which justice and sustainable peace can be achieved.

1. The Government of Sri Lanka co-sponsored the UNHRC Resolution UN HRC/30/L/29 dated 01 October 2015 on accountability and reconciliation in Sri Lanka. However, during and after the adoption of the Resolution, the Government has been sending out conflicting messages about its obligations therein. Key members of government are downplaying the need for international participation in the accountability process and more particularly the setting up of a criminal justice mechanism as part of the transitional justice process.

The Sri Lankan Government should clearly outline the aims and objectives of the transitional justice process pursuant to the Resolution prior to the commencement of a credible victim consultation process.

2. Successive governments of Sri Lanka (including the current regime) have publicly denied the systemic and structural nature of the crimes committed against the Tamil population. The war and the systemic crimes perpetrated against the Tamil Nation were aimed at defeating its political demand for self-determination.

The public acknowledgement of the systemic nature of the crimes committed with impunity against Tamils will be an important first step towards meaningful justice and lasting peace. The Sri Lankan Government should acknowledge resolutions passed by the Northern Provincial Council,¹² the Legislative Assembly of Tamil Nadu³⁴ and other democratic institutions and governments that reflect the shared experiences of the Tamil people over the years.

3. We are disappointed that the new Government not only continues to deny the ongoing militarisation of the North-East of Sri Lanka, but has also taken steps to reinforce it.

Militarisation and occupation by armed forces of the Tamil homeland, impedes a return to normalcy, including the return of and safe access to land and restoration of livelihood for the Tamil people. Despite pledges by the new regime to change the culture of impunity within the military, the heavy military presence continues to be a direct cause of ongoing sexual violence, harassment and exploitation of Tamil women and girls in the North-East.

Hence, removal of troops from the North-East and demilitarization of the area are important pre-conditions for establishing a safe and conducive environment for:

- a) the victims and witnesses to take part in a victim consultation process;
- b) an informed, participatory and inclusive dialogue for a constitutional settlement to the National Question.

¹ Northern Provincial Council, Resolution titled, 'Sri Lanka's Genocide Against Tamils', which resolved that Tamils were and are being subjected to the crime of Genocide and calling for the OISL inquiry to include genocide amongst its investigation. (10 February 2015),

² Northern Provincial Council, Resolution calling for an international tribunal to investigate international crimes committed (01 September 2015)

³ Tamil Nadu Legislative Assembly, Resolution calling the UNHRC to recommend an international probe for crimes committed against the Tamils including Genocide, (16 September 2015)

⁴ Tamil Nadu Legislative Assembly, Resolution calling the Government of India to pursue a UN Security Council Resolution calling for a Referendum on a Political Solution for the Tamils in Sri Lanka (March 27, 2013)

4. The continued proscription of the Tamil Diaspora by the Government of Sri Lanka is a serious obstacle towards the participation of members of the Diaspora community in engaging with their brethren in the homeland to collectively work towards justice, peace, reconstruction and socio-economic development. The Tamil Diaspora is a constituent element of the Tamil Nation. The de-legitimisation of this section of the Tamil community will obstruct an open and transparent process towards peace, justice and resolution of the National Question. The Sri Lankan Government must de-proscribe all Diaspora groups and individuals. Real political will and commitment has to be demonstrated, allowing for Diaspora engagement in the affairs of the North-East.
5. To create the necessary environment for exploring peace and justice in Sri Lanka, the Government of Sri Lanka should also forthwith: repeal the Prevention of Terrorism Act and the 6th amendment to the Sri Lankan constitution; release a comprehensive list of detainees; release all political prisoners; disclose and close all secret camps; and abandon the rehabilitation programme for ex-LTTE cadres.
6. The Government should publicly acknowledge and act upon incidents of torture, intimidation, harassment, sexual violence and 'white van' abductions that continue to take place under the present Government, as documented in the OISL report and reported by international human rights groups, NGOs and Tamil civil society in the North-East. The Government should also allow open and unimpeded access for international NGOs and human rights organisations to the North-East to continuously operate and monitor the state of human rights and human security.
7. Since the end of the armed phase of the ethnic conflict, Tamils have not been allowed remember their war dead freely. The act of unhindered memorialization is critical to reconciliation. The government should give space for Tamils in the North-East to remember their war-dead without interference, intimidation or reprisals from the state.

The following Tamil organisations, political parties and individuals are signatories to the above recommendations:

Tamil Civil Society Forum (TCSF)
Organisation for Surrendered and Disappeared (Jaffna)
Valikamam North Resettlement and Rehabilitation Committee
Tamil Eelam Liberation Organisation (TELO)
Eelam Peoples' Revolutionary Liberation Front (EPRLF)
British Tamil Forum (BTF)
United States Tamil Political Action Council (USTPAC)
International Council of Eelam Tamils (15 Countries)

Solidarity Group For Peace and Justice in Sri Lanka (SGPJ)
 International Movement for Tamil Culture (Africa - South Africa)
 World Thamil Organization (WTO)
 National Council of Canadian Tamils (NCCT)
 Transnational Government of Tamil Eelam (TGTE)
 Naam Thamizhar Katchi
 Dravida Munnetra Kazhagam (DMK)
 Manithaneyya Makkal Katchi (MMK)
 Thamizhaga Vazhvurimai Katchi (TVK)
 Viduthalai Siruthaikal Katchi (VCK)

Mani Chelvanayakam (TGTE) Shanmugapriya K. (NCEET / ICET)
 2. V. G. ... (EPRLF) R. ... (NCCT / ICET)
 3. ... (ICET) ... (ICET)
 ... (M. K. S. ...) Paalayachee (SGPJ)
 ... - TVK
 ... (ELU ...) ICSE
 ... (K. GURUPARAN) ICSE
 ... (Dr. I. Vayathargal)
 Shan. Kumar Cheran WORLD THAMIL ORGANIZATION (WTO)
 Selvi Cheran WORLD THAMIL ORGANIZATION (WTO)
 Pushpamany Wilton United States Political Action ... (USTPA)