Tamil Diaspora Organizations' Joint Call

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Date: 05 September 2025
To: Member States of the United Nations Human Rights Council 60th Session
Cc: United Nations High Commissioner for Human Rights
From: Tamil Diaspora Organizations' Joint Call

Subject: Urgent Action on Sri Lanka at the 60th Session of the Human Rights Council

Purpose of this Joint Call: This document highlights the limitations of the current OSLAP process and underscores the need for multiple complementary avenues of justice and accountability. First, an IIIM/IIMM-style independent international investigative mechanism should be established with a mandate to collect, consolidate, preserve, and analyze evidence of genocide committed against the protected national group of Eelam Tamils on the island, to demonstrate the genocidal intent of the Sri Lankan state apparatus. Second, legal accountability must be pursued through proceedings before the ICJ to establish Sri Lanka's state responsibility under Article II of the Genocide Convention, as well as through Special Tribunal or ICC processes addressing individual criminal responsibility. Third, legitimate political and legal tracks must be advanced that recognize the right to self-determination of the Eelam Tamils and the distinct sovereignty of the Eelam Tamil homeland as an unfinished decolonization issue, potentially culminating in a UN-supervised referendum. Finally, this document emphasizes both the strategic geopolitical significance of Tamil Nadu in the Indian Ocean region and the principled role of the global Tamil diaspora in advancing these objectives.

Your Excellencies,
We, Tamils from Eelam, the Tamil Nadu diaspora, the global Tamil community, and other organizations in solidarity with the Eelam Tamils, echo and amplify the unified demands of the Eelam Tamil homeland as articulated by five eminent groups, including political representatives, civil society leaders, and religious dignitaries, as well as fellow Tamil diaspora organizations from North America, Europe, and Asia. We reaffirm that the collective and unequivocal call of the Eelam Tamil people is for Genocide Justice, as substantiated in the supporting documents (Annexes I–VII).

In this light, we signatories are deeply concerned that His Excellency the High Commissioner has urged the Government of Sri Lanka to embark on what he terms a *comprehensive process* which, in practice, centres on a domestic mechanism. By highlighting selectively chosen *emblematic cases*, raising the challenges of sharing evidence with the Sri Lankan authorities, and speaking of *complementary strategies* for accountability at the international level, his approach nevertheless places its weight on expecting a domestic mechanism.

Such an approach risks perpetuating a cycle of deferral to internal mechanisms that have repeatedly failed, not only over the last sixteen years of the post-war period but also throughout the entire duration of the war. This represents a recycling of a proven ineffective model that has consistently shielded perpetrators and denied justice to victims. By sidelining the unified and consistent call of the

Tamil people for an entirely independent international accountability mechanism, this course of action threatens to undermine trust in the UN system and perpetuate impunity.

Having carefully examined the advanced unedited version of the High Commissioner's report, issued on 12 August 2025, we are concerned that its approach risks shirking state responsibility, dismissing genocide charges, legitimising ineffective domestic mechanisms, losing vital evidence, perpetuating impunity, and enabling reforms that are easily reversible.[1]

Rejection of Domestic and Hybrid Mechanisms

The erosion of judicial independence and the deplorable performance of the Sri Lankan judiciary in recent decades make a totally independent investigative mechanism an absolute imperative.

Therefore, we categorically and unreservedly reject any process that relies on domestic mechanisms, whether standalone or hybrid. This position is not only ours as a diaspora, but also reflects the voices of Tamil civil society, religious leaders, and political representatives of the Tamil homeland[2]. Member States must recognise that these actors, who risk their safety to speak out, have been clear: no domestic or hybrid process will ever deliver justice for Tamil genocide.

The Tamil Nadu Factor: Economic, Political, and Geopolitical Significance

This call for justice is not solely a matter of human rights for the Eelam Tamil people; it also carries profound geopolitical implications. A credible justice framework would significantly contribute to political stability in the Indian Ocean region, which serves as a strategic fulcrum for global trade and security. Situated across the Palk Strait, Tamil Nadu plays an instrumental role. Its approximately 1,000 km coastline, 80 million population, and USD 420 billion economy (nearly 10 per cent of India's GDP) underpin vital sectors such as automotive manufacturing, IT services, pharmaceuticals, agriculture, textiles, and leather exports.

Tamil Nadu's political orientation often shapes New Delhi's electoral calculus; its historic parliamentary sweep in the 2024 general elections, securing all 39 electoral seats, demonstrates the state's pivotal influence. Consequently, Tamil Nadu State Assembly's resolutions[3] calling for justice for Genocide and self-determination for Eelam Tamils are not only morally grounded but also strategically essential for both India's internal cohesion and the broader Indo-Pacific order. Global powers invested in a multipolar world must thus recognize and address the Tamil issue in the island of Sri Lanka as both a legal and strategic priority, as reflected in the State Assembly's resolution calling for justice and self-determination for Eelam Tamils.

To give substance to this call, it is imperative to set out **clear pathways for international accountability** that respond to the urgent demands of the Eelam Tamil people and rectify decades of failed justice initiatives. The following key positions derived from extensive consultations with the above-mentioned Eelam Tamil homeland stakeholders and legal experts outline a principled strategy

[1] "Situation of human rights in Sri Lanka – comprehensive report of the United Nations High Commissioner for Human Rights," OHCHR, 12 August 2025. URL: https://www.ohchr.org/en/documents/reports/ahrc6021-situation-human-rights-sri-lanka-comprehensive-report-united-nations

[2] Annex I, page 2, point 2

[3] The Tamil Nadu State Assembly has passed important unanimous resolutions on the national question and international accountability on 08 June 2011, 27 March 2013, 24 October 2013 and in September 2015 demanding international investigations also including the crime of genocide, calling for UN Referendum on Independent Eelam, Economic blockade and other sanctions on Sri Lanka until it ended the discrimination.

to address **Sri Lanka's state and individual responsibility for Eelam Tamil genocide** under international law.

IIIM/IIMM Pathways

Proponents of an International Criminal Tribunal contend that the present OHCHR Sri Lanka Accountability Project (OSLAP), confined within OHCHR, is insufficient[4] to address the full scope of obligations under the Genocide Convention, including its maximum temporal reach. For this reason, they also advocate for a full-fledged International, Impartial, and Independent Mechanism (IIIM) of the kind established for Syria, or an IIMM-type (Independent Investigative Mechanism for Myanmar) mandate, to be created for Sri Lanka[5].

State Responsibility on Genocide at the ICJ

Almost all homeland representatives stress that the time has come for Member States to earnestly consider bringing Sri Lanka before the International Court of Justice to determine a case on genocide[6]. Addressing state responsibility through the ICJ is indispensable, as it provides a forum for determining violations of obligations *erga omnes* and *erga omnes partes* under the Genocide Convention. This path is seen as essential to ensure that Sri Lanka, as a State, is held accountable for genocide, complementing but not replacing the pursuit of individual criminal responsibility.

The Eelam Tamils have openly identified the crime of genocide inflicted upon them, a process that intensified after the so-called independence and that, from 1956 onward, was pursued as a matter of state policy, as identified by the late leader of the ITAK, Thanthai S.J.V. Chelvanayagam.

The Trincomalee Resolution of the ITAK (Federal Party) proclaimed on 19th August, 1956:

> The promulgation of the Sinhalese Only Act in the teeth of the unanimous opposition of all Members of Parliament representing Tamil-speaking constituencies and its imposition on a totally unwilling people indicates clearly that the policy of the Government is to perpetrate the genocide of a people, whose history in this country is as ancient and as glorious as that of the Sinhalese.[7]

This was one of the first warnings to the international community on the part of the Eelam Tamils that genocide was to follow the Sinhala Only policy.

On 27 March 2013, the State Assembly in the neighbouring Tamil Nadu, a State in the Indian Union, passed a unanimous resolution demanding international investigations into genocide. A few days before that, on 18 March 2013, the late Selvi J. Jayalalithaa, then Chief Minister of Tamil Nadu, wrote to the late Dr. Manmohan Singh, then Prime Minister of India, highlighting the shortcomings of the draft resolution about to be tabled at the 22nd UN Human Rights Council session. She made a specific reference as follows:

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[4] Triadmin. (2025, August 29). From Chemmani to The Hague: A Strategic Roadmap for Justice for Eelam Tamils. TRI. https://trionline.org/analytics/from-chemmani-to-the-hague-a-strategic-roadmap-for-justice-for-eelam-tamils/

[5] Annex II, page 2, point 4; Annex III, page 1, point 1; Annex V, page 3, point 1(f).

[6] Annex I, page 2, point 1; Annex III, page 2, point 2; Annex IV, page 2, point 1; Annex V, page 3, point 1(b).

[7] Ilankai Tamil Arasu Kadchi (I.T.A.K), Silver Jubilee Volume (Jaffna, 1974), Resolutions passed at the First National Convention held in Trincomalee, 13–15 April 1951.

> 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.[8]

In the same letter, she had also stated that there should be a strong call to the Government of Sri Lanka to accept the establishment of an impartial, international institution.

In November 2013, the Permanent Peoples' Tribunal (PPT), a Rome-based international tribunal of public opinion, in its second session on Sri Lanka held in Bremen, Germany, reached a unanimous consensus in finding the Sri Lankan state guilty of the crime of genocide against Eelam Tamils. Note the terminology *Eelam Tamils* and not merely *Tamils*, which was explained explicitly in the Tribunal's verdict[9].

> Regarding the characterization of the victims as belonging to a particular national, ethnical, racial or religious group population, the Tribunal specifies that the victims are in this case the Eelam Tamils as a national group.[10]

In 2015, Northern Provincial Council passed a unanimous resolution, titled "Sri Lanka's Genocide Against Tamils," emphasising the need to assess the genocide over six decades:

> Sri Lanka's historic violations include over 60 years of state-sponsored anti-Tamil pogroms, massacres, sexual violence, and acts of cultural and linguistic destruction perpetrated by the state. These atrocities have been perpetrated with the intent to destroy the Tamil people and therefore constitute genocide.[11]

ICT/ICC and Pre-2002 Crimes

Within this consensus on Justice for Eelam Tamil Genocide, different perspectives exist on the path forward. Some emphasize the necessity of a referral to the International Criminal Court (ICC)[12] through the UN Security Council. Others, adopting what they describe as a pragmatic approach due to the threat of Vetoes[13] at UNSC, argue that the international community must persuade the incumbent Sri Lankan government itself to become a State Party to the Rome Statute.

Another concern, explicitly and implicitly raised by many, is that the ICC lacks the necessary temporal jurisdiction to address crimes committed before 1 July 2002, such as those linked to the killing fields of Chemmani, Thirukkeatheesvaram, Kokkuththoduvaay, 1983 Black July state-sponsored Anti-Tamil pogrom and the many mass graves that continue to be uncovered[14] – corroborating patterns of genocidal intent. The discovery of such overwhelming evidence provides compelling basis to establish

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8 Tamil Nadu Legislative Assembly Secretariat, Letter from the Chief Minister of Tamil Nadu to the Prime Minister of India on the Sri Lankan Tamils Issue, 18 March 2013, URL: https://www.tamilnet.com/img/publish/2013/03/pr180313_191.pdf

9 TamilNet, "PPT Judgement Upholds Eelam Tamil Identity and Nomenclature," 7 November 2013, https://www.tamilnet.com/art.html?catid=13&artid=36994

10 Permanent Peoples' Tribunal (PPT), Press Release: The Permanent Peoples' Tribunal on Sri Lanka – Session II, 7–10 December 2013, Bremen, Germany, published 19 November 2013. Available at: https://permanentpeoplestribunal.org/141113-press-release-commonwealths-embrace-of-sri-lanka-highlights-the-need-for-the-peoples-tribunal-investigation-of-genocide-against-the-tamil-people/

11 Wigneswaran calls for international investigation on Tamil genocide at PPT session in Bremen, TamilNet, 10 February 2015. Available at: https://www.tamilnet.com/art.html?artid=37634&catid=13

12 Annex I, page 2, point 1; Annex IV, page 2, paragraph 2.

13 Annex IV, page 2, point 3.

14 Annex I, page 3, point 4; Annex II, page 2, point 1; Annex III, page 1, points 1 and 2; Annex V, page 3, points 1 (a) and (b).

an effective mechanism with jurisdiction to investigate, prosecute and adjudicate those most responsible and therefore call for the establishment of a Special International Criminal Tribunal.

Universal Jurisdiction and Its Limitations on Accountability for Genocide

At the same time, Universal Jurisdiction litigations are being promoted by those who have little confidence that the ICC, ICT, or ICJ avenues will materialize in practice. In this broader context, almost all homeland representatives across the spectrum categorically reject any hybrid tribunal in which the Sri Lankan State plays a role.

While Universal Jurisdiction allows States to prosecute individuals for heinous crimes regardless of where they were committed, it does not impose a binding duty on States to prosecute or extradite such individuals. In the United Kingdom, for example, the International Criminal Court Act 2001 — which replaced the Genocide Act 1969 — limits domestic jurisdiction over genocide to offences committed after its enactment and only by UK citizens or residents. The UK Government's stated position is that genocide is not an offence under customary international law that can be prosecuted without statutory authority, thereby restricting its applicability.[15]

These limitations, combined with the very high legal threshold for proving genocidal intent, make Universal Jurisdiction too limited to deliver justice for the genocide committed against Eelam Tamils in Sri Lanka. Comparative practice confirms this: even in countries where Universal Jurisdiction exists (e.g., France, Spain, Belgium, the Netherlands, Switzerland, Canada), it is usually constrained by "presence" or "residency" requirements, temporal non-retroactivity, subsidiarity or "link" tests, and executive gatekeeping. To be effective, it must be preceded by a truly independent and impartial international Monitoring, Reporting, and Fact-Finding (MRF)[16] mission — with the correct subject-matter and temporal scope. This should then be followed either by a plausibility ruling at the International Court of Justice (ICJ) or by the detection of a similar pattern through criminal prosecution at the ICC or an International Criminal Tribunal (ICT).

In the case of Sri Lanka's genocide against Eelam Tamils, addressing State Responsibility especially is equally important to addressing individual criminal accountability and any one of these measures can never be bartered away for the other. Additionally, there is a well-established NGO line already pursuing the Universal Jurisdiction-based roadmap, which victims see as a complementary measure.[17]

Even if only a few individuals are prosecuted abroad, many war criminals will remain beyond the reach of justice, leaving the United Nations' *erga omnes* obligations from its 2008–2009 inaction unfulfilled.

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[15] House of Lords Library, "The international crime of genocide," published 24 July 2025; discussion of repeal of the Genocide Act 1969 and replacement by the International Criminal Court Act 2001. URL: https://lordslibrary.parliament.uk/the-international-crime-of-genocide/

[16] Rob Grace and Claude Bruderlein, "On Monitoring, Reporting, and Fact-finding Mechanisms," ESIL Reflections, 15 July 2012 (URL: https://esil-sedi.eu/post_name-634/), and Working Paper No. 4 on fact-finding mechanisms, The Hague Institute for Global Justice, July 2023 (URL: https://thehagueinstituteforglobaljustice.org/wp-content/uploads/2023/07/working-paper-4-fact-finding.pdf) Past Sri Lanka–specific MRF-type processes include: (1) Secretary-General's Panel of Experts on Accountability in Sri Lanka (PoE), 2011; (2) Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka (IRP) – while not strictly an MRF, it is relevant for its fact-finding function, 2012: and OHCHR Investigation on Sri Lanka (OISL, March 2014 – September 2015).

[17] Sri Lanka Campaign for Peace and Justice, Legal & Political Analysis: Sri Lanka and the Limits of International Justice — ICC, ICJ, and Universal Jurisdiction, August 2025. Available at: https://srilankacampaign.org/wp-content/uploads/2025/08/Legal-Political-Analysis-Sri-Lanka-and-the-Limits-of-International-Justice-ICCICJ-and-Universal-Jurisdiction-2.pdf

Furthermore, Universal Jurisdiction will not address the crime of genocide without a proper UN fact-finding process and/or a subsequent assessment initiated by an international court beforehand to evaluate the plausibility of genocide, which in itself requires a formal legal determination.

Thematic UN Special Rapporteurs — whether on human rights and fundamental freedoms or on extrajudicial, summary, or arbitrary executions — are also inadequate to fulfil this requirement.

Similarly, the Office of the Special Adviser on the Prevention of Genocide (OSAPG) has a limited mandate, primarily focused on early warning and prevention, and lacks the authority or capacity to conduct a comprehensive legal analysis of past genocide cases.

Evidence and scope demanding action

Our repeated calls for an independent international investigation into the genocide committed against the Eelam Tamil civilians are rooted in the urgent need for lasting protection, guarantees against future violence, and full accountability for mass atrocities. We recognise that only a State can initiate genocide proceedings before the ICJ. Therefore, we urge Member States, in their discussions on the High Commissioner's report, to explicitly call for the creation of a mechanism to collect, safeguard, and analyse evidence concerning the plausibility of genocide, ensuring it is accessible for any State considering legal action before the ICJ.

So far, UN-led findings have concluded that crimes against humanity and war crimes were committed, especially in the final stage of the war. However, the war itself resulted from a protracted genocide, characterised by entrenched cultural and structural discrimination, as well as state-sponsored pogroms, which predate both the 2002 Rome Statute and the peace process.

UN-led MRF missions applied to our situation hitherto have not employed the necessary temporal scope nor the level of independence required to assess the plausibility of genocide, particularly concerning the mental element of special intent (*dolus specialis*). As a result, the body of evidence collected so far has focused almost exclusively on two categories of international crimes, without adequate integration of the wider subject matter and temporal context.

Before advancing to the prosecution step, this evidentiary foundation must be strengthened to address the above-mentioned broader scope— or, failing that, international courts must ensure that at the prosecution stage, the most serious crime is not overlooked.

The recent discovery of mass graves at Chemmani and other sites, many of which predate 2002, highlights the urgent need for international efforts to tackle the main crime and the underlying cause of the war.

The island of Sri Lanka currently remains in a post-war, not post-conflict, situation. Any measures taken by the current regime to address these issues could easily be reversed by a future government — as has happened repeatedly in the past. This fact highlights the need for credible, independent, and irreversible international mechanisms.

Meanwhile, Eelam Tamils in the North-East continue to live under heavy militarisation, with armed forces that are almost entirely non-Tamil. This military presence functions as collective punishment and poses constant risks — including intimidation, arbitrary violence, and even military interactions

with preschool children. For the nearly two million Eelam Tamils in these regions, genuine protection can only come through a political solution that fully accommodates the right of self-determination, ensures irreversible political power, and provides robust international protection.

The ongoing dispossession of Tamil land, particularly at sites of cultural heritage, must also be urgently addressed. Under the guise of archaeological excavation, military-run outfits and allied Buddhist monks are constructing Sinhala-Buddhist structures, intimidating local Tamils, and erasing cultural heritage. Court orders are ignored, leaving only protests as a recourse. This constitutes cultural genocide and must be met with strong censure from the United Nations and its Member States.

Other grave crimes requiring international investigation and prosecution include war crimes, crimes against humanity, and enforced disappearances — including the above-mentioned discovery of mass graves such as at Chemmani. Given the temporal limitations of the International Criminal Court, we urge the establishment of a dedicated International Criminal Tribunal for Sri Lanka (ICT), similar to the ICTR.[18]

In the case of Chemmani and other mass graves**,** immediate deployment of independent international forensic experts is essential to secure evidence and protect the integrity of future prosecutions.

In accordance with international justice procedures as outlined in The **Bournemouth Protocol** on Mass Grave Protection and Investigation, all such actions must be carried out entirely independent of Sri Lanka, with binding safeguards, to ensure they remain beyond the sovereignty of Sri Lanka. At the same time, the international community must also provide technical assistance to the victims, enabling them to pursue their own justice mechanisms.

We therefore respectfully urge Your Excellencies to:

1. **Reject any primary reliance on domestic mechanisms** as the main vehicle for accountability; instead, establish independent international justice processes for Sri Lanka's *jus cogens* crimes, including a **clear roadmap for initiating proceedings before the International Court of Justice to address the crime of genocide**. While emphasising to the Sri Lankan state the need for necessary reforms as a *last resort* (*ultimum remedium*), such reforms must never substitute for, or delay, independent international accountability processes.

2. **Explicitly call, through a new resolution**, for the creation of a mechanism to collect, safeguard, and analyse evidence concerning the plausibility of genocide. The current OHCHR Sri Lanka Accountability Project (OSLAP) faces structural, mandate, and financial challenges. Consequently, most civil society groups in the homeland of Eelam Tamils advocate for establishing an **IIIM-type** (International, Impartial, and Independent Mechanism, as set up for Syria) or an IIMM-type (Independent Investigative Mechanism for Myanmar) mandate for Sri Lanka. This would involve gathering, preserving, and analysing evidence of all international crimes, including genocide, crimes against humanity, and war crimes. Such a mechanism could also establish a credible repository of case files, **meeting the requisite standards of proof**, which is essential since the **crime of genocide requires conclusive evidence of intent**, for use

[18] United Nations International Criminal Tribunal for Rwanda (ICTR), legacy website maintained by UN Mechanism for International Criminal Tribunals (IRMCT).

in prosecutions before international tribunals or courts exercising universal jurisdiction outside Sri Lanka. If this proves infeasible, the scope, mandate, and independence of the OSLAP should be expanded and upgraded to facilitate fact-finding into genocidal intent and other international crimes, with full temporal coverage and the development of case files for legal test and prosecution. In such a case, the OSLAP should be transformed into a standalone investigative unit with its own leadership, operating independently.

3. **Urge the willing States to pursue accountability for** genocide in Sri Lanka by initiating proceedings before the **International Court of Justic**e under the **Genocide Convention**. In parallel, adopt a resolution at the UNHRC recommending that the UNSC establish a **Special Tribunal (ICT-style and not Hybrid)** for Sri Lanka with retroactive jurisdiction over crimes committed before 1 July 2002, or, if the ICC can lawfully exercise jurisdiction, to refer the case to the International Criminal Court. In either pathway, it is essential that prosecuting authorities thoroughly examine the mental element of **genocidal intent and related crimes**, ensuring that limited existing evidence does not preclude a comprehensive assessment of the State's responsibility.

4. **Insist the Sri Lankan State to implement immediate, conducive measures that do not run contrary to, or diminish, the international accountability processes requested herein:** demilitarise the North-East; end what is perceived as cultural or structural genocide, including land grabs; return dispossessed lands to their rightful owners; release Tamil political prisoners, and establish the truth regarding those subjected to extrajudicial enforced disappearance or summary execution. The continued failure of the international community to hold Sri Lanka accountable has effectively given a green light to ongoing acts amounting to cultural genocide against Eelam Tamils, making such measures even more urgent. The Sri Lankan state needs to be pressurised to hold long-overdue Provincial Council (even though the PC is not a substitute for a political solution) elections to restore democratic governance and implement the recommendations in A/HRC/60/21 where they align with, and support, the objectives outlined in this letter.

5. **Call upon the International Community to pursue a political solution** through a new constitution that acknowledges the Eelam Tamil nation's non-derogable sovereignty, respects the right to self-determination, and ensures substantial political power. This requires dismantling the current hierarchical conception of the state through a pre-constitutional agreement in the form of **a treaty that guarantees an irreversible high degree of self-government to the self-determining unit** (whether described as a sovereign compact, confederation or autonomous region) in the North-East, under strong international safeguards, with the option of **binding international arbitration to ensure compliance**. Such a process must not be supported if it diminishes or compromises the rights and security of Tamils. Suppose such a settlement fails or is not honoured. In that case, **the option of an UN-monitored referendum should be retained** to ascertain the will of the Eelam Tamils, who have enjoyed sovereignty for centuries without ceding it to the Sinhala nation, whether through consent or conquest. Therefore, the **Constitution shall not contain a clause declaring the state indivisible**. We also point out that many homeland-based activists, dignitaries, and representatives have opposed the 6th Amendment to the existing constitution[19].

[19] Annex III, page 3, point 4.

A Political Track for Tamil Sovereignty: Jus Cogens Justice and Geopolitical Realignment

The Eelam Tamils' struggle is rooted in unfinished decolonization, denied sovereignty, and the *jus cogens* right to self-determination. This diaspora joint call outlines the legal, political, and geopolitical foundations for remedial sovereignty, drawing on international precedents and the Tamil people's continuous democratic mandates. It further highlights how Sri Lanka's 6th Amendment to the Constitution, reinforced by the Prevention of Terrorism Act, criminalized the peaceful advocacy of self-determination in violation of the ICCPR, shutting down democratic expression. It calls on the international community to recognize the Eelam Tamil homeland and, failing a just political solution, to pave the way for an internationally supervised referendum.

It remains legally and procedurally possible to revive a decolonization claim for a people or nation that was never listed as a Non-Self-Governing Territory, by challenging the restrictive "Blue Water" doctrine and invoking UN General Assembly Resolution 1514 (XV)[20]. Such a claim would require strong geopolitical sponsorship and, in practice, an ICJ advisory opinion to overcome historical exclusion. The precedent of Mauritius and the Chagos Archipelago confirms that even after half a century, the UN and ICJ can affirm that decolonization was incomplete and that colonial detachment or annexation does not extinguish the right to self-determination.

The case of the Eelam Tamils illustrates this unfinished decolonization: their historic kingdom was forcibly merged with the other two kingdoms of Ceylon in 1833 by the British for administrative convenience, without consent and without any subsequent social contract with the Sinhalese majority. After independence, the Eelam Tamils' appeals for balanced representation and federal arrangements were denied, and instead they were subjected to structural, cultural, and physical genocide by the majoritarian state.

This suppression was entrenched in law when, on August 8, 1983, Sri Lanka enacted the 6th Amendment to its Constitution, which flagrantly violates the International Covenant on Civil and Political Rights (ICCPR, in force since March 23, 1976). By criminalizing the peaceful advocacy of self-determination, it stripped elected representatives of their mandates and imposed severe civic disabilities solely for holding a political opinion. The 6th Amendment effectively served as the precursor to the Prevention of Terrorism Act (PTA), institutionalizing repression and closing the door to non-violent democratic expression.

Having exhausted peaceful avenues, the Eelam Tamils embraced democratically mandated national liberation, established a de facto state, and demonstrated their capacity for sovereignty through functioning institutions, only to be crushed in the genocidal war of 2009. Since then, impunity and sham constitutional processes have entrenched a unitary framework under the so-called "indivisible and undivided Sri Lanka," while structural and cultural genocide continues.

The Tamil people have continually re-mandated their right to sovereignty across generations and geographies: from the Vaddukkoaddai Resolution of 1976 and the subsequent 1977 democratic mandate, through the Thimphu Principles of 1985, to the Pongku Thamizh student-led movement of the early 2000s and its declarations. After 2009, the Tamil diaspora carried this forward through self-

20 United Nations General Assembly, *Resolution 1541 (XV): Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter*, 15 December 1960, Principle IV; James Crawford, *The Creation of States in International Law*, 2nd ed. (Oxford: Clarendon Press, 2006), 614–615, discussing the "blue water" or "salt water" doctrine as derived from Resolution 1541.

organised referendums in ten host countries[21]. In 2010, the Eelam Tamil diaspora also established the Transnational Government of Tamil Eelam (TGTE)[22] and set up country-specific councils in North America and Europe. Furthermore, the diaspora youth articulated Tamil Sovereignty Cognition in 2012. The diaspora re-mandating was further reinforced in 2013 by the Tamil Nadu State Assembly resolution, which demanded a UN-conducted referendum on an independent Tamil Eelam, marking the first such legislative endorsement from a neighboring polity. Together, these steps show that the claim to sovereignty is not episodic. Still, a sustained, democratically renewed political will of the Tamil nation, validated both in the homeland and across its global diaspora.

Crucially, the ICJ has recognized that self-determination is a *jus cogens* norm, *erga omnes* in character, which cannot be derogated from. For a people who never acceded their sovereignty and have sacrificed greatly for its restoration, and who have faced genocide when denied it, the claim to remedial sovereignty is not only a political demand but a binding obligation on the international community under peremptory international law.

To advance such a claim, the Tamils must situate their struggle within the shifting global balance: the emergence of a stronger Global South opens space for new alliances that can reframe unfinished decolonization as part of a wider anti-imperialist agenda.

While the the group of Cochair Countries that were involved in the peace process and steer the agenda at the Human Rights Council through Core Group on Sri Lanka post-2009 has historically contained Tamil national liberation, the global Tamil diaspora now offers the capacity to engage multiple poles of power. By adopting a posture of neutrality and aligning with movements for global justice, the Tamils can reposition their demand for remedial sovereignty not merely as a regional grievance, but as part of the universal, jus cogens obligation to uphold self-determination and remedy genocide.

The Eelam Tamils' historical and traditional homeland, their nationhood, and their right to self-determination must be formally recognized. An irreversible political solution must be secured without delay through the arbitration of the international community. If such a solution cannot be achieved or implemented within a reasonable timeframe, the international community must pave the way for an internationally supervised referendum. This referendum would allow the Tamil people to freely determine their own destiny and establish a just and lasting solution that ensures their right to govern themselves in peace, dignity, and security. If the West fails to seek genocide justice and continues to suppress the Tamil aspiration, this demand will only grow stronger, embraced with greater determination by the global Tamil diaspora and, in time, by Tamil Nadu itself

We trust that Your Excellencies will act with urgency and resolve to ensure that justice, accountability, and lasting protection for Tamils on the island of Sri Lanka are no longer deferred. We would also be grateful if Your Excellencies could kindly share your response with us at **jointcall@tamildiaspora.org**

We have attached seven supporting documents (Annexes I–VII) providing further detail and evidence in support of the positions outlined above.

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[21] Mandate by Tamils in Great Britain for an Independent Sovereign Tamil Eelam (VKR Report), Tamil National Council, 20 October 2012. Available at: https://www.tamilnet.com/img/publish/2012/10/VKR_report.pdf

[22] TGTE Mission Statement, URL: https://tgte-us.org/?page_id=480

Action Framework:

- **Independent Investigative Mechanism:** Establish an IIIM/IIMM-style body to gather and preserve evidence of genocide and prove the genocidal intent of the Sri Lankan state.
- **Legal Accountability:** Pursue proceedings before the ICJ to establish **state responsibility** of Sri Lanka under Article II of the Genocide Convention, alongside a Special Tribunal or ICC processes addressing **individual criminal responsibility**.
- **Legitimate Political and Decolonization Track:** Advance recognition of the Eelam Tamils' right to self-determination and sovereignty as an unfinished decolonization issue, potentially through a UN-supervised referendum.
- **Geopolitical Dimension and Tamil Nadu–Diaspora Role:** Leverage Tamil Nadu's strategic significance in the Indian Ocean and the principled role of the global Tamil diaspora.

Annexes:

- **Annex I:** Letter from a section of political parties, including two parliamentarians and civil society groups, to OHCHR and Heads of Missions (04 August 2025)
- **Annex II:** Follow-Up Letter from Common Presidential Candidate P. Ariyanethiran to UNHRC (08 August 2025)
- **Annex III:** Letter from 56 Eelam Tamil religious, civil and political dignitaries to the High Commissioner and Member States (20 August 2025)
- **Annex IV:** Letter by Ilankai Tamil Arasuk Kadchi (ITAK) to UNHRC (27 August 2025)
- **Annex V:** "The Voice of Justice" Signature Campaign Petition (28 August 2025)
- **Annex VI:** Joint Letter from Five North American Tamil Organisations to UNHRC (17 August 2025)
- **Annex VII:** Comment proposal by Tamil People at the 60th UNHRC Session (25 August 2025)

Yours respectfully,

The undersigned Tamil Diaspora Organizations:

Tamil Information Centre (TIC) – V.I. Bose – Chair.

UK

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tamil rights group

Signed by:
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[Digitally signed via DocuSign on 08 September 2025]

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05.09.2025

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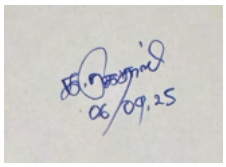

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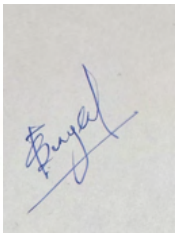

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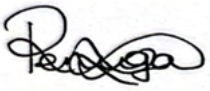

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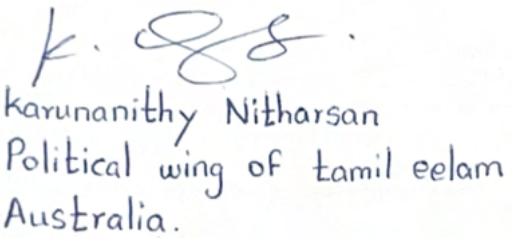

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SUPPORTING A NATIONS RIGHT TO
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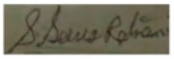

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WHOEVER CONTROLS THE MEDIA, CONTROLS THE MIND

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International Coordinator
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04 August 2025

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2. Heads of Missions
   Member States of the UN Human Rights Council
   Geneva/Colombo

Your Excellency/Sir/Madam,

OHCHR's Report and Resolution on Sri Lanka at the 60th Session of the UNHRC

We, the undersigned Tamil political parties and civil society organisations from across the North and East of the island of Sri Lanka and such other organisations working in solidarity with the same, write this letter to express our views in relation to the report to be submitted by the High Commissioner at the 60th Session of the UN Human Rights Council in September 2025.

We recall our communication dated 15 January 2021 in which a cross section of Tamil elected representatives and Civil Society Organisations wrote to Heads of Missions of the 47 member states represented in the UNHRC at that time, urging decisive and concrete action on accountability for the Crime of Genocide, War Crimes and Crimes Against Humanity - particularly asking that the OHCHR and UNHRC take steps to refer the matter to the UN General Assembly and eventually to the UN Security Council for a referral to the International Criminal Court.

We also wish to draw your attention to the letter dated 14.0.7.2025 signed by more than 70 CSOs expressing concern regarding the closing remarks made by the High Commissioner during his visit to Sri Lanka in June 2025.

As a Stateless Nation subjected to the very same crimes, the Tamils are witnessing with dismay the lack of real action in ending the genocide in Palestine. We wish to remind that the failure of the UN during the last stages of the war in Sri Lanka May 2009 and further failure to ensure accountability in Sri Lanka is emboldening ethnocratic, autocratic and undemocratic regimes worldwide to carry out mass atrocities with impunity.

In this context we wish to demand the following:

1. That Member States represented in the UNHRC at their 60th session should pass a resolution asking the UN General Assembly, the UN Secretary General and the UN Security Council acknowledging the lack of any real accountability process in Sri Lanka in the last 16 years since the end of the war and explicitly in that resolution call for the UNGA, UNSG and the UNSC to initiate a process, without any further delay, that results in referring Sri Lanka to the International Criminal Court for crimes committed during the entire span of the conflict. We also urge the High Commissioner to include this recommendation in his report. We also further request that Member States consider bringing Sri Lanka to the International Court of Justice like in the case of Myanmar and Israel, to consider in specific Sri Lanka's state liability for the crime of Genocide.

2. We object to any attempt in the resolution that directly or indirectly gives the new regime in Sri Lanka political space and time to initiate domestic mechanisms and urge the OHCHR to refrain from making any recommendations that gives time and space to the GOSL. In this regard the OHCHR and the UNHRC should critically consider their experience and engagement with the regime that was elected into office in January 2015. The said regime led by President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe held out promises of truth, justice and reconciliation – promises that were similar to the ones that the regime that was elected in September 2024 has made, if not better. All promises made in relation to accountability by the Sirisena-Wickremesinghe regime failed to materialise and was replaced by a Government with a thumping mandate from the majority Sinhala Buddhist community, which explicitly refused to engage with the question of accountability. The pendulum has shifted again and there is now a Government in Colombo again paying lip service to reconciliation (not to accountability) and unless the OHCHR and the UNHRC wish to reinvent the wheel, there is no reason to believe that the current dispensation would deliver anything significantly better.

   The above leads then to the conclusion that the fundamental flaw in the UN system's approach to accountability in Sri Lanka is its facetious recycling of analysis and application of the principle of complementarity. The UN must realise that the ideological and ethnocratic character of the Sri Lankan State is what leads to persistent lack of accountability in Sri Lanka. The solution does not come through change in Governments. The solution cannot be also 'positive engagement' with Governments who rhetorically play obeisance to reconciliation – empty promises of change that do nothing to repudiate deeply rooted bonds to the politics of ethnic domination and ideological supremacy. No change in Government can lead to accountability in Sri Lanka – the UN must come to terms with this reality.

   We learn that there are moves being made in Colombo and elsewhere to suggest that the establishment of an 'independent public prosecutor's office' could be the solution to Sri Lanka's domestic accountability processes. For reasons mentioned above an 'independent' public prosecutor would not be sufficient to deal with the

inherent unwillingness of the system for accountability, that is rooted in the ideological orientation of the State. Any number of structural fixtures on a system that is fundamentally rotten will be inadequate.

3. While we are concerned about the accountability process being trapped in Geneva, we also recognise and appreciate the work that OHCHR staff have put into the OSLAP project. We have no objection to OSLAP's mandate being extended but it MUST be time bound and coupled with an explicit message urging the UNSG/UNGA/UNSC asking for a referral of Sri Lanka to the ICC. Furthermore, OSLAP must be willing to engage more meaningfully with the victim community by providing information on how evidence that it has collected and processed is being shared with parties that wish to initiate accountability processes invoking universal jurisdiction. A more proactive effort on the part of OSLAP with countries in which accountability through universal jurisdiction is a possibility should be a top on OSLAP's priorities in the event of an extension of its mandate. Evidence gathering has been happening at the OHCHR first through OISL and now through OSLAP for more than 10 years, the time now is to move for international prosecution for the crimes committed.

4. The recent re-excavation of mass graves in Chemmani reminds the urgent need for international monitoring, supervision and technical support in the excavation process. Such international monitoring, supervision and involvement is essential for the safety and proper custody of the evidence that emerges from the mass graves and to ensure that the excavation follows proper procedures so that they can be used in an international criminal justice process. A proper re-mapping of mass graves in the North and East and an internationally mandated mechanism for the proper supervision, monitoring is an urgent necessity. The OHCHR must give topmost priority to this matter. A better alternative is if the UNHRC entrusts the UN Special Rapporteur on Extra Judicial Killings to coordinate such international monitoring and involvement We also wish to remind that while excavations needs monitoring the inquiry process itself has to be internationally pursued as outlined in issue (1) above. Chemmani also reminds us that the temporal jurisdiction of any international inquiry must go back in time to cover the entirety of the conflict.

5. We also would like to urge the OHCHR to give adequate space in his report on issues of militarisation, Sinhala Buddhisisation, land grab, repeal of the Prevention of Terrorism Act and the Online Safety Act threats and surveillance emanating from the security sector targeting human rights activists and victim groups and the use of law to regulate speech that challenges the state's dominant ideology *et al.* There has been precious little, if any, progress on these matters. Continuous attention to these matters is essential to restoring normalcy in the lives of the Tamil people. The only pressure that the GoSL understands is accountability and hence we are compelled to reiterate that unless issue (1) is pursued there will be no progress on any of these matters.

For the last 16 years Tamils have in one voice, through their elected representatives, their civil societies, electoral mandates and the advocacy by victim groups asked for the UN system and the international community to deliver on the promise held out by international institutions entrusted with delivering justice. We write this letter with weariness, without much hope that action will follow, but hope is all we can. We write this letter also because, as representatives of a wide cross section of the Tamil community, we wish to make clear that anything that is passed or suggested in our name and for the benefit of the victim communities must take into account the considered opinion and demands of such affected communities.

We most respectfully urge you to put aside national interests, geo-political calculations and to come together and act in a manner that instils hope in a future for the Tamil people – a future that will guarantee us dignity and decency.

Thank you

CC: The UN Secretary General, UN Secretariat, New York, NY10017, USA

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Democratic Tamil Arasu Kadchi

பொதுச் செயலாளர்
தமிழ் தேசிய மக்கள் முன்னணி
GENERAL SECRETARY
TAMIL NATIONAL PEOPLE'S FRONT

M. Chandrakumar

M. Chandrakumar
Ex MP & DCC Parliament
General Secretary
Samaththuva Kadchi

Tamil preference-vote winner in the 2024 Sri Lankan Presidential Election
226,343 preference-votes

Former Tamil National Alliance (TNA) Parliamentarian,
Common Tamil Presidential Candidate,
Justice of the Peace (JP)

2024 ஜனாதிபதி தேர்தல் தமிழ்ப் பொது வேட்பாளர்,
மேனாள் நாடாளுமன்ற உறுப்பினர்,
அகில இலங்கை சமாதான நீதவான்

Pakkiyaselvam Ariyanethiran
பாக்கியசெல்வம் அரியநேத்திரன்

Date: August 8th 2025

Mr. Volker Türk
United Nations High Commissioner for Human Rights
Office of the High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10, Switzerland

Re: Follow-up to Your Letter of 5 August 2025
– Accountability for International Crimes in Sri Lanka and Mandate Limitations

Your Excellency,

Thank you for your letter of 5 August 2025, and for supporting efforts to address concerns raised by civil and political leaders in the North-East regarding the forthcoming report to the 60th session of the Human Rights Council (UNHRC). I value your recognition that successive governments of Sri Lanka have failed to meet international human rights standards in establishing independent, fair, and effective mechanisms, and I thank you on behalf of the victims for visiting the Chemmani mass grave exhumation site in Jaffna.

I also wish to draw attention to other mass grave sites—Thirukketheesvaram in Mannar, Kokkuthoduvaay in Mullaiththeevu, Champoor in Trincomalee, and Kokkaddichcholai in Batticaloa—among many others, linked to massacres carried out with genocidal intent in the North-East. Most date to before the Rome Statute entered into force on 1 July 2002.

While recognising your ongoing engagement, I must emphasise a serious concern: the optics of OHCHR and UNHRC promoting "complementary strategies" while relying primarily on the Government of Sri Lanka to conduct a "comprehensive process." Given the government's longstanding failure to deliver independent, fair, and effective mechanisms, this approach—combined with the Council's prolonged and delayed roadmap—risks undermining victims' trust and weakening the credibility of the Council's commitment to accountability.

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கொக்கட்டிச்சோலை

2024 Presidential Election preference-votes:
Ampara: 9 985, Batticaloa: 36 905, Jaffna: 1 16 688, Trincomalee: 18 524, Vanni: 36 377, Other: 7 864

Votes obtained in 2004 Parliamentary Elections (Seat): 36 646
Votes obtained in 2010 Parliamentary Elections (Seat): 16 504
Votes obtained in 2015 Parliamentary Elections (No Seat): 21 304

Your Excellency's response to the civil society letter has not adequately addressed the main contentious issue at the heart of the victims' demands. Perhaps the letter used somewhat obscure language. This follow-up letter seeks to make the prevailing questions unambiguous, ensuring they are placed clearly on record, and I look forward to your considered reply.

1. Accountability for genocide requires addressing both State and individual criminal responsibility at the international level. The OHCHR's complementarity approach should be re-evaluated to reflect the gravity and plausibility of the crime. While findings on crimes against humanity and war crimes warrant international prosecution, the crime of genocide has not been addressed. Although some Tamil politicians and media argue the UNHRC is ineffective—citing 16 years without progress since 2009—I disagree. The 2019 IIFFMM report on Myanmar demonstrated how an independent investigation could provide the necessary indications towards pointing out the possible existence of the element of intent, and recommend legal testing. In Sri Lanka, there is a long record of crimes and patterns of conduct capable of evidencing genocidal intent. Yet, the OISL's mandate, set by Resolution A/HRC/25/1, was narrowly restricted in both temporal and subject-matter scope, limiting its analysis to the final phase of the war and excluding earlier incidents relevant to proving such intent. Unlike Myanmar's IIMM, Sri Lanka received only the limited OSLAP, further constraining independence and scope. This leaves a significant gap. Could the Council address it through a new resolution establishing a Monitoring, Reporting, and Fact-finding (MRF) mandate with the required scope and threshold?

2. Alternatively, to avoid further delay, is there any action Your Excellency could take without the need for a fresh resolution—such as referring the matter to higher authorities, including the Secretary-General, the General Assembly, or the Security Council? I am mindful that each of these bodies operates under different admissibility and procedural rules. While keeping the Council engaged on the stronger roadmap outlined above, could these avenues be pursued in parallel within the UN system to ensure that the question of accountability is advanced without further loss of time?

3. We recognise that the prospects for an ICC referral are minimal—indeed, almost non-existent—given current international political realities, particularly in relation to the subject matter, including the analysis of the mental element of intent as mentioned above, and the necessary temporal scope covering crimes committed before 1 July 2002. However, as victims, we wish to emphasise our preference for an International Criminal Tribunal pursued through the same route, especially in light of the Rome Statute's provisions and the ICC's non-retroactivity. Many victims find the legal complexities and terminology surrounding these options confusing. Some have been told that it is not possible to demand an ICT after the establishment of the ICC. Could Your Excellency clarify whether this is in fact the case, and outline what options remain open within international law to address these crimes comprehensively?

4. The mandate of the OSLAP should be broadened accordingly—ideally into a fully-fledged International, Independent and Impartial Mechanism (IIIM) with a mandate similar to that on Syria. Could Your Excellency outline the roadmap for placing such a request before the appropriate bodies on behalf of the victims, and indicate what procedural and political steps would be required to secure its establishment?

In closing, I wish to stress that my questions are grounded in a political mandate directly representing the will and expectations of the affected Tamils—who constitute a nation without a state of their own, and upon whom an illegitimate state sovereignty has been imposed, compounding their grievances.

I look forward to your kind and well-considered reply. My mandate, rooted in the expressed will of the affected Tamil people who entrusted me with their votes in the presidential elections of 2024, carries both moral authority and democratic legitimacy, and I trust it will be accorded the seriousness it deserves in shaping the Council's future course on accountability on Sri Lanka.

Respectfully,

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எம்.பி வீதி, "இரதாலயம்",
அம்பிளாந்துறை,
கொக்கட்டிச்சோலை

August 12, 2025.

1.
The United Nations High Commissioner for Human Rights
Office of the High Commissioner for Human Rights
Palas Wilson, 52 rue des Paquis,
CH-1201 Geneva, Switzerland.

2.
To Permanent Representatives of Member and Observer States of the United Nations (UN) Human Rights Council (Geneva, Switzerland)

Your Excellency/Sir/Madam,

Re. the 60th Session of the UNHRC – Urging International Litigation and Action on Sri Lanka

Please note that we are writing this letter to provide clear comments, which may be considered as support for the other letters sent to you on this matter, or may be read independently.

1. Demanding the establishment of an International Independent and Impartial Mechanism (IIIM) with the mandate to assess the crucial element of intent, as well as the pattern of crimes that fall under the 1948 Genocide Convention, that leads to litigation. The mandate for any investigation should cover the entire temporal jurisdiction under the Convention.

    Renowned international scholars have affirmed that the crimes committed against the Eelam Tamils in their homeland in the North-East provinces of Sri Lanka must be litigated by an independent mechanism, as the actions of the Sri Lankan government demonstrate an intent to destroy, in whole or in part, the Eelam Tamil population, while systematically obstructing any investigation, thereby constituting genocide (Article II).

    Eelam Tamils have appealed to the United Nations to establish an International Independent and Impartial Mechanism (IIIM) to investigate the international crimes committed against them since the first major outbreak of state-sponsored pogrom by Sinhalese mobs against Eelam Tamils occurred in **June 1956**, often referred to as the **1956 Gal Oya riots.** The IIIM will also address the longstanding agony and fate of Tamils who were subjected to enforced disappearances.

    Any involvement of the Sri Lankan government in this investigation is insignificant, as the alleged perpetrators are the State and its affiliates.

    The Sri Lankan state has consistently opposed any form of international investigation, while simultaneously sustaining a deliberate campaign of structural genocide. It does so under the cover of international legal protections afforded to states by the principle of sovereignty, particularly invoking Article 2(7) of the UN Charter.

    Sovereignty cannot be used as a shield for international crimes, a principle demonstrated not merely in words but through concrete actions taken by the UN General Assembly, the UN Security Council, and notably the UN Human Rights Council, particularly in establishing the Commission of Inquiry on Syria to investigate international crimes.

We continue to believe that the Eelam Tamils are protected under international humanitarian law, which legitimately grants the right to call for an international investigation.

In the interest of justice, we respectfully urge that the resolution adopted at the 60th Session of the UN Human Rights Council either (a) authorises the UNHRC to establish an International, Independent and Impartial Mechanism (IIIM) under the Council's vested powers, or (b) includes a request to the UN General Assembly to establish such a mechanism. This mechanism should be mandated to determine the crucial element of intent, as well as the patterns of crimes falling under the 1948 Genocide Convention, with temporal jurisdiction covering the entire relevant period.

2. Urging Member and/or Observer States to initiate proceedings against the Republic of Sri Lanka before the International Court of Justice (ICJ) under Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, to establish that State's responsibility for the Tamil genocide, encompassing the full temporal scope of the Convention's jurisdiction.

Though several scholars and researchers from independent, recognised bodies have identified that the Sri Lankan security forces, crimes that would have been impossible without the full cooperation of the State, in which the Minister of Defence is also the Head of State , committed war crimes and crimes against humanity, we specifically refer to the findings of the Panel of Experts (UN Secretary-General's Panel, 2011), the OHCHR Investigation on Sri Lanka (OISL Report, 2015), and the UN Special Rapporteur on Torture (2007 visit), all of which have provided ample evidence of such crimes committed by the State. We believe that this concrete body of evidence should lead to judicial proceedings against Sri Lanka.

It has now been 16 years, and the Eelam Tamils continue to feel that the world merely witnessed the climax of the genocide against them, while either engaging in sophisticated genocide denial or maintaining silence, both of which have, in effect, supported Sri Lanka's continuation of structural genocide against the Eelam Tamils.

Under the treaty-based jurisdiction established in Article IX of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, one State may initiate proceedings against another for breaching its obligations under the Convention, provided that both States are parties to it. Sri Lanka acceded to the Convention on 12 October 1950 without reservations to Article IX, thereby opening the door for any country, including Member and Observer States of the UNHRC, to initiate proceedings against Sri Lanka to establish its State responsibility for genocide against the Eelam Tamils.

Therefore, we urge at least one Member or Observer State of the UNHRC to initiate proceedings against the Republic of Sri Lanka before the International Court of Justice under Article IX of the Genocide Convention to determine that State's responsibility for the Eelam Tamil genocide.

3. Urging the establishment of a team of international experts mandated under the International Protocol on Mass Grave Protection and Investigation (The Bournemouth Protocol) to oversee the protection and investigation of the ongoing mass grave excavations in Chemmani in the North of Sri Lanka.

Referring to paragraphs 3 & 4 of point number 1, it becomes evident that any investigation conducted under the patronage of the Sri Lankan state is inherently biased. The case of Chemmani, a mass grave site, stands as stark evidence of the abduction, torture, killing, and

burial of Eelam Tamil civilians. The skeletal remains reveal that the victims included children, even infants.

There is credible evidence that state-sponsored apparatuses, including the tri-forces and police, were responsible for massacring and clandestinely burying Eelam Tamil civilians. These atrocities were carried out under the pretext of the "Global War on Terrorism," despite the affected community's efforts to defend themselves against state-sponsored genocide. The Chemmani mass grave is a stark example, providing concrete proof that the intent extended beyond counter-terrorism measures, aiming, at least in part, to eliminate an identified group of Eelam Tamils. This evidence strengthens the case supporting allegations of genocide against the Eelam Tamil people.

In Sri Lanka's recorded judicial history, there have been instances where evidence of extrajudicial killings was either concealed or erased — the case of Mohomed Thajudeen is one such example. This troubling pattern raises serious concerns about the integrity of domestic investigations. There is no indication that such practices have ceased, and the Tamil community has reasonable grounds to fear that the Chemmani case may meet a similar fate. Media reported that in September 2023, one of the Tamil judges, from Mullaitivu in the Northern part of Sri Lanka, resigned from his position and fled Sri Lanka, citing serious threats to his life and immense stress. His resignation was triggered by pressure related to sensitive cases, including one involving an archaeological site, and a reduction in his security, underscoring the lack of safety and judicial independence within the system.

In light of these facts, we urge the UN Human Rights Council to include in its resolution a provision calling for the establishment of an independent team of experts, with the Bournemouth Protocol mandate, to oversee and supervise the ongoing excavation at the Chemmani mass grave site, as well as to facilitate international intervention in the litigation process.

4. Demanding that, in its Resolution, the Human Rights Council include a strong call to halt the enactment of any current or future amendments and laws that are inconsistent with international human rights and humanitarian protection conventions.

The 6th Amendment was enacted on August 8, 1983, to Sri Lanka's Constitution flagrantly violates the International Covenant on Civil and Political Rights (ICCPR - entered into force on March 23, 1976) by criminalizing the peaceful advocacy of self-determination, effectively serving as the precursor to the Prevention of Terrorism Act (PTA). It strips elected representatives of their mandates and imposes severe civic disabilities solely for holding a political opinion. This Amendment denies the Tamil people their right to freely determine their political status under Article 1, suppresses democratic dissent protected by Article 19, and obstructs political participation guaranteed by Article 25, while disproportionately targeting one community in breach of Article 26. By closing all democratic avenues for addressing the Tamil national question, the 6th Amendment entrenches structural discrimination, in direct contradiction to Sri Lanka's binding international obligations.

However, the Sri Lankan State has only agreed to repeal the PTA without addressing the root cause of these draconian measures, the 6th Amendment, which enables the creation of similar repressive laws like the PTA in the future. Moreover, there is no clear deadline for repeal, resulting in delays that allow the PTA to remain a tool of repression and fear . More precisely, in the PTA application, the Eelam Tamil civil and political activists, human rights defenders, journalists, rightful owners of the lands encroached by the Military, and the ordinary people are in a situation where fear prevails.

The Sri Lankan **ICCPR Act of 2007 and the Online Safety Act** have faced criticism for being an incomplete and inconsistent implementation of the principles of the ICCPR. Its enforcement primarily rests with the police, which has led to biased interpretation and application against different communities, including Tamils, Muslims, and Sinhalese.

We strongly urge the UN Human Rights Council to include in its resolution to halt 6th ammendment and a clear and firm demand that Sri Lanka repeal the draconian PTA within a specified and enforceable timeframe; call for the revocation of any legislative efforts to reintroduce or recast provisions of the PTA with more dangerous clauses; and urge the prevention of the enactment of any similar laws or constitutional amendments, including the repeal of primary laws such as the 6th Amendment, that are inconsistent with international human rights and humanitarian protection conventions. Further, we demand the cessation of laws and policies that promote Sinhalese colonization in Eelam Tamil regions, threaten peaceful coexistence, and facilitate the renaming or seizure of lands under state control.

In conclusion, it is strongly urged that the 60th Session of the Human Rights Council incorporate in its resolution the following measures:

1. **Establishment of an International Independent and Impartial Mechanism (IIIM)** with a mandate covering the full temporal jurisdiction under the 1948 *Convention on the Prevention and Punishment of the Crime of Genocide*.
2. **Initiation of proceedings against Sri Lanka at the International Court of Justice (ICJ)** by Member States and/or Observer States, following their obligations under international law.
3. **Activation of the Bournemouth Protocol** with the international panel of experts to ensure independent oversight and supervision of the ongoing excavation of the Chemmani mass grave.
4. **Suspension and prohibition of the enactment** of any current or future legislative measures inconsistent with international human rights and humanitarian law obligations

Thank You.

1) Bishop C. Noel Emmanuel
Bishop of Trincomalee.

3) Bishop of Mannar —

4) Vicar General, Jaffna —

Very Revd. Fr. P. Josephdas Jebaratnam
VICAR GENERAL
Diocese Of Jaffna
Bishop's House Jaffna, Sri Lanka

05) Prof. K.T. Ganeshalingam

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06) A.

A. Adaikalanathan
Member of Parliament

A. SELVAM ADAIKALANATHAN
Member of Parliament
Vanni District

06) V. Parantharman
V. Parantharman
Senior Lecturer
University of Jaffna

08)
Fr. S. Jayawardene
Kithurasa Group.

09)
Fr. M. Sathivel.
Christian Solidarity Movement

10)
Rev. Fr. A. Conslicious OMI
Trincomalee.

11)
Rev. Fr. Nandana Saparamadu
Kithusara

12) Rajkumar Rajeevkanth
Solidarity movement for Peoples Struggle
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Mr.K.Lavakusarasa
Coordinator
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(AHAM HUMANITARIAN RESOURCE CENTRE)
Eastern Province, Trincomalee

Justice C.V. Wigneswaran
Retired Judge of the Supreme Court of Sri Lanka
First Chief Minister of the Northern Provincial Council (2013-2018)
Ex Member of Parliament for Jaffna district (2020-2024)

Suresh. K. Premachandran
Leader
Eelam People's Revolutionary
Liberation Front (E.P.R.L.F.)
Former Member of Parliament
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M. K. SHIVAJI LINGAM
Secretary General
Tamil National Party (T.N.P.)
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Thiagaraja Nirosh
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S. JOTHILINGAM B.A(Hons)M.A(Pol.Sci)
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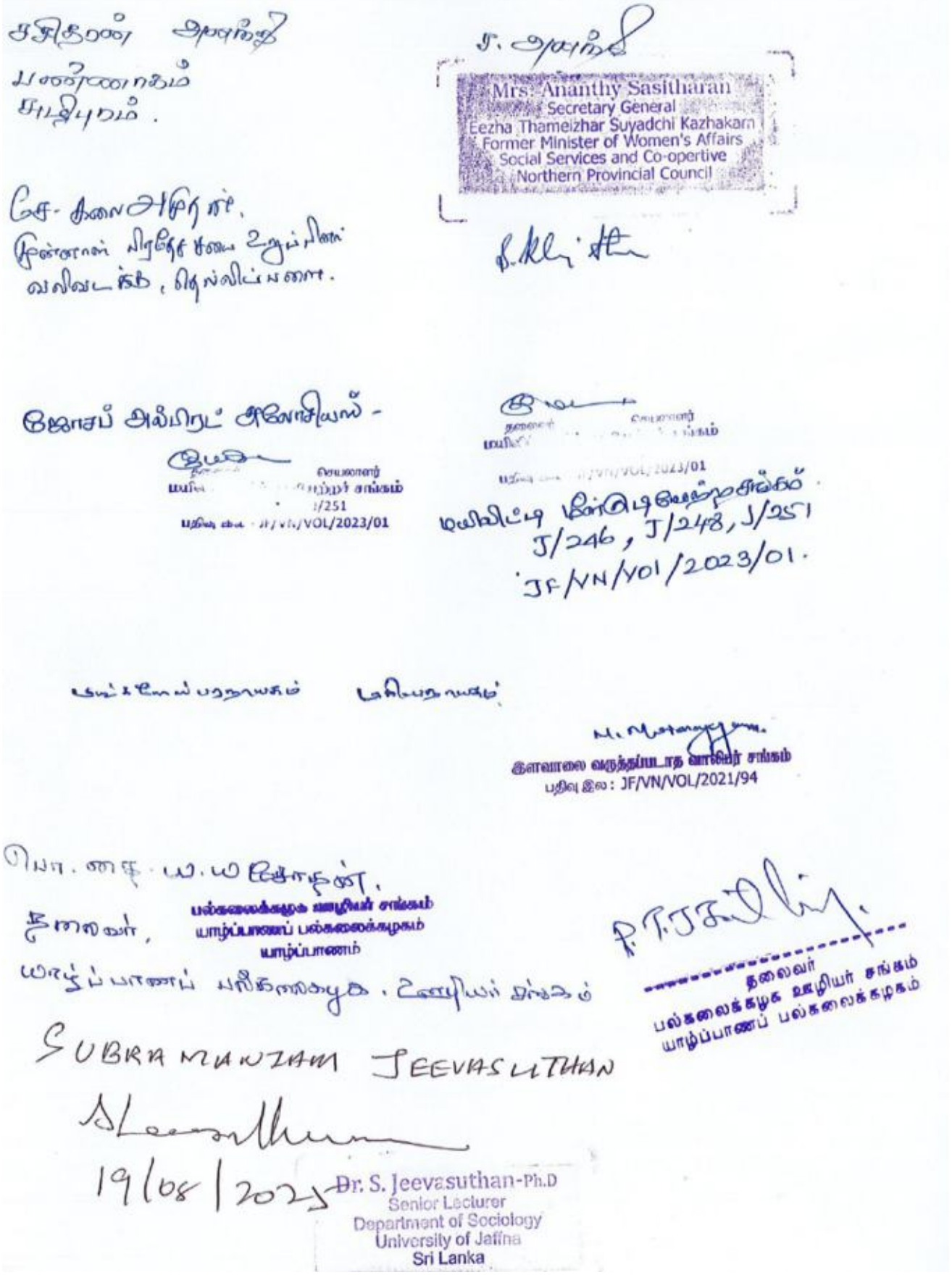
NOTARY PUBLIC
COMMISSIONER FOR OATHS
KUPPILAN

The Organizer
The Voice of The Voiceless

P. Arul Vanthanan
Social Activist


Mrs. Ananthy Sasitharan
Secretary General
Eezha Thamelzhar Suyadchi Kazhakam
Former Minister of Women's Affairs
Social Services and Co-opertive
Northern Provincial Council
JF/VN/VOL/2023/01
JF/VN/VOL/2021/94
பல்கலைக்கழக ஊழியர் சங்கம்
யாழ்ப்பாணப் பல்கலைக்கழகம்
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N. Anantharaj
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N. Anantharaj

N.Anantharaj
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SLPS, SLEAS

Nirmalanaathan Mary Ranjini
Missing person organisation.

N. Mary. Ranjini

Sirakukal Amaiyam (organizer)
Sojeevan Tharmaratnam

கலைவர் -
தமிழ் மாநாட்டுக் கலை
உருவாக்க அமைப்பு.
மாதகல் கிழக்கு
யாழ்ப்பாணம் -

தி. சோஜீவன்

கலைவர் -
தமிழர் கலை பண்பாட்டு அமைப்பு.
மூத்த வித்தி
உடுவில்.
தீருகோணமலை -

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கலைவர். N.V. சுப்பிரமணியம்.
அகில இலங்கை தொழிலாளர் சிகிச்சைகளின்
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நுணாவில் வித்தி மானிப்பாய், யாழ்ப்பாணம்.

N.V. சுப்பிரமணியம்

கலைவர்.
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தானாயடி, மிருசுவில். யாழ்ப்பாணம்.

தி. ரவீந்திரன்.


Dr. Ramanathan Archchuna
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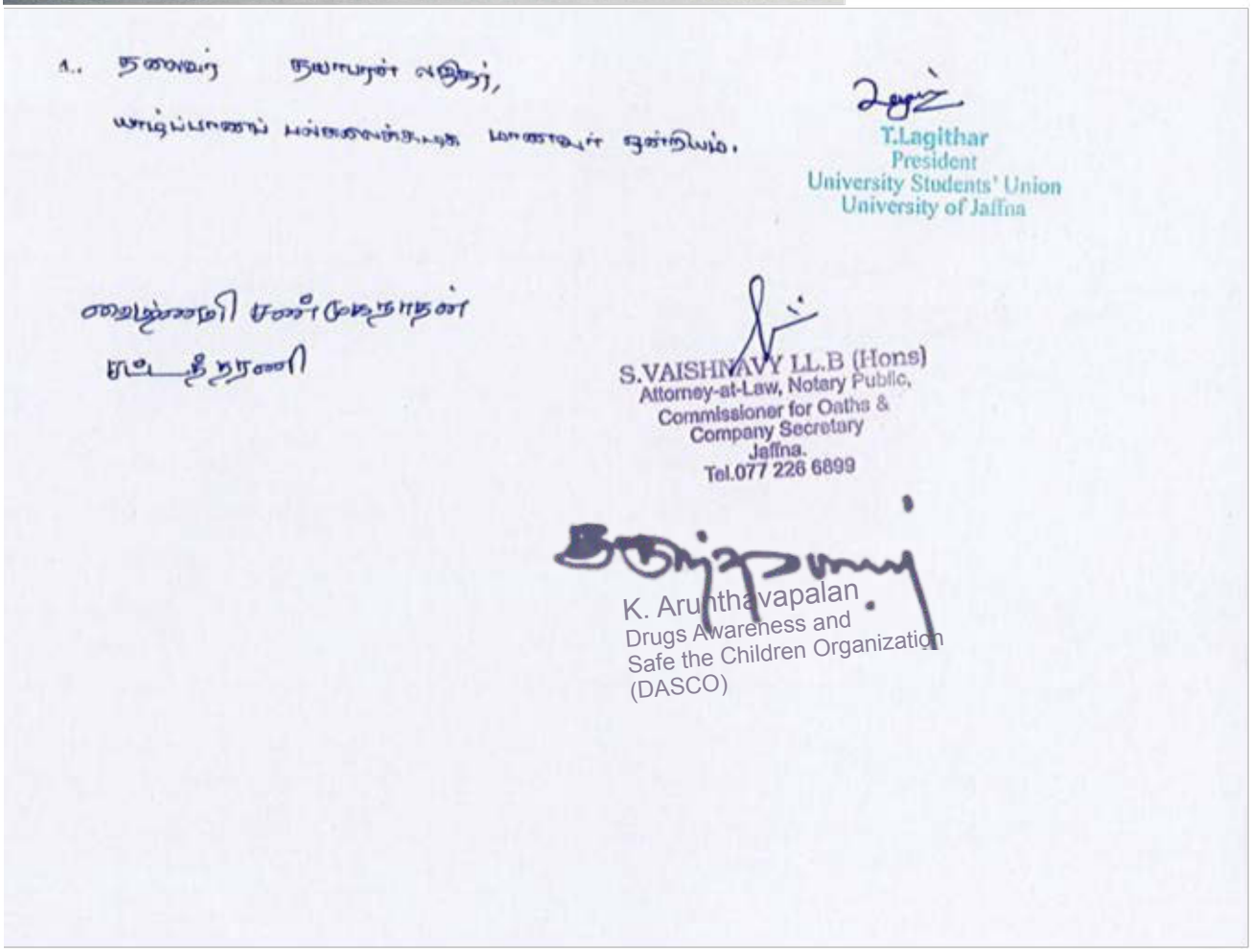
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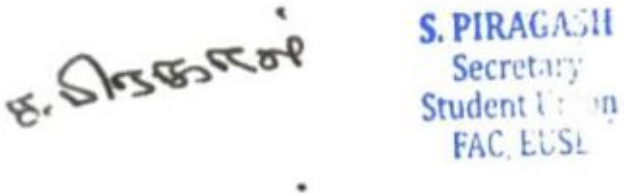
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Justice of Peace (Whole island)
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"Rathalayam"
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President
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Sivashri Kanesa Loganatha Kurukkal,
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East_Sri Lanka (Reg No_HA/4/BT/235
Manchanthoduwai - Batticaloa

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தலைவர்
இந்துகுருமார் ஒன்றியம்
Regd No.: HA/4/BT/235

Krishnapillai Sivapalan. Secretary of the
Senior citizen. Federation, Batticaloa District.

President / Secretary
Federation of Batticaloa District
Senior Citizens Association
District Secretariat Office, Batticaloa.
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T.
President
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MARKANDU NADARAJAH
Ex. Member of Eastern Provincial Council
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President
Association for Relatives of the
Enforces Disappearances
Trincomalee District

Ramanathan Shrigraneswaran
Civil Activist Trincomalee
Secretary, Intelectual Forum.

இலங்கைத் தமிழ் அரசுக் கட்சி
ඉලංකෙත් තමිල් අරසුක් කච්චි
ILANKAI TAMIL ARASU KADCHI

தலைமை அலுவலகம்,
இல 30, மாட்டின் வீதி,
யாழ்ப்பாணம், இலங்கை

කාර්යාලය
අංක 30 මාර්ටින් වීදිය,
යාපනය, ශ්‍රී ලංකාව.

HEAD OFFICE
No 30, Martyn Road,
Jaffna, Srilanka

27.08.2025

Heads of Missions of member countries of UNHRC
Geneva

Your Excellencies,

Promoting Accountability and Reconciliation in Sri Lanka HRC 57/1

As you are aware, the time period of the above resolution, adopted at the 57th session in September 2025 will end with the 60th session in September 2025.

We are the principal political party (known as the Federal Party from inception in 1949), representing the Tamil People of the North and East of Sri Lanka, with representatives elected from every single electoral district in the two provinces. Therefore we consider it our duty to place before you some serious concerns of our People.

The Tamil People have been living in Sri Lanka from time immemorial and historically occupy the North-East of the country. We are a distinct and separate People with a language and culture of our own. The majority of the Tamil People are Hindus, Tamil speaking Muslims and Christians while the Sinhalese are mostly Buddhists.

Prior to European conquests there existed three kingdoms in this island, one of which was the Tamil kingdom in the North-East. At the time of independence from Britain (who amalgamated the three units for administrative convenience in 1833), a simple majoritarian type constitution was enacted which was later replaced by a constitution, which recognized Sri Lanka as a "Unitary State" and further accorded to Buddhism the "foremost place". It also constitutionally recognized Sinhala as the only official language. These and other discrimination and periodical violence unleased on the Tamil People, prompted us in 1976 to demand the restoration of our sovereignty that was lost to colonial powers. This demand later led to an armed struggle for the attainment of that objective. However, that armed struggle was suppressed in 2009 by military means with the security forces committing grave war crimes, crimes against humanity and other international crimes. These international crimes included genocide against the Tamil People, with deliberate intention albeit over several decades, culminating in a series of events in the last phase of the war. Very recently a mass grave was discovered in the North in Chemmani in Jaffna. 150 skeletal remains, with 96% of them without clothes have been discovered already in a small square. Scanning the area shows the possibility of many more bodies. A convicted soldier disclosed in court in 1999 that hundreds of bodies were buried in this area by the Army. There are also reports by the Human Rights Commission, which inquired into disappearances in that area in the mid 1990s. All this clearly point to and add to the fact that there was indeed an intention to commit genocide.

சிவி.கே சிவஞானம்
தலைவர்
தொ.பே: 0212254145

அலுவலகம்
தொ.பே :02122177227
தொ.நகல் : 0212215731

ம.ஆ.சுமந்திரன் PC
பொதுச் செயலாளர்
தொ.பே : 0112503107
தொ.நகல்: 0212215731
மி.அஞ்சல்: generalsecretaryitak@gmail.com

We bring the above matters to your esteemed attention in order that you appreciate the extent and enormity of the crimes that have been committed by the Sri Lankan State against the Tamil People. We do appreciate very much your actions over a decade in the Human Rights Council in keeping this matter under international spotlight.

In October 2015, the Council passed HRC/30/1, which was co-sponsored by Sri Lanka, which later resiled from it. That resolution provided for a hybrid court with the participation of international judges and for a new constitution, which would act as the guarantee of non-recurrence. Currently OSLAP gathers evidence and preserves them and needs to be continued and expanded and the project concluded early. Thereafter this matter needs to be referred to other appropriate UN bodies for decisive actions.

Sri Lanka is not a signatory to the Rome Statute and therefore must be urged to accede to it soon. The alternate report of the Human Rights Commission of Sri Lanka recommends that this be done. Similarly, we note from the Advance Copy of the High Commissioner's Report to the Council that the same recommendation is being made. That way, accountability issues could be referred to the International Criminal Court and the Genocide issue can also be taken up at the International Court of Justice through appropriate means. Although the High Commissioner has critically commented on the lack of progress through local mechanisms, the victim community is rather disappointed that the Report seems to be relying on local mechanisms for accountability in Sri Lanka, which have proved to be futile for over one and a half decades now. There is provision for international participation in organizations such as the OMP and therefore it maybe useful to suggest such involvement which in turn would give us some measure of confidence.

The resolution that needs to be adopted at the forthcoming 60thsession should be a turning point insofar as it addresses the "Tamil National Question" properly.

We therefore urge you as the political representatives of the Tamil People of Sri Lanka to favorably consider the following in the resolution to be adopted:

1. With the recent discovery of 150 skeletal remains in a small area in the Chemmani - Sindupathi Hindu cemetery with much larger areas still to be excavated, evidence of not only acts of genocide, but also of genocidal intent is emmerging. In this context we appeal to the member countries to seriously consider referring Sri Lanka to the International Court of Justice (ICJ) for the setting up of inquiries as in the case of Myanmar.

2. To expand the scope of OSLAP to specifically include, gathering of evidence that point to genocide and genocidal intent apart from war crimes, crimes against humanity, violations of International Human Rights Law etc. This evidence gathering and preservation of OSLAP needs to be pursued with greater intent and the project concluded early.

3. Although a referral to the International Criminal Court (ICC) through the process of a Security Council resolution is almost impossible, persuade the Sri Lankan state to sign and ratify the Rome Statute as has been recommended by the National Human Rights Commission and the UN High Commissioner for Human Rights.

சிவி.கே சிவஞானம்
தலைவர்
தொ.பே: 0212254145

அலுவலகம்
தொ.பே :02122177227
தொ.நகல் : 0212215731

ம.ஆ.சுமந்திரன் PC
பொதுச் செயலாளர்
தொ.பே : 0112503107
தொ.நகல்: 0212215731
மி.அஞ்சல்: generalsecretaryitak@gmail.com

4. Continue to persuade Sri Lanka to enact a new federal constitution with extensive power sharing in the North-East on newly negotiated agreement with the Tamil People as a measure of non – recurrence. As an immediate step urge the Sri Lankan state to hold the provincial council elections without any further delay.

Thank You

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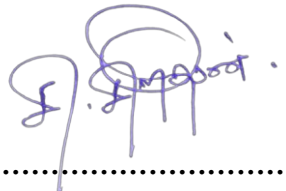
C.V.K. Sivagnanam
Chairman, Northern Provincial Council
President

……..

M. A. Sumanthiran
President's counsel
General Secretary



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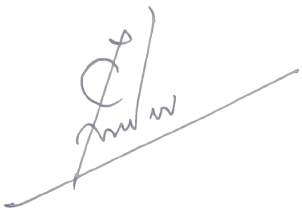
S. Shritharan (MP)
Parliamentary Group Leader



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G. Srinesan (MP)

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K. Kodeeswaran (MP)

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Shanakiyan Rasamanickam (MP)

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K.S. Kugathasan (MP)

……..

T. Ravikaran (MP)

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Dr. P. Sathiyalingam (MP)

……

Dr. E. Srinath (MP)

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தாயகச் செயலணி
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homelandactionfront@gmail.com

THE VOICE OF JUSTICE

Date: 28.08.2025.

To: The President, United Nations Human Rights Council
The High Commissioner for Human Rights, OHCHR

Copy to:
All Member States of the UN Human Rights Council for the term 2025–2027

RE: Seeking Intervention by the International Community for a Lasting Resolution

We, the Eelam Tamils, declare to the world through the "Voice of Justice" campaign that we are a nation, rightful heirs to a defined traditional homeland, nationhood, and the inalienable right to self-determination.

We sign this petition, reaffirming — as a symbol of our steadfast struggle — our demand for a permanent political solution that upholds these just aspirations, as expressed in the Vaddukkoaddai Resolution, the Thimpu Principles, and the Pongu Thamizh Declaration.
Since recorded history, the Tamil and Sinhala peoples have been two distinct nations with their own homelands and sovereignty on the island of Lanka, until British colonisation forcibly merged them into a single administrative unit in 1833. This colonial injustice laid the groundwork for our present tragedy.

Ignoring this historical fact, in 1948 the entire governance of the island was handed over to the Sinhalese under the guise of numerical majority. This enabled Sinhala chauvinists to strengthen their hold and initiate a state-sponsored genocide against the Tamil population — a genocide that continues in various forms even today.

We believe the British Empire bears primary responsibility for this injustice. By dismantling Tamil sovereignty and merging the two nations into a single entity solely for administrative convenience, Britain handed the Tamil nation over to its oppressors and bears ultimate responsibility for the genocide that followed.

The peaceful freedom movements of the Tamil people were repeatedly suppressed with an iron fist by successive Sinhala Theravada-Buddhist governments on the island of Ceylon, which was later unilaterally renamed Sri Lanka, even as those same governments provided state support to the violent campaigns of Sinhala-Buddhist chauvinists against the Tamils.

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We believe that the current JVP regime, operating under the name "National People's Power," is also no exception to the narrative that promotes the island as a promised land for the chosen people of Sinhala Theravada Buddhists.

The Tamil people, expressing their political aspiration for independence, effectively gave an overwhelming democratic mandate in 1977 to the Vaddukkoaddai Resolution, which aimed to reconstitute their sovereign state based on their inalienable right of self-determination in their ancestral homeland.

The armed resistance of the Tamil people emerged and evolved as a last-resort defence when the Sri Lankan state used military force to crush their non-violent movements. As the struggle grew, the Tamils established a de facto state and administered more than 75% of their homeland.

In 2009, at Mullivaikkal, more than 146,000 innocent Tamil civilians were either killed or subjected to enforced disappearance, leaving them unaccounted for, in the genocidal war systematically carried out by the Sinhala-chauvinist state. Hundreds of thousands more sustained injuries, with many left permanently disabled, while several thousand were arbitrarily arrested and detained. The armed struggle for national liberation was crushed with the direct support of various global and regional powers that were locked in a geopolitical game.

A lasting political solution to the national question of the Tamil people will only be achievable if the international community recognises their distinct sovereignty based on the principles of homeland, nationhood, and the right to self-determination at a global level.
We bring to the attention of global humanity that, for the past 16 years since 2009, the successive Sinhala-chauvinist governments that have come to power have failed to put forward any solution to the Tamil national question.

At the same time, we also bring to the attention of global humanity that, through military and intelligence structures, the Tamil people are subjected to divide-and-rule tactics, while conspiracies are orchestrated to prevent them from establishing their rightful political leadership.

Therefore, we request that the following issues be implemented under the monitoring and oversight of the international community:

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1. Justice and accountability for genocide and other international crimes

a) In accordance with the UN Genocide Convention, a mandate must be issued to investigate both the special intent and the acts of genocide. Furthermore, military and state officials already identified as responsible for crimes against humanity and war crimes must be held individually criminally accountable before an international court. Should the International Criminal Court (ICC) lack temporal jurisdiction to prosecute crimes committed before 1 July 2002, a special International Criminal Tribunal for Sri Lanka (ICT for Sri Lanka) must be established to prosecute genocide and other international crimes.

b) Sri Lanka's state responsibility for genocide must be brought before the International Court of Justice (ICJ), known as the World Court, under the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, with the maximum temporal, substantive, and territorial scope permitted under the Convention, for adjudication to ensure both prevention and punishment of the crime of genocide.

c) The evidence and testimonies of the affected people must be collected and preserved by an independent international mechanism, beyond the reach of Sri Lankan sovereignty.

d) The member states of the UN Human Rights Council must urgently act during the September 2025 session to adopt a resolution establishing a robust international justice mechanism on Sri Lanka for the crime of genocide, as demanded in the petition dated 12 August and endorsed by 56 dignitaries from the Tamil homeland — including bishops, religious leaders, civil society activists, and political representatives.

e) The right of families and next of kin to know the truth about persons subjected to enforced disappearances must be fully upheld and realised through an international justice mechanism.

f) The current OHCHR Sri Lanka Accountability Project (OSLAP) should be upgraded into a fully-fledged International, Impartial, and Independent Mechanism (IIIM) to comprehensively collect and preserve all evidence, including that required to establish both state responsibility and individual criminal responsibility, ensuring a complete and independent international investigation.

g) Travel bans have already been imposed on certain Sri Lankan military officials implicated in crimes against humanity and war crimes in the United States, Canada, and

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H) the United Kingdom, and possibilities have also emerged for legal action under the principle of Universal Jurisdiction. These measures must include the crime of genocide, and other states too must undertake similar actions.

2. Mass graves: international investigation and victims' own justice mechanisms.

a) The relatives of those subjected to enforced disappearance and the victims of mass graves insist on an international justice mechanism because the domestic processes proposed by the Sri Lankan government have failed to deliver justice and never will. At the same time, we are deeply concerned that the Office on Missing Persons (OMP) is being presented as a credible mechanism, endorsed by the UN High Commissioner for Human Rights and the Human Rights Council. Similarly, the International Commission on Missing Persons (ICMP) is giving some recognition to the OMP, portraying it as if it were a process for Tamils who have been denied justice locally. We strongly emphasise that neither the Office of the UN High Commissioner for Human Rights nor the ICMP should validate or lend credibility to any process under Sri Lanka's government control, nor should our testimonies or data be shared with them. Sri Lanka's domestic mechanisms cannot provide justice for us. Instead, there is a risk that successive governments will misuse such data to impose new forms of repression. Only international justice mechanisms can be trusted. Therefore, we call for the creation of an Independent, Impartial, International Mechanism (IIIM) as a step towards a comprehensive international justice process. The next session of the UN Human Rights Council must advance towards the next level of international justice beyond the current OHCHR procedures.

b) Although successive Sri Lankan governments claim to handle their affairs through domestic mechanisms, the constitution of that state was created without our democratic mandate, excluding us, and entrenched in a unitary and chauvinist foundation. Therefore, its sovereignty is illegitimate in our view. The international community must not approach our issue by treating such illegitimate sovereignty as legitimate. Accordingly, we, the victims, reject entirely the Sri Lankan government's mechanisms, which carry out only superficial inquiries into enforced disappearances and mass graves. At the same time, while the international community urges the implementation of such mechanisms, it must not force us to accept them as genuine processes. Hence, as victims, we call upon the international community to introduce alternative means that enable us to establish our own independent mechanisms for testimony and forensic evidence collection, outside the sovereignty of Sri Lanka. The doors of justice must be opened somewhere. As victims, we must be supported to safeguard and preserve our testimonies and forensic evidence beyond Sri Lanka's

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control, so that when a proper international judicial investigation takes place, we can submit them in a manner that meets the standards for admissibility. In this regard, the international community must also extend assistance in coordination with the Eelam Tamil diaspora, the nearby Tamil Nadu state government, and human rights organisations.

c) It is not appropriate for the international community to rely on the Sri Lankan government's Archaeological Department for excavating mass graves or handling the preservation of remains collected according to forensic procedures, as it is a biased institution. The Sinhala-chauvinist government's Archaeological Department is a fraudulent instrument of distortion that implants narratives in the minds of the people, justifying and sustaining genocide. Therefore, in accordance with international justice procedures as outlined in The Bournemouth Protocol on Mass Grave Protection and Investigation, all such actions must be carried out entirely independent of Sri Lanka, with binding safeguards, to ensure they remain beyond the sovereignty of Sri Lanka. At the same time, the international community must also provide technical assistance to the victims, enabling them to pursue their own justice mechanisms.

3. Halt structural and cultural genocide: compel the Sri Lankan government

a) All forms of land grabs carried out under the pretexts of the Department of Archaeology, Department of Wildlife Conservation, Department of Forest Conservation, Mahaweli Development Authority, and the Coast Conservation and Coastal Resources Management Department must be immediately stopped. At the same time, the lands of our people who have been forcibly displaced must be fully restored to their rightful owners.

b) All Sinhala settlements established under state-sponsored colonisation schemes, which aim to distort the demographic composition and territorial integrity of the Tamil homeland, must be removed, and the processes of Sinhalicisation and Buddhicisation — including the imposition of Buddhist shrines and symbols that distort the cultural and heritage landscape — must be stopped.

c) The Sri Lankan military, which has carried out massacres of Tamils, continues to occupy the Tamil homeland and sustain structural genocide. It must be immediately withdrawn from the Tamil homeland, and the region must be demilitarised.

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4. Guarantee normalcy as a prerequisite conducive measure before achieving a permanent political solution

a) All Tamil political prisoners who have been imprisoned and detained for a prolonged period must be immediately and unconditionally released.

b) The lands that have been seized and occupied by Sri Lanka's unitary state's central government ministries and departments must be immediately returned to their rightful owners.

c) Journalists must be permitted to continue their independent media work.

5. Achieve a permanent political solution for the national liberation of Eelam Tamils

a) The Eelam Tamils' rights to a distinct homeland, nationhood, and self-determination must be recognised.

b) Constitutional amendments such as the 6th Amendment, which aim to repress the Tamils, as well as laws such as the Prevention of Terrorism Act (PTA) and the controversial Online Safety Act, must be immediately repealed. At the same time, the rights of the Tamil people — including the freedom of thought, freedom of speech, the right to resources, the right to justice, and the right to movement — must be firmly recognised and guaranteed.

c) The Eelam Tamils' traditional homeland, nationhood, and right to self-determination must be recognised. An irreversible political solution must be achieved immediately through the arbitration of the international community. If such a solution cannot be achieved or implemented within a reasonable timeframe, we, the Tamil people, urge the international community through this signature campaign to pave the way for conducting an internationally supervised referendum. This referendum will enable us to determine our own destiny and establish a lasting solution that enables us to govern ourselves.

We, the undersigned — as victims of a protracted genocide and on behalf of the Tamil people in the North and East of the island — submit this petition through the **Homeland Action Front**, and respectfully urge your early action.

August 17, 2025

To:
Permanent Representatives of Member and Observer States
United Nations Human Rights Council
Geneva, Switzerland

Re: Sri Lanka's Rejection of UNHRC Resolutions and the Urgent Need to Uphold Eelam Tamils' Right to Self-Determination and Ensure Justice and Non-Recurrence

Your Excellencies,

We jointly write to express our grave concerns regarding Sri Lanka's continued rejection of the United Nations Human Rights Council (UNHRC) process and the lack of meaningful accountability for the crime of genocide committed against the Tamil people during and after the armed conflict that ended in 2009. Despite repeated calls from the international community, Sri Lanka consistently continues to deny justice and violate the fundamental human rights of the Tamils.

We also wish to register our profound disappointment with the UNHRC's actions and activities over the last 16 years since the brutal end of the ethnic war, which have not offered any tangible results towards accountability so far.

Continued Impunity and State Repression
To date, there has been no credible investigation or prosecution of war crimes, crimes against humanity, or genocide. The Sri Lankan state, through its military, continues to occupy Tamil lands, execute demographic changes, and systematically destroy the cultural and religious identity of the Tamil homeland, including war memorials. These actions are part of an orchestrated and coordinated campaign aimed at transforming the island into a mono-ethnic Sinhala-Buddhist state.

Chemmani Mass Grave Discoveries (2025)
As of August 7, 2025, over 140 human skeletons—believed to be Tamil civilians, including women, children, and infants—were exhumed from Sinthupaththi, which forms part of the infamous Chemmani site in Jaffna. The Chemmani area has long been known as a major Sri Lankan military outpost associated with the enforced disappearance of large numbers of Tamil civilians since 1995. This site was first identified in 1998 through the confession of Army Corporal Somaratne Rajapakse in court, who alleged that 300–400 bodies had been buried there under military orders and that there were 16 other similar mass burial sites. While only 15 bodies were exhumed in 1999, further investigations were halted. Amnesty International urged a full inquiry in June 1999, but

no action followed. The rediscovery of this site by a construction crew this year reaffirms the urgent need for independent international forensic investigations.

Failure of the UNHRC Process

Since 2009, the UNHRC has adopted multiple resolutions (S-11/1 in 2009, 19/2 in 2012, 22/1 in 2013, 25/1 in 2014, 30/1 in 2015 with a hybrid court, 34/1 in 2017, 40/1 in 2019, 46/1 in 2021, 51/1 in 2022, 57/1 in 2024) aimed at promoting reconciliation and accountability. However, Sri Lanka has consistently refused to comply, and no meaningful progress has been achieved. The absence of an in-country UN fact-finding mission constitutes a serious omission in fulfilling the international community's obligations under the Genocide Convention and customary international law to investigate and prevent genocide. Recent initiatives, including the OSLAP mission, have failed to examine the systematic and intentional group-targeting of Tamils, thereby perpetuating impunity for crimes under international law. These failures have severely undermined the Tamil community's confidence in the UNHRC process.

Unaddressed Tamil People's Right to Self-Determination

The core political issue—the Tamil people's right to self-determination—remains unaddressed. While the UNHRC has called for internal investigations and accountability, it has notably refrained from explicitly naming the Tamil people or calling for international investigations. Furthermore, the UNHRC has not demanded an immediate halt to the ongoing genocide or addressed specific state-led actions targeting Tamils, such as demographic alteration of the Tamil homeland through land grabs, the destruction of cultural heritage, the abusive application of the Prevention of Terrorism Act (PTA), and the indefinite detention of Tamil political prisoners without trial.

The Tamil people's democratically elected governing body, the Northern Provincial Council, unanimously adopted a resolution on February 10, 2015, titled *Sri Lanka's Genocide Against Tamils,* urging both the UNHRC and the UN Security Council to refer Sri Lanka to the International Criminal Court. On September 11, 2018, the Council unanimously adopted another resolution calling for a UN-conducted and UN-monitored referendum to determine a permanent political solution for the Tamil people.

Calling for Decolonization-Based Remedy through the Fourth Committee (Special Political and Decolonization)

We urge the UNHRC to recommend that the question of the Eelam Tamils be referred to the Fourth Committee of the UN General Assembly, which addresses decolonization and the right to self-determination. This is a formal request from the Tamil people to invoke the UN decolonization framework. It is based on a historically and legally grounded claim of improper decolonization when the British gave independence to the Sinhalese in 1948, but not to the Tamils.

The Tamil people of the North-East of the island had an independent sovereign kingdom prior to European colonization, which began with the fall of the Jaffna Kingdom in 1619. Under Portuguese, Dutch, and early British rule (1619–1833), the Tamil and Sinhala countries were administered separately. However, in 1833, the British unilaterally merged the distinct Tamil and Sinhala territories into a single unitary administration, without the consent of the Tamil people—a merger that laid the groundwork for majoritarian domination and the ethnic war to follow.

When the British granted independence to the Sinhalese in 1948, they handed over power to the Sinhalese without seeking any mandate from the Tamils, carrying out an improper and incomplete decolonization process that failed to uphold the principle of self-determination for the Tamil nation.

A relevant precedent can be found in the Mauritius case before the International Court of Justice (ICJ). In 2019, following a request from the UN General Assembly, the ICJ held that the UK's decolonization of Mauritius in

1968 was unlawful and that the process was not lawfully completed. The Court ruled that all UN Member States must cooperate to complete decolonization. This case underscores that when a people's right to self-determination is denied through improper colonial arrangements, the UN has both the authority and the responsibility to address it through the Fourth Committee and, where necessary, seek an advisory opinion from the ICJ.

Our Request for Actions

In light of the above, we urge the Member States of the UNHRC to adopt a renewed and principled approach to justice and accountability by taking the following actions:

1. Support **international forensic investigations into all suspected mass grave sites** in the Tamil homeland, with the participation of UN-accredited forensic experts and officials of the OHCHR Sri Lanka Accountability Project (OSLAP), with an extended mandate to include genocide.

2. Recommend the establishment of a **Special Tribunal for Sri Lanka** through the UN Security Council, with a mandate to investigate and prosecute international crimes committed against the Tamil people since 1974.

3. Recommend to the UN General Assembly, through its Fourth Committee (Special Political and Decolonization), that the **Tamils' homeland be recognized as a Non-Self-Governing Territory** under international law.

4. Recognize the **right to self-determination of the Eelam Tamil people** and recommend that the General Assembly and the Security Council take steps to facilitate a UN-conducted and monitored **independence referendum** in the Tamil homeland.

We firmly believe these steps are essential to delivering long-overdue justice, securing a lasting political resolution, and ensuring non-recurrence of past atrocities.

Thank you for your attention and consideration.

Sincerely,

Meena Ilancheyan
President, Tamil Americans United Political Action Committee

On behalf of the following US Tamil American organizations:

1. Federation of Global Tamil Organizations (FGTO); info@fgto.org
2. Federation of Tamil Sangams of North America (FeTNA); contact@fetna.org
3. Ilankai Tamil Sangam; president@sangam.org
4. Tamil Americans United Political Action Committee; info@tamilamericansunited.com
5. World Thamil Organization; wtogroup@gmail.com

CC:

Mr. Volker Türk, High Commissioner for Human Rights, OHCHR, Palais Wilson, Geneva
Mr. António Guterres, Secretary-General, United Nations, New York
The Fourth Committee (Special Political and Decolonization), United Nations, New York

25 August 2025

Dear Your Excellency the Ambassador,

COMMON PROPOSAL BY TAMIL PEOPLE AT THE 60TH UNHRC SESSION IN SEPTEMBER 2025

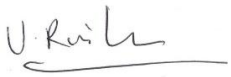
We, the Tamil diaspora and other Organizations representing Tamil people inside and outside the island of Sri Lanka, collectively put forward our **common proposal** emphasizing the importance of establishing justice, accountability and constitutional and institutional reforms that, among other things, the OHCHR has already noticeably accentuated in Para 65 of A/HRC/57/19 in August 2024 and Para 57 of A/HRC/60/21 of August 2025.

While we share our sincere gratitude to the Core Group for its scrupulous work on Sri Lanka, we look forward to working with you and your government to ensure that a new resolution is passed against Sri Lanka in coming September 2025.

Your support is paramount to us, not only to prevail justice and accountability to Tamil people in Sri Lanka, but also to hinder unscrupulous States to follow the bad blueprint across the globe.

Thank you, Your Excellency.

Sincerely,



V Ravi Kumar
General Secretary
British Tamils Forum (BTF)

Endorsed by:

1. **ATMA, Mauritius**
2. **British Tamils Forum (BTF), UK**
3. **Centre de Protections des Droits du Peuple Tamoul, France**
4. **Conservative Friends of Tamils (CFT), UK**
5. **Delhi Tamil Advocates Association, India**
6. **Delhi Tamil Sangam, India**
7. **Germany Tamils Advocacy Forum, Germany**
8. **Global Human Rights Defence, Netherlands**
9. **Global Thamil Council, Canada**
10. **Irish Tamils Forum, Ireland**

11. **Korea Tamil Sangam (KTS), Republic of Korea**
12. **Mother Tongue First Foundation (MTFF), India**
13. **Pasumai Thaayagam, India**
14. **Solidarity Group for Peace and Justice in Sri Lanka (SGPJ), South Africa**
15. **Swiss Tamil Action Group, Switzerland**
16. **Tamil Council, Mauritius**
17. **Tamil Friends of Liberal Democrats, UK**
18. **Tamils for Labour (TfL), UK**

COMMON PROPOSAL BY TAMIL PEOPLE AT THE 60TH UNHRC SESSION IN SEPTEMBER 2025

PREAMBLE

It is indisputable that, over the past seven decades, Sri Lanka has committed acts of genocide, war crimes, and crimes against humanity against the Tamil people, compelling over one million Tamils to flee the island as refugees. Despite successive UNHRC resolutions (A/HRC/RES/46/1, A/HRC/RES/51/1, A/HRC/RES/57/1) and the OHCHR report (A/HRC/57/19), systemic impunity persists, evidence remains at risk of obliteration, and victim-centred justice remains unfulfilled.

We, the undersigned representatives of Tamil people globally, submit this proposal to inform the UNHRC's draft resolution for its 60th Session (September 2025), urging immediate action to:

1. Advance accountability through international criminal justice mechanisms.
2. Deliver comprehensive reparations.
3. Implement constitutional and institutional reforms guaranteeing non-recurrence.

Our requests are primarily based on vigorously pursuing the accountability process to offer remedial justice to the victims of gross violations of human rights committed by the Sri Lankan state apparatus, to emphasise the United Nations and its member countries to impose sanctions and asset freezes on the perpetrators , and to refer Sri Lanka and its perpetrators to the ICC, ICJ and/or to an international ad-hoc justice mechanism.

I. OHCHR'S SRI LANKA ACCOUNTABILITY PROJECT (OSLAP): EVIDENCE PRESERVATION & PROSECUTION STRATEGIES

Rationale

Per A/HRC/RES/51/1 (OP8), OSLAP's mandate to collect, preserve, and analyse evidence is critical for future accountability. Delays in funding and scope limitations (e.g., exclusion of pre-2002 crimes) undermine its efficacy. The 2015 OISL Report confirmed "**widespread and systematic**" crimes against Tamils since 1948, including evidence of genocidal intent.

The recent discoveries of mass graves in Chemmani – Jaffna, Sampoor – Trincomalee, Mannar, with several infants and children, signify the high degree of evidence of the genocidal intent by the Sri Lankan state.

Requests:

1. **Expand OSLAP's Mandate & Resources:**
    - Extend evidence collection to cover **all atrocity crimes** (**1948–present**), explicitly including genocide, crimes against humanity, and war crimes.
    - The Chemmani mass graves had occurred between 1995 and 1997, when Jaffna peninsula was under siege of the Sri Lankan military, hence extending OSLAP's mandate to cover

the emblematic cases beyond the OISL period of 2002, inter-alia Chemmani Mass Graves forms a part.

- Allocate dedicated resources to document **genocidal intent** (e.g., militarized land grabs, obliteration of Tamil heritage, destruction of historical places of worship, and replacing with Buddhist viharas, cultural erasure, targeted economic embargo, sexual violence, etc.).
- Admit evidence from reputable NGOs, civil societies and victims' testimonies.

2. **Prioritize Prosecutable Cases:**
   - Identify **15–20 emblematic cases** with sufficient evidence for immediate ICC/ICJ referral.
   - Archive evidence and publish summary of evidence to support universal jurisdiction prosecutions in member states.

II. CRIMINAL PROSECUTIONS: BREAKING THE IMPASSE

Rationale

Per A/HRC/57/19 (Para 54), Sri Lanka's domestic inaction necessitates international intervention. Delayed justice risks evidence loss (e.g., witness mortality, state-sponsored destruction).

Requests:

1. **Refer Sri Lanka to International Courts:**
   - Urge the United Nations General Assembly - either directly or through the Secretary General of the United Nations - to refer the gross violation of human rights to the **ICC** or establish an ***ad hoc*** tribunal.
   - Enable the ICJ in adjudicating Sri Lanka's violations of the Genocide Convention and other applicable international treaties.
2. **Enforce Universal Jurisdiction:**
   - Call on member states (e.g., UK, Canada, EU states) to prosecute perpetrators under their respective national laws.
   - Impose **targeted sanctions** (asset freezes, travel bans) on named individuals in the Report of the OHCHR Investigation on Sri Lanka (OISL) released by the UNHRC in September 2015 (A/HRC/30/CRP.2).
3. **Recommendation to the Security Council:**
   - Urge the United Nations Human Rights Council (UNHRC) to recommend that the United Nations General Assembly initiate the process for establishing an international criminal justice mechanism for Sri Lanka.

III. REPARATIONS: RESTORATIVE JUSTICE FOR THE NORTH-EAST

Rationale

The North-East remains devastated by 30 years of war and state neglect, with land dispossession, economic marginalization, and militarization perpetuating Tamil suffering.

Requests:

1. **Establish an International-Backed Interim Authority:**
    - Composition: Elected Tamil representatives, civil society, and UN-appointed experts.
    - Mandate:
        - Return **all occupied lands** to Tamil owners/descendants.
        - Review state land acquisitions (e.g., Sinhala settlements, tourism projects) for illegality/public harm.
        - Implement a **Marshall Plan-style program** for resettlement, reconstruction, infrastructure, and sustainable livelihoods.
2. **Grant Interim Autonomous Powers (3-Year Transitional Period):**
    - Legislative/executive control over resettlement, reconstruction, economic policy, and direct access to and management of international funding and aid.
    - Authority to restore war-affected human development indicators to national averages. Empower the authority to design and implement targeted programs aimed at restoring key human development indicators in war-affected areas to match national averages within the interim period.

IV. NON-RECURRENCE: FEDERAL REFORMS & INTERNATIONAL GUARANTEES

Rationale

Per A/HRC/57/19 (Para 64), lasting peace requires constitutional reforms addressing root causes: denial of Tamil self-determination and centralized oppression (disenfranchisement, cycle of violence, etc.). Countries including India have reiterated many times in the past that the expectations of Tamils in Sri Lanka for equality, justice, peace and dignity, within a united Sri Lanka, need to be fulfilled and necessary steps to address the legitimate aspirations of the Tamil community should be taken.

Requests:

1. **Initiate Time-Bound Constitutional Arbitration:**
    - Establish **a core guarantor group** (USA, India, UK, EU, Canada) to oversee negotiations for a federal solution based on:
        - Recognition of the Tamil people's right to self-determination.
        - Demilitarization of the North-East.

- Power-devolution to the federal units and power sharing in the central unit

2. **Enforce Implementation Mechanisms:**
    - International arbitrators to monitor compliance with agreements.
    - UN-supervised timeline (max. 24 months) for constitutional adoption.
3. **Victim-Centred Safeguards:**
    - Embed Tamil representatives in all reform processes.
    - Criminalize hate speech and revisionist narratives denying atrocities.

V. TIME-BOUND IMPLEMENTATION

We urge the UNHRC to:

1. Adopt **a 12-month roadmap** for OSLAP evidence consolidation and ICC referral.
2. Mandate **biannual progress reports** from the High Commissioner.
3. Apply Targeted Pressure Through Trade Leverage.
   Recommend the suspension of Sri Lanka's GSP+ trade preferences until measurable compliance with international human rights obligations is demonstrated.

Legal References:

- UNHRC Resolutions: A/HRC/RES/46/1, A/HRC/RES/51/1
- Reports: A/HRC/57/19 (OHCHR, 2024), OISL Report (2015)
- Treaties: Rome Statute (ICC), Genocide Convention, UNCAT
- The OSIL Report A/HRC/30/CRP.2