



Today's UNHRC resolution is a step towards justice for Tamils; decisive action beyond the Council still necessary

Washington D.C.; March 23, 2021 — Today the UN Human Rights Council passed an important resolution on Sri Lanka, which rejects Sri Lanka's false narrative of reconciliation and progress. The resolution mandates the UN Office of the High Commissioner for Human Rights to collect and preserve evidence of serious violations of international law that occurred in Sri Lanka and report on opportunities for accountability for these crimes. Though the resolution falls short of the robust demands made by Tamil civil society, this is a positive step that has the potential to lead to an international accountability mechanism, which Tamils have long demanded. We welcome the Core Group's leadership and their engagement with Tamil groups throughout the process.

The limitations of the Human Rights Council in dealing with mass atrocity crimes, including genocide, war crimes and crimes against humanity, have once again become apparent. The Council is limited, by its scope and its inherently political nature, to act decisively, particularly when dealing with intransigent states such as Sri Lanka. As a result, the resolution falls short of the joint demands made by Tamil political parties and civil society groups. Many victim-survivors will be disappointed that the resolution didn't go further, and did not reflect the strong call for action set out in the High Commissioner's report, which encouraged the Council members to seek alternative avenues for justice such as through universal jurisdiction or the International Criminal Court (ICC). It is crucial for long-term stability in the region that the international community, particularly those in support of a rules-based order, heed the calls of the High Commissioner to "listen to the determined, courageous, persistent calls of victims and their families for justice".

It is important that we remember the reason for the Council's engagement on Sri Lanka. It was the deaths of thousands of Tamils, particularly in 2009, that spurred international action towards accountability and justice. Lessons must be learned from the international community's failure to leverage their often positive engagement with Sri Lanka to push for progress on accountability, particularly in the period between 2015-2019. Tamils have consistently maintained that a credible domestic accountability process is inconceivable, given the majoritarian Sinhala-Buddhist nature of the Sri Lankan state. The government's actions since 2009 continue to prove them right. Sri Lanka's disingenuous accountability and reconciliation efforts are directly linked to the Sinhala-Buddhist supremacy it upholds. Attempting to address the need for accountability without considering the ethnocentric nature of the state makes such efforts doomed for failure.

While PEARL believes this resolution is a step towards justice and accountability, decisive action beyond the Council must be pursued by member states. As highlighted in the High Commissioner's report, member states should utilize the full breadth of tools and sanctions under international law to support justice and accountability for Sri Lanka. PEARL continues to encourage countries to pursue accountability for Sri Lanka's mass atrocities in venues such as the International Court of Justice, the ICC, or through the establishment of a special ad hoc tribunal. PEARL also encourages countries to leverage the evidence gathered through the OHCHR to work with Tamil victim-survivor communities to initiate investigations and prosecutions in countries' own domestic courts. Sri Lanka's response today, consistent with its actions over the years, shows that decisive international action is the only way to achieve justice and a sustainable peace on the island.