



ஓட்டா வா தமிழ் ஒன்றியம்
OTTAWA TAMIL ASSOCIATION
L'ASSOCIATION TAMOUL D'OTTAWA
www.ottawatamilassociation.ca | info@ottawatamilassociation.ca



Not for profit Organization: 936728-4

Est: 2014

Aug 5, 2024

Dear Honorable Melanie Joly, Minister of Foreign Affairs:

Request to Urge the UNHRC to Appoint a Special Rapporteur, Extend SLAP, and Take Sri Lanka to the International Court of Justice for Genocide

The Ottawa Tamil Association (OTA) expresses sincere appreciation for the Canadian government's declaration of Tamil Genocide Remembrance Day¹ and the sanctioning of former presidents of Sri Lanka. The Tamil diaspora values these efforts as significant steps toward achieving justice. This year, the Tamil diaspora in the United States and the United Kingdom has intensified their efforts with their governments by introducing congressional resolution H.Res 1230² and new pledges.

As a member of the core group leading the 2021 UN Human Rights Council (UNHRC) resolution on Sri Lanka, Canada plays a pivotal role in ensuring continued international oversight and accountability.

Considering the upcoming renewal of the UNHRC resolution 46/1 in September 2024, we respectfully request that the Canadian government advocate for the following recommendations:

1. **Extension of the Sri Lanka Accountability Project (SLAP) Mechanisms³:** Advocate for extending the evidence-gathering mechanisms established under the SLAP for an additional two years. This extension is crucial for the continued collection, consolidation, analysis, and preservation of evidence that may be used in future war crimes trials.

Recommitment to SLAP's mandate in resolution 46/1 is essential to preserve and analyze evidence of all gross human rights violations in Sri Lanka. This includes systematic patterns of group-based violence in Sri Lankan military operations that targeted all Tamils in the conflict region. SLAP analysis grounded in

¹ "Tamil Genocide Remembrance Day Commemorated in Ottawa and Cary"

<https://www.pm.gc.ca/en/news/statements/2024/05/18/statement-prime-minister-trudeau-on-tamil-genocide-remembrance-day>,

<https://ottawatamilassociation.ca/news/press-releases/tamil-genocide-remembrance-day-commemorated-in-ottawa-and-cary/>

² "It recognizes the Tamil Genocide committed by Sri Lanka and affirms the Tamils' right to self-determination.

The resolution urges the United States Government to strengthen diplomatic channels with the Eelam Tamils.

Furthermore, the resolution calls on the US and the international community to work towards an independence referendum to resolve the conflict."

<https://fgto.org/news/press-releases/joint-statement-by-us-and-diaspora-tamil-organizations-in-support-of-house-resolution-1230/>

³ "to collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka, to advocate for victims and survivors, and to support relevant judicial and other proceedings, including in Member States, with competent jurisdiction"

<https://www.ohchr.org/en/hr-bodies/hrc/sri-lanka-accountability/index>



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International Humanitarian Law (IHL) alone cannot fulfill SLAP's mandate since IHL does not contemplate the human rights implications of State conduct targeting ethnic groups in the fog of war. As illustrated in May 2009, in active combat zones where both combatants and noncombatants belong to one ethnic group - i.e., Tamil - the risk of deliberate group-based violence is significant, material, and may transcend traditional IHL concepts of distinction and proportionality. Comprehensive accountability, a prerequisite for political settlement and lasting peace in Sri Lanka, necessitates SLAP's recommitment to the mandate in resolution 46/1.

2. **Appointment of a Country-Specific Special Rapporteur for Sri Lanka⁴:** Urge the UNHRC to appoint a special rapporteur dedicated to monitoring and reporting on the human rights situation in Sri Lanka. This will ensure sustained international attention and pressure on the Sri Lankan government to uphold human rights standards.
3. **Maintain Support for Justice Efforts:** Prepare to bring Sri Lanka to global courts⁵, such as the International Court of Justice (ICJ), to ensure perpetrators are held accountable for their crimes of genocide against the Tamil people.

The 2021 UNHRC resolution, led by Canada, Germany, North Macedonia, Malawi, Montenegro, the United Kingdom, and the United States, has been instrumental in addressing human rights abuses in Sri Lanka. The recent adoption of resolution 51/L1, which reinforces the capacity of the Office of the High Commissioner to collect and preserve evidence, underscores the importance of continued international support and intervention.

Canada's leadership in this matter is vital for promoting justice and accountability in Sri Lanka. We trust that you will consider these recommendations and take the necessary steps to ensure their implementation.

Thank you for your attention to this urgent matter.

Ottawa Tamil Association

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⁴ "UN resolution 30/1 and thereby pledged "to undertake a meaningful transitional justice process, including setting up a hybrid court with international judges, security sector reform and a political settlement that would address the root causes of the ethnic conflict on the island"<https://www.tamilguardian.com/content/sri-lanka-has-missed-%E2%80%98historic-opportunity%E2%80%99-99-transitional-justice-and-holds-%E2%80%98dismal-record%E2%80%99>

⁵ "Tamil diaspora groups are praising Ottawa's sanctions on Sri Lanka officials, while asking Canada to bring that country to international tribunals. "The Tamil diaspora has been calling for a new Nuremberg-like tribunal to prosecute the leadership of government of Sri Lanka"
<https://www.ctvnews.ca/politics/tamil-groups-ask-ottawa-to-bring-sri-lanka-officials-to-global-courts-1.6252170>