



Australian Tamil

Congress



Murasu

ISSN 1837-6460

October 2011

Volume 3, Issue 10

INTERNATIONAL CONFERENCE ON HUMAN RIGHTS

International Conference

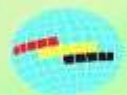
20 October 2011
Sheraton on the Park, Sydney

**ACCOUNTABILITY IN SRI LANKA
COMMON JUSTICE IN THE COMMONWEALTH**



Australian Tamil Congress

Global Tamil Forum



www.australlantamilcongress.com

www.globaltamilforum.org

Message from the Organisers

The declaration of Commonwealth principles believes in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which they live. It recognises racial prejudice as a dangerous sickness threatening the healthy development of the human race and racial discrimination as an unmitigated evil of society and demands each member nation to vigorously combat this evil within their own nation. It further claims to oppose all forms of colonial domination and racial oppression and committed to the principles of human dignity and equality. The declaration then stresses the use of all its efforts to foster human equality and dignity everywhere, and to further the principles of self-determination and non-racialism.

What the Commonwealth of Nations believes in is commendable but can it really make the right of self-determination as a right of every community in the commonwealth?

The Tamils in Sri Lanka have been striving for freedom and equality since before the country's independence in 1948. Thirty years of peaceful demands for a constitutional solution finally culminating in an armed struggle for a further thirty years. The conflict has now been put down but the systematic eradication of the rights of Tamils still continues unabated at an alarming rate. The deprivation of one community is not essential for the betterment of the other unless of course it is racially motivated. This is Sri Lankan democracy. It imposes the will of the majority to hurt and marginalise the minorities rather than providing the right to equality, freedom of speech and their right of self-determination. Inaction by the Commonwealth makes a mockery of its principles if one of its member countries is allowed to continue with these human rights violations without being made to account.

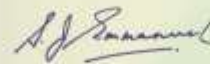
Countries like Sri Lanka should be made accountable to all the crimes against humanity it has committed and still continues to commit with impunity. State sponsored colonisation, cultural and religious degradation, militarisation of civil service and forced displacements amongst others continue in the north and east of Sri Lanka. If a country cannot uphold the principles of an organisation it is a member of, then it must be removed from it with the loss of all privileges that come with it until such time when all the wrongs are put right.

It is our belief that the forthcoming CHOGM will address the issues pertaining to Sri Lanka and uphold its principles and become an organisation of relevance to the people it claims to protect and provide for and not simply state that it is an internal problem. The Tamil problem is not an internal affair.

We would like to conclude with what Shri Rajagopalachari, the first Governor General of India once stated *"Most private wrongs are done within family walls, and most public wrongs within the borders of States. If world opinion is to consider state frontiers sacrosanct then there will be no chance for world progress as a whole; tyranny would have received a world charter"*



Dr. R. T. Rajeswaran,
Chairman
Australian Tamil Congress



Father S.J. Emmanuel
President - Global Tamil Forum



Australian Tamil Congress



Global Tamil Forum



Mr. Dato Johari Abdul
Member of Parliament, Malaysia

Mr. Dato Johari Abdul is a representative for the Sungai Petani constituency in Kedah, Malaysia and is a member of the People's Justice Party (PKR) in the opposition Pakatan Rakyat coalition. He was elected to the Sungai Petani seat (2008). He was previously a Director of the National Civics Bureau. He has a Master's degree in Strategic Studies from the University of Lancaster.



Vidya Jothi Professor (Dr) A.P.R. Aluwihare
Emeritus Prof. of Surgery and former Vice Chancellor, University of Peradeniya, Sri Lanka

Prof. Aluwihare was the Chairman of the University Grants Commission of Sri Lanka (1989-93), member of the Human Rights Commission of Sri Lanka (1997-2000), member of the Regional and Global Advisory Committee of Health Research of the WHO (1992-2000) and was the Chairman of the Board of Study in Surgery of the Postgraduate Institute of Medicine in Colombo (1995 to 2004). He is currently a member of a civil society group - the Friday Forum. The Sri Lanka Government honored him in 1998 with the title 'Vidya Jothi' for outstanding contributions to Science.



Mr. Peter Arndt
Executive Officer, Catholic Justice & Peace Commission of Brisbane

Mr. Arndt has been the Executive Officer of the Catholic Justice and Peace Commission of Brisbane since 2001. His work's principal areas of focus are Aboriginal and Torres Strait Islander peoples justice issues, asylum seeker and refugee policy, climate change, workplace relations and human rights in Sri Lanka and West Papua. He is currently the Chair of Queensland Churches Together Indigenous Peoples Partnership, Convenor of the Sri Lanka Justice Forum, Convenor of the West Papua Solidarity Group Brisbane and Convenor of the Minority Peoples Working Group of the Asia/Pacific Justice and Peace Workers Network.



Mr. Arumugam
Chairman, Malaysian Human Rights movement, SUARAM

Mr. Arumugam is also an executive committee member of Forum Asia, a regional membership based human rights organization based in Bangkok. He is an advocate and Solicitor of the High Court of Malaya and a qualified Civil Engineer. He is the Co-Chairman of Coalition of Malaysian Indian NGOs, a Trustee of CHILD, and Adviser of Tamil Foundation and the Town Councillor in Subang Jaya Town Council Authority in the State of Selangor. He is also the Editor of a monthly magazine "Semparuthi" and publisher of the online Tamil news portal www.semparuthi.com, has published many books as well.



Rev. John Barr
Assoc. Director, Church Solidarity (Asia), Uniting Church of Australia

Rev. Barr served as a Uniting Church in Australia Mission Co-Worker with the Gereja Masehi Injili di Timor (Evangelical Christian Church in Timor) in Kupang, West Timor (1985-1990) as a teacher in the Faculty of Theology of the Christian University. He was ordained to the Uniting Church in Australia (1992) and transferred to the National Assembly of the Uniting Church as Secretary for People in Mission (Mission Co-Workers, Volunteers in Mission, Interns in Mission) (1996), after which he was appointed as Indonesia Area Secretary for the Uniting Church in Australia National Assembly (1999) and later served as Executive Secretary for Asia (2002).



Dr. Lionel Bopage
Former General Secretary, Janathā Vimukthi Peramūla (JVP)

Dr. Bopage was also a Member of Politbureau in charge of party activities in the island of Sri Lanka's north and east. He was one of the few JVP members elected to the District Development Councils and was leader of the opposition in the District Development Council, Galle. In 1984 he resigned from all responsibilities of the JVP due to the ideological differences he had developed with its leadership. However, he continued to independently take part in active progressive political campaigns in the island.



Eswarapatham Saravanapavan
Member of Parliament (Tamil National Alliance), Sri Lanka

Mr. Saravanapavan was one of the Tamil National Alliance's candidates in Jaffna District at the 2010 parliamentary election in which he was successfully elected into Parliament. He is also the managing director of a Tamil newspapers, Uthayan and Sudar Oli.



Hon. John Dowd AO QC
Australian President, International Commission of Jurists (ICJ)

Mr. Dowd has served as a member of the Executive Committee (2002-2008), and as the Chairperson (2003-2008) of the ICJ. He is the current elected Vice-President of the ICJ, Geneva (2009-2011). He has been on ICJ missions to Hong Kong, East Timor and Nepal and led the Australian Government delegation in Palestine to monitor the Palestinian Legislative Council Elections. A former NSW Attorney-General (1988-1091) and Supreme Court judge (1994-2004), John Dowd is currently also the Chancellor of the Southern Cross University and President of Austcare.



Mr. Bruce Haigh
Former Australian Deputy High Commissioner for Sri Lanka

Mr. Haigh is a political commentator and author and a former Australian diplomat. Having joined the Department of Foreign Affairs and Trade (1972), he has extensive experience in South Asia, the Middle East and South Africa, including as Deputy High Commissioner to Sri Lanka and Counsellor in the Australian Embassy in Pakistan. As First Secretary in the Australian Embassy in South Africa, Bruce Haigh initiated Embassy contact with members of the black South African resistance and helped a number of political activists to escape South Africa.



Mr. Bawa Abdul Kader
Former General Secretary Up-country Mass Movement

Mr. Kader was the former elected Deputy Chairman of the Ceylon Teachers Union, which represented teachers of all three communities – Sinhalese, Tamils and Muslims – though majority of its membership was constituted by Sinhalese teachers. Mr. Kader was single-handedly responsible for campaigning and pushing for a resolution in the National Annual Conference of the CTU (1977) to recognise the right to self-determination of the Tamil people. He served as the elected Secretary General of the Up-country People's Front (UPF) and as the General Secretary of the Up-country Workers Front, the third largest trade union in the plantation sector (1989-1999).



Prof. Damien Kingsbury
Director, Centre for Citizenship, Development and Human Rights, Deakin University

Prof. Kingsbury also holds a Personal Chair in the School of International and Political Studies at Deakin University. He was the adviser to the Free Aceh Movement in its 2005 negotiated settlement to its three decade long separatist war with Indonesia, which established Aceh as a politically and economically autonomous region. He has visited Kilinochchi (2006) and met with leaders of the Liberation Tigers of Tamil Eelam to discuss options for a negotiated settlement to the Eelam War. He is the author of numerous books, book chapters and journal articles on political and security issues, including 'Sri Lanka and the Responsibility to Protect: Politics, Ethnicity and Genocide' and 'Responsibility to Protect: Sri Lanka', in 'The Responsibility to Protect: The Promise of Stopping Mass Atrocities in Our Time'.



Assoc. Prof. Jake Lynch
Director, Centre for Peace and Conflict Studies, University of Sydney

Prof. Lynch is also the Executive Member of the Sydney Peace Foundation and Secretary General of the International Peace Research Association. He has spent the past decade developing, teaching and training in peace journalism – and practising it, as an experienced international reporter in television and newspapers. He was a presenter (anchor) for BBC World News; the Sydney Correspondent for the London Independent newspaper, and a Political Correspondent for Sky News. Jake has led training workshops in peace journalism for professional editors and reporters, and in media skills for peace workers, in many countries including Indonesia, the Philippines, Nepal, Jordan, Cyprus, Armenia, Georgia, Norway and the USA. Clients have included the British Council, Council of Europe, DANIDA, GTZ, SIDA, NORAD and the Australian Commonwealth government.



Mr. M. Manogaran
Member of Parliament (Democratic Action Party), Malaysia

Mr. Manogaran was elected into Parliament in 2008 to represent the Telok Intan Constituency. Prior to that he served as a Legal Assistant and later a Proprietor. He was a National Committer Member of the Educational Welfare & Research Foundation (1994-1998) and the Protem & Founding President of the Tamil Foundation Malaysia (2000-2007). His areas of concentration in Parliament include Human Rights, War Crimes, Parliamentary Affairs, Judiciary, Rural Development, Police, Education especially vernacular schools, and International Affairs- Sri Lanka, Myanmar, East Timor.



Mr. Sisa Njikelana
Member of Parliament (African National Congress), Republic of South Africa

Mr. Njikelana was a member of the Task Team for Parliament's Policy on International Relations (2006) and the Parliamentary Group on International Relations (2008-2011). He is part of the ANC NEC Sub-Committee for International Relations (2008-2011) and Economic Transformation Cluster (2008-2011). Mr. Njikelana joined the ANC underground in 1980, was mainly involved in trade unions. He went through two treason trials 1982 as well as in 1985-86 (United Democratic Front [UDF] Treason Trial in Pietermaritzburg). He was detained more than 10 times from 1980 until 1985. He is the Chairperson of the Solidarity Group for Peace and Justice in Sri Lanka since 2007.



Sen. S. Ramakrishnan
Member of Parliament, Malaysia

Mr. Ramakrishnan was the Chairman of Plantation, Mining Workers and Estate Community of DAP Selangor since 2003. He started Youth Motivational and Self Awareness programmes since 2007. Internationally, Ramakrishnan has presented research papers in finance in Kuala Lumpur, Bangkok, Australia and other countries. Currently, he is working on a research paper on the performance of the local government in Selangor and current focus of interest is accountability in public services and government accounting.



Emeritus Prof. Ivan Shearer AM RFD
Retired Professor of International Law

Prof. Shearer was a member of the International Group of Eminent Persons (IIGEP) which had a mandate to observe all investigations and inquiries conducted by and on behalf of the Commission of Inquiry into alleged human rights abuses in Sri Lanka. He has previously served as a Professor of International Law at the University of Sydney (1993-2003), Professor of Law at University of New South Wales (1975-1993) and a Senior Lecturer at the University of Adelaide (1964-1974). He has also served as a Barrister and Solicitor of the Supreme Courts of South Australia, Victoria and New South Wales. He is a Member of the Permanent Court of Arbitration, The Hague and the Arbitrator designated by Australia under the United Nations Convention on the Law of the Sea.



Prof. V. Suryanarayan
Senior Research Fellow, The Center for Asia Studies, Chennai, India

Prof. Suryanarayan is one of India's leading specialists in South and Southeast Asian Studies and combines in his teaching and research specialization in History, Political Science and International Relations. Prof. V. Suryanarayan was associated with the University Grants Commission for several years. He was a member of the UGC Advisory Committee on Area Studies and was a member of UGC evaluation teams to several Universities. He was a member of the International Observer Team that monitored the Presidential Election in Sri Lanka in December 1999 and a member of the National Security Advisory Board of the Government of India during 2008-2010.



Dr. Graham Thom
National Refugee Coordinator, Amnesty International Australia

Dr. Thom has also been the Chair of the NSW Asylum Seekers Interagency. He has tutored at the University of Sydney in 'Politics of Asia and the Pacific', 'International Politics' and 'Australian Politics' and continues to give lectures at a number of universities focusing on refugee issues, both globally and domestically. In 2007 he joined with UNHCR and a number of Australian NGOs in Bangladesh to trial a "heightened risk assessment tool" to assist UNHCR identify individuals at particular risk. He was subsequently invited to attend the Annual Tripartite Consultation on Resettlement meeting in Geneva in 2007 to provide feedback on the findings of the mission. In November 2008 he visited Iraqi refugee camps on the Syria-Iraq border to help raise awareness of the plight of ex-Iraq Palestinian refugees and has subsequently visited and worked with refugees and IDPs in India, Malaysia, Thailand and Sri Lanka.



Mr. Senthoran Raj
President, Amnesty International NSW Branch, Australia

Mr. Raj works as the Senior Policy Advisor for the NSW Gay and Lesbian Rights Lobby, an organisation that advocates on behalf of gay men, lesbians and their families. In a governance capacity, he also serves as the Director of ACON Health. He writes regularly for The Sydney Morning Herald, The Punch and New Matilda on matters relating to sexuality and politics. He also works as a research associate with the UTS Faculty of Law, and his thesis on sexuality and refugee law was awarded the University of Sydney Medal. Mr. Raj has published widely on issues relating to sexuality, gender and the law; refugees; intimacy and citizenship; popular culture; and human rights.

INTERNATIONAL CONFERENCE

Accountability in Sri Lanka

Common Justice in the Commonwealth

An international conference titled “Accountability in Sri Lanka: Common Justice in the Commonwealth” was co-hosted by the Australian Tamil Congress and the Global Tamil Forum from October 20 to 22, 2011 in Sydney. The first day of this conference was held at the Sheraton on the Park (161 Elizabeth St, Sydney) hotel and was attended by several eminent delegates from Australia, Sri Lanka (representing Tamil, Sinhala and Muslim communities) and other countries including India, South Africa and Malaysia. Around 150 invited guests attended the day proceedings and more than 400 people participated in the evening public forum. Attendees included members of the Tamil community from the UK, Canada, USA and Malaysia



ATC Chairman Dr Raj Rajeswaran–Welcome address



Rev Dr S J Emmanuel– President-Global Tamil Forum

Amongst many distinguished guests and speakers the following Australian Parliamentarians were also present during this event:

1. Mr. Laurie Ferguson MP -Member for Werriwa and Chair, Parliamentary Human Rights Sub-committee
2. Hon. Philip Ruddock MP- Member for Berowra and Deputy Chair, Parliamentary Human Rights Sub-committee
3. Ms. Michelle Rowland MP -Member for Greenway
4. Mr. John Murphy - Member for Reid
5. Senator John Madigan- Senator for Victoria
5. Hon. Nathan Rees -Member of State Parliament (NSW) and former Premier (NSW)
6. Mr David Shoebride - Member of State Parliament (NSW)

Also present was eminent lawyer **Geoffrey Robertson QC**, a counsel in many landmark cases in constitutional, criminal and media law in the courts of Britain and the commonwealth and the European Court of Human Rights.



Geoffrey Robertson QC at the conference

Main Speakers at the Conference were:

1. **Prof. Damien Kingsbury** Director, Centre for Citizenship, Development and Human Rights, Deakin University
2. **Assoc. Prof. Jake Lynch** Director, Centre for Peace and Conflict Studies, University of Sydney
3. **Hon. John Dowd AO QC** Australian President, International Commission of Jurists (ICJ)
4. **Prof. Ivan Shearer AM RFD** Emeritus Professor of International Law
5. **Mr. Bruce Haigh** Former Australian Deputy High Commissioner for Sri Lanka
6. **Dr. Graham Thom** National Refugee Coordinator, Amnesty International Australia
7. **Mr. Senthoran Raj** President, Amnesty International, NSW Branch
8. **Mr. Peter Arndt** Executive Officer, Catholic Justice and Peace Commission of Brisbane
9. **Rev. John Barr** Assoc. Director, Church solidarity (Asia), Uniting Church of Australia
10. **Ms. Meena Krishnamoorthy** The eye witness from the 'no fire zone' who appeared on the recent ABC 7.30 Report Programme
11. **Mr. Sisa Njikelana** Member of Parliament (African National Congress), Republic of South Africa
12. **Prof. V. Suriyanarayanan** Senior Research Fellow, The Centre for Asia Studies, Chennai, India
13. **Dr. Lionel Bopage** Former General Secretary, Janatha Vimukthi Peramuna (JVP) (from the Sinhala community)
14. **Prof. Aluwihara** Emeritus Professor of Surgery and former Vice Chancellor, University of Peradeniya, Sri Lanka (from the Sinhala community)
15. **Mr. E. Saravanabawan** Member of Parliament, Tamil National Alliance, Sri Lanka (from the Tamil Community)
16. **Mr. Bawa Abdul Kader** Former General Secretary of Teacher's Union and Up-country Mass Movement, Sri Lanka (from the Muslim community)
17. **Mr. Dato Johari Abdul** Member of Parliament, Malaysia (from the Muslim community)
18. **Senator S. Ramakrisnan** Member of Parliament, Malaysia
19. **Mr. M. Manogaran** Member of Parliament, Malaysia
20. **Mr. Arumugam** Chairman, Malaysian Human Rights Movement, SUARAM



Assoc. Prof. Jake Lynch -Director, Centre for Peace and Conflict Studies, University of Sydney



Hon. John Dowd AO QC – Australian President, International Commission of Jurists (ICJ)



Prof. Ivan Shearer AM RFD – Emeritus Professor of International Law



Mr. Sisa Njikelana - Member of Parliament (African National Congress), Republic of South Africa



Ms. Meena Krishnamoorthy - The eye witness from the 'no fire zone' who appeared on the recent ABC 7.30 Report Programme



Mr. Suren Surendran-GTF Spokesperson



Speakers and distinguished guests at the morning session.



Panel discussion with overseas speakers



A Conference output document was agreed upon in principle by all main speakers and the contents are presented below.

The Conference recognises:

1. The tortured post-independence history of Sri Lanka with discriminatory policies and practices towards minorities and major inter and intra ethnic violence leading to highly weakened institutions, governance, rule-of-law and impunity;
2. The decades long armed conflict between the Government of Sri Lanka and the Tamil militants reaching its conclusion in May 2009 with estimated deaths of tens of thousands of Tamil civilians in a span of few months and the general loss of life from all communities;
3. The failure of the international institutions including the United Nations Security Council, the Commonwealth and the international governments in preventing this human catastrophe;
4. Continued insecurity experienced by Tamil and Muslim communities regarding ongoing human rights abuses, including disappearances, rape and torture and their marginalisation and loss of identity in their majority areas;
5. The need for communities through civil society engagement to understand and appreciate each other's grievances and fears;
6. The inability and the weaknesses of the institutions in Sri Lanka to deal with massive human rights violations occurred and to take measures to address accountability and genuine reconciliation;
7. The paramount need for genuine reconciliation between the communities;
8. The need to establish accountability and justice through an independent and international mechanism for a sustainable reconciliation to be achieved between communities;
9. India must revisit its approach and strategy towards Sri Lanka;
10. A sustainable reconciliation is only possible if there is a genuine political resolution that recognises appropriate political representation and substantive democratic rights;
11. The need to address displaced people of all communities effectively and with urgency;
12. The need to settle displaced people in their original place of land;
13. The urgent need to stop government sponsored colonisation and 'land grabbing' in the North-East of Sri Lanka;
14. The need to end the military occupation of the North-East Sri Lanka; and
15. The need to acknowledge Intra and inter community mistakes of the past by all communities.



Morning Tea being served



The Conference calls upon the international governments and the relevant institutions including the CHOGM to:

1. Evolve necessary framework and institutional arrangements to prevent recurrence of such events in any part of the world;
2. Effectively address the alleged war crimes and crimes against humanity committed by all parties during the war in Sri Lanka as a deterrent for such events ever happening again;
3. Take all necessary steps to implement the UN Panel recommendations in its entirety;
4. Implement measures that will encourage the Government of Sri Lanka to cooperate in addressing these issues and until such time denying Sri Lanka the privileges bestowed on respectable members of the international community including hosting of events such as CHOGM 2013 and 2018 commonwealth games; and
5. Pro-active facilitation of processes that will allow for accountability, repatriation, resettlement, negotiated political solution, and true reconciliation.



Ms Michelle Rowland MP with Mr. Harish Veji

repa-



Hon Nathan Rees with Dr Raagavan



Hon Philip Ruddock MP with
Father Emmanuel and Suren
Sirendran-(GTF)

As categorically agreed by the eminent attendees of this conference, Sri Lanka hosting CHOGM 2013 is completely unacceptable under the present conditions, and this call has also been recently backed by Former Prime Minister Hon. Malcolm Fraser and the Canadian Prime Minister threatened to boycott CHOGM 2013 if Sri Lanka did not address the humanitarian issues adequately.

The excellent media coverage received recently on crimes against humanity committed and continuing to be committed in Sri Lanka attests to the great success achieved by the conference. This is just the start. We must not allow this tremendous moment to evaporate and continuously pressure the media, politicians and international institutions that value human rights to bring the guilty to account, stop the colonisation of the North-East of Sri Lanka and retain the Tamil Speaking identity in Sri Lanka with equal rights, the right to remain in their homeland, peace with protection and the unequivocal right of self-determination for all the people.