



British Tamils Forum United Kingdom

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FOR IMMEDIATE RELEASE

UNHRC pathway: International Criminal Justice Mechanism for Sri Lanka

The High Commissioner for Human Rights report, [A/HRC/63/18 published in September 2026](#) has prompted the British Tamils Forum (BTF) to express its serious concern to the international community over the persistent tactical delays, lack of tangible progress, and unfulfilled commitments of successive Sri Lankan governments in addressing accountability for war crimes, crimes against humanity, genocide and other grave violations of international law.

A History of Tactical Diplomacy and Broken Promises

For nearly two decades, successive Sri Lankan administrations have relied on domestic pledges and political assurances to delay meaningful accountability and weaken international action through the UN Human Rights Council (UNHRC). The pattern has evolved as follows:

2009: Following the end of the armed conflict, the Rajapaksa administration promised domestic efforts while resisting international scrutiny.

2012: Sri Lanka opposed the first UNHRC resolution addressing accountability, despite its focus at that stage on a domestic process.

2015: Sri Lanka co-sponsored resolutions containing commitments to hybrid judicial mechanisms but purposely failed to implement key commitments.

2017 and 2019: Further roll-over resolutions provided additional time without delivery of core accountability measures, including a credible hybrid tribunal and legal reforms addressing genocide, crimes against humanity, war crimes and command responsibility.

2024: The newly elected National People's Power (NPP) government must not be permitted to repeat this established pattern. Domestic rhetoric and references to governance, corruption, climate or other generic policy issues must not displace the unresolved questions of **cycles of violence, atrocity crimes, entrenched state impunity, the root causes of the conflict and serious violations of international law against the Tamil people.**

BTF's Strategic Diplomatic Engagements and Evidence Collection

Recognising Sri Lanka's stalling tactics and the complex voting dynamics at the UNHRC, BTF drafted a common consensus proposal in the latter part of 2020, in consultation with Tamil diaspora organisations, civil society actors and North-East Tamil political parties. Through sustained diplomatic engagement, BTF helped strengthen the process that led to the historic March 2021 UNHRC resolution establishing the Sri



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Lanka Accountability Project (**OSLAP**), an independent evidence-collection mechanism under OHCHR, modelled on comparable UN international mechanisms such as the IIM for Syria and IIMM for Myanmar.

BTF subsequently advocated **for acknowledging** the new mandate's expansion of the evidence-collection process beyond 2001 and **for allocating** necessary resources to collect evidence from 1948 onwards. **This shift aimed to overcome** the temporal limitations that had constrained earlier accountability efforts and the narrow focus associated with the Lessons Learnt and Reconciliation Commission period (2001–2009), **ensuring** that systemic violations originating in earlier decades could also be addressed. **Furthermore**, BTF has continued to **mobilise** victim communities in the North-East and the diaspora to participate in evidence gatherings and help preserve robust files for future international prosecutions.

The International Pathway must not be diluted

BTF is deeply concerned about recent shifts in the narrative of the UN High Commissioner for Human Rights. Earlier UN reporting explicitly identified international avenues including referral to the International Criminal Court (**ICC**), engagement with the International Court of Justice (**ICJ**), and prosecutions through universal or extraterritorial jurisdiction. Recent reporting risks placing greater emphasis on accommodating Sri Lanka's domestic processes under the NPP administration.

Core accountability issues, including structural persecution and serious violations of international humanitarian and human rights law—must not be diluted into generic socio-economic concerns. Political change within Sri Lanka cannot, by itself, constitute structural justice.

Sri Lanka's domestic judicial architecture continues to face fundamental barriers to credible accountability:

Absence of relevant penal provisions: Domestic law does not adequately recognise and prosecute war crimes, crimes against humanity, genocide and command responsibility as such.

Statutory time limitations: Time bars create serious obstacles to prosecuting older cases particularly those dating back more than 20 years, including cases arising during the earlier phases of the conflict.

Forensic and institutional limitations: Recent mass-grave exhumations underscore the technical, forensic and political difficulties of conducting fully independent DNA testing, victim identification, evidence preservation and perpetrator investigations without direct international oversight.

Safeguarding and Strengthening OSLAP

The Sri Lanka Accountability Project (OSLAP), established under Resolution 46/1 and reinforced under Resolution 51/1, represents a cumulative 17-year investment by the UN, Special Rapporteurs, Working Groups, Treaty Bodies, the Core Group, Member States and the Tamil victim community in preserving evidence for future criminal prosecutions. Diluting its mandate or allowing this international infrastructure to lapse would risk the loss of vital evidence, institutional capacity and the international attention built up through years of sustained engagements.



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- **Preserving 17 Years of UN Investment:** OSLAP builds on landmark findings, including those of the UN Secretary-General's Panel of Experts (2011) and the OHCHR Investigation on Sri Lanka (OISL) Report (2015). Replacing this mechanism with unfulfilled or unverified domestic commitments would risk undermining international credibility and jeopardising the prospect of future accountability.

Positive elements of the 2026 report

BTF acknowledges that, despite the 2026 report's shift in focus towards domestic judicial processes, it contains some important positive elements.

Paragraphs 54–56 confirm that OSLAP remains active, with a repository containing more than **123,000 items of information** originating from more than 500 witnesses and sources. These materials cover unlawful killings, enforced disappearances, torture, ill-treatment and conflict-related sexual violence, among other violations. More than 94% of those who provided evidence did so on the condition that OSLAP would not share their information with Sri Lankan authorities. This significant level of confidentiality reflects the lack of confidence in Sri Lanka's domestic judicial system and reinforces the need for an independent international accountability process.

Paragraph 61 states that international engagement remains essential and calls on the Council and UN Member States to support and utilise OHCHR's strengthened capacities.

Paragraph 63 encourages member States to cooperate in investigations and prosecutions through extraterritorial or universal jurisdiction and identifies targeted sanctions as a possible measure consistent with international law.

Three pillars of OP6 of Resolution 46/1

BTF therefore calls for: (1) strict implementation of all three pillars of OP6 of Resolution 46/1 — consolidating and analysing evidence for future judicial proceedings, advocating for victims and survivors, and supporting jurisdiction-capable proceedings in Member States and other international criminal justice mechanisms; (2) greater transparency concerning delays in thematic analytical outputs, including work relating to attacks on aid workers, human rights defenders and media personnel; and (3) adequate, ring-fenced resources to ensure continuity of the mandate.

Accountability - Three interconnected levels

Accountability must be understood at three interconnected levels: ***individual criminal responsibility; institutional and State responsibility; and political and historical responsibility***. Domestic processes focused narrowly on individual cases cannot substitute for examination of structures, patterns of the crimes and policies that enabled or sustained violations.



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Chemmani and the Need for International Forensic Oversight

The reported exhumation of 583 sets of human remains at the Chemmani mass-grave site in Jaffna has sent shockwaves through victim communities. The scale and significance of the discovery underline the continuing relevance of wartime grave sites and the need for an investigation that is independent, transparent and compliant with internationally recognised forensic standards, including the Minnesota Protocol.

BTF calls for the following immediate measures:

1. **Comprehensive centralised database:** Sri Lanka and relevant UN agencies should compile and maintain a unified, cross-verified list of persons reported forcibly disappeared, including names, dates of disappearance and available biological-relative information to facilitate systematic matching.
2. **Internationally supervised DNA databank:** Reference samples should be collected independently in Sri Lanka and from the Tamil diaspora under international oversight, with genetic matching conducted through appropriately accredited ***laboratories in the UK or an EU Member State***.
3. **Deployment of independent experts:** Accredited international forensic anthropologists, pathologists and legal experts should be deployed to Chemmani, Mandaitivu and other active sites to support exhumation, preserve chain of custody and guard against evidence tampering.
4. **Geospatial and satellite analysis:** High-resolution satellite imagery should be analysed across historical military cantonments and reported burial locations in the North and East to identify potential sites and corroborate other evidence.
5. **Family participation and legal representation:** Families of the disappeared should have meaningful legal representation, independent technical oversight and regular, transparent reporting throughout the exhumation and identification processes.
6. **Dignified return of remains:** Once scientifically identified, remains should be returned promptly and respectfully to biological families for appropriate funeral rites.

Time-Bound International Action

Time is of the essence. Successive administrations have used calculated delays—including temporary commissions, domestic initiatives and unfulfilled assurances—to diffuse international pressure while physical evidence degrades and witnesses age or die.

“Mass-grave exhumations across the North-East serve as a grim reminder of Sri Lanka’s unpunished past. Domestic mechanisms have repeatedly failed to deliver credible accountability. The international community must not mistake political transitions for structural justice.”



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Roadmap for the September 2027 UNHRC Resolution

As the UNHRC prepares for the next mandate renewal in September 2027, BTF urges the Core Group, Member States and the wider international community to adopt a strong and uncompromising resolution that includes:

1. **International criminal justice pathway:** A clear commitment to pursuing an effective international judicial mechanism, including consideration of an international tribunal, appropriate ICC referral, proceedings before the ICJ, and the exercise of universal or extraterritorial jurisdiction by Member States.
2. **Guarantees of non-recurrence:** Structural, institutional and constitutional reforms that address the root causes of the conflict and recognise the legitimate political aspirations of the Tamil people.
3. **Reparations and reconstruction:** A comprehensive international framework for resettlement, land release, reparations and reconstruction in the war-affected Northern and Eastern provinces.

BTF calls on the UNHRC and its Member States to ensure that the substantial evidence preserved through OS LAP **does not become** another historical archive without a credible route to justice. The next phase must move beyond repeated promises and **toward an independent, impartial, international, and effective criminal justice process.**

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Notes to Editors:

British Tamils Forum exists to harness the skills and the knowledge of the members of the forum, well-wishers and significant others including mainstream decision makers in the UK with the aim of alleviating the sufferings of the Tamils community in the Island of Sri Lanka and to further their right to self-determination within a democratic frame work under pinned by international law, its covenants and conventions. For more information info@britishtamilsforum.org and/or visit: www.britishtamilsforum.org