

TGTE happy with new HR Chief – Rudrakumar

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While the investigation by the Office of the High Commissioner for Human Rights (OHCHR) begins the U.S. based Transnational Government of Tamil Eelam (TGTE) says it is preparing to file legal action on some of the incident which allegedly took place in Mulalivaikkal.

The head of the Transnational Government of Tamil Eelam Mr. Visuvanathan Rudrakumaran, in an interview with The Sunday Leader also noted that the appointment of Prince Zeid Ra'ad Zeid Al-Hussein as the new UN High Commissioner for Human Rights will be good for Sri Lanka, in the eyes of the Diaspora.

By Easwaran Rutnam

Q: What is your opinion on some of the people proposed by OHCHR to be part of the investigation commission?

A: It will be difficult to comment, since as of today (June 12), no official announcement has been made by the UN High Commissioner for Human Rights on the composition of the investigative body. Nevertheless, we have full confidence in the UN system to appoint neutral, qualified and experienced experts and jurists to this body. Past UN bodies stand testimony to the UN's commitment to unearth the truth behind mass killings and rape in other investigations.

Q: The Government has refused to assist the investigation. In your opinion will this have serious repercussions on Sri Lanka?

A: If the Sri Lankan Government did not commit these mass killings and rape, why should they hide and refuse to assist? By not assisting this investigation Sri Lanka is defaming the same world body where Sri Lanka is an active member. It is truly unfortunate that the Government of Sri Lanka is refusing to assist the UN investigation.

Sri Lanka is not the first government to refuse to participate in an investigation. North Korea did the same thing recently. However, North Korea's refusal to participate did not in any way dent the investigation.

Q: Will an investigation conducted from outside Sri Lanka be credible enough?

A: An investigation conducted outside Sri Lanka will be absolutely credible. The Sri Lankan Government is dreaming that blocking a UN body's access to Sri Lanka will damage the credibility of the investigation. Libya and recently North Korea and Syria too denied access to UN investigations like the one on Sri Lanka, but denying access did not have any impact on these investigations.

There is a wealth of information from independent and credible sources about the crimes committed against Tamils. Numerous victims and witnesses are living around the world and eager to tell what

happened to them. As you are aware, Channel 4 brought out a series of live footage of these. What has come out so far is a tip of the iceberg.

Q: What is your view on the new High Commissioner for Human Rights?

A: We are pleased about the selection of Prince Zeid Ra'ad Zeid Al-Hussein as the next High Commissioner for Human Rights. His record on human rights speaks for itself.

A strong advocate of international justice, he played an important role in the creation of the Rome Statute of the International Criminal Court (ICC) and served as its first President of the Assembly of States Parties. In addition, he served as the ICC's Chairman of the informal negotiations on the 'elements' of the individual offenses falling under the crimes of Genocide, Crimes against Humanity and War Crimes (1999-2000).

He also produced a report for former UN Secretary General Kofi Annan on sexual abuse and exploitation by peacekeepers. His exposure and his commitment to bring the perpetrators of these heinous crimes to justice will contribute to ensure the physical security and dignity of the Tamils, specially the Tamil women.

Q: There are fears over the witnesses who will give evidence to the OHCHR commission from Sri Lanka. What measures do you feel needs to be taken to ensure their protection?

A: This is a very valid concern. Victim/witness protection is an integral part of fact finding. International instruments such as the Declaration on Human Rights Defenders, the Convention against Torture and regional instruments such as the European Council's recommendation on the intimidation of witnesses and the Robben Island Guidelines confer states' responsibilities for the protection of victims and witnesses.

The General Assembly resolution on guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law adopted in 2005 establishes a clear responsibility of states to protect victims while investigating and prosecuting these serious violations.

The UN SG Panel of Experts, while it did not have witness protection in its terms of reference, did a remarkable job. The Panel adopted extensive protective measures.

The Panel adopted the policy of not naming witnesses, for instance, and also classified substantive records as strictly confidential. One of the reasons the LLRC Report was discredited was because of the absence of witness protection. We are confident that the Commission will also adopt similar protective measures as the Panel of Experts.

We urge the Commission to include protection of victims and witnesses in the terms of reference and employ measures identified in the Siracusa guidelines and the guidelines identified by the Humanitarian Policy and Conflict Research of Harvard University such as to request other countries and Embassies to protect Witnesses at risk.

The Sri Lankan Government will be making a grave mistake if any witnesses to the UN's investigative body are harassed or harmed in any form or shape. It is an international process sanctioned by the United Nations.

There are ample evidence and witnesses worldwide who can help the UN investigative body to conduct their investigation to find the truth, even without witnesses currently in the island.

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