

SRI LANKA: UN REPORT DELAY - JUSTICE DELAYED IS JUSTICE DENIED: HIGH COMMISSIONER URGED TO GIVE ORAL STATEMENT - TGTE

Delay is based on Erroneous belief that the recent elections in Sri Lanka have heralded a new era.

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Ignores the fact that current president was acting defense minister during the Mullaivaikkal massacre and have little incentive to cooperate.

Transnational Government of Tamil Eelam (TGTE)

1) This ignores the fact that current president, Maithripala Sirisena, was acting defense minister during the Mullaivaikkal massacre and the then army commander, Lt. General Sarath Fonseka, is currently the president's defense advisor – both men have little incentive to earnestly cooperate with OISL.

2) The Transitional Government of Tamil Eelam requests that the High Commissioner provide an oral report to the 28th Session of the Human Rights Council followed by a full and transparent discussion of the issue.

3) Regrettably, the course of action adopted by the Council

not only delays justice for the victims of these abuses but further endangers current victims.

4) The recent unspecified commitments of the Sri Lanka government do not merit the delay of this important report and related discussions before the Council in March.

The Transitional Government of Tamil Eelam (TGTE) expresses its profound disappointment at the announcement yesterday by the UN High Commissioner of Human Rights that he has sought to delay an important report into human rights abuses in Sri Lanka, a report the Human Rights Council originally directed in Resolution 25/1 be filed this March.

The report by the OHCHR Investigation on Sri Lanka (OISL) was to be a “comprehensive report” into past and ongoing human rights abuses. In its March 2014 Resolution, the Human Rights Council “express[ed] serious concern at continuing reports of violations of human rights in Sri Lanka, including sexual and gender-based violence, enforced disappearances, extrajudicial killings, [and] torture...”

Despite the seriousness of the issue, High Commissioner Prince Zeid Ra'ad Al-Hussein announced yesterday that the report would not be presented to the Human Rights Council as scheduled, but six months later. The Human Rights Council has already placed a discussion of the report on the agenda for its 28th Session in March 2015.

In his statement the High Commissioner said: There are good arguments for sticking to the original

timetable, and there are also strong arguments for deferring the report's consideration a bit longer, given the changing context in Sri Lanka, and the possibility that important new information may emerge which will strengthen the report.

The Transitional Government of Tamil Eelam is not aware of the High Commissioner consulting with the victims of past or ongoing abuses regarding this delay. In fact, to the contrary, the Northern Provincial Council last week unanimously passed a resolution urging OISL to investigate and report on the crime of genocide in its March 2015 report.

The High Commissioner based his request on the erroneous belief that the recent elections in Sri Lanka have heralded a new era. This ignores the fact that current president, Maithripala Sirisena, was acting defense minister during the Mullaivaikkal massacre and the then army commander, Lt. General Sarath Fonseka, is currently the president's defense advisor – both men have little incentive to earnestly cooperate with OISL.

Resolution 25/1 addressed the repeated failures of the Sri Lankan government to credibly investigate the crimes committed against the Tamil people and “conclu[ded] that national mechanisms have consistently failed to establish the truth and to achieve justice.” The recent unspecified commitments of the Sri Lanka government do not merit the delay of this important report and related discussions before the Council in March.

There is no valid basis for postponing the OISL report or a discussion on ongoing human rights abuses or accountability for past abuses. The more appropriate course would require the report be filed as scheduled and then allow the newly elected government to make submissions regarding OISL's findings and recommendations at the 28th Session.

The Council could then have, in a transparent manner that acknowledged past and present victims, considered whether additional time might advance the causes of peace and justice. Regrettably, the course of action adopted by the Council not only delays justice for the victims of these abuses but further endangers current victims.

The Transitional Government of Tamil Eelam implores the Human Rights Council to reverse its decision to grant the request of the High Commissioner and require the report to be filed as originally mandated. In the alternative, the Transitional Government requests that the High Commissioner be asked to provide an oral report to the 28th Session of the Human Rights Council followed by a full and transparent discussion of the issue.

ABOUT TRANSNATIONAL GOVERNMENT OF TAMIL EELAM (TGTE):

Transnational Government of Tamil Eelam (TGTE) is a democratically elected Government of a million strong Tamils (from the island of Sri Lanka) living in several countries around the world.

TGTE was formed after the mass killing of Tamils by the Sri Lankan Government in 2009. According to UN internal review report on Sri Lanka, over 70,000 Tamils were killed in five months in early 2009 and Tamil women were sexually assaulted and raped by Sri Lankan Security forces. There are over 90,000 Tamil war widows and hundreds of Tamil political prisoners.

TGTE held internationally supervised elections among Tamils around the world to elect 132 Members of Parliament and is leading a campaign to realize Tamils' political aspirations through peaceful, diplomatic and democratic means.

TGTE has a bicameral legislature and a Cabinet and held one of its Parliamentary sittings in the

British Parliament.

The Constitution of the TGTE mandates that it should realize its political objective only through peaceful means.

The Prime Minister of TGTE is Mr. Visuvanathan Rudrakumaran, a New York based lawyer.

Visuvanathan Rudrakumaran
Transnational Government of Tamil Eelam (TGTE)
+33699332705 or +447896588369
email us here

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