

## "No Change In Sri Lanka After Polls" — V. Rudrakumar

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The recent decision taken by the UN Human Rights Council (UNHRC) to defer a report based on investigations conducted on the war in Sri Lanka has drawn opposition from the Tamil Diaspora. The Transnational Government of Tamil Eelam (TGTE) is of the opinion



that some countries erroneously believe that the recent election in Sri Lanka has ushered a change. TGTE leader V. Rudrakumaran told The Sunday Leader that there is genuine fear that once the report on Sri Lanka, which was scheduled to be submitted to the UNHRC next month is deferred, it will drag on without any progress. – Excerpts of the interview:

By Easwaran Rutnam

Q: What is your major concern over the decision by the UN Human Rights Council to defer the report on Sri Lanka?

A: Our main concern is neither the victims nor the victims' representatives were consulted with respect to the deferral of the report. Even though the high commissioner's office was created by the General Assembly it is a victims' centered mechanism to bring justice to all those around the world who are subject to persecution. The exclusion of the victims in the decision making process raises the fear whether the office will be more deferential to states rather than seeking to defend the victims.

Also there is no justification for delaying the report. The UNHRC decided on the time schedule based upon its conclusion that the historic and ongoing abuses were very serious and needed to be investigated with some urgency. There has been no statement by the Office of the High Commissioner for Human Rights Investigations on Sri Lanka (OISL) that it was unable to gather any evidence or unable to draw any conclusions from the evidence it gathered.

The High Commissioner has now sought a delay equal to 50% of the original time allotted the OISL simply based on some unspecified representations by a government comprised of the very people have the most to fear of the findings of the OISL. Justice cannot be delayed on this basis for the victims of past abuses.

Any information that the OISL has found about continuing abuses cannot be kept secret for six months if they have found evidence of continuing abuses members of the HRC have the right to know about that now so that they can take appropriate measures.

Tamils have seen over the decades their quest for justice snatched away under different pretexts. It's natural that for a Nation that saw justice evade them for decades to be concerned when another investigative report get postponed. There is genuine fear that once it's deferred it will drag on without any progress. Tamils believed that the UN Human Rights council process will at last bring them justice.

Furthermore, the current Government's rhetoric during the Presidential Campaign against any international mechanism for crimes against Tamils, along with the government's active lobbying campaign to derail the UN Human Rights Council investigation raises serious and genuine concern among Tamils.

Q: Several countries, including the US, has backed the move. In those circumstances are you not isolated in your opposition to the move?

A: The victims, the representatives of the victims and the international civil society have not welcomed the deferral. We also have to take into consideration that the states' action are primarily based on their national interest. And some countries erroneously believe that the recent election has ushered a change in context.

Q: You have asked for an oral statement to be made by the UN High Commissioner for Human Rights at the March session since the report is not going to be presented. What do you expect the High Commissioner to say or speak on?

A: The OISL did not say that they could not complete their task so presumably a couple of weeks before it was to be filed, they are in possession of evidence and have some observations about the evidence they gathered. There is certainly no good reason why the HRC should allow itself to be deprived of such important information that is currently available. The only logical course of action is for them to hear from the High Commissioner by having them give an oral report about what they have found out so far.

It may be that the evidence gathered to date requires some immediate action while the UNHRC awaits the report in September. This will also strengthen the trust in the UNHRC process.

The fact that the Human Rights Council has already placed a discussion of the report on its agenda for the 28th Session in March 2015. Since the submission of the report was postponed, we asked for an oral update during the agenda item already in place. This oral update should be similar to the one that was given by the High Commissioner at its twenty-seventh session in September 2014.

If no oral update is given during this March Session, then it will be in September 2014. That means there is a gap of one year between the last update and the new delayed date for the submission of the report. This is too long, and will raise questions about the seriousness of the process and the international community will gradually loose interest. Remember "Out of sight is out of mind." Additionally, by giving an oral update the victims, victims' families and others will have some confidence in the UN Human Rights Council and that justice will not be denied.

Q: The international community seems to be accepting the promises given by the new Government. Why do you fail to do the same?

A: The international community is simply looking at the political phenomenon of Sri Lanka, not the political anatomy of it.

As the UN SG Expert Panel stated in their report, there is no political environment in Sri Lanka to mete out justice. Even though there is a change of guard in Colombo, the political environment vis-àvis Tamils have not changed.

The recent Northern Province council resolution demonstrated that historic and recent genocide has been perpetrated by the successive governments. The whole state apparatus targeted the Tamils on account of their nationality. In short the state itself committed international crimes against the Tamils.

Q: What measures would the TGTE take to keep the Sri Lankan issue alive?

A: On the accountability front, we will be launching a million signature campaigns calling the UN to refer Sri Lanka to the ICC.

On the political front we will be launching a "Yes to Referendum" campaign to allow the Tamils to decide the political unit in which they want to live. The people of Scotland and Quebec had referendums to decide their political future, why not the Tamils?

We have also formulated a Massive Action Plan to mobilise the Tamils across the globe to augment our soft power in order to enable us to be an effective player in the international arena.

I must also say given the fact that the Tamils inhabit the strategic frontier of the island of Sri Lanka until the Tamil National Question is resolved Sri Lanka will remain under international watch.

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