

United Nations is Urged to Refer Sri Lanka to International Criminal Court: TGTE

To Highlight the Urgency – One Million Signature Campaign is initiated by Transnational Government of Tamil Eelam (TGTE).

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Highlights:

- 1) Neither Sri Lankan State nor Judiciary are ethnically neutral.
- 2) There is no political will in Sri Lanka to provide justice for the Tamils.
- 3) Almost all the leaders of the current Government were leaders of previous governments when repeated killings of Tamils in large numbers took place and these leaders not only failed to protect the Tamils but blocked any attempts to bring the perpetrators to justice.
- 4) Current President Mr. Sirisena is potentially culpable for crimes committed while he served as the acting Defense Minister during the period at the end of the war, when large number of Tamils were killed.



“International monitoring of an internal investigation is a waste of time”

Jaffna University Professors

5) The fact is that the military apparatus from the war is still intact and the Tamil areas in the North-East are heavily militarized, creating deep fear among Tamils, so it is unlikely that victims / witnesses will come forward before a domestic or hybrid tribunal.

As the UN Human Rights Council begins its 28th session in Geneva today, Transnational Government of Tamil Eelam

(TGTE) have urged the United Nations to refer Sri Lanka to International Criminal Court (ICC) or to establish a similar international judicial mechanism for investigation and prosecution of war crimes, crimes against humanity and genocide committed against the Tamil people by the Sri Lankan State.

“We firmly believe that neither a domestic mechanism nor a hybrid mechanism will meet out justice to the Tamil people” said the Prime Minister of Transnational Government of Tamil Eelam Mr. Visuvanathan Rudrakumaran.

“The call by the new Sri Lankan government for a domestic or hybrid mechanism to replace any international judicial process is an attempt to deflect the call for the referral to ICC and to delay any meaningful actions on accountability. Efforts to establish a domestic Truth and Reconciliation



Commission is another diversionary tactic to protect those committed international crimes against Tamils.”

The current situation in Sri Lanka constitutes an ongoing “threat to the peace” under Chapter 7 Article 39 because there has been absolutely no accountability for genocide, war crimes and crimes against humanity.

1) The Sri Lankan State is not ethnically neutral: In fact, most of the serious crimes in question were perpetrated by the state apparatus. For example: “Between September 2008 and 19 May 2009, the Sri Lankan Army advanced its military campaign into the Vanni using large-scale and widespread shelling, causing large numbers of civilian deaths.” Report of the UN Secretary-General’s Panel of Experts on Sri Lanka, 31 March 2011.

2) The Sri Lankan judiciary is not ethnically neutral: From the mass killings of Tamils starting in 1958 to date, justice has not been served. The courts have proved inadequate and successive governments have appointed ineffective inquiries under international pressure that have not once led to the punishment of perpetrators. (Amnesty International, “Twenty Years of Make Believe: Sri Lanka’s Commissions of Inquiry,” 11 June 2009).

3) There is no political will in Sri Lanka to provide justice for the Tamils.

The domestic 2010 Lessons Learned and Reconciliation Commission (LLRC) has not delivered Justice to Tamils: “...the LLRC is deeply flawed, does not meet international standards for an effective accountability mechanism.” UN Secretary General’s Panel of Expert’s Report on Accountability in Sri Lanka (March 31, 2011).

The involvement of the international community in overseeing a domestic inquiry also ended up in failure, when the International Independent Group of Eminent Persons (IIGEP) resigned in March 2008. (Human Rights Watch - Sri Lanka: Domestic Inquiry into Abuses a Smokescreen - October 27, 2009).

“International monitoring of an internal investigation is a waste of time” noted a memorandum handed over to the UN last week by the Jaffna University Professors in Sri Lanka.

It is important to note that, change of guard in Sri Lanka will not result in the change of institutionalized impunity. Even though the President has been changed, the political environment vis-à-vis Tamils, has not changed.

Almost all the leaders of the current Government were leaders of previous governments when repeated killings of Tamils in large numbers took place and these leaders not only failed to protect the Tamils but blocked any attempts to bring the perpetrators to justice.

Importantly, the current President Mr. Sirisena is potentially culpable for crimes committed while he served as the acting Defense Minister during the period at the end of the war, when large number of Tamils were killed. According the Economist Magazine edition on January 3rd, 2015 “Sirisena is hardly a beacon of hope for the Tamils: he was acting as defense minister in the nightmarish final fortnight of the war.”

Additionally, the presences of several former military personal, including the military commander at the end of the war General Fonseka, are in senior positions in the current government. This along with current president’s potential culpability will have serious effect on neutrality and effectiveness of any domestic or hybrid mechanisms.

The fact is that the military apparatus from the war is still intact and the Tamil areas in the North-East are heavily militarized, creating deep fear among Tamils, so it is unlikely that victims / witnesses will come forward before a domestic or hybrid tribunal.

To Highlight the Urgency of this referral TGTE have initiated a one Million Signature Campaign to get worldwide support from different nationalities. The appeal is to be translated in 15 languages.

The pursuit of Justice Verses the pursuit of peace is a false choice.

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.

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