



# TGTE Urges Tamil Political Parties in Sri Lanka and Tamil Nadu to Urge UNHRC to Refer Sri Lanka to ICC

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Transnational Government of Tamil Eelam's (TGTE) Parliament have adopted a Resolution urging Tamil political parties in Sri Lanka and Tamil Nadu to urge UN Human Rights Council to Refer Sri Lanka to International Criminal Court (ICC).

The Resolution "Calls on all the political parties and civil societies in the Homeland and Tamil Nadu to pass resolutions calling the member countries of the Human Rights Council to make recommendations to the Security Council to refer Sri Lanka to International Criminal Court or to establish a similar international mechanism."

Below, please find the details:

Resolution Number: 02/2015

TGTE Parliamentary Sitting Via Teleconference September 05, 2015

Proposed by: Hon. Prime Minister Visuvanathan Rudrakumaran  
Seconded by: Honorable Velauthapillai Raveendranath

**REQUEST TO ALL THE POLITICAL PARTIES AND CIVIL SOCIETIES IN THE HOMELAND AND IN TAMIL NADU TO PASS RESOLUTION CALLING THE MEMBER COUNTRIES OF THE HUMAN RIGHTS COUNCIL TO MAKE RECOMMENDATIONS TO THE UNITED NATIONS SECURITY COUNCIL TO REFER SRI LANKA TO THE INTERNATIONAL CRIMINAL COURT OR TO ESTABLISH A SIMILAR INTERNATIONAL MECHANISM**

Resolution:

1. Taking note of the expulsion of the United Nations entities and its employees from the Vanni Area and the perpetration of genocide and war crimes without witness against the Tamils by the Sri Lankan state;
2. Cognizant of the fact that while the Sri Lankan State is itself accused of international crimes against Tamils, it will never have the political will to institute a genuine domestic investigation mechanism or create an environment to mete out justice to the victims (as stated in the Report of the United Nations Secretary General's Panel of Experts);
3. Taking note that no international experts could accomplish any significant progress transcending the political environment in Sri Lanka;
4. Recognizing that neither the domestic Leipzig Trials undertaken in Germany following the First World War nor the domestic mechanism carried out by Turkey after the Armenian Genocide delivered justice or durable peace;
5. Taking note of the fact that the military commanders who were subjected to the domestic judicial

process in Germany (Leipzig Trials) were treated as heroes by the German people, and that the new Sri Lankan regime has awarded former army commander Saratha Fonseka the honorary title of Field Marshal, and promoted Major General Jagath Dias to Chief of Staff;

6. Taking into account the fact that more than 60,000 Tamils were killed during the last weeks of the Mullivaikal massacre, and that Sri Lanka's current President Sirisena was the Defense Minister during that time and has boasted of the number of LTTE leaders killed on his watch;
7. Taking into account the fact that justice for the Sri Lankan State's genocide of Tamils could be delivered only through a political arrangement based on remedial justice, and the permanent protection of the Tamil people from such genocide;
8. Taking note that an international investigation into the international crimes committed against the Tamils should help to achieve certain arrangements;
9. Taking note that an "international investigation" would comprise an international judicial process encompassing investigation, free trial proceedings, trials, post-trial proceedings, finalities, appeals, review, and enforcement of sentence;
10. Recognizing that the Report submitted by the Expert Panel appointed by the UN S. G. and the investigation conducted by the High Commissioner for Human Rights are part of the International Judicial process expected by the Tamils;
11. Recognizing that the "international investigation" called for by the Tamils is neither synonymous with a domestic investigation with international standards, nor a domestic investigation with the participation of international experts;
12. Recognizing that the International Judicial process expected by the Tamils is not a domestic investigation with international technical assistance, as proposed by Mr. Mangala Samaraweera, the Sri Lankan Foreign Minister;
13. Taking into account the legal principle enshrined by the establishment of the UN, namely the promulgation of Universal Declaration of Human Rights, and the acceptance of universal jurisdiction, and the fact that no country's sovereignty is absolute with respect to human rights and international justice;
14. Taking into account the sequence of the establishment of the International Tribunal for Former Yugoslavia, starting with the appointment of a special Rapporteur by the UN Human Rights Commission, followed by the appointment of the Commission of Experts by the UN Secretary General on the inspection of the Security Council, followed by the establishment of the International Criminal Tribunal by the Security Council;
15. Taking into account the sequence leading to the establishment of international Tribunal for former Rwanda, starting with the appointment of a special Rapporteur by the UN Human Rights Commission, followed by the Commission of Experts appointed by the UN Secretary General on the inspection of the Security Council, followed by the establishment of the International Tribunal for Rwanda by the Security Council;
16. Taking note that while the Rwanda International Tribunal was sitting outside Rwanda it was able to visit Rwanda to examine mass graves, interview witnesses, examine documents, etc.;
17. Taking note, with respect to the establishment of the International Tribunal for Yugoslavia and the referral of the Sudan President Bashir to the International Criminal Court by the UN Security Council, that neither Russia (which has ethnic ties to the Serbs in Yugoslavia) nor China (which has extensive commercial relationship with Sudan) exercised veto power with respect to those resolutions;
18. Taking note of the fact that International Criminal Tribunal for Yugoslavia was established in the face of opposition by Yugoslavia;
19. Taking note of the resolution passed by Tamil Nadu Legislature in India unanimously calling for an international investigation;
20. Taking note of the resolution passed unanimously by the Northern Provincial Council in Sri Lanka on September 01, 2015 calling for an international investigation;
21. Taking note of the more than 1.4 Million Signatures in the Million Signature Campaign undertaken by the Transnational Government of Tamil Eelam calling for the referral of Sri Lanka to the International Criminal Court;

22. Taking note of the fact that out of the above mentioned 1.4 million signatures more than 100,000 signatures are from Sri Lanka itself;
23. Taking note of the signature campaign currently undertaken by the students in Sri Lanka calling for an international investigation;
24. Taking note of the well-established legal principle that when a state is unable or unwilling to conduct a genuine investigation, exhaustion of domestic recourse is not essential to seek an international remedy, as demonstrated in Article 17 of the Rome Statute;
25. Taking note that neither the UN itself, nor the big powers, nor the International Criminal Court were the catalysts for the establishment for the Yugoslavia International Tribunal or the Rwanda International Tribunal, but rather, that the catalysts were the International Civil Society and the media.

The parliament of the Transnational Government of Tamil Eelam:

- I. Calls on the member states of the UN Human Rights Council to make a recommendation to the Security Council to refer Sri Lanka to the International Criminal Court or to establish a similar international mechanism;
- II. Calls on all the political parties and civil societies in the Homeland and Tamil Nadu to pass resolutions calling the member countries of the Human Rights Council to make recommendations to the Security Council to refer Sri Lanka to International Criminal Court or to establish a similar international mechanism.

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