



# Recommendations from Expert Opinion for the UN Human Rights Council Resolution on Sri Lanka : TGTE

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GENEVA, SWITZERLAND, September 25, 2015 /EINPresswire.com/ --

Transnational Government of Tamil Eelam (TGTE)\* is pleased to bring to your attention Recommendations from an Expert Opinion for the Sri Lanka Resolution submitted at the UN Human Rights Council (UNHRC).

TGTE obtained the expert opinion from the Global Diligence LLP. Here are its Recommendations:

Based on a treaty between the UN and the Sri Lankan Government, a hybrid criminal tribunal should be established comprised of the following general attributes:

- a. A location in a neutral country, geographically proximate to Sri Lanka, that will ensure the protection of witnesses and victims;
- b. Exclusively international judges. Alternatively, a majority of international judges with an equal number of Sri Lankan Sinhalese and Tamil judges on each bench / chamber;
- c. An international prosecutor with two deputies, one Tamil and one Sinhalese;
- d. An international registrar with two deputies, one Tamil and one Sinhalese;
- e. A defence support section headed by an international legal practitioner;
- f. The application of substantive customary international law, including (as applicable) war crimes, crimes against humanity, and genocide, as well as recognised forms of criminal liability such as command responsibility and joint criminal enterprise;
- g. The application of Sri Lankan procedural law modified for consistency with ICCPR protections;
- h. Secure funding and a financial management committee in line with above; 2014 ('[I]t is hard to avoid the feeling that the drive for justice in Cambodia is ending with an unsatisfying whimper. Foreign pressure for a more searching process has failed to overcome the resistance of the Cambodian government.')
- i. An international-standards oversight mechanism in line with above.

Having specifically proposed another hybrid tribunal and well aware of its past mistakes in this regard, the UN - along with the SLG and any international donors - should be prepared to consult closely with the victims and other interested groups to determine the precise location, structure, and procedures of any hybrid tribunal. For the sake of the victims, this process must be collaborative and consensual.

Given its geographical proximity and close ties to Sri Lanka, it would be appropriate for India to exercise its moral leadership within a coalition of willing nations to establish an accountability mechanism that meets international standards.

#### BACKGROUND:

TGTE congratulated the UN High Commissioner, Honorable Zeid bin Ra'ad, for his thorough and comprehensive report and for his bold rejection of the proposal to set up a domestic mechanism to deal with international crimes committed in Sri Lanka.

TGTE took note of the Resolution at the UNHRC entitled "Promoting reconciliation, accountability and human rights in Sri Lanka."

TGTE also took note that the Resolution: "further affirms in this regard the importance of participation in a Sri Lankan judicial mechanism, including the Special Counsel's office, of Commonwealth and other foreign judges, defence lawyers, and authorized prosecutors and investigators"

Due to the inherently ethnocentric character of the Sri Lankan State, coupled with the persistent hostile environments prevalent in Sri Lanka with regards to witnesses, the TGTE's position is that only through an international mechanism that justice can be meted out to the Tamil victims.

In fact, the same sentiment is shared by Tamils across the globe as demonstrated by the 1.4 million signatures subscribed to the "Million Signatures Campaign" launched by the TGTE calling for the referral of Sri Lanka to the International Criminal Court (ICC).

However, in view of the UN High Commissioner's recommendations calling for a hybrid mechanism, coupled with the fact that there is no fixed definition of hybrid tribunals, TGTE chose to obtain expert opinion on this matter.

Here is the full report prepared by the Global Diligence LLP as a resource material for your consideration.

Here is the Link for the Report: <http://tgte-us.org/pressrelease/TGTE-GD-Resource%20Paper%20.pdf>

\* TGTE is a Tamil Diaspora entity formed through a democratic electoral process held in twelve countries. TGTE does not claim to be a government in exile and its constitution mandates that it realize its political goals only through peaceful means.

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