

# TGTE Demands Sri Lankan Government to Come Clean on their Rationale for Transitional Justice

*Rebuttal to Sri Lankan Foreign Minister's Statement at UN Human Rights Council by Transnational Government of Tamil Eelam (TGTE)*

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Statement From Transnational Government of Tamil Eelam (TGTE) In Response to the Statement Made By Mr. Mangala Samaraweera, Minister of Foreign Affairs of Sri Lanka, At the 32nd Session of the UN Human Rights Council in Geneva:



- 1) The statement of Mr. Mangala Samaraweera contradicts the UN Human Rights Council (UNHRC) resolution 30/1. He repeats what President Maithripala Sirisena said, namely, that the Government of Sri Lanka wants to implement the Resolution in order to protect the dignity of the State, people and the security forces. This means that the GOSL wants to protect those who have allegedly committed war crimes, according to the OISL Report presented by the High Commissioner for Human Rights in September 2015. Thus Sri Lanka's rationale for transitional justice is preposterous and the international community should insist that the GOSL changes it.
- 2) The High Commissioner in his oral report has, of course, noted some incremental progress in Sri Lanka's measures for implementing the resolution. But he has also pointed out the danger of the commitment for justice getting stalled and dissipated. He has expressed concern that the PTA continues to be used mostly against Tamils; those accused to have committed systemic crimes of kidnap and murder had been allowed to continue to hold public office and enjoy impunity. Samaraweera has failed to respond to these serious averments.
- 3) Mr. Mangala Samaraweera has failed to acknowledge the conclusions reached by the High Commissioner in his September 2015 Report. He has failed to acknowledge the charges of forced disappearances, kidnap and murder, sexual violence and the detention of former LTTE cadres without charges. According to him, the government's policy with regard to reconciliation and justice is one of 'slowly making haste'. He has spoken to the effect that even if there is a justice mechanism seven years after the commission of the crimes, the final stages of the war would not be inquired into. Is this not making a mockery of the UNHRC moves to this date, the September 2015 OISL Report and the October Resolution co-sponsored by Sri Lanka itself?
- 4) Mr. Mangala Samaraweera cannot explain why there was no consultation with the victims before setting up the Office of Missing Persons (OMP), and why individual reparations are denied to the victims of forced disappearances as provided for by the relevant international convention.
- 5) The Foreign Affairs Minister utters not a word about withdrawing the army from the North and East.

Not even a token effort has been made to effect demilitarization of the Tamil homeland.

6) Sri Lanka has not implemented its commitment in the resolution 30/1 to repeal the Prevention of Terrorism Act (PTA). Mr. Suamanthiran, MP says he learnt the new counter-terrorism law promised by the GOSL may be even worse than the old law.

7) The Monitoring and Accountability Panel (MAP) consisting of five independent international experts has concluded that Sri Lanka lacks the political will and leadership to meet its accountability and related transitional justice needs. In spite of the High Commissioner repeatedly urging the GOSL that international judges be included in any domestic mechanism as promised by Sri Lanka, the President Mr. Sirisena is consistently ruling out such a possibility at all. Mangala Samaraweera just explains it away by deft wordplay. It is a case of Sri Lanka hoodwinking the international community.

8) The revival of democracy claimed by Mr. Samaraweera is confined to Sinhala polity and has made no difference to the national oppression of Tamils. The nationhood of Tamils and the right to self-determination are basic to all other democratic and individual rights. No meaningful change is possible until Sri Lanka recognizes and respects them. Mr. Mangala Samaraweera while referring to the measures for adopting a new Constitution has been careful about even mentioning federalism, on the basis of which the Tamil leadership back home is looking forward to an early political solution. Let alone federalism, the Sinhala leadership is not even willing to settle for a meaningful devolution of powers. Their goals are quite different. For instance, The GOSL is at present engaged in assimilation in the name of reconciliation. The mixed marriages and the Army goodwill villages in the traditional Tamil homeland are a few cases in point.

9) It is more than seven years since the worst atrocity of this century took place whereby nearly hundred thousand lives were lost. The light of hope for justice to victims is growing dimmer by the day. The TGTE has very little faith in Sri Lanka delivering justice and giving up oppression and repression Tamils. We earnestly appeal to the international community to bring pressure on the GOSL to deliver justice without further delay.

10) The TGTE, while continuing its quest for justice through the UN, is determined simultaneously to pursue the endeavor outside the UN, too, with the help of all justice-loving peoples of the world.

Here is the Link to the Full Response:

Link: [http://tgte-us.org/pressrelease/Rebuttal to Sri Lankan FM 2016.htm](http://tgte-us.org/pressrelease/Rebuttal%20to%20Sri%20Lankan%20FM%202016.htm)

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