

Sri Lanka: Justice to Tamils Denied again

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Tamils world over are dejected, disillusioned and feel betrayed by the acts of denial of justice by The Human Rights Council once again. The new resolution has given a two year time frame to the state of Sri Lanka. It is nothing but supporting and endorsing a regime that has not kept its promise to the International Community.

Despite the recommendations of the Office of the High Commissioner for Human Rights (OHCHR) on 16th September 2015, a weak resolution 30/1 was passed unanimously on 1st October 2015. This resolution was co sponsored by Sri Lanka and was given an 18 months' time frame for total implementation. It should be noted that the OHCHR Investigation on Sri Lanka (OISL) team too was not allowed to investigate and meet the Tamil victims in Sri Lanka by the present government.

The OISL report deals with serious charges of War Crimes and Crimes Against Humanity. The BREMEN People's Tribunal held that an act of genocide was committed.

1.6 million people signed a petition calling for a referral of Sri Lanka to the International Criminal Court.

The OHCHR had recommended a hybrid mechanism. The High Commissioner, Honorable Zeid bin Al Ra'ad has repeatedly called in 2015 and 2017 for an establishment of a hybrid court.

Since, September 2015, the President and Prime Minister of Sri Lanka have categorically and consistently stated that only a domestic mechanism would be allowed.

The Government of Sri Lanka as a co sponsor of Resolution 30/1 had promised to return the occupied land to its rightful civilian owners, repeal the Prevention of Terrorism Act, investigate acts of torture, gender based violence especially rape. **NONE OF THESE PROMISED HAVE BEEN FULFILLED.**

Many Tamils are still languishing as Internally Displaced Persons. In the highly militarized situation, the armed forces live amidst the Tamil civilians. Land grabbed from the Tamils is yet to be returned. Rape and torture continue, former militants are rearrested. The High Security Zones in the NorthEast are yet to be dismantled.



Families of the Disappeared



Tamils Fleeing Bombing & Shelling

No civilized country in modern history has used aerial bombings, multi barrel rocket launchers and heavy artillery against civilians, hospitals, schools and places of worship. Food and Medicine were used as weapons of war. As the Sri Lankan state stands as an accused it has no moral authority to judge its own gruesome acts of violence perpetrated on the Tamil civilians. The OISL report point out to the "System Crimes", along with the near total impunity enjoyed by the security forces, police and intelligence services.

In the absence of adequate judicial mechanisms in Sri Lanka to deal with International War Crimes, Crimes against Humanity, and Crimes of Genocide, an International Judicial mechanism is the long standing demand of the Tamils.

The High Commissioner in his 2017 report noted:

- "[T]he Prevention of Terrorism Act continued to be used to make arrests, including of more than 25 individuals in March and April 2016 and 12 in October and November for alleged links to a criminal gang... [M]ost detainees under the Act are of Tamil origin...."
- "The use of torture remains a serious concern."
- "OHCHR received credible information from a well-known human rights organization according to which "white van" abductions, torture, and sexual violence by Sri Lankan security forces persisted. These allegations must be properly investigated. OHCHR raised this matter with the authorities."
- The report of the Monitoring and Accountability Panel comprised of international jurist stated in The Second Report: A Roadmap to Victim's Justice stated:
"Seemingly, the Sirisena administration has been acting in bad faith for some time with respect to its commitments under the HRC Resolution.

After several months of paying lip service to its commitments to bring justice to victims, the GoSL's anti-justice-agenda rhetoric escalated in August 2016. Reacting to the long-awaited passage of the Office on Missing Persons Act (the 'OMP Act'), President Sirisena declared that his government would never target 'war heroes', a none-to-veiled reference to members of the Sri Lankan armed forces, some of whom are likely to be prime war crimes suspects. The following month, GOSL Justice Minister Wijeyadasa Rajapakshe categorically rejected all allegations of war crimes committed by government forces and indicated that his government would take legal action against anyone who alleges the contrary. Moreover, he stated that 'anyone who discusses mass graves in Sri Lanka's North is an enemy of the nation and war heroes'. Overly concerned with placating the country's 'vast southern Sinhalese nationalist constituency', the president himself 'loses no opportunity to publicly declare that he would never compromise on national security or let down the armed forces'.

Given political realities in Sri Lanka and the lack of meaningful progress to date, this regime does not appear to be a credible partner in the envisaged endeavors. And with all carrot and no stick from those countries that have the ability to influence events in Sri Lanka, it is unlikely that he will feel compelled to change his current course any time soon."

Sri Lanka has been using the time given by the UNHRC to hoodwink the International Community and douse the anger of the Tamils on one hand by tactically developing the north in bits and pieces by laying massive roads and enlarging its Sinhala resettlement designs. On the other hand they are erasing the evidences of the crime of genocide they committed. It is to be noted that Sri Lanka has never honored any of the agreements it has signed with the Tamils nor proposed any political solution.

Keeping the past record of Sri Lanka in mind, WE TAMILS DEMAND that,

- The Right to Self Determination to independence of the Tamil Nation must be recognized
- Sri Lanka must be referred to the General Assembly with recommendation to establish a special

Tribunal for misusing the 18 months time given to it by the UNHRC and misleading the human rights community.

- Sri Lanka must be compelled to sign the Rome statute
- Sri Lanka must be referred to the Security Council with recommendation to refer it to International Criminal Court for the War Crimes, Crimes against Humanity, and Crimes of Genocide
- A referendum must be conducted in the NorthEast of Sri Lanka and among the Eelam Tamil Diaspora to decide their own future based on their human rights to determine their future based on their human rights.

WE TAMILS ALSO OUT-RIGHTLY REJECT THE PRESENT UNHOLY RESOLUTION PASSED AGAINST THE INTEREST OF THE TAMIL VICTIMS:

The undersigned organisations and individuals agree that resolution 34/1 is not acceptable to us and the above mentioned demands of the Tamils must be implemented immediately without delay keeping in mind the concerns of the victims.

Signed Organisations

Tamil Diaspora

1. International Council of Eelam Tamils Secretariat of Foreign Affairs - (ICET)
2. Swiss Tamil Coordination Committee
3. TGTE's Ministry Against Mass Atrocities and Action Against Genocide
4. Swiss Council of Eelam Tamils
5. Arasakularatnam Ratnakanthan, I-Tran, Australia
6. Association Bharathi – Franco Tamil
7. Tourner La Page

World Tamils

8. Naam Tamilar Katchi, Tamil Nadu
9. May 17 Movement
10. Dr. Paul Newman, University of Bangalore
11. Mauritius Tamil Temples Federation
12. Tamil Council Mauritius
13. Guadeloupe Tamil Society (French West Indies)
14. Federation Tamouls de Ile de Reunion- France
15. Solidarity Group for Peace and Justice in Sri Lanka (SGPJ -South Africa)
16. Marumalarchi Dravida Munnetra Kalagam (MDMK)
17. Viduthalai Siruthaigal Katchi (VCK)
18. Social Democratic Party Of India (SDPI)
19. Mannar Citizens Committee, Mannar, Sri Lanka
20. Thanthai Periyar Dravidar kalagam (TPDK)
21. Viduthalai Tamil Puligal Katchi
22. Tamil Puligal Katchi
23. Tamilar Vidiyal Katchi
24. Tamilaga Makkal Munnani
25. Kanchi Makkal Manram
26. Tamilar Viduthalai Kalagam

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