

Two years or twenty years make no difference to Sri Lanka! Tamil Victims keep fighting for justice in all fronts! TGTE

Transnational Government of Tamil Eelam's(TGTE) Response to UN Human Rights Council Granting Two Year Extension to Sri Lanka

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Once again, the Tamil victims of crimes are forgotten in the complacency of the international community with respect to justice for the victims of the crimes of the Sri Lankan State during the armed conflict on the island. Despite the earnest and fervent call by the Tamil victims to refer Sri Lanka to the UN General Assembly with recommendation to

establish a special tribunal under Article 22 of the UN Charter or to refer Sri Lanka to the UN Security Council with recommendation that it exercises its ability under Article 13(b) of the Rome Statute to refer the case to the International Criminal Court pursuant to Article 13(b) of the Rome Statute.

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TGTE

Commissioner has in the meantime called upon the member States individually to investigate and prosecute the perpetrators of the international crimes giving an impression that the Commissioner himself is losing faith in State based institutions.

The Human Rights Council's persistent indifference towards the over 70,000 thousand confirmed victims and their families can do nothing other than erode the credibility of the institution in a time when the very idea of human rights is under widespread attack.



On 19 December 2016 the UN General Assembly established the International, Impartial Independent Mechanism for Syria (IIIM)(A/71/L.48) creating at international mechanism that will preserve evidence and investigate international crimes. The Human Rights Council should take similar action to halt the continued destruction of evidence of crimes committed in Sri Lanka during the armed conflict between the Sri Lankan State and the Tamils.



Families of the Disappeared

We also note the Human Rights High Commissioner's and Estonia's explicit call to Sri Lanka to accede to the International Criminal Court. In 2015 the TGTE launched a Million Signature Campaign in which 1.6 million people across the globe participated, calling for the referral of Sri Lanka to the ICC. Our call for referral to ICC is not given to any whimsy but based on the fact that it is the Sri Lankan state which itself has committed the crimes of genocide, crimes against humanity and war crimes, and the rigidly ethnocratic Sri Lankan state will not mete out justice for Tamils.

The High Commissioner in his oral presentation stated that "The consistent failure to effectively investigate, prosecute and punish serious crimes appears to reflect a broader reluctance or fear to take action against members of the security forces." The Sri Lankan security forces, 99% Sinhalese, while the vast majority of the victims are Tamils. Given the above, we believe that allowing a two year or twenty year extension, offering all the technical and financial assistance and the best of diplomatic niceties will not make any difference to Sri Lanka. What is required is moral courage which is conspicuously absent in the Sinhala political and military establishment.

Tamils' quest for justice and their quest for security and freedom are not mutually exclusive. Bearing in mind the TGTE engages in the transitional justice process with the aim to end impunity and to realize remedial justice/to realize reparation in the form of a political resolution based on the Eelam Tamils' right to self-determination.

Our immediate concern about the two years extension is that it would embolden and encourage Sri Lankan security forces to commit further international crime and human rights violations against Tamils. We urge the UN High Commissioner for Human Rights to establish its offices in the North East of the island and to station Human Rights monitors. They should include experts in sexual and gender based violence. The need for women human rights officers to be stationed there is paramount in order to offer confidence to the Tamil women subject to violence and mass rape which are still conducted by the Sri Lankan security forces with the presence of "Rape Camps" maintained by them.

The Tamil victims are not going to sit idle as passive observers of the transitional justice process for the next two years. They are determined to take ownership of it. The TGTE firmly believes that evolving international relations and international law create the spaces for that today. The HRC is but one forum for justice, that to date has proved ineffective.

The TGTE will immediately undertake the following:

1. It will extend the mandate given to the Monitoring and Accountability Panel [MAP] to interpret the HRC Resolution taking into account the statement of the High Commissioner for Human Rights and the observations made by the member states of the HRC and monitor Sri Lanka's compliance.

2. It will establish a panel consisting of lawyers, investigators and activists to investigate, analyze evidence and build case files against the Sri Lankan state and the leaders of the Sinhala political military establishment in order to bring domestic litigation under Universal Jurisdiction in various countries.

The world can expect much from Sri Lanka in two years but the delivery in the end will be fluent and eloquent but as dismal and empty as was the speech of the country's Foreign Minister three weeks ago in Geneva. There is no room for maneuver in the pervasive ethnocracy that Sri Lanka is.

The Tamil Nation has survived efforts to annihilate large numbers of our members and to eliminate our distinct political, economic, and territorial basis on the island. Justice is a natural right when international crimes are committed against a nation and we continue to work toward the realization of that right. The Tamil victims and all those who champion their cause have to not succumb to despair but come together, keep their faith in humanity and fight on for justice and freedom for all. We request those who believe in these ideals work along with us in our struggle.

Visuvanathan Rudrakumaran
Prime Minister
Transnational Government of Tamil Eelam (TGTE)

Transnational Government of Tamil Eelam
TGTE
+12122902925
email us here

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