

Keeping International Pressure on Sri Lanka

Taylor Dibbert Interviewed Mr. Visuvanathan Rudrakumaran

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Interviewed Mr. Visuvanathan Rudrakumaran, a lawyer based in New York City, is Prime Minister of the Transnational Government of Tamil Eelam (TGTE).

http://m.huffpost.com/us/entry/us_595bb79fe4b0326c0a8d132d

1) Question: TGTE came out against another country-specific resolution being passed on Sri Lanka during the UN Human Rights Council's (HRC) 34th session. With another resolution on the books, where does TGTE go from here in terms of advocacy and awareness-raising?

Creating an international mechanism to prosecute crimes of genocide has been the fervent wish and aspiration of the Tamils ever since the civil war ended in 2009, which resulted in tens of thousands of Tamils being killed and sexually assaulted by the Sri Lankan security forces.

The TGTE organized a signature campaign calling for a referral of Sri Lanka to the International Criminal Court. Over 1.6 million people participated in that campaign, yet the HRC resolution in 2015 did not correspond to this call of the people.

Given the vagueness of that resolution, especially with respect to the participation of foreign judges [in an accountability process], we appointed a Monitoring and Accountability Panel (MAP) to interpret the resolution, taking into account [comments from] the UN High Commissioner for Human Rights [Zeid Ra'ad Al Hussein] and HRC member states' observations during the debate calling for the participation of international judges in a judicial capacity.

The MAP was also tasked with monitoring the implementation of the 2015 HRC resolution. The MAP published a 31-page report during the March 2017 HRC session in which it explicitly stated that the government of Sri Lanka had been acting in bad faith. I must say — given the historical precedents — we are not surprised at this finding. History and reality have clearly shown that, due to the rigid ethnocratic nature of the Sri Lankan state, Tamils will never have justice except through international prosecution.

Furthermore, abuses against Tamils have continued, as documented by several reports including one by the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan Méndez. Additionally, a report by the International Truth and Justice Project published details of Sri Lankan military-run "rape camps" where Tamil women are being held as sex slaves.

In its attempt to mislead and deceive the international community and Tamils repeatedly, the Sri

Lankan government chose a tactic of delaying the [accountability] process by seeking additional time, thereby hoping to escape from accountability for the mass killing of and sexual violence against Tamils.

It is in this context that a “roll-over” resolution was introduced at the HRC’s 34th session. That [resolution] was designed to protect Sri Lanka from facing international justice for mass atrocities committed against Tamils – the tactic here being one of dragging the process out until it falls off the international agenda.

Even after this resolution was introduced, Sri Lanka’s president and prime minister publicly rejected the main aspect of that HRC resolution, which is the inclusion of foreign judges in investigations. So, a question arises here about the utility of this resolution, when the Sri Lankan government itself, a co-sponsor, has rejected the main aspect of the resolution before it was even passed.

TGTE has realized that the meaningful way to protect Tamils and obtain justice and safety for Tamils is for the HRC to refer Sri Lanka to the UN General Assembly, along with a recommendation to the UN Security Council that Sri Lanka be referred to the International Criminal Court – or that an ad-hoc international criminal tribunal be created on Sri Lanka, similar to the procedure followed to assure accountability for North Korea’s crimes against humanity.

As we have stated in our press release following the HRC resolution which gave an additional two years to Sri Lanka, we, the Tamil victims, are not going to sit as passive observers looking only to the HRC for justice.

Given today’s judicial globalization, in our view the HRC is just one forum. We intend to bring domestic prosecutions under universal jurisdiction against the Sri Lankan state and the leaders of the Sri Lankan political and legal establishment. In fact, the UN High Commissioner for Human Rights in his address to the HRC also urged member states to bring domestic prosecution under universal jurisdiction in their domestic judicial tribunals. We will campaign the member states to do so.

2) Question: Are there any aspects of the most recent HRC resolution on Sri Lanka that you expect the government will implement in the coming months?

The most recent HRC resolution was a roll-over resolution, basically containing the same aspects of the first resolution. When Sri Lanka did not take any meaningful steps to implement any aspects of the first resolution and when the main aspects of this roll-over resolution have already been rejected by Sri Lankan leaders, we do not believe that Sri Lanka will implement any aspects of the roll-over resolution in a meaningful manner.

3). Question: Will TGTE put any resources towards forthcoming sessions of the Geneva-based HRC? Will you have any sort of presence in Geneva?

We will continue our campaign to seek justice for Tamils for the mass atrocities committed against them. We have already extended the mandate of the MAP for another two years, and we will continue our activities in Geneva and elsewhere. We will not rest until Tamils receive justice.

4) Question: What is TGTE’s position on wartime abuses allegedly committed by the Tamil Tigers?

The Tamil call is justice for the genocide committed against the Tamils. Our focus and actions are centered on that.

5) Question: Has the election of Donald Trump changed anything for TGTE in terms of advocacy?

Our advocacy work will continue as before, irrespective of changes in governments in the U.S. or in other countries. Our aim is to seek justice for Tamils, no matter who is in power in the U.S. or in other countries. We are confident that we will prevail in our campaign to seek justice for the Tamil people.

6) Question: Do you – or other members of TGTE – have any plans to visit Sri Lanka in the near future?

We could visit the island of Sri Lanka to negotiate a timetable to find a permanent solution for the Tamil people through a transparent, peaceful and democratic means by holding a referendum to find the wishes of the Tamil people about the type of political solution they want. This is the only way you can bring a permanent solution to the conflict and bring peace to the island. Any other solutions are “band-aid” solutions and will not last, like in all previous attempts over the last sixty-eight years.

Given the tools available today through technological development, a physical presence in any situation is not a necessity really. We are with our people in the homeland through technology. However, we are not underestimating the camaraderie, warmth, and solidarity with our people when we are also on the ground. The main obstacle at the moment is the government of Sri Lanka’s continued abuse of the rule of law and designation of the TGTE as a terrorist entity. Removal of the designation is the first step. We are not concerned about the penal consequences, but it is a matter of dignity for the Tamils.

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