

TGTE Welcomes UN High Commissioner's Call for International Prosecution of Sri Lanka

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The UN High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein, in his opening statement before the 36th Session of the Human Rights Council, referred to the exercise of universal jurisdiction as necessary to ensure transitional justice in Sri Lanka, more so in the absence of credible action by the government of Sri Lanka.

From the beginning, Transnational Government of Tamil Eelam's (TGTE) position has always been that since it was the Sri Lankan State that committed the international crimes of genocide, crimes against humanity and war crimes, the State itself could not lead the judicial process. The fundamental judicial maxim that the accused cannot be the judge has to be upheld in this instance. Thus, prosecution either in the International Criminal Court or through domestic tribunals in different countries under the universal jurisdiction, are the only ways to provide justice to the Tamil victims.

We call upon the UN member states to invoke universal jurisdiction and initiate criminal prosecution against the leaders of the Sri Lankan politico-military establishment when they set foot on their soil. The recent lawsuit filed against former Army Commander Jegath Jayasuriya is a step in the right direction. We trust that more will follow.

The fact that Sri Lanka's leaders must seek sanctuary in Sri Lanka itself or must travel only in the shroud of darkness is in itself a victory for justice, even though a very small one.

While we note the High Commissioner's call for the Sri Lankan government to swiftly operationalize the Office of Missing Persons (OMP) following the recent gazette notification, we beg to differ with him regarding the usefulness of the OMP. The entire OMP mechanism was established without any consultation with the victims, and the Sri Lankan authorities have ruled out the participation of foreign experts, which is the core of UNHRC Resolution 30/1. We urge the UN's member states to refer Sri Lanka under Article 32 of the Convention on Enforced Disappearances to the Working Group.

As the High Commissioner noted, the mothers of the victims have continued their peaceful protest in the Tamil homeland for over 200 days highlighting the absence of any domestic or international remedy. The Sri Lankan Government is bent on dismantling this peaceful protest by overt and covert means. Recently, Mrs. Mariyasuresh Easwary, an activist and wife of one of the disappeared and a mother of three children, was beaten and sexually assaulted on her way home from the protest. We



urge the High Commissioner to be cognizant of the above developments and to do all he can to ensure the safety of the mothers of the disappeared.

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