

# Int'l Community Urged to Reject Sri Lankan Domestic Justice Mechanism & Refer Sri Lanka to ICC, ICJ: TGTE

*Sri Lanka Foreign Relations Minister's Speech to UNHRC Prime Example of State's Sinhalese Buddhist Chauvinism, Promulgation of Lies & Deflection of Blame.*

NEW YORK, USA, February 28, 2020 /EINPresswire.com/ --



Sri Lanka has a long history of establishing Commissions to ward off international pressure to pursue a legitimate accountability process in accordance with international standards."

*Transnational Government of Tamil Eelam (TGTE)*

The Transnational Government of Tamil Eelam (TGTE) urges the United Nations Human Rights Council and the international community at large to reject a "domestically designed and executed reconciliation and accountability process" as described by Sri Lanka's Foreign Relations Minister Dinesh Gunawardena yesterday before the UNHRC as a suitable replacement for the international judicial process mandated by UNHRC Resolution 30/1, which Sri Lanka unilaterally withdrew from on bogus pretenses, and instead proceed with a remedial justice initiative that includes referring Sri Lanka to the International Criminal Court (ICC) and to the International

Court of Justice (ICJ) under the Genocide Convention.

Sri Lanka has a long history of establishing Commissions to ward off international pressure to pursue a legitimate accountability process in accordance with international standards. For example, according to Amnesty International's 2011 review of the Lesson Learnt and Reconciliation Commission (LLRC) created in bad-faith by the former Rajapaksa administration, where the LLRC "appears to really falter is in ignoring the serious evidence of war crimes, crimes against humanity and other violations of the laws of war by government forces...[t]here is a clear sign of the bias we had feared and already detected in the LLRC's composition and conduct."

Sam Zarifi, Amnesty International's Asia-Pacific director at the time went to say, "The LLRC has admitted its own inability to establish the facts about the conduct of the fighting and points out legal complexities beyond its abilities. This is why the international community must now follow up with an investigation, bringing to bear the full resources and assistance of the UN and the international community." In his speech yesterday, Minister Gunawardena failed to give the international community any reason to believe a new domestic mechanism would yield a different outcome from past domestic pursuits.

On the contrary, Minister Gunawardena's speech yesterday shows Sri Lanka's true colors as a rigid ethnocratic Buddhist Sinhalese State only interested in "victor's justice." By criticizing former High Commissioner for Human Rights Hussein's 2015 Report on Sri Lanka (OISL) on the grounds that it "unjustly vilif[ies] the heroic Sri Lankan security forces," the Minister exposes the State's entrenched bias in favor of the state forces that a domestic mechanism would be tasked with investigating and holding accountable, revealing that a domestic mechanism would never work.

The Minister's statement that "[t]he end of the brutal conflict advanced, secured and protected

one of the fundamental human rights - the 'right to life' for all Sri Lankans- Sinhalese, Tamil, Muslims and others" displays Sri Lanka's total disregard for Tamil lives and dignity. There is no greater violation of 'the right to life' than the genocidal campaign waged against Tamils by State forces during the final stage of the conflict, which resulted in the death of 70,000-100,000 Tamils.

Third, the Minister's description in his opening statement of the new administration's "policy framework" as one "envisaged to achieve sustainable development and peace in the country, firmly anchored in safeguarding 'national security without compromising the democratic space available to our people'" glaringly omits any mention of "accountability." Given the Minister's repeated statement that a domestic mechanism must be in line with Sri Lanka's "policy" and "priorities," the Minister's description shows that the State has no interest in pursuing justice.

The Minister's speech also includes many statements that are on their face outright lies, offering critical insight into the lack of credibility that any domestic mechanism would carry. For example, the Minister accused fellow UN Member States of using Sri Lanka as a "pawn" for geopolitical gain. However, the fact is that Sri Lanka used its strategic location in Indian Ocean to keep international powers away from intervening militarily and diplomatically while Sri Lanka carried out the Tamil Genocide in 2009. Sri Lanka continues to play the victim card while ignoring the suffering of the armed conflict's actual victims: the Tamil People.

The Minister also claimed, "The government led by the then President Mahinda Rajapaksa, of which the current President Gotabaya Rajapaksa was the Secretary to the Ministry of Defence, initiated a sustainable reconciliation process in Sri Lanka to bring about 'healing and peace building'" that was an "an inclusive process." This is outright delusional. One need look no further than President Gotabaya's recent statement that any political resolution should be based on the support of the Sinhala people to discern the State's total lack of interest in reconciliation and inclusion. The Minister's closing remarks quoting Buddha and spoken in Sinhalese underscores the vapidity of the Minister's claim.

TGTE therefore maintains its decade-long position that a domestic mechanism to investigate and prosecute "credible allegations of war crimes and crimes against humanity" (2011 UN Panel of Experts' Report on Sri Lanka) perpetrated by Sri Lanka against Tamils during the armed conflict serves only to attempt to deflect calls for referral of Sri Lanka to the ICC and delay other meaningful actions on accountability and will never deliver justice to Tamils given neither the State nor the judiciary is ethnically neutral, the judiciary is not independent, and there is no known instance of a State guilty of international crimes investigating itself.

No fewer than 10 UN reports substantiate TGTE's position, as do reports by many highly respected international NGOs as well as the US Department of State. In his 2015 Report on Sri Lanka (OISL), former High Commissioner Hussein stated that "the domestic criminal justice system" in Sri Lanka "needs to be strengthened and reformed" and that that process "needs to be undertaken in parallel to the establishment of a special hybrid court, not in place of it." High Commissioner Hussein also called attention to widespread "reprisals against judicial and other professionals who try to prosecute human-rights related cases involving State officials."

Minister Gunawardena's baseless allegation that the Commissioner's report is "much flawed," among his other stern words for fellow Member States, is the equivalent of such a reprisal on the international stage. His attack of OISL is also an attack on fellow UN Member States that adopted the Report. This hurling of insults against the UN, its experts and its processes as "flawed," "biased," "politically motivated," and a violation of Sri Lankan "sovereignty" is a longstanding strategy imparted by Sri Lanka to manipulate the country's Buddhist Sinhalese majority, undermine all justice initiatives, and perpetuate the State's culture of impunity.

In her 2017 report, which Sri Lankan Justice Minister Wijeyadasa Rajapakshe called "a harm to Sri Lanka's sovereignty"—one of Sri Lanka's go-to false pretenses for rejecting UN findings that

contradict its ongoing narrative of lies—UN Special Rapporteur on the Independence of Judges and Lawyers Monica Pinto, who Minister Rajapakshe also accused of impropriety in her reporting, noted the “inadequacy of the State’s domestic legal framework to deal with international crimes of this magnitude.”

“In the past, when Sri Lanka has prosecuted conflict-related cases, it has relied on offences in regular criminal law, such as murder. fails to recognize the gravity of the crimes committed, their international character, or to duly acknowledge the harm caused to the victims. It also constrains and undermines prosecution strategies, as it does not follow the chain of responsibility and prosecute those who planned, organized or gave the orders for what may be system crimes,” she reported.

The Sri Lankan Foreign Minister claimed that one of the reasons for Sri Lanka’s withdrawal from Resolution 30/1 is that the accountability process envisaged by the UNHRC can’t be carried out within the Sri Lankan constitution. But that is exactly why the UNHRC called for constitutional reforms to accommodate an accountability process that meets international standards. However, the fact of the matter is that the Sri Lankan polity will never allow for any kind of amendment that integrates international human rights and humanitarian legal norms, such as the prohibition of torture and the commission of war crimes, that would deny the State the convenient (albeit lame) excuse upon which it has come to rely to eschew international justice and force the hand of the State to investigate its own.

The State’s abandonment of the UNHRC transitional justice initiative it co-sponsored under Resolution 30/1 is only the latest example of Sri Lanka’s historic betrayal of Tamils, which also includes the State’s abandonment the Bandaranaike–Chelvanayakam Pact and Dudley-Chelvanayakam Pact.

Against this backdrop, anyone can see that Sri Lanka’s declaration that it will create a domestic mechanism to investigate international crimes perpetrated during the armed conflict is nothing more than a pretense for the State to continue its “delay and never deliver” tactic used to sabotage the UNHRC transitional justice initiative, which TGTE repeatedly tried to impart unto the international community was a fool’s errand.

Former High Commissioner for Human Rights Hussein stated in his report, “[t]he High Commissioner remains convinced that, for accountability to be achieved in Sri Lanka, it will require more than a domestic mechanism.” He also said, “Importantly, the report reveals violations that are among the most serious crimes of concern to the international community as a whole.”

How the UNHRC, other UN bodies and the international community at large react to Sri Lanka’s unilateral declaration that it plans to create a domestic justice process as articulated by the Foreign Relations Minister before the 43rd Session of the UNHRC will have implications not only for Tamil victims but also for the future of international justice and accountability globally.

Given Sri Lanka’s string of broken promises and deeply entrenched culture of impunity, which is a threat to international peace and security, Tamils and the international community should get together and see that accountability does not involve Sri Lanka, but rather Sri Lanka, as part of a remedial justice agenda, is referred to the ICC and the ICJ.

#### ABOUT THE TRANSNATIONAL GOVERNMENT OF TAMIL EELAM (TGTE):

The Transnational Government of Tamil Eelam (TGTE) is a democratically elected Government of over a million strong Tamils (from the island of Sri Lanka) living in several countries around the world.

TGTE was formed after the mass killing of Tamils by the Sri Lankan Government in 2009.

TGTE thrice held internationally supervised elections among Tamils around the world to elect 132 Members of Parliament. It has two chambers of Parliament: The House of Representatives and the Senate and also a Cabinet.

TGTE is leading a campaign to realize the political aspirations of Tamils through peaceful, democratic, and diplomatic means and its Constitution mandates that it should realize its political objectives only through peaceful means. It's based on the principles of nationhood, homeland and self-determination.

TGTE seeks that the international community hold the perpetrators of war crimes, crimes against humanity, and genocide against the Tamil people to account. TGTE calls for a referendum to decide the political future of Tamils.

The Prime Minister of TGTE is Mr. Visuvanathan Rudrakumaran, a New York based lawyer.

Twitter: @TGTE\_PMO  
Email: [pmo@tgte.org](mailto:pmo@tgte.org)  
Web: [www.tgte-us.org](http://www.tgte-us.org)

## BACKGROUND

Tamils in the island of Sri Lanka faced repeated mass killings in 1958, 1977, and 1983 and the mass killings in 2009 prompted UN Secretary General Ban Ki-moon to appoint a Panel of Experts to report on the scale of the killings.

According to UN internal review report on Sri Lanka, over 70 thousand Tamils were killed in six months in early 2009 and Tamil women were sexually assaulted and raped by the Sri Lankan Security forces. A report by the International Truth and Justice Project (ITJP) published details of Sri Lankan Military run "Rape Camps", where Tamil women are being held as sex slaves. There are over 90,000 Tamil war widows and thousands of Tamils disappeared due the conflict.

According to this UN report, the killings and other abuses that took place amount to war crimes and crimes against humanity. Independent experts believe that there are elements of these abuses that constitute an act of genocide.

Members of the Sri Lankan security forces are almost exclusively from the Sinhalese community and the victims are all from the Tamil community. A Buddhist Monk shot and killed a Sri Lankan Prime Minister 1959 for having talks with Tamils.

Tamils overwhelmingly voted in a Parliamentary election in 1977 to establish an independent and sovereign country called Tamil Eelam. This Parliamentary election was conducted by the Sri Lankan Government.

Twitter: @TGTE\_PMO

Facebook: <https://www.facebook.com/TGTE.Secretariat/>

Email: [r.thave@tgte.org](mailto:r.thave@tgte.org)  
Phone: +1-614-202-3377

Web: [www.tgte-us.org](http://www.tgte-us.org) & [www.tgte.org](http://www.tgte.org)

Transnational Government of Tamil Eelam

TGTE

+1 614-202-3377

[email us here](#)

Visit us on social media:

[Facebook](#)

[Twitter](#)

---

This press release can be viewed online at: <http://www.einpresswire.com>

Disclaimer: If you have any questions regarding information in this press release please contact the company listed in the press release. Please do not contact EIN Presswire. We will be unable to assist you with your inquiry. EIN Presswire disclaims any content contained in these releases. © 1995-2020 IPD Group, Inc. All Right Reserved.