

TGTE's Response to Sri Lanka Foreign Minister's Statement at the UN Human Rights Council

"It is high time that UNHRC completely ignores the bogus pleas & excuses of the Sri Lankan state and lives up to its foundational mandate of providing justice"

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Transnational Government of Tamil Eelam (TGTE)

The Transnational Government of Tamil Eelam (TGTE)
Geneva Secretariat

Human Rights Council - 46th Regular Session

Sri Lanka Should Stop Shooting The Messenger
And

Must Face Its Own Demons

TGTE's Response to the statement

By:
Hon. Dinesh Gunawardena, Foreign Minister of Sri Lanka

By:
Visuvanathan Rudrakumaran, Prime Minister-TGTE

The Sri Lankan Foreign Minister Dinesh Gunawardena's letter on 23 February 2021 to the 46th Session of the UN Human Rights Council keeps up a very long tradition of successive Sri Lankan governments playing fast and loose with basic facts and deploying standard non-sequitur arguments to defend the indefensible.

The letter pertains to a report released in January 2021 by the Office of the High Commissioner for Human Rights (OHCHR), which warned that the failure of Sri Lanka to address past violations has significantly heightened the risk of human rights violations being repeated. The report has also rightly accused Sri Lanka of reneging on promises to ensure justice for thousands of civilians

killed in the final stages of the 37-year war that ended a decade ago.

Mr Gunawardena's chief complaint is that, based on this OHCHR Report, a new resolution calling for accountability from his government for the international crimes namely genocide, war crimes and crimes against humanity is expected to be tabled in the upcoming session of the UNHRC. He calls for a rejection of the resolution by member of the council on the ridiculous grounds that 'we need to be united in our efforts to overcome the Covid19 pandemic and to revive battered economies' and that adopting such a resolution would carry a 'discouraging message to the sovereign states of the global South'.



Transnational Government of Tamil Eelam (TGTE)

The simple fact is that back in 2015 the then government of President Maitripala Sirisena itself a co-sponsor of Resolution 30/1 adopted by the UNHRC, which called for a series of immediate steps to provide justice to aggrieved Eelam Tamils. Among other things, the resolution required Sri Lanka to:

- a) Carry out recommendations of the OHCHR and Rapporteurs;
- b) Repeal the Prevention of Terrorism Act (PTA), which primarily targets Tamils;
- c) Appoint independent foreign judges to the Office of Missing Persons, consult families of those who have disappeared and set up a credible process of inquiry into the fate of thousands of missing Tamils;
- d) Prevent routine use of torture in its prisons, particularly directed at Tamil detainees, despite periodic reviews by the CAT Committee and visits by the Special Rapporteur on Torture.

However, the Sirisena regime used its charade of cooperation with the UNHRC and other international bodies to buy time and keep protecting the genocidaires and war criminals occupying high positions in the armed forces, diplomatic services and indeed in the cabinet of ministers itself. In 2020 this theatre of the absurd came to an abrupt end with the new government of President Gotabaya Rajapaksa officially withdrawing co-sponsorship of Resolution 30/1 and refusing to implement any of its directives.

We, the Eelam Tamils are not surprised at all by the content or the tone of the Mr. Gunawardena's statement. This is in continuation of the duplicitous politics practiced by his predecessors who have pretended to be victims, while carrying out genocidal policies and actions against different nations and nationalities in the island of Sri Lanka.

Since independence from British rule over seven decades a goal most every Sri Lankan government has promoted and implemented racist policies against the Eelam Tamils in particular, depriving them of their rights to not just peaceful and dignified living but most of often to the very Right to Life itself. The Sri Lankan state-sponsored massacre of thousands Tamils in 2009 at Mullaivaikal is still the biggest crime of genocide committed anywhere in the 21 st century.

Predictably, the Foreign Minister justifies his government's refusal to cooperate with international efforts to ensure justice to the victims of these crimes by claiming their actions were part of a 'War on Terror' against the Liberation Tigers of Tamil Eelam (LTTE). Unfortunately, more than a decade ago this dubious claim had found currency even within the international community, which led to its failure to protect the lives of thousands of innocent Eelam Tamil civilians murdered in cold blood by the Sri Lanka armed forces. Now that the excuse of the LTTE cannot be used anymore Mr Gunawardena pins the blame for all his woes on the countries sponsoring the UNHRC resolution, whom he calls 'elements working against Sri Lanka'.

The Zero Resolution sponsored by the Core Group of UNHRC member countries includes the UK , Canada , Germany, North Macedonia and Montenegro. Here it must be mentioned that the sheer audacity with which Sri Lankan governments have been able to escape accountability for their criminal actions or arrogantly level false accusations at member states has much to do with their belief that the UNHRC is a toothless institution.

The fact that not a single Sri Lankan official has been prosecuted as yet for their international crimes or the Colombo regime sanctioned for violating all its obligations is testimony to the weakness of international pressure and action.

The soft approach of the UNHRC has only bred impunity in Sri Lanka and resulted in calculated actions to destroy the distinct identity of the Eelam Tamils, occupation of their lands under various pretexts. With the Tamils still recovering from the brutality of the violence visited upon them, in the past decade the chauvinists in power have also systematically targeted Sri Lanka's Muslims also for hate-filled violence and racist discrimination.

It is in this context that the Eelam Tamil political leadership has called for referral of Sri Lanka to the International Criminal Court (ICC) in order to ensure accountability for genocide crimes against humanity and war crimes. This call was validated by tens of thousands of people in the recent P2P Rally (Pothuvil to Pulikandy) in the northern-eastern parts of Sri Lanka. The Transnational Government of Tamil Eelam (TGTE) has been urging referral since 2011 including through collecting a million signatures on a petition with this demand.

The UN High Commissioner for Human Rights in her Report to the Council 1 also has explicitly urged the member states to take actions to refer Sri Lanka to the ICC. Further, on 18 February 2021 four former High Commissioners, nine former Special Rapporteurs and all members of the UNSG's Panel of Experts on Sri Lanka have jointly stated that the matter should be referred to the ICC 2 .

It is high time therefore that the UNHRC completely ignores the bogus pleas and excuses of the Sri Lankan state and lives up to its foundational mandate of providing justice to the victims of genocide , crimes against humanity and war crimes.The Transnational Government of Tamil Eelam (TGTE) believes that in its current form Zero Draft Resolution submitted by the Core Group on Sri Lanka delivers zero justice and accountability.

The TGTE calls upon all member states to introduce a new revised resolution that provides a clear path to justice, meets the Council's obligations as also the global demand for referral of Sri Lanka to the ICC.

Whether accountability and justice will be provided to the Eelam Tamil victims hinges on international action now. The international action is also warranted to ensure that the integrity of the Human Rights Council itself.

1 OHCHR | Session46 46th session of the Human Rights Council: Reports
2 495016947-Sowing-the-Seeds-of-Conflict.pdf (groundviews.org)

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