

UK Should Clarify Its Statement That There is No Support For Sri Lanka Referral to ICC In The UN Security Council: TGTE

"No record of any five permanent members of the UN Security Council would use their veto power to block any attempt for Sri Lanka's referral to the ICC"

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The Transnational Government of Tamil Eelam (TGTE) has urged the United Kingdom to clarify its refusal to back initiatives to refer Sri Lanka to the International Criminal Court (ICC) on grounds of "insufficient UN Security Council support".

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Russia and China had used their veto fourteen times to block actions on Syrian government, yet this did not deter countries from bringing the matter up before the UN security Council repeatedly.”

*Transnational Government of
Tamil Eelam (TGTE)*

The UK is persistent in taking the stand that Sri Lanka does not come under ICC jurisdiction as it is not a party to the Rome Statute, and that the idea of Sri Lanka's referral to the ICC would not have the support of the required UN Security Council members.

"We like to point out that, had Sri Lanka been a party to the Rome Statute, the TGTE would have submitted evidence to the ICC prosecutor directly without the involvement of the Human Rights Council or for that matter, the UK government itself."

We are also baffled by the UK government's claim that

there was not enough support in the Security Council for the option of Sri Lanka's referral to the ICC. We say this because of the fact that the issue has not even been raised, let alone debated in

the forum so far.

In fact, there is no record of any of the five permanent members of the Security Council indicating that they would use their veto power to block any attempt for Sri Lanka's referral to the ICC.

Therefore, the UK government's statement that there was "insufficient UN Security Council Support" is at best premature, and at worst baseless, if not outright mischievous.

"If the UK has information about any opposition within the UNSC to the idea of referral of Sri Lanka to the ICC, they should make the details public, which would go a long way to maintain UK's own credibility as a permanent member of the UN Security Council with veto power."

It is to be noted that the Hon Stephen Kinnock MP, Shadow Minister for Asia and the Pacific, stated in his letter to Nigel Adams MP, the Minister of State for Asia, in relation to the UK Government's presumed opposition at the Security Council that "two of the permanent members of the Security Council would likely veto such a referral were it to be tabled, but this is not an acceptable argument against trying."

The UK government's approach to the UN Security Council should not be determined simply by the veto-wielding intentions of two of its permanent members.

"We like to point out the fact that We hold the belief, as observed by the U.S. Secretary of State Antony Blinken as well, in his article in Foreign Policy, that veto by two members of the Security Council would indeed galvanize all democratic powers to take action independent of the UN."6142023377

The TGTE would like to point out here that even if the request by the Human Rights Council calling for the referral of Sri Lanka to the ICC were to be vetoed in the Security Council, such an act would not deprive the Human Rights Council its jurisdiction over other matters such as opening an office of the High Commissioner of Human Rights in the North Eastern part of Sri Lanka etc derived from the Resolution.

The current High Commissioner for Human Rights, Madam Michelle Bachelet, in her Report dated 27th January 2021, has urged UN Human Rights Council Member States to take steps for referral of Sri Lanka to the ICC in view of the dire record of human rights violations in the country. A similar demand has been made by twenty former senior UN officials, including four former UN High Commissioners of Human Rights, nine independent UN experts and all members of the UN Secretary General's Panel of Experts on Sri Lanka. In a joint statement on February 18, 2021 titled "Sowing the Seeds of Conflict" they said: "...the fact is that Sri Lanka has made its justice institutions unavailable to its own victims. Existing international avenues for accountability such as the International Criminal Court (ICC) should be considered".

Tamil leaders in the island of Sri Lanka joined forces to send a letter to the UN Human Rights Council members on January 15, 2021, urging them to agree on Sri Lanka's referral to the ICC. This stand was validated by tens of thousands of Tamils in a recent rally called Pothuvil to Polikandy (P2P) which was organized by the North-East Civil Society.

“Not referring Sri Lanka to ICC will not only open the doors for abusers of atrocity crimes to escape justice, but it will also embolden Sri Lankan political leaders and Security Force leaders to commit more international crimes against Tamil people without any hesitation, knowing well that they will not have to face justice” said P2P appeal.

The TGTE believes that even a putative vetoed referral of Sri Lanka to the ICC is better than the present clause in the draft resolution calling upon the Government of Sri Lanka to pursue a domestic accountability process. Granting the responsibility to the same Sri Lankan state to investigate and prosecute such serious crimes is a blatant contradiction of the fundamental judicial principle that the accused cannot ever be the judge.

The harsh truth today is that the state of Sri Lanka, the government, its institutions, and the polity itself. are inextricably rooted in and operate with entrenched, pervasive racism. No wonder there is no space in the island of Sri Lanka for Tamils to obtain justice!

It is very unfortunate that UK, as a country that was in the forefront of creating the ICC, has today given in to self-doubt and an abandonment of its moral might by hesitating at the last moment to use this important platform to pursue justice for victims of genocide, crimes against humanity and war crimes. Not very becoming of a Global Britain!

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