

# LATEST: Int'l Justice Mechanisms Only Way to Secure Justice for Tamils - TGTE Letter to UN Rights Chief on Sri Lanka.

*"The Letter also Urged the High Commissioner to Impress upon the Human Rights Council to Refer Sri Lanka to the International Criminal Court (ICC)."*

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*Transnational Government of  
Tamil Eelam (TGTE)*

In a letter to Michelle Bachelet, the UN High Commissioner for Human Rights, the Transnational Government of Tamil Eelam (TGTE) urged the implementation of international justice mechanisms and acknowledge the impossibility of obtaining justice through domestic institutions within Sri Lanka.

The letter also urged the High Commissioner to Impress upon the Human Rights Council that it has a vital role to play in securing justice for victims by supporting a referral of the situation in Sri Lanka to the International Criminal Court (ICC) and impress upon the states at large to have

recourse to the International Court of Justice - ICJ ( with provisional measures).

It noted that the history of pervasive and entrenched racism in Sri Lanka since independence showed the government will never establish a genuine accountability mechanism on its own. In fact, Sri Lanka's embedded, systemic mechanisms of impunity provide practical and criminal encouragement to those who continue to commit crimes against Tamils.

The TGTE letter to Ms. Bachelet also expressed gratitude for her efforts to bring justice to the victims of war crimes, crimes against humanity and genocide committed against the Tamil people in Sri Lanka. The 48th session of the Human Rights Council starts on 13 September and will end on 8 October 2021.

The TGTE letter quoted the Commissioner's statement to the 46th session, on 24 February 2021, in which she publicly voiced the reality that "[s]uccessive Government commissions have failed to credibly establish truth and ensure accountability. Indeed, the Government has obstructed

investigations and judicial proceedings into emblematic human rights cases.”

The TGTE cited the following incidents as examples of Sri Lanka’s continued repudiation of international norms and obligations since the adoption of Resolution 46/1 by the UN Human Rights Council on 23 March 2021 including:

1. The government is actively and aggressively implementing steps to alter the demographic composition of traditionally Tamil areas to diminish and destroy Tamil identity in the North East of the island. For example, attempts have been made to amalgamate 1,017 Sinhalese families of Kanagawewa Village from the Anurathpura District to the Tamil District of Vavunia on April 3rd, 2021.

Also, under the guise of “development projects” government-driven Sinhalese-Buddhist colonization settlements are growing in traditional Tamil areas. Several government departments - including the Mahaweli Authority, Archeological Department, Forest Department, and Wildlife Department are used by the government in this initiative to grab Tamil lands. As observed by Judge Shahabuddeen in Prosecutor v. Krstic, Case No. IT-98-33-A[Apr. 19 2004} in the context of Bosnia, these steps constitute “cultural genocide” contributing to the eventual physical destruction of the Tamil people.

2. There has been an ongoing campaign of militarization in traditionally Tamil areas contributing to this campaign of demographic engineering.

3. The Covid-19 pandemic has been used as a pretext to suppress peaceful protests and commemoration ceremonies for Tamil victims and missing persons. We, the TGTE, have filed a complaint with the UN Special Rapporteur with respect to the banning of memorials for Mr. Thileepan, an LTTE political leader, who died during a hunger strike in 1987.

4. The Prevention of Terrorism Act (PTA) continues to be used as a weapon of terror against Tamils and Muslims. While numerous prisoners of war (POW) and Tamil political prisoners are imprisoned under the Prevention of Terrorism Act (PTA) for several years without charge or were convicted under unfair trials, not a single Sri Lankan Security Force member has been arrested or charged for committing war crimes, crimes against humanity, and genocide committed against the Tamil people.

5. The Office of Missing Persons has become nothing more than a smokescreen to distract the international community. It has become a farce staffed by many military personnel who were themselves involved in organising disappearances.

On August 30, 2021, the Minister of Justice advised the OMP that: “forget about the guilt. If somebody is missing, don’t look at why he is missing.”

The appointment of the domestic personnel to the OMP is contrary to the spirit of Res 30/1. The

government ignored calls from the families of the disappeared to appoint credible international experts on disappearance to the OMP and remove military personnel and political appointees.

6. Tamils and Muslims peacefully joining the Pottuvil to Polkandy (P to P) marches have been repeatedly harassed and intimidated by Sri Lankan Intelligence Services, including from the Terrorist Intelligence Department (PID) and Criminal intelligence Department (CID).

\*\* IN LIGHT OF THE ABOVE THE TGTE MADE THE FOLLOWING REQUESTS TO THE HIGH COMMISSIONER:

1. In connection with your charge from the Council "to support relevant judicial and other proceedings, including in Member states, with competent jurisdiction," and recognizing that most of the crimes alleged are the subject of universal jurisdiction that you create a mechanism for Member states and for the victims to access evidential materials gathered in the three comprehensive investigations conducted and/or supported by your office.
2. That you direct your staff to prepare dossiers of relevant evidence collected by your own emblematic cases engaging external independent experts if necessary. That such dossiers contain draft charges where prima facie evidence establishes reasonable grounds for believing serious international crimes were committed. Further, that these dossiers be prepared within the next six months. That such dossiers be made available to interested member states for review for the purposes of prosecutions under universal jurisdiction. That such states be encouraged to cooperate with Interpol and Europol to secure the attendance of alleged perpetrators before their courts if necessary.
3. That you empower the victims to fashion a political framework to ensure a deterrent for mass atrocities.

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 135 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.

International Truth and Justice Project (ITJP) in February 2017 handed over details to UN of Sri Lankan Military run "Rape Camps", where Tamil women are being held as "sex slaves". Also, According to UK Foreign and Commonwealth Office report on April 2013, there are over 90 thousand Tamil war widows in Sri Lanka.

Thousands of Tamils disappeared, including babies and children. UN Working Group on Enforced Disappearances stated in 2020 that the second highest number of enforced disappearance cases in the world is from Sri Lanka.

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.

Transnational Government of Tamil Eelam

TGTE

+1 614-202-3377

r.thave@tgte.org

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