

Disappointed With UN Rights Chief's Failure to Suggest Swift Recourse For Justice for Tamil Victims of SriLanka: TGTE

"TGTE urges the UN High Commissioner for Human Rights to create a mechanism whereby Victim families can request information that is in the possession of the UN"

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On 13 September 2021, the High Commissioner of Human Rights updated the Human Rights Council during its 48th session. In her statement to the Council, Her Excellency Michelle Bachelet expressed concern in a number of areas including:

1. "the corrosive impact that militarization and the lack of accountability continue to have on fundamental rights...";
2. The new state of emergency declared in Sri Lanka on 30 August and its expansion of military control over the daily life;
3. The broadening of "surveillance, intimidation and judicial harassment of human rights defenders, journalists and families of the disappeared" to target students, academics, medical personnel and religious leaders as well;
4. The Attorney General's decision to not proceed with charges against Wasantha Karannagoda for the enforced disappearances of 11 men in 2008 and 2009; and
5. The government's effort to engage in arbitrary administrative detentions through its "de-radicalization" program and its designation of over 300 Tamil and Muslim groups and individuals as terrorists;

The High Commissioner indicated that her work in implementing those parts of Resolution 46/1 related to accountability for crimes committed against Tamils has begun and that her office has identified "nearly 120,000 individual items" held by the United Nations relevant to establishing responsibility for international crimes committed against members of the Tamil People.

The Transnational Government of Tamil Eelam (TGTE) expresses its grave concern that the UN is in possession of such a large body of evidence related to the disappearance of Tamil civilians during the war and international crimes committed against them and yet no credible international mechanism of accountability has been created.

The families of the missing have the Right to Know and the Right to Truth with respect to what

happened to missing loved ones and the UN has an independent obligation to provide these families with access to materials in its possession related to their missing family members. The Transnational Government of Tamil Eelam has launched a initiative called, Victims Driven International Justice, to allow the victims to have access to relevant information.

The TGTE urges the High Commissioner in the strongest of terms to create a mechanism whereby families can request information that is in the possession of the UN. The suffering of these families continues whether it is the government of Sri Lanka or the UN that refuses to disclose relevant information in their possession. Under international law, the Right to Truth gives these families the right to access information in the UN's possession related to missing family members. We call upon the High Commissioner to facilitate the exercise of this right.

The TGTE appreciates the High Commissioner's continued vigilance. The TGTE is also cognizant of the fact that due to and pursuant to Resolution 46/1, the Council can take a new course of action with respect to accountability when Resolution 46/1 expires in 2022 September. In other words, from the TGTE's perspective, Resolution 46/1 has delayed justice.

That was the reason, at that time, the TGTE took the position that Resolution 46/1 was a defeat for Sri Lanka, but not justices for Tamils. TGTE is of the view that Resolution 46/1 does not prevent the High Commissioner from urging not only the member states, but also the states at large to refer the matter to the International Court of Justice (ICC) and seeking provisional measures similar to the provisional measures issued by the ICJ in connection with the pending case against Myanmar under the Genocide Convention.

We are concerned given the fact that the High Commissioner's update focused exclusively within the domestic framework, that she might retreat from her previous position that "the Government has not demonstrated its inability and unwillingness to pursue a meaningful path towards accountability for international crimes" and called upon member states to advance "criminal responsibility by the considering referral to the International Criminal Court (ICC) and establish investigation and prosecution under universal jurisdiction." (A/HRC/46/20, 9 Feb. 20210)

In conclusion, while the TGTE commends the High Commissioner on her continued focus on the lack of accountability in Sri Lanka, it must express its continuing disappointment that such focus has failed to result in any actual international accountability mechanism for the tens of thousands of Tamil victims who have suffered grave international crimes and have waited so long to learn the fate of their loved ones.

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.

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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.

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