

Victims of Genocide Have to Create New Forums to Pursue Justice: TGTE

" UNHRC Given Prominence to the Protest in the South in which 10 People Died - Compared to the Silence of 70,000 Tamils Killed in Six Months is Shocking "

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Transnational Government of Tamil Eelam (TGTE)

Today the Human Rights Council passed a resolution on Sri Lanka-20 states voted against Sri Lanka. In March 2021, 22 states voted against Sri Lanka. 20 states voting against Sri Lanka demonstrates that the island country is considered a rogue state.

The Eelam Tamils are however disappointed that India again abstained from voting. Sri Lanka seems to have played its "China card" well and scared its giant neighbor India into silence. We Eelam Tamils expected that India, the regional power, and emerging world power would act on the basis of moral principles, boldness and conviction.

We the Eelam Tamils are appalled by the callousness with which the Human Rights Council's (HRC) has approached the issue of accountability for the international crimes, namely war crimes, crimes against humanity, and genocide committed against the Tamil People. The victims, the domestic Tamil leadership, the domestic civil society, and the diaspora, all with one voice, called for a referral of the situation in Sri Lanka to the International Criminal Court (ICC).

The TGTE would also like to point out that in 2015 nearly 1.6 million individuals across the globe participated in the signature campaign calling for the referral of Sri Lanka to the ICC. However, the HRC has not even acknowledged let alone acted upon it. In fact, the current HRC resolution is a retreat from its own position taken in 2015. In 2015, the HRC called for a hybrid tribunal and when Sri Lanka said a big NO, the HRC cowered and changed its own position from hybrid tribunal to a 'domestic mechanism'. The observation of the Office of High Commissioner for Human Rights (OHCHR) in her report to the HRC this year that the trend in Sri Lanka is towards Sinhala, Buddhist, majoritarian ideology, with the support of the military and Buddhist monks and the HRC's calling for a domestic mechanism to provide justice to Tamils are mutually contradictory. The Sinhala polity in the island of Sri Lanka will never accept any type of

accountability mechanism due to the stigma of collected guilt that will transpire from the trial.

Whereas the Expert Panel appointed by the then UN secretary General Ban ki-Moon explicitly stated that it is reasonable to believe that crimes against humanity and war crimes were committed during the final stages of the war, the HRC has reduced those international crimes to violations of Human Rights and Humanitarian laws. The HRC's deliberate act of amnesia reminds us of Hitler's infamous statement that "who after all, speaks today of the annihilation of the Armenians".

Also, the prominence given to the protest in the south in which 10 people died, comparing to the silence on the armed conflict in which according to the UN internal review report in which 70,000 people were killed during the final stages of the armed conflict is shocking.

As the OHCHR pointed out in her report, the Sri Lankan Defense Ministry was allocated US \$1.86 billion which accounted for 15% of the total government expenditure, making it the sector with highest allocation of funds in 2022. It's also reported in the Financial Times, dated October 3rd, 2022, that the armed forces "employ more than 250,000 people in a country of 22 million equivalent to nearly 3% of the labor force". According to the Oakland Institute in California, there is one army personnel for every six civilians in the Tamil areas.

The military occupation of the Tamil nation is a bulwark for Sinhalization and Buddhistization and is also exploiting the livelihood and economy of the Tamil People. The least that was expected of the HRC, was that it would call for the reduction of the armed forces and a timetable for its withdrawal from Tamil areas.

The road to the ICC via HRC is long and difficult because the HRC is a state-centric institution and not a truly independent body. The victims do not have a seat at the table. It is not a surprise that in state-centric institutions the human rights plays second fiddle to the hard reality of power politics. It seems to be HRC has become another forum for real politik. And the vagaries of real politik keep the Eelam Tamils as people betrayed permanently.



Transnational Government of Tamil Eelam (TGTE)

Thus, it is imperative that in addition while employing existing forums a victim-centric accountability mechanism should be created. The evolving international law and international relations provide space for it. In 2020, the TGTE launched a project called Victims Driven International Justice (VDIJ). Last week, the TGTE sent a representation to the registrar of the ICC that it is acceding to its jurisdiction. This was done on behalf of the de jure, Tamil Eelam state, given the fact that the Eelam Tamils did not consent to the 1972 and 1978 constitutions of Sri Lanka, thus when Sri Lanka severed its ties with the British, Tamil sovereignty reverted back to the Tamils.

We hope the ICC will assume jurisdiction and will initiate prosecution of the crimes committed in the North and North-Eastern part of the island of Sri Lanka. Given the fact that the Tamil genocide, like others in Cambodia, the former Yugoslavia, and Rwanda are committed by states, the TGTE will launch a legislative campaign to bring an exception for international crimes and torture to their Foreign Sovereign Immunity Acts. This will enable civil legal action against the state itself by victims themselves domestic tribunals of those countries.

TGTE will also work with the victims and other diaspora entities to bring legal actions in various countries under universal jurisdiction. We hope that the OHCHR will share the evidence it collected.

Tamils' Destiny in Tamils Hand -The thirst of Tamils is Tamil Eelam.

Visuvanathan Rudrakumaran
Prime Minister
Transnational Government of Tamil Eelam (TGTE)

*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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