

UK Channel 4's Easter Bombing News Clip Reinforces Tamils' Call for Referral to International Criminal Court (ICC)- TGTE

"Referral to International Criminal Court (ICC) Due to No Effective Domestic Remedy"

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I. REFERRAL TO THE ICC, DUE TO NO EFFECTIVE DOMESTIC REMEDY:

On September 4, the U.K.'s Channel 4 released a video clip showing that members of the Rajapakse family and higher officials in Sri Lanka's Defense Intelligence Agency were behind the 2019 Easter Bombing which killed at least 350 people in Sri Lanka. Given that members of the highest echelon of the defense and political class were involved, there have been calls from the Sinhala polity, including the opposition leader, that the matter should be referred for an international investigation.

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The fact that the call for international investigation is emerging from the Sinhala polity, makes the TGTE believe such action now is feasible. The international community should seize the moment.”

Visuvanathan Rudrakumaran



The Sri Lankan State is not ethnically neutral, so the Tamils have been calling for referral to the International Criminal Court (ICC), since 2011 for crimes committed by the state during and after the war which ended in 2009. The Transnational Government of Tamil Eelam (TGTE) launched a petition for referral of the political and military leaders of Sri Lanka to the ICC which garnered 1.6 million signatures worldwide within 3 months ending in March 2015.

* U.N. High Commissioner Michelle Bachelet in her report on January 12, 2021, states inter alia:

Member states have a number of options to advance criminal accountability and provide measures of redress for victims. In addition to taking steps towards the referral of the situation

in Sri Lanka to the International Criminal Court, Member States can actively pursue investigation and prosecution of international crimes committed by all parties in Sri Lanka before their own national courts, including under the principles of extraterritorial or universal jurisdiction.

* Bachelet's call was endorsed by 4 former U.N. High Commissioners for Human Rights, 9 former Special Rapporteurs who have visited and written reports on Sri Lanka and all 3 members of the Secretary General's Panel of Experts on Sri Lanka in a public letter on February 18, 2021.

2) UN's HUMAN RIGHTS COMMITTEE RENDERED UNANIMOUS DECISION - CONDEMS SRI LANKA AND ORDERED IT TO PUNISH PERPETRATORS & PARY COMPENSATION FOR A TAMIL TORTURE VICTIM:

As Honorable Volker Turk, the U.N. High Commissioner for Human Rights noted in his report to the Human Rights Council released on September 6, 2023, on April 12, 2023, the U.N.'s Human Rights Committee rendered a unanimous decision in favor of a former member of the Liberation Tigers of Tamil Eelam (LTTE) who was tortured at the hands of the Sri Lankan State. The Sri Lankan State denied the claim, but all 17 Judges rejected their defense. The Sri Lankan State also argued that the claimant could have pursued domestic remedies, but the panel of judges noted that domestic remedies had proved to be ineffective.

The Committee has ordered Sri Lanka to investigate independently and thoroughly the police who were responsible for the brutality, and to ensure that the perpetrators are prosecuted and punished. Sri Lanka must pay adequate compensation to the victim and change its laws to make sure that this kind of conduct cannot be repeated. However, thus far Sri Lanka has failed to take any action, in violation of the Human Rights Committee's decision.

TGTE requests the Human Rights Council to call upon Sri Lanka to ratify the Rome Statute as suggested by former High Commission for Human Rights, Al Hussein in 2015. The TGTE believes ratification of the Rome Statute retrospectively will give jurisdiction to the ICC to investigate and prosecute genocide, crimes against humanity, and war crimes committed by Sri Lanka during the final stages of the war as well as the Easter Bombing.

The fact that the call for international investigation is emerging from the Sinhala polity, makes the TGTE believe such action now is feasible. The international community should seize the moment.

3) MASS GRAVES:

During the last 30 years, 32 mass graves (with the latest discovery in Kokkuthoduvai, Mullaitivu being the 33rd) have been identified in the island of Sri Lanka.

For the families of the disappeared it is a story of unresolved tragedy. The bereaved are forced to

live--and die--without ever finding their loved ones.

Due to pervasive and entrenched racism in Sri Lankan state institutions, including the judiciary, the Tamil People will never get justice through domestic mechanisms. Thus, an international mechanism for the exhumation, evidence preservation, and ultimately for the pursuit of justice and accountability is a must.

TGTE strongly believes that the subject matter falls within the purview of paragraph 8 of the 2021 Human Rights Council Resolution on Sri Lanka (A/ HRC/Res/51/1), which mandates that the Office of the High Commissioner for Human Rights "...collect, consolidate, analyze and preserve information and evidence and to develop possible strategies for future accountability processes."

4) GOVERNMENT SPONSORED BUILDING OF BUDDHIST TEMPLES IN TAMIL AREAS, WHERE NO BUDDHIST LIVE - CALCULATED DEMOGRAPHIC CHANGE:

Numerous Buddhist temples are being built in historical Tamil areas with the active support of the security forces stationed in huge numbers in Tamil areas even after the war ended 14 years ago.

Almost no Buddhists live in the Tamil areas where these Buddhist temples are being built.

Once the Buddhist temples are built, then Buddhist priests will move in to conduct prayers, and will be followed by Buddhist civilians -- who are all Sinhalese-- and who will move in with the support of the security forces and settle down in Tamil areas. This will result in demographic change with Tamils surrounded by a Sinhalese population and security forces, resulting in Tamil areas becoming majority Sinhalese areas.

This effort at demographic change has been the policy of successive Sri Lankan governments since independence to dilute the Tamil population in traditional and historical Tamil areas resulting in the weakening of Tamil political representation.

As the High Commissioner suggested in his report, international financial institutions should take into account Sri Lanka's Human Rights situation, including accountability, when negotiating and implementing support programs.

5) SERIOUS THREATS AGAINST TAMIL MEMBER OF PARLIAMENT DUE TO HIS POLITICAL ACTIVITIES;

On August 26, a large Sinhalese crowd led by several Sinhalese-Buddhist monks and a Sinhalese Member of Parliament surrounded the private residence of Tamil Member of Parliament Mr. Ponnampalam, MP, in the capital city Colombo.

On January 5, 2000, Mr. Gajendrakumar's father, Mr. Kumar Ponnampalam was shot dead in an assassination. During the time former President Chandrika Kumaratunga was in power. Thus far, no one has been brought to justice. The above demonstrates that there is no political space for peaceful political activities by the Tamils.

6) 13th AMENDMENT:

TGTE is puzzled by the High Commissioner's comment on the 13th Amendment in his report. The High Commissioner stated inter alia:

OHCHR welcomes the intention of the President to dialogue with Tamil political parties and diaspora groups and advance reconciliation options through truth-seeking and other political solutions for devolution as presented in the 13th Amendment.

The rule of law mandates that laws in the statute books are to be implemented. Why is dialogue needed with the Tamil political parties, let alone with anybody at all, for the implementation of an existing statute?

TGTE does not take this occasion to comment on the merits or demerits of the 13th Amendment, or the entanglement of India's diplomatic maneuverability by the Sri Lankan government through the 13th Amendment. TGTE believes the current noises made by the Sri Lanka President, Ranil Wickremasinghe regarding the 13th Amendment are to deceive the Tamils as well as the international community. We are afraid the High Commissioner will also fall into this trap.

The real reason for the non-implementation of the 13th Amendment is that the Sinhala polity will never allow it to be implemented.

7) REFERENDUM:

Based on Democratic principles, International Laws specifically Declaration on Principles of International Law concerning Friendly Relations and Corporations among States in accordance with the Charter of the United Nations. (G/A 2625, 1970) which is considered as customary international law and Article 1 of the Civil and Political Rights Covenant and International Practice the Tamils across the globe is of the view that the Tamil National Question should be resolved through internationally conducted and monitored Referendum.

Sri Lanka's Northern Provincial Council unanimously passed a Resolution calling for an international sponsored Referendum to solve Tamil conflict. Batticaloa City Council in the East also unanimously passed a similar Resolution. In 2013 the Tamil Nadu State Assembly passed a unanimous resolution calling for Referendum among the Tamils inside the island of Sri Lanka and among the Eelam Tamil Diaspora to determine the political future of the Eelam Tamils.

The Tamils strongly believe that the Tamil National Question can be resolved only through an internationally conducted and monitored referendum.

***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 132 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.

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