

RECOGNITION of DE JURE STATE of TAMIL EELAM WILL PAVE the WAY for ACCOUNTABILITY in the ISLAND of SRI LANKA

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The Transnational Government of Tamil Eelam (TGTE) congratulates International Criminal Court (ICC) prosecutor Karim Khan for his courageous action of seeking arrest warrants against leaders of Israel and Hamas, including the Israeli Prime Minister, for crimes against Humanity and War Crimes. As Prosecutor Khan said, "we once again underline that international law and the laws of armed conflict apply to all... no foot soldier, no commander, no civilian leader can act with impunity."

The panel of experts of International Law comprising 17 eminent experts with cultural, linguistic, and cultural diversity including Judge Theodor Meron of CMG and Amal Clooney, among others, said in their report that: "there is no conflict that should be excluded from the reach of the law."

FT article: <https://www.ft.com/content/aa2089c5-6388-437d-bf5c-9268f3a788ce>

Panel of Experts Report: <https://www.icc-cpi.int/sites/default/files/2024-05/240520-panel-report-eng.pdf>

The sad fact is that tiny, bankrupt Sri Lanka has been allowed to skirt International Law for more than 15 years for its perpetuation of grave international crimes against Eelam Tamils. According to the 2012 U.N. Internal Review Report, there is "credible information indicating that over 70,000 people are unaccounted for" during the final stages of the armed conflict. According to late Reverend Dr. Rayappu Joseph, Bishop of Mannar, 146,679 people "seem to be unaccounted for."

Despite this and directly contradicting the aforementioned ICC Prosecutor and Expert Panel statements that no one is above the law, thus far, "no foot soldier, no commander, no civilian



leader” of Sri Lanka has been arrested, let alone indicted for the atrocity crimes committed against the Tamil people.

Former U.N. High Commissioner for Human Rights Michelle Bachelet noted in her 2021 report stated that “nearly 12 years since the end of the war, domestic initiatives for accountability and reconciliation have repeatedly failed to produce results, more deeply entrenching impunity and exacerbating victims’ distrust of the system.

Given the above, justice can be meted out to the victims only through international mechanisms.

It is acknowledged that prosecuting individuals by the ICC might absolve the Sinhala Polity, which bears collective responsibility for the international crimes committed against the Eelam Tamils.

Thus far, along with no internal justice process, no major Sinhala political parties or Sinhala political leaders, including the current Sri Lankan President “peacenik” Mr. Ranil Wickremesinghe, Sinhala Buddhist organizations or Sinhala media, have admitted any guilt or sought pardoning from the Tamils.

Since Sri Lanka is not a party to the Rome Statute, the ICC’s jurisdiction cannot be invoked on that basis. U.N. Human Rights Commissioner Mr. Zeid Ra’ad Al Hussein, in his 2015 report, recommended that Sri Lanka become a party to the Rome Statute. However, that call has fallen on deaf ears. Due to geopolitical considerations, the Human Rights Council thus far has not referred the situation of Sri Lanka to the U.N. Security Council with recommendation for referral

to the ICC. In this context, we the Eelam Tamils request the ICC to employ the same *modus operandi* in connection with the arrest warrants it issued on May 20th, 2024, for Israeli and Hamas leaders.

Even though Israel argued that Palestine is not a state capable of accepting the jurisdiction of the ICC, the ICC accepted Palestine’s accession to the jurisdiction of the ICC in 2015.

On September 15, 2022, the TGTE, relying on the International Law concept of Reversion to Sovereignty, stated that the Tamils’ refusal to accept the 1972 and 1978 constitutions resulted in the reversion of sovereignty to the Tamils from the colonial powers. On behalf of the De Jure state of Tamil Eelam, the TGTE has informed the Registrar of the ICC on September 15 th , 2022, of its accession to the Rome Statute.

In its accession letter, the TGTE stated:

In conformity with Article 12, paragraph 3 of the Statute of the International Criminal Court (the Rome Statute), the State of Tamil Eelam hereby accedes to the jurisdiction of the court for the purpose of identifying, prosecuting, and judging the authors and accomplices of all crimes within

the jurisdiction of the Court (namely, war crimes, crimes against humanity, acts of genocide, and crimes of aggression) committed on the territory of Tamil Eelam, beginning from the entry into force of the Statute in 2002, and extending indefinitely.

Tamil Eelam's Accession to the Jurisdiction of the International Criminal Court As argued in the context of Palestinian Authority's acceptance of ICC jurisdiction, Article 12(3) of the Rome Statute including the term "State" should be interpreted in the context of the Rome Statute and its object and purpose,

The TGTE urges the ICC to accept the De Jure State of Tamil Eelam's accession to the Rome Statute and to investigate and prosecute the perpetrators of the Tamil Genocide, crimes against humanity and war crimes.

United Nations "The Question of Palestine: PA acceptance of ICC jurisdiction – Summary of submissions"

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