

Human Rights Council Must Refer Sri Lanka to International Criminal Court (ICC) - Zero Draft Delivers Zero Justice: TGTE

We are morally angered that the Zero Draft Resolution submitted by Core Group on Sri Lanka Fails the Victims of Genocide, Crimes Against Humanity & War Crimes

GENEVA, SWITZERLAND, February 22, 2021 /EINPresswire.com/ --

The Transnational Government of Tamil Eelam (TGTE) wishes the Human Rights Council a productive 46th Session that upholds and advances its purpose and principles, including “upholding the highest standards in the

promotion and protection of human rights”, “promoting the full implementation of Human Rights obligations undertaken by states”, “and contributing...towards the prevention of human rights violations”.^[1] People around the world who are subjected to Genocide, Crimes Against Humanity and War Crimes are looking to the UN Human Rights Council (UNHRC) for justice.



Tamil Mothers of the Disappeared

February 22nd is an important day in Eelam Tamil political history. On this day in 2002 Tamil National Leader Mr. Velupillai Pirabakaran signed the Cease-Fire Agreement with the Sri Lankan government under the auspices of the Royal Norwegian Government to give peace a chance. The Tamils believed that, due to the intervention of the international powers, a political resolution embodying the Tamils' inherent right to self-determination and human rights, notably the right to life and freedom from torture, would be realized. Subsequent events, notably the events surrounding the 2009 Mullivaikal genocide, proved otherwise. As vividly demonstrated by the 2012 UN Internal Review Report,^[2] the international powers including the UN betrayed the Tamils for geopolitical considerations.

Following the 2009 Tamil Genocide the Tamils have again turned to international institutions, notably the United Nations, for justice and accountability, knowing that there is no space in Sri Lanka for Justice for Tamils due to entrenched and pervasive racism in the SriLankan polity and institutions coupled with the fact it was the state itself committed those heinous crimes. Not a single individual has yet been prosecuted – let alone convicted – for the atrocity crimes



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committed primarily against Tamils during and after the war.

We firmly believe that only through referral to the International Criminal Court (ICC) can accountability be achieved. The High Commissioner in her Report to the Council[3] has explicitly urged the member states to take actions to refer Sri Lanka to the ICC. On February 18th four former High Commissioners, nine former Special Rapporteurs and all members of the UNSG's Panel of Experts on Sri Lanka have jointly stated that the matter should be referred to the ICC.[4]

The Tamil political leadership has jointly called for referral in a letter to Council members on January 15th. This call was validated by tens of thousands of people in the recent P2P Rally (Pothuvil to Pulikandy). The TGTE has been urging referral since 2011 including collecting a million signatures on our petition that year.

We are morally angered that the Zero Draft Resolution submitted by the Core Group on Sri Lanka fails the victims of genocide, crimes against humanity and war crimes by not mandating a clear path towards justice in Sri Lanka. The Zero Draft delivers zero justice and accountability.

The TGTE calls on all member states to work to introduce a new resolution to meet the Council's obligations and the global outcry for referral of Sri Lanka to the ICC. The first atrocity crimes of the 21st century and the suffering of those who endured them demand that a clear path to justice be agreed to this session.

1] From the 2006 Resolution adopted by the General Assembly establishing the Council

[2] Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka

[3] OHCHR | Session 46 46th session of the Human Rights Council: Reports

[4] 495016947-Sowing-the-Seeds-of-Conflict.pdf (groundviews.org)

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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