

Sri Lanka: Tamils Urge US Help to Hold Referendum for Political Solution and Referral to Int'l Criminal Court (ICC)

These Requests - "Declaration of Common Principles of Tamils" - were formulated after series of meetings.

WASHINGTON, DC, UNITED STATES OF AMERICA, December 16, 2021 /EINPresswire.com/ -- US based Tamil diaspora groups have jointly sent a letter to US Secretary of State Blinken urging him to help hold a Referendum for a permanent political solution to end the ethnic conflict in Sri Lanka. It also urged to refer Sri Lanka to the International Criminal Court (ICC) for atrocity crimes committed against the Tamil people by the Sri Lankan State.

"We the undersigned US based Tamil diaspora groups from the island of Sri Lanka are urging you to consider the following requests. These requests - "Declaration of Common Principles of Tamils" - were formulated after series of meetings", said the letter.

The requests are:

- 1) An internationally conducted and monitored Referendum that allows people living in the north-eastern region of the island of Sri Lanka (Northern and Eastern province) prior to 1948 and their descendants to find a democratic, peaceful and permanent political solution that meets Tamils' aspirations.
- 2) The referral of the situation in Sri Lanka to the International Criminal Court with respect to genocide, crimes against humanity and war crimes, and legal action against Sri Lanka before the International Court of Justice under the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture.
- 3) The Repeal of the Sixth Amendment to the Sri Lankan Constitution.



Secretary Blinken

4) An interim International Protection Mechanism in the north-eastern region of the island.

This appeal was sent by:

Tamil Americans United PAC; Transnational Government of Tamil Eelam (TGTE) ; United States Tamil Action Group(USTAG); Ilankai Thamil Sangam; World Tamil Organization (WTO) and North Carolinians for Peace.

Below, please find the full appeal:

**** DECLARATION OF COMMON PRINCIPLES OF TAMILS:**

- We, the undersigned representatives of Tamil Diaspora organizations from the Island of Ceylon, now known as Sri Lanka,

- Affirming that sovereignty lies with the individual.

- Reaffirming that the will of the people shall be the foundation of democracy.

- Recognizing that direct democracy is more authentic than representative democracy with respect to the resolution of national conflicts, as demonstrated by the international community in the Referendum clause of the Good Friday Agreement, the Referendum clause in the Serbia-Montenegro Agreement, the Referendum clause in the Bougainville Agreement, the Referendum clause in the Machakos Protocol (South Sudan), Kosovo's referendum, Scotland's referendum, etc.

- Recalling that there were separate Sinhala kingdoms and a Tamil kingdom in the island of Ceylon before the arrival of colonial powers in the 15th century.

- Recalling that the colonial powers -- the Portuguese, the Dutch and the British -- administered the Sinhala kingdoms and the Tamil kingdom separately during the initial period of 300 years of their rule.

- Recalling the amalgamation of the Sinhala kingdoms and the Tamil kingdom by the British for the purpose of administrative convenience on the recommendation of the Colebrooke Commission in 1833.

- Recalling that the Ilankai Tamil Arasu Kadchi (ITAK – Federal Party) was formed in December 1949, and in April 1951 the ITAK articulate its claim that the Tamil People in Ceylon were a Nation distinct from that of the Sinhalese and demanded a federal arrangement in the North and the East, where the Tamil-Speaking Peoples are a predominant majority.

- Noting that when independence was granted to Ceylon in 1948 through the Soulbury Constitution that the British included section 29(2), which was perceived as “unalterable” since it “entrenched religious and racial matters” by the Judicial Committee of the Privy Council in 1964. but was unilaterally abolished by the Sri Lankan Government in 1971.
- Recalling the citizenship act of 1948 which disenfranchised more than 700,000 Upcountry Tamils who constituted eleven percent of the population.
- Cognizant of the subsequent expulsion of Upcountry Tamils pursuant to the 1964 Sirimavo-Shastri Pact between India and Sri Lanka was comparable to the expulsion of Asians by Idi Amin from Uganda.
- Recalling the speech made by Mr. S.J.V. Chelvanayagam in Sri Lanka’s Parliament on December 5, 1976: -
" We have completely abandoned the Federal concept; We have decided to separate. If we don't separate, we can never win back our lost rights. We will try in every way to setup a separate state. This is certain. As the voice of my people, I tell this to Sri Lanka and the world from this house. We know this is not an easy task. We know it is a difficult path. But either we must get out of the rule of the Sinhalese or perish. This is our ideal".
- Noting that the Vaddukoddai Resolution was adopted on 14 May 1976 by the Tamil United Liberation Front seeking to work for the creation of an independent State of Tamil Eelam, which received an overwhelming mandate at the subsequent 1977 Parliamentary Elections.
- Emphasizing that the Tamil People did not grant their consent to the enactment of the 1972 (Republican Constitution) and 1978 Constitutions of Sri Lanka that were enacted on the basis of the unitary character of the State without the participation of and with opposition from the elected Tamil representatives of the major Tamil political parties.
- Bearing in mind that the Eelam Tamils in the island of Sri Lanka, who have a distinct language and distinct culture and who have a historic relationship to the North-Eastern part of the island of Sri Lanka, a relationship which is recognized in various pacts including the 1987 Indo-Lanka Accord constitute Tamils a “People” under international law, thus entitled to realize their inherent right to self-determination.

- Recognizing that given the aforesaid reality and emphasizing that any political solution to the Tamil National Question should recognize the Tamils as a distinct Nation.
- Being aware that between 1956 and 2008, Tamils have been subject to 157 racial massacres on the island of Sri Lanka, including the 1958, 1977 and 1983 racial pogroms.
- Taking note of the occupation of the de facto state of Tamil Eelam which is the result of destruction due to the genocidal war.
- Mindful that the war between the state of Sri Lanka and the Liberation Tigers of Tamil Eelam ended in May 2009 with unspeakable mass atrocities committed against the Tamil people.
- Noting that, according to the 2011 Report of the Panel of Experts established by the then United Nations Secretary General Ban Ki-Moon, there is credible evidence that crimes against humanity and war crimes were committed during and after the war.
- Noting that the UN Secretary General's Panel of Experts on Sri Lanka also stated that "[a] number of credible sources have estimated that there could have been as many as 40,000 civilian deaths."
- Noting that according to the 2012 UN internal review report headed by Charles Petrie, there are credible reports that "over 70,000 civilians are unaccounted for" during the final stages of the war.
- Mindful of the Report of the late Reverend Dr Rayappu Joseph, Bishop of Mannar, which said that during the final stages of the war 146,679 Tamils remain unaccounted for based on the Sri Lankan government's own figures of number of residents in the area at the early stage of hostilities and the number who emerged to government internment camps at the end of the conflict.
- Bearing in mind the transitional justice process initiated by the United Nations Human Rights Council in 2015.
- Affirming that the institutions of Sri Lanka are permeated with entrenched and pervasive racism and that Tamils do not have space for justice in the island of Sri Lanka.
- Emphasizing that the transitional justice process should be victim-centred and that victims

should be allowed to contribute significantly in the formulation of the transitional justice mechanism for accountability, as well as be allowed to fashion the model for a future political arrangement to ensure the nonrecurrence of mass atrocities, an important component of transitional justice.

- Observing the United Nations Report of the Panel of Experts statement that “on- going exclusionary policies, which are particularly deleterious as political, social and economic exclusion based on ethnicity, perceived or real, have been at the heart of the conflict.”

- Mindful of the observation by Michelle Bachelet, the United Nations High Commissioner for Human Rights, in her Report issued on 9th February 2021, of the “resurfacing of a dangerous, exclusionary and majoritarian discourse.”

- Noting the elements of the crime of genocide in the United Nations Report of the Panel of Experts and in the 2015 Office of the High Commissioner’s Investigation on Sri Lanka (OISL) Report.

- Noting the Resolution passed by the Northern Provincial Council in Sri Lanka in 2015, calling for the UN to investigate the genocide of Tamils by the State of Sri Lanka.

- Noting the Resolution passed by the Legislative Assembly of Tamil Nadu in India on March 27, 2013 calling for a United Nations Security Council-backed Referendum and for an impartial, international and independent probe for the alleged war crimes and genocide in Sri Lanka.

- Bearing in mind the Resolution passed in the Canadian Parliament unanimously on June 19, 2019 “calling upon the United Nations to establish an international independent investigation into allegations of genocide against Tamils committed in Sri Lanka.”

- Recognizing the recent awareness campaign by the Pothuvil to Polikandy (P2P) rally conducted by vast sections of Tamil civil society, noting the participation of Muslims and their joint demands, and cognizant of the P2P declaration calling for international accountability measures, genocide recognition, and a political solution inclusive of a Referendum to determine the political wishes of the population.

- Cognizant of the fact that the victims of mass atrocities are entitled to remedial justice.

- Taking note of the Report of the International Truth and Justice Project in February 2017 detailing Sri Lankan security force-run “rape camps” during and after the war, where Tamil women are held as “sex slaves,” some of whom became pregnant and had children from these abuses.
- Taking note of the March 2021 Report of The Oakland Institute entitled, “Endless War: The Destroyed Land, Life, and Identity of the Tamils in Sri Lanka”.
- Taking note of the observation in the above-mentioned Report that “12 years after the brutal end of the civil war, the island nation is increasingly an ethnocratic state – intensifying the colonization and Sinhalisation of Tamil Lands”; “Military occupation of the traditional Tamil land is extreme - with a ratio of one soldier for every six civilians in the Northern Province & one soldier for two civilians in the Mullaithivu District.”
- Observing the State of Sri Lanka’s aggressive efforts to destroy the distinct characteristics of the Tamil nation and the land grabbing in areas of Tamils’ historic habitation.
- Affirming that the Muslims in the NorthEastern part of Sri Lanka constitute a distinct community. Conscious of the common denominators, particularly of Tamil language and literature, among Tamils and the Muslims.
- Taking note of the Sri Lankan Government’s actions in violation of the religious practice of the Muslims, the stigmatization of Muslims as carriers of COVID-19 and the increased persecution of Muslims by Buddhist fundamentalists aided and abetted by the Sri Lankan Security Forces.
- Recognizing that the Sixth Amendment to the Constitution of Sri Lanka, in effect since August 1983 and which criminalizes peaceful advocacy of an independent state, is a violation of fundamental human rights, namely Freedom of Association and Freedom of Speech guaranteed in Article 17 and 19 of the Universal Declaration of Human Rights. Bearing in mind that the Sixth Amendment to the Sri Lankan Constitution was passed directly on the heels of the 1983 anti-Tamil pogrom and impedes the political space in the island of Sri Lanka for Tamils to articulate their political aspirations and will.
- Emphasizing that the Northern Provincial Council unanimously adopted on September 11, 2018 the Referendum Resolution that called the member

countries of the UN to conduct a UN-monitored referendum in the North-East region of the Island towards finding a permanent political solution to the National Question.

**** WHEREFORE, the Parties to this Declaration call for:**

- 1) An internationally conducted and monitored Referendum that allows people living in the north-eastern region of the island of Sri Lanka (Northern and Eastern province) prior to 1948 and their descendants to find a democratic, peaceful and permanent political solution that meets Tamils' aspirations.
- 2) The referral of the situation in Sri Lanka to the International Criminal Court with respect to genocide, crimes against humanity and war crimes, and legal action against Sri Lanka before the International Court of Justice under the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture.
- 3) The Repeal of the Sixth Amendment to the Sri Lankan Constitution.
- 4) An interim International Protection Mechanism in the north-eastern region of the island.

**** 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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