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## High time to recognize the genocide of Tamils in Sri Lanka

in South Asia - by Thambu Kanagasabai - 13/02/2022



Genocide of Tamils in Sri Lanka, including structural genocide, commenced in 1948 soon after the independence. As defined in the United Nations Genocide Convention of 1948, genocide includes “killing members of the group, or causing serious bodily or mental harm to members of the group, with intent to destroy in whole or part of a said national, ethnical, racial or religious group.”

The process of genocide in Sri Lanka culminated in the killings and disappearances of about 150,000 Tamils during the final stages of the genocidal war in 2009 which ended on May 18, 2009.

The whole world witnessed the genocidal war which was launched in 2006 and conducted with the assistance of 22 countries that are also complicit to the commission of war crimes, crimes against humanity and genocide. The United Nations, UN Security Council and International Community closed their mouths and maintained eerie silence, nonchalantly watching and hearing the stories of various crimes committed against the civilians by the Security Forces.

The UN Secretary-General requested the Human Rights Council to undertake a comprehensive investigation in March 2014, which resulted in the visits of several United Nations Officials including the then UN Secretary General HE Ban-ki-Moon in 2016. United Nations Panel of Experts Report revealed **“The grave failure of United**





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**Nations**", to halt the genocidal war, with another genocide committed in Sri Lanka after the genocides in Sudan, Bosnia, Rwanda, Cambodia. Rohingya's expulsion by the Burmese Government in millions recently, when they fled Bangladesh is now declared as a genocide, so also killings of Yazidis by ISIS in Iraq and Syria is also recognized as genocide in quick time.

However, it is still baffling to note the stilled silence of United Nations and International Community and its unreasonable and incomprehensible delay in recognizing the genocide of Tamils in Sri Lanka. The Reports of the UN Human Rights Council and other Officials who visited Sri Lanka are without doubt evidencing the commission of genocide during the last stages of the war in 2009. Ten years have elapsed and the victims of genocide are still yearning for accountability and justice. Even an International Judicial Investigation, let alone an Internal Independent Judicial Mechanism as recommended and undertaken by Sri Lanka, is yet to materialize. Hoping for remedial action by Sri Lanka dubbed as a country of impunity by International Commission of Jurists is like chasing mirages in the desert.

The victims' only hope for justice lies in the hands of United Nations and International Community who as a first step should recognize the commission of genocide in Sri Lanka to pave the way for further steps to hold Sri Lanka responsible for the war crimes, crimes against humanity and genocide committed.

An International Independent Judicial Investigation into crimes committed by Sri Lanka from 1948 to 2009 would be the appropriate step to heal the wounds and painful memories of the victimized Tamils coupled with reparations. [State sponsored pogroms against the Tamils in 1956, 1958, 1971, 1977, 1981, 1983 and genocidal war from 2006-2009]

It is apt to mention the calls and Resolutions of United Nations and Human Rights Organizations on the question of genocide. The High Commissioner for Human Rights HE Zaid Al- Ra'ad in his Report on Sri Lanka in September 2015 confirmed the commission of crimes amounting to genocide by stating "The investigation has laid bare the horrific level of violations and abuses that occurred in Sri Lanka, revealing violations that are among the most serious crimes of concern to the International Community." The Commissioner also alluded to "the fact of commission of genocide could well be proved after all evidence are collected at the conclusion of criminal investigation."

It is an undeniable fact that the entrenched culture of impunity provided the stimulant, encouragement and impetus for the Security Forces to execute the genocidal killings.

The Permanent Peoples' Tribunal which held hearings in Bremen, Germany in 2013 "Ruled that the state of Sri Lanka is guilty of the crime of genocide against the Tamils and that the consequences of the Genocide continue to the present day with ongoing acts of genocide against the Tamils."

The UNROW [Human Rights Impact Litigation Clinic] in 2015 urged the UNHRC "To investigate and report on the charge of genocide with a request to Security Council to refer the matter of International Criminal Court."

United Nations Panel of Experts headed by Hon. Marzuki Darushman in her Report in 2011 stated that the "Conduct of the war represented a grave assault on the entire

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regime of International Law designed to protect individual dignity during both war and peace.”

Former United Nations Secretary General Ban-ki-Moon while on his visit to Sri Lanka in September 2016 compared the killings of Sri Lanka to those of Rwanda and Srebrenica and impliedly admitted the commission of genocide by Sri Lankan state against the Tamils.

In this respect, Resolutions passed by various Local Councils in Canada and abroad give hopes sparking a light at the end of the tunnel.

The Tamil Nadu State Assembly of India on March 27, 2013 passed a unanimous Resolution “Calling for an Independent International Investigation into the crime of genocide and other violations. It also requested Central Government of India to impose economic sanctions and arrange for a referendum by Tamils to decide the feasibility of a separate state in the North and East. It also asked the Central Government to stop treating Sri Lanka as a friendly country.”

The Northern Provincial Council passed a Resolution on February 10, 2015 requesting the UNHRC to investigate the claim of genocide and recommend appropriate investigations and prosecutions by the International Criminal Court.”

Thanks to the initiative and efforts by Hon. Vijay Thanigasalam – Member of the Provincial Parliament, Ontario Legislature by Bill 104, 2019 “Is proclaiming the seven day period in each year ending on May 18 Tamil Genocide Education Week”. The Bill further states “That the Tamils have been physically or mentally traumatised by the genocide perpetrated by Sri Lankan state against the Tamils during the civil war.”

The Government of Canada on June 23, 2019 unanimously passed a motion” Calling on the United Nations to establish an Independent International Investigation into the allegations of genocide committed against the Tamils in Sri Lanka.”

Brampton City Council in Canada passed a Resolution on April 24, 2019 “Recognising the crimes committed against the Tamils in Sri Lanka constitute genocide.” It also recognized May 18 as Tamil Genocide Remembrance Day with request to educate others about the tragic loss of life, land and human rights of the Tamil Nation and the crimes of genocide committed against them.”

The Resolution in Canadian Parliament assumes greater importance and impact on International Community urging them to follow suit. In this respect the Sponsors and Supporters of this Resolution particularly the New Democratic Party deserves appreciation and gratitude of Tamils in Canada and all over the world..”

All in all, silver lining in the cloud appears to emerge for the Tamils leading to recognition of genocide by the United Nations and the International Community which should shed their irrelevant image of watchers and become protectors of human rights and victims of state terrorism as stated in Ontario Government Resolution “The loss of Tamil civilian lives during the genocide which continued for decades in Sri Lanka is much higher.”

The Resolutions passed in Canada place the Canadian Government in a strong position to proceed further with necessary steps to hold Sri Lanka accountable for the crimes and adopt appropriate measures to uphold the principles of accountability and justice.



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Measures like political, economic and diplomatic sanctions could be considered and enforced. It is to be noted that pressure is also mounting on Canadian Government from across Canada to take more International action to hold Burma to account for the genocide of Rohingya which was recognized by Canada last year. The Tamils in Canada and all over the world believe and trust, Canada will not let them down.

In addition, Canada should use its international image to solicit the support of like minded nations to initiate steps to set up and independent international investigation as well as suitable lobbying to convince Security Council members to refer Sri Lanka to the International Criminal Court [ICC].

The recent act of destroying a Hindu Idol of Lord Siva at Kurunthoor in Mullaitivu District of Northern Province and erecting a statue of Lord Buddah is yet another unacceptable act committed by the chauvinistic Buddhist Clergy which confirms another genocidal act to obliterate the Tamils religious symbols and aiming to destroy their cultural traditions and religious practices.

On 11th February 2022 another structural genocidal crime was committed by the state authorities when the stone pillar at the roadside which showed the street direction in Tamil was changed to Sinhala Language in order to please the President who was visiting this area to open the Vavuniya University Campus. The motive of the organizers was not to irritate the President when facing and looking at the street guide inscribed in Tamil language.

This is yet another example of an act of structural genocide which is progressing in Sri Lanka.

THE DUTY THEREFORE LIES ON THE UN, UN SECURITY COUNCIL AND THE INTERNATIONAL COMMUNITY TO RECOGNIZE THIS INTERNATIONAL CRIME AND TAKE APPROPRIATE STEPS TO HALT THIS GENOCIDAL AGENDA OF SRI LANKAN GOVERNMENT AGAINST THE TAMILS AND STOP THE GRADUAL EXTINCTION OF TAMILS WHO ARE ONE OF THE WORLD'S ANCIENT RACES.

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